



# **Alderney Commission for Renewable Energy**

## **Guide to Marine Consents**

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## **Introduction**

The Alderney Commission for Renewable Energy is established by the States of Alderney under the Renewable Energy (Alderney) Law 2007 to licence and control the deployment, management, operation and use of renewable energy systems in the island of Alderney and its Territorial Waters. The Commission is the regulator and licensing authority for any renewable energy development in the island and its Territorial Waters.

The Commission wishes to encourage the development of Alderney's substantial tidal and wave resource, whilst ensuring that such development is sustainable and of long term benefit to the island and its people. To this end the Commission has developed a clear and simple consents process that is consistent with best practice in the UK, Europe and the rest of the world.

This document is a guide to the consents process. Of necessity it can only be a general guide, since the circumstances of each application will differ. The Commission is available for informal consultation and guidance if required.

## Stage 1 –Application for Generating Licence

The preliminary application submission may be in the form of a letter and supporting documents provided by the developer. A key objective during this stage will be to define as far as possible basic aspects of the proposed development such as device locations, cable routes, aggregating sub-station placement and operational aspects to enable the Commission to identify potential conflicts and concerns of other stakeholders and to determine the level of environmental impact assessment that will be required. The Commission will facilitate consultation between the developer and local stakeholders so that such issues can be resolved or otherwise dealt with before the developer embarks on more detailed and costly survey work.

The Preliminary application will include:

- names and addresses of the potential Operator and any co-venturers, together with an organisation chart and brief summary of relevant experience;
- a formal application for consent to generate electricity;
- an overview of the proposed development with block number(s), construction methods, vessels to be used, probable cable routes, time scale for the development, estimated amount of power that will be generated, early stage decommissioning plans and the commercial case for the development;
- details of the proposed Environmental Impact Assessment to be carried out;
- an indication of the funding required and whether it is already available;
- an appraisal of the proposed site or block(s), its physical characteristics, how and why it was selected, and the source of any data on which the selection is based;
- proof of insurance covering third party liability, employee liability; maritime losses, pollution etc. The Commission will require that both the Commission and the States of Alderney are named as co-insured'
- the appropriate application fee.

This stage 1 will lead to the grant of a Generating Licence and an Agreement setting out the contractual and commercial terms that will govern the construction and operation of the proposed generating station. These will grant the applicant exclusive access to the site for a finite period to carry out the detailed survey and research necessary to prepare for the stage 2 application for an Operating Consent. The Generating Licence and Agreement do not permit the deployment of any generating equipment. Deployment and construction requires the subsequent grant of an Operating Consent in respect of each block covered by the Licence.

## Stage 2 – Application for Operating Consent

Having considered the feedback from the consultation in stage 1 and carried out the necessary detailed survey and other investigations, the developer will submit, within the timeframe specified in the Generating Licence, an application for an Operating Consent in respect of a specific block or blocks. The application will contain:

- full details of the developer and any associates and/or co-venturers;
- full details of the work to be carried out in the block, contractors and vessels to be used, and timelines;
- full details of all equipment and materials to be deployed;
- the developer's HSE Policy and any quality or other certification, eg ISO;
- full operations and maintenance plan;
- full decommissioning plan;
- details of engineering and process certification;
- details of any effects on navigation, including fisheries, recreational, anchorages or other use of the marine environment;
- an Environmental Statement based upon the Environmental Impact Assessment carried out in stage 1;
- information to satisfy the Commission of the developer's operational and financial ability to complete the project;
- information to satisfy the Commission of the developer's operational and financial ability to decommission the project;
- proof of insurance covering third party liability, employee liability, maritime losses, pollution etc. The Commission will require that both the Commission and the States of Alderney are named as co-insured'
- the appropriate application fee.

The level of environmental assessment required will be proportionate to the size and location of the particular development envisaged in the application. The Commission will normally require the EIA and ES to include a brief description of the overall project including concept, design, development, deployment area, offshore infrastructure, onshore infrastructure, cable type and route, construction and installation, operation and maintenance, how the project will be decommissioned and the decommissioning cost. Other content will cover the anticipated effects on some or all of the following as appropriate:

- coastal processes;
- geophysical assessment of the seabed;
- water, sediment and soil quality;
- terrestrial ecology;
- navigational safety and risk;
- ornithology;
- marine ecology;
- fish resources and commercial fisheries;
- landscape and views;
- cultural heritage and archaeology;
- road traffic and access;
- noise and air quality;
- tourism, recreation and education;
- socio-economics and cumulative impacts;
- monitoring;
- electricity generation; and
- transboundary issues (for example with France).

### **Stage 3 – Engineering and technical assessment**

The Commission will want to understand the technology to be used and the means to deploy that technology. To this end the Commission has accepted a qualification process by Det Norske Veritas for equipment and procedures and the developer will be expected to seek equipment classification and process certification from DNV as its first choice for qualification. Where the technology is new or emerging, or operational processes or procedures are unproven the developer will be required to obtain a Statement of Feasibility from DNV.

Exceptionally, if there is justification for an alternative the Commission will consider qualification by the Classification Societies listed below:

Lloyds Register

Bureau Veritas

Germanischer Lloyd

American Bureau of Shipping

## **Stage 4 – Consultation and review**

This formal consultation process for the Operating Consent will build on the more informal preliminary discussions held with stakeholders in stage 1. The developer will be required to invite comments and feedback from all stakeholders, giving a notice period of at least twenty eight days.

The process is as follows:

- the developer gives notice via announcements in the Alderney Gazette, Alderney Press and Alderney Journal of an open day in the Island Hall at which the public can inspect the marine and onshore details of the proposed development. The notice must state the date (normally twenty eight days after the open day but may be varied by the Commission) by which representations in respect of the project must be received, and the address to which they must be sent.
- The representations will be reviewed by the Commission who will decide the action to be taken in respect of each one.
- Where conflict resolution is required the Commission will chair discussions between the developer and the relevant stakeholder(s); where mitigating measures are required the Commission will seek a solution acceptable to all parties. It is hoped that the early consultation with stakeholders in stage 1 will ensure that no irreconcilable issues will arise at this stage.
- The final decision on any disagreement between the developer and any stakeholder(s) will rest with the Commission.

The Commission has defined the following stakeholders as Consultees with whom the developer must engage at stage 1 and throughout the project:

- Alderney Harbour Authority
- Alderney Fisheries Officer
- Alderney Sailing Club
- Alderney Licensed Fishing Boat Owners Association
- Alderney Diving Club
- Alderney Wildlife Trust
- Alderney Maritime Trust
- The Alderney Society

In addition it will be necessary to consult the States Building and Development Committee in respect of any works above high water mark; the UK Hydrographic Office to report cable routes and the position, depth, low water clearance and other details of anything deployed below low water mark; Trinity House in respect of any buoys or other navigational markers deployed; the appropriate authority (currently Guernsey HSSD) for a licence under FEPA. Other stakeholders may be added where appropriate or required by Ordinance. The Commission will advise and assist the developer to ensure that all statutory requirements are satisfied.

## **Stage 5 – Operating Consent determination**

The Commission will check all the information and documentation submitted by the developer. Engineering, technical or environmental reports submitted may be submitted for peer review depending on the scale and environmental sensitivity of the proposed development. However, the Commission will not do this without the developer's express agreement, and will ensure that commercially confidential information or processes remain secure.

The Commission will satisfy itself that all representations from stakeholders, including the public, have been considered; that any conflict has been resolved; that any adverse impact has been minimised; and that the best mitigation measures have been identified and applied. The final weighing of negative representations against the overall benefits of the development will rest with the Commission, who will decide whether to grant, delay or refuse the application, and the conditions if any to be attached.

Consent terms will always:

- require developers to provide monitoring information linked to research and educational capacity building in Alderney;
- require ongoing stakeholder engagement throughout the life of the project;
- include review clauses;
- require that data acquired during survey and operations are shared with the Commission, with appropriate safeguards for commercially sensitive data.