

STATES OF JERSEY



OFFSHORE WIND (P.82/2023): COMMENTS

Presented to the States on 11th April 2024
by the Environment, Housing and Infrastructure Scrutiny Panel

STATES GREFFE

COMMENTS

Background

The proposition ‘Offshore Wind’ [P.82/2023] (hereafter referred to as “P.82/2023”) was lodged *au Greffe* on 17th October 2023 and is scheduled for debate at the States’ sitting commencing on 16th April 2024. P.82/2023 is seeking the States Assembly’s decision, in principle, for a preferred approach to developing further policy and legislation to enable the potential future development of an offshore wind farm. If adopted, the report to the proposition outlines that Ministers will then seek to bring forward further proposals for the legal and regulatory frameworks necessary to lease and access the seabed, and to consent, regulate and safely decommission the necessary infrastructure for a wind farm.

In addition to a briefing on P.82/2023 for all States Members, the Environment, Housing and Infrastructure and Economic and International Affairs Scrutiny Panels received a briefing to address specific topics under their remits from the Minister for the Environment and Government officials on 27th March 2023.

Both Panels were advised that the purpose of the debate on P.82/2023 is to gauge, in the first instance, whether there is political appetite to further investigate and develop options for the development of an offshore wind farm. It was acknowledged at the briefing that P.82/2023 is asking for a States’ decision, in-principle, to work on and come back to the States Assembly with further detail of those options. As outlined in the report to the proposition and reiterated in the briefing, the costs (up to £500k for 2024) for this policy development work are expected be met from the Climate Emergency Fund “*without any reduction in planned investment in agreed Carbon Neutral Roadmap policies.*”¹

It was made clear by the Minister and Government officials that there would be opportunity for extensive scrutiny and consideration by the States Assembly at various key stages throughout the policy development process in order that States Members could make informed decisions going forward.

The key takeaways resulting from the briefing are highlighted below.

Timescales for further policy development

A broad, high-level timeline has been provided on page 10 of the report to the proposition setting out the next steps following a successful adoption of P.82/2023.

It is understood that the first next step would be to bring forward a draft consenting law for States’ debate. The report to the proposition outlines the rationale for a new consenting law as follows:

Whilst the Planning and Building Law (2002) does provide a legal basis to consent development in Jersey’s territorial waters, detailed consideration suggests it doesn’t provide a sufficiently robust framework for the regulation and decommissioning of such activity. Accordingly, ministers propose to bring

¹ *Offshore Wind [P.82.2023], p.13*

forward a new dedicated regulatory and consenting route in law, for consideration by the States Assembly in 2024.²

The broad timescale indicated for bringing forward the draft consenting law is intended to be Q3 2024. In the event that P.82/2023 is adopted, Ministers should consider what is an achievable timescale for progressing through each of the next stages and provide Scrutiny and States Members with a more detailed timeline of proposed dates when further propositions are intended to be lodged for debate. It is requested that this timeline be provided as soon as possible and within 6 weeks following the outcome of the debate on P.82/2023.

Recommendation one: *Should P.82/2023 be adopted, Scrutiny and States Members should be provided with a more detailed timeline of proposed dates when further propositions are intended to be lodged for debate. This should be provided within 6 weeks of the successful adoption of P.82/2023.*

Public engagement and consultation

On 18th March 2024, the Minister for the Environment presented the Offshore Wind Consultation Report [R.47/2024] which outlines the feedback received by members of the public and key stakeholders during the 16-week consultation period, which ran from November 2023 to February 2024.

Given concerns raised during the consultation regarding the negative environmental impact on wildlife, Ministers will need to ensure that these concerns are appropriately balanced against the benefits that an offshore wind farm may bring. It is understood that an extensive Environmental Impact Assessment (EIA) will be carried out and it will be important for this to be robustly scrutinised. It will also be important for continued wide-reaching engagement and consultation with key stakeholders and members of the public throughout the EIA process.

Government officials advised in the Scrutiny briefing that there would be continued public engagement and that it is the intention for this to be a collaborative process with further opportunities for the public and stakeholders to express their views throughout the various stages of policy development.

Should P.82/2023 be adopted, it would be beneficial for a consultation roadmap to be published outlining the next steps and providing a timeline of the key intervals when there will be opportunity for stakeholders and the public to engage and express their views.

Recommendation two: *Should P.82/2023 be adopted, a consultation roadmap should be published outlining the next steps and providing a timeline of the key intervals where there will be opportunity for stakeholders and the public to engage and express their views. This should be published within 6 weeks of the successful adoption of P.82/2023.*

² *Offshore Wind* [P.82.2023], p.5

Balance of benefits vs. managing risk

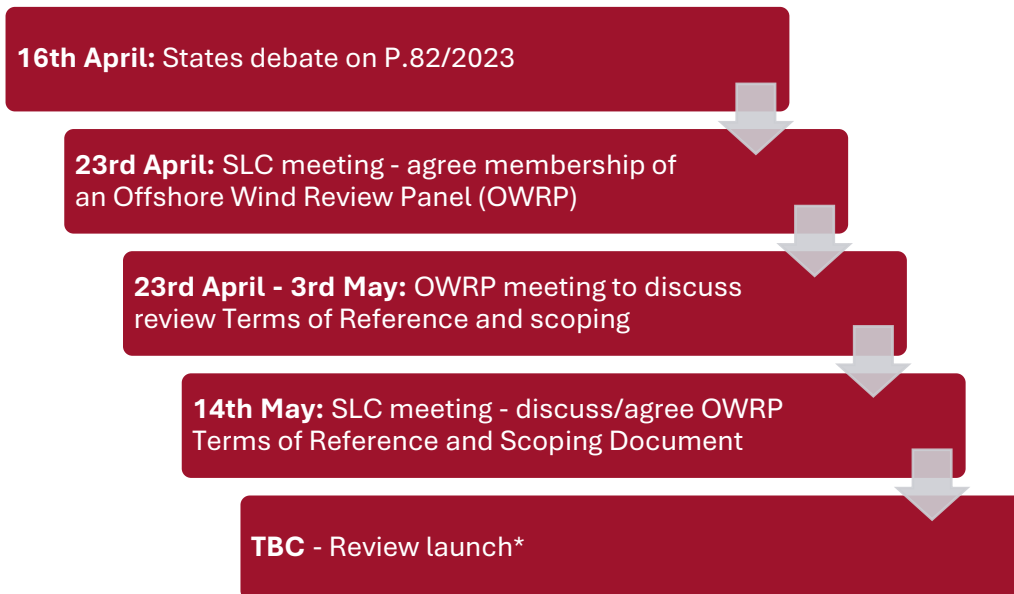
It is evident that, beyond this decision in-principle, a future States Assembly decision will be required to consider the options brought forward by Ministers and to decide what are the strategic aims for developing an offshore wind farm, as well as where the balance of benefits versus risk tolerance lies.

Therefore, in the event that P.82/2023 is adopted, it will be important for Scrutiny to be briefed at an early stage on the proposed business case and the various benefit vs. risk profiles which are being developed for different options and scenarios and to better understand further what safeguards will be put in place to ensure any benefit to Jersey is retained/not undermined.

Recommendation three: *Should P.82/2023 be adopted, Scrutiny should be provided with the draft business case and a briefing should be arranged at the earliest opportunity to inform Scrutiny of the options analysis process and to be apprised of the benefits vs. risks for various different options and scenarios under consideration.*

Scrutiny – next steps

Subject to P.82/2023 being adopted by the States Assembly, it is the intention for further scrutiny work to be undertaken by a newly constituted Offshore Wind Review Panel, which will be established by the Scrutiny Liaison Committee (SLC) following the States' debate on 16th April 2024. Once membership of the Review Panel is established, a Terms of Reference and Scoping Document will be prepared for SLC approval. An indicative timeline is provided below.



*A review launch date will be dependent on the timeline of when further proposals are brought forward by Government to the States Assembly.

Conclusion

In conclusion, P.82/2023 seeks an in-principle decision regarding the general direction of policy regarding the potential future development of an offshore wind farm in Jersey waters. It is understood that further policy and legislation will be brought back to the States Assembly for scrutiny and agreement at a later stage.

It is requested that the Minister for the Environment outlines, during the States' debate on P.82/2023, whether he accepts the recommendations / requests made in these comments.

Should States Members vote in favour of P.82/2023, it is the intention for a Review Panel to be established by the Scrutiny Liaison Committee to undertake future ongoing scrutiny work.

Finally, the Panel has deliberately refrained from making any comment on the amendment to the proposition brought by Deputy Warr on the basis that this is more properly a matter for the Minister. By way of clarification, it is to be noted that such amendment is brought by Deputy Warr in his personal capacity and not as a member of the Panel.