

FOWPI – Environment

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Agenda

- > Practice and Framework in EU
- > International Lender Requirements
- > Recommendations



Practice and framework in EU

> Process rooted in EU EIA Directive

Box 1: Directive 2011/92/EU as amended by Directive 2014/52/EU

Article 2(1)

Member States shall adopt all measures necessary to ensure that, before development consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects on the environment.

> Description and Guidance on

- > Screening
- > Scoping
 - > Surveys
- > ESIA

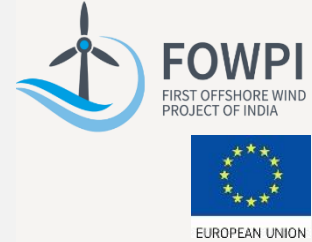
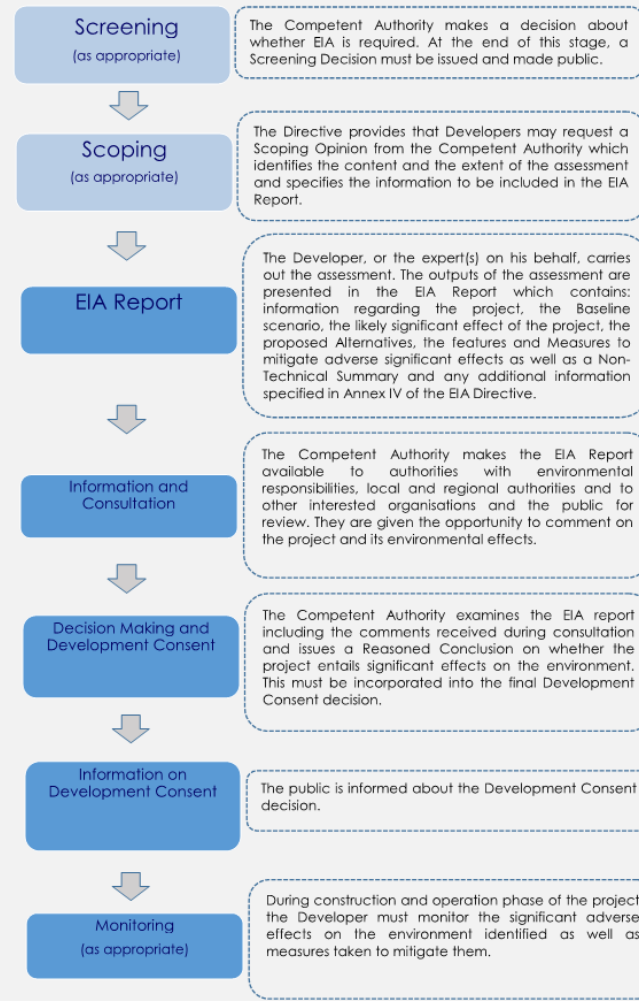


EUROPEAN UNION



Process

- > Phased process (1-2 years)
- > Scoping
 - > Defines scope, Duration, surveys
- > ESIA
- > Consultations
- > Revisions
- > Approval
- > Implementation different across EU

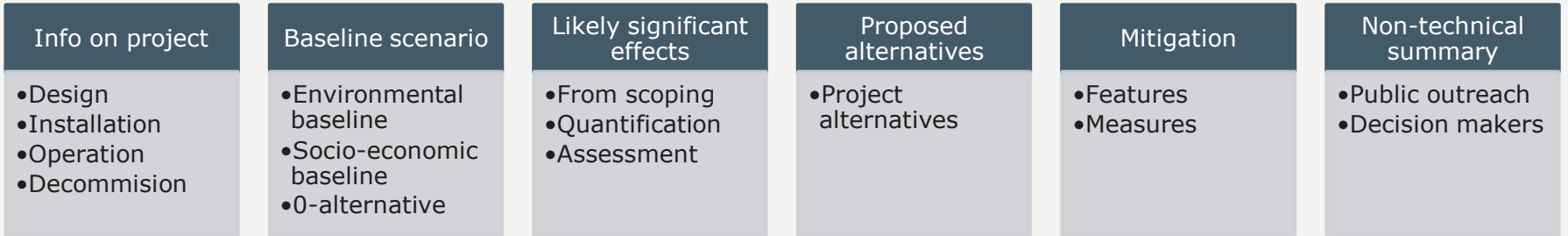


Scoping

- > Scoping - **No need for detailed project design at this stage**
 - > General level of knowledge on sensitivities and type of impacts
 - > Formally: Optional scoping and comes from authority upon request
 - > In practice: Developer suggest and auth. approves
 - > Based on existing knowledge and gaps
 - > Scoping benefits:
 - > **ID of key issues / surveys to be addressed**
 - > Saves time and money
 - > Stimulates early consultation
 - > Authorities, stakeholders and public
 - > Sets time and space boundaries
 - > Aid to ID preliminary alternatives and mitigation

Scoping
(as appropriate)

The Directive provides that Developers may request a Scoping Opinion from the Competent Authority which identifies the content and the extent of the assessment and specifies the information to be included in the EIA Report.



Scoping consultation (...and later in ESIA)

> Authorities

1. Environmental and other concerned authorities

- regional and local authorities.
- authorities responsible for pollution control including water, waste, soil, noise and air pollution.
- authorities responsible for protection of nature, cultural heritage and the landscape.
- health and safety authorities.
- land use control, spatial planning and zoning authorities.
- authorities in neighbouring countries where transboundary impacts may be an issue.

> Stakeholders

2. Other interested parties

- local, national, and international environmental and social interest groups.
- sectoral government departments responsible for agriculture, energy, forestry, fisheries, etc. whose interests may be affected.
- international and trans-frontier agencies whose interests may be affected e.g. cross-border river basin commissions.
- local employers' and business associations such as Chambers of Commerce, trade associations, etc.
- employees' organisations, such as trades unions.
- groups representing users of the environment, e.g. farmers, fishermen, walkers, anglers, tourists, local wildlife groups.
- research institutes, universities and other centres of expertise.

3. The public and the public concerned

- landowners and residents.
- general members of the local and wider public.
- elected representatives and community figures such as religious leaders or teachers.
- local community groups, resident's groups, etc.;

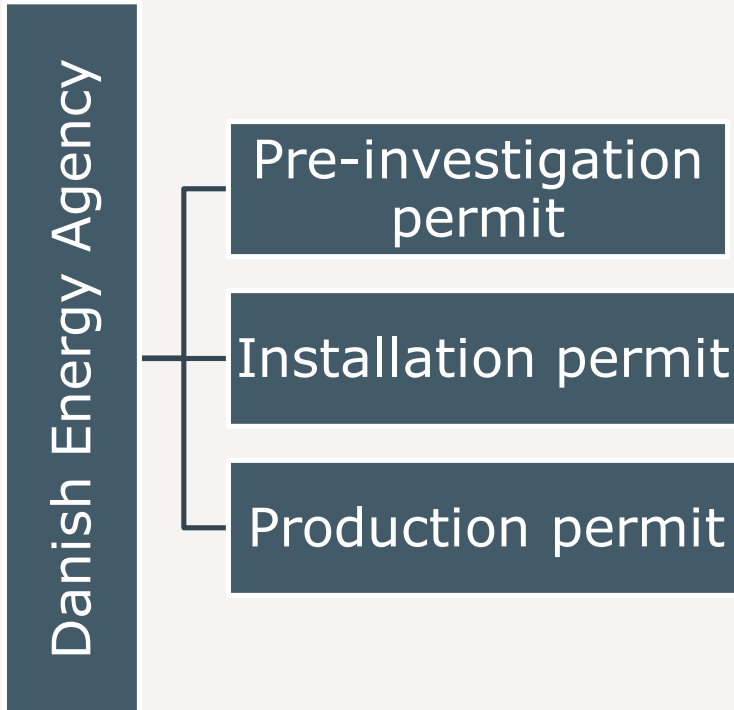
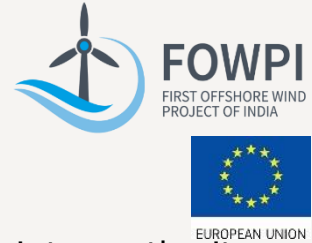


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FIRST OFFSHORE WIND
PROJECT OF INDIA



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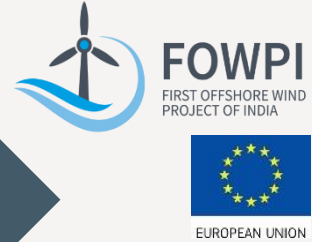
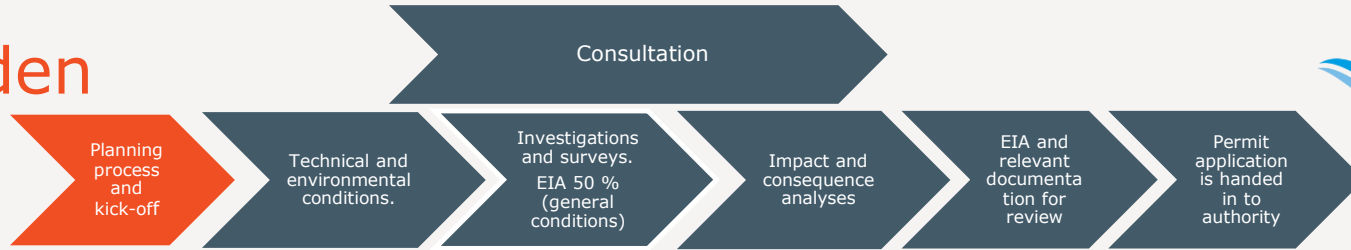
Denmark – One-stop-shop



- > DEA is nodal agency and carries inter-authority consultations
- > Pre-investigation permit allows
 - > 1-year studies incl. scoping, surveys & ESIA (all conducted by DEA*, prior to project detailed design)
- > Installation permit
 - > Based on approved ESIA
 - > Requires fulfilment of approval conditions
- > Production permit
 - > Allows grid connection & operations

*Costs are later billed to auction winner(s)

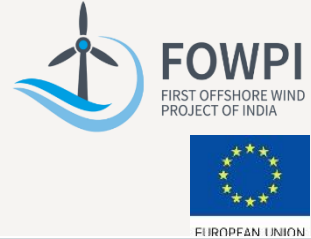
Examples Sweden



- > Involves +6 authorities, process duration 2-4 years
- > Informal pre-hearing: information meeting/briefing with relevant authorities and stakeholders
- > Offshore and onshore surveys
- > Preparation of scoping report version 1 (Pre-EIA)
- > Hearing (- if the project has a significant environmental impact) scoping process for the EIA report
- > Possibly a second hearing and preparation of scoping report version 2
- > Preparation of EIA report
- > Submit permit application

Significant effects

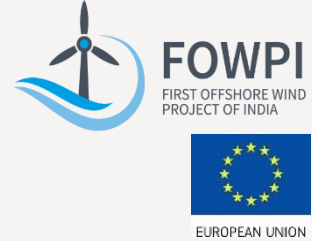
- > Focus on significant effects
- > Is an impact unacceptable?
 - > Environmentally
 - > Socially



Impact magnitude	Environmental Sensitivity		
	High	Medium	Low
Major	High	High	Moderate
Moderate	High	Moderate	Minor
Minor	Moderate	Minor	Insignificant

- > Concept of significance:
 - > Should be based on criteria of scale of magnitude and sensitivity
- > Output:
 - > Selected set of significant impacts to address through surveys

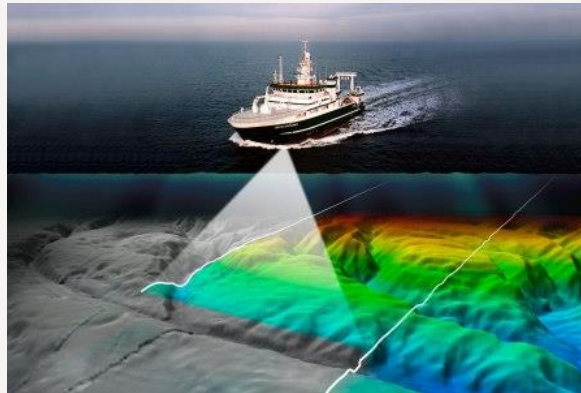
Survey & field work



- > Depends on:
 - > Project Design Features (even if preliminary)
 - > Potential significant project impacts identified in scoping
 - > Availability of readily/already available data in the area
- > Used to perform baseline, which assessments are founded on
- > Ensures that effects are adequately assessed
- > Shall be carried out to a reasonable extent
- > Focus is on likely significant impacts

Survey & field work

Aspect	Theme	Survey	Notes
Physical	Geophysics: -bathymetry -sediments	MBE, SSS surveys	Often important in initial phase -input to habitat survey -info for developers
		Contaminant sampling	Relevant if sea bed prep. (gravitation foundations)



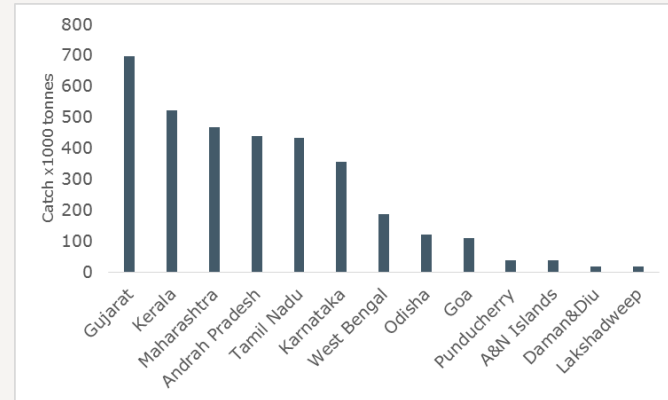
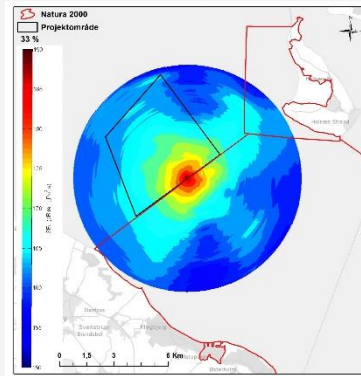
Survey & field work

Aspect	Theme	Survey	Note
Biological	-Marine benthos	Diver/ROV and sampling	Scope from geophysics and existing knowledge Links to socio-economy
	-Fish	Fish catch surveys	
	-Birds	Radar/plane observations	Long and expensive season dependent -"-
	-Mammals	Plane/acoustic surveys	
	-Protected/important	Ship based surveys	



Survey & field work

Aspect	Theme	Survey	Note
Technical	Heritage UXO Underwater noise Socio-economic	Coastal archaeology Magnetometer survey Modelling study Fisheries & stakeholder mapping	Not always relevant Ammunitions etc. Distribution from installation Interviews

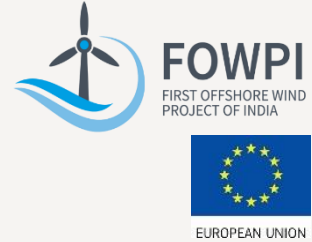




International lender requirements

General

- > IFIs bring own requirements; on top of national/local practice => May require additional and lengthy surveys/efforts
- > EIB requirements are here shown as a case example, which are in line with other IFIs
- > Similar practice is applied by large international developers



EIB Requirements



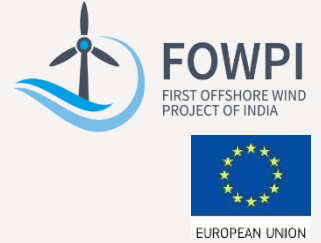
- > Compliance with national legislation and intl. conventions ratified by host
- > Comprehensive ESIA and management
 - > Meeting best international practice
 - > Determines
 - > Necessary studies/surveys
 - > Impact mitigation measures and consequent action plans
 - > Process plan for impact monitoring during construction, operations
 - > Stakeholder engagement and disclosure through project life
- > Alignment with other legislation, policies and intl. conventions
 - > Ensures inclusion of broader issues: Climate change, biodiversity, resource efficiency, disaster risk, settlement, human rights, gender and conflict

Tools



- > Strategic environmental assessment (SEA)– ensure holistic approach
 - > Best available options in early planning phase for optimal process
- > Environmental and social impact assessment (ESIA)
 - > Use of mitigation hierarchy **Avoid – Minimise – Restore – Offset**
 - > Ensure high level protection of environment, human health & rights
- > Environmental and Social management plan (ESMP)
 - > Mitigation plan

Process



ID of significant impacts and risks

Assessment area

Screening of need for ESIA

ESIA

ESMP

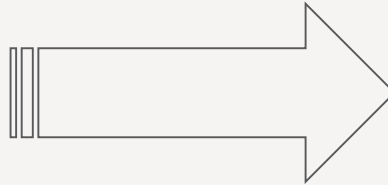
Tools - SEA

- > Public sector should apply SEA
 - > responsible for formulation and development of actions and strategy
- > Private sector are encouraged to use SEA
- > Screening for need available in EIB Handbook
- > SEA includes:
 - > Scoping
 - > Description and evaluation of likely significant effects (incl. Alternatives)
 - > Communication with authorities and public (incl. other countries if relevant)
 - > Monitoring of effects
 - > Engagement of stakeholders

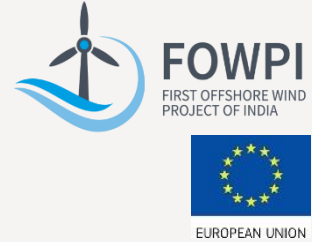


ESIA content

- > Methodology of assessment
- > Applicable laws and regulations (incl. gap analysis)
- > Project description
- > Baseline (existing conditions)
- > Environmental and social aspects likely to be affected
- > Assessment of likely significant effects
- > Description and justification of mitigation measures
- > Stakeholder identification
- > Information sharing, reporting and disclosure
- > Project risks
- > Non-technical summary



Similar to EU requirements



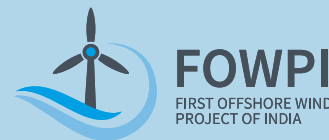


Key points

Key points & recommendations

- > A good scoping process yields specific and robust survey requirements
- > Pre-investigations initiated by local authorities at early stages reduces risks for developers and project commissioning delays
- > Int'l standards will be followed by large global developers and IFIs; and should be included in early stage investigations. Specially long and season dependent surveys e.g.
 - > Marine Fauna & flora
 - > Birds
 - > Geophysics
- > One stop shop for clearances and permits brings key advantages for the clearance process



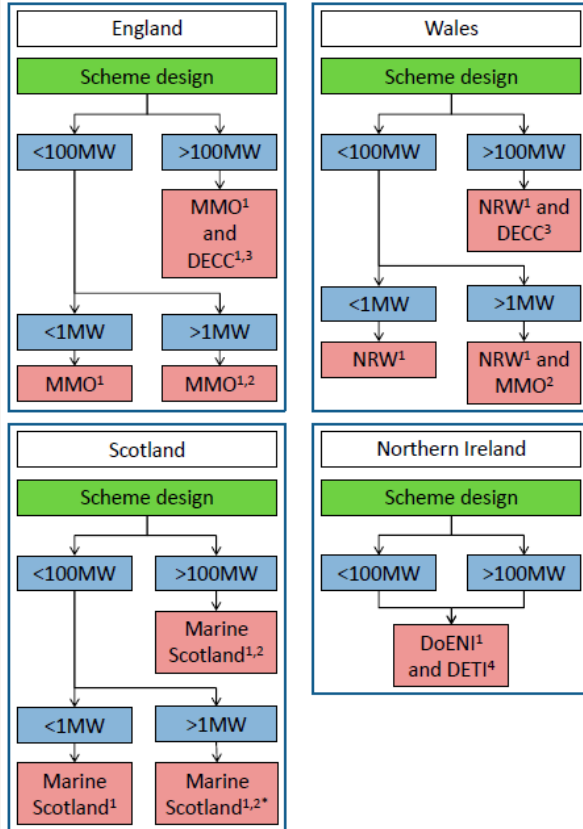


You can find us at
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Thank You!





- > Process according to project size/location
- > Many authorities
 - > Marine Management Organisation (MMO)
 - > Dept. of Energy & Climate Change (DECC)
 - > Natural Resources Wales (NRW)
 - > Marine Scotland
 - > Dept. of the Environment N. Ireland (DoENI)
 - > N. Ireland Dept. of Enterprise, Trade & Investment (DETI)
- > Coastal Concordat
 - > Forming agreement btw. relevant regulatory bodies
 - > ID of lead authority