

### *Dealing with the risk of licensing marine renewables: The role and experience of regulators*

**Thursday, May 21<sup>st</sup>, 2015 – Paris, France**

*The RiCORE project aims at designing ways to accelerate and streamline the environmental requirements associated with consents for novel marine renewable technologies, including offshore wind, wave and tidal projects. Organisations from Scotland, Spain, Ireland, Portugal and France are participating in this project, which has been awarded funding from the European Union's Horizon 2020 research and innovation programme. In the course of the project, several workshops covering all aspects of consenting of Marine Renewable Energy projects will be organized to collect the views and opinions of national experts. The aim of this, second workshop on May 21<sup>st</sup> is to explore regulatory aspects.*

#### **WORKSHOP OBJECTIVES**

The objectives of this workshop are to:

- *Determine current national consenting practices, operational experiences and difficulties*
- *Compare and contrast approaches to implementation of over-arching EU legislation – e.g. EIA, Habitats etc.*
- *Introduce risk-based management approaches using the Survey, Deploy & Monitor (SDM) methodology as an example*
- *Discuss the potential legal and regulatory issues potentially associated with implementation of a risk-based management approach*
- *Identify what is required to enable a risk-based management approach*

The outcomes of the workshop will be used by the RiCORE project team to report on the feasibility of adopting a risk-based management approach, using the Survey Deploy and Monitor (SDM) policy developed in Scotland as an example.



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## AGENDA

The workshop will be structured around plenary sessions and breakout sessions, during which experts will be divided into smaller groups. RiCORE project members will assist each group to help formalise exchanges.

### Session I: National practices and experiences

| Time        | Item                                                                                       |
|-------------|--------------------------------------------------------------------------------------------|
| 08:30-09:00 | Registration                                                                               |
| 09:00-09:15 | Introduction to the RiCORE Project<br>Presentation by David Gray, Robert Gordon University |

#### **a) National perspectives:**

|             |                                              |
|-------------|----------------------------------------------|
| 09:15-10:00 | National Perspectives Pt 1 (Countries 1 – 3) |
| 10:00-10:30 | COFFEE BREAK                                 |
| 10:30-11:30 | National Perspectives Pt 2 (Countries 4 – 7) |

To be presented by either one of the national experts from each country or by one of the RiCORE project members. Aspects to be covered include:

- General overview of the consenting process in each country,
- Experiences associated with the implementation of the Habitats Directive, Birds Directive, Strategic Environmental Assessment Directive and Environmental Impact Assessment Directive in relation to Marine Renewable Energy projects,
- Identification of bottlenecks to obtaining consent(s),
- Examples of good practice in consenting processes,
- Possible role of marine spatial planning (in light of new EU Directive),
- Focus on legal risks / actions.

#### **b) Breakout Session 1**

|             |                                                                                                                        |
|-------------|------------------------------------------------------------------------------------------------------------------------|
| 11:30-12:15 | Breakout Session 1: Compare and contrast experiences and identify key issues (based on earlier national presentations) |
| 12:15–12:30 | Summary Presentation of Key Issues                                                                                     |

### Session II: Applicability of a risk-based management approach

#### **c) Survey Deploy & Monitor (SDM) presentation**

| Time        | Item                                                                                                      |
|-------------|-----------------------------------------------------------------------------------------------------------|
| 14:00-14:45 | Introduction to SDM (30 mins.)<br>Case Study example (15 mins.)<br><i>Presentation by Marine Scotland</i> |
| 14:45-15:30 | Breakout Sessions 2: Applicability of a risk-based approach with respect to Key Issues                    |
| 15:30-15:45 | COFFEE BREAK                                                                                              |

Key questions: how could SDM type approaches impact and improve key issues?

### d) Applicability of a risk-based approach

|             |                                                                                                 |
|-------------|-------------------------------------------------------------------------------------------------|
| 15:45-16:30 | Breakout Session 3: Applicability of a risk-based approach with reference to national practices |
|-------------|-------------------------------------------------------------------------------------------------|

Key questions:

- What issues would a SDM approach potentially create
  - Compatibility with existing national legal framework
  - Compatibility with EU legislation
  - Any other new risks (e.g. possible increase in litigation?)
- How could such an approach be implemented
  - Are there already similar approaches?
  - What would need to be adapted?
  - Availability of existing data and inputs, identification of supplementary surveys that would be needed prior to establishing a risk based approach?
  - In the existing consenting landscape, what actors / type of actors would naturally support SDM ? Oppose SDM ?

### e) Plenary Discussion

|             |                                                                                                      |
|-------------|------------------------------------------------------------------------------------------------------|
| 16:30-17:15 | Plenary Discussion: Requirements to enable the implementation of a risk-based approach across the EU |
| 17:15-17:30 | Summary of outcomes                                                                                  |