

Legal and regulatory challenges towards offshore wind development: Insights from Estonia

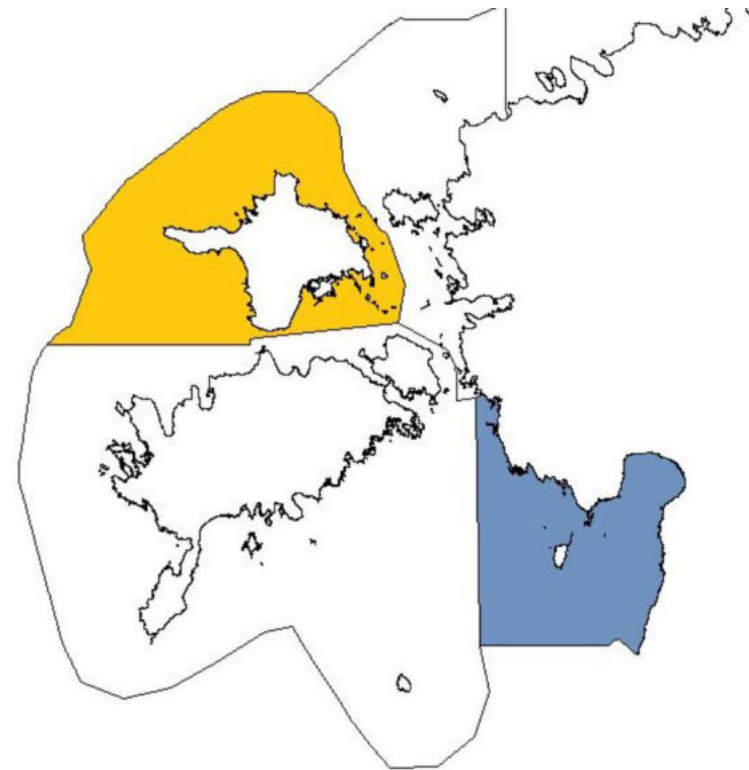
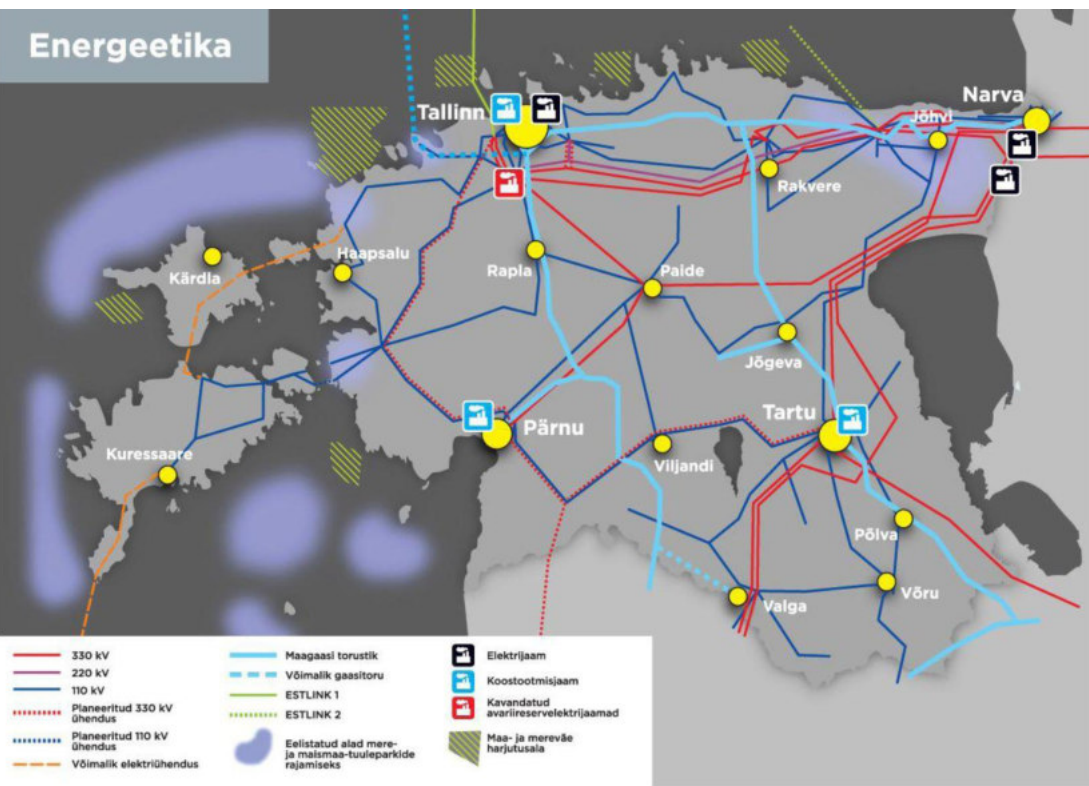
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Introduction

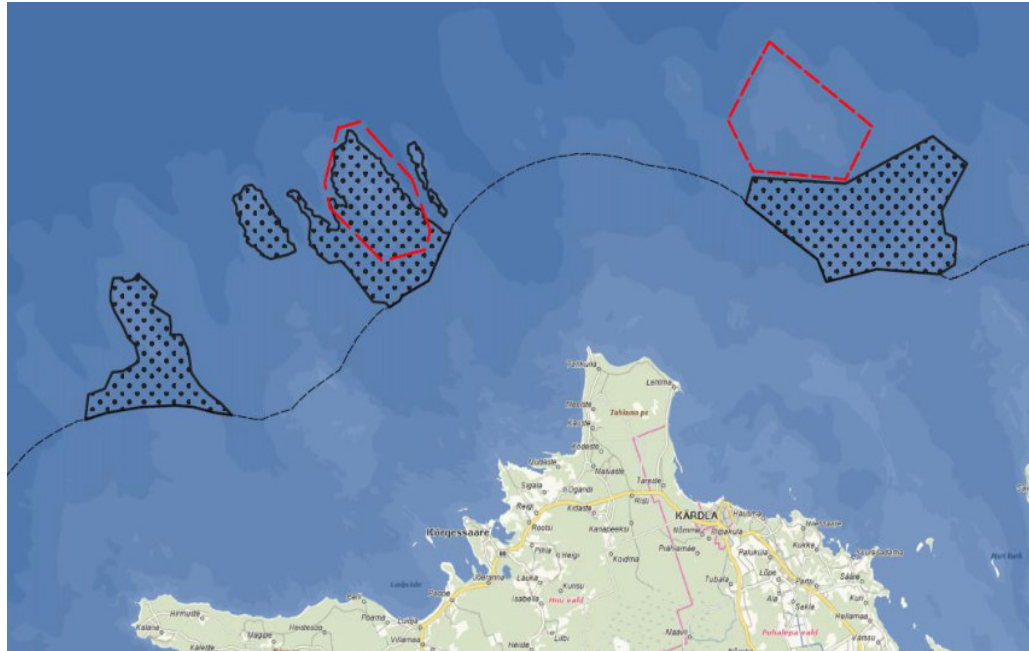
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- National Spatial Plan „[Estonia 2030+](#)“
- [Maritime Spatial Planning](#) (MSP) in two areas
- Government launched MSP in other sea areas



Case study: Hiiumaa offshore wind farm

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- In Development since 2006
- Planned capacity 700 - 1100 MW
- Distance from shoreline min 12 km, depth max 30m
- Co-operation agreement signed with the local government in the island of Hiiumaa

Administrative procedures

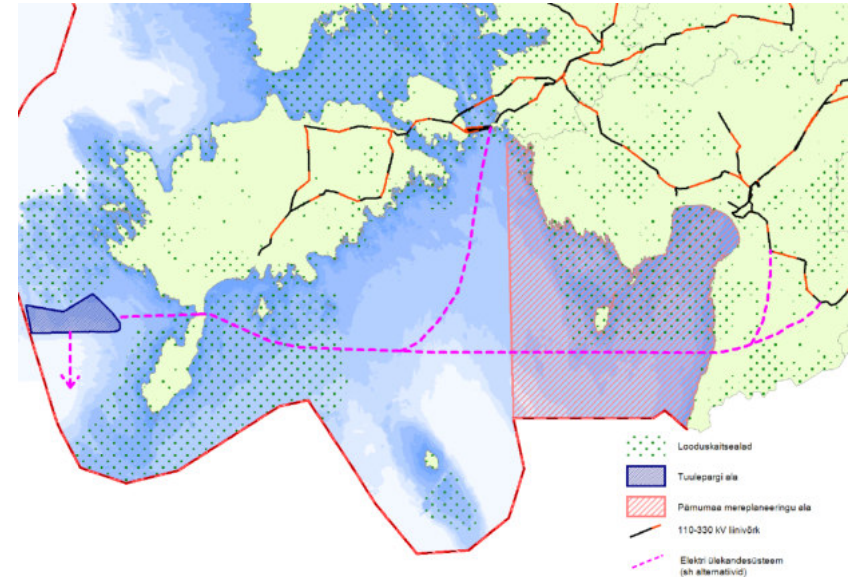
	License for special use of water (right to construct on the seabed)	Superficies license (right to use the seabed)	Environmental Impact Assessment (EIA) (for special use of water ja superficies licenses)	Maritime Spatial Plan (MSP) & Strategic Environmental Impact Assessment (SEA)	Nature protection areas
2006 - 2010	Application	Application	EIA launched		
2011			Public consultation		Application to form Apollo
2012 - 2015				MSP ja SEA - approved	
2016				MSP approved by the Ministry of Finance ja imposed by the Hiiu County Governor	1. Application to form Vinkov 2. Launch of official procedure of Apollo
2017			EIA ready and sent for approval		Coordination of forming the Apollo Marine Protection Area
TIME SINCE BEGINNING	144 MONTHS	95 MONTHS	142 MONTHS	44 MONTHS	86 MONTHS (Apollo) 15 MONTHS (Vinkov)

Court procedures

Administrative Court			Ongoing	Resolved	
District Court				Resolved	
Supreme Court				Ongoing	
Estimate time	36 MONTHS	36 MONTHS	36 MONTHS	36 MONTHS	36 MONTHS
TOTAL estimated time	180 MONTHS	131 MONTHS	178 MONTHS	80 MONTHS	122 MONTHS

Case study: Saare Wind Energy offshore wind farm

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2015	May – Aug 2015	2016	2017
Superficies license application	Consultation with all necessary authorities	Public Announcement & the Technical Regulatory Authority and Ministry of Economy prepare the documentation	The decision to start the superficies license process in the agenda of the Estonian Government

Still no decision to start the superficies license process

Conclusions & suggestions

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- Too many parallel processes & endless contest opportunities - harmonization of procedures.
- Nature protection areas used as weapons – such areas should be formed during the Maritime Spatial Planning, application power limited to experts.
- Process of forming nature protection areas not transparent and inclusive – use EIA process as an example when modifying the nature protection law.
- No decisions – deadlines