

OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic
Meeting of the Environmental Impact of Human Activities Committee (EIHA)
Edinburgh (United Kingdom) and on-line: 21-25 March 2022

Terms of reference for ICG-Offshore Renewable Energy Development (ICG-ORED) 2022-2024

1. Background

1. Climate change and the United Nations (UN), European Union (EU) and OSPAR political responses to it are the key drivers for European and national policy developments of OSPAR Contracting Parties (CPs) to increase offshore renewable energy. An important step has been the UNFCCC 2015 Paris Agreement. Offshore renewable energy development (in the short term mainly wind farms) plays an important role in reaching the Paris climate goals to mitigate the effects by moving to low carbon energy generation.

Future developments

2. Offshore wind farm (OWF) development started at the end of the last century and in early 2021 there was an installed capacity of around 22 GW in the OSPAR maritime area. The 2020 EC Offshore renewable energy strategy is aiming for 300 GW of installed offshore wind capacity in EU seas by 2050. In addition, offshore renewable energy is a key component in delivering the carbon emission- or Net Zero¹ targets and ambitions set both nationally and at the EU level. WindEurope expects that especially the North Sea area and, to a lesser degree the seas covered by the Atlantic Ocean off France, Ireland and the UK, the Irish Sea and also the Baltic Sea, will be the most important European areas for OWF development.

Ecological impacts

3. Knowledge of impacts from OWF on the marine environment and its many natural features is rapidly increasing, but we are still lacking data, long term effect monitoring and sufficient evidence. Nevertheless, it is clear from research that offshore wind farms can affect different ecosystem components through different pressures in different phases of their development. Based on current understanding, unless developed sustainably, OWF may have substantial impacts on biodiversity and the health of marine environments. Potentially affected ecosystem components are:

1. Physical processes (e.g. hydrodynamics, sediment transport and morphology, water quality, frontal systems, stratification,..);

¹ net zero means cutting greenhouse gas emissions to as close to zero as possible, with any remaining emissions re-absorbed from the atmosphere, by oceans and forests for instance.

2. Birds and bats;
3. Benthic organisms and communities (including shellfish and other invertebrates)
4. Fish communities (including pelagic and demersal species);
5. Marine mammals and reptiles;
6. Other biological components, for example OSPAR Listed habitats
7. Ecosystem processes (food web,..)

4. Most of these components are already under pressure in parts of the North-East Atlantic from a number of other human activities and climate change. Of special concern are the cumulative impacts of renewable energy developments at the population levels of different groups of species since many marine species are highly mobile or migratory. The issue of cumulative impacts is particularly acute given the urgency (political and commercial) of installing a large number of very large offshore windfarms. Countries are allocating large marine areas to offshore wind without sufficient understanding of the longer term and larger scale impacts. Windfarm developments are mainly planned and regulated on the national level based on individual projects, and have only in part been assessed on a regional seas level. This is valid both for cumulative effects of several different pressures and cumulative effects from multiple wind farms being constructed at the same time.

EIHA

5. At its meeting of 15-18 March, 2021, and based on discussions presented in EIHA 21/08/02, EIHA agreed to establish an intersessional correspondence group on offshore renewable energy development (ICG-ORED) The Netherlands was invited to take the lead and with support from Germany, Sweden, the United Kingdom, ESCA and KIMO International and prepare a draft terms of reference which could be ready by the time of the OSPAR 2021 Ministerial Meeting. A first draft was prepared for this Ministerial Meeting. During a kick-off meeting in December, 2021 this draft was further elaborated. CPs involved in the development of the ToR expressed their sense of urgency for OSPAR actions as wind farm developments are rapidly increasing and planning is a long term process (10 years and over).

2. Objectives

6. This ToR specifies the scope of ICG-ORED, including prioritizing activities for 2022-2024 to contribute to those Objectives of the OSPAR North-East Atlantic Environment Strategy (NEAES 2030) related directly or indirectly to offshore renewable energy developments in the OSPAR maritime area. ICG-ORED will take the lead in progressing tasks and actions related to Operational Objective S12.O4:

***S12.O4:** By 2023, OSPAR will develop common principles and by 2024 develop guidance to promote and facilitate sustainable development and scaling up of offshore renewable energy in a way that cumulative environmental impacts are minimised.*

7. Given the wide range and scale of issues associated with renewable energy development, the work of ICG-ORED can contribute to a number of other NEAES 2030 Objectives, as mentioned in Annex 1.

3. Scope of work

8. ICG-ORED will frame its work in the context of the national and international obligations to increase energy generation from renewable sources, to meet increasing demands for electricity and facilitate reductions in the use of fossil fuels as part of climate change mitigation commitments.

The scope of ICG-ORED is broadly related to all offshore renewable energy developments and their potential pressures that are exerted on the marine environment in the entire OSPAR maritime area.

This includes (but not limited to):

- pressures from development of offshore renewable energy sites (e.g., survey of the development site, building activities of installations and cable-laying, industrial emissions into the marine environment including sound energy), including consideration of displacement and concentration of activities arising from ORED and associated shifting of pressures from one location to another, including guidance on chemical use
- pressures from the operational phase of the installation (including maintenance activities) and
- decommissioning (e.g., the activities related to the installation, removal and the potential habitat degradation due to disappearance of original substrate or the hard substrate that was created as a result of the structure).
- Construction of artificial islands (built for installation and management of renewable energy installations, power substations power converters.. ...) can also be included in the scope of work of ICG-ORED.

9. Cumulative impacts of developments on a regional seas scale will be an important focus point (related to all mentioned scoped activities). Therefore, ICG-ORED will collaborate with ICG-Eco-C which carries out broad cumulative impacts work.

Priorities

10. While the scope of ICG-ORED is broad, it is necessary to concentrate efforts and relate priorities to other NEAES 2030 priorities. Cumulative impact assessment related to wind farm developments will contribute to NEAES 2030 S5.O4. and give priority to marine birds, which are known to be in poor status in parts of the OSPAR maritime area and which could be further impacted by this form of development.

4. Activities and deliverables

11. Within the identified scope and priorities the work of ICG-ORED will be divided over two interlinked tracks:

1. Develop a regional sea approach

There is a need for an overview of cumulative impacts of offshore renewable development on a regional sea level. This assessment of cumulative impacts of future offshore renewable development in a defined period (per OSPAR sea region) serves to identify the need for guidance, measures and actions. The assessment should be based on a general framework that must be developed. This framework can include principles for marine spatial planning, approaches on impact assessment, evaluation principles, principles for dealing with uncertainties and data and knowledge gaps and principles on mitigation and compensation.

2. Develop guidance

Based on the regional seas assessment and identified need for guidance, measures and actions guidance for CPs (and developers and consultancies) can be developed.

The development of this guidance can be modular to cope with time and resource constraints. Modules can be approved separately as guidance.

Initial tasks for 2022/2024

1. ICG-ORED will develop draft common principles for a regional sea approach.

2. It is proposed to start with a pilot on marine birds as a start for developing a regional seas approach². To contribute to NEAES S5.04. ICG-ORED will collaborate with OSPAR Biodiversity Committee and in particular the Marine Bird Expert Group.
3. ICG-ORED will develop and apply a time-bound working plan elaborating on the mentioned activities, milestones and planning.

5. Working procedures

12. The ICG will meet two times a year; in May with (if possible) a meeting in person and in October in a virtual meeting. In between these meetings, subgroups can meet in a way and frequency as they deem necessary. Dedicated workshops may be necessary in between meetings including ICG members and experts.
13. The ICG will report on an annual basis to EIHA on progress made and discuss revision of the ToR as necessary.
14. Given the cross-cutting nature of the impacts of offshore wind developments it is expected the COG will also provide input/steer to the development of scope and deliverables of this programme of work in recognition of the cross links to other OSPAR committees and the number of the NEAES objectives set out in Annex 1.

6. Co-convenor and Participants

15. ICG-ORED will be convened by the Netherlands (Rob Gerits), Sweden (Gonçalo Carneiro) and UK (Drew Milne, Marine Scotland, and Jess Breedon, Defra) and is open to all OSPAR Contracting Parties and Observers.
16. ICG-ORED will be supported by the OSPAR Secretariat to the extent that resources allow. Consideration will be given to seeking additional external support, for example through project-based activity.

² In this pilot we will develop, apply and test principles for approaches and best practises to assess cumulative impacts of OWF on birds on a regional sea basis and identify the need for and options of measures, actions and guidance.

NEAES 2030 Operational Objectives that have to be considered in the work of ICG-ORED:

S5.04: By 2025 at the latest OSPAR will take appropriate actions to prevent or reduce pressures to enable the recovery of marine species and benthic and pelagic habitats in order to reach and maintain good environmental status as reflected in relevant OSPAR status assessments, with action by 2023 to halt the decline of marine birds.

A NEAES 2030 task based on this Objective is to produce a bird recovery action plan, S5.04.T1;

S5.05: By 2025 OSPAR will have implemented all agreed measures to enable the recovery of OSPAR Listed threatened and/or declining species and habitats and will take additional measures as needed.

S5.06: Where the knowledge base is insufficient to achieve OSPAR's biodiversity objectives, OSPAR will take action to improve regional coordination for collection and sharing of data, information and knowledge, with elasmobranchs as a priority by 2023.

S7.05: By 2024 OSPAR will review the risks from new, emerging and increasing pressures on the marine environment, taking account of OSPAR's Quality Status Report 2023, and prioritise them for action and the adoption of measures where necessary.

S8.01: By 2025 OSPAR will agree a regional action plan setting out a series of national and collective actions and, as appropriate, OSPAR measures to reduce noise pollution.

SX.02: By 2024 OSPAR will initiate discussions on the development of a practical approach for regional-scale ecosystem-based management, including through the 'Collective Arrangement'³ and in cooperation with fisheries management bodies and other competent organisations, in order to strengthen ecosystem resilience to climate change and to safeguard the marine environment, its biodiversity and ecosystem services.

³ (22) Collective Arrangement between competent international organisations on cooperation and coordination regarding selected areas in areas beyond national jurisdiction in the North-East Atlantic' (Collective Arrangement, OSPAR Agreement 2014-09