
From: on behalf of SEA Appropriate Assessment
Sent: Consultation
24 April 2013 17:31
To:
Subject: RE: Offshore oil & gas licensing 27th seaward round: public consultation on draft appropriate assessments

Dear

I acknowledge receipt as requested.

Regards,

*Offshore Environmental Policy Unit
Department of Energy and Climate Change
EMI, Energy Development Unit,
Atholl House, 86-88 Guild Street
Aberdeen, AB11 6AR*

From:
Sent: 23 April 2013 14:54
To: SEA Appropriate Assessment Consultation
Cc:
Subject: Offshore oil & gas licensing 27th seaward round: public consultation on draft appropriate assessments

Dear Sir/Madam

Please find attached Natural Resources for Wales comments to the above consultation. I would be grateful if you could confirm receipt.

Regards

Cyfoeth Naturiol Cymru / Natural Resources Wales
Ffôn/Tel:

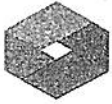
E-bost/E-mail:

Gwefan / Website:
www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Ar 1 Ebrill 2013, unodd Cyngor Cefn Gwlad Cymru, Asiantaeth yr Amgylchedd Cymru a Chomisiwn Coedwigaeth Cymru gan greu un corff, sef Cyfoeth Naturiol Cymru.

As of 1 April 2013, the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales became Natural Resources Wales/Cyfoeth Naturiol Cymru.

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Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales

Offshore Environmental Policy Unit
Department of Energy and Climate Change
Energy Group, Energy Development Unit
Atholl House, 86-88 Guild Street
Aberdeen
AB11 6AR

19th April 2013

E-mail: sea.aa@decc.gsi.gov.uk

Dear Sir / Madam,

**OFFSHORE OIL & GAS LICENSING 27TH SEAWARD ROUND: PUBLIC
CONSULTATION ON DRAFT APPROPRIATE ASSESSMENTS**

Many thanks for your e-mail dated 18th March 2013, inviting the Countryside Council for Wales (CCW) to participate in the above consultation.

From 1 April 2013 Natural Resources Wales brought together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

Our comments are focused on the draft Appropriate Assessment (AA) for the **Eastern Irish Sea (Blocks 110/4b, 110/5, 110/9c, 110/10, 113/22 & 113/27d)** as these blocks are in closest proximity to Welsh Territorial Waters (WTW) and, in our view, present the greatest potential risk to features of Welsh Natura 2000 sites. Please be advised, however, of the need for all plans or projects to take account of impacts in Welsh waters wherever they are and that this is particularly relevant in the context of mobile species. The Competent Authority (CA) is advised to refer to advice from the other SNCBs for advice on sites outside of WTW.

Ffôn/Tel

E-bost/Email :

www.cyfoethnaturiolcymru.gov.uk

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LL57 2DW

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

Summary of NRW Response

Based on the information set out in the draft AA, NRW is unable to agree with the overall conclusion of no adverse effect on site integrity (NAEOSI). We set out the reasons why we are unable to agree with the conclusions of the assessment in the following paragraphs and have provided more detailed comments that expand on this advice in Annex 1. We also refer the CA to the joint SNCB response to the Block Screening report for this licensing round (4th September 2012), which CCW contributed to.

- 1. The draft AA currently lacks sufficient consideration of potential effects on mobile species site features out with their SPA / SAC:** thereby leading to lack of consideration of a number of species features of Welsh Natura sites e.g. cetaceans from Cardigan Bay, seals from Cardigan Bay, Pen Llyn a'r Sarnau and Pembrokeshire Marine SACs and birds from Skomer, Skokholm, Glannau Aberdaron, Ynys Enlli and Grassholm SPAs. The draft AA states that *"Natura 2000 sites to be considered in this assessment were identified based on their location in relation to the 6 Blocks, or part – Blocks which are the subject of licence applications and in terms of the foreseeable possibility of interactions"*. As the SNCBs highlighted in our joint response to the Block Screening for this Round (4th September 2012) there is a need for the potential connectivity between Natura sites and proposed licensing areas to be addressed in future stages of the HRA. The SNCBs further advised that tests of likely significant effect (LSE) should not be based exclusively on the location of sites in relation to Blocks due to the large distances some mobile species are known to commute outside the boundaries of designated sites. NRW would urge the CA to provide more information as to how tests of LSE resulted in the Welsh sites listed above being screened out of the draft AA, if indeed location was not the only consideration.
- 2. The draft AA currently contains insufficient evidence to support the assessment of the potential risk of adverse effect on site integrity (AEOSI) from oil spills:** much emphasis is placed on the Eastern Irish Sea being a 'gas province' and that therefore the risk is limited to diesel spills. However, no supporting evidence is provided. According to the most recent OPEP for the Liverpool Bay installations operated by BHP Billiton (March 2013) "all Liverpool Bay installations produce some liquid hydrocarbons as well as gas" and two of the production wells in the Douglas field that are currently producing oil have the potential to free-flow even if the installed electrical submersible pumps (ESP) were switched off. The AA should address this issue either by providing evidence that any activity in the blocks to be licensed in the 27th Round

will be restricted to gas extraction or by considering the potential impact of crude oil spills on the relevant Natura sites, which should include sites along the North Wales coast.

- 3. The draft AA currently contains insufficient detail on the consideration of potential in-combination effects:** particularly in terms of acoustic disturbance from offshore wind farms and other marine renewable developments, as well as impacts due to fishing, dredging and shipping activities. Whilst it may not be possible to consider cumulative effects in any detail, e.g. because the location and / or timing of development is not known, the HRA must be able to demonstrate that cumulative effects have been considered adequately. Furthermore, before the plan level HRA can conclude NAEOSI, any mitigations that the plan level HRA relies on must be clearly identified. It is NRW's view that, given the scale of increasing activity in the Eastern Irish Sea, there is considerable potential for effects from activities such as offshore wind farm development and oil and gas exploration / extraction to act in combination and that the AA should consider this in much more detail than is currently presented. There should also be a more thorough examination of appropriate high level mitigation measures such as a more strategic approach to the phasing or timing of all marine energy development projects through the developing marine planning system so that possible effects can be adequately managed over time.

NRW (previously CCW) were not involved in the preparation of the draft AA, therefore this public consultation has been our first opportunity to comment on the document. NRW believe that all the points outlined in this letter and the accompanying Annex could have been addressed prior to this public consultation if we had been consulted by the CA on the further screening and scoping of the draft AA, following the Block Screening assessment in 2012, and if our 'Guidance for plan making authorities in Wales: 'The appraisal of plans under the Habitats Directive' (2012) had been referred to from the outset.

If you have any questions regarding this response please don't hesitate to contact Dr [Name] or [Name] in the first instance

Yours Sincerely

CC.

CC

Annex 1. Offshore Oil & Gas Licensing 27th Seaward Round: Public Consultation on Draft Appropriate Assessments

Detailed Comments

Section 3 Relevant Natura 2000 Sites (pages 8 – 16)

1. As previously stated (in the Joint SNCA response to the HRA Block Screening Report for this licensing round, dated 4th September 2012) consideration should be given to the use of the proposed licence areas by mobile SPA and SAC features that commute outside the boundaries of designated sites and the vulnerability of these species to impacts arising from licensing activities. The Draft Eastern Irish Sea AA does not adequately address the potential connectivity between a number of the mobile species features of Welsh Natura sites and the proposed licence areas. NRW therefore wish to take this opportunity to reiterate the above advice particularly with respect to the marine mammal and bird features of Welsh SACs and SPAs (see paragraphs 2 and 3 below).

2. Outside of the breeding season, grey seal distribution is widespread and significant non-breeding haul-outs for grey seal occur around the coast of Anglesey, the Dee Estuary and West Hoyle sandbank. Telemetry studies suggest that there may be some degree of connectivity between grey seal populations from the Pen Llyn a'r Sarnau, Cardigan Bay and Pembrokeshire Marine SACs and these non-breeding haul outs. NRW therefore advise that the AA should consider this issue. Similarly, there have been sightings of bottlenose dolphins in Liverpool Bay, with matches to the Cardigan Bay SAC population. NRW recommends that DECC refers to the following sources of information in any assessment of likely effects on marine mammals in the Eastern Irish Sea:
 - *Baines, M.E. and Evans, P.G.H. (2012). Atlas of the Marine Mammals of Wales. CCW Monitoring Report No. 68. 2nd edition. 139pp.*
 - *Evans P.G.H. (2012). Recommended Management Units for Marine Mammals in Welsh Waters. CCW Policy Research Report No. 12/1. 69pp.*
 - *UK Statutory Nature Conservation Bodies paper on proposed Management Units (MU) for mammals in UK waters.* This paper was endorsed by the UK Chief Scientists Group in January 2013. Once finalised, these MU will define the spatial scale at which impacts on the main species of mammals occurring in UK waters should be considered and assessed. The final outputs from the JNCC led Joint Cetacean Protocol (JCP), which are expected to be released in April / May 2013, will be used to provide population and density estimates for each of the MU. Once these MU become available, we would strongly encourage their use to inform the assessment of impact on marine mammals both at the plan and project level.

3. The AA has also omitted a number of Welsh SPA's which have the potential to interact with the proposed licensing area. For example Manx shearwaters from the following SPAs may use this area of the Eastern Irish Sea for foraging: Skomer, Skokholm, Glannau Aberdaron and Ynys Enlli SPA as well as Gannets from Grassholm SPA.

Section 4 Assessment of the effects of the plan on site integrity (pages 17 – 24)

4. Page 23, Table 4.3. The inclusion of "European Protected Species (EPS) disturbance licences issued under the *Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007*" in the list of high level mitigation options for underwater noise needs to be expanded upon to explain that whilst the issuing of such a licence does not in itself constitute mitigation, the process of applying for / assessing an application for an EPS disturbance licence does provide an opportunity for an assessment of whether an activity will be detrimental to the maintenance of the populations of the species concerned at a FCS in their natural range. If this is the case then an EPS disturbance licence cannot be issued.
5. Page 23, Table 4.3. Ducted propellers used by dynamic positioning vessels have been implicated in fatal corkscrew injuries of seals and cetaceans (harbour porpoise) (see Bexton *et al.*, 2012 *Aquatic Mammals*, 38(3), pp 229-240) and this is an issue of growing concern within SNCAs. The potential for this impact during construction / operation of oil and gas installations must be addressed both in this table outlining high level mitigation and also in the rest of the document. Internal SNCB "Guidance for staff advising on the potential risk of seal corkscrew injuries, April 2012" recommends the avoidance of using vessels with ducted propellers within a certain distance of seal populations / sites and during the breeding season. We also advise that, particularly for grey seal, the use of defined commuting corridors for vessel traffic and maintaining a maximum distance at low speeds in the proximity of known seal haul outs, could be included as potential mitigation and avoidance measures. Appropriate high level mitigation of this potential impact would be for the regulator to adopt this advice and ensure it is implemented at the project level subject to project specific circumstances.
6. Page 24. Table 4.3 The section outlining the use of PAMs in the list of mitigation measures for underwater noise should also refer to MMOs in accordance with JNCC guidelines for minimising the risk of disturbance and injury to marine mammals from seismic surveys (August 2010, 16pp), which require MMOs for seismic surveys during daylight hours and at sea states that are appropriate for visual assessments.
7. Page 24. Table 4.3 Contradictory statements in section on MCA and ETVs, suggest the first paragraph is removed. In our (as CCW) response to the MCA consultation

on Modernising the Coastguard 2010 in May 2011, concerns were raised about the implications of the decision to reduce the number of Emergency Tow Vessels (ETV) in the UK in terms of the potential to increase the risk from, and reduce resilience to, a major pollution incident. NRW would need to see more detail on how any new arrangements put in place for provision of ETV support in the event of an incident in Liverpool Bay before agreeing that this comprises a high level mitigation measure.

Section 5 Consideration of sites and potential physical and other effects (pages 25 – 35)

8. Pages 26 – 28. Much of the information in this section focuses on the physical impacts of other activities, rather than those associated with the oil and gas sector and would perhaps be better placed in Section 8 where the potential in-combination effects of physical disturbance to the seabed are considered.
9. Page 32: 5.5 Implications for relevant European Sites; 5.5.1 Liverpool Bay / Bae Lerpwl PA. NRW feel that the draft AA currently contains insufficient evidence to support the conclusion that "Based on the extent of supporting sandbank habitat in these sites and the distribution and extent of likely activities, the overall exposure to physical loss can be considered to be low." Block 110/10 is situated wholly within Liverpool Bay SPA in an area of the site that has high aggregations of Red-throated divers as well as Common scoters in it. Without more detailed information about the activities that might be expected to take place in this block and what mitigation might be used, it is very difficult to tell whether it would or would not have a significant effect on the SPA. For example, rock armouring of new pipelines has the potential to cover feeding areas for Common scoter.

Section 6 Consideration of sites and potential acoustic effects (pages 36 – 47)

10. Page 36. As Salmon mortality at sea is already at an all-time high NRW would urge the CA to take all possible measures to minimise impacts on this species. NRW are aware that one of the offshore windfarm projects in Liverpool Bay is currently undertaking research to better understand the patterns of adult Atlantic salmon migration back into the River Dee and Bala Lake SAC and Dee Estuary SAC and would encourage DECC to refer to the results of this work if and when they become available.
11. Page 47. The conclusion that underwater noise would not result in significant effects on qualifying species appears to be based on the lack of evidence for adverse impacts. It is implied that, due to a lack of causal links in previous cases, future links can be ruled out too. The presumption in favour of future proposals due to previous proposals passing the Natura tests, (if this is what is meant in the document), is explicitly ruled-out in the EU Natura guidance 'Managing Natura 2000 Sites; The provisions of Article 6 of the Habitats Directive 92/43/EC'.

12. As previously stated in the joint SNCB response to the block HRA screening report for this licensing round (4th September 2012) we feel that the following statement is misleading: "Although seismic survey, piling and other oilfield noise is detectable by marine mammals, waterbirds and their prey, there is no evidence that such noise presents a risk to the viability of populations in UK waters." The information and evidence available for carrying out an assessment of population effects of disturbance on marine mammal species is limited. A process of developing an agreed approach to assessing such effects is currently underway, initially through the development of an interim framework to assess the population consequences of disturbance (PCoD) for marine mammals, based largely on models which have been developed for bottlenose dolphin and harbour seal in the Moray Firth. The PCoD project, which is being funded by The Crown Estate, DECC, Marine Scotland and the SNCAs, was initiated at a workshop hosted by CCW, NERC and JNCC in March 2012, primarily driven by the need to assess the consequences of multiple sources of disturbance (e.g. through piling and increased vessel use) on mammal populations around the UK due to the burgeoning offshore renewables sector. The interim framework, which draws largely on expert judgement to assess the levels of disturbance that mammal populations can sustain before their viability and conservation status are impacted, through effects on survival rate, growth rate, reproductive rate, etc, will be finalised in early summer 2013. In the longer term, the development of a more robust, empirically-based model for assessing the population consequences of acoustic disturbance (PCAD) on marine mammal populations is the subject of one of the strands of work currently proposed as part of the Offshore Renewables Joint Industries Programme (ORJIP). The interim PCoD and proposed 'PCAD' frameworks may also help to better understand the population consequences of multiple seismic activities, and might therefore be applicable to issues surrounding oil and gas exploration and development. We note that DECC are part-funding the development of the interim PCoD framework and are also joint partners in the development of the ORJIP and so may have a view on whether these tools should be considered for use in any further iterations of the HRA for the 27th licensing round when it becomes available.

Section 7 Consideration of potential effects from oil spills on relevant sites (pages 48 – 65)

13. Page 50. A lot of emphasis is placed on the Eastern Irish Sea being a 'gas province' and that therefore the risk of spills is only from diesel. However, no supporting evidence is provided. According to the most recent OPEP for the Liverpool Bay installations operated by BHP Billiton (March 2013) "all Liverpool Bay installations produce some liquid hydrocarbons as well as gas" and two of the production wells in the Douglas field that are currently producing oil have the potential to free-flow even if the installed electrical submersible pumps (ESP) were switched off. The AA should address this issue either by providing evidence that any activity in the blocks to be licensed in the 27th Round will be restricted to gas extraction or by considering the potential impact of crude oil spills on the relevant Natura sites.

14. The AA should also address the potential for a crude oil spill caused by an interaction between the existing oil operating infrastructure in Liverpool Bay and any new activity arising from the 27th Round. For example, the potential for a collision between construction or exploration vessels and the Offshore Storage Installation vessel located to the north of the existing platforms (total capacity of 146,242 m³).
15. Much of this section is generic and contains little information on Liverpool Bay itself, i.e. there are no maps or assessments of oceanographic or hydrographic processes within this area which may have critical influence on statements of effects of oil spills for marine mammals and other features. For example, oil spills in eastern Liverpool Bay, an area of low water movement and comparatively high retention lengths will have more impact than oil spills in high flow/energy areas e.g. western Liverpool bay/Anglesey Coast. The results of modelling the worst case scenarios of total loss of inventory from the OSI or a blow out one of the Douglas field well heads that are capable of free flowing (outlined in the most recent OPEP for the BHP installations in Liverpool Bay) indicate that even with variable wind speeds and directions over a 30 – 120 day period, there is a strong likelihood of crude oil being beached along the North Wales coast and in the Dee Estuary.
16. Pages 58 / 59, Table 7.2. NRW advise that there is currently insufficient evidence in the AA for us to agree with the conclusion that there are no sites potentially at risk for both cetaceans and seals. Furthermore, we would expect to see the Dee and Menai Strait Conwy Bay SACs considered in terms of the potential risk to their respective saltmarsh, estuary, mudflat and sandflat and large shallow inlet and bay features. We note that the AA does not assess the potential impact of a spill on birds which could be wintering in the area but are potentially from a breeding SPA elsewhere in the UK and refer the reader to paragraph 1 of this annex.

Section 8 In-combination effects (pages 66 – 71)

17. Overall this section is very short compared to the rest of the draft AA and lacks sufficient detail to support the conclusion of NAEOSI of the activities covered by this plan in-combination with other plans or projects. Given the scale of increasing activity in the Eastern Irish Sea and the likelihood of overlapping timescales for some projects, there is considerable potential for effects from activities such as offshore wind farm development and oil and gas exploration / extraction to act in combination. Therefore NRW advise that the AA should consider this in much more detail than is currently presented. We refer the CA to the joint SNCB responses to both the Block Screening report for this licensing round and also comments made in response to the 26th Round, where we advised the CA to provide a clear list and map of all plans and projects that have been included (or excluded) from consideration, alongside an assessment of any potential in-combination effects on the relevant Natura sites and their qualifying features. There should also be a more

thorough exploration of appropriate high level mitigation measures such as a more strategic approach to the phasing or timing of all marine energy development projects through the developing marine planning system so that possible effects can be adequately managed over time.

18. Page 66. Section on MCT / Skerries Array needs to be updated now that it has been consented

19. Page 71, 8.3. "Available evidence (see e.g. UKBenthos database and OSPAR 2000) for the eastern Irish Sea indicates that past oil and gas activity and discharges has not lead to adverse impacts on the integrity of European sites in the area. The current controls on terrestrial and marine industrial activities, including oil and gas operations that could follow licensing, can be expected to prevent significant in-combination effects affecting relevant European site". It is implied that, due to a lack of causal links in previous cases, future links can be ruled out too. The presumption in favour of future proposals due to previous proposals passing the Natura tests, (if this is what is meant in the document), is explicitly ruled-out in the EU Natura guidance 'Managing Natura 2000 Sites; The provisions of Article 6 of the Habitats Directive 92/43/EC'.