Management of post-consent compliance for offshore wind farms - a challenging journey

Management of offshore post-consent compliance should, in theory, be a relatively straightforward procedural process, focused on demonstrating that the final scheme conforms with the consent, and agreeing a suite of pre-commencement activities (such as monitoring).

However, (typically) at the time of consent application for an offshore wind farm, the scheme design is not fully defined (due to technical and commercial reasons), and therefore, the consent is granted on the basis of a range of design parameters (the ‘design envelope’) and construction approaches.

Recent experience has shown that management of post consent compliance for offshore wind farm projects that are consented on a design envelope basis to be an unexpectedly challenging process. This article summarises two of the primary challenges encountered and discusses potential solutions.

Testing of the consented envelope

The bulk of the development phase of an offshore wind farm project is typically driven by consent teams. The design envelope that informed the EIA is established through liaison with internal engineering teams who will not necessarily be responsible for the construction of the project.

Following consent award, and as the project moves towards defining its final scheme design, the process becomes led by specialist engineering teams (often many years since the design envelope was established) and also, detailed site investigation works are undertaken to inform the final scheme design. It is often the case that technology, industry standards and construction methods have developed significantly since the point at which the design envelope was established. As the scheme is defined, the consented envelope is ‘tested’, and occasionally results in the identification of methods and or design options that potentially fall out with the consented envelope. Programme and cost risks then emerge if it cannot be immediately confirmed that preferred methods or designs are covered by the existing consent. This scenario is particularly challenging if raised late in the pre- construction phase as it can take up to a year to secure the necessary approvals (depending on the nature of those changes).

Any delay to the construction process has hugely significant financial implications and therefore, must be avoided at all costs. To de-risk the process it is critical that there are efficient communication channels (interfaces) between the engineering and consent teams. If potential conflicts with the consent are identified early, this challenge can be effectively managed. Of course, the more significant the deviation from the consented envelope, the more potential there is for consent and programme implications, but experience suggests that most issues are manageable given adequate time.
### New, or changing, consent criteria

New, or changing, consent criteria in the post consent phase can lead to challenges that are difficult to manage simply because they usually cannot be predicted, particularly if the situation arises immediately prior to, or during, construction, when absolute certainty is required regarding consent limitations. Recent examples include:

- New or updated industry guidance;
- Changing stakeholder positions; and
- Establishment of new designated sites.

The introduction of new consent related matters often take time to work through in terms of how consent practitioners modify their approaches, how stakeholder positions are affected and how regulators manage these changes. However, in the post consent compliance phase, the process is often very time limited.

Whilst it is not possible to avoid such scenarios impacting the process, it is possible to implement measures that can help identify the risk as early as possible and/or make the management process more effective;

- Develop and maintain good relationships with primary consultees and hold regular project meetings;
- When a challenging situation arises, establish a clear plan with all interested parties, which includes regular ‘catch up’ meetings with stakeholders (internal and external);
- Where agreement on the consented envelope is required, or new consents and licences are needed (which is often where new, or changing, consent criteria are realised), include additional programme float, where possible;
- Don’t make assumptions that a consenting matter will be straightforward from an approval’s perspective, even if this has been the case previously; and
- Regular lessons learned sessions with colleagues and/or wider project teams.

### Summary

Post consent compliance risks are to an extent unavoidable given the Rochdale Envelope approach, and the duration between the point that the envelope is established and when the final scheme is defined. The extent to which these risks manifest into actual material issues for the project can, for the most part, be managed through effective communication channels both internally and externally to ensure that consent compliance risks are identified early and managed efficiently.

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