



Department for
Business, Energy
& Industrial Strategy

UK Offshore Energy Strategic Environmental Assessment

Government response to scoping
consultation



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Introduction

Consultation context

The Department for Business, Energy and Industrial Strategy (the Department) is undertaking a Strategic Environmental Assessment (OESEA4) of their draft plan/programme for offshore energy which includes further rounds of offshore wind farm leasing, and leasing of other marine renewables, further seaward rounds of oil and gas licensing, gas storage (including of carbon dioxide), and offshore hydrogen production, transport and storage. The draft plan/programme variously covers relevant waters of the UK for reserved matters in relation to the above aspects of the draft plan/programme.

A scoping document, fulfilling the requirements of regulation 12(5) of *The Environmental Assessment of Plans and Programmes Regulations 2004* as amended (the SEA Regulations) was published for public consultation between the 29th March and 7th May 2021¹. The purpose of the scoping report was to set out sufficient information to enable the prescribed Consultation Bodies and other interested parties to form a view and give feedback on the scope and level of detail of the information to be included in the OESEA4 Environmental Report.

A series of consultation questions were used to assist respondents in providing feedback. This Government response is largely structured around these questions but also provides responses to a range of feedback that was received during the consultation.

Scoping responses

Twenty eight scoping responses were received. Responses were received from statutory nature conservation bodies (5), other Government organisations (6), Non-Governmental Organisations (NGO's) (4), industry representative organisations (8), local councils (3), a Member of the Senedd (1), and the public (1).

¹ <https://www.gov.uk/government/consultations/offshore-energy-strategic-environmental-assessment-4-scoping>

Responses to the consultation questions and Government response

This section is structured around the consultation questions used in the scoping exercise, along with a section at the end covering general comments that were not directed at any specific question. A summary of the key feedback is provided along with responses on how these will be dealt with in the SEA process.

Question 1

Consultees are invited to highlight additional initiatives which they consider are relevant to the draft plan/programme

Summary of scoping responses

Thirteen responses were received on this consultation question. A range of additional initiatives were highlighted, as well as some suggested modifications to the text which accompanied the summaries provided for each SEA receptor in the scoping document. In summary, the main points covered:

- Planning policy statements (including the review of National Policy Statements).
- A number of plans and advice notes relating to the historic environment, including Historic England's Corporate Plan 2020-2023, and their advice note on Commercial Renewable Energy Development and the Historic Environment.
- A range of plans relevant to Scotland on the theme of climate change and other users of the sea, including an update on the ScotWind leasing process.
- Reference to certain aspects of the 25 Year Environment Plan including the North Devon Marine Pioneer project and the move to an Ecosystem Based Approach to fisheries management.
- Updated guidance from the Maritime and Coastguard Agency in relation to fishing and other activities in proximity to subsea cabling.
- Reference to a coordinated offshore grid and grid projects needed to accommodate 40GW of offshore wind by 2030.
- The Offshore Wind Evidence and Change Programme.
- Marine Plans, and the interaction with those of adjacent states.
- Welsh Government Marine Energy Programme, and the ongoing identification of possible Marine Conservation Zones in Welsh waters.

Government response

All of the suggested plans/programmes and initiatives have been reviewed and will be taken into account, as appropriate, in an update to the section on other relevant plans and programmes to be included in the OESEA4 Environmental Report.

Question 2

Consultees are invited to draw attention to and provide (where relevant/possible) additional information and data sets which they consider of potential relevance to this SEA.

Summary of scoping responses

Eleven responses were received on this consultation question. A variety of additional relevant information sources were provided including published papers, recent reports, research programmes, marine plans, and working groups.

In addition, a number of specific information gaps were identified relevant to marine planning, site selection and the understanding of impacts on populations. It was specifically noted that there is a lack of environmental baseline data for some regions which are prospective for floating offshore wind, for example, for marine mammals in the Celtic Sea. Additionally, it was noted that the lack of evidence on migratory routes of diadromous fish, along with their population distribution and behaviour, limit the baseline understanding to assess effects for tidal lagoon developments. It was commented that the evidence base to support the development of tidal lagoons has not increased significantly since the Severn Tidal Feasibility Study in 2010.

Government response

All of the suggested additional information sources have been reviewed and will be incorporated into the SEA, where appropriate. Previous SEA Environmental Reports have highlighted information gaps in baseline environmental understanding, and in the nature and scale of effects associated with each technology covered by the plan. As in previous SEAs, OESEA4 will identify and highlight information and understanding gaps of relevance to the assessment and make recommendations for further work, as appropriate. Such recommendations from previous SEAs continue to be addressed through the OESEA research programme².

² <https://www.gov.uk/guidance/offshore-energy-strategic-environmental-assessment-sea-an-overview-of-the-sea-process#offshore-energy-sea-research-programme>

Question 3

Do you agree with the choice of Regional Seas used to help describe the environmental baseline?

Summary of scoping responses

Seven responses were received on this consultation question. There was general agreement on the use of the Regional Seas as a useful framework, but several noted the need to align these with the areas used in marine spatial planning. It was noted that many seabird species use more than one regional sea and that this should be considered in the assessment, for example through the use of Biologically Defined Minimum Population Scales or similar.

Government response

The Regional Seas approach has been selected as a useful framework to reflect the differing ecological character of various areas of UK seas. In many cases the Regional Sea boundaries align, or relatively closely align, with marine spatial planning boundaries. It is considered more appropriate for the SEA to consider regions on an ecological basis rather than an administrative one, however, the SEA will recognise the various objectives and policies of UK marine planning at a national and regional level. In the assessment, consideration will be given to wider spatial uses and movements by mobile species such as marine mammals and seabirds, and to wider management frameworks like Marine Mammal Management Units.

Question 4

Are there any additional environmental problems you consider to be relevant to the SEA?

Summary of scoping responses

Eleven responses were received on this consultation question, which identified a range of additional environmental problems, which were:

- Bird collision risk and displacement associated with offshore wind farms.
- Seabird usage of offshore oil and gas installations (e.g. kittiwake) in the context of decommissioning.
- Seabird bycatch from fisheries is another large source of seabird decline around the UK.
- The population-level consequences of seabird disturbance from offshore development, including for sensitive species such as divers and scoter, are currently unknown as there have been no studies undertaken on this.
- Discarded fishing gear should be included as marine litter, not just microplastics.

- Additional Pressures on fish stocks include aggregate dredging, tidal energy, oil & gas development, coastal squeeze and habitat loss, water abstraction (nuclear and non-nuclear power generation), barriers (throughout migratory routes) to migration for migratory species, poor knowledge of marine fish movement, migration, connectivity and population structure, for many species, and poor knowledge of fish habitat use through various life-history stages for many species of marine fish.
- Damage to seabed compounded by offshore wind construction and maintenance, sandwave clearance etc. and the potential/lack of recovery of benthic habitats from infrastructure installation.
- Impacts on protected landscapes, specifically National Parks.
- Cumulative impacts of underwater noise at a population level.
- Unexploded ordnance as a key source of noise associated with infrastructure development in the marine environment.
- Cumulative displacement of activities, such as fishing, not just from permanent infrastructure, but also from supporting activity such as marine survey. The compounding of fisheries exclusion by offshore infrastructure with fisheries management measures in MPAs.
- The introduction of non-indigenous species.
- Tidal lagoons and eutrophication.
- Declines in bird populations in Wales, similar to those declines noted on the east coast, Scotland and Northern Ireland.

Government response

All the above suggested environmental problems are considered to be relevant to the assessment of the draft plan/programme and consideration of the likely evolution of the baseline. Therefore, these will be expanded on in the environmental descriptions and, where relevant, in the assessments in the OESEA4 Environmental Report.

Question 5

Are there any additional influences, and supporting data sources, on the likely evolution of the environmental baseline?

Summary of scoping responses

Nine responses were received on this consultation question. The following additional influences were noted:

- Perceptions of change in character which are not explicitly linked with visibility.
- Scotland's Marine Assessment 2020.

- The harbour seal decline is now more of an issue than previous rounds of the OESEA, although investigations into the scale and potential causes are only just starting.
- The impacts of onshore infrastructure.
- The implications of habitat disturbance, damage and loss from large scale marine renewable development.
- The compounding factors of climate change and offshore renewables development.
- The changing baseline for other users.
- When considering the evolution of the baseline for fisheries, the cumulative impact of multiple activities in an area should be considered, alongside the proposed management for MPAs currently under consultation and the proposed establishment of Highly Protected Marine Areas (HPMAs).
- Increasing conflict between fisheries and subsea cabling.
- It should be recognised that offshore wind developments will be visible beyond the territorial sea limits.
- For tidal stream, the decrease in the 'headroom' available for future project assessments from effects of developments within the timeframe of OESEA4.
- The mapping of underwater noise baselines in GIS.
- If built and operational projects are to be considered as part of baseline conditions in the SEA, then the assessment needs to consider whether these are having impacts above a level which is acceptable. Given the difficulties in assessing 'actual' impacts or population consequences for mobile species such as marine birds from existing built and operational infrastructure, suggest that in practice the assessment is based on a combined 'predicted' impact across built, operational, under construction, consented and otherwise identified infrastructure projects, and other plans.

Government response

The majority of the above additional influences/data sources are considered to be relevant to the evolution of the baseline and will be incorporated as appropriate into the environmental descriptions in the OESEA4 Environmental Report. The environmental baseline summaries in the scoping report were necessarily brief, and will be updated and expanded on in the OESEA4 Environmental Report.

As noted in Section 3.3 of the scoping report, the geographical remit of the SEA is limited to relevant UK waters for each aspect of the draft plan/programme within which future leasing/licensing could take place. The implications of onshore infrastructure associated with projects which could relate to any future leasing/licensing are not covered by the draft plan/programme and will not be assessed in the SEA. With reference to mapping of underwater noise, the SEA will refer to, and map as appropriate, data available from the Marine Noise Registry.

The SEA will consider the existing baseline environment, which includes other plans and projects, and as part of the evolution of the baseline, will also include projects at various stages of the pre-planning and planning process, including in relation to other plans.

The Department is cognisant of current consenting issues for certain UK waters of relevance to the draft plan/programme, and this will be considered in the SEA.

Question 6

Are there any additional alternatives that you feel the SEA should reflect?

Summary of scoping responses

Eight responses were received on this. The feedback received on the SEA alternatives was:

- To restrict the granting of development and production consents.
- Recommend the three alternatives cited should be considered separately for oil and gas production, as compared to renewable energy generation.
- To restrict leasing/licensing in areas where there are already issues identified, such as underwater noise.
- To include mitigation in alternatives, such as design parameters to reduce bird collision risk.
- Alternative technologies to reduce environmental impacts, especially to reduce the need for compensation. This may require research – will the OESEA 4 identify if and when this is required?
- The alternative, not to offer any blocks for lease or license any activities, would not meet the objectives of the plan, as the need / demand could not be met without the plan / programme, and thus should not be considered as viable.
- To restrict the licensed/leased areas temporally or spatially or to where an agreement is in place to cooperate between adjoining licence holders to ensure the co-development of lowest impact.

Government response

The restriction of development and production consents is not within the remit of the SEA to consider as an alternative as it is not part of the draft plan/programme.

While the high-level description of the alternatives for oil and gas, and renewables, were given together, this was only for presentation purposes; the SEA will consider each technology on its own merits.

It is considered that the alternative, to restrict the licensed/leased areas temporally or spatially, would adequately cover specific impacts of the draft plan/programme and that separate alternatives, for example to cover noise, are not necessary.

It is not considered appropriate to specify project level design parameters at this stage, as these are best considered when detailed project plans are in place and site-specific considerations can be made. The SEA will, however, reflect experience from recent wind farm consenting on the particular issues raised.

Existing arrangements are in place for adjoining licence / lease holders to co-operate, and in most cases new oil and gas developments would use host installations where it is possible to do so. A separate alternative on this issue is not considered to be necessary.

Question 7

Are there any objectives that you feel should be included or removed?

Summary of scoping responses

Eight responses were received on the SEA objectives covering aspects of landscape/seascape, biodiversity, habitats, flora and fauna and climatic factors.

One respondent indicated that a means of guiding the assessment of the landscape and seascape objective is to consider not only factors that may “adversely affect the character of the landscape/seascape” but also the capacity of identifiable character to accommodate anticipated changes, noting that consideration of matters other than visual is key. One other respondent indicated that the impact on designated landscapes should be separated from the impact on non-designated landscapes, and the objective strengthened to reflect their sensitivity and recognise the reason for designation. Additionally, the respondent noted that the setting of designated landscapes should be assessed alongside that of heritage assets.

One respondent suggested that the meaning of ‘significant effects’ should be clarified in relation to the guide phrase, ‘Plan activities do not lead to the introduction of noise at levels which adversely affect the marine environment, including by leading to significant effects on conservation sites and sensitive species’, for example, ‘significant population-level effects’, in order to differentiate from any temporary disturbance of which would not translate to long-term habitat exclusion, and is well managed by current mitigation practices.

One respondent noted that there is an increasing drive towards actively seeking Biodiversity Net Gain (BNG) / Positive Effects for Biodiversity (PEfB) through any consented development, at least onshore. It was suggested that it would be appropriate to amend or add another objective to express the intention to actively seek BNG/PEfB, or similar, improvement to the marine environment / biodiversity through plan-level activities.

Several responses were received covering how the objectives reflected climate change issues and Net Zero. One respondent suggested that a separate principle should be developed highlighting the overarching objective of meeting Net Zero and consequent reduction of further impacts of greenhouse gases on the marine environment. Another respondent suggested the

need to develop a holistic picture of the impacts of climate change to avoid prescriptive conservation objectives that do not demonstrate adaptability, and noted that the species and habitats covered by current conservation designations are likely to change significantly if efforts to tackle climate change and reductions to carbon emissions are not achieved.

One respondent indicated that the objectives should include, seek to maintain and enhance biodiversity required by the Environment Act (Wales) 2016 and encouraged through the WNMP, and, no adverse change to the status of Bathing and Shellfish Waters.

One respondent suggested that the sustainability objectives outlined in the document must be carefully balanced amongst, environmental, economic and social sustainability factors, and it is key to ensure that they do not impact on any UK Fisheries activities.

Government response

The objectives and indicators were drafted by considering the objectives of the plan in the context of UK marine management including, but not limited to, the Marine Policy Statement and related Marine Plans and the UK Marine Strategy, and have been previously modified following successive scoping exercises.

In relation to landscape and seascape, it is considered that the existing objective broadly covers impacts that could arise from the plan across all landscapes, whether designated or not. The indicators attempted to capture the broader change in non-designated landscapes through an understanding of the trajectory of change which could be noted on coastal character areas as these are updated. In relation to designated sites, the SEA will recognise that effects on these areas may occur from projects at some distance from their boundaries.

On 'significant effects', it is not considered necessary to modify the guide phrase, "Plan activities do not lead to the introduction of noise at levels which adversely affect the marine environment, including by leading to *significant* effects on conservation sites and sensitive species", on the basis of differentiating temporary disturbance as these can still be significant both along and in-combination with other plans and projects. The test of significance in relation to conservation sites and species is made at a plan/project level through a range of statutory assessment processes, which are plan and project specific.

The plan/programme is set firmly within the UK Government's commitment to achieve net zero, which is already recognised in the guide phrase relating to the "minimises greenhouse gases" objective, along with the Oil & Gas Authority's Strategy, progress towards meeting the carbon budgets, and progress towards 2030 targets for renewables and CCS, all of which are now direct responses to net zero. It is not considered that a separate objective is needed to cover this, however, the wording of the objective will be reviewed to ensure it reflects the importance of the challenge.

At present, requirements to demonstrate biodiversity net gain are still being developed, including through the provisions of the Environment Act 2021 (noting that biodiversity net gain in context of the marine environment has remained out of scope for the Act, but may

be included in the future by Regulation). The Department will maintain awareness of work in this area of relevance to the SEA, for example through the Offshore Wind Enabling Actions Programme, however, at this stage it is not considered appropriate to include a specific objective on net gain.

It is considered that the single objective to balance other UK resources and activities against the need to develop offshore energy resources will, along with the policies contained in relevant marine plans, address those additions suggested in relation to interactions with other users, and in particular, fisheries.

Question 8

Are the indicators for each objective suitable? If not please suggest alternatives.

Summary of scoping responses

Seven responses were received, summarised below:

- “Number of archaeological finds reported through best practice as a result of plan activities”, should also include how areas of archaeological potential are recognised, for example as demonstrated by geo-archaeological studies that could reveal substantial new information.
- Cultural Heritage Indicator should reference adverse impact.
- Greenhouse gas emissions indicators should also include references to levels of oil and gas production and associated downstream emissions.
- Support such as rigs, vessels and helicopters should be included in the reductions in upstream greenhouse gas emissions from oil and gas exploration and production indicator.
- UK progress towards meeting legally mandated greenhouse reduction targets, and the relative reduction in emissions delivered by aspects of the plan/programme. This should be clear as a background reduction plan made up of the various contributors e.g. vessels, rigs, helicopters to enable assessment of the contribution to the maximum allowable emissions of that plan/program.
- None of the ‘guide phrases’ or ‘SEA Indicators’ map across to the objective, Contributes to conservation of the biodiversity and ecosystems of the United Kingdom and its seas.
- For designated landscapes, and National Parks in particular, the Special Qualities and Purposes and Duty of the National Park should be included.
- Climate change: This section must recognise that the installation and long-term placement of offshore infrastructure can cause disturbance and loss of habitat, which in turn will a) reduce the carbon sequestration potential of seabed habitats and b) through

disturbance, will release carbon. The indicator could be something along the lines of “activities will not impede the ability of seabed habitats to store carbon”. This indicator could also link to the biodiversity, habitats, flora and fauna indicators.

- The indicators throughout should recognise that they relate only to impacts from activities within the scope of the OESEA.
- The indicators outlined must ensure they do not impact on future fisheries activities.
- Indicator on geological conservation should read, No significant damage.
- Number of oil and chemical spills and quantity of material spilled. This is an absolute number with no target. The indicator should be something like the number of oil and chemicals should be as low as possible and either individually or cumulatively result in short term localised impact only.
- Air Quality - Targets relating to airborne emissions at a regional and UK level are not exceeded. This should include local to cover sensitive locations.
- Resilience to climate change – this should include the resilience of infrastructure.
- Reduces Waste Indicator – Progress in reducing volumes of waste to landfill from plan activities. This doesn't reduce waste only the reduction of waste to landfill. Suggest an indicator aimed at avoiding the production of waste that then needs to be managed.

Government response

The suggested amendments to the indicators have been reviewed and a number of modifications to the indicators have been proposed. These revisions will be discussed with the SEA Steering Group and if accepted will be incorporated in the Environmental Report. The indicators will also be reviewed to ensure that they appropriately map across to the guide phrases and objectives.

As noted in response to the general comments below, the SEA will not consider the emissions associated with the downstream use of hydrocarbons and indicators will not be produced to cover this. Additionally, it is considered that the indicators already adequately cover the aspects of the draft plan/programme in terms of their contribution to meeting targets associated with net zero, including the reduction in upstream oil & gas emissions, and the scale of deployment of renewables and carbon dioxide stored offshore.

Question 9

Do you have any comments on the sources of potentially significant effect for each of the activities covered by the draft plan/programme, including

whether they should be scoped in or out of assessment in the Environmental Report?

Summary of scoping responses

Twelve responses were received to this consultation question. The main points are summarised below:

- Consideration should be given to potential impacts on Northern Irish habitats and species.
- Suggest that wider consideration through SEA should also determine positive aspects of decarbonisation, for example in reference to associated data acquisition programmes that can change and expand our knowledge and understanding.
- There is a lack of understanding of the effects of entanglement from floating offshore wind moorings (including directly with the mooring infrastructure or indirect through ghost gear that gets entangled with the mooring structure).
- Geophysical surveys are undertaken regularly on the UKCS, and have not been shown to result in any long-term, significant population-level impacts upon marine species.
- Collision risks from tidal stream for marine mammals and birds.
- Marine mammal collision risk associated with vessel movements relating to offshore renewables installation and operation.
- For benthic habitats, ‘development’ should include seabed preparation for foundations and sandwave/ boulder clearance. We note that all cabling activities now include scour protection so ‘possible’ could be removed.
- External cable protection should be made more specific all applications will include this. ‘Armouring’ is different and doesn’t capture the whole range of cable protection required.
- Could refer to standard OSPAR pressures (as used by the SNCBs).
- “physical damage” should include ongoing impacts from operations and maintenance, and physical loss of habitat under the footprint of structures, foundations, rock etc should be explicit and separate to physical damage. Decommissioning effects should also be included, including the evidence to support the recovery of features following decommissioning.
- It is unclear if physical changes to habitats due to structures are captured – arising from changes to hydrodynamics or local scale turbulent plumes behind structures. If this is captured by “Changes to sedimentation regime and associated physical effects”, this should include for offshore wind.
- Where co-existence is not possible, offshore renewable developments may create proxy no take zones for fisheries. OESEA4 should assess the impact of no take zones for fisheries as a potential mitigation solution for the direct impacts of the wind farm on fish populations.

- There is little evidence to understand the effect of operational noise from larger turbines on marine life.
- There is little evidence to understand the impact of multiple mooring lines from floating offshore wind as a barrier effect to marine mammals and fish.
- Impacts on carbon sequestration/blue carbon must be included.
- The potential for waste arising following the decommissioning of infrastructure associated with all sectors should be considered.
- Seismic survey has the potential to be used across a wider range of activities than identified.
- Effects on the hydrodynamics, particularly from ocean energy projects.
- Fisheries interactions with floating wind moorings.
- The potential impact of coastal/onshore infrastructure associated with Offshore Energy development.
- Air quality issues to be scoped out of renewable energy and green hydrogen unless this is referring to vessel emissions.
- Impacts from shipping should be considered for all activities.
- Oil and grease are used in offshore wind maintenance, especially in the gearboxes, but it is questionable whether it could amount to a major spill. Significant spills from wind farm installation vessels.
- The overall spatial consideration should link to the Department Offshore Wind Deployment Scenarios to 2050 project.
- Will MPAs be considered as “hard constraints” in the overall spatial consideration?
- There is no indication about how an assessment of in-combination and cumulative effects will be approached.
- It may be helpful to define a list of assessment principles and criteria similar to that adopted by The Crown Estate to inform the screening of sites and activities as part of the Habitats Regulations Assessments of their plans.
- Collision risk for diving birds from tidal range turbines.
- Onshore landfill disposal is applicable to all technologies, particularly during construction.
- Contributions to net greenhouse gas emissions: the supply chain for all technologies will contribute, and conversely, the OGA strategy etc. should contribute to reductions from the oil and gas sector.
- Potential harm from hydrogen explosion.
- EMF effects relating to cables associated with the oil and gas sector.
- Further consideration of the impacts of sectors e.g. offshore wind – now predicted to have adverse effects as determined by the Secretary of State for some projects – on

certain species populations (namely kittiwake) and benthic habitats is needed in this plan.

- Consider that greater consideration within the OESEA Environmental report could be made of how realistic it is to meet all the indicators on not significantly impacting MPAs, biodiversity etc whilst also meeting the climate change and other indicators. The SEA could be the place in which the implications are clearly set out and for it to be demonstrated that in reality choices need to be made and compensation / offsetting in whatever form will be needed.

Government response

The above points will be considered and the matrix of impacts for each technology updated, as appropriate, which will be used to inform the assessment at a high level. Specifically, it is recognised that multiple respondents raised concerns about the mooring lines for floating offshore wind farms and the potential for obstruction and entanglement by marine megafauna, including by ghost fishing, and also negative fisheries interactions, with a lack of evidence on what the significance of the effects may be. Concerns relating to physical damage to the seabed and related effects from seabed preparation works and cable installation, protection and maintenance, have increased since OESEA3, and this will be included and assessed in OESEA4.

The Department has considered the feedback received in relation to the proposed approach to the overall spatial consideration. The Department will engage with The Crown Estate to understand the realistic scale of minimum commercial floating wind projects, and take account of the Future Offshore Wind Scenarios project as far as possible. Marine Protected Areas (including Marine Conservation Zones, Special Areas of Conservation and Special Protection Areas) will not be considered a hard constraint in the analysis, as the potential for likely significant effects, and adverse effects on integrity of sites, is ideally made on a project-specific basis, however, the analysis will highlight particular sensitivities of relevance to the draft plan/programme. The Department is cognisant of current consenting issues, particularly in relation to offshore wind for certain UK waters of relevance to the draft plan/programme and these will be considered in the SEA.

As noted in Section 3.3 of the scoping report, the geographical remit of the SEA is limited to relevant UK waters for each aspect of the draft plan/programme within which future leasing/licensing could take place. The implications of onshore infrastructure associated with projects which could relate to any future leasing/licensing are not covered by the draft plan/programme and will not be assessed in the SEA. Similarly, emissions will only be considered for upstream aspects of each aspect of the draft plan/programme.

Question 10

Are there any additional information sources or existing monitoring arrangements which could be used to inform monitoring of the offshore energy draft plan/programme?

Summary of scoping responses

Eleven respondents provided additional information sources, or raised points in relation to the adequacy of the proposed monitoring arrangements. The following main points were raised:

- If SEA monitoring of the effects of the activities arising following the adoption of the draft plan/programme is to identify unforeseen adverse effects at an early stage, and to allow appropriate remedial action to be undertaken then it is important that that monitoring is bespoke to the activities and developments arising from the plan/programme and not rely on wider monitoring initiatives set up for different purposes. Such studies will rarely, if ever, be sufficiently relevant to allow changes detected to be linked to specific elements of the draft plan/programme. That said, it is useful to see some projects on the OESEA web-pages which are focussed on the specific effects on plan related activities on mobile species.
- Greater attention should be placed on the monitoring of the effects of the activities arising following the adoption of the draft plan/programme. The identification of adverse effects at an early stage, and appropriate remedial action is fundamental to this process. Further consideration of the impacts of sectors e.g. offshore wind is advised - now predicted to have adverse effects on certain species populations as determined by the Secretary of State for some projects.
- Would welcome a clearer indication of how monitoring and reporting back against the SEA objectives occurs.
- Not currently clear we have the (statistical) power or confidence to attribute, no significant loss of diversity or decline in population, to the plan.
- 'Syntheses of offshore wind farm licensing conditions monitoring' are mentioned although this has not actually occurred since 2014 and is therefore very outdated. Would welcome further syntheses to bring this up to date.
- Opportunity to use post-construction monitoring for activities that were identified as having a significant impact.
- There is a need for improved understanding of seabird density and distribution in the breeding and non-breeding seasons; improved seabird colony monitoring of population size, age structure and productivity; better empirical evidence of seabird collision with structures; and quantification of the extent to which seabirds and other receptors are and will be affected by climate change and changing fish stocks. Without such better understanding, monitoring the effectiveness of the plan is undermined.

- The impact of leasing at a plan level on MCZs is not considered. This introduces risk to MCZs and the coherence of the MPA network and consenting risk to developers. Much could be achieved at the plan level to reduce risk through the development of strategic mitigation, compensation and monitoring. Defra will be consulting on draft MPA guidance in the coming months which OESEA4 will need to consider.
- It is recognised that current monitoring of marine mammals is not sufficient to detect adverse changes. A strategic approach to monitoring is suggested, particularly for harbour porpoise SACs. However, a mechanism is not currently in place and a collective fund to develop and deliver strategic marine mammal monitoring is suggested.

Government response

All of the suggested additional information sources have been reviewed and will be incorporated into the SEA, where appropriate. In respect of monitoring, as noted in Section 6.6 of the scoping document, Regulation 17(2) allows for the use of other existing arrangements to monitor the significant effects of the implementation of the plan/programme. The existing monitoring arrangements were selected to match the scale of the plan. However, it is noted that there are challenges in attributing effects at both a plan and project level to environmental changes resulting from their related activities in the wider context of other effects, including those related to climate change. In addition, not all of the monitoring arrangements rely on other initiatives, for example, those relating to seascape or progress towards Government targets associated with net zero, as outlined in the Net Zero Strategy, which may be attributed to the plan.

The OESEA programme is a continuous process and it is intended to keep the indicators under review alongside other information underpinning the environmental report, including updates to the environmental baseline and the understanding of the nature and scale of effects associated with activities related to the plan, for example, as was completed as part of the OESEA3 review process³.

Question 11

Do you have any comments on the proposed approach to consultation?

Summary of scoping responses

Five responses were received to this question, mostly to request continued engagement or to suggest additional stakeholders. Other comments included avoiding consultation timelines for other major plans or projects.

³ <https://www.gov.uk/guidance/offshore-energy-strategic-environmental-assessment-sea-an-overview-of-the-sea-process#offshore-energy-sea-the-current-sea>

Government response

To allow continued engagement the volunteer and suggested stakeholders will be added to the list of those to be contacted during further consultation on the SEA process. Demand on statutory consultee time is recognised, but it may not always be possible to time consultations to accommodate the workloads of all consultees. As with the scoping consultation, the Department will time future consultations in keeping with the Cabinet Office guidance on Consultation Principles.

General feedback

Eighteen responses were received which were not made in response to any particular consultation question, and these are summarised below. Due to the varying nature of the feedback, separate responses are provided to these.

Consideration of downstream emissions

Summary of scoping responses

Two respondents suggested that the downstream emissions from oil and gas production should be assessed in the SEA, including a consideration of production taking place under existing seaward licences. It was suggested by one respondent that the SEA proposed an inconsistent approach to different aspects of the draft plan/programme by recognising the benefits of oil and gas in supporting hydrogen and CCS, while excluding the potentially negative effects of further exploration and production, and similarly, should cover full lifecycle impacts of renewables and oil and gas activities.

Government response

The draft plan/programme covers future licensing, and consistent with previous SEAs, OESEA4 will consider all stages of future seaward oil and gas licensing, from exploration through to development and production. It will not directly consider existing production or activities which may take place under existing licences other than in a cumulative context. Any development and production consents, e.g. for new field developments relating to existing licence areas or changes to field development, do not constitute a plan or programme but are projects subject to the *Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020*, and would be considered on a case-by-case basis.

The downstream emissions from any future oil and gas production associated with further seaward licensing are not within the scope of the draft plan/programme being assessed. For clarity, the draft plan/programme covers objectives related to the exploration for and production of oil and gas from the UKCS from further licensing; the draft plan/programme

does not include objectives which relate to the end use of hydrocarbons and such end uses are not therefore within the scope of OESEA4.

Whilst an SEA assesses the environmental effects of a broader plan/programme rather than a specific project, the environmental effects in question are still those flowing from the implementation of development consents granted pursuant to the framework set by that plan/programme. This will not, however, include the end use of products made from extracted oil and gas, since much is exported as crude oil and sold into the worldwide market for refining and consumption in a variety of locations. As a result, OESEA4 will consider the environmental effects of further licensing in the context of those activities directly related to the offshore oil and gas industry, and any secondary or cumulative effects related to these. This will cover emissions from upstream oil and gas activities but downstream and end use emissions will not be assessed due to the inability to attribute any specific end use to a development that may take place under the draft plan/programme.

This approach is consistent with the SEA Regulations (that an assessment is only required of the effects of the plan or programme). Whilst the scope and wording of the SEA Regulations and the various regulations relating to EIA are different, this approach is also consistent with the recent judgement in *Finch vs. Surrey County Council*⁴ in the context of EIA. This judgement makes it clear that there is "...no requirement to assess matters which are not environmental effects of the development or project.". This position was further clarified in the judgement on the appeal of *Greenpeace vs. the Secretary of State for Business, Energy and Industrial Strategy and the OGA*⁵, again in relation to EIA, that, "It is the effect of the project, and its operation, that is to be considered and not that of the consumption of any retailed product ultimately emerging as a result of a refinement of the raw material."

Climate Compatibility Checkpoint

Summary of scoping responses

One respondent suggested that the Climate Compatibility Checkpoint design for future seaward licensing rounds should be part of the SEA process.

Government response

The UK Government is committed to delivering its target to achieve net zero greenhouse gas emissions by 2050, which will be realised through a combination of measures that includes decarbonising the upstream elements of the oil and gas supply chain (noting that a certain proportion of hydrocarbon supplies have essential non-energy related end uses), but also through decarbonisation by switching from hydrocarbon end use for fuel

⁴ [2020] EWHC 3566 (Admin)

⁵ [2021] CSIH 53

and electricity generation to alternatives such as electricity from renewable sources and hydrogen. The Net Zero Strategy set out policies and proposals towards meeting the Sixth Carbon Budget, and subsequently towards net zero by 2050.

The UK Government recognises that any future oil and gas licensing regime needs to be consistent with the UK's target to achieve net zero by 2050, which is why, following the Government's review on the future of the oil and gas licensing regime a new Climate Compatibility Checkpoint will be introduced before each future oil and gas licensing round. The Checkpoint will ensure that no new oil and gas licences are awarded unless an assessment of their compatibility with the net zero target and other climate policy objectives has been carried out.

The design of the Climate Compatibility Checkpoint is a separate process from the SEA. Should the final design of the Checkpoint be made available during the drafting of OESEA4, its relationship with the draft plan/programme will be considered.

Consideration of other aspects

Summary of scoping responses

Four respondents suggested that the draft plan/programme should also include the grid aspects of offshore wind, interconnectors, the transport of carbon dioxide by ship, and the storage of hydrogen in geological formations.

Government response

The draft plan/programme will be amended to cover the transport of carbon dioxide by ship. The storage of hydrogen in geological formations, offshore grid aspects of future renewables, and interconnectors, will not be specific aspects of the draft plan/programme. However, the potential for these activities and their possible interaction with the plan will be considered in the Environmental Report.

Impacts on tourism

Summary of scoping responses

Five respondents raised issues relating to the impacts on tourism from changes in seascape resulting from offshore wind farms located close to shore. These respondents made suggestions of minimum distances from shore for turbines of certain scales as a means of mitigating these effects, and to make previous OESEA recommendations on wind farm siting in territorial waters more definitive by excluding wind farms from this area. It was suggested that the 40GW 2030 target could be met by excluding projects that did not meet such criteria.

Government response

Previous SEAs have highlighted the importance of territorial waters and adjacent coasts which is reflected in numerous, often overlapping designations to protect their scenic, geological, ecological and cultural features, and designations or use for recreational, shellfishery, fishery, navigational, commercial and other activities. As a result, it was acknowledged that some developments may not be compatible with a particular nearshore location. However, it was noted that coastal sensitivity is not uniform, and the application of strict, blanket criteria for the siting of developments was not appropriate, and that these issues can be dealt with appropriately at the project level. It should be noted that these were recommendations of the SEAs and do not form OESEA or Government “guidelines” as suggested by some respondents.

The OESEA4 will fully reflect the findings of the White Consultants (2020) report⁶, which updates the seascape and visual buffer work undertaken to inform OESEA2, and also experience in the consenting of offshore wind farms closer to the shore.

In addition, a number of responses were project-specific, and while these were reviewed, the Department will not make comments on projects in the planning process.

SEA Scale

Summary of scoping responses

One respondent suggested that the SEA should cover offshore energy at a UK wide scale.

Government response

The geographical remit of the SEA reflects the UK Government legislative remit for various offshore energy activities on the UKCS. Devolved settlements in relation to energy, in particular with Scotland, are such that devolved governments can set their own plans which are subject to separate SEA processes. OESEA4 will recognise these plans and programmes, and will also consider these in a cumulative effects context.

Coastal and onshore considerations

Summary of scoping responses

Three respondents suggested that the SEA should cover coastal and onshore impacts relating to the various offshore technologies covered, though primarily for offshore wind.

⁶ <https://www.gov.uk/government/publications/uk-offshore-energy-strategic-environmental-assessment-research-projects>

Government response

The SEA will consider the impacts of the offshore (e.g. wind farm array), export route (e.g. pipeline or cable) and landfall works associated with offshore energy, as in previous SEAs. This will not identify specific landfalls or address any site-specific considerations, but the SEA will reflect any learning from recent decisions and challenges in relation to offshore developments.

Next steps

The scoping process will inform the OESEA4 Environmental Report, where appropriate. A number of meetings will be held during the preparation of the Environmental Report. These will include expert assessment workshops, sectoral meetings and workshops, and regional stakeholder workshops. Depending on the timing, the SEA programme and ongoing restrictions relating to COVID-19, these workshops may be held virtually.

The OESEA4 Environmental Report and the draft plan/programme will be issued for formal public consultation for a period of 8 weeks, which is likely to be in late 2021 / early 2022. During this period, OESEA4 and any supporting documents will be available to download from the [SEA pages of the gov.uk website](#).

This publication is available from: <https://www.gov.uk/guidance/offshore-energy-strategic-environmental-assessment-sea-an-overview-of-the-sea-process#appropriate-assessment>

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