



**ALDERNEY
COMMISSION**
FOR RENEWABLE ENERGY

**Guidance for Decommissioning of
Renewable Energy Systems**

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Guidance for Decommissioning of Renewable Energy Systems

The Renewable Energy (Alderney) Ordinance, 2008, as amended¹ requires the Commission, when determining an application for a licence for the operation, deployment or use of a tidal turbine or other renewable energy system for the generation or supply of energy to the public, to have regard to the robustness of arrangements for securing certain matters without expense being incurred by the States of Alderney or the Commission. These are the eventual decommissioning of the renewable energy system and of any related plant or apparatus as defined in the Ordinance². The Commission will interpret related plant and apparatus to include cable protection measures and the restoration of the place in which the related plant or apparatus was situated into the condition it was prior to the installation of the same. The Commission also has to have regard to these matters in the event of a transfer of the licence to another person or another person becoming the owner of the renewable energy system or plant etc.

The Ordinance requires that an application for a licence in relation to the operation, deployment, use or decommissioning of a tidal turbine or other renewable energy system must be accompanied by a decommissioning programme. The Commission may not issue such a licence under the Ordinance unless it has taken the programme into account in making its decision. The Commission may require by condition that further approval is required from it before commencement of the agreed final decommissioning programme. A standard condition of this licence will be that decommissioning is carried out in accordance with the agreed decommissioning programme.

The Ordinance also sets out that at least the following matters must be included in a decommissioning programme:

- The measures to be taken for decommissioning the renewable energy system, or any part thereof, and any related plant or apparatus. These measures should include details of the proposed vessels, equipment and personnel that are to be deployed to undertake and complete the decommissioning.
- Estimate of the expenditure likely to be incurred in carrying out these measures.
- Provision for the determination of the times at which, or the periods within which, those measures will have to be taken.
- Where the programme proposes that any renewable energy system, any part thereof or any related plant or apparatus will be moved from a place within Alderney

¹ The 2008 Ordinance is amended by the Renewable Energy (Alderney) (Amendment) Ordinance, 2013.

² This includes any plant, structures, apparatus, lines or cables necessary to operate, deploy, use or manage a renewable energy system for the generation or supply of energy.

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waters, provision about restoring that place to the condition that it was in prior to the construction, erection or placement thereof.

- Where the programme proposes that any renewable energy system, any part thereof or any related plant or apparatus will be left in position at a place within Alderney waters or will not be wholly removed from such a place, provision about whatever continuing monitoring and maintenance of the same will be necessary. The Commission may require by condition that systems, plant and apparatus are removed from the seabed or that further approval is required from it prior to such systems, plant and apparatus being left there. As a general rule the Commission would expect that systems and plant are removed from the seabed.

The Commission may also require under the licence monitoring of the site after decommissioning to ensure that the above requirements have been met.

Guidance on appropriate decommissioning schemes is provided in guidance notes issued by the U.K. Department of Energy and Climate Change (reference page 4):

- Scope of the decommissioning programme
- Content of decommissioning programmes (see Annex)
- Decommissioning standards
- Financial security
- Residual liability

Applicants should be aware that the UK legislative provisions and the DECC guidelines differ from the relevant Alderney legislation and the Commission's guidelines in some aspects and so this needs to be taken into account when reading the UK guidance. Annex II illustrates Alderney's decommissioning stages and when they are expected throughout a renewable energy development.

As part of the formal Consents process (ref. Guide to the Consents Process for obtaining a Licence in relation to marine renewable energy systems under the Renewable Energy (Alderney) Law, 2007) the applicant for a licence to operate, deploy, use or decommission a tidal turbine or another renewable energy system must provide with his application an Environmental Statement including a description of the measures proposed to avoid, reduce and remedy likely significant adverse effects of the development. In order to do this an Environmental Impact Assessment will need to be carried out. The Commission considers this will need to include an EIA of the decommissioning stage.

A Regional Environmental Assessment (REA) has been completed for Alderney and its territorial waters and a link to it is available on the Commission's web site (www.acre.gov.gg).

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It provides information on the environmental considerations and risks associated with the development/decommissioning of renewable energy systems. It is intended to be used to support the preparation of an Environmental Impact Assessments that is required for the decommissioning stage.

As part of its consideration of the application the Commission would also expect to see an appropriate health and safety plan. The Commission may seek professional advice on these and depending on the advice received may require modifications to the plans before a licence is issued.

The general health and safety obligations on employers under the Health and Safety at Work (Alderney) Ordinance, 2003 apply in relation to persons at work in connection with renewable energy activities carried on in Alderney and the territorial waters of Alderney.

An estimate of the expenditure likely to be incurred in carrying out those measures which are part of the decommissioning programme is required as part of the decommissioning programme. The Commission will take professional advice on the validity of this estimate and depending on the outcome of this advice may request a higher sum. The Commission will require evidence that suitable financial security provisions (e.g. a bond) are in place to ensure that the licence holder can undertake the decommissioning programme and meet any other requirements imposed in relation to decommissioning under the 2008 Ordinance without cost to the States or the Commission. Guidance on acceptable forms of financial security can be found in DECC's guidance notes for decommissioning as referenced on page 4.

The Commission will be seeking to ensure that decommissioning of installations, or redundant parts of them, will be carried out as soon as reasonably practicable (generally not to exceed one year from cessation of production). The Commission will generally expect the removal, repowering or other re-use of installations not to be delayed, unless a robust case demonstrates definite re-use opportunities (which has been accepted by the Commission) or justifiable reasons for deferring decommissioning.

Any deferral or other modification from an agreed programme would need to be approved by the Commission in writing. Amongst the factors the Commission would take into account in considering the case for deferral or another modification to an agreed programme would be, the environmental impact, the impact on other users of the sea (including the presence of any navigation hazards etc.) and the condition of the installation as this could affect such impacts.

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The draft decommissioning programme will be made available to the public for comment along with application details and the environmental statement as required in section 5 of the Ordinance.

As set out above, the Commission has to take into account the robustness of arrangements for decommissioning including in the event of the original licence being transferred to another person or another person becoming the owner, occupier or enjoying the use of such system or related plant or apparatus. In such circumstances, the Commission would expect the financial responsibility for decommissioning to be transferred to this person.

It is likely to be in developers' interests to review their decommissioning programmes at regular intervals. Developers may wish to make proposals to modify their programmes, to take into account information gathered during the course of construction and operation, as well as changes in market conditions, international standards, the regulatory regime, knowledge of environmental impacts, technology or costs. These proposals will be reviewed by the Commission as required and professional advice may also be sought on these. A licence modification may be required depending on the conditions relating to decommissioning.

Once decommissioning is complete, the person(s) who submitted the programme will be required *in accordance with the licence condition* to satisfy the Commission that the approved programme has been implemented. A report should be submitted, detailing how the programme was carried out. As a guideline, this report should generally be submitted within four months of completion of the decommissioning work. This report should include as a matter of best practice:

- confirmation that decommissioning has been carried out in accordance with the approved decommissioning programme or an explanation of any major variances from the programme,
- information on the outcome of decommissioning, including confirmation that the sea-bed clearance is carried out as stated in the licence,
- confirmation that appropriate bodies, including the Harbour Master (Alderney and Guernsey), Senior Sea Fisheries Officer, Sea Fisheries Office, States of Guernsey and Trinity House, have been notified of removal and of any remains,
- confirmation that appropriate aids to navigation have been installed, where required, for any remains of installations which have been agreed by the Commission and protrude above the sea-bed and are considered to be a danger to navigation and
- information on the actual costs of decommissioning and an explanation of any major variances from forecast costs.

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As noted above, in the event that any renewable energy system, or any part thereof, or any related plant or apparatus etc. has been left in position at a place within Alderney waters, or will not be wholly removed from such a place, (as agreed by the Commission) it would be necessary to make provision for whatever continuing monitoring and maintenance that would be needed. The Commission will specify the monitoring reports it would expect to see and their dissemination within the licence. The licence will include the conditions when the monitoring programme may cease, taking account of any risks to navigation or other users of the sea which may be posed by remaining materials.

Reference: Decommissioning of offshore Renewable Energy Installations under the Energy Act 2004, Guidance Notes for Industry, Department of Energy and Climate Change, 2011

Annex I: Proposed Contents of a Decommissioning Programme

The precise contents of a decommissioning programme may vary according to the circumstances. However, it is suggested that the programme should follow the model framework set out below as far as it is practicable to do so. Applicants should ensure that all the matters required to be included in a programme under Schedule 2 of the Ordinance as presented above are incorporated under the following headings where appropriate:

- 1) Introduction;
- 2) Executive summary;
- 3) Background information;
- 4) Description of items to be decommissioned;
- 5) Description of proposed decommissioning measures;
- 6) Environmental Impact Assessment (including measures to mitigate environmental impact) and Environmental Statement
- 7) Health & safety plan ;
- 8) Consultations with interested parties;
- 9) Timing of decommissioning;
- 10) Costs;
- 11) Financial security;
- 12) Schedule for decommissioning
- 13) Project management and verification;
- 14) Sea-bed clearance;
- 15) Restoration of the site;
- 16) Post-decommissioning monitoring, maintenance and management of the site; and
- 17) Supporting studies

Annex II: Outline of Potential Alderney Decommissioning Programme Process

Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6	Stage 7	Stage 8
Preliminary pre-licence application discussions with the Commission by developer.	Detailed pre-application discussions; submission and consideration of a draft programme (including proposed financial security measures).	Initial consultation with interested parties; the Commission conducts decommissioning Appropriate Assessment (where necessary).	Formal submission of a licence application with a programme. Further consultation by the Commission if required.	Reviews and modifications of decommissioning programme (and any financial security) to be agreed by the Commission; review or conduct of decommissioning Appropriate Assessment (where necessary dependent on modifications proposed) Determination by the Commission of whether to issue licence to deploy turbine etc. and conditions to be attached relating to decommissioning.	After issue of any licence. At a suitable stage prior to the decommissioning operation, details of a final programme are submitted to the Commission for approval under relevant licence condition. The Commission reviews and approves the details of the programme with consultation if required.	Developer undertakes approved decommissioning programme.	Developer submits a report under the relevant licence condition detailing how the programme was carried out including the confirmations detailed on page 4. Monitoring of site according to the conditions of the licence.
Consenting process				Operation		Decommissioning	