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Department for Business
Enterprise & Regulatory Reform

SEA 7

Post Consultation Feedback

NOVEMBER 2007

OIL AND GAS LICENSING STRATEGIC
ENVIRONMENTAL ASSESSMENT

SEA 7 POST CONSULTATION FEEDBACK

Responses received:

1. Comhairle nan Eilean Siar (CnES)
2. Royal Society for the Protection of Birds (RSPB)
3. World Wide Fund for Nature (WWF-UK)
4. Royal Yachting Association (RYA)
5. Joint Nature Conservation Committee (JNCC)
6. Historic Scotland (HS)
7. Scottish Environment Protection Agency (SEPA)
8. Scottish Natural Heritage (SNH)
9. Whale and Dolphin Conservation Society (WDCS)
10. Environment Agency (EA)¹

¹ the Environment Agency indicated that it would not be providing a response to the SEA 7 consultation, as it was felt to be largely outside their area of remit

DTI SEA 7 - 25TH OFFSHORE OIL & GAS LICENSING ROUND COMMENTS ON BEHALF OF COMHAIRLE NAN EILEAN SIAR

GENERAL COMMENTS

- 1.1 The waters to the west of the Hebrides offer an unrivalled opportunity to deliver new energy to the UK in terms of both hydrocarbons and marine renewables. It is strategically essential for UK energy supply, energy security and energy mix that the marine resources west of the Hebrides are explored fully and developed appropriately and sustainably.
- 1.2 Comhairle nan Eilean Siar fully supports the development of the Atlantic Frontier and supports the Department of Trade and Industry's (DTI) draft plan to hold a 25th Seaward Licensing Round to offer oil and gas licensing for unlicensed blocks west of the Hebrides. Indeed the Comhairle would support the acceleration of the plan where appropriate and possible.
- 1.3 The Comhairle is supportive of frontier licences to encourage take up of SEA 7 blocks and to allow seismic and scoping studies. We are also supportive of the further development of exploration and appraisal wells.
- 1.4 In developing off-shore resources it will be essential that there are appropriate synergies between hydrocarbon and renewable technologies. There should be a collaborative rather than competitive approach between the two technologies. These synergies should be encouraged and facilitated by the DTI and the Scottish Executive.
- 1.5 DTI and the Scottish Executive should also seek to be strategic in regard to development activity in order to maximise not only energy generation potential, but also by steering development and employment opportunities to the peripheral island communities on the west coast of Scotland. For example, anticipated infrastructure developments should be based out of the port facilities in the Hebrides. Developers should be guided and steered to the Hebrides as the base for marine infrastructure and support services.
- 1.4 It should be recognised that Comhairle nan Eilean Siar and our Community Planning Partners view the Outer Hebrides as an "Energy Innovation Zone". Our economic renewal strategy "Creating Communities of the Future" (www.cne-siar.gov.uk/ccof/index.htm) clearly recognises the development of energy resources as a key component in the future economic development of the islands.
- 1.5 Developers should be required to discuss and keep the Local Authority informed of proposed development and their development schedules. Co-operative activity between developers and the Comhairle would be welcomed.
- 1.6 The Comhairle recommends that there should be a localised consents procedure, under an extended planning system, for energy generation projects on the coast and within inshore waters. An ICZM approach seems ideally suited to large-scale coastal development where national strategic objectives, commercial opportunities and community aspirations have to be reconciled.
- 1.7 If the Atlantic Frontier Environmental Network is reinvigorated, or a similar group is established, it should ensure strong representation from industry, Local Authorities and other development agencies. If any Network of this

type concentrates solely on proscriptive environmental activity it will be a hindrance and constraint on achieving overall plan objectives.

STRATEGIC ENVIRONMENTAL ASSESSMENTS (SEA)

- 2.1 The Comhairle is concerned about the possible uses and misapplication of Strategic Environmental Assessments (SEA) and how they can be used to lead or distort development. Areas such as the Outer Hebrides are seeking to address the challenges of depopulation and limited development opportunities and as such the SEA should be significantly more sensitive to these key human issues. Although we clearly understand and support the strategic value of the SEA, for it to have local credibility there has to be an appropriate balance between the human and the environmental considerations. The present document unfortunately does not have that balance and some may argue that it potentially gives a distorted balance between human and environmental considerations.
- 2.2 This lack of balance and the perceived lack of detailed environmental information in the SEA area cannot be allowed to be used as a pretext by some non-departmental lobbying bodies to argue that a blanket “precautionary principle” approach should dominate and prevent legitimate development. The national interest in regard to developing appropriate energy supplies has to be the driving principle.

ENVIRONMENTAL DESIGNATIONS

- 3.1 The Comhairle does not support the development of additional SPAs (or other potentially detrimental designations) in the SEA area. It is the view of many in the islands that the land mass of the Outer Hebrides has been virtually sterilised for development by the misapplication and indiscriminate utilisation of environmental designations. The Comhairle would be resistant to the seas around and to the west of the Hebrides becoming equally sterilised by the introduction of unnecessary SPAs or other such designations.
- 3.2 This view should not be mistaken for a lack of empathy with or appreciation for the value and importance of the Hebridean environment. The Comhairle is confident that no one is more aware of the importance of the islands’ environment and ecosystems than the populace who live and work in one of the most beautiful and unspoiled parts of Europe. However the Comhairle is equally confident that, given a coherent national strategy and significant local control, the marine resources which surround the Outer Hebrides can be developed in a safe and sustainable manner which will help provide security of energy supply for the nation whilst helping to sustain the increasingly fragile communities of the Outer Hebrides.



for birds
for people
for ever

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27 June 2007

SEA7 – North & West of Scotland: 25th Offshore Oil & Gas Licensing Round

Dear Ms Douglas

Thank you for inviting the RSPB to respond to the DTI's consultation on SEA7 North and west of Scotland prior to the 25th oil and gas licensing round. Please find our response enclosed.

Due to circumstances beyond my control, I have been unable to provide a detailed response to this consultation as the RSPB would normally try to do. I have therefore concentrated on some major overarching issues and points.

I would add that this in no way reflects a reprioritisation by the RSPB of the SEA process and SEA issues. The RSPB fully supports SEA as a tool to ensure full integration of environmental and biodiversity considerations into decision-making and are fully committed to the SEA process.

Yours sincerely

Sharon Thompson

Dr Sharon Thompson
Senior Marine Policy Officer

SEA7 – North & West of Scotland: 25th Offshore Oil & Gas Licensing Round
Response to from The RSPB
27 June 2007

Due to circumstances beyond my control, I have been unable to provide a detailed response to this consultation as the RSPB would normally try to do. I have therefore concentrated on some major overarching issues and points. I would add that this in no way reflects a reprioritisation by the RSPB of the SEA process and SEA issues. The RSPB fully supports SEA as a tool to ensure full integration of environmental and biodiversity considerations into decision-making and are fully committed to the SEA process.

RSPB's Comments:

1. The presentation of information within the report has improved compared to previous SEAs which we welcome. We particularly support a move to a presentation format that follows convention more closely, producing what we consider a much better document.

2. We were very disappointed with the opening paragraph to the SEA7 non-technical summary – paraphrasing the Marine Bill White Paper regarding the economic value of marine industries. We note that such paraphrasing omits that the Marine Bill White Paper also stated the importance of marine biodiversity and marine ecosystem goods and services, the pressures put on the marine environment and the need for proper protection. In fact, we strongly believe that this introduction seriously misrepresents the purpose of carrying out an SEA and the spirit of the EU SEA Directive. SEA is a tool to improve the environmental performance of plans so that they can better contribute to sustainable development. Therefore the introduction sets the wrong tone for the rest of the document and is contrary to what the RSPB advocates as good practice, i.e. the SEA practitioners acting as ‘environmental champions’¹. It also suggests a bias towards industry from the outset, when SEA is about ensuring that environmental issues are fully considered during decision making.

3. Table 1.1 (pg:5) – We believe it would be helpful if this table was expanded to ‘signpost’ where text meeting each of these requirements could be found within the report, and as such bringing together the information in Table 1.1 and Table 1.3 (pg:7) might be beneficial.

4. We strongly welcome and support the inclusion of SEA objectives (Section 3.4). We also acknowledge that these are reasonable SEA objectives and that they been used for the assessment. We note that for the biodiversity objective to be met, mitigation measures would have to be in place, but there is no guarantee of mitigation at this level i.e. a serious commitment to implement particular mitigation measures for all licences issued. We welcome this approach, as it is one that the steering group has been suggesting. We believe that this has led to a more assessment-focused SEA (rather than just baseline information document).

¹ Strategic Environmental Assessment – Learning from Practice (2007) RSPB, Sandy, UK.
http://www.rspb.org.uk/Images/seareport_tcm9-153343.pdf

5. We welcome the use of the 'hierarchy of alternatives' diagram from the DCLG SEA Practical Guide (pg:16). We also note that the implications have then been addressed for the draft plan in Table 2.2.

6. The section on cumulative effects (pg:53-54) does not adequately cover the cumulative impacts of oil and gas activities with non-oil and gas activities, only really mentioning them in passing. For example, we believe that potential cumulative impacts on marine benthos and benthic habitats exist as a result of oil and gas activities and its associated infrastructure and fisheries trawling activities. We will want to see this analysis improved in the next SEA.

7. Interrelationships with wider policy objectives – we note that there could be potential conflicts between the oil and gas licensing applications and the as yet incomplete N2000 network and the forthcoming MCZ network (including OSPAR MPA network obligations). Therefore there could be conflicts between the oil and gas policy and the UK's biodiversity objectives and the EU and international requirements and obligations/commitments.

8. *Biodiversity, habitats, flora & fauna*

The review of environmental problems is good. In particular, we:

- Welcome the precautionary approach with regards to data gaps within the SEA7 area
- Welcome the exclusion of the area beyond 14 degrees west at this time due to paucity of data/information regarding potentially vulnerable environmental elements, and the acknowledgement that important seamounts, coral reefs and other potential SAC features have been discovered and that the N2000 network has not yet been completed
- Welcome the acknowledgement that some applications will require baseline surveys to be completed to provide information to help with the assessment and that in some cases may result in additional conditions on licences or licences being withheld, e.g. following an AA.
- Welcome the exclusion of Cardigan Bay and Moray Firth SACs from this round and would urge that this is made a permanent exclusion.
- Welcome the exclusion of valued geological and sediment features and that further seabed mapping is required to identify these features.

We would however, make the following additional recommendations to improve the environmental credentials of this plan:

- The area around St Kilda be excluded from this round and future rounds of oil and gas licensing.
- Plus exclude the area around the Hebrides as a gesture, especially as there is no likelihood of oil or gas reserves.
- We would also recommend a buffer zone around these areas to ensure that feeding seabirds are adequately protected.
- In addition, important seamounts that have been mapped within 14 degrees west should also be excluded, e.g. Anton Dorn and Hebrides Terrace Seamounts.
- The three proposed SACs – the Darwin Mounds, the Wyville Thomson Ridge and the Stanton Bank should be excluded from this and future oil and gas licensing rounds.
- We would note that the report considers SSSIs and SPAs in the SEA7 area should be in good condition as most are remote from human influence is poor rationale.



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WWF-UK's response to SEA 7

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INTRODUCTION

This is WWF-UK's response to the SEA7 Environmental Report issued April 2007 for public consultation. WWF appreciates the opportunity to provide input into this process and encourage the DTI to continue improving their approach in seeking the highest level of protection of the marine environment required when undertaking offshore energy development.

The SEA7 region to the west of Scotland is one of, if not *the*, most biologically diverse and productive marine environments around our coast. Because of the geographical isolation of the



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area to the west of the Hebrides, much of it is as pristine as any we could hope for on the UK continental shelf.

Stunning benthic survey images were obtained from the recent joint SEA7 assessment and prospective offshore SAC surveys of the area, providing us with a small insight into the nature of these bank, plateau, trough and basin habitats. Obtaining these images is also a clear reminder of our responsibility to protect these habitats, when they indicate the identifiable scars of heavy bottom trawling.

- WWF requests that the survey analyses recently obtained as part of this SEA and JNCC work will result in designated protection for those habitats and species previously or newly identified as most vulnerable across this area.

However, there still remains many serious data gaps and until further reliable information is obtained:

- WWF requests a pre-cautionary approach is taken to opening up these diverse but poorly understood areas to development and not open up all areas to licensing in the presumption that all impacts can be managed.

ENVIRONMENTAL REPORT STRUCTURE AND ALIGNMENT TO SEA DIRECTIVE:

- WWF acknowledge the attempts made by the DTI and their contractors Hartley Anderson Ltd (HAL) to align the Environmental Report (ER) more closely to the text and requirements of the SEA Directive. As we will present elsewhere in our response, there are areas we feel closer alignment to the spirit of the Directive could yet be achieved, but we appreciate that some of our requests have been implemented. Examples of areas in need of closer alignment include:
 - There is no description of the “likely evolution without implementation of the plan”¹.
 - Whilst two alternatives to the Draft Plan are identified and to a very limited extent described, there is still no “outline of the reasons for selecting the alternatives dealt with”², and the alternatives are not evaluated.
 - Climate change is not yet adequately addressed.
- The context set in the first paragraph of the non-technical summary (page. i) seems to omit the required protection of the marine environment. One might expect a more balanced context to provide a little mention of the wealth, value and diversity of the marine environment in addition to justifications on economic contribution from activities.
- The revised structure of the ER has meant several sections have been removed to the Appendices. Whereas we understand this can help reduce the bulk of information presented, we feel information crucial to the SEA (such as the detailed Assessment Chapter) should be retained within the ER proper, otherwise the ER becomes little more than an expanded executive summary.
- The relationship to other plans and programmes are now also separated out into an Appendix. The Table states there are implications from these relationships, but it is not clear how implications from the objectives of these plans/programmes have been integrated into the SEA process of the Draft Plan – for example, the Kyoto Protocol.
 - World Heritage sites have been omitted from the list, as has the Whale and Dolphin Sanctuary Declaration just to the south of the SEA7 area in Irish Waters.
- A useful addition to the ER is Table 4.1 summarising environmental problems as required under the SEA Directive, although the articulated implications of the problems are not directly followed through and incorporated into the Recommendations.
- The text around Table 4.2 (ER p.38) indicates it is meant to provide the likely evolution of the baseline in the absence of licensing, as required by the SEA Directive. The table

contains much interesting information but does not relate specifically to how this baseline situation would be different without the plan/programme.

CONSULTATION AND TRANSPARENCY:

- Consultation should be seen as an opportunity to gain valuable input from those not directly involved in the SEA process, not just as a “required part of SEA” (ER p.4). The public consultation exercise was initially considered worthy of only an electronic exercise, and this causes concern. In addition, the last two Steering Group meetings have been opened with phrasing around getting the meeting over as quickly as possible, and that the discussions shouldn’t take as long as indicated by the agenda. Care must be taken to give the impression that consultation is important and not just a process step to be ticked off.
- WWF feel the format and length of the one day Expert Assessment workshop was inadequate to properly discuss the findings, concerns, implications and further data requirements of the technical experts. At the workshop, discussions with the experts over-ran, meaning there was little more than 30 minutes for the tables to discuss and develop adequate objectives and indicators for all receptors. In addition, it was disappointing not to have a representative from SMRU present to discuss SEA7 marine mammal issues. We understand an alternate representative had been sought, but this was unsuccessful.
- Transparency is an important component of consultation, as highlighted in the Aarhus Convention. Following a discussion at the 2006 Steering Group meeting, WWF, RSPB and WCL Link stated they would welcome a discussion as to how temporal/spatial restrictions have been used to limit operations in sensitive areas. In previous consultations, NGO’s, individuals and other organisations have sometimes called for areas to be withheld from licensing, whereas DTI tends to primarily rely on protection via restrictions at the EIA stage. This discussion was due to occur as a side discussion at the SEA7 Expert Assessment Meeting, but did not. WWF, RSPB and WCL Link were directed to online reports.
 - These online licensing reports³ state certain periods of concern for seismic or drilling operations, but there is no information as to why the DTI believe they are of concern i.e. which particular species or sensitivity the DTI/JNCC considered may be impacted by continuing operations during this period, and how by limiting temporally or spatially this concern may diminish.
 - In addition, although the online reports show that seasonal constraints are put on operations in certain blocks, it also states that by contacting the relevant organisation it is still possible to “agree appropriate mitigation measures” thereby allow those operations to continue anyway.
 - WWF still feels there is not sufficient transparency of licensing decision making, and requests more adequate access to information around the basis on which the DTI makes its decisions on protection of species or habitats.
- Climate change impacts from CO2 emissions was discussed at the workshop and steering group meeting, and some support was given for the consideration of climate change in the SEA ER.

THE DRAFT PLAN AND LICENSING:

- The ER states the main objectives of the current draft plan are to enhance the UK economy and security of energy supply through the comprehensive exploration and appraisal of UK oil and gas resources and the economic development of discovered reserves without compromising the biodiversity, ecosystem functioning and the interests of nature and heritage conservation, and human health, material assets and users.

- Now we have a slightly better awareness of climate change and ocean acidification, the comprehensive exploration (and subsequent use) of oil and gas resources is likely to cost the UK in terms of impacts from climate change and also have irreversible impacts on the marine environment. Thus the objective is internally un-reconcilable.
- WWF welcome the Governments considerations of marine spatial planning (MSP), and we encourage the DTI to take a positive role in its implementation.
 - In this respect, WWF are disappointed (but not surprised) that the DTI were given dispensation from the licensing reform suggested in the recent Marine Bill White Paper (sections 5.90/5.91), with licensing decisions being made out-with the proposed MMO - it is now even more important that Marine Spatial Planning take place with all energy forms included.
- WWF have repeatedly requested that a system be in place to track the implementation, findings and success of Recommendations made in previous SEA's. This has yet to be adequately addressed and is a concern to those interested in ensuring adequate protection of the marine environment.
 - WWF again ask for this to be given priority attention.
- The SEA is based on predicted activity levels and programme bids. If the reality proves that there is more interest than originally predicted, at what level of interest would a further SEA assessment be completed (App 11 p.27)?
- In relation to the bay enclosure areas (e.g. inside the Minches), when do the DTI anticipate they be subject to oil and gas licensing? (ER p.1) In addition, which Government body would have responsibility for this?

OBJECTIVES:

- The SEA objectives identified in Section 3.4 were discussed only briefly at the Expert Assessment Workshop in Glasgow in October 2006. They have undergone some work subsequently (p.23).
 - The objectives could emphasise a more positive approach. For example the Biodiversity objective, instead of “avoid damage...”, the objective could be “protect...” and “ensure better understanding of...”. To state “No loss” is inadequate when we know so little about the marine environment – positive outcome and constructive contribution should be the minimum objective.
 - Regarding the Biodiversity indicator for “conserves the wildlife and wildlife habitats” objective, measuring the % of relevant bio-geographic population will be difficult if not impossible. Also, it is unclear how impacts attributable to oil and gas activities could be differentiated from stresses caused from other impacts.
 - WWF welcomes the objective to minimise greenhouse gas emissions, and WWF hope that some of our ongoing suggestions into the SEA process will be able to contribute to the attainment of this objective.
 - WWF underlines the fact that the SEA Directive includes secondary, cumulative impacts, and this should apply to emissions from fossil fuel products made available via ongoing licensing for oil and gas.

A WIDER ENERGY SEA:

- An obvious impact from finding and producing oil is that this product will be used at some stage. Therefore licensing for oil and gas directly relates to our dependence and use of products sourced via offshore oil and gas licensing. However, the DTI still view impacts from offshore product use as outside the scope of SEA, although they have now acknowledged some impact from use of product within the SEA (ER p.54 and App 11 p.94). WWF see the scope of the DTI's SEA as too narrowly focussed on oil and gas

licensing, and advocate a shift to expand consideration of environmental assessment in a truly strategic way.

- WWF intend to request a meeting with DEFRA, DTI and DCLG to be able to discuss a more appropriate level at which to conduct SEA's. As the DTI has gradually been improving its approach to the SEA process, it is appropriate to now fully utilise the SEA tool at a level where strategic considerations would be most beneficial to environmental protection – at the wider Energy level. In this regard, opportunities should be sought to substitute hydrocarbon development for renewables, both geographically and in energy composition replacement due to the lesser environmental impacts from renewables.
- WWF recommends that the Energy White Paper and subsequent policy should have an SEA. In the absence of this, and before this may happen, it is critical that the SEA7 process takes on board the full range of secondary and cumulative climate change impacts.
- Scoping exercises are apparently held at the initial stages of each SEA, although WWF are not invited to these. It might be useful if these exercises were encouraged to focus not only on the geographical scope but also on a broader philosophical scope, taking into account whether the definition of the plan/programme worthy of SEA attention is focused at the correct level i.e. whether SEA would be suitable at an Energy level.
- It is useful to note the recently published Scottish Marine Renewables SEA⁴ is based on assessing policy, to advise strategy, not on a particular plan or programme.
- As the Energy Policy at UK level is not, to date, considered for SEA, it is vital that the SEA7 for oil and gas fully implement the SEA Directive when considering alternatives. In this regard, the ER is inadequate.

RENEWABLES:

- There is huge potential for renewable energy in the UK, and more specifically in the SEA7 coastal and marine area. Up to 10% of Scotland's electricity generation (about 1,300 megawatts, MW) could come from wave and tidal stream power by 2020⁵. In the UK, resource estimates indicate that wave power could produce 35 TWh/yr of electricity by 2025⁶, and could provide at least 20 per cent of the UK's current electricity requirements. The BWEA⁷ warns that under current policies only 2,000MW of offshore wind capacity will be installed by 2015 in UK waters – compared to a realistic potential of 8,000MW with additional support from Government.
- We acknowledge that renewable energy is a devolved matter but WWF very much concur with the ER Recommendation (1) to try and align efforts better between the Scottish Executive and DTI decision-makers. As the former is currently holding a marine renewables SEA at the moment, there is an imperative to immediately consider licensing in a way that may be outside the usual mechanism, to save not only costs but effort. In our work on the SEA Steering Group so far, there does not seem to be sufficient strategic coordination between the various departments within the DTI on harmonising the SEA process to include both oil and gas *and* renewables strategic assessment, and licensing of blocks.
 - During 2003, the DTI undertook SEA3 to cover the remaining parts of the southern North Sea. Also during 2003, the DTI conducted an SEA covering three strategic regions off the coasts of England and Wales in relation to a second round of offshore wind leasing. As we are continually being told in Steering Group meetings that if only there were the opportunity to be able to address both hydrocarbon and renewables licensing in one SEA round, why was this not achieved in 2003?
 - This similarly will not happen during SEA7, with licensing for offshore renewables being devolved to the Scottish Executive.

- For SEA8 we are again being told this will not happen as the timing for a renewables round will unfortunately not coincide with the hydrocarbon licensing set pattern. WWF have grave reservations over any alleged alignment when there seems to be no intention to strategically consider the environmental impacts from licensing of hydrocarbons and renewables as one process.
- Under an SEA or EIA, it will be clear that the climate change and ocean acidification impacts can be reduced through the development of renewables.
- The ER makes reference to large scale marine renewables as if they are in direct competition for seabed space with oil and gas (ER p.33 and App.3 p.96). If the UK is truly moving towards a low carbon economy, and seeking to maximise the potential for marine based renewables, there should be no competition – if an area is suitable for both renewables and hydrocarbons, renewables have to get priority access. Effective MSP should ensure this occurs to the best advantage of the UK’s energy requirements.
 - Nevertheless, no doubt there will be future technology advances to ensure that directional drilling goes well beyond 10km, so both may be able to share the same sea space if and when such a scenario occurs.
- The Energy White Paper, released in May this year, failed to fully explore the options available to the UK in sourcing sufficient indigenous energy. In commenting on the White Paper, Jim Mather, Scotland’s Energy Minister, claimed it underplayed the potential of energy options available to the UK, and went as far to say that resources are so abundant the country should be planning to export electricity⁸.

OBVIATE DEVELOPMENT AND ALTERNATIVES TO THE DRAFT PLAN:

- Following our ongoing discussions with the DTI regarding appropriateness of the usual SEA alternatives provided, it is encouraging to see an attempt to justify the alternatives the DTI considers appropriate (ER p.16). Table 2.2 identifies elements used in consideration of a hierarchy of alternatives, and is an improvement in the DTI’s process. However, as we have stated in our responses to previous SEA consultations, and at all Steering Group Meetings, the range of alternatives provided does not allow for adequate assessment of viable options to the draft plan. Some of the justifications are blinkered, and renewables as an alternative way to source energy (*and* address security of supply *and* end dependence on fossil fuel) is ignored.
- The flowchart adapted from the ODPM guidance⁹ (ER p.16) is useful but this tool has not been used to direct thinking within the SEA e.g.
 - Question 1 of the flowchart = Can the need or demand be met without implementing the plan or programme at all?
 - Yes – this area is not likely to contain big prospectivity, energy efficiency would be more environmentally benign, cheaper and quicker to implement.
 - Question 2 = Are there technologies or methods that can meet the need with less environmental damage than obvious or traditional methods?
 - Yes, , plus any energy sourced from this area could have been met through increased investment in renewables.
- WWF is disappointed, as with previous SEAs for oil and gas, at the lack of alternatives to the draft plan, with the same three shades of the same option presented. The SEA Directive specifically mentions that this is unacceptable, as does a recent ruling in the UK. The current options provided are:

1	not to offer any blocks for licensing	i.e. no plan/programme
2	proceed with the licensing programme as	i.e. business as usual

	proposed	
3	to restrict the area licensed temporally or spatially	i.e. one single option which is supposed to cover the whole range of possible variations within the extremes of (1) and (2).

- There is no proper detail provided on any of the alternatives, especially the various ways in which alternative (3) could be broken down. There is also still no assessment of how the different alternatives could lessen environmental impacts, although it is specified in the Directive that this should be done. The overall conclusion of the ER recommends (3) with spatial restrictions. Certain elements of spatial restrictions are clear in Recommendation 3 of the ER (e.g. withholding blocks west of 14 degrees W), but what other spatial and temporal restrictions does the DTI's assessment of alternative (3) conclude are necessary? Elements of temporal/spatial sensitivities are stated in the Baseline and Assessment Appendices, but structured quantified assessment is required on all alternatives taking these sensitivities into account. If it is the DTI's intention to deduce the implications of some of these internationally important temporal/spatial sensitivities on the geographical smaller EIA scale, then this negates the fundamental objective of undertaking an SEA.
- The SEA Directive requires the Draft Plan and each of the alternatives to be identified, described, and evaluated. The environmental effects of each of the alternatives do need to be considered – WWF are not alone in calling for this as documented in feedback from the various stakeholder consultations performed to date. Within the ER, there is an attempt at quantitative impact assessment of the Alternatives in App 11 Section c.12 (p.97). Unfortunately, this is very basic attempt at presenting a quantified analysis, and is insufficient.
 - WWF again calls for a fundamental change in the approach used in identifying alternatives, as:
 - This study of alternatives is skewed due to the restricted nature of alternatives chosen.
 - There are no criteria to be able to deduce how the level of each effect has been calculated. How is a minor effect differentiated from a major effect, whether positive or negative?
 - There is no significance identified for any of the likely effects, and therefore no way to relate the priority of one effect over another.
 - There is no probability or likelihood of effect occurring
 - This table does acknowledge that even by placing spatial and temporal restrictions on activity, this will still cause a minor negative impact on marine mammals and fish. However this is not articulated in a quantified manner, or 'minor effect' is not defined.
 - There is a minor negative effect shown from not offering any blocks for licensing. This is not fully explained. Please could DTI expand on this and advice what it means.

CLIMATIC FACTORS:

- The equivalent of 70% of the UK's CO2 emissions arise from the oil and gas from the UK Continental Shelf Seas. This is through indirect and cumulative impacts.
- As IPCC concluded earlier this year, "the primary source of the increased atmospheric concentration of carbon dioxide since the pre-industrial period results from fossil fuel use"¹⁰. The situation is now more grave than scientists have ever understood before, and

the recent IPCC reports have indicated this with an increased urgency of our need to change from our business as usual approach to achieve things differently.

- The UK's Energy White paper urges alternative thinking – we should be developing alternative renewable installations with an urgency to meet the seriousness of the situation acknowledged by the IPCC, EU and other parts of the Government.
- As highlighted earlier, WWF were very concerned to read that the DTI and their contractors HAL consider that domestic hydrocarbon production is carbon neutral (or even potentially positive regarding imported oil) in the attainment of the UK's climate change response policy objectives.
 - WWF believes this is a gross misrepresentation of the factors influencing energy sourcing, and we would suggest the DTI, specifically ERDU¹, reconsiders this position.
 - The climate change response policy objectives referred to actually advocate an increase in renewables and lower carbon sources of energy. If less hydrocarbons were produced (whether foreign or domestic), because these could be provided by alternative lower-carbon forms of energy, this would result in less greenhouse gas emissions. Also energy efficiency and energy demand control can help reduce the need for energy consumption. We submit this is more closely aligned to the concept of 'carbon positive', as might be more widely recognised by other non-ERDU Government departments and the majority of society.
- In presenting this as a carbon neutral/positive situation, it seems the only real alternative ERDU has considered to domestic hydrocarbon production is foreign imported hydrocarbons. Other parts of the DTI acknowledge that the Government is moving along the route to a lower carbon economy, but ERDU don't appear to consider that indigenous renewables are adequate alternatives. The timescale from award of licence to landfall of produced hydrocarbons can take more than a decade – huge energy efficiency measures and renewable forms of energy could be developed and implemented within that same timeframe, in a truly carbon positive approach for less money.
- The ER states that SEA7 resources are primarily anticipated to be from gas not oil, so it does not appear likely that significant volumes of oil will need to be imported to replace the low prospectivity we are led to believe the SEA7 area holds. If ERDU believe that our only alternative is importing 'dirty oil' and we know we are likely to need to import oil by the end of the current decade, why has it taken so long to replace any proportion of our energy from oil to lower carbon forms of energy? In addition to securing sufficient supplies of energy, the Government also has the responsibility to ensure the energy used within the UK comes from the cleanest source possible.
- In addition to WWF inputs, during the Scoping stage undertaken for SEA7, several other statutory consultees questioned the DTI's approach to climate change impacts:
 - Environment & Heritage Service (N. Ireland) questioned why greenhouse gas emissions associated with hydrocarbons produced as a result of the proposed activities were outside the scope of the assessment. (App1 p.1);
 - Scottish Environment Protection Agency identified that climate change was addressed inadequately, stating the "assessment will not take proper cognisance of the climate change relevant aspects of licensing programme", concluding that the contribution of both direct and indirect impacts on climate change should be given more focus (App1 p.2).
 - In addition, as detailed further in our Operations section, we believe that emissions from well tests should be included as part of the environmental assessment.

¹ ERDU – Energy Resources and Development Unit, within the DTI's Energy Group, has the responsibility for licensing exploration and regulation of the UK's oil and gas resources.

- Several of the linkages to other plans & programmes presented in Appendix 2 are climate change related, which is indicative of the importance of the contribution of hydrocarbon licensing on climate change:
 - The Kyoto protocol is mentioned, but the only implication is stated as “consider implications of the draft plan in terms of greenhouse gases and climate change” with no indication of how this has been factored into the assessment or choice of alternative to the Draft Plan.
 - The UK’s draft Climate Change Bill – 60% is insufficient to stay below a 2degC temperature rise (from pre-industrial times).
 - The EC has concluded:

“By 2050 global emissions must be reduced by up to 50 % compared to 1990, implying reductions in developed countries of 60-80 % by 2050”¹¹.

As we still do not fully understand the feedback mechanisms inherent in a changing climate, WWF advocate at least an 80% reduction by 2050.
- Appendix 3 to the ER provides an environmental baseline of the SEA7 area. The section on climatic factors (section ‘f’) provides no description of how climate change is having an impact on biota, climate and ocean acidity in the SEA7 area (as other sections contain). The baseline section on climatic factors is completely unrelated to SEA7 area, with no relevance to SEA7 baseline.
- Similarly the Assessment Appendix (A11 p.71) section on climatic factors provides absolutely no assessment on how the existing climatic factors prevalent in the marine environment around our coasts are affecting the ecosystems of the SEA7 area. There are no sub-chapters on SEA7 specific considerations or data gaps or conclusions, the structure followed in all other sections. This seems to confirm that there is a block when considering impacts on and from climate change in the narrow confines of the current SEA process, despite it being explicitly required in the SEA Directive.

SECURITY OF SUPPLY:

- This is not an issue which seems relevant under the requirement of the SEA Directive. This is appropriate at the policy and decision making stage. To introduce this here is unlikely to fulfil the spirit of the Directive.
- ‘Security of supply’ is certainly the new term for justifying further licensing rounds, and it is certainly used for maximum effect in the ER. The report states the “UK is presently the EU’s largest and the world’s seventh-greatest energy producer due to energy production and exports of oil and gas from the North Sea (CSL Forum 2004) (A11 p.71). It also states we will be a net importer of oil by 2010 and became a net importer of gas in 2004. Previous energy wastages and inefficiency are now having to be addressed through pan-European drives to improve energy efficiency. It appears that from the UK’s security of supply situation, the growing realisation of these measures are a little late.
- On security of supply, the UK’s Energy White Paper states:

“Many of the measures to tackle climate change set out in this White Paper will also bring benefits to the UK’s security of energy supplies. For example, our efforts to save energy in business, households and the public sector will reduce the need for energy imports by reducing overall demand. Similarly, saving energy will reduce the level of new investment we need in large scale electricity generation; as will an increase in renewables and decentralized energy, including micro-generation. Finally, by increasing the number of low carbon generation investment options available to the private sector, we will increase the diversity of our energy supplies, reducing electricity security of supply risks.” (p.20 Energy White Paper May 2007).

- Also on security of supply, the EC’s recent Action Plan for Energy Efficiency demonstrates a solid economic case for shifting policies away from oil and gas dependence. Commenting on the work done as part of this action plan, the EC states: *“the impact assessment shows that EU action to tackle climate change would significantly increase the EU’s energy security. Oil and gas imports would each decrease by around 20% by 2030 compared to the business as usual case. Integrating climate change and energy policies will therefore ensure that they are mutually reinforcing.”*¹²

In addition the EC concludes

“by addressing the low productivity of energy use, can hence reduce concerns about energy cost and security of supply”.

- Therefore WWF believe it is inappropriate for the DTI to rely so heavily on security of supply as the reason to continue the UK’s oil and gas dependency. In the ER, security of supply almost seems more important than environmental protection. In climate change sections, security of supply is regularly emphasised, to a certain extent more so than impacts from climate change. Ensuring security of supply whilst focussing primarily on fossil fuels is not going to achieve the UK’s required greenhouse reductions or 5 year carbon budgets. The security of supply argument for justifying SEA7 is inadequate as, by their own admission, the DTI envisages very little prospectivity in the SEA7 area. Although no-one would deny that the UK needs a stable base of energy sources upon which to rely, surely the most secure supply of energy is one that you supply yourself, especially if it is naturally renewable – the SEA7 area holds an immense amount of potential for marine renewables and heightened focus on these technologies is long overdue.

OPERATIONS:

- The activity summary is deemed “low intensity” which constitutes a maximum of around 7-10 exploration/appraisal wells, with possibly one tension-legged platform (TLP) (possibly the Benbecula well), 1-2 floating production installations (FPSO) and 1-2 subsea tieback developments (A11 p.75).
- Any structures, whether offshore installations, pipelines, FPSO’s or onshore infrastructure must all be constructed to a standard aligned to the latest structural designs sufficient to withstand the increased storminess, sea level rise and sea temperature changes anticipated with climate change (in addition to the natural seismicity of the area). Pipeline ruptures, tanker impairment or storm damage to deeper water anchoring systems could cause extensive pollution, harm to human safety and health, and damage economic wellbeing. In addition:
 - WWF recommend all development should be designed and constructed in a manner appropriate with regard to future carbon capture, transport and storage needs e.g. acid resistant pipework, prolonged use of topsides and downhole equipment, etc.
 - WWF believe that an initial site selection assessment be performed for each potential development (prior to field development sanction) as newly required under the OSPAR carbon storage decision 2007, to ensure the maximum storage potential is realised.
- Production and maintenance stages should be shown as concurrent, as maintenance is more an activity than a stage (p.vii).
- Within the ER, there is little information and assessment of any potential onshore infrastructure required as and when exploration finds commercial volumes of hydrocarbons. Surely the predicted summary of offshore hydrocarbon activity allows a predicted scenario of offshore to onshore infrastructure, so impacts could have been

factored in the assessment. As the SEA process covers both hydrocarbon and renewables, this could have also included the infrastructure required in landing energy from a renewables context also – Government money and effort is wasted paying duplicate sets of consultants to consider these elements separately.

- With regard to the reference to OSPAR in other plans/programmes (App 2), the report should recommend not only compliance with national legislation, but also to be cognisant of existing Offshore Industry Committee (OIC) OSPAR targets, especially with regard to oil in produced water and chemical use & discharge. In addition, awareness of and contribution to other elements of OSPAR’s work is also relevant e.g. in developing a usable set of Ecosystem Quality Objectives, the work on marine protected areas, species and habitats of concern, noise and marine mammals, climate change and ocean acidification, carbon capture and storage, etc.
- We recognise that in areas of strong currents, dispersal of cuttings material may not deposit directly underneath the drilling operation (A11 p.65), but WWF believe that cuttings from top-hole sections and exploration wells should be brought ashore not discharged over the side. This will improve the likelihood of avoidance of smothering cold water corals or benthic communities, especially where these are known to have national or international importance. Predicted number of wells are small, but until we know the chosen locations of those wells, or indeed the true number of blocks and wells sought, we cannot assume that impacts will not occur because development will occur elsewhere.
- A large oil spill would have devastating impacts on not only the ecology of the area, but also the impact on livelihoods due to the large mariculture investment in the coastal areas of SEA7, plus through the impact on a growing tourism industry e.g. the Braer spill had a “severe impact on fish farming industry in the Shetland Isles” (A3 p.97). Deep water sub-sea oil spills are little understood, and two cases of deep water riser failure are presented in the ER (A11 p.83) – lessons from these accidents need to be shared and evaluated to ensure the risk from riser failure is managed and eliminated.
- Misleading use of data to skew the argument in the ER is not to be encouraged. A volume of 4,972 tonnes of oil was discharged in produced water in 2005 (A11 p.84) – this 4,972 tonnes figure is not reported in the section on marine discharges, but is provided in order to offer comparison to the volume of oil spilled (ranging from under 100 up to 800 tonnes per year). This figure is absent in the section on produced water impacts from marine discharges (A11 p.61) However, when presenting consequences from the volume of oil spilled, this is argued as tiny relative to the volumes discharged through produced water.
 - Every spill indicates the loss of containment and/or loss of control over the process – of course volumes need to be reduced, but an increase in the numbers of spills is a point of concern.
- In addition to Figs A11b8 and A11b9 (A11 p.38), it would be useful to represent equivalent bar charts depicting km’s of seismic survey performed per year, with different colours indicating each separate SEA area.
- As WWF has highlighted previously, why are atmospheric emissions from well tests continually excluded from the assessments? Each well test could mean 24hrs or more of flaring for each well and maybe each reservoir layer encountered. WWF believe emissions from these events need to be taken into account in this environmental assessment, especially considering the potentially high initial flow volume from a previously untapped reservoir, and the presumption against routine flaring once development occurs.
- The SEA7 area is unique in that it contains low levels of historic contamination across the area, although increased evidence of anthropogenic discharge is detectable in near-shore and estuarine environments. WWF concur with the strong presumption against

marine discharges and regulatory preference for re-injections to a suitable subsurface formation, and call for zero discharge of cuttings, zero discharge of oil in produced water, zero routine flaring, and zero venting (unless human life directly threatened) in all developments.

ASSESSMENT:

- Building on our constructive input in previous SEA responses, and in attempting to suggest a useful assessment methodology to use, WWF recommends the DTI consider the approach taken in the Scottish Marine Renewables SEA¹³, recently published and currently out for consultation. Section D of their Environment Report contains detailed assessment tables and is a useful example of how an effective assessment methodology is undertaken and presented. WWF may not necessarily agree with all their conclusions, but the approach taken by Faber Maunsell and Metoc at least indicates there is a methodology to the assessment process. Examples of good practice inherent within their approach include:
 - They have managed to assess impacts on a receptor basis (e.g. Table A4.1), a method requested by both WWF and RSPB in previous SEA's, yet constantly denied as effective by the DTI.
 - They detail potential effect and residual effects, and provide detail of specific mitigation options to help address and eliminate these.
 - There is determination of significance of the various effects, with different significance criteria developed for each receptor, and each is assessed at various stages of the life cycle.
 - They acknowledge and incorporate unknown effects and unknown significance (section D.2.2.1) where these are fully understood, instead of simply stating there is no evidence to substantiate an impact.
 - There is complete transparency in the assessment methodology, allowing a much better opportunity for stakeholders to understand potential cause and effect, and have more confidence in the whole assessment process.
- In addition, the DTI should also refer to the assessment of impacts regarding climate change and greenhouse gases within their own wind SEA (by BMT Cordah).
- The developing Irish SEA process also has some way to go to produce an assessment process as effective as the Scottish Marine Renewables SEA, but they do have transparency of discussion around identifying issues and determination of significance¹⁴.
- The ER states that "significant effects on the marine environment as a result of routine operations are mitigated to acceptable levels" (p.viii) – how is acceptable defined? And acceptable to whom? This is a bold statement considering the volume and content of responses received from concerned stakeholders during SEA consultations. In addition, this can only be determined retrospectively in post SEA monitoring – unfortunately post-SEA monitoring and assessment of SEA effectiveness has not yet happened. WWF disagree with the DTI's previously released statement that this will occur once all SEA areas have been completed, and we recommend assessment of SEA effectiveness should occur immediately before any further licensing.
- Some of the statements in the Assessment section make assumptions about certain restrictions or mitigation actions, or even assume that predicted activity in an area would be such that the effect may be negligible. An effective environmental assessment ascertains the risks and impacts prior to consideration of restrictions or mitigation actions, thereby allowing more effective assessment of potential outcomes. Only then are restrictions and mitigation actions identified and applied, and residual effects targeted and managed.

- For example, the ER continually states that prospectivity is expected to be small across the SEA7 area – but what if seismic techniques are able to improve imaging in areas of basaltic cover and large expanses west of latitude 14W are now considered open to licensing?
- Similarly, we are told St Kilda is not considered prospective for hydrocarbons, therefore it states that interactions with the World Heritage Site are not anticipated - but what if the strata around St Kilda appear prospective following further study (or become accessible with improved technology to assess resources through basaltic layers), will a second SEA for this area be conducted? Especially as it seems to have been factored out of this assessment as ‘non-prospective’.
- In addition, when considering physical damage to reef habitats, it is an inadequate assessment to rely on mitigation from the fact that reef habitat is predominantly associated with low prospectivity geology and unlikely to be influenced by well locations (A11 p.57).
- It is important to identify areas of uncertainty at the SEA stage but then make it very clear how they will be resolved. Indeed during the scoping consultation, Historic Scotland had similar concerns, stating it “negates SEA purpose to always ‘park’ assessment of impacts until the project stage” and encouraged a more balanced approach be taken (A.11 p.1). We agree this is a valid concern.
- Although a wealth of useful information is provided in the ER and Appendices, there is no real distinction made in the assessment of short, medium and long term effects, or whether these are permanent or temporary, or even acceptable. Secondary, incremental, cumulative and synergistic effects are considered together as part of cumulative effects in section A11.c.10 (A11 p.89) – see below. As noted previously:
 - WWF recommends the DTI undertake a much more systematic assessment of impacts and effects, and offer up the Scottish Marine Renewables SEA as an example of an assessment methodology.

CUMULATIVE, SECONDARY, INCREMENTAL AND SYNERGISTIC IMPACTS & EFFECTS:

- In relating SEA7 to other plans & programmes (App 2), WWF consider it would be a useful start to identify the cumulative impact on the UKCS marine environment from all SEA’s undertaken so far, in conjunction with all other licensing rounds since 1964. Existing SEA’s cover previous licensing rounds, and these are plans that this SEA7 Draft Plan relates to Undertaking such a cumulative assessment would provide a useful environmental evaluation, of which SEA7 is just the latest increment.
- Similarly, in understanding the approach taken in the ER to assess cumulative effects, it would appear that climate change would and should be described as an incremental effect i.e. “effects from licensing E&P activities, which have the potential to act additively with those from other oil and gas activity”. In which case:
 - WWF recommends the need to include (as incrementals of a cumulative effect) emissions from end use of all hydrocarbons produced as a result of all licensing rounds since 1964.
- From this perspective, we disagree there is “no evidence for significant cumulative effects from current activities” (p.xii) and “besides an indistinguishable contribution to climate change and ocean acidification, no secondary or synergistic effects were identified” (p.xiii), and encourage the DTI to further consider their responsibilities when assessing impacts from licensing oil and gas activities on climate change and ocean acidification e.g. separating out climate change/ocean acidification effects as secondary, then cumulative, then look at the trans-boundary effect – it is important to look at these effects accumulating. A synergistic cumulative assessment of all impacts over time is

required, accounting for all the varying stressors on receptors i.e. climate change plus fishing plus noise plus...etc.

- The Cumulative consequence under Atmospheric Emissions states “on a global scale, cumulative contributions of emissions resulting from SEA7 activities and developments will be negligible in comparison to the influence of onshore sources” – surely the vast majority of single emission sources are negligible until they are summed? This is part of the reason for assessing cumulative impacts. In addition, onshore sources are primarily using the oil and gas that are products of earlier UK licensing rounds.
- Seismic is a contributory pressure combined with other pressures, all of which we have little understanding about. Concurrent and sequential surveys are cumulative impacts but that is just one set of impacts from one activity (oil and gas). Receptor pressure = cumulative impacts from Activity A plus cumulative impacts from Activity B plus cumulative impacts from Activity C etc. There is again a reliance on the area not attracting too much activity due to low predicted prospectivity (A11 p.92) so cumulative impacts from are not considered significant (but are considered moderate) i.e. relying on this as a mitigation measure.
 - If further seismic surveys are sanctioned, WWF recommend that different surveys are timed to ensure minimal disturbance to species susceptible to additional noise in the marine environment and that no two surveys occur concurrently. We are concerned by phrasing in the ER (A11 p.91) that the extent to which concurrent and consecutive surveys can be scheduled “is dependent on exploration activity level, operational and timing factors and is impossible to predict.” As part of the DTI’s (and JNCC’s) responsibility to minimise impact, there needs to be clear regulatory mechanisms beyond the PON14 system to ensure minimal cumulative impact. This should also take into account simultaneous or sequential prolonged impacts from military, to gauge and manage the full potential impact on receptors. The sound budget idea presented by Ed Harland, managed on a marine spatial planning level, might provide the potential to lessen impacts (see later section on cetaceans).
 - The ER states that synergistic effects between seismic survey and military sonars should also be considered further (A11 p.91), but this is not reflected in the Recommendations. WWF requests that the Recommendations reflect this.
 - Tranboundary effects need to be actively addressed, as the Irish Govt is also seeking to license areas off the west coast of Ireland during 2007 through their 2nd offshore SEA.
- Considering the high or very high pollution risk around the large number of sensitive areas of coastline in SEA7 area (and the number of MEHRA’s), we do not agree that “in relative terms, SEA7 related activity would not have a significant influence on this assessment” (A11 p.95) when considering accidental events:
 - WWF requests that the increase in risk to existing shipping is acknowledged. Any installations, whether temporary or permanent, would mean the addition of another ‘fixed’ structure into which a tanker might crash, if the worst case scenario of a steering malfunction were to occur.
 - Taking into account the impact from a changing climate and increased storminess, spill risks should be re-evaluated, as increasing hazards for shipping are apparent.

BEAUTY/LANDSCAPE:

- We have a responsibility to ensure the beauty and vitality of the land and seascape is left in a healthy state for future generations. One of the main reasons for tourists visiting the SEA7 area is for its natural beauty of landscape and seascape. In 2008, the Scottish

Executive will choose the location for the first Coastal and Marine National Park in Scotland, and several of the final choice locations are within the SEA7 area, recognising the unique beauty of the natural environment of the region.

- The studies relating to the sensitivity and capacity of the Scottish seascape in relation of offshore wind-farms provide a concise summary of the unique character of the area (A3 p.67). They present the qualities and values of remoteness, the potential for detraction from the elemental nature, the potential modification to a highly natural area, etc. It is interesting to question why such values have importance when considering offshore wind farms but are not necessarily articulated when assessing for offshore oil and gas development – perhaps due primarily to the different licensing regime and public interest. We believe that oil and gas infrastructure should also be considered as obvious or intrusive in its locations near coastlines – therefore:
 - For visual intrusion and protection of coastal sensitivities, WWF request the coastal strip be devoid of oil and gas drilling and production installations, comprising a minimum width of 8 kilometres, but extending to 13 kilometres in areas of particular sensitivity (from mean low water mark).

CETACEANS & SEA7 DEEPER WATER ENVIRONMENT:

- “The SEA7 area is completely different to all previous SEA areas assessed – it is a truly deep water environment” (Ed Harland, SEA7 expert assessment workshop, 2006).
- Currently, weather is the predominant ambient noise source across the region, depending on conditions; then shipping if weather sound is absent. Introducing anthropogenic noise in certain areas of the SEA7 seascape will contribute effects we yet have little understanding of. The ER states “the deep water SEA7 area is particularly prone to reverberation due to scattering from the edge of the continental shelf, the Wyville Thomson Ridge, the Rockall Bank and seamounts. At the low frequencies used by seismic exploration and some military sonars, this can cause the build-up of reverberation leading to the masking of lower level sounds.” (A11 p.50). This masking may cause confusion to cetaceans interfering with the animals’ ability to detect sound signals and escape away from the source of the sound¹⁵.
- The coastal and offshore waters of the SEA7 area support a high biodiversity of cetaceans and pinnipeds, whether resident, breeding or migrating along the western seaboard. It is the most diverse and abundant part of the UKCS for cetaceans of European importance, and individuals deserve protection whether inside or outside of potential offshore SAC areas. Species include northern bottlenose whales, beaked whales, sperm whales, blue and humpback whales, plus orca, common, bottlenose dolphins and porpoise. In recognition of the unique nature of these waters, the area of Irish waters bounded to the south of SEA7 was designated a whale and dolphin sanctuary in 1991¹⁶.
 - The ER acknowledges that the deeper waters off the shelf appear to be important for a number of medium sized and large whale species. Unfortunately, information on the comparative richness of this area over other SEA areas is lacking, in both the backing papers and the ER. This was pointed out at the expert assessment workshop in 2006, allowing the opportunity to reword or clarify.
- Deeper water species appear to be more widely dispersed but with the probable exception of large scale linear distribution along the shelf edge. However, sufficient data is lacking on distribution, abundance, migration paths, importance of area for cetaceans, and there is much we have yet to understand on impacts from noise on these animals – therefore WWF recommend a precautionary approach on any development that introduces negative impacts from anthropogenic noise into the environment. More

information is required on distribution and acoustic behaviour of marine mammals in deeper waters further offshore. We really don't truly understand the assemblages of cetacean species across the region, and we concur with the ER that "it would be beneficial to update acoustic monitoring data for large whales in this area" (A11 p.52).

- The SEA7 stakeholder consultation meeting earlier in 2007 (A11 p.11) highlighted the SEA7 area as part of the migration route for large cetaceans, although much is unknown about the importance of migration paths off western Scotland. The ER analysis shows very little survey hours spent in some of the key areas thought important especially for large cetaceans. WWF welcome SEA funds contributing to the CODA (cetacean offshore distribution and abundance) studies during 2007 – following survey, experts will need sufficient time to collate and analyse results from these studies. Nevertheless, there will still remain data gaps following these studies, and WWF recommend additional resources be made available for coordination, and further financial contribution to provide a more complete picture of cetaceans in our waters.
- WWF acknowledge the Joint Industry Project (JIP) currently underway into sound and marine mammals, and await the timely results of this work. We hope that research gaps have been sought and transparently commissioned in an independent fashion, to ensure that the outputs of the JIP can be accepted to advance our understanding in impacts on marine mammals. Until findings and analyses are published, including time and opportunity for adequate peer review, we should refrain from performing seismic in areas where cetaceans are known to use.
- The sensitivity to acoustic disturbance of much of the SEA7 areas is high or very high. The ER states that "given propagation characteristics, it is likely that the predicted seismic survey activity will ensonify most of the marine mammal habitat between the Rockall Bank and Western Isles" (A11 p.52). We know that use of seismic arrays causes avoidance response in some cetacean species (both baleen and odontocetes) - this we considered a negative impact, and hence conclude this causes disturbance to normal behaviour. As the ER presents, it is "increasingly clear that airgun arrays produce significant energy over the frequency range in which behavioural audiograms suggest that dolphins are most sensitive" (A11 p.46). In addition "consensus is that seismic airgun shooting can result in reduced trawl and longline catch of several species when the animals receive levels as low as 160dB" (A11 p.46) – therefore if fish are forced to move away for a period of a few days or more, it is likely that toothed whales preying on them will move away too¹⁷. Also "sightings... were found to be significantly lower during periods of shooting on surveys with large airgun arrays" (Stone, 2003). Yet the ER is somehow able to conclude "however there is no data suggesting that broad-scale marine mammal distribution patterns have been influenced by historic seismic activity". How can the ER state there is no evidence, yet we know we do not have sufficient data to fully understand these impacts? This is not an adequate justification, as 'no data' does not indicate 'no impact'. It is clear from scientific studies conducted to date, that noise from seismic explosions induces a changed behaviour in certain cetaceans, which constitutes disturbance.
- WWF is yet to be convinced that the precautionary principle is being applied effectively. The Habitats Directive (Amended 2007) states "oil and gas activities shall not disturb" any creatures listed on Annex IV (i.e. all cetaceans), "nor cause deterioration or destruction of breeding sites or resting places of any such creature". By relying on the JNCC Guidelines "slow and progressive build up of sound to enable animals to move away from the source", there is an acknowledgement that a certain level of disturbance will occur and that the DTI consider this level acceptable. The ER states that "in general, the guidelines (JNCC) appear to be reasonably effective" – how do we know this? With the data provided so far by MMO visual observations showing avoidance responses, the Guidelines provide for an alert warning that activities about to cause disturbance are

about to occur. Slow start is better than no slow start, but it is also effective at deliberately disturbing cetaceans especially small odontocetes, baleen whales and killer whales as they're seen most likely to display avoidance response and move off (A11 p.46). Continuing with a technology that is proven, through observed study, to cause behavioural change and thus disturbance is wrong – this activity, sanctioned by the UK Government and their advisors, certainly does not constitute a pre-cautionary approach, and is possibly not compliant with the Habitats Directive, SEA Directive or EIA Directive.

- The ER states the “balance of evidence suggests that effects of seismic activities are limited, in species present in significant numbers with the SEA7 areas, to behavioural disturbance which is likely to be of short duration, limited spatial extent and of minor ecological significance” (App11 p.53). WWF disagree, as:
 - We don't have enough evidence on the effects of seismic on marine mammal health and behaviour;
 - We don't know enough about the size of populations, or spatial or temporal preferences of resident or migratory species through the area;
 - We know that seismic produces behavioural disturbance, the consequences of which we do not understand.
- As the SEA7 area is relatively undisturbed, it is disappointing there is no sign of progress in developing the “sound budget” idea as put forward by Ed Harland at the Expert Assessment workshop. This rationing of potentially harmful noise generating activities seems a viable way to try and eliminate particular anthropogenic sound hazards. Considering the current SEA7 soundscape, impacts on receptors from seismic operations (in conjunction with an undisclosed volume of military activity widespread across the area), indicates a sound budget could have the potential to lessen associated negative impacts by restricting the volume and timing of cumulative noise pressures.
 - WWF encourage the DTI to progress the sound budget idea further whilst better data is being developed, and seek to determine thresholds so as to identify limits of acceptable cumulative impact.
 - In addition to noise, the cetaceans present are already suffering from climate change induced pressures, which we don't fully understand. For instance, a dataset from cetacean strandings for the period 1948-2003 indicates that changes in the local cetacean community are being driven by increases in local water temperature, as identified when studying strandings post 1988 (MacLeod et al (2005)¹⁸.
- The ER concludes a number of specific concerns in relation to noise disturbance and marine mammals (ER p.53).
 - WWF recommends the DTI pay full attention to the conclusions and data gaps highlighted by the report, especially noting those in section A11.c.2.Noise (A11 p.53).
- Considering the importance of the area for marine mammals, the propagation characteristics of deeper waters (where reverberation and ensonification effects on receptors are as yet not fully understood), and with so little understanding of temporal and spatial use of priority areas:
 - WWF recommend licensing for seismic survey be withheld across the whole SEA7 area until imminent surveys and research projects have provided a better understanding of cetacean distributions & preferences, and development activity effects & impacts – and thus we have a better assessment of ‘no impact’.

PROTECTION OF SPECIES AND HABITATS:

- As IPCC warned in their latest climate change assessments¹⁹ a more dynamic strategy for conservation is needed for sustaining biodiversity, as the ability of countries to meet the requirements of EU Directives and other international conventions is likely to be compromised by climate change. The European Environment Agency considers this has important consequences for the successful implementation of the Natura 2000 network which covers over 18 % of the EU-25's terrestrial area²⁰. We therefore need additional emphasis on precautionary measures to ensure adequate protection, with increased urgency in designation and protection of offshore SACs in the SEA7 area (such as the Darwin Mounds, Rockall Bank and others mentioned in the SEA7 background report on Conservation and JNCC Report 325²¹).
 - As a result of the Offshore Marine Conservation Regulations (OMCR)²², due to come into force during August 2007, WWF encourage the DTI to assess the sanctioning of potentially damaging practices associated with oil and gas licensing, in acknowledgement of the need for adherence to strict wildlife licensing criteria, aimed at increasing the protection of habitats and species.
- The SEA7 region is an immensely rich area when compared to others, and we agree that the benthos is unique and complex. The SEA background reports and ER Appendix 3 provides a useful synopsis of all that is special about this region e.g. the areas of extensive reef-mound development in the Minch, the Hebrides shelf edge, important upwelling and feeding grounds, the deeper waters of the Hebrides slope, Rockall & Hatton Basins, banks & seamounts. Ecologically valuable species inhabit the area, including internationally and nationally important species of seabirds and marine mammals, plus significant populations of benthic specialities such as xenophyophores, sponge beds and cold water corals.
 - WWF concur with ER Recommendation (3) that blocks to the W of latitude 14degW be withheld from licensing, as there is much information yet to be gleaned about habitat and species interactions in this, as yet, undeveloped area.
- The ER states areas adjacent to the banks should be withheld from licensing (A11 p.67) – but the eastern side of Rockall Bank is not west of 14degW latitude, so is excluded from the area highlighted in Recommendation (3). WWF recommend this area be withheld from licensing also.
- WWF commend the DTI for providing funding and additional resources for the collaborative benthic surveys undertaken with JNCC in the SEA7 area. We look forward to some of the fantastic results obtained being put to good use in current and future designation work, thereby offering these unique areas the conservation protection they require. As new information is obtained, whether through SEA-specific or EIA work, this should inform our understanding on species distributions and vulnerability, and licensing decisions should be reviewed as appropriate.
- The Scottish Marine Renewable SEA²³ has used primary and secondary filtering of resource areas within their assessment. Where major, moderate or unknown effects may adversely impact economically or ecologically important areas, these areas are ‘filtered’ i.e. withdrawn, thereby allowing the resultant prospectivity of the area to be assessed. By withdrawing areas such as SACsⁱⁱ, SPAs, and fish-farms from licensing, their assessment identifies potentially achievable generating capacity whilst avoiding the most sensitive habitats and species. (p.15 of SEA Exec Summary). This approach is similarly viable for oil and gas licensing. Therefore WWF recommend the DTI utilise this approach within the SEA process, and reconsider decisions made in previous SEA areas with the same method.

ⁱⁱ Special Areas Conservation & Special Protection Areas

- WWF are disappointed that oil and gas licensing by the DTI was given dispensation from the licensing reform suggested in the recent Marine Bill White Paper (sections 5.90/5.91), with licensing decisions being made out-with the proposed MMO. We would encourage the DTI to adopt Marine Spatial Planning thinking to their licensing decisions, and collaborate openly and transparently on activities and decisions meant to protect the marine environment.
- Ensure that environmental impacts are minimised, and where more than one user identifies a given area as optimal, that MSP is used to offer a multi-use solution using environmental criteria to avoid impacts where possible.

Spill risk

- There is a significantly high density and overlap of coastal conservation sites, and much of the SEA7 coastline area is remote, rugged and primarily undeveloped when compared with other SEA areas. Unfortunately this remoteness would be its downfall when trying to deliver appropriate spill equipment and management capability within the timeframes required to protect certain habitats and species. Therefore there is high vulnerability from risk of spill from any hydrocarbon development. Five Marine Environmental High Risk Areas (MEHRA) have so far been established the region, in recognition of the unique sensitivity of the coastlines. Locations of most likely drilling activity have been provided – these are along the shelf edge from Quadrant 165, through parts of 164, 152, 153, 154, 141, 142 and 132) (A11 p.88). These are in the range 90-150km west of the Outer Hebrides, with a potential landing time of oil reaching the coastline within 30-40 hours. It would have been useful to represent these blocks on a map. The ER states that “slick movement most likely towards the north-east, with potentially significant consequences for seabird colonies (Sula Sgeir and North Rona)”.
- In light of the seabird colonies and coastal sensitivities in the SEA7 area, including internationally important machair sites, we believe all coastal strips should be devoid of oil and gas licensing and development. During the second offshore wind round, as a result of the assessment and consultation process, the DTI stated that a coastal strip would be excluded from licensing - this would be of a minimum width of 8 kilometres but extending to 13 kilometres in areas of particular sensitivity²⁴.
 - WWF recommend this coastal restriction as appropriate not only for hydrocarbon developments in the SEA7 area but also for the offer of blocks in all previous SEA areas, as oil and gas developments would have higher risk environmental impacts than wind. Where development in near-shore areas is deemed necessary, use of directional extended reach drilling from a minimal physical footprint in a non-sensitive area should be used in preference to the physical footprint of rig placement in sensitive and/or protected areas or their buffer zones.
- The ER states “in a national context the risk of oil spills resulting from shipping casualties is high or very high around St Kilda and the Flannans, on the west coast of Lewis and around the Butt of Lewis.” There is likely to be an increase in shipping and support vessels as a result of increased hydrocarbon interest following these areas being licensed,
 - WWF recommend spill risk management plans be re-evaluated with the provision of additional spill equipment and expertise to ensure adequate protection is provided for coastal species and habitats, and to take account of increased stormy conditions anticipated from a changing climate.

Birds

- SEA7 is of immense importance to seabirds and coastal waterbirds. For example, the total population of seabirds on St. Kilda exceeds 600,000 pairs, making it one of the largest concentrations in the North Atlantic and the largest in the UK. The numbers of

Manx shearwater are internationally important (Rum is home to the largest colony of Manx shearwater in the world), along with gannet and shag – a huge proportion of seabird colonies in the SEA7 area have been designated as SPAs because of the nationally and internationally important numbers of birds they support. Seaward SPA extensions are being considered, and areas worthy of note are St. Kilda, Flannan Isles, North Rona and Sula Sgeir. In line with our call for the coastal strip to be devoid of drilling:

- WWF recommend drilling be excluded in potential seaward SPA extensions to minimise disturbance.
- There is great potential for offshore SPAs in SEA7 area (European storm petrel, Leach's storm petrel and Arctic tern, all Annex 1 species) – feeding grounds for the first two especially are worthy of SPA status (A3 p.31) as will not be covered by seaward extension of SPA.
 - WWF recommend these offshore feeding ground areas be excluded from licensing.
- Following the drastic crashes of seabird populations in this area from reduced food availability (terns, kittiwakes and puffins), there are obviously larger scale pressures, such as climate change, that we as yet do not fully understand. Therefore pre-cautionary approach is advised, as any additional cumulative impacts will only add to the pressures these populations are suffering from.
- A resounding call from experts and stakeholder consultation workshops held so far, is the need for more data. Bird survey data is far too limited for an adequate understanding of offshore feeding locations and vulnerability to spills – seabird survey coverage in SEA7 is the lowest of all SEA areas with only a quarter of the recommended area surveyed (A11 p.87). Single survey visits are insufficient to detect seasonal and inter-annual variation in offshore seabird distributions. Data for the winter months is particularly limited. The ER states “Manx shearwater, gannet, auk species and seaducks, in particular common scoter and divers are the most vulnerable to oil pollution” (A11 p.87). Unfortunately, the waters around offshore colonies of St Kilda, North Rona and Sula Sgeir (and some inshore colonies) are highly vulnerable during the summer months - these areas are highlighted as the most likely landfalls for spills emanating from the blocks predicted to have highest hydrocarbon prospectivity.
- In recognition of the general acceptance of inadequate datasets:
 - WWF consider Recommendation 6 should be strengthened to call for a programme of systematic surveying of offshore areas over a full season before licensing is underway, to expand survey coverage and better reflect the need for a more complete dataset of offshore seabird distribution and density. There should be further study around offshore feeding areas, and offshore SPA work should to feed into licensing restrictions.

Marine mammals

- Although data for this region is poor, it is clear, from what data is available, that this area is very important for both resident and migrating marine mammals. The diversity of species that have been observed within the SEA7 area warrants special protection from unnecessary anthropogenic influence. Ireland has designated its waters “a whale and dolphin sanctuary” in 1991 highlighting the protection of cetaceans, although unfortunately this doesn't provide protection from impacts from offshore development. WWF recommendations on marine mammals are included in the Cetaceans section above, but in essence recommend no licensing in the SEA7 area until better data are available.
- There is a lack of effort corrected survey data available, especially offshore. The CODA survey will start this summer, and the OGP JIP on sound and marine mammals will

report in 3-5 years. As highlighted in our earlier section on cetaceans and deeper water, we believe further time is needed to collect and analyse additional data and improve our understanding of the impacts of noise on marine mammals. As there is no indication of the type of temporal or spatial restrictions considered suitable in the ER, precaution is urged and seismic survey should be postponed in the SEA7 area.

- WWF consider that stating “only a few tens of porpoises are likely to become bycatch per year” in the Hebrides is inappropriate (App3 p.42). The SMRU research this relates to is comparing the region to other areas of the UK. WWF, however, considers any bycatch of an Annex II/IV species as unacceptable and would suggest rephrasing.
- Internationally important grey seal breeding colonies exist on North Rona, Sula Ageir and the Monarch Isles. Strict temporal restrictions must be used if any development is allowed near grey and harbour seal haul-out sites. To avoid detrimental impacts and disturbance, their pupping, mating and moulting periods should be strictly avoided as increased time ashore makes them especially vulnerable to oil spills. This period covers Feb – Nov when accounting for both species (A11 p.88).
 - Grey seals moulting period Feb – Apr. Pups born Oct – late Nov.
 - Harbour seals moulting period Aug – Sept. Pups born June – July.
 - WWF recommend these sites (and up current of these) should not be used for seismic exploration, exploitation or shipping.

Benthos

- Sites and species of nature conservation importance need to be protected from anthropogenic influence. SEA7 examples include:
 - Darwin Mounds are exceptional examples of cold water coral reefs - unique tail feature, with *Lophelia* on sand substrate. Presence of significant populations of xenophyophores. Also large area of pockmarks to the south (p.58).
 - Stanton Banks of bedrock mounds
 - George Bligh Bank corals on northern flank mounds, with iceberg ploughmarks on summit above 500m (A3 p.58).
 - Wyville Thomson Ridge iceberg ploughmarks and bedrock reef habitats.
 - Rockall-Hatton basin polygonal faults may potentially be sites of unique faunal assemblages (App 3 p.59)
 - Central Hatton Bank reef communities (A3 p.61)
 - Reefs and submerged sea caves around St. Kilda support a diverse range of species and are of international importance.
 - Sub-littoral sandbanks of the Sound of Arisaig support some of the most extensive maerl beds in the UK.
 - Rathlin Island (NI) surrounded by a variety of rocky habitats, one of the best examples of reef habitat in NI.
- WWF recommends that such sensitive sites should be excluded from drilling or anchoring, and also be protected from trawling.

Protected areas

- WWF request that in licensing areas from this or previous SEA rounds, any blocks containing or bounding SACs, pSACs, SPAs, pSPAs, extension and potential offshore sites be subject to Appropriate Assessment (AA) with a presumption they are excluded from licensing.
- WWF concur with ER Recommendation (4) that blocks in or overlapping with the boundaries of the Cardigan Bay and Moray Firth SAC's be withheld from licensing. This is because of the value of the areas for Bottlenose Dolphin populations (Annex II/IV species). We await the conclusions from the Appropriate Assessment currently ongoing

on these blocks, and look forward to the continuing protection of this and other species afforded some protection by their presence in this SAC.

- In the SEA2 and SEA6 Assessment overviews of the ER (A11 p.23), there is no mention of certain blocks being currently withheld from licensing for the purposes of conducting an AA i.e. the SAC in Cardigan Bay (Blocks 106/30, 107/21 and 107/22 and the SAC in Moray Firth (Block 17/3).
- Neither are these blocks shown as withheld from licensing on the maps contained in Figs A12-8 & A11b7 – they are shown as ‘open’.
- These misleading omissions give the false impression these blocks are available for licensing, which is wrong²⁵ and WWF ask this be remedied.
- World Heritage Sites (St Kilda and the North Antrim coast) should be protected from development as any degradation could mean withdrawal of WHS status. As the report states several times, the geology around St Kilda is not considered prospective for hydrocarbons.
 - WWF recommend the DTI not allow drilling near St Kilda, in recognition of its WHS characteristics and its importance for seabirds.
- Stakeholder feedback during consultations for SEA7 has a marked preference for excluding protected areas from licensing (App11 pp.7-14). Examples include:
 - “areas currently identified as high risk areas for birds and oil pollution should be excluded from licensing process”;
 - “protected areas should generally be excluded from licensing”;
 - “for European protected sites it must be shown beyond reasonable scientific doubt that there will not be an adverse impact on the integrity of European sites”;
 - “if the SEA is unable to show absence of an adverse effect then under the Habitats Directive the area should be excluded from licensing”;
 - “internationally designated and soon to be designated sites should be excluded from licensing including biogenic reefs, coastal zones around Outer Hebrides, N. Ireland and to the east of the Western Isles”.
 - WWF supports these views and ask they be reflected in future licensing considerations.
- Targeted funding is required to fill knowledge gaps on locations of sensitive habitats. WWF recommend there is systematic tracking of information gaps and research opportunities identified during current and previous SEAs. Data gaps are identified but not necessarily filled before conclusions reached – this should not be allowed, especially in areas of suspected sensitivity. In the SEA7 area, reforming the AFEN (Atlantic Frontier Environmental Network) group might assist with the further identification and co-ordination of research to fill data gaps, but this needs to be performed across all UKCS SEA areas, possibly in collaboration with the Irish Government and others.

PREVIOUS SEA'S:

- As blocks in previous SEA areas are continually being licensed, WWF consider our previous comments still valid and they continue to reflect our concerns for licensing in those areas. This especially applies to our requests to withhold licensing blocks in:
 - SEA2: the shallow gas pockmarks in Blocks 15/20c and 15/25d, previously withheld during SEA, now available for licensing;
 - SEA5: the bottlenose dolphin SAC in Cardigan Bay (Blocks 106/30, 107/21 and 107/22) currently undergoing Appropriate Assessment (AA);
 - SEA6: the bottlenose dolphin SAC in Moray Firth (Block 17/3) also currently undergoing AA.

The latter two we consider important specifically due to the potential for disturbance as this is specifically prohibited under the Habitats Directive.

- Regarding the blocks 15/20c and 15/25d in the Scanner pockmark SAC of SEA Area 2, the ER states that “Following SEA2, certain blocks in Quadrant 15 (Scanner Pockmark) in the central North Sea were not offered for oil and gas licensing as they contained seabed gas pockmark features that were of conservation interest. This recommendation has been maintained through subsequent SEAs and licensing rounds in relation to re-offer of these blocks. A report on the nature and sources of the gas sullyng the pockmarks has been commissioned from the BGS. On the basis of the BGS report conclusions, the DTI is now considering offering blocks 15/20c and 15/25d for licence subject to strict spatial and other controls aimed at ensuring protection of the conservation interests they contain.” (App11 p.37)
 - This suggests the DTI are not following the advice of their SEA Consultants, as this recommendation has been maintained through subsequent SEAs.
 - Against the wishes of several major stakeholders (WWF included), the DTI offered these blocks for licence in the 24th licensing round, so to say ”the DTI is now considering offering...” is misleading.
 - WWF recommend the wording be changed.
- Appendices 4-9 are designed to present changes in information to update the baseline in all other SEA areas since the original assessments were performed. In all of these, there is no mention of research findings or publications relating to climate related changes seen. The only mention under climate change for each SEA is “further characterisation of the drivers of climate change and potential implications”, then the implications for SEA states “oil spill trajectory and atmospheric dispersion” – this is an inadequate assessment of the wealth of additional information that is available on climate related impacts happening in our marine environment e.g. the Marine Climate Change Annual Report Card 2006 (MCCIP), various EU reports, and WWF’s Vulnerability Assessment of the NE Atlantic Marine Ecosystem to Climate Change²⁶.
 - WWF request that data on climate change and ocean acidification impacts and effects in the marine environment be included (pertinent to each SEA area), and that data on the impact of fossil fuels on our climate be included.
- There is a continued theme of recognition of scant coverage of many of the coastal seabirds of previous SEA areas (T4.3 p.44). Recommendations should strongly propose further resources for offshore bird surveys.

MONITORING:

- WWF are frustrated that their request for tracking of progress of Recommendations and Data Gaps highlighted in previous SEA’s has, although verbally welcomed at Steering Group Meetings, not been provided or used for the potential of process improvement, impact minimisation/monitoring and knowledge gathering. Stakeholders need confidence that ER recommendations are accepted and acted upon by the DTI. With no publicly available mechanism to measure acceptance, implementation and progress, there is no system to show the Draft Plan will provide for adequate protection of the marine environment.
- The SEA Directive requires the monitoring of “the significant environmental effects of the implementation of each plan or programme with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action”. We recognise that each subsequent SEA has incorporated a few learnings from the previous SEA, but WWF reiterate here, as before, that waiting for the end of the full suite of 8 SEA’s before a full review is undertaken goes against the spirit of the Directive.
 - WWF requests that a full review be undertaken immediately

- The ER states the SEA indicators will be monitored by the DTI and the SEA team to track SEA performance over time” (ER p.58) – is this information available for previous SEA’s or have we now only just developed indicators?
 - WWF request that a process be designed to applied these to SEA1-6.

TO CONCLUDE

In reviewing the ER for SEA7, we have suggested many recommendations or requests, highlighted in this report by underlined text. These are summarised here to conclude.

WWF:

- requests that the survey analyses recently obtained as part of this SEA and JNCC work will result in designated protection for those habitats and species previously or newly identified as most vulnerable across this area.
- requests a pre-cautionary approach is taken to opening up these diverse but poorly understood areas to development and not open up all areas to licensing in the presumption that all impacts can be managed.
- still feels there is not sufficient transparency of licensing decision making, and requests more adequate access to information around the basis on which the DTI makes its decisions on protection of species or habitats.
- again ask for Recommendations made in previous SEA’s to be given priority attention and recommend there is systematic tracking of information gaps and research opportunities identified during current and previous SEAs
- see the scope of the DTI’s SEA as too narrowly focussed on oil and gas licensing, and advocate a shift to expand consideration of environmental assessment in a truly strategic way. From this perspective, WWF intend to request a meeting with DEFRA, DTI and DCLG to be able to discuss a more appropriate level at which to conduct SEA’s
- recommends that the Energy White Paper and subsequent policy should have an SEA.
- very much concur with the ER Recommendation (1) to try and align efforts better between the Scottish Executive and DTI decision-makers when undertaking oil and gas and renewables licensing.
- have grave reservations over any alleged alignment between hydrocarbon and renewables licensing, when there seems to be no intention to strategically consider the environmental impacts from licensing of hydrocarbons and renewables as one process
- again calls for a fundamental change in the approach used in identifying alternatives, including obviating development.
- believes that DTI’s presumption that domestic hydrocarbon is carbon neutral (or even carbon positive when importing is considered) is a gross misrepresentation of the factors influencing energy sourcing, and we would suggest the DTI, specifically ERDUⁱⁱⁱ, reconsider this position.
- believe it is inappropriate for the DTI to rely so heavily on security of supply as the reason to continue the UK’s oil and gas dependency.
- recommend all development should be designed and constructed in a manner appropriate with regard to future carbon capture, transport and storage needs
- believe that an initial site selection assessment be performed for each potential development (prior to field development sanction), as newly required under the OSPAR carbon storage decision 2007, to ensure the maximum storage potential is realised at the earliest appropriate stage.

ⁱⁱⁱ ERDU – Energy Resources and Development Unit, within the DTI’s Energy Group, has the responsibility for licensing exploration and regulation of the UK’s oil and gas resources.

- believe emissions from well test flaring events need to be taken into account when assessing atmospheric emission impacts in this environmental assessment.
- call for zero discharge of cuttings, zero discharge of oil in produced water, zero routine flaring, and zero venting (unless human life directly threatened) in all developments.
- again recommends the DTI undertake a much more systematic assessment of impacts and effects, and offer up the Scottish Marine Renewables SEA as a good example of a transparent assessment methodology. We encourage the DTI to pay particular attention to the use of primary and secondary filtering of sensitive or economically important areas.
- recommend assessment of SEA effectiveness should occur immediately before any further licensing.
- recommend the need to include (as incrementals of a cumulative effect) emissions from end use of all hydrocarbons produced as a result of all licensing rounds since 1964.
- recommend that seismic surveys are timed to ensure minimal disturbance to species susceptible to additional noise in the marine environment, and that no two surveys occur concurrently. Tranboundary effects should also be considered.
- requests that the Recommendations reflect the advice provided in the ER text, stating the need for further consideration of synergistic effects between seismic survey and military sonar.
- requests the increase in risk from fixed oil and gas infrastructure to existing shipping be acknowledged.
- request the coastal strip be devoid of oil and gas drilling and production installations, comprising a minimum width of 8 kilometres, but extending to 13 kilometres in areas of particular sensitivity. This coastal restriction is appropriate not only for hydrocarbon developments in the SEA7 area but also for the offer of blocks in all previous SEA areas
- recommend a precautionary approach on any development that introduces negative impacts from anthropogenic noise into the environment
- recommend additional resources be made available for research & coordination to fill data and knowledge gaps, and especially further financial contribution to provide a more complete picture of cetaceans in our waters.
- encourage the DTI to progress the sound budget idea, as suggested by Ed Harland at the Expert Assessment workshop.
- recommends the DTI pay particular attention to the conclusions and data gaps highlighted by the report on marine mammals and noise disturbance.
- recommend licensing for seismic survey be withheld across the whole SEA7 area until imminent surveys and research projects have provided a better understanding of cetacean distributions & preferences, and development activity effects & impacts – and thus we have a better understanding of what constitutes ‘no impact’.
- encourage the DTI to assess their sanctioning of potentially damaging practices associated with oil and gas licensing, especially to acknowledge the need for adherence to strict wildlife licensing criteria (re OMCR), aimed at increasing the protection of habitats and species.
- concur with ER Recommendation (3) that blocks to the W of latitude 14degW be withheld from licensing. Plus the eastern side of the Rockall Bank which is outwith this geographical boundary.
- recommend spill risk management plans in the area be re-evaluated with the provision of additional spill equipment and expertise, at a level suitable not only for currently planned operations but also for the anticipated effects from a changing climate.
- recommend drilling be excluded in potential seaward SPA extensions to minimise disturbance, and similarly in offshore SPA feeding grounds when identified.

- consider Recommendation 6 should be strengthened to call for a programme of systematic surveying of offshore areas over a full season before licensing is underway
- recommend pinniped moulting and pupping sites (and up current of these) should not be used for seismic exploration, exploitation or shipping.
- recommends that important benthic sites identified in the ER should be excluded from drilling or anchoring, and also be protected from trawling
- request that in licensing areas from this or previous SEA rounds, any blocks containing or bounding SACs, pSACs, SPAs, pSPAs, extension and potential offshore sites be subject to Appropriate Assessment (AA) with a presumption they are excluded from licensing.
- concur with ER Recommendation (4) that blocks in or overlapping with the boundaries of the Cardigan Bay and Moray Firth SAC's be withheld from licensing, and further ask for the misleading statements & maps be corrected in the ER.
- consider our comments on previous SEAs still valid, as they continue to reflect our concerns for licensing in those areas. This especially applies to our requests to withhold licensing blocks in:
 - SEA2: the shallow gas pockmarks in Blocks 15/20c and 15/25d, previously withheld during SEA, now available for licensing;
 - SEA5: the bottlenose dolphin SAC in Cardigan Bay (Blocks 106/30, 107/21 and 107/22) currently undergoing Appropriate Assessment (AA);
 - SEA6: the bottlenose dolphin SAC in Moray Firth (Block 17/3) also currently undergoing AA.
- request that data on climate change and ocean acidification impacts and effects in the marine environment be included (pertinent to each SEA area) as part of the assessment, and that data on the impact of fossil fuels on our climate be included.
- WWF request that a process be designed to apply SEA objectives and indicators to SEA1-6.

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- ²⁵ DTI announcement of the 24th licensing round “Oil is well under the North Sea”, Note to Editors, 1st Feb 2007.
- ²⁶ WWF Vulnerability Assessment of the North-East Atlantic marine ecosystem to climate change, 2005.



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25 June 2007

To whom it may concern

Comments from the RYA on DTI SEA7 Environmental Report

We specifically refer to the SEA 7 report 'Other Users of the SEA' undertaken by METOC. Whilst we appreciate that this report covers a number of different interest groups we are concerned that the importance of recreational boating to the West Coast of Scotland has not been fully appreciated.

Recreational Boating in Scotland

Over recent years the recreational use of Scotland's coastline has increased, bringing tourism, industry and revenue to a number of key areas, particularly the West Coast. Whilst the data is now rather outdated, as far back as 2003, the Leisure Marine Industry in Scotland had a turnover of £68.2 million and employed 1,130 people, this represents approximated 55% of the numbers employed in Aquaculture in Scotland (references 1-4). These people are involved in supplying and supporting the wide range of services to recreational boating. The industry supporting recreational boating includes: -

Boat building, Moorings/Berthing/Storage, Boatyard Services and Repairs, New Boat (Dealer) Sales, Waterside Facilities, Equipment Manufacturers, Wholesale Distribution

In addition the recreational boating sector creates direct employment through clubs and training centres as well as substantial indirect employment through local accommodation, shops, restaurants and other hospitality outlets which provide for visitors and resident boats as well as for the various boating events held in Scotland.

The RYA

The RYA (Royal Yachting Association) represents 100,000 personal members, 1500 clubs, many Class (boat-type) associations and a further 2000 registered Training Centres. **RYA Scotland** looks after the interests of 17% of the UK personal membership which is actually resident in Scotland, with a further proportion visiting the area during the cruising season. Scotland has ~150 affiliated clubs and around 200 Training Centres.

SEA 7 Other Users of the Sea report

With respect to recreational boating the report omits various important data and misrepresents some of the data provided by the RYA.

The report references 'RYA activities'. The RYA is the governing body for all watersports under sail or power. Clubs become affiliated to the RYA and therefore follow their guidance and structure but run their own activities and events. Likewise training centres are

recognised by the RYA through annual inspections which ensure their teaching standards are of sufficient quality to administer RYA training courses.

However, the data provided for SEA7 represents all recreational boating activities. The cruising routes, sailing and racing areas that were identified in the UK Atlas of Recreational Boating (5) were based on published cruising almanacs and pilot books and comprehensive consultation with the local participants.

The total number of clubs in the SEA 7 region is 12 with a combined membership of 1668. The total number of participants will be higher as this will not include visitors to the area or those who keep their boats on the West Coast but live outside of the area. All the clubs take part in yacht cruising and the majority also in dingy racing.

There are a total of 8 marinas in the SEA 7 area with a total of 760 berths. The BMF have carried out a moorings and marinas survey (6) which will give more detailed information on the types of moorings – swing, pontoon etc that are available in the area. The berths available in marinas will only be a proportion of the total available moorings.

The West Coast of Scotland represents a major cruising area for recreational boating and it is our intention that offshore energy developments respect the importance of the area for both the leisure users and the marine leisure industry.

Yours sincerely,



Dr Susie Tomson
RYA Planning and Environmental Advisor

cc. RYA Scotland

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3. '*Watersports Participation Survey 2003.*' British Marine Federation, Egham, www.britishmarine.co.uk & Royal Yachting Association, Hamble, www.rya.org.uk
4. '*A Strategic Framework for Scottish Aquaculture.*' Scottish Executive, Edinburgh, 2003, <http://www.scotland.gov.uk/library5/environment/sfsa.pdf>
5. *UK Atlas of Recreational boating.* Royal Yachting Association, Hamble, 2005
6. *Marinas and Moorings Audit 2003/4.* Coastal Sectors. British Marine Federation, Egham



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Dear Megan

27th June 2007

Strategic Environmental Assessment 7 (SEA 7) Consultation

The Joint Nature Conservation Committee (JNCC) is the statutory adviser to Government on UK and international nature conservation. Its work contributes to maintaining and enriching biological diversity, conserving geological features and sustaining natural systems. JNCC delivers the UK and international responsibilities of the Council for Nature Conservation and the Countryside (CNCC), the Countryside Council for Wales (CCW), Natural England, and Scottish Natural Heritage (SNH).

JNCC is a member of the steering group for this and past Strategic Environmental Assessments and continues to be fully supportive of DTI's commitment to resourcing and undertaking the SEA Programme. The survey work completed in support of this and previous SEA in collaboration with other organisations such as JNCC has increased our knowledge of the marine environment and provided baseline data for many different uses. As a member of the steering group many of our comments have been incorporated into the SEA Environmental Report so we have concentrated this response on the SEA 7 conclusions and recommendations and would welcome clarification from DTI on how some of the recommendations in section 6 of the Environment Report will be taken forward in future SEA steering group meetings.

The conclusions of the Strategic Environmental Assessment rely heavily on the fact that 'all the major stages of oil industry operation offshore are now covered by environmental regulations'. JNCC provides advice to DTI regularly on the implementation of these environmental regulations. Commitments are often made to monitoring or mitigation measures as part of an Environmental Impact Assessment (EIA) process such as PON 14s, 15s or Environmental Statements for exploration, development or production activities. It is essential that effective Environmental Management Systems (EMS), or other methods, are used by operators to monitor the implementation of the commitments made. As the EMS should also identify, and act upon, instances when such commitments are not satisfied, such a system will

ensure that any potential impacts to the marine environment from oil and gas activities are minimised.

We note the commitment by DTI to conduct an Appropriate Assessment (AA) screening or full assessment of the resulting plan after the block applicants have been received. JNCC and the country nature conservation agencies would support a precautionary approach when considering the licensing of areas in or close to designated sites such as SACs or SPAs. We look forward to reviewing the AA when available.

Environmental Report - 6.1 Recommendations

JNCC fully support the recommendation detailed in Section 6.1 of the SEA Report.

Many of the recommendations highlight the need for further collection of data in the SEA 7 area on distribution of habitats and species. JNCC endorses Recommendation 9 '*If there is appreciable interest in licences in the SEA 7 area, the DTI should consider encouraging the reinvigoration of the Atlantic Frontier Environmental Network or establishment of a similar group to promote collaborative studies and data collection*'. There already exists a Southern North Sea developer group which we would encourage to develop further in the scope of work they are undertaking.

The willingness of operators to participate and resource such groups should be considered by DTI as part of the Licensing process when 'The prospective Operator must demonstrate before award that they have the necessary finances, operating, technical and environmental competency to carry out the agreed work programme.' (Appendix 10 – Regulation A10.b Licensing).

- Recommendation 11 - In support of this recommendation we highlight the need to ensure that, as stated in the DTI Guidance to The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005, '*...the point of departure for consideration of a new tie-back or drilling centre (which has commenced production after the commencement of this scheme) is that there shall be no discharges of dispersed oil in produced water from the host installation attributable to the new tie-back or and drilling centre.*' (Page 6 of 9 Appendix 10 – Regulation). This guidance applies to all SEA areas and applicants in the 25th Licensing Round should consider the implication of this when planning exploration and development activities.
- Recommendation 5,6,7,8 - The need to collect adequate baseline data for environmental impact assessment (EIA) purposes including information on the benthic environment, fisheries, marine mammal and seabird distribution not only on a site specific level but also in a wider context, should be highlighted to applicants in the 25th Licensing Round that. See comments above on Recommendation 9.

In relation to the above recommendation we would like to highlight that during previous SEAs, a gap analysis was undertaken in relation to data on seabird distribution and abundance. JNCC is very keen that this gap analysis is used

when assessing whether adequate baseline data is available for seabirds, and if not, that a programme of data collection is instigated to fill relevant data gaps.

- Recommendation 5 – It should be highlighted to applicants in the 25th Licensing Round that for many exploration wells it is not until the stage of baseline data collection for environmental impact assessment that interpreted data is available to assess whether 'block contain good examples of habitats/species on the Habitats Directive Annexes' and that early collection of baseline data is crucial to supporting a well informed EIA.

Please feel free to contact me if you would like to discuss any of the above points.

Yours sincerely,

Zoë Crutchfield
Senior Offshore Advisor

cc: Andy Hill & Sarah Wood – Countryside Council for Wales
George Lees – Scottish Natural Heritage
Rosemary Bradley – Department of Environment Northern Ireland
Steve Benn – Natural England



We safeguard the nation's historic environment and promote its understanding and enjoyment

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Our ref: AMN/23/26/JLC
 Your ref:

27 June 2007

Dear Ms Douglas

**Environmental Assessment of Plans and Programmes Regulations 2004
 DTI 25th Offshore Oil and Gas Licensing Round SEA 7: Environmental Report**

Thank you for consulting Historic Scotland on the Environmental Report prepared for the environmental assessment of the 25th Offshore Oil and Gas Licensing Round, received by the Scottish Executive SEA Gateway on 10 April 2007.

I have reviewed the Environmental Report on behalf of Historic Scotland and should make clear that this response is in the context of the SEA Regulations and our role as a Consultation Authority. I have set out general comments on the Environmental Report below and included more detailed comments in the annex to this letter.

General comments

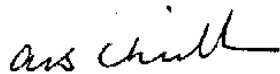
The SEA process has benefited from the commissioning of the two technical reports which in themselves have advanced knowledge (*Archaeology* and *Prehistoric Archaeology*). We welcome the fact that the marine historic environment sector is working with offshore oil and gas to help advance knowledge about offshore sites, and to ensure that where significant sites are identified, developments take these into consideration in line with the *JNAPC Code of Practice for Seabed Development*.

The Environmental Report provides a clear account of the environmental assessment process. My understanding is that the draft plan has been assessed in terms of its achievement, or otherwise, of the SEA objectives and in terms of the significance of impact of particular activities on SEA topics. I am content with this approach and have set out more detailed comments on the results of the assessment in the annex to this letter.

None of the comments contained in this letter should be construed as constituting a legal interpretation of the requirements of the SEA Regulations. They are intended rather as helpful advice, as part of Historic Scotland's commitment to capacity-building in SEA.

Should you wish to discuss this response please do not hesitate to contact Jennifer Craig (0131 668 8832). If making contacting via email please do so through HS's SEA gateway at HSSEA.gateway@scotland.gsi.gov.uk

Yours sincerely



Amanda Chisholm
Strategic Environmental Assessment Team Leader



Annex: Detailed comments

Non Technical Summary

1. The NTS provides a clear overview of the environmental assessment process. Page xii summarises the assessment of the likely impact of the plan on the historic environment. We note that no significant interactions are expected between the historic environment and the activities in potentially licensed blocks. We are content with this assessment, providing that the following assumptions are made clear:
 - the majority of licensing will take place in deep water, in areas significantly beyond the zones of high archaeological potential for submerged prehistory
 - positive interactions arising from discoveries will depend on appropriate reporting protocols being in place and development being in line with a code of conduct such as the *JNAPC Code of Practice for Seabed Development*.

We consider that the latter assumption could usefully be spelled out on page xii, and should be included in section 5.10 of the main environmental report.

Introduction

2. We have no comments on this section.

Overview of the draft plan

3. We have no comments on this section.

SEA approach

4. We are pleased to note that the SEA objective for the historic environment has been amended as we suggested in our response to the scoping consultation.

Environmental information

5. Section 4.2 of the report and Appendix 3 provide information on the environmental baseline. We are content with the summary set out on page 34 of the environmental report and with the information included in Appendix 3i. In particular, we consider that the two technical summaries (Wessex Archaeology 2006; Wickham-Jones & Dawson 2006) are sound documents.
6. On page 100 of Appendix 3i, we consider that it would be worth adding the proviso that only 10-15% of the c.14,000 RCAHMS records have an accurate seabed location. Most of the records are of documented losses and therefore the RCAHMS database does not necessarily represent a record of extant seabed archaeology.
7. Section 4.3 identifies relevant existing environmental problems in the SEA 7 area. We are not aware of any environmental issues relating to the historic environment in the offshore area of SEA 7. However, this serves to illustrate the principal issue of the lack of data, particularly given that much of the prospecting zone is likely to be in very deep waters.



8. We agree with the information provided in section 4.4 on the likely evolution of the historic environment baseline in the absence of the plan.

Summary of assessment

9. Section 5 summarises the environmental assessment and Appendix 11 provides the detailed assessment. We have set out detailed comments on Appendix 11 below. We are largely content with the summary provided in section 5.10 of the report (page 53), providing that reference is included to using the *JNAPC Code of Practice for Seabed Development* to guide exploration, and that appropriate reporting protocols are in place. We suggest that it may be useful to use the SEA Statement to include appropriate reference to the *JNAPC Code of Practice for Seabed Development* and to recommend the use of reporting protocols.
10. A11.a.2 describes the assessment workshop that was held in October 2006 and summarises some of the key issues. Unfortunately, HS was unable to attend the workshop and offer the following comments on the issues identified in the “archaeology” section:
- bullet point 2 – at the end of the sentence, we suggest adding “and the existence of appropriate burial conditions favouring long-term preservation” if this would be appropriate given the discussion at the workshop
 - bullet point 4 – the reference to “the Stora judgement” requires some explanation. This relates presumably to the potential scope of the Protection of Military Remains Act 1986 with respect to merchant vessels lost in war service.
 - Bullet point 5 “Wreck sites = point sources of pollution” – perhaps this comment relates to the issues with post-industrial period sites where engines, boilers and associated machinery contain fuel, oil and other lubricants. However, pre-industrial sites present less of an environmental hazard.
11. A11.c sets out the potential effects of oil and gas licensing in relation to particular topics. We note that marine historic environment issues are considered in A11.c.3 “Physical damage to features and biotopes”. As noted in our comments at points 1 and 9 above we largely agree with the results of the assessment.
12. It is noted on page 56 of A11.c that “it is in the interests of long term preservation of the archaeological sites, and in the interests of archaeological knowledge that we use industrial and commercial activities as a means of identifying archaeological prehistoric sites in the offshore area”. We indeed consider that the historic environment community has to work with industry on this, and that development of appropriate reporting protocols can inform us about the historic environment in this offshore zone.
13. A11.c.12 describes the assessment of the three plan alternatives and we agree that each of these is likely to have a neutral effect on the historic environment.
14. We are content with the mitigation measures set out in A11.c.3 (page 59) and that detailed site surveys for projects should be scrutinised for archaeological sensitivities.



As noted above, we consider that reference should be included in this section to the *JNAPC Code of Practice for Seabed Development*.

15. We are content that additional mechanisms exist for the environmental assessment of the exploitation of offshore resources and the installation of onshore pipelines. The development of onshore installations could have very considerable effects on the coastal areas around the Western Isles, for example.
16. We note that the geology near St Kilda is not considered prospective for hydrocarbons and accordingly impacts on the World Heritage Site are not anticipated. Should any applications for blocks near St Kilda be received, we consider that further environmental assessment will be required. This will need to consider effects on St Kilda's cultural heritage, as well as any Appropriate Assessment that may be undertaken, and we would welcome involvement in this process.

Recommendations and monitoring

17. Section 6.1 provides a list of 12 recommendations from the SEA 7 process. There are no specific recommendations included for the historic environment and we consider that the following should be added to this list:
 - Offshore oil and gas developments in SEA 7 have the potential to identify previously undiscovered but important historic environment assets. DTI should give consideration to the development of appropriate guidance for industry on the identification and reporting of discoveries, and the mitigation of development in line with the *JNAPC Code of Practice for Seabed Development*. An example of this approach is Cowrie's recently published *Historic environment guidance for the offshore renewables sector*.
18. Section 6.2 sets out the types of monitoring that will be undertaken for this SEA. For the historic environment the suggested indicator is "no impact on designated sites and features (including impact on their setting)". We consider that this would be appropriate for sites within territorial waters (12 nautical miles), if the following proviso is added "within territorial waters". However, we suggest the following is an appropriate indicator for monitoring the effects of this plan outwith territorial waters¹:
 - activities arising from oil and gas licensing are in accordance with best practice identified in the *JNAPC Code of Practice for Seabed Development*

¹ Most of the SEA 7 area is beyond the scope of Scotland's territorial seas and therefore beyond the jurisdiction of Scottish Ministers' powers under heritage protection legislation. For those areas within SEA 7 but outside 12 nautical miles from the coastal baseline, the identification of important sites and subsequent casework would currently be a matter for DCMS in discussion with DTI, perhaps drawing on advice from an expanded Advisory Committee on Historic Wreck Sites (as is proposed under the Heritage Protection Review White Paper). However, there are currently no heritage protection mechanisms in place, which means that there are no designated sites outwith territorial waters.

Next steps

19. We have no comments on this section.

Bibliography

20. Given our comments above the following references should be included in the bibliography,:

- Crown Estate, 2006, JNAPC Code of Practice for seabed development. Copy available from http://www.jnapc.org.uk/jnapc_brochure_may_2006.pdf
- Wessex Archaeology Ltd., (January 2007) *Historic Environment Guidance for the Offshore Renewable Energy Sector*. Commissioned by COWRIE Ltd. Copies available from www.offshorewind.co.uk



Our Ref: SEA00135/ER/
ND

Your Ref:

Megan Douglas
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27 June 2007

By Email: sea.gateway@scotland.gsi.gov.uk

Dear Ms Douglas,

**Environmental Assessment of Plans and Programmes Regulations 2004
DTI Offshore Licencing SEA 7 - Environmental Report Consultation**

I refer to your consultation in respect of the Environmental Report into the above plan submitted to SEPA via the Scottish Executive SEA Gateway on 10 April 2007.

SEPA notes that you have taken account of the points that it made in its response of 21 December 2006 to your Scoping consultation. Our comments are largely limited to those we raised at the Scoping stage and are restricted to the matters raised by the Environmental Report.

Generally, this Environmental Report is very comprehensive and provides a great deal of information about the marine environment that will require to be used when more detailed decisions about licensing of blocks commences – particularly in relation to the SEA topics of biodiversity, water, health and population. In many respects, this is not a “traditional” SEA that assesses the potential environmental effects of actions within a plan, but is rather a large scale environmental baseline exercise that provides a clear indication of the environmental constraints upon particular parts of the marine environment relevant to the licensing round. This level of assessment for what is a strategic level programme covering a wide geographic area is welcomed.

The review and update of previous SEA rounds is also welcome.

An area of crucial importance to SEPA is in respect of making sure that the findings of this study are actively used by decision makers as applications are considered. The comprehensiveness of the report is a strength in this regard, but the findings and mitigation actions need to be very clear to decision makers. SEPA considers that mitigation measures in particular are a crucial part of SEA. Generally, there is a good range of mitigation measures identified in the environmental report (section 6) in response to potential adverse effects and these are welcomed, however, it is not clear how these mitigation measures will be given effect during the decision making process.

Where mitigation options have been identified it is important that they are clearly highlighted – in particular where these may need to be implemented by others. If the summary of recommendations in section 6 is to be used for this purpose then it is important that these mitigation measures are communicated to the relevant parties. A clear process for doing this should be put into place. It would

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be extremely helpful to set out all mitigation measures in a way that clearly identified: (1) the measures required, (2) when they would be required and (3) who will be required to implement them. A summary table along these lines could be included as part of the preparation of the SEA Statement.

You should also be aware of another piece of SEA work which has been progressing at the same time as your own work. This is the SEA of the potential for Scottish coastal and marine waters to accommodate marine renewable technologies. This work was published by the Scottish Executive in March and a copy can be obtained through the "closed consultations" search facility on the Executive's website (link: www.scotland.gov.uk/Publications/2007/04/SEA-consultations). Similar to your own work, it provides very detailed baseline information about the marine environment in the west of Scotland (Shetland to the Solway). Some of this information may well be useful to you in your own consideration of the marine environment in decision making and may augment your own SEA work.

It is hoped that these comments are helpful. Should you wish for clarification of any points raised in this response, please do not hesitate to contact me at the above address, on 01786 452431 or via the SEPA SEA Gateway at sea.gateway@sepa.org.uk .

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Neil Deasley', written in a cursive style.

Neil Deasley
SEA Gateway

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Wednesday, 27 June 2007

Dear Megan

Offshore Energy Plan Round 7 SEA Environmental Report

Thank you for providing Scottish Natural Heritage with the opportunity to review this report and input to this consultation. As with the previous offshore energy SEAs this appears to us to be both comprehensive and clearly presented. That said, only a small proportion of the seabed covered by SEA 7 lies within 12nm (the extent of our remit) and, as indicated within the report, this inshore area has very limited potential for hydrocarbon production. Accordingly, we have chosen not to draft an extensive response but would, instead, endorse and refer you to the comments provided separately by our colleagues at JNCC, whose remit extends beyond 12nm. In particular we would commend the remarks made by them concerning:

- The need for clarification from DTI (eg at future SEA steering group meetings) on how recommendations in section 6 of the Environment Report will be taken forward.
- The need for commitments to monitoring or mitigation made under related regulatory regimes to be themselves monitored through effective Environmental Management Systems (EMS) or other methods, so as to ensure impacts to the marine environment from oil and gas activities are prevented or minimised.
- The need for a precautionary approach when considering the licensing of areas in or close to designated sites such as SACs or SPAs.

Aside from these, we recognise the sensitivity of the natural environment in the SEA 7 region, the highly mobile character of many of the birds, fish and mammals which live there, passing freely between inshore and offshore waters, and the considerable gaps in knowledge that remain of the species and habitats therein. Consequently,

we commend specifically the following recommendations made within the Environmental Report and strongly support their implementation in due course.

- Rec. 2: That in areas of cold water coral reefs and other vulnerable habitats and species, physically damaging activities such as rig anchoring and discharges of drilling wastes should be subject to detailed assessment prior to activity consenting so that appropriate mitigation can be identified and agreed.
- Rec. 4: (with reference to previous SEA areas) That the blocks in or overlapping with the boundaries of the Moray Firth SAC should be withheld from licensing for the present whilst the further assessments initiated following the 24th licensing round applications are concluded.
- Rec. 5(i): For blocks that contain good examples of habitats / species on the Habitats Directive Annexes, that operators should be made aware that a precautionary approach will be taken and blocks or part-blocks with relevant interests may either not be licensed until offshore designations are completed or subject to strict controls on potential activities in the field.
- Rec. 5(ii): That the DTI will continue to conduct Appropriate Assessments / Screenings to consider the potential of proposed licensing and subsequent activities to affect site integrity.
- Rec. 6: That operators should be made aware of the need to have access to adequate data on seabird distribution and abundance as a prerequisite to effective oil spill contingency planning.
- Rec. 7: That continued monitoring of large whales to the west of Britain through analysis of hydrophone data be considered, in addition to DTI funding of the CODA survey of cetacean distribution beyond the continental shelf.
- Rec. 8: That observations and research be undertaken if necessary by block operators and others on cetacean distribution and ecology.

We would welcome confirmation, either in writing or via JNCC through future SEA Steering Group meetings, that these recommendations will indeed be implemented.

We hope this response is helpful to you. Should you have any further queries please do not hesitate to get in touch with Dr George Lees of our Coastal & Marine Ecosystems Unit on 01738 458621 or via e-mail to george.lees@snh.gov.uk.

Yours Sincerely



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27th June 2007

WDCS comments on the 7th Strategic Environmental Assessment of the 25th Offshore Round of Oil and Gas Licensing.

WDCS welcomes the opportunity to comment on the 7th SEA and we hope that our comments will prove useful and will be taken into account.

WDCS is very supportive of the SEA process and believe that it has the potential to be a positive tool in integrating environmental considerations into offshore oil and gas licensing plans. However, we continue to be concerned that the SEA process is unable to ensure effective protection for cetaceans from the impacts of oil and gas development. This is because the necessary information on cetacean distribution and abundance, and the impacts of noise pollution, is not currently available to allow confident and informed decisions to be made.

For this reason, we are pleased that SEA 7 suggests that the magnitude of gaps in basic understanding is such that a precautionary approach to licensing should be undertaken, to allow some of these gaps to be filled. SEA 7 is the largest of the SEA areas and arguably the area with the largest data gaps. The coastal and marine areas within the SEA 7 boundary are very extensive, longer and more varied than any other SEA area.

Comments on the SEA Environmental Report

The report indicates that there has been very little oil and gas exploration activity in the SEA 7 area to date, and that the bulk of the area is devoid of data to appropriately evaluate the real potential for hydrocarbons. The report then mentions that the DTI have developed a regional overview of the likelihood of hydrocarbons being present in commercial quantities in the SEA 7 area. WDCS seeks clarification on the information involved in developing this regional overview and questions whether the SEA 7 area is currently suitable for licensing.

5.2 Biodiversity, habitats, flora and fauna.

WDCS is encouraged that the majority of exploration drilling and all field developments would be subject to statutory EIA. As a result of this, significant effects on the marine environment as a result of routine operations can, at least in theory, be identified and mitigated to acceptable levels. We are also pleased by the suggestion that pre-activity studies would include documentation of the key components of the local environment, such as filling data gaps. WDCS hopes the DTI deems an understanding of marine mammal distribution and abundance as necessary in all applications for licenses in the SEA 7 area.

WDCS is encouraged by the suggestion that in areas of vulnerable habitats and species, physically damaging activities should be subject to detailed assessment prior to activity consenting so that appropriate mitigation can be identified and agreed.

We are also pleased by the conclusion that blocks west of 14 degrees west will be withheld from licensing at present, due to the paucity of information on many potentially vulnerable components of the marine environment. However, we feel that information held for the blocks east of 14 degrees west is still insufficient to allow for informed decisions.

WDCS welcomes the statement that the DTI should draw to the attention of applicants that for some activities in certain areas of SEA 7, baseline data on selected components of the marine environment should be collected. We highlight the insufficient amount of data on marine mammals in this area and urge the DTI to make collection of such data a routine requirement. This must be undertaken in order to underpin risk (and other) assessments in advance of any operations.

Relevant SEA objectives mentioned in this section of the report are: to avoid damage to conservation sites and protected species; and to conserve the wildlife and wildlife habitats of the UK. The indicators for these objectives are: that site condition monitoring reveals no decline in conservation status; and that there is no loss of diversity or decline in populations attributable to E&P activities. The environmental report highlights that, in general, existing populations of large whales have not recovered from the effects of past commercial whaling and are, therefore, particularly vulnerable to disturbance. This must be considered during the assessment.

The report concludes that the SEA 7 objectives could be met given the regulatory controls in place, the mitigation measures available and with the proposed block exclusions. WDCS feels this statement contradicts much of the evidence provided in the report and associated technical summaries. WDCS believes that this conclusion is inaccurate and seeks clarification on the proposed block exclusions. We are concerned that a great deal of information provided in the technical summary on marine mammals appears to have been disregarded in the assessment process.

5.14 Conclusions

The report concludes that alternative 3 is the preferred option – the area to be licensed will be restricted spatially through the exclusion of certain blocks. WDCS is concerned that there are currently insufficient data to reach this conclusion and, again, seeks clarification on which blocks are to be excluded and the information used to reach this conclusion. WDCS feels that, where data are lacking, the precautionary principle must be applied and spatio-temporal restrictions must be imposed.

The report also states that the location (and scale) of activities that could follow adoption of the draft plan is uncertain. This issue will be addressed in respect of Natura 2000 conservation sites by Appropriate Assessment by the DTI after the block applications have been received. The AA process will consider the potential of likely resultant activities in the blocks to adversely affect the integrity of Natura 2000 sites. Again, WDCS is concerned that there is currently insufficient data on which to base such assessment, and seeks commitment from the DTI to filling some of these data gaps. WDCS hopes the recent guidance document on the “Strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC” will be taken into account. This document highlights the need to resolve problems associated with the implementation of Article 12 and provides guidance on the provisions for species protection. As protected species of Community interest, the prevention of disturbance to cetaceans must be paramount.

6.1 Recommendations

WDCS is pleased by the recommendation that, for blocks which contain good examples of habitats and/or species on the Habitats Directive Annexes, operators should be made aware that a precautionary approach will be taken and blocks, or part blocks, with relevant interests may either not be licensed until offshore designations are completed, or be subject to strict controls on potential activities in the field.

We also urge the DTI to take on board the recommendation that ongoing observations and research should be routinely undertaken by block operators on cetacean distribution and ecology, including of beaked whales in deeper water areas, to increase the confidence with which appropriate management decisions about spatio-temporal restrictions and other mitigation measures can be made. WDCS hopes that the DTI deems this necessary in all license applications.

We are also encouraged by the suggestion that, if there is appreciable interest in licences in the SEA 7 area, the DTI should consider encouraging the reformation of the Atlantic Frontier Environmental Network, or the establishment of a similar group, to promote collaborative studies and data collection. In order to succeed, this group must have adequate funding and independence. WDCS is keen to work with the DTI to ensure this is developed further.

To fill extensive data gaps in the SEA 7 area, long-term monitoring of the status and distributions of populations is required. For this to be most useful, it should be in place before

new activities are allowed to develop. This places a responsibility on licensees to be more proactive in establishing monitoring. WDCS feels this initiative is long overdue and urges the DTI to follow this through. To allow for proper consideration of the environmental issues involved, WDCS feels it is timely to prompt the DTI to consider data collection and surveying in preparation for SEA 8.

A3a.1.7 Marine mammals

The technical summary highlights the importance of the SEA 7 area for marine mammals. 21 species of cetacean have been recorded in the region. Of these, 10 species are known to occur regularly. The shelf region is of particular importance for harbour porpoise and a variety of dolphin species. Although data are limited, the deeper waters off the shelf appear to be important for a number of medium sized and large whale species, including beaked whales, sperm whale and humpback whale. Some whales migrate through the SEA 7 area between their Arctic feeding grounds and their breeding grounds at lower latitudes.

As mentioned previously, WDCS is concerned that a great deal of information provided in the technical summary on marine mammals appears to have been disregarded in the assessment process. The statement “*there are very few data with which to estimate the frequency of ship-strikes, and consequently this has not been identified as a significant source of additional mortality in the region*” does not appear to be in keeping with the precautionary principal, which has been highlighted as a guiding principle in this SEA area. This statement also appears to conflict with the following statement from the technical summary on marine mammals “*increased shipping associated with offshore activities will increase the risk of ship-strike mortality for larger cetaceans*”.

There is relatively little information on the ecology of cetaceans throughout British waters. Quantitative abundance data are limited and there are no recent abundance estimates available for these waters. Relative abundance data are available (such as Reid *et al.*, 2003), however, WDCS would like, again, to caution the use of such data as a comprehensive picture of cetacean occurrence in the area.

A number of comments and recommendations are made in the technical summary, and these appear to have been overlooked in the environmental report. WDCS would like to reiterate a number of these, and urges the DTI to afford these proper consideration.

Current understanding of the effects of noise on marine mammals and the risks that this may cause is basic. Increases in anthropogenic noise in the underwater acoustic environment may have profound implications for marine mammals. While the physical process of detecting or being damaged by a sound can be predicted, this is not the case for behavioural reactions to sound. However, there are legitimate grounds for concern, and for this reason, appropriate application of the precautionary principle must be required.

Circumstantial evidence suggests that large whales may have good low frequency hearing and may avoid areas of concentrated vessel or drilling activity. Current mitigation methods are

likely to be effective in preventing physical damage. However, it is likely that seismic survey work will affect foraging behaviour of large whales in the SEA 7 area.

The use of explosives in decommissioning is still common practice and poses serious risks, including permanent threshold shift, tissue damage or death, and is probably the greatest potential cause of acute mortality for marine mammals related to oil and gas exploration and production activities. Difficulties in observing and monitoring behaviour, and the apparent attractiveness of submerged structures, mean that some marine mammals are likely to be damaged in blasts. Current mitigation methods are unsatisfactory, and WDCS welcomes the current consultation on Decommissioning of Offshore Energy Installations. We urge the DTI to undertake a comprehensive review of the “Draft JNCC Guidelines for Minimising Acoustic Disturbance to Marine Mammals when using Explosives.”

With the exception of explosives, airgun arrays are the most intense man-made sound sources in the sea. A review of the “Guidelines for minimising acoustic disturbance to marine mammals from seismic surveys” is required. WDCS feels that the current guidelines rely too heavily on visual observations, and we are concerned that Marine Mammal Observers (MMOs) currently do not have enough power to halt operations if cetaceans are sighted. The review panel should include experienced MMOs, conservation organisations and government agencies. Given the increasing evidence of the impacts of noise on cetaceans and other marine life, a greater emphasis on spatio-temporal restrictions is required.

Construction activities associated with establishing new platforms and pipelines will also generate noise, often for prolonged periods. The loudest sounds are likely to be those associated with pile driving and pipe installation. Such impulsive sounds have similar frequency components to those generated by airguns and are likely to have adverse effects on marine mammals. There are currently no available data on the effects of pile driving noise on marine mammals. WDCS feels it is imperative that steps are taken to resolve this and calls on the DTI to address this as a priority.

WDCS is concerned by the suggestion in the technical summary that controlled exposure experiments (CEEs) are needed to address key uncertainties about marine mammal acoustics, sensitivities to, and the effects of, sound. The use of CEEs for all cetacean species has serious practical and ethical considerations that must be properly evaluated before their costs and benefits can be properly assessed. We are surprised to see this controversial issue raised here and believe that contentious issues, which evoke ethical concerns, should not be raised during this process.

Finally, every SEA undertaken so far has identified the distribution and abundance of cetaceans and the effects of noise pollution as being significant information gaps but we can see little evidence that a serious attempt is being made to fill them. This must be addressed as a matter of priority. WDCS believes that these gaps in knowledge are so significant that a precautionary approach must be employed and no further licensing should go ahead until headway is made in filling these gaps in our knowledge. Once a better understanding is achieved, more informed decisions will be possible on how to integrate cetacean considerations into licensing plans.

Yours faithfully,

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References

Reid, J. B., Evans, P. G. H., & Northridge, S. P. (2003). Atlas of Cetacean distribution in north-west European waters. JNCC.