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Granting of a Superficies License

Passed 21.05.2025 No. 95

The Order is established on the basis of § 22⁹ and § 22⁽¹¹⁾⁽¹⁾ of the Water Act in force 14.03.-30.06.2015 and in accordance with § 25(1) of the Act to Implement the Building Code and the Planning Act.

Facts and procedure

1. On 7 April 2015, Saare Wind Energy OÜ (registry code 12747106, location Saaremaa municipality, Saaremaa county, Kuressaare town, Tallinna tn 1, 93819; hereinafter also *SWE*) submitted to the Ministry of Economic Affairs and Communications (hereinafter also *MKM*) an application for a Superficies License together with an expert opinion for the use of a public water body with an offshore wind farm on the west coast of Saaremaa, in the area designated by the Government of the Republic of 12 May 2022 No 146 of the Estonian Maritime Spatial Plan (hereinafter *the Estonian Maritime Spatial Plan*) as suitable for the development of wind energy. The aim of the offshore wind farm is to generate electricity from renewable energy sources in an environmentally friendly way and to route it into the general electricity system. Superficies License is requested for a period of 50 years.

2. Pursuant to the first sentence of subsection 25 (1) of the Act to Implement the Building Code and the Planning Act redaction in force 01.07.-31.08.2015, an application for a Superficies License submitted before 1 July 2015 shall be processed to its conclusion in accordance with the legislation in force at the time of submission of the application. On the basis of § 25(2) of the Act to Implement the Building Code and the Planning Act redaction in force 01.09.2015-15.06.2016 on 30 September 2015, the MKM transferred the processing of the application to the Technical Regulatory Authority (from 01.01.2019 the Consumer Protection and Technical Regulatory Authority; hereinafter *the TTJA*). According to the Water Act, redaction in force 14.03.-30.06.2015 (hereinafter *Water Act 2015*) § 22⁷(1) at the time of submission of the Superficies License application, the Government of the Republic decides to initiate the Superficies License procedure, except in the case provided for in subsection (1)⁽¹⁾ of the same section (where a Superficies License is applied for a public water body for the use of an area with a sports or recreational facility with a surface area of up to 60 m² not permanently connected to the shore serving the bathing beach, the Minister for Economic Affairs and Communications shall decide to initiate the Superficies License procedure). Pursuant to subsection 22⁽⁹⁾⁽¹⁾ of the Water Act ⁽²⁰¹⁵⁾, a Superficies License is issued by the Government of the Republic or the minister responsible for the area, and the proposal to grant or not to grant a Superficies License is made by the procedure. Insofar as the Superficies License is applied for to encumber a public water body with an offshore wind farm, pursuant to the provisions referred to, the Superficies License is issued by the Government of the Republic and processed by the TTJA.

3. The Government of the Republic of Estonia (hereinafter also referred to as the *VV*) initiated the Superficies License procedure by Order No 183 of 28 May 2020 "Initiation of Superficies License and Environmental Impact Assessment (hereinafter also referred to as the *VV Order No 183*) on the basis of the Superficies License application submitted by SWE. By the same order, an environmental impact assessment (hereinafter *EIA*) was initiated for the establishment of an offshore wind farm in a public water body, during which the impacts of the construction, operation and decommissioning of the wind farm, including potential transboundary impacts, had to be identified and analysed. The studies were required to be carried out within five years of the approval of the EIA programme.

4. The Ministry of the Environment (from 01.07.2023 Ministry of Climate, hereinafter referred to as *the KliM*) approved the EIA programme for the SWE offshore wind farm on 18 October 2021 by letter No 7-12/20/2555-35.

5. On 7 October 2022, SWE submitted an application to the TTJA for the correction and extension of the Superficies License area, based on the results of the surveys of the Superficies License area and the surrounding area, with a total area of up to 197.5 km², i.e. a maximum increase of *about 18.6%*.

6. The Government of the Republic amended Order No. 183 of 28 May 2020 "Amending Order No. 183 of the Government of the Republic of Estonia "Initiation of the Superficies License procedure and Environmental Impact Assessment" (hereinafter *VV order No. 50*) by Order No. 50 of 22 February 2024. Order No. 50 of the Government of the Republic of Estonia determined the size of the public water body area necessary for the construction of the offshore wind farm covered by the Superficies License procedure to be 197.5 km², and it was decided to assess the environmental impact of the additional public water body area necessary for the construction of the offshore wind farm in the environmental impact assessment procedure initiated by Order No. 183 of the Government of the Republic of Estonia.

7. On 16 August 2023, SWE submitted the work "Environmental Impact Assessment of Saare Wind Energy Offshore Wind Farm. Environmental Impact Assessment Report to be made public. 14.08.2023"*(hereafter *EIA Report*)

to organise a public display. The EIA was carried out by OÜ Roheplaan and the lead expert was Riin Kutsar (EIA licence No KMH0131). The EIA report was compiled in cooperation with a broad-based group of experts. At least 20 studies and modelling were carried out during the course of the EIA and no significant negative environmental impacts were identified for any of the environmental aspects assessed. The conclusion of the EIA report is that the least significant environmental impact would be to the construction of monopile foundations for wind turbines, both because of the reduced loss and disturbance of the seabed and the spreading of sediment and silt. The EIA also assessed the possible use of gravity foundations and jacket foundations as alternatives (the latter being more likely for substations). The EIA report describes in detail the potential impacts of the construction, operation and dismantling of the offshore wind farm.

*Available in the document register of the Consumer and Technical Regulatory Authority (13.05.2025): <https://jvis.ttja.ee/modules/documentregister/view/888787>

7.1. On 23 August 2023, by letter No 16-7/21-07967-010, TTJA forwarded to KliM a summary translation of the EIA report into English, with the complete sections that could theoretically give rise to transboundary impacts, and short summaries into Latvian, Lithuanian and Swedish. KliM forwarded the materials by letter dated 28 August 2023, No 7-12/23/3830-2 to Sweden, Latvia and Lithuania, which all submitted comments in the context of the transboundary environmental impact assessment. These comments did not suggest any improvements to the EIA report but made recommendations on the most important thematic areas (birds, fisheries, seals, noise, etc.).

7.2. The public display of the EIA report was held from 30.08.-29.09.2023 and the public hearing was held on 12 October 2023 at Thule Koda in Kuressaare. During the public consultation, 8 companies and NGOs and 75 private persons submitted their comments on the EIA report. The main objections raised by private individuals and NGOs were the direct impact of the offshore wind farm on human health and well-being. It was also felt that the EIA report did not sufficiently address visual disturbance and low-frequency noise impacts, and the offshore wind farm will have a significant negative impact on the natural and marine environment of Saaremaa.

7.3. By letter No 16-7/20-06558-099 of 30 August 2023, the TTJA informed the relevant authorities and other parties to the procedure of the public display of the EIA report and the opportunity to submit comments. Within the framework of the public consultation, the Environmental Board, KliM, the Ministry of Regional Affairs and Agriculture, the Transport Administration, the National Heritage Board and the Ministry of the Interior submitted their comments.

7.3.1. By letter No. 6-3/23/17611-3 of 28 September 2023, the Environmental Board requested that the EIA report include additional information on the description of the studies, the chapters on mitigation measures and follow-up monitoring, the treatment of impulsive noise disturbance and seawater quality, the analysis of alternatives for cable routes and the assessment of the installation of cables in the Riksu Bay bird area and the Riksu coast nature reserve. By letter No 7-12/23/3946-3 of 29 September 2023, KliM requested a more detailed assessment of the maritime safety aspects, the alternatives for the landing site of the submarine cables, the compliance of the proposed activities with the Energy and Climate Plan 2030 of Saaremaa municipality, including the greenhouse gas emission reduction targets set in the Plan, and clearly distinguish between mandatory mitigation and monitoring measures and possible additional measures. By letter No 6.2-15/2122-1 of 29 September 2023, the Ministry of Regional Affairs and Agriculture proposed to address in the EIA report the potential thermal energy and vibration emissions and to supplement the bird survey. In letter No 7.2-4/23/18298-5 of 7 October 2023, the Transport Administration stated that the EIA report should specify the risks to maritime safety, the impact of the offshore wind farm on onshore marine radars and the width of the corridor and buffers required for the safe movement of vessels, and possible mitigation measures. By letter No. 1.1-7/13-6 of 10 October 2023, the National Heritage Board asked for a more detailed assessment of the impact on the underwater heritage and the size of the buffer zone to ensure its preservation during the construction of the wind turbines and the cable route. By letter No 13-3/58-3 of 13 October 2023, the Ministry of the Interior requested further information on the impact of the offshore wind farm on ESTER radio communication and asked SWE to describe how it could mitigate the risk of accidents and cooperate in the field of maritime rescue.

7.3.2. The Health Board (letter No 9.3-4/23/5582-3 of 14 September 2023), the Saaremaa Municipality (letter No 8-5/4609-2 of 25 September 2023) and the Police and Border Guard Board (e-mail of 9 October 2023) stated that they would not submit any proposals to supplement the EIA report.

7.3.3. MKM, Ministry of Defence, Environmental Agency, Agriculture and Food Board, Estonian Rescue Board, Lääneranna Municipality Government, Häädemeste Municipality Government, Saarde Municipality Government, Kihnu Municipality Government, Pärnu City Government, Estonian Chamber of Environmental Associations, Estonian Fishermen's Association, Liivi Lahe Fishery Association and Saarte Kalandus NGO did not submit their comments during the public consultation.

7.4. SWE submitted a revised and supplemented EIA report to KliM for approval on 9 February 2024. The EIA report was further corrected on 21 March 2024 and 22 May 2024. The revisions were made mainly in the chapters on seawater quality, seabed habitats, description of cable installation technology, underwater noise study, vibration and thermal energy release, infrasound and low frequency noise, assessment of social and cultural impacts, description of the ranking of alternatives, monitoring measures, and setting of mandatory and recommended mitigation measures. Whenever disregarding the proposals made, appropriate explanations were provided to the relevant institutions, business and non-governmental organizations, and private individuals as to why it is not appropriate to take them into account in the EIA process and procedure. The proposals that could not be taken into account in the EIA procedure were following: Provide in the EIA report a detailed monitoring plan and security risk assessment, include detailed information on the marine monitoring and operational communication systems, consider the cumulative impacts of the ELWIND project, assess the impact of low frequency noise on domestic animals and insects, design the heights of wind turbines closer than 30 km to the shore in the Karala-Pilguse limited-conservation area to be halved, analyse the visual disturbance of the wind farm with night lighting and include illustrations with night lighting. A full overview of the feedback is provided in Annex 4 of the EIA report.

7.4.1. On 25 April 2024, KliM submitted the EIA report and the draft decision on its approval and setting environmental requirements (the draft EIA decision) to the Environmental Board (hereinafter KeA) for approval, based on § 56(12) of the Environmental Impact Assessment and Environmental Management System Act and § 29(1)(2) of the Environmental Impact Assessment and Environmental Management System Act of 23.03.2014–30.06.2015 (hereinafter KeHJS2015) in force at the time of submission of the application for a Superficies License. On 10 May 2024, the KeA approved the EIA report and the draft EIA decision with comments.

7.4.2. KliM informed SWE on 20 May 2024 that it considers it necessary to supplement the EIA report on the basis of the letter of KeA of 10 May 2024. On 22 May 2024, SWE submitted the EIA report to KliM for approval, which was corrected on the basis of the comments made in KeA's letter of 10 May 2024.

7.5. KliM approved the work of SWE Roheplaan OÜ "Environmental Impact Assessment of Saare Wind Energy offshore wind farm" by letter No 7-12/24/781-11 of 10 June 2024, 22.05.2024" and made it obligatory to take into account the environmental measures set out in the EIA report, including the mitigation measures set out in Chapter 7.2 and the monitoring measures set out in Chapter 7.4.1, when implementing the proposed activity. KliM found that the views expressed during the public consultation have been analysed in the preparation of the EIA report and have been adequately taken into account or are sufficiently justified not to have been taken into account. KliM is of the opinion that, according to the results of the EIA carried out, there will be no direct transboundary impacts from the proposed offshore wind farm.

Planned development

8. According to the application for a Superficies License, the offshore wind farm consists of wind turbines, electricity cables connected to an offshore substation, an offshore substation and an electricity transmission system. The offshore wind farm was originally planned to have 100 wind turbines with a total capacity of 600 MW, with a single offshore wind turbine of 6 MW.

9. According to the EIA report, the final proposed activity is the construction of an offshore wind farm with up to 100 wind turbines and two substations with a capacity of up to 1400 MW. The offshore wind farm will consist of a maximum of two substations, depending on the layout. For the connection of the increased generation capacity of up to 1,400 MW to the transmission grid, Elering AS issued specified technical conditions by letter No 2-7/2022/216-2 of 19 April 2022. Presumably the capacity of a single offshore wind turbine is approximately 14-18 MW. The offshore wind farm will have an annual production capacity of about 6000 GWh. The rotor diameter of the wind turbine is expected to be 250-280 m, which will result in a maximum height of the wind turbine of up to 310 m. The distance between the wind turbines will be at least 4-6 times the rotor diameter. The area is approximately 197,5 km².

9.1. The specific brand of wind turbine and foundation type to be used in the SWE offshore wind farm has not yet been selected. The final design and feasibility of the foundation will only become clear during the technical design of the offshore wind farm. The most likely option is a monopile foundation for wind turbines and a jacket foundation for substations. In the substations to be built for the offshore wind farm, the electricity generated by the wind turbines and collected by the cable system will be boosted to a higher voltage (standard 66/220 kV). For the operation of the offshore wind farm and for the transmission of the electricity generated to the grid, a total length of about 240 km of submarine cable lines inside the offshore wind farm and a total length of about 25 km, of which about 8,5 km inside the area of the offshore wind farm, of connecting cable to the main grid connection point at a substation in Saaremaa will be built. The submarine cables will be buried in the sediments of the seabed or, if necessary, buried with rock material to a depth of approximately 1 m. The 16.5 km section of the interconnection cable, which is outside the area of the offshore wind farm Superficies License, into the public water body shall be subject to a separate Superficies License procedure. The detailed parameters and possible technical solutions for the offshore wind farm structures are described in more detail in the EIA report.

Legal grounds

10. Pursuant to section 22⁽⁹⁾(1) of the Water Act ⁽²⁰¹⁵⁾, a Superficies License is issued by the Government of the Republic of Estonia or the minister responsible for the topic. A proposal to grant or not to grant a Superficies License shall be made by the Superficies License proceedings authority.

11. Pursuant to subsection 22¹⁰(1) of the Water Act ²⁰¹⁵, the Government of the Republic or the Minister responsible for the topic shall refuse to grant a Superficies License if the applicant for the Superficies License has failed to comply with the conditions specified in the decision to initiate the Superficies License procedure or has not applied for an additional period for compliance (clause 1); the conditions of the Superficies License applied for are in conflict with any valid Superficies License (clause 2); the conditions of the Superficies License applied for are in conflict with a valid regional plan (clause 3); the conditions of the Superficies License applied for are contrary to the interests of national security (point 4); the conditions of the Superficies License applied for are contrary to environmental protection requirements (point 5); the building, which is an essential part of the Superficies License, would interfere with air traffic, shipping traffic on the shipping route or in the port waterway, or the safe mooring of vessels (point 6); the applicant for the Superficies License does not comply with the requirements imposed on the holder of the Superficies License (point 7). Pursuant to subsection (2) of the same section, a Superficies License may also be refused if the applicant is suspected of being a threat to public order, public safety or national security.

12. Pursuant to § 22⁽⁹⁾(2) of the Water Act ²⁰¹⁵, when granting a Superficies License, the holder of the Superficies License must be specified (clause 1); the coordinates and the size in square metres of the area of the public water body to be used (clause 2); the purpose of use and mode of operation of the construction work.

(point 3); important technical particulars of the construction work (point 4); the validity period of the licence (point 5) and any other necessary requirements (point 6).

13. Pursuant to § 113²¹(1) of the Building Code (*EhS*), where a public water body is encumbered with a construction work that does not have a permanent connection to the shore, the owner of the construction work must pay a yearly superficities fee. Pursuant to § 113²¹(3)⁽¹⁾ of the Building Code, where a public water body is encumbered with a wind power plant, the rate of the superficities fee is 1.5 per cent of the product of the following two statistics: 1) the quantity of electricity generated by the power plant, including both electricity supplied to the grid as well as electricity not connected to the grid, but not less than the rated capacity of the power plant multiplied by 4000; 2) the average day-ahead electricity price of the Estonian price region at the Nord Pool exchange for the relevant year.

Considerations for granting Superficities License

14. As stated in point 2, and taking into account the fact that the Superficities License is applied for the use of a public water body with an offshore wind farm, the Government of the Republic shall decide on the granting of the Superficities License on the proposal of the Consumer Protection and Technical Regulatory Authority, which is the authority conducting the Superficities License procedure.

15. When granting a Superficities License to SWE, it is necessary to consider why and under what conditions it is justifiable to encumber a public water body with an offshore wind farm.

16. The purpose of the Superficities License procedure is primarily the rational use of Estonia's maritime space as a limited public resource. The development of offshore wind energy is an important public interest and the need for offshore wind farms is mainly driven by the climate objectives set by the European Union to increase the production of renewable energy sources, including offshore wind, energy efficiency and other sustainable solutions that would help reduce carbon emissions. This is also reflected in the addition made by Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 to Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018, which added Article 16f, according to which authorisation procedures shall require that the planning, construction and operation of renewable energy plants, the connection of such plants to the grid, the grid itself connected and the storage facilities meet overriding public interest requirements. SWE's proposed offshore wind farm development is in line with Estonia's national renewable energy objectives and it is in the national and public interest that renewable energy is deployed as quickly as possible.

16.1. The large-scale deployment of offshore wind energy will allow a significant reduction in the use of biomass and fossil fuels in energy production, making SWE's proposed offshore wind farm a contribution to climate change mitigation and climate neutrality. The construction of an offshore wind farm with an annual production capacity of 6,000 GWh is also essential for national energy security and security of supply. As SWE is currently the only developer to have reached the final stage of the offshore wind farm Superficities License procedure, the granting of the Superficities License is crucial for the achievement of the 2030 renewable energy targets set by the Government of the Republic.

16.2. The offshore wind farm near the west coast of Saaremaa will also strengthen the development of Elering AS's 330 kV transmission grid in Saaremaa, which will ensure a high level of security of electricity supply and a reasonable price for the economic success of the companies in Saaremaa. The 330 kV transmission grid to be built, together with a 330/110 kV substation, would meet the needs of the current manufacturing industry in Saaremaa, as well as provide opportunities for new very high-consumption connectors and open opportunities for further investment, including in energy-intensive sectors such as hydrogen production.

16.3. There are also several social benefits to setting up an offshore wind farm. According to the EIA report, the operation and maintenance of the offshore wind farm will create approximately 100 direct and 200-300 indirect highly skilled, above-average salary jobs in Saaremaa. The jobs created will contribute to reducing emigration and will have a positive impact on population trends. A harbour with a draught of about 2.5 metres will be needed for the operation of the offshore wind farm on the west coast of Saaremaa, including for crew transport vessels (*CTV*). The new harbour would also activate the use of the sea area to the west of Saaremaa by small vessels, while at the same time greatly enhancing the potential of the region's maritime rescue capability. The offshore wind farm is also expected to open new opportunities for the provision of tourism services in the western part of Saaremaa and to have a positive impact on the business and leisure tourism sector.

16.4. If SWE's planned offshore wind farm is realised, a renewable electricity producer with a capacity of up to 1400 MW will enter the electricity market, which will pay a superficities fee to the Estonian state in addition to supplying renewable electricity to the public. For example, if the average daily electricity price for the next day of the previous year is 100 €/MWh, the post-operation superficities fee for a 1400 MW offshore wind farm would be at least € 5.9 million per year and the pre-operation (period from building permit to operation) fee would be € 8820 per year. The decision on the setting of the fee is to be taken on the basis of the wording of the *EhS* in force at the time of the granting of the Superficities License, as the procedure for setting the fee is separate from the Superficities License procedure and is not subject to the time regulation for the submission of the Superficities License application.

16.4.1. Under the Environmental Charges Act, a compensation charge is also payable for environmental disturbance caused by an offshore wind farm. Saaremaa municipality would receive an estimated €750 000 per quarter or €3 million per year under the Environmental Charges Act if the same factors were present. Given the current size of the budget of Saaremaa municipality (*ca.* €73 million), this would increase the municipality's budget by *ca.* 4%, which could be used, for example, for the development of the public space in Saaremaa municipality and the security of the electricity supply. The implementation of the compensation mechanism has also been considered necessary in Annex 11 "Thematic Plan for Wind Energy in Saaremaa County Planning" of the Saaremaa County Planning 2030+, established by the Minister of State Administration Decree No 1.1-4/94 of 27 April 2018.

16.5. The EIA report concludes that the establishment of the offshore wind farm will have no negative impact on the socio-economic aspects of coastal communities. The proposed offshore wind farm is not expected to have a negative impact on the value of residential properties in the area, and as the proposed offshore wind farm is located outside of the coastal fishing area and no significant spawning or feeding areas have been identified by the fisheries survey in the area, the impact on fisheries can be considered neutral.

16.6. The granting of a Superficies License does not infringe the rights of other developers applying for a Superficies License in the same area, as there are sufficient vacant sites in the area suitable for the construction of an offshore wind farm. The legitimate expectations of the other developers are not infringed, since they have a legitimate expectation that their application will be resolved and not that the procedure for granting planning permission will be initiated in the area for which they have applied.

16.7. In the light of the above, it can be concluded that the local and national benefits of the establishment and operation of the offshore wind farm are significant and that no significant permanent disturbance has been identified, justifying the granting of the development consent.

17. The EIA did not identify any significant adverse effects on any of the environmental aspects assessed. The implementation of the mandatory mitigation measures set out in Table 7.2.1 of the EIA report and the mandatory monitoring measures set out in Table 7.4.1 is appropriate and necessary for the implementation of the proposed activity, and it is therefore justified and appropriate to impose these conditions as conditions of the Superficies Licence.

17.1. Mitigation measures are presented both for consideration during the design phase of the offshore wind farm and for implementation during construction and operation. The mitigation measures presented in the EIA report are presented in the light of the results of the studies carried out so far and the existing knowledge on offshore wind farms. In the event that new or additional knowledge becomes available during the follow-up monitoring that the predictions in the EIA report have underestimated the expected associated impacts, further possible mitigation measures should be implemented based on the results of the monitoring to ensure that the expected negative impacts are avoided or reduced.

17.2. In addition, Table 7.2-2 of the EIA report lists recommended mitigation measures for the construction and operation of the offshore wind farm. These mitigation measures will further help minimize the environmental impacts and disturbances associated with the proposed wind farm and its infrastructure, both before and during construction, as well as during operation of the wind farm.

17.2.1. The EIA report concluded that, in the assessment of alternatives to technical solutions, the ranking can be differentiated based on the types of foundations assessed and the impacts associated with their construction. In the case of wind turbines, the environmental impact of a monopile foundation is lower than that of a gravity foundation. As the EIA report does not identify any significant adverse effects on any of the environmental aspects assessed for the proposed activity for either type of foundation, it is not justified to restrict the choice of foundation type in the Superficies License and, on the basis of the information available, to oblige the applicant to construct only monopile foundations. In order to mitigate the environmental impacts of the construction of gravity foundations, it is appropriate to make mandatory the recommended mitigation measure in Table 7.2-2 of the EIA report, which requires the use of areas free of high value seabed habitats for the sediment release from the installation of foundations and the placement of sediment in areas where it is not structurally feasible to construct wind turbines, i.e. the use of NW-SE relief troughs within the Superficies License area.

17.3. In view of the large number of environmental measures and the complexity of the proposed activity, it is appropriate for the management of the environmental measures to establish an obligation in the Superficies License to prepare an Environmental Management Plan for the offshore wind farm at the stage of submission of the building permit application, as a central complementary data collection and communication tool between the environmental management activities and the different actors (developer, expert, supervisor, public) at the different stages of the proposed activity. The Environmental Management Plan must present environmental activities covering the entire offshore wind farm construction project, which addresses all environmental and monitoring measures that are set to be implemented during the construction, operation and demolition of the offshore wind farm. The Environmental Management Plan must also include a description of the implementation of the environmental measures and the control activities. A mandatory part of the Environmental Management Plan is also a detailed follow-up assessment plan, prepared in cooperation with experts in the relevant field, applying the best technological solutions and follow-up monitoring principles available at the time. The Environmental Management Plan must be updated regularly, adding or specifying measures according to changes in environmental information or improved knowledge.

18. The Superficies License must set conditions and limits for the construction work subject to the Superficies License (100 wind turbines, 2 substations, a ca 8.5 km section of interconnection cable and the internal cable network within the wind farm) on the basis of the main alternative, baseline alternative 2, with the highest potential impacts, assessed in the EIA. The purpose of the impact assessment was to determine the suitability of the baseline alternative 2 at the maximum scale envisaged, by assessing the environmental suitability of the proposed Superficies License area, on the basis of which the possible parameters and number of wind turbines and other structures could be determined.

18.1. The offshore wind farm is a complex technological assembly that will be connected to a complex and multi-faceted electricity system, and the proposed development has a number of technical and spatial alternatives within the area of the Superficies License. As part of the EIA, generic technically realistic solution concepts were developed and their maximum environmental impact assessed. The precise design of the offshore wind farm, including the final number of wind turbines and cable lines, the locations, the installation solutions for the foundations of the wind turbines and, consequently, ground projection for construction works will be known

following the granting of a Superficies License during the preparation of the offshore wind farm construction project. In view of the complexity of the design of the offshore windfarm and the size of the set of elements, it is appropriate not to specify in the Superficies License the maximum ground projection area and the maximum depth that is authorised for construction works.

19. No grounds for refusal have been identified in the course of the Superficies License procedure. SWE has complied with the conditions set out in the Superficies License procedure and the EIA, and the proposed activity does not conflict with any other valid Superficies License or with the Estonian maritime planning, national security interests or environmental protection requirements. The construction works forming an essential part of the Superficies License will not interfere, with the implementation of mitigation measures, the air traffic, shipping traffic on the fairway, port waters and the safe mooring of vessels. The SWE must be considered to comply with the requirements imposed on the holder of a Superficies License, as no applicable law imposes requirements on the holder of a Superficies License. The EIA and the studies did not identify any conflict with environmental protection requirements.

20. Based on the above and the results of the EIA, it is justified to grant a Superficies License to Saare Wind Energy OÜ and to impose the conditions set out in the resolution.

21. The order has been prepared by the Consumer Protection and Technical Regulatory Authority, which has also proposed to the Government of the Republic to grant a Superficies License to Saare Wind Energy OÜ under the conditions set out in the resolution of the order.

Hearing

22. The TTJA sent on 24 September 2024. By letter No 16-7/20-06558-244 of 2024 for examination of the draft order on the granting of a Superficies License and for giving opinions and comments to the relevant authorities and to Saare Wind Energy OÜ, Sunly Wind OÜ, Eolus Offshore Estonia OÜ, CI NMF Estonia Sea I OÜ, the Estonian Chamber of Environmental Associations, the NGO Estonian Fishermen's Association, the NGO Saare Kalandus, the NGO Biodiversity Conservation, the NGO Koovi Village Association, the NGO Karala-Pilguse Hoiuuala Selts and the NGO Saare Rannarahva Selts.

22.1. The Health Board (letter No. 9.3-4/24/5582-6 of 30 September 2024) and KliM (letter No. 16-3/24/4558-2 of 15 October 2024) had no objections to the Superficies License.

22.2. The Estonian Rescue Board announced in its letter No 7.2-3.4/1389-3 of 30 September 2024 that further design must be based on the provisions of Chapter 5 of the Estonian Maritime Spatial Plan. The risks of possible pollution must be analysed, a risk analysis must be developed and, on the basis of this, measures and conditions for mitigating the consequences of marine pollution must be provided.

22.3. On 8 October 2024, SWE submitted a proposal to clarify the wording of the draft order. SWE is of the opinion that fixing the maximum rotor diameter and tip height in the Superficies License is appropriate, but that it is not necessary to specify the nominal capacity of the wind turbine, as the nominal capacity does not in itself create any environmental impact, the wind turbines technology is evolving rapidly and the rated capacity of the 280 m rotor diameter wind turbine, which is not yet in production, is not yet known. In addition, SWE asked that the Superficies License should not fix the maximum allowed depth of the foundation in the seabed sediments and the size of the area of the bottom of the foundation, and proposed to complete the order draft with regard to the voltage rating of substations and cables. SWE clarified that the exact technical parameters will be clarified once the Superficies License is issued, during the preparation of the construction project, considering the drilling in the sea at the specific wind farm locations to clarify the geology of the construction.

22.4. The NGO Saare Rannarahva Selts stated in letter No. 21/SWE2 of 12 October 2024 that the issuance of a Superficies License to SWE in its current state would mean that a significant part of the marine area covered by the amended Superficies License would not be subject to a proper EIA. In addition, the NGO Saare Rannarahva Selts is of the opinion that the EIA carried out so far has very significant shortcomings and that it would be unlawful to issue a Superficies License to SWE.

22.5. In its letter No 7.2-4/24/16525-2 of 15 October 2024, the Transport Administration stated that an aeronautical expertise pursuant to § 35(4) of the Aviation Act must be carried out when the exact locations of the wind turbines are determined, and since the area of the Superficies License is partly located in the instrumental procedures area of Kuressaare Airport, the heights of the procedures must be changed when erecting the wind turbines.

22.6. By letter No. 6-3/24/4762-3 of 15 October 2024, KeA submitted proposals and comments, which it asked to take into account. KeA asked to clearly indicate which measures SWE is required to implement and to justify which measures in the EIA report are to be implemented in the proposed activity and which are not.

22.6.1. In KeA's view, the measures referred to in points 7 and 8 of the operative part of the order should be clarified so that they do not remain vague. KeA should be consulted on the development of monitoring programmes for the marine environment, birds and bats, and on the review of data (including adjustments to operating regimes resulting from monitoring, e.g. requiring wind turbines to be slowed down). The post-assessment plan should form part of the Environmental Management Plan, which should be agreed with both the consenting authority and KeA. This will allow to make sure that the monitoring plan is adequate and covers all the details. The guidelines in the EIA report are not sufficiently detailed in this respect and will need to be clarified when the permit is granted.

22.6.2. KeA proposed to clarify whether the installation solution also includes the choice of foundations, and to explain the rationale for considering foundations with a higher environmental impact. In addition, it is also necessary to indicate the mitigation measure recommended in the resolution or to justify its omission.

22.7. In their letters of 15 October 2024, the NGO Koovi Külaselts and the NGO Elurikkuse Kaitse are of the unanimous opinion that, in the proposed form and considering the current Superficies License procedure, it is not possible to legally

to grant the Superficies License, and request that the application be rejected as submitted. According to the NGOs, the EIA has been carried out with significant shortcomings: the EIA report made public and the approved EIA report are also completely different in content, the effects on people and wildlife of low-frequency noise have not been assessed at all, the effects of sedimentation resulting from the proposed activities have not been analysed, and the issues of bisphenol and microplastics pollution have not been addressed. The NGOs also consider that VV order No 50 is unlawful, and that, at a time when a comparative analysis of the impact of wind farms and a guide for impact assessors are still being prepared on behalf of the Ministry of the Environment, it is incomprehensible how the SWE grant the Superficies License application and issue the Superficies License if the EIA prepared as part of the procedure could not have been based on the environmental assessors' guidance material to be prepared.

22.8. The NGO Karala-Pilguse Hoiuala Selts submitted objections to the draft order on 15 October 2024, according to which the development of renewable energy cannot be carried out at the expense of Estonia's natural environment, the living environment and taxpayers. The NGO Karala-Pilguse Hoiuala Selts is of the opinion that the application of SWE the preference given to national projects is unjustified, the EIA has been flawed, the environmental impact of the wind farm is devastating, and the benefits do not outweigh the damage. Also, that neither a monopile foundation nor a gravity foundation are suitable for Saaremaa's coastal waters, and that the draft Superficies License is based on the false premise that the proposed offshore wind farm is not expected to have a negative impact on the value of residential properties in the area.

22.9. In letter No 12-1/24/375-2 of 17 October 2024, the Ministry of Defence announced that it had launched a study to assess the impact of a wind energy site west of Saaremaa on the marine monitoring system and, if necessary, propose measures to mitigate the negative effects of offshore wind farms. The Ministry of Defence has no objections to the granting of the Superficies License but noted that SWE must be prepared to mitigate the negative impacts identified in the study and therefore proposed to include a condition in the Superficies License that SWE must cooperate with the relevant authorities in the field of maritime surveillance, maritime communications and operational communications.

22.9.1. The Ministry of Defence further announced by e-mail on 9 April 2025 that the above-mentioned study has been completed and concluded that the wind energy site west of Saaremaa will have a significant impact on maritime surveillance and that mitigation measures must be implemented to reduce the negative impacts. Consequently, the applicant for a Superficies License will have to take into account additional obligations for the development of the offshore wind farm, i.e. additional investments and costs. Since the wind turbines to be installed in the offshore wind farm must not give rise to the degradation of the operational capability of the national maritime surveillance system, mitigation measures must be developed and implemented, the financing or part-financing of which remains the responsibility of the developer. The developer shall also take into account the space requirements for the installation of the Defence Forces' equipment within the development area of the offshore wind farm and, if necessary, on the surface of the structures to be built.

22.10. In its letter No 6-6/24/485-3 of 21 October 2024, the Environment Agency pointed out that the conditions for the collection, storage, disclosure and/or accessibility of data accompanying monitoring activities are not explicitly specified.

22.11. In addition, seven private persons and three companies (OÜ Laesson ja Partnerid, OÜ Wellhold and OÜ Jänese Aiad) submitted comments on the draft order, arguing that the issuance of the Superficies License to SWE would mean that a large part of the marine area covered by the Superficies License would remain subject to a proper and legally compliant EIA not done. The EIA carried out for the marine area covered by the application for the initial development consent is incomplete, in particular regarding noise, visual pollution, socio-economic impacts, impact on neighbouring protected areas, marine life and impact on birdlife. Issues of impact on the local microclimate and microplastics pollution are not fully addressed. They consider that a new, appropriate EIA and assessment are essential for the decision on the Superficies License. They consider that VV order No 50, which increased the area covered by the application for a Superficies License, is unlawful, that the granting of the Superficies License is unlawful, and that the EIA report made public differs in content from the approved EIA report.

22.12. The Ministry of the Interior, the Ministry of Regional Affairs and Agriculture, the National Heritage Board, the Police and Border Guard Board, the Agriculture and Food Board, the Saaremaa Municipality, Sunly Wind OÜ, Eolus Offshore Estonia OÜ, CI NMF Estonia Sea I OÜ, the Estonian Chamber of Environmental Associations, the Estonian Fishermen's Association and the NGO Saarte Kalandus did not submit their comments by the deadline.

23. In the light of the relevant opinions and objections expressed at the hearing, the text of the Order has been amended and supplemented. The suggestions made by SWE have been taken into account and the Order has been amended accordingly. The wording of the conditions of the Superficies License has also been supplemented in accordance with the proposals of the Rescue Board, the Transport Administration and the Ministry of Defence.

23.1. Following the views of the KeA and the Environment Agency, the considerations and the wording of the conditions of the Superficies License were adjusted. However, the conditions for collecting, storing, disclosing and/or accessing data related to monitoring activities cannot be specified in the Superficies License, as there is currently no common understanding at national level on how these activities could be regulated and organised in their entirety.

23.2. The views of the NGO Saare Rannarahva Selts, the NGO Karala-Pilguse Hoiuala Selts, the NGO Koovi Külaselts, the NGO Elurikkuse Kaitse, OÜ Laesson ja Partnerid, OÜ Wellhold, OÜ Jänese Aiad and seven private individuals cannot be accepted.

23.2.1. The approved version of the EIA report does not differ in content from the version submitted for public consultation but has been improved on the basis of relevant feedback received during the public consultation and additional suggestions from KliM and KeA. In the procedure for the approval of the EIA report, KliM checked the EIA report of the SWE offshore wind farm, and the EIA procedure met the established requirements and found that there were no circumstances preventing the approval of the report referred to in subsection 22(3) of the KeHJS⁽²⁰¹⁵⁾. Consequently, the KliM approved the EIA report. The EIA report clearly states that the spatial alternative to be assessed is the maximum possible extent of the offshore wind farm, the main alternative 2, which envisages up to 100 wind turbines, i.e. the scenario with the highest potential impact is assessed. In addition, it is the task and responsibility of the developer of the offshore wind farm to ensure that during and after construction activities, the works are carried out in accordance with the permitted standards and applicable requirements.

23.2.2. Regarding microplastics and bisphenol A, the experts explained during the EIA procedure that, as a general principle, offshore wind turbines are state-of-the-art high-tech devices that meet the requirements in force at the time and their use is allowed in the European Union, including Estonia. Wind turbine blades contain only microscopic traces of bisphenol A and therefore their use does not lead to high or no emissions of bisphenol A or microplastics into the environment. The extremely low potential emission of bisphenol A from the blades of wind turbines does not pose a risk to the environment or to humans.

23.2.3. Regarding the potential impact of the development on the microclimate, SWE has explained that local changes will only be noticeable up to a few hundred metres from the wind farm, not over a wider area. Studies to date have shown that the proposed offshore wind farm will not lead to temperature increases that could cause local redistribution of air masses and associated microclimatic changes.

23.2.4. Regulation No 42 of the Minister of Social Affairs of 4 March 2002 "Noise standards in residential and recreational areas, residential buildings and buildings of common use and methods of measuring noise levels" establishes standard noise levels (including low-frequency noise levels, which differ from the conventional A-corrected standard levels). The risk to human health is generally assessed in comparison with the standard levels (the standard levels are developed with a view to both protecting human health and minimising disturbance). The strictest standard for industrial noise is 35 dB. The noise propagation model presented in the EIA report indicates that noise above 35 dB will not reach land.

23.2.5. When granting a Superficies License to SWE, the state does not favour the developer over other public projects. The application for a Superficies License for the SWE offshore wind farm was already submitted in 2015, when there were no nationally linked offshore wind farm developments in the pipeline. SWE is now the first offshore wind farm developer to have completed all the necessary studies and impact assessments, and to have passed all the necessary procedures for obtaining a Superficies License. Given the current energy crisis, decisive action by the state is needed, rapidly increasing the volume of renewable electricity generation and encouraging investment in renewable energy and related infrastructure is an important objective for the country and society as a whole.

23.2.6. The Order's considerations and conclusions regarding the impact of the offshore wind farm on the surrounding environment are based mainly on the facts presented in the EIA report and on the data identified through studies and analyses. Among other things, the EIA report concluded that, given the scientific literature, the nature of the real estate market in the area, the limited sea views from residential properties and the existing nature conservation constraints, the proposed offshore wind farm cannot be expected to have a negative impact on the value of residential properties in the area.

DECISION

1. To grant Superficies License for the use of the of a public water body with an offshore wind farm on the west coast of Saaremaa.

2. To designate Saare Wind Energy OÜ (registry code 12747106) as the holder of the Superficies License.

3. Set the period of validity of the Superficies License at 50 years.

4. Define the coordinates of the Superficies License area of a public water body:

- 1) X1: 6456675 Y1: 349600
- 2) X2: 6456650 Y2: 353000
- 3) X3: 6453650 Y3: 358325
- 4) X4: 6450650 Y4: 362100
- 5) X5: 6450650 Y5: 368225
- 6) X6: 6449000 Y6: 370125
- 7) X7: 6445975 Y7: 372425
- 8) X8: 6442800 Y8: 373125
- 9) X9: 6442825 Y9: 353025

The total area affected is 197 470 478 m².

5. Designate the following as uses of buildings: 23023 - Wind power station facility; 22144 - Water cable line; 22245 - Communication overhead or cable line; 22145 - 110 kV and above transformer substation; 22149 - Other electricity transmission line facility.

6. Set the following conditions for buildings:

- 1) maximum number of wind turbines allowed: 100;
- 2) maximum number of substations allowed: 2;
- 3) maximum offshore wind farm capacity: 1400 MW;

- 4) maximum authorised height above sea level: 310 m;
- 5) maximum permissible rotor diameter: 280 m;
- 6) minimum distance between wind turbines: 4 rotor diameters (minimum 800 m);
- 7) maximum ground projection area that is authorised for a construction work and maximum permissible depth of a construction work on the seabed: to be determined during the technical design of the offshore wind farm.

7. The following mandatory mitigation measures must be taken into account in the implementation of the proposed action:

1) exclude areas where the thickness of the seabed sediments on the limestone seabed is more than 4 metres when designing the construction of offshore wind farms;

2) exclude construction and mounding in areas of high ecological and nature conservation value, i.e. in the area of the Habitats Directive reef habitat type reefs below 20 m. As an exception, the design and construction of internal wind farm cabling on reefs up to 20 m deep is allowed if the alternative solution would be more cumulatively damaging to the seabed (e.g. generating excessive sediment and silt). All exceptions to be agreed with marine life experts. For reefs below 20 m within the development area, up to 5% of the area of these reefs is allowed to be lost to cabling over the entire development area;

3) to use areas for the disposal of sediments released during the installation of foundations (in particular for gravity foundations, but also for other works) where the disposal of sediments does not lead to significant environmental impacts (i.e. where the seabed habitat is not of high value) and where it is not technically feasible to place wind turbines (distinct NW-SE relief troughs with a depth of more than 22 m in the area of the Superficies License);

4) when constructing a cable route within an offshore wind farm, to place material with naturally similar characteristics (limestone) on the dredged part of the cable and/or on the area covered by the buried cable;

5) if the results of the ex-post assessment, including bird monitoring, show significant negative impacts on birds, implement mitigation measures to reduce the risk of collision (making wind turbines more conspicuous, avoiding lighting of wind turbines, reducing or stopping rotor speeds during the most intense migration). For reasons of accuracy and efficiency, use high-tech tools to identify the times when action is needed;

6) if the ex-post assessment concludes that the impact on bats is high during the operation of the wind farm, implement appropriate mitigation measures. At present, the only appropriate and effective mitigation measure for offshore wind farms can be considered to be the shutting down of the wind turbines during the bat migration period when wind speeds are below 5 m/s;

7) after the Superficies License has been issued, once the exact locations of the wind farm buildings have been determined, to check, by means of divers or submersibles, archaeological sites that may be directly affected by the wind farm construction works. Particular attention should be paid to sites Saa_0027, Saa_0028, Saa_0029, Saa_0067 and Saa_0071. Inspection of the sites is necessary if they are closer than 500 m to the proposed buildings. Cooperation with the National Heritage Board is required when planning surveys;

8) to ensure maritime safety and to mitigate risks, ensure that offshore installations are marked with marine markings that comply with the requirements and are approved by the Transport Administration, both during construction and operation of the wind farm. Use a clear marking system for wind turbines, visible to vessels and aircraft;

9) if the wind turbines are not installed in a grid, provide a minimum *SAR access lane* of 1 km for air traffic and mark it separately. Co-operate with the Ministry of the Interior and the Police and Border Guard Aviation Squadron to provide access lanes and safety areas;

10) establish a restricted area for flying in the construction phase. The information on the restricted area will allow airspace users to avoid the area, which will increase flight safety. Cooperate with the Ministry of the Interior, the Transport Administration and the Police and Border Guard Board on the restriction;

11) as the area subject to the Superficies License is partly located in the instrumental procedures area of Kuressaare airport, change the airport approach procedures and the instrumental procedures heights when erecting wind turbines. When the exact locations of the wind turbines have been determined, cooperate with the Transport Administration to carry out the aeronautical expertise referred to in § 35(4) of the Aviation Act for the offshore wind farm construction project;

12) cooperate with the relevant authorities in the field of maritime surveillance, maritime communications and operational communications;

13) prepare an oil spill response plan, analyse the risks of possible spills, develop a risk analysis and, on this basis, ensure that measures and conditions are in place to mitigate the consequences of the spill;

14) prior to the submission of an application for a construction permit, a geotechnical engineering study must be conducted of the site of each individual wind turbine, which is necessary for the preparation of a detailed offshore wind farm building design;

15) specify the need for erosion protection during the design of the offshore wind farm.

8. The following mandatory monitoring measures must be taken into account in the implementation of the proposed activity:

1) prepare an Environmental Management Plan for the offshore wind farm design project and submit it with the application for a building permit. Include in the Environmental Management Plan both the environmental measures made mandatory when the Superficies License is issued and the environmental measures voluntarily set by the developer. The Environmental Management Plan shall include, inter alia, a detailed ex-post evaluation plan, drawn up in cooperation with experts in the field, applying the best available technological solutions at the time and the principles of ex-post monitoring;

2) Regularly monitor the technical condition of wind turbine foundations and submarine cables during the operation of the offshore wind farm;

3) a monitoring programme is needed to clarify the magnitude of the potential impact of the new substrate on the water column and to implement mitigation measures. To this end, the colonisation of wind turbine foundations in different parts of the wind farm will be monitored over the entire depth range. As the colonisation of new substrate is a long-term process involving different stages and types of communities, monitoring should be carried out over a minimum period of 10 years: up to four times per year for the first three years, and at a frequency of once per year thereafter. The parameters to be monitored are the species composition, cover (flora and fauna) and abundance (fauna) of the established biota;

4) during the development and subsequent operation of the wind farm, other monitoring during construction, post-construction and operation, which must include seabed communities, biota (including Habitats Directive habitat types, Baltic Marine Environment Protection Commission Red List biotopes and Level 5 and 6 underwater biotopes) and the water body/water quality part. This should consist of both regular surveys to document the immediate effects of construction and to monitor the recovery of disturbed communities in the event of further exploitation;

5) in the case of connection cables being installed during the most productive growing season, monitor the spreading of suspended solids from the installation in real time from 15 April to 31 August. Temporarily suspend work in the event of a cloud of suspended solids with a concentration of solids exceeding the natural background by at least 50% spreading outside the buffer zone of the cable corridor (50 m from the outermost cables) to a depth of less than 6 m. Determine and fix the natural background of the suspended solids concentration prior to construction activities;

6) collect data on the behaviour of soaring birds when encountering a wind farm of large wind turbines. Data on the number of actual collisions will also provide valuable information for ex-post evaluation. After the completion of the wind farm, carry out at least an operational monitoring of overflying birds. For the monitoring methodology, it is recommended to use the *Standard Investigation of the impacts of offshore wind turbines on the marine environment (STUK4)* methodology, which has already been used in an adapted way during pre-construction monitoring. Surveillance of overflying birds should include both radar and visual observations from an anchored vessel, with the additional use of cameras for automatic collision detection. The scope of the monitoring recommended by the German standard is at least three years, seven days a month during the main migration periods (1 March to 31 May and 15 July to 30 November). The monitoring design must take into account that the wind farm will take several years to complete, so the follow-up monitoring period will probably not start before 2030. Therefore, the technology used at that time should be used and the monitoring methodology updated if necessary;

7) develop a detailed monitoring programme for the operational monitoring of fish during the construction phase, which will be necessary to monitor changes in fish species composition and abundance on an ongoing basis during the construction works. The monitoring should cover both the development areas and the cable corridor area. Fish monitoring to be carried out at the time of installation of the first wind turbines and during cable works;

8) develop a monitoring programme for the monitoring of fish during the operational phase, which is necessary to monitor changes in the species composition and abundance of fish during the operational phase of the wind farm. The monitoring should be carried out annually for the first five years, after which an assessment should be made of whether monitoring should continue. A detailed survey plan to be formulated in cooperation between the developer, the decision maker and the research institute;

9) as part of the follow-up monitoring of the wind farm, to carry out an acoustic survey of the offshore wind farm over a two-year period, which will allow a comparison of bat flight activity around the wind turbines before and after the wind farm is built. To avoid spill-over effects due to the location of the recorders, the equipment will be installed in the same areas of the planning area. Instead of temporary buoys, it is advisable to install the recorders on the maintenance platforms of the wind turbines for post-monitoring purposes. The completion of the offshore wind farm will take several years, so the follow-up monitoring period will probably not start before 2030. It is therefore prudent to use the monitoring technology available at that time and to update the monitoring methodology if necessary;

10) measure sound propagation losses during construction and operation to verify the assumptions made in the underwater noise study. The sound source can be either impulsive or continuous broadband and should be located at the site of the future pile installation. Measure sound transmission in decibels, with particular attention to the low frequencies between 100 and 300 Hz, where there is significant sound transmission during both construction and operation. The best time for measurements is spring, as sound propagation loss is lowest during this period, providing a more conservative estimate of sound transmission;

11) during construction, it is important to measure the source level generated during pile installation. Measurements should be made in accordance with ISO 18406 and preferably at the same measurement points as during the pre-construction phase. Care shall be taken to ensure that the dynamic range of the hydrophones is sufficient to allow the highest expected sound pressure to be recorded without distortion. Monitor the installation of at least four piles throughout their installation period;

12) collect noise data at random from individual wind farm turbines during the operational period. Take sound measurements at a distance of about 100 m from the sound source and at the centre of the wind farm. In addition, take measurements outside the wind farm at a distance of 1,000 m and in the nearest nature reserve, provided that it is no more than 5 km from the offshore wind farm site;

13) monitor noise (including low-frequency noise) measurements at the nearest residential areas along the coast, following the construction of the wind farm. A variety of sites will be selected as measurement points, including villages some distance to the east (on the Sõrve peninsula);

14) assess the potential for tonal sound (noise) generation as part of the monitoring planned after the wind farm is built (also in the event of disturbance);

15) once the wind farm is operational, carry out measurements of the radio communication systems and AIS system to verify the required coverage guarantees and determine the need for additional coastal radio stations or AIS base stations;

16) if new or additional information becomes available during the follow-up monitoring that the predictions in the EIA report have underestimated the expected associated impacts, implement additional mitigation measures based on the results of the monitoring to ensure that the expected negative impacts are avoided or reduced.

9. The holder of a Superficies License must pay an annual fee starting from the date that follows the date on which a building permit was issued under the superficies licence in accordance with the Building Code § 113²¹ (1) and (3¹) and § 113²² (1), (2¹), (3¹) and (4). For the payment of the fee, the Consumer Protection and Technical Regulatory Authority will issue the holder of the Superficies License the relevant payment notification.

10. The holder of a Superficies License must remove a construction work that is an essential part of the Superficies License from a public water body when the Superficies License expires.

11. This Superficies License does not replace any other permits required by law for the construction and use of the building that is an essential part of the Superficies License.

Challenging an order

The order may be challenged in accordance with the procedure laid down in the Code of Administrative Court Procedure within 30 days of the date of publication of the order in the Riigi Teataja.

Notification of the order

The Consumer Protection and Technical Regulatory Authority to notify the order to Saare Wind Energy OÜ, the relevant authorities and Eolus Offshore Estonia OÜ, CI NMF Estonia Sea I OÜ, the Estonian Chamber of Environmental Associations, the NGO Eesti Kalurite Liit, the NGO Saarte Kalandus NGO, the NGO Elurikkuse Kaitse, the NGO Koovi Külaselts, the NGO Karala-Pilguse Hoiuala Selts and the NGO Saare Rannarahva Selts.

Kristen Michal
Prime Minister

Keit Kasemets
State Secretary



Overview of the Environmental Impact Assessment Procedure and Superficies License for the Saare Wind Energy OÜ Offshore Wind Farm Project

The developer Saare Wind Energy OÜ (SWE) wishes to build an offshore wind farm west of the island Saaremaa in the territorial waters of Estonia. The planned offshore wind farm is located in Wind Energy Development Area No. 2, designated by the Estonian Maritime Spatial Plan established in 2022.

The offshore wind farm consists of a maximum of 100 wind turbines with a total capacity of up to 1400 MW and up to two offshore substations, internal cables, and a transmission system up to the point of connection to the general grid for electricity transmission. The turbines' maximum rotor diameter is 280 meters and tip height is 310 meters. The total area of the offshore wind farm is 197.5 km² and the water depth in this area is approximately 20-35 meters.

SWE submitted the superficies license application to the Government of Estonia on 9 April 2015. The environmental impact assessment (EIA) procedure of the superficies license was initiated by the Government of Estonia on 28 May 2020.

The first transboundary involvement of neighbouring countries took place after the initiation of the EIA procedure in July 2020. Sweden, Latvia and Lithuania wished to be involved in the cross-border impact assessment procedure and submitted their proposals for conducting the EIA. The countries shared a common interest in thoroughly assessing the impacts on birdlife, including migratory bird stopovers and feeding grounds, fish, seals and marine habitats, and the need to consider navigation and maritime safety and the cumulation of impacts was also highlighted. The developer and expert group took into account the proposals made by neighbouring countries in the further EIA procedure.

The second cross-border involvement took place during the environmental impact assessment in April 2021, where countries were again able to express their opinions and proposals on the environmental impact assessment and its program. The proposals received in the second stage largely overlapped with the proposals included in the first engagement, which had already been considered in the EIA program. In 2021-2023, comprehensive environmental studies were carried out in the superficies license area, including on birds, fish, bats, seals and marine habitats. In total, at least 20 different studies and modellings were carried out during the EIA. The studies and the EIA did not identify any significant negative environmental impact, including direct transboundary impact, on any of the assessed

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environmental aspects. However, the EIA identified mitigation measures (outlined in Section 7 of the superficies license) and the need for monitoring (fixed in section 8 of the superficies license) to prevent and reduce potential environmental impacts. Regarding cumulative impacts, it was explained that when assessing cumulative impacts, similar projects or other planned projects that lead to the accumulation of similar impacts from several activities can be taken into account, which have reached at least the same assessment stage by the time of the preparation of SWE EIA report, i.e. it is possible to take into account data collected and published in another EIA. There are no offshore wind farms in such an advanced development phase in the vicinity of the SWE area, nor are there such projects in the sea area of Latvia, Lithuania or the Swedish island of Gotland.

The third transboundary engagement took place upon the publication of the EIA report when the EIA report was sent to Latvia, Lithuania and Sweden in August 2023. The countries acknowledged the environmental studies conducted and the implementation of necessary mitigation measures.

Sweden. The Swedish Environmental Protection Agency submitted the opinions of Bird Life Sweden and the Swedish Transport Administration. Bird Life Sweden strongly emphasizes that SWE offshore wind farm should be called upon to use techniques that combine weather/radar data and instantaneous shut-down of wind turbines when high-risk conditions occur. The corresponding mitigation measure is also outlined in the EIA report. The Swedish Transport Administration assess that, based on the impact assessment carried out, there will be no direct transboundary impacts due to the construction of the planned wind farm. However, they list potential negative transboundary impacts in relation to birdlife due to cumulative effects, theoretical impacts on fish fauna, bats, and seals, but consider that the proposed mitigation measures presented in the EIA report are sufficient and therefore the proposed activity will not cause negative transboundary impacts.

Lithuania. The State Service for Protected Areas under the Ministry of the Environment pointed out the relatively high species abundance in the planned area, therefore the installation of wind turbine foundations should be carried out in such a way as not to disturb biodiversity during sensitive periods. The State Service considers that the measures envisaged to reduce the impact of the operation of wind turbines are sufficient but proposes to reassess sound propagation during construction and the use of sound mitigation measures. The impact assessment has taken into account the impact of the planned technology on the species in the area and its vicinity. Therefore, no additional noise assessment is considered necessary.

Latvia. The Ministry of the Climate and Energy of the Republic of Latvia highlighted that the project is expected to have a small to significant positive impact on grid capacity and the transition to a climate-neutral economy, benefiting the climate and energy sectors. The State Service emphasized that when implementing the project, attention should be paid to the protection of migratory birds and the implementation of the best technical solutions to mitigate the risk of collisions both during the day and at night, which is also considered in the EIA report. The Nature Conservation Agency welcomed the quality of the EIA studies and documentation and stated that it would not impose additional conditions. The EIA report (approved by the Ministry of Climate on 10 June 2024) can be found on the SWE website [News and materials – Saare Wind Energy](#).

On May 15, 2025 the Estonian government decided to grant Superficies License to SWE based on the same grounds as stated in the application. The order was published in the *Riigi Teataja* on May 21, 2025 <https://www.riigiteataja.ee/akt/323052025002> (in Estonian).

The superficies license allows SWE to proceed with the next stages of development, which are Preparation and Engineering (earliest 2026-2028), followed by the pre-fabrication phase (earliest 2028–2029) and the construction of the offshore wind farm (earliest 2029-2031). The time of construction of the offshore wind farm and transmission of electricity to the grid depends, among other things, on the electricity transmission system to be built by Elering AS (TSO of Estonia).

The offshore wind farm is expected to be operational and supplying electricity to the grid by 2031 at the earliest.

A handwritten signature in black ink, appearing to read 'K. Kartau'.

Kuido Kartau

Board member
Saare Wind Energy OÜ



REPUBLIC OF ESTONIA
MINISTRY OF CLIMATE

To the Points of Contact for the Espoo
Convention in Latvia, Lithuania and
Sweden

Our ref 25.06.2025 6-3/25/2889-2

The delivery of Saare Wind Energy OÜ offshore wind farm project's superficies licence in accordance with Article 6 of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)

On 9 July 2020, Estonia notified in accordance with Article 3 of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) Latvia, Lithuania, Sweden and Finland regarding the Saare Wind Energy OÜ (hereinafter *the developer*) offshore wind farm project. Latvia, Lithuania and Sweden indicated its wish to participate in the environmental impact assessment (EIA) procedure. Finland indicated that it does not intend to participate in the EIA procedure.

On the basis of the application for a superficies licence submitted by the developer, the Government of the Republic of Estonia initiated EIA of the project on 28 May 2020. The EIA programme and EIA report have been sent to the affected Parties for commenting on 15 April 2021 and on 28 August 2023, respectively. The Ministry of Climate, acting as the supervisor of EIA, approved the EIA report on 10 June 2024. The Government of the Republic of Estonia issued the superficies licence on 21 May 2025 (order No. 95).

In accordance with Article 6 of the Convention on Environmental Impact Assessment in a Transboundary Context, hereby Estonia sends to the affected Parties the superficies licence of the project in English¹ (Annex 1). The reasons and considerations (including taking into account the outcome of the EIA) on which the superficies licence is based have been explained in the decision. In addition, the developer has prepared an overview of the EIA procedure (transboundary consultations) and superficies license (Annex 2).

Contacts information

- Developer: Saare Wind Energy OÜ – Mr Kuido Kartau, kuido@swe.ee ;
- Decision-maker: Consumer Protection and Technical Regulatory Authority (i.e. authority that carried out the proceedings regarding the superficies licence application) – Ms Adeele Vesingi, adeele.vesingi@ttja.ee ;
- Transboundary EIA procedure: Ministry of Climate – Mr Rainer Persidski, rainer.persidski@kliimaministeerium.ee.

¹ Superficies licence of the project in Estonian: <https://www.riigiteataja.ee/akt/323052025002>.

Herewith Estonia considers the transboundary consultations regarding the Saare Wind Energy OÜ offshore wind farm project ended.

Sincerely Yours,

(signed electronically)

Birgit Parmas

Point of Contact for the Espoo Convention

Enclosures:

Annex 1 – superficies licence

Annex 2 – overview of the EIA procedure and superficies licence

List of recipients (Points of Contact):

Latvia: Energy and Environment Agency, pasts@eva.gov.lv

Lithuania: Ministry of Environment, Mr Vitalijus Auglys, vitalijus.auglys@am.lt; Ms Beata Vilimaite Silobritiene, beata.vilimaite@am.lt

Sweden: Swedish Environmental Protection Agency, espoo@swedishepa.se; Mr Richard Kristoffersson, richard.kristoffersson@swedishepa.se

For information:

Saare Wind Energy OÜ, kuido@swe.ee

Consumer Protection and Technical Regulatory Authority, info@ttja.ee

Rainer Persidski, +372 626 2973
rainer.persidski@kliimaministerium.ee

Nuo: Beata Vilimaitė Šilobritienė <beata.vilimaite@am.lt>

Išsiųsta: 2025 m. birželio 25 d., trečiadienis 10:27

Iki: Info <info@am.lt>

Kopija: Vitalijus Auglys <vitalijus.auglys@am.lt>

Tema: Persiųsta: The delivery of Saare Wind Energy OÜ offshore wind farm project's superficies licence in accordance with Article 6 of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)

Laba diena,

Prašau registruoti ir nukreipti TPPG.

Ačiū,

Beata

Nuo: kem@kirke.envir.ee <kem@kirke.envir.ee>

Išsiųsta: 2025 m. birželio 25 d., trečiadienis 10:05

Iki: pasts@eva.gov.lv <pasts@eva.gov.lv>; Vitalijus Auglys <vitalijus.auglys@am.lt>; Beata Vilimaitė Šilobritienė <beata.vilimaite@am.lt>; espoo@swedishepa.se <espoo@swedishepa.se>; richard.kristoffersson@swedishepa.se <richard.kristoffersson@swedishepa.se>

Tema: The delivery of Saare Wind Energy OÜ offshore wind farm project's superficies licence in accordance with Article 6 of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)

Dear Mr/Ms

Please find attached the document entitled "The delivery of Saare Wind Energy OÜ offshore wind farm project's superficies licence in accordance with Article 6 of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)" (Our ref: 25.06.2025 No 6-3/25/2889-2).

The document has been electronically signed.

Sincerely Yours,

Ministry of Climate

Suur-Ameerika 1, 10122 Tallinn

Estonia

info@kliimaministerium.ee

www.kliimaministerium.ee

DETALŪS METADUOMENYS

Dokumento sudarytojas (-ai)	The Ministry of Climate of the Republic of Estonia, Suur-Ameerika 1, 10122 Tallinn
Dokumento pavadinimas (antraštė)	The delivery of Saare Wind Energy OÜ offshore wind farm project's superficies licence in accordance with Article 6 of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)
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Dokumento gavimo data ir dokumento gavimo registracijos numeris	2025-06-25 Nr. D13-436
Adresatas	Lietuvos Respublikos aplinkos ministerija, A. Jakšto g. 4, LT-01105 Vilnius
Registratorius	Vyriausiasis specialistas Rūta Dobranskienė
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Nuorašas tikras
Lietuvos Respublikos aplinkos ministerija
2025-07-02