

# Consultation Paper

The Guernsey Renewable Energy Ordinance Consultation

Date of issue: 23 October 2014

## Purpose and type of consultation

The States of Guernsey have prepared draft secondary legislation (an Ordinance) for public consultation under the Renewable Energy (Guernsey) Law, 2010 (the Law).

The aim of the Ordinance is to enable effective development of offshore renewables (such as offshore wind, tidal and wave energy) in Guernsey at the appropriate time and to provide robust environmental protection while still keeping the process of licensing offshore renewable energy systems as straight forward and streamlined as possible, given the potential complexity of the industry. The Ordinance also aims to ensure that, in the licensing process, account is taken of the potential effects of offshore renewables on navigation, fisheries and other uses of the sea, and that Guernsey meets its obligations under any international agreements relating to the sea.

The purpose of this consultation is to gather views from local and other stakeholders as well as potential developers and interested parties on whether they consider that the Ordinance fulfils these aims. As such this consultation is a full public consultation and, while there is a distribution list to certain key parties, we are keen to ensure that all views are considered.

In Part II the Ordinance sets out the requirements for licensing of all renewable energy activities in the marine environment in relation to renewable energy systems with a rated maximum output above 20kW (as outlined in the Law). More information on marine renewable energy is available on the Guernsey Renewable Energy Team (RET) website - <http://www.guernseyrenewableenergy.com>

**The Ordinance - *The Renewable Energy (Guernsey) Ordinance, 2014* - is in draft form and is subject to any amendments arising from this consultation and subsequent approval by the States.**

## Closing date: 20 January 2015

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A copy of the ordinance -**The Renewable Energy (Guernsey) Ordinance, 2014** - is available for download on the consultation page of gov.gg and from the Guernsey Renewable Energy Team (RET) website - <http://www.guernseyrenewableenergy.com>

## Summary

Information received from the consultation will assist the Board in:

- Ensuring the legislation is robust yet engaging and meets any relevant international obligations
- Ensuring the legislation is, where appropriate, comparable to other jurisdictions
- Considering any amendments to the legislation as appropriate
- Progressing offshore renewable energy by putting in place the licensing framework

The Commerce and Employment Board would particularly like your views on these questions:

1. Does the Ordinance meet our stated aim of offering a straight forward and engaging licensing system for developers while maintaining a balanced approach taking account of effects on the environment and other uses of the sea?
2. Do the environmental and other constraints appear overly onerous or relaxed?  
*If so what needs to be changed, how and why?*
3. Does the legislation provide a straight forward and streamlined consent process for developers? Section 46 aims to facilitate a streamlined process by giving the Renewable Energy Commission powers to act as a contact point for developers for any necessary consents. *If it does not provide a streamlined process, what needs to be changed and why?*
4. How does this Ordinance compare to any similar regimes in other jurisdictions?
5. Are there any material issues that have not been covered?
6. Are there any overly confusing issues that require guidance?  
*There is provision for guidance at section 49; should anything be added/omitted?*
7. Does the Ordinance deal adequately with the effects of renewables on any other activities in the marine environment? *If not, why not and what needs to change?*

# Commerce and Employment Department

## The Guernsey Renewable Energy Ordinance Consultation

### Contacts

Further information: <http://www.guernseyrenewableenergy.com/>.

**Please send your comments to:**

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Commerce and Employment  
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**How to contact us**

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### Circulation

**This consultation paper has been sent to the following individuals / organisations as part of the wider public consultation:**

The Director of Environmental Health and Pollution Regulation  
The States Harbourmaster  
The Senior Sea Fisheries Officer  
Guernsey Electricity Limited  
La Société Guernesiaise  
The National Trust of Guernsey  
The Guernsey Fisherman's Association  
Guernsey Chamber of Commerce  
All States of Guernsey departments  
States of Alderney  
Sark Chief Pleas  
States of Jersey  
Isle of Man Government  
UK Department for Energy and Climate Change (DECC)  
UK Ministry of Justice  
Former RET independent advisors  
Renewable UK

## Background

The Renewable Energy Team (RET) view public consultation as an important stage in the release of public documents.

The “Regional Environmental Assessment (REA) of Marine Energy” is an example of the work that has been undertaken/consulted on by the Commerce and Employment Department.

The work of RET is in accordance with resolutions of the States of Deliberation as follows:

- 2008 – “Energy Policy” noted with direction to set up Shadow GREC (Guernsey Renewable Energy Commission) (now the Renewable Energy Team (RET)) to promote local macro renewable energy projects
- 2009 - approval of proposals for renewable energy legislation and direction of its preparation
- 2010 - approval of proposals to extend Guernsey health and safety legislation to work in territorial waters in connection with renewable energy activities; this was done in the 2010 Law
- 2011 (debated in 2012) – “Energy Resource Plan” approved referring to the need to diversify the energy generation into low carbon and renewable generation and to reduce environmental impacts of our energy consumption as part of our contribution to international initiatives as part of the global community
- 2014 – “Guernsey Electricity Strategy – Future Strategy” proposals agreed, reaffirming the work into renewables. This report contained significant background information on the offshore energy sector and the Guernsey context and can be viewed at in the June 2014 Billet available from <http://www.gov.gg/article/113002/2014-June-25th-Billet-XII-XV-and-XVII>.

There has been the opportunity for public comment, through Deputies, on these previous stages and publication of the relevant billets.

Also in 2014 – the Scrutiny Committee of the States of Guernsey (which reviews the work of States departments) published its review of “The Security of Guernsey’s Electricity Supply”, which stated that “*The States should therefore have a medium-term aim of using renewables as a significant contributor to on-island electricity generation*” (p35) and concluded “*More should be done by the States to encourage the use of renewables and Government should do more to provide advice on the use of renewables and energy efficiency to the general public and businesses.*” (p44).

The Renewable Energy (Guernsey) Law, 2010 was prepared by the Law Officers based in part on the enabling legislation in Alderney and in tandem with Sark’s primary legislation. The Law was approved by the States of Guernsey in October 2010 and received Royal Sanction in early 2011. The Commerce and Employment Department have been working with the Law Officers on the Ordinance, which outlines in detail the licensing requirements to develop renewable energy in Guernsey’s waters. It also contains related provisions concerning the declaration of restrictions etc. on navigation and safety zones around marine renewable energy developments, investigatory and enforcement powers for the Commission and appeals against Commission decisions.

**The Ordinance covers the regulation of the development and carrying on of renewable energy activities and not the leasing/licensing of any rights over the sea or sea-bed.**

# Commerce and Employment Department

## The Guernsey Renewable Energy Ordinance Consultation

The Ordinance has been previously reviewed internally within the States by other departments and externally by consultants heavily involved in the marine renewables industry. As a matter of best practice and to ensure the legislation meets the aims of enabling appropriate development while protecting the environment and other uses of the sea, the Legislation is now available for public review.

### Next Steps

Following the public consultation any appropriate amendments to the Ordinance will be considered and a consultation response document will be released. The legislation will then be ready to be enacted and will form the consenting process for licence applications to carry out renewables activities in Guernsey waters. There will also be additional Regulations on detailed matters such as Licence application fees and information to be held on a public register.

Once established under the Law, the Renewable Energy Commission (The Commission) will be formed – it is important to note that this is unlikely to happen immediately. This body will be independent of the States of Guernsey and will take decisions in accordance with the legislation. The Commission will also be responsible for issuing guidance to developers and interested parties on requirements under the legislation. The intention is that the legislation would be enacted but only brought into force when viable licensing applications are likely to be made to ensure a prudent use of public resources.

It is also important to note that the Commission will not be formed from members of the current Renewable Energy Team; The Commission will be an independent panel of experts who will decide on any licence decision based upon individual merit and against the regulations set out in the Law and Ordinance.

It must be noted that different sectors of the offshore renewable energy industry are at different stages of commercial readiness and a summary was prepared with the 2014 States Report “Guernsey Electricity Strategy.”

The finalisation of this Ordinance will be a key milestone in the progress of offshore renewables in Guernsey. It will mean that the potential for developments is closer and a key challenge of having bespoke legislation required to facilitate this will have been overcome.

The finalisation of this Ordinance does not indicate that local offshore developments will be immediately forthcoming. Guernsey is only likely to progress to an actual offshore development when certain criteria are reached (such as commercial readiness of the sector, more competitive cost of energy, interaction with the security and diversity of local supply) and the exact date these will be met is not yet known.

## Questionnaire

### Project Questions

We appreciate feedback on any part of the legislation and understand that individuals' expertise may be limited to specific areas. In addition to general comments, below are a series of questions that we are particularly interested in understanding:

1. Does the Ordinance meet our stated aim of offering a straight forward, engaging licensing system for developers while maintaining a balanced approach taking account of effects on the environment and other uses of the sea?
2. Do the environmental and other constraints appear overly onerous or relaxed?

*If so what needs to be changed, how and why?*

3. Does the legislation provide a straight forward and streamlined consent process for developers? Section 46 aims to facilitate a streamlined process by giving the Renewable Energy Commission powers to act as a contact point for developers for any necessary consents.

*If it does not provide a streamlined process, what needs to be changed and why?*

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*There is provision for guidance at section 49; should anything be added/omitted?*

7. Does the Ordinance deal adequately with the effects of renewables on any other activities in the marine environment?

*If not, why not and what needs to change?*

# Commerce and Employment Department

## The Guernsey Renewable Energy Ordinance Consultation

### How to respond:

### PLEASE SEND COMMENTS TO

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### Disclaimer

*Please note that consultation responses may be made public\*. (Sent to other interested parties on request, quoted in a published report, reported in the media, published on [www.gov.gg](http://www.gov.gg), listed on a consultation summary etc.)*

*\*Please indicate in your response how the Department should treat your response, the options available include:*

*I agree that my comments may be made public and attributed to me*

*I agree that my comments may be made public but not attributed (i.e. anonymous)*

*I don't want my comments made public*

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Name:	<hr/> <hr/>
Address:	<hr/> <hr/> <hr/> <hr/>

**Closing Date: 20 January 2015**