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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

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**Wind park in Smøla (Norway) and other wind
farm developments in Norway**

- REPORT BY THE GOVERNMENT -

*Document prepared by
the Ministry of Climate and Environment of Norway*

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REPORT FROM NORWAY - RECOMMENDATION NO. 144 (2009)

Recommendation No. 144 (2009), on the wind park in Smøla (Norway) and other wind farm developments in Norway, was adopted by the Standing Committee on 26 November 2009. The species that raised most concern when the Standing Committee discussed this matter, and the only species which is mentioned specifically in the recommendation, is the White-tailed Eagle. Norway would therefore like to give an update on the population status of this species in Norway:

In Norway, white-tailed eagles nest along the coast, and in some places also in the hinterland. The species has in the last 40 years grown considerably in number, and the Norwegian breeding population is now estimated to be between 5600 and 8400 individuals (Shimmings & Øyen 2015), and still seems to be growing. The species is therefore classified as "*Least Concern*" on the Norwegian Red List of 2015.

According to the local expert from the Norwegian Institute for Nature Research (NINA) at Smøla, the population at Smøla is stable, and 2015 had good reproduction.

1. *Continue to develop regional plans which are subject to Strategic Environmental Assessment (SEA), in line with the national guidelines, taking into account cumulative effects on a wider scale, as well as carrying out the conflict assessments required for each project.*

Regional wind power plans according to the national guidelines on wind farm planning (Ministry of Climate and Environment and Ministry of Petroleum and Energy, 2007) have been adopted for most of the coastal area, from Rogaland in south to Finnmark in north. The exceptions are Møre og Romsdal, Nord-Trøndelag and Troms counties. The council authority of Troms have decided to develop a regional plan for wind-power and small-scale hydropower projects. A regional plan for inland area is also adopted for Østfold County.

This spring the Norwegian government presented a white Paper on energy policy (Power for change – an energy policy towards 2030). The paper presents some policy measures concerning wind power, which the Parliament adopted this summer:

It is decided that the Ministry of Petroleum and Energy, together with the Ministry of Climate and Environment and other relevant ministries, will develop and introduce a national framework for wind power. This should contribute to reduce conflicts and contribute to appropriate choices of locating wind power plants. Such a national framework will define larger areas that are appropriate for developing wind power on land. The framework will be based on assessments of wind resources and power system needs as well as important environmental and socio-economic considerations. The national framework will not replace ordinary licensing procedures. The regional plans already adopted will be included in the assessment. The national framework will look to identify and characterize the potential for conflicts, and should strengthen the foundation for a comprehensive assessment of wind-power projects for licensing.

There is reason to believe that in the development of the national framework for onshore wind power, it is possible to take more into account the cumulative effects on a wider scale than in the regional wind power plans.

Further measures launched in the white paper include extending the possibility to reject highly conflictual wind power and larger hydropower projects early in the licensing processes. The government will assess and put forward a bill that gives the licensing authority such rights. Allowing early rejections will save resources in the licensing process as projects that are clearly not socio-economically rational (considering also non-monetary consequences such as environmental consequences) can be given a simplified procedure and rejected early in the process. The government will consider criteria for distinguishing such projects, but highly relevant criteria include projects that are likely to result in substantial adverse effects on the environment and society, as well as projects with poor project economy.

The government will restrict practices for extended deadline for processing applications for the realization for wind power licenses that are not in operation by the end of 2020.

In working with the national framework for wind power, the government will also consider whether the framework should also form the basis for the question of extended deadline for unrealized licenses and the question of early rejection of new applications for wind power applications.

The government also aims to clarify which maritime zones where it may be appropriate to allow applications for licenses for offshore wind power. The Norwegian government will base its work on the Strategic Environmental Assessment already conducted, and published in 2013.

2. *Before licensing a wind farm ensure the quality, independency and completeness of the Environmental Impact Assessments (EIAs) including the interpretation and the follow-up of recommendations and complaints through a transparent procedure; the results of the current NINA-project at the Smøla wind power plant must enhance the fundamental knowledge needed for improved EIA processes. And*
6. *The environmental authorities shall seek to strengthen investigation and mitigation measures related to wind farm licensing. The advice and comments from the environmental authorities or the complaints from NGOs are to be publicly addressed in the final decisions by the Norwegian Water Resources and Energy Directorate (NVE), in case they are not followed by the licensing authority, specifying the justification why the arguments were not taken into account.*

The Norwegian Water Resources and Energy Directorate (NVE) is the competent authority according to the EIA regulations in wind power projects. NVE ensures that the environmental impacts of such projects are assessed and taken into account in the licensing process. Developers of wind farms with an installed capacity of more than 10 MW are required to prepare an EIA. NVE considers the need for an EIA for wind farms with an installed capacity between 5 and 10 MW from case to case. According to the EIA regulations in the Planning- and Building Act every wind power plant with an installed capacity of over 5 MW shall be considered for an EIA if it is assumed to impact the environment significantly.

The Ministry of Climate and Environment is the responsible authority for the EIA regulations. All assessment programs are sent for public comment and for the Ministry of Climate and Environment to comment on before adopted. In the hearing process, all comments from NGOs are summarized and assessed in the background papers. This applies to decisions of the EIA programme as well as license decisions. Both processes are transparent and secure involvement of environmental authorities and NGOs. All EIA reports and NVE's assessments are public.

The EIAs are prepared based on guidelines decided by the Norwegian Environment Agency, and the process includes studies of relevant literature and field research. Improvements of the EIA is a continuous process in which knowledge from previous projects, research and new legislation are taken into account.

A new EIA Regulation was adopted in December 2015, introducing several new provisions aiming at strengthening the quality of the EIA-reports.

Since Norway's previous report, NVE has granted relatively few wind power licenses. However, the Ministry of Petroleum and Energy has confirmed some older licensing decisions by NVE. In several of these decisions, conditions for pre- and post-studies have been set.

3. *Accept the need for imposing mitigation measures in order to reduce the detrimental impact of the existing Smøla wind farm on birds (especially White-tailed Eagles), such as shutting down (some of) the turbines in crucial periods of the annual bird cycle (pair formation, reproduction, fledging, migration) or in periods of adverse weather conditions, taking into account the recommendations of the NINA research programme on Smøla; also envisage further reduction of mortality caused by power-lines.*

For several years, research has been carried out at Smøla, with the aim to reduce conflicts between the wind-power plant and birds, especially white-tailed eagles. After the BirdWind-project was finalized, the Innovation Project for the Industry titled Innovative Mitigation Tools for Avian Conflicts with wind Turbines (INTACT) was initiated. This project is a tight collaboration between the research community, industry and the energy authorities, the environmental authorities act as observers.

The primary objective for this R&D project is to develop measures and procedures to reduce the risk of bird - wind turbine collisions. The main focus of the research is to test promising deterrent measures and develop tools to facilitate this, and to test and refine micro-siting tools. Mitigation measures that are tested include contrast painting of rotor blades to reduce motion smear, contrast painting of turbine lower base, GIS-tool for mapping orographic and thermic updrafts, operational mitigation model for temporary shut-down and UV-lights as deterrence measure.

Since its start in 2013, one-of-three rotor blades at four turbines have been painted black to reduce the effect of motion smear and increase the rotor blades' visibility. These four turbines were chosen based on previously recorded collision victims there. In addition, ten different turbine tower bases were painted black to increase the visibility. Monitoring of the efficacy of these measures from August 2013 until spring 2016 used a cocktail of methods: Searches for collision victims, GPS telemetry on white-tailed eagles, MERLIN avian radar, visual observations, and DTBird video-system deployed at two turbines. In addition, potential behavioural responses to UV-lights was tested spring 2014 using the ROBIN avian radar.

As part of the project, turbines at the wind-power plant are regularly searched for collision victims. Between August 2005 and May 2016, an average of 6.5 eagles each year have been found, in addition to some other bird species. As mentioned before, according to the local NINA expert at Smøla, the population is stable.

The project will be finalized in 2017. The data that have been collected will be statistically analysed, and a report will be made with the results on the efficacy of the different measures that have been tested. When the results are ready the authorities will decide the mitigation measures to be implemented at the Smøla wind-power plant. Searches of collision victims will continue.

4. *When considering wind farm projects which have not yet been licensed, take into account the experiences and knowledge gained from the ongoing research at Smøla and other relevant projects including off-shore locations.*

Results from Birdwind, and experiences from other wind power projects, are always taken into account when licensing new wind farms. This will also be the case as regards the future results of the project INTACT. As mentioned above, the project will be finalized in 2017. When the results are ready the authorities will decide the mitigation measures that are to be included in the windfarm projects.

Research shows that impacts on birds are highly site-, season- and species specific, and that the raptorial species are among the most vulnerable. When licensing new wind farms it is important to consider both potential collisions and disturbance/displacement of birds. On the basis of experiences and knowledge gained, NVE has in several cases declined applications and also set conditions for pre- and post-investigations on birds. The purpose of the pre- and post-constructing studies is to strengthen the knowledge base to determine mitigating measures in both the construction and the operational phase of a wind farm, and to enhance the knowledge of energy installations' interaction on the investigated species.

5. *EIAs must take into account the duly formulated NINA recommendations, follow qualitative guidelines, investigate alternative sites and, to the extent possible, predict cumulative effects of wind farms. And*
7. *Take measures to improve pre- and post-construction studies of impacts of wind farm development.*

Improvement of the EIA is a continuous process, involving both environmental authorities and NGOs in the public hearing processes. Today EIA programs states that the developer must conduct field studies based on species inventory and the size of the planning area for the specific wind farm.

License conditions regarding pre- and post construction are continuously discussed with the environmental authorities, enhancing the quality of the investigations conducted. Currently, requirements regarding pre- and post-construction studies on selected themes are made in an increasing number of cases.

8. *The priority of designating internationally important sites may not be influenced or delayed by the potential suitability for wind farm development in those areas.*

In general, the level of conflict between designating internationally important sites and wind farm development is low. In some areas, there are plans that entail the installation of wind farms in areas where work is also being done on establishing protected areas under the Nature Diversity Act. This is primarily an issue in cases where nature protection is being achieved through protection on voluntary basis. In most cases, however, there is no influence or delay caused by the development of wind farms in these areas.

9. *Investigate the possibilities and consequences of non-renewal of the license for exploiting the Smøla wind farm concession by the year 2026 or consider a reduced period, and create the possibilities for due ecological restoration of the site if and when the site is abandoned.*

If Statkraft applies for a renewal of the license for Smøla wind farm after the license period expires in 2026, non-renewal will be considered .

All holders of licenses for wind farms are obliged to restore the site after the end of the license period. The obligation of decommissioning is expressed in the Energy Law Act, section 3-4. If the license is not renewed after 2026, the Norwegian energy authorities will consider the possibilities for due ecological restoration of the site.

10. *Compensate the loss of natural area with ecological functions by designation of new conservation areas and by designating selected habitat types at appropriate sites or regions, taking into account the ongoing gap analysis, in order to safeguard landscape and biological diversity as two of Norway's most important assets.*

One of the goals of Norwegian nature management is that protected areas and other efficient conservation instruments should provide a coherent system. Conservation measures need to be efficient, ecologically representative and cover areas of particular importance for biological diversity.

In Norway there has been no definite target for the extent of protected areas. The extent of protected areas covers the main ecosystems relatively well. Still, an evaluation of the protected areas has shown that the extent of protection does not reach the target of satisfactory representativeness in all ecosystems.

A National Biodiversity Action Plan was prepared by the Government and forwarded to Parliament in December 2015. The plan contains measures to be implemented in order to achieve the Aichi targets for 2020 and beyond. As regards long-term conservation of a representative selection of Norwegian nature, the plan states that the long-term conservation of a selection of Norwegian nature has been part of Norway's policy for many years. Area-based measures to achieve this include the national park plan, county protection plans, the protection plan for watercourses, the designation of key forest biotopes that are not to be felled, and the protection of coral reefs against fisheries. The plan further states that the Government will ensure that the value of conservation areas is maintained through sound management. The Government will also consider whether the areas concerned are sufficiently representative of the whole range of Norwegian nature. The Government will expand the scope of voluntary forest protection and continue work on marine protected areas. Some other habitat types, particularly in the lowlands, are also poorly represented. The Government will initiate county-level supplementary protection of areas under the Nature Diversity Act, and will test protection on a voluntary basis in ecosystems other than forest. Application of the Marine Resources Act will also be considered.

The paper was debated in Parliament in May and the proposals on conservation of nature got a favourable reception.