Granting of Superficies Licence

The Consumer Protection and Technical Regulatory Authority is the competent authority that processes applications for a superficies licence and decides on the initiation of the procedure as well as the granting of the superficies licence.

Facts and Procedural History

1. On 18 February 2021, the legal predecessor of OÜ Utilitas Wind (registry code 16171123; hereinafter the developer), OÜ Utilitas (registry code 12205523), submitted to the Consumer Protection and Technical Regulatory Authority (hereinafter CPTRA) an application for a superficies licence to place structures associated with the Saare-Liivi offshore wind farm in the Gulf of Riga. The application and related documents were registered in CPTRA's public document register under file no. 16-7/21-02502.

1.1. Pursuant to § 25^1 (1) of the Act to Implement the Building Code and the Planning Act, applications for superficies licences submitted between 25 May 2017 and 7 May 2022 must be processed based on the procedural and substantive law in force at the time of submission. As the application was submitted on 18 February 2021, the proceedings must follow the Water Act as in force from 1 January 2021 to 30 September 2021 (hereinafter Water Act^{2021}).

1.2. Under § 217 (1) of the Water Act^{2021}, a superficies licence is a a right to encumber, for a specified period of time, a delimited part of a public water body with a construction work that is permanently connected to the bottom of the water body or to the seabed but does not have a permanent connection to the shore. Since the planned offshore wind farm consists of construction work not permanently connected to the shore, a superficies licence is required.

1.3. According to § 216 (1) and § 222 (1) of the Water Act^{2021}, the authority responsible for issuing the superficies licence is CPTRA.

2. On 23 December 2021, by Decision No. 1-7/21-521, CPTRA initiated the superficies licence procedure for the Saare-Liivi offshore wind farm and the environmental impact assessment (EIA). Because the application was submitted on 18 February 2021, the EIA had to be conducted under the Environmental Impact Assessment and Environmental Management System Act (EIA Act) valid from 1 January to 31 October 2021.

3. On 22 December 2022, by letter No. 16-7/21-02502-095, CPTRA confirmed that the EIA programme prepared by Roheplaan OÜ ("OÜ Utilitas Wind Saare-Liivi Offshore Wind Farm Environmental Impact Assessment. EIA Programme, 14 November 2022") complied with requirements.

4. On 30 June 2022, OÜ Utilitas Wind submitted a request to expand the initially defined area to be encumbered in the public water body. CPTRA satisfied the request by Decision No. 1-7/23-063 of 9 March 2023, adjusting the initiated area, merging it with the additionally proposed area (excluding an unsuitable southern section), and deeming the superficies licence procedure initiated for the expanded area. The EIA programme for the expanded area was confirmed as compliant by CPTRA on 20 October 2023 (letter No. 16-7/21-02502-163). The developer informed CPTRA on 14 November 2024 that a separate EIA report would be prepared for the expanded area. On 5 September 2025, CPTRA extended the deadline for submitting the EIA report for publication until 20 June 2026 (letter No. 16-7/21-02502-217), noting that the developer could begin preparing the report only in 2025 after extensive prerequisite studies were completed.

5. On 10 February 2025, OÜ Utilitas Wind submitted the EIA report "Saare-Liivi Offshore Wind Farm Environmental Impact Assessment. EIA Report for Public Disclosure, 10 February 2025" to the CPTRA

for the purpose of organising publication and asking the authorities concerned for an opinion. The assessment covered the initial encumbered area and the offshore wind farm export cable corridor. The primary feasible alternative identified was Alternative 3. The report was updated on 3 March 2025 based on CPTRA's comments. The EIA was carried out by OÜ Roheplaan, with lead expert Riin Kutsar (EIA licence KMH0131). Because amendments to the EIA Act entered into force on 21 June 2024, the disclosure and compliance assessment of the report followed the updated EIA Act pursuant to § 56 (15).

5.1. The public display of the EIA report took place from 17 March to 21 April 2025, and the public consultation was held on 29 April 2025 at Kihnu Community Centre. The documents were available in CPTRA's public document register (file Nos. 16-7/21-02502-174 and 16-7/21-02502-172) and on CPTRA's website. Comments, objections and questions could be submitted until 21 April 2025.

5.2. On 14 March 2025, CPTRA forwarded the draft EIA report to concerned authorities for opinions (letter No. 16-7/21-02502-178) and notified other participants of the disclosure process (letter No. 16-7/21-02502-177). On 17 March 2025, the Ministry of Climate notified Finland, Sweden, Latvia and Lithuania of potential transboundary impacts. Opinions were submitted by the Ministry of Climate, the Environmental Board, the Estonian Fishermen's Association, the National Heritage Board, Liivi Offshore OÜ, the Transport Administration, the Ministry of Economic Affairs and Communications, and CPTRA. The Ministry of Climate also forwarded feedback received from Finland, Sweden, Latvia, and Lithuania on 22 May 2025.

5.2.1. In its letter of 17 April 2025 (No. 16-3/25/1197-4), the Ministry of Climate (KliM) proposed supplementing the mitigation measures related to marine pollution and bird protection, and requested that the chapters on seabed geology, geophysical and geotechnical conditions, and engineering geology be expanded. The Environmental Board (KeA), in its letter of 21 April 2025 (No. 6-3/25/5326-3), requested amendments to several impact assessment chapters, the description of bird surveys and collision-risk analysis, the wording of mitigation measures, the treatment of impacts related to disposal areas and the installation of export cables, and proposed adjustments to the Natura 2000 assessments. The Estonian Fishermen's Association (MTÜ Eesti Kalurite Liit) submitted, in its email of 21 April 2025, a proposal to supplement the EIA report with several fisheries-related studies. The National Heritage Board, in its letter of 21 April 2025 (No. 5-14/828-2), requested that the cultural heritage section of the EIA report be expanded and that an underwater archaeological survey also be carried out in the planned disposal areas. Liivi Offshore OÜ submitted, in its letter of 21 April 2025 (No. TM-JUH-4/8), proposals for enhancing the assessment of cumulative impacts. The Transport Administration (TraM), in its letter of 22 May 2025 (No. 7.2-4/25/4219-3), asked for clarification or further explanation of the maritime navigation safety risk analysis and mitigation measures for vessel traffic. TraM also pointed out that the question of ensuring sufficient passage width between wind farms will need to be resolved in the future from the perspective of maintaining air traffic connections. The Ministry of Economic Affairs and Communications (MKM), in its letter of 21 April 2025 (No. 13-4/1206-2), requested clarification of the treatment of fishing areas, stationary nets, and trawl fishing, and asked that all time periods during which works must be avoided or may be carried out be clearly indicated. CPTRA, in its letter of 21 April 2025 (No. 16-7/21-02502-187), requested that the description of the planned activity be clarified in the EIA report and that an assessment be provided regarding the impact of the protection zone of the export cable corridor on coastal fishing.

5.2.2. The Health Board (letter of 8 April 2025, No. 9.3-4/25/2729-7), Saaremaa Municipality (letter of 11 April 2025, No. 8-5/1671-2), Lääneranna Municipality (letter of 17 April 2025, No. 2025/8-1/327-2), and the Police and Border Guard Board (email of 23 April 2025) notified that they would not be submitting any proposals for supplementing the EIA report.

5.2.3. The Ministry of Defence, the Ministry of the Interior, the Ministry of Regional Affairs and Agriculture, the Defence Forces, the Rescue Board, the Agriculture and Food Board, the Environmental Agency, Kihnu Municipality, Pärnu City Government, Ruhnu Municipality, Häädemeeste Municipality, the Estonian Environmental Organisations' Chamber, the Association of Fisheries of Gulf of Liivi, the NGO Saare Coastal People's Society, Tuuletraal OÜ, UAB *Ignitis renewables projektai 6*, Elering AS, and Elektrilevi OÜ did not submit any opinions during the public disclosure period.

5.2.4. The developer responded in writing on 3 June 2025 to all questions and proposals submitted during the public display period, and the EIA report was corrected and supplemented accordingly. As no further questions or proposals were submitted to CPTRA, it was concluded that the relevant authorities and other interested parties had no additional comments or objections regarding the EIA report

5.3. On 16 June 2025, OÜ Utilitas Wind submitted to CPTRA, the EIA report prepared by Roheplaan OÜ entitled *'Environmental Impact Assessment of OÜ Utilitas Wind's Saare-Liivi Offshore Wind Farm. EIA Report for Compliance Verification as of 17 June 2025'* for compliance verification. On 17 June 2025, by letter No. 16-7/21-02502-206, CPTRA forwarded the EIA report to the Environmental Board (KeA), as the manager of the protected natural object, for approval. In its letter of 18 July 2025 (No. 6-3/25/5326-6), the Environmental Board stated that it would approve the EIA report provided that the comments set out in the letter were taken into account. On 22 July 2025, CPTRA forwarded KeA's comments to the developer and requested that the EIA report be amended accordingly. On 23 July 2025, OÜ Utilitas Wind submitted the amended EIA report to CPTRA for compliance verification and confirmed that the report had been updated to reflect all the comments provided by KeA. CPTRA extended the deadline for completing the compliance review until 6 August 2025 by letter of 10 July 2025 (No. 16-7/21-02502-207) and, in its letter of 30 July 2025 (No. 16-7/21-02502-210), issued additional proposals for refining the wording of the EIA report. OÜ Utilitas Wind submitted a further revised version of the EIA report for compliance verification on 31 July 2025.

5.4. By letter of 6 August 2025 (No. 16-7/21-02502-212), CPTRA confirmed that the EIA report prepared by Roheplaan OÜ — *'Environmental Impact Assessment of OÜ Utilitas Wind's Saare-Liivi Offshore Wind Farm. EIA Report for Compliance Verification as of 17 June 2025 (amended 30 July 2025)'* — complies with the requirements. The report assessed the environmental impacts of the initial project area of the Saare-Liivi offshore wind farm and of the export cables to be installed to connect the wind farm to the national transmissioon system. CPTRA established that the mitigation measures proposed in the EIA report must be taken into account at the subsequent stages of the permitting procedure.

6. Based on the conclusions of the EIA report, OÜ Utilitas Wind submitted to CPTRA on 22 August 2025 the updated coordinates of the initial offshore wind farm area, which correspond to the maximum realistic alternative established during the EIA procedure (Figure 7.2-1 of the EIA report). Considering that the northeastern section of the initially proposed encumbered area was not suitable for turbine placement and could only be used for laying export cables, the cable corridor was delineated as a separate encumbered area. With the update of the coordinates, the portions of the inititial encumbered area lying outside the maximum realistic alternative were abandoned.

Planned activity

7. According to the application for the superficies licence, the offshore wind farm will consist of wind turbines, an offshore substation, an inter-array cable system, and export cables connecting to the national transmisson system. The initial concept envisaged a wind farm comprising of 299 turbines with

a total capacity of 5,980 MW, with each individual offshore wind turbine having a capacity of up to 20 MW. The intention was to use turbines with a total height of at least 400 metres above sea level, including a tower height of at least 250 metres and a rotor diameter of at least 300 metres. The planned location of the activity is a coastal marine area west of Kihnu Island—specifically, the central part of the Gulf of Riga for the wind farm itself, and the northeastern coastal waters of the Gulf of Riga for the export cable corridor. This area lies within a wind energy development zone designated in the Pärnu maritime spatial plan, established by the Pärnu County Governor's Order No. 1-1/17/152 of 17 April 2017.

7.1. The need for the planned activity arises from Estonia's and the European Union's climate objectives, which require an increase in the use of renewable energy sources—including offshore wind energy—along with improvements in energy efficiency and the implementation of other sustainable solutions that contribute to reducing carbon emissions. Establishing the offshore wind farm is also essential for strengthening national energy security and ensuring security of supply.

7.2. During the EIA process, and primarily based on construction-geological studies as well as surveys of birdlife and seabed habitats, the only feasible spatial alternative within the proposed encumbered area proved to be the principal Alternative 3, which allows for the installation of up to 80 wind turbines with a maximum total capacity of 1,600 MW. The nominal capacity of a single turbine is up to 20 MW, and the maximum tip height of a turbine is 310 metres. The indicative spacing between turbines is approximately 1–1.25 kilometres. The length of the export cables to the Pärnu coastline is approximately 31 kilometres, with the number of cables depending on the wind farm's total capacity. The estimated transmission capacity of one export cable is 400 MW. In addition, the construction of up to three offshore substations is planned. The final technical design of the wind farm—including the exact number of turbines and installation solutions—will be determined during the subsequent detailed design phase.

7.3. During the EIA process, at least 20 different studies were carried out, and for the principal Alternative 3 no significant adverse environmental impacts were identified for any of the assessed environmental aspects, provided that the appropriate mitigation measures are applied. The EIA report outlined the necessary mitigation measures and the need for follow-up assessment, including environmental monitoring, to avoid and reduce potential impacts. To ensure that adverse effects on birdlife are avoided or minimised to the greatest possible extent, the northeastern and southwestern corners of Alternative 3, as well as the central area with depths of less than 20 metres—identified as a potentially important resting area for long-tailed ducks and a key habitat type for reefs—were excluded from the development area. The turbines will be arranged along a northeast–southwest axis in alignment with the dominant bird migration direction, and a minimum clearance of 30–40 metres will be maintained between the water surface and the lowest point of the rotor. Reducing the spatial extent of the offshore wind farm and the number of turbines also diminishes the visual impact, meaning the portion of the horizon occupied by turbines will range from 24 to 50 degrees depending on the viewpoint. The EIA report concluded that the planned activity will not result in significant transboundary environmental impacts in any of the assessed categories. No negative cumulative impacts were identified in relation to the neighbouring Gulf of Riga offshore wind farm planned in the area. It was not possible to assess the potential bird displacement risk or the extent of collision-related impacts, as the maximum population estimates for bird species in the Gulf of Riga offshore wind farm area have not yet been established due to the ongoing EIA process for that project.

Legal Justifications

8. Pursuant to § 222 (1) and § 223 (1)–(2) of the Water Act[2021], CPTRA, as the competent authority, may decide to issue a superficies licence provided that none of the statutory grounds for refusing the licence are present.

8.1. According to § 223 (1) of the Water Act[2021], the competent authority must refuse to issue a superficies licence if: (1) *the applicant has not fulfilled the conditions set out in the decision initiating the superficies licence procedure and has not requested an extension for their fulfilment;*(2) *the conditions of the requested superficies licence conflict with an existing superficies licence;*(3) *the conditions of the requested superficies licence conflict with an applicable spatial plan;*(4) *the conditions of the requested superficies licence conflict with national security interests;*(5) *there is a significant adverse environmental impact that cannot be sufficiently avoided or mitigated;*(6) *a structure constituting a material part of the superficies licence would interfere with air traffic, maritime traffic on a fairway or in a port aquatory, or with the safe mooring of vessels;*(7) *the applicant does not meet the requirements established for the holder of a superficies licence;*(8) *based on the results of the procedure, the encumbered area of the public water body must be altered, but the applicant does not agree to the modification.* Pursuant to § 223 (2) of the Water Act[2021], the competent authority may also refuse to issue a superficies licence if there is reason to believe that the applicant may pose a threat to public order, public safety, or national security."

8.2. Pursuant to § 52 (1) point 1 of the Administrative Procedure Act, an administrative authority may, before resolving a matter in full, issue a partial administrative act to decide part of the case. Since the deadline for submitting the EIA report for the additional encumbered area of the Saare-Liivi offshore wind farm for public display has been extended until 20 June 2026, CPTRA considers it justified to issue the superficies licence for the initial area of the Saare-Liivi offshore wind farm as a partial administrative act, enabling the developer to continue planning the proposed activity with greater flexibility. The superficies licence procedure for the additional burdened area will continue after the completion of the EIA process.

9. According to Section 3.6 of the explanatory memorandum of the Pärnu maritime spatial plan, the development of wind farms at a distance of 10–12 kilometres from the shoreline is permitted, provided that there is an agreement between the developer and the local municipality. This agreement is concluded in a free format and does not constitute a formal consent within the superficies licence procedure under the Water Act. Section 4.2 of the explanatory memorandum further states that, as an exception, a local municipality's right to give consent in connection with the issuance of superficies licences for wind farms extends up to 12 kilometres from the mainland or the coastline of an inhabited island. Any extension of the administrative territorial jurisdiction of local municipalities into the marine area can occur only through amendments to the relevant legislation. The Pärnu maritime spatial plan alone does not create such a legal basis

9.1. Since the Water Act has not been amended and the Building Code does not impose an obligation to obtain the local municipality's consent for issuing a superficies licence for an offshore wind farm, CPTRA requested that OÜ Utilitas Wind conclude a simple written agreement with the Kihnu Municipality in a free format and on terms acceptable to both parties. CPTRA maintains the position expressed in point 12.1 of its Decision No. 1-7/21-521 of 23 December 2021 and considers that the agreement referred to in the Pärnu maritime spatial plan must be concluded by the time the superficies licence is issued.

9.2. On 30 October 2025, OÜ Utilitas Wind and the Kihnu Municipality concluded Cooperation Agreement No. 19-1/14. The parties agreed that Kihnu Municipality does not object to the issuance of a superficies licence for the Saare-Liivi offshore wind farm, including in circumstances where the

encumbered area defined by the licence extends 10–12 kilometres from the Kihnu coastline. The parties also agreed that, for those wind turbines whose building permit locations would fall 10–12 kilometres from the Kihnu shoreline, the issuance of the building permits will require an additional agreement between OÜ Utilitas Wind and Kihnu Municipality specifying the detailed terms of cooperation.

10. Pursuant to § 113^{21} (1) of the Building Code, 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 superficies fee.

11. No grounds for refusing the issuance of the superficies licence were identified during the licence procedure. Therefore, CPTRA considers the granting of the superficies licence to be justified.

11.1. Based on the conclusions of the EIA report, the applicant must, in carrying out the proposed activity, comply with the mandatory measures and monitoring requirements set out in Sections 7.2 and 7.5.1 of the EIA report. CPTRA considers it justified and appropriate to establish these mitigation measures as conditions of the superficies licence.

Hearing

12. On 30 October 2025, by letter No. 16-7/21-02502-222, CPTRA sent the draft of this decision for review and for the submission of opinions and comments to OÜ Utilitas Wind, the relevant authorities, Liivi Offshore OÜ, the Association of Fisheries of Gulf of Liivi, the Estonian Fishermen's Association, the Estonian Environmental Organisations' Chamber, the NGO Saare Coastal People's Society, the Läänemaa Coastal Fisheries Association, Tuuletraal OÜ, Estonia Offshore Wind DevCo OÜ, Liivi Offshore OÜ, Elektrilevi OÜ, and Elering AS.

12.1. Lääneranna Municipality (letter of 6 November 2025, No. 2025/8-1/1037-2), the Health Board (letter of 13 November 2025, No. 9.3-4/25/8763-2), and KliM (letter of 4 December 2025, No. 21-6/25/98-2) informed CPTRA that they had no proposals or objections regarding the draft decision on granting the superficies licence.

12.2. In its letter of 19 November 2025 (No. 7.2-4/25/4219-9), TraM proposed removing the requirement to establish a separate vessel-traffic management system from the conditions of the licence, as this requirement is already covered by the obligation to cooperate with the Transport Administration in adapting and implementing the other maritime-safety measures set out in Annex 3.18 (Maritime Navigation Safety Risk Analysis) of the EIA report.

12.3. In its letter of 19 November 2025 (No. 6-3/25/5326-11), the KeA noted that the mitigation and monitoring measures must be refined and specified in the licence conditions, including by presenting temporal restrictions as concrete dates, and requested clarification as to why the draft superficies licence regulates both the offshore wind farm and the export cables. KeA also pointed out that the environmental permit for special use of water for constructing the wind farm has not yet been applied for, and it cannot be ruled out that the conditions of that permit may need to be regulated differently from those of the superficies licence—particularly if a significant amount of time passes between the issuance of the two permits or if new relevant circumstances arise.

12.4. In its letter of 20 November 2025, OÜ Utilitas Wind submitted proposals for grouping the mitigation measures, refining the wording of the draft decision, and clarifying the conditions related to the superficies fee and the environmental management plan.

12.5. Häädemeeste Municipality stated, in its letter of 27 November 2025 (No. 5-1/1889-3), that the planned activity is inconsistent with the Pärnu maritime spatial plan, and that, pursuant to § 223 (1) point 3 of the Water Act[2021], the competent authority must refuse to issue a superficies licence if the conditions of the licence are in conflict with an applicable spatial plan. The municipality noted that the Pärnu maritime spatial plan and its Strategic Environmental Assessment (SEA) report refer to a visual-impact study conducted using data for 80-metre turbines, whereas the current application seeks to install offshore turbines with a total height of at least 400 metres—five times higher than the turbine height assessed in the county-level spatial plan.

12.6. The Estonian Fishermen's Association (hereinafter EKL) stated in its letter of 20 November 2025 that the draft decision leaves too much room for interpretation concerning the impacts on fish stocks and fisheries, including cumulative impacts, as well as the requirements for follow-up assessment and monitoring. EKL requested that several of the mitigation measures proposed in the EIA report as recommendations be established as binding conditions of the superficies licence. EKL also proposed additional licence conditions, including coordination of construction schedules with EKL, the appointment of a permanent contact person, and regular reporting to CPTRA. EKL further requested the establishment of a turbidity threshold during cable installation, the requirement to obtain expert assessments of disturbances and to make them public, and the extension of follow-up monitoring to cover electromagnetic field effects. EKL argued that the temporal mitigation restriction from July to January was insufficiently justified and requested clarification of this condition. In addition, EKL requested that information related to maritime and navigation safety be shared with EKL and that requirements regarding wind farm marking, AIS transponders, and navigational notices be added to the licence. EKL stressed the need to specify the methodology for assessing fish stock abundance and condition as part of follow-up monitoring, and to require the developer to commission studies if any potential changes are detected. EKL also requested that fishermen be ensured the widest possible access to the wind farm area within safety limits, and that any temporary restrictions be coordinated with them. EKL emphasised that it would not be lawful to postpone the establishment of these conditions to later procedures, and that consideration of its proposals is necessary to ensure the substantive legality of the issued superficies licences.

13. CPTRA updated and refined the wording of the conditions established by the superficies licence based on the proposals submitted by TraM, KeA and OÜ Utilitas Wind. However, the conditions for collecting, storing, publishing, and/or providing access to data arising from monitoring activities cannot be specified in greater detail in the superficies licence, as currently there is no unified national approach on how such activities should be comprehensively regulated and organised.

13.1. CPTRA cannot accept OÜ Utilitas Wind's request to prepare and coordinate the environmental management plan briefly before submitting the notice of commencement of building work. CPTRA emphasises that the environmental management plan is not a static document but an "open" one. This means that the plan is first submitted during the building permit procedure with the level of detail available in the corresponding construction design. As the level of detail increases over time, the plan is intended to be updated consistently after the building permit has been issued. This ensures that, by the time construction begins, the best available knowledge and technology of that moment is used without compromising the legality of the initial permit. It is also important to note that the notice of commencement of building work is merely an informative notification and does not trigger a separate substantive procedure or document approval. If the submission of the plan were postponed to the time of the notification, the relevant authorities would lack both the time and the legal basis to meaningfully review the plan and request necessary amendments. Additionally, in the interest of national oversight and equal treatment of developers, it is essential that a consistent practice be followed for all offshore

wind farms—namely, ensuring the environmental safety of the development before granting the right to build, while still allowing the developer sufficient flexibility to refine the technical aspects of the plan before construction actually begins.

14. CPTRA does not agree with the positions and/or proposals of Häädemeeste Municipality Government and the Estonian Fishermen's Association for the reasons set out below.

14.1. CPTRA is of the view that the planned activity is not in conflict with the Pärnu maritime spatial plan or the SEA report, as the plan does not establish specific conditions regarding the maximum turbine height. The EIA report prepared within the superficies licence procedure concluded—based on the study "Visual Impact Assessment of the Saare-Liivi Offshore Wind Farm"—that turbines with a tip height of 310 metres do not have a significant visual impact. Furthermore, the project complies with the requirement in the Pärnu maritime spatial plan that turbines must be grouped as compactly as possible to minimise visual impact and to maintain a segmented horizon line. The planned offshore wind farm adheres to good layout principles and does not create a visually disturbing landscape.

14.2. CPTRA considers that the specific proposals submitted by EKL in its letter of 20 November 2025 (points 1–14 of the letter) for adding further conditions to the superficies licence are not appropriate given the general level of detail characteristic of this stage of the licensing procedure. CPTRA does not agree with the view that postponing the establishment of certain conditions and measures to subsequent permitting stages would be unlawful. The superficies licence procedure assesses the fundamental admissibility of the proposed activity and its compliance with applicable spatial plans and environmental requirements. More detailed conditions and formulations of mitigation measures relating to the implementation of the activity are specified during later procedures (including in the building permit, use and occupancy permit, and, where necessary, separate administrative acts). Therefore, ensuring the protection of the rights and interests of fisheries operators will not be overlooked. A step-by-step approach allows for measures to be designed proportionately, based on technical solutions that will be clarified over time.

14.3. When issuing the superficies licence, CPTRA establishes conditions solely on the basis of those impacts and measures identified in the EIA as unavoidable and proportionate for mitigating the effects of the planned activity. Establishing additional optional or more stringent conditions beyond those assessed in the EIA would require further relevant and scientifically substantiated information. The issues raised by EKL—such as the precise application of mitigation measures, development of monitoring methodologies, refinement of construction schedules, communication procedures, appointment of contact persons, and arrangements for day-to-day cooperation and dispute resolution—are, by their nature, matters intended to be addressed in later procedural stages through the preparation of the environmental management plan.

14.4. For the installation of export cables, the superficies licence includes a requirement for real-time monitoring of turbidity and the suspension of works if turbidity spreads beyond the 300-metre buffer zone into waters shallower than 6 metres. Given the natural variability of turbidity in shallow coastal waters, real-time monitoring is, according to Section 3.3.3 of the EIA report, a more effective measure than setting a specific turbidity threshold. The requirement to monitor the extent of disturbances derives from the EIA's assessment of impacts on seabed biota and habitats and is not directly related to fish stocks.

14.5. The EIA report assessed the impact of underwater noise on fish, concluding that piling works for turbine foundations would have only a minor negative impact on herring; therefore, additional mitigation measures are unnecessary. The temporal noise-mitigation restrictions set out in the superficies licence are based primarily on the need to protect seals, for whom noise impacts have been

assessed as more significant. In making its decision, CPTRA relies on the expert group's conclusions, which found the assessment of impacts on fish stocks and habitats to be appropriate. Regarding underwater noise, CPTRA further explains that before construction begins, no project-specific underwater noise source exists. The precautionary principle does not mean prohibiting the activity in cases of uncertainty, but rather obliges the application of appropriate mitigation and follow-up monitoring where risks are foreseen. The monitoring requirements set out in the superficies licence and the obligation to prepare an environmental management plan are specifically aimed at addressing the potential gaps identified during the EIA process.

14.6. According to additional explanations provided by the developer (email of 5 December 2025), the dumping areas have been selected in deeper seabed locations where valuable habitats are absent and which are situated as far away as possible from the coast and protected areas, while also taking into account areas important for fish stocks. The impacts of dumping and other construction activities on fish have been assessed in the EIA report, and the corresponding mitigation measures have been included as conditions of the superficies licence.

14.7. To ensure navigation and maritime safety, cooperation with the Transport Administration is required. This cooperation must include active coordination of vessel traffic and the provision of additional maritime-safety information to cargo and small vessels, including fishing vessels. The Transport Administration is responsible for determining how and to whom maritime-safety information should be communicated. The conditions established to ensure navigation safety apply generally to all vessels; therefore, the claim that the navigation safety of fishermen has not been addressed is unfounded. Furthermore, several relevant measures—such as the installation of AIS transponders, marking, and publication of navigational notices—are already covered by existing maritime safety regulations and by procedures coordinated by the Transport Administration.

14.8. Cumulative impacts have been addressed in the EIA report across the relevant environmental categories and also in summary form, and no need for separate cumulative-impact monitoring has been identified. The detailed methodologies for follow-up monitoring will be defined during the preparation of the environmental management plan, based on the best available knowledge. The conditions set out in the superficies licence relate to the implementation of a specific development project, and the decision-maker does not have the legal authority to require a single developer to establish or fund a coordination council. The proposal to create a unified national or regional system for cumulative-impact monitoring and a coordination council is a strategic initiative that must be considered by the state independently of any one superficies licence procedure, in order to ensure equal treatment of all developers and identify the most appropriate administrative framework.

14.9. The monitoring obligations set out in the superficies licence follow, in general terms, from the EIA report. The specific methodologies for follow-up assessment and monitoring (including the analysis of fish stock abundance and condition) will be determined during the preparation of the environmental management plan. Establishing overly detailed monitoring methodologies in the superficies licence years before construction begins would limit flexibility and impede the use of more advanced research methods as they become available. The interests of the fisheries sector will be protected through the process of preparing the environmental management plan, which will involve relevant experts and through which the technical details of monitoring will be defined. The rules for compensation payments to fisheries operators and the related burden of proof are regulated by the Environmental Charges Act, which CPTRA has no competence to amend.

14.10. The area designated for the installation of wind turbines is located in deeper offshore waters outside the coastal fishing area, where, according to current practice, nets and longlines are not placed.

CPTRA notes that restrictions on movement and fishing within the offshore wind farm area derive primarily from the Maritime Safety Act and international navigation rules. Temporary restrictions during construction and maintenance activities will be regulated through navigational information (e.g. NOTAM and similar notices), which is available to all maritime users.

DECISION

On the basis of the above and pursuant to § 52 (1) point 1 of the Administrative Procedure Act; § 25^{1} (1) of the Act to Implement the Building Code and the Planning Act; § 222 (1) and (2) and § 224 (1) of the Water Act in the version effective 01.01.2021–30.09.2021; § 113^{18} (2) point 3, § 113^{20} and § 113^{21} (1) of the Building Code; Annex to the Regulation No 51 of the Minister of Economic Affairs and Infrastructure of 02.06.2015 "List of Building Use Types"; and based on the report by Roheplaan OÜ "Environmental Impact Assessment of the Saare-Liivi Offshore Wind Farm of OÜ Utilitas Wind. EIA Report, declared compliant on 17.06.2025 (amended 30.07.2025)", the application for a superficices licence submitted on 18.02.2021 by OÜ Utilitas, the legal predecessor of OÜ Utilitas Wind, and the materials of the superficies licence procedure, the CPTRA decides as follows:

1. To grant a superficies licence for encumbering the seabed of a public water body with the Saare-Liivi offshore wind farm and the construction work serving it, in the areas specified in point 4.

2. To designate OÜ Utilitas Wind (registry code 16171123) as the holder of the superficies licence.

3. To set the validity period of the superficies licence at 50 years.

4. To determine the areas and coordinates of the public water body to be encumbered as follows:

4.1. The area of Area 1 is 109,966,455 m² in total, with L-EST coordinates provided in Annex 1 to this decision.

4.2. The area of Area 2 is 42,570,951 m² in total, with L-EST coordinates provided in Annex 2 to this decision.

5. To determine the following purpose of use of the construction work:

23023 – Wind power plant facility;

22144 – Submarine cable line;

22245 – Overhead or cable telecommunication line;

22145 – Transformer substation with voltage of 110 kV and higher;

22149 – Other structure related to electricity transmission line.

6. In Area 1 referred to in point 4.1, the following construction works forming part of the Saare-Liivi offshore wind farm may be constructed under the superficies licence: 1) wind turbines; 2) internal electrical and communication cables connecting the wind turbines to each other and to offshore substations (hereafter internal cables); 3) offshore substations; and 4) export cables — electrical and communication cables connecting the offshore substations to the shore and towards the national transmissioon system. In Area 2 referred to in point 4.2, export cables serving the Saare-Liivi offshore wind farm may be constructed under the superficies licence.

6.1. The following conditions shall apply to the construction work in Area 1 listed in point 4.1:

1) maximum permitted number of wind turbines: 80;

2) maximum permitted number of offshore substations: 3;

3) maximum permitted capacity of the offshore wind farm: 1600 MW;

4) maximum permitted height of construction work above sea level: 310 m;

5) maximum permitted tower height of a wind turbine: 170 m;

6) maximum permitted rotor diameter of a wind turbine: 280 m;

7) maximum permitted trench depth of export cables: 5 m;

8) maximum permitted number of export cables: 3;

9) the maximum ground projection area that is authorised for a construction work, the maximum permitted depth of construction work in the seabed, and the maximum permitted number of internal cables shall be determined in the course of preparing the construction design of the offshore wind farm.

6.2. The following conditions shall apply to the construction work in Area 2 listed in point 4.2:

1) maximum trench depth of export cables: 5 m;

2) maximum permitted number of export cables: 3;

3) the exact number and type of parallel cables and their related width and area values, including the maximum ground projection area, shall be determined in the course of preparing the construction design.

7. In implementing the planned activity, the following conditions and mitigation measures must be taken into account:

7.1. During the pre-construction and construction phases of the construction work in Area 1 referred to in point 4.1:

1) As part of preparing the detailed design, a geotechnical investigation must be carried out at the location of each specific wind turbine.

2) The construction of turbines on reef habitat types must be excluded.

3) Depending on the power output of the turbine, a minimum clearance of 30–40 metres must be maintained between the mean high sea level and the tip of the turbine rotor.

4) To mitigate the risk of disturbance to birdlife during construction, the establishment of the wind farm must be avoided in winter (1 December–31 March) throughout the entire area, and in spring (1 April–31 May) in the northern and southeastern parts (as shown in Figure 3.5-29 of the EIA report). The temporal restrictions must be reviewed in cooperation with subject-matter experts, included in the environmental management plan, and coordinated with the Environmental Board as part of the building permit procedure.

5) To prevent potential impulse noise from pile-driving and vibratory piling (when installing pile foundations) from disturbing seals, combined mitigation measures must be applied, including: 1. Soft start of pile driving, using no more than 20% of the maximum impact energy during the first 30–45 minutes to allow seals to move away from the area; 2. Use of *bubble curtains* during piling works to reduce underwater noise; 3. Use of *acoustic deterrent devices* (including AHD – Acoustic Deterrent

Device) before the start of piling works to drive seals to a safe distance. The required period of use is primarily from 1 July to 31 January.

6) To avoid disturbing the spawning migration of Baltic herring, seabed-interfering works — including construction of turbine foundations, installation of cables, and deposition of material at the dumping site — must be avoided between 1 March and 30 April along the western edge of the wind farm (in the area indicated in Figure 3.8-6 of the EIA report).

7) During the spawning of Baltic herring in autumn and the peak distribution of Baltic herring larvae, from 1 September to 31 October, seabed-interfering works — including turbine-foundation construction and installation of internal cables — must be avoided in the Mölli shallow area (as indicated in Figure 3.8-6 of the EIA report), within one kilometre of the 20-metre depth contour.

8) To ensure rapid response in the event of a potential oil spill, a pollution-response plan must be prepared for the construction and operational phases. The plan must, where possible, include the installation and use of smart buoys. Before finalisation, the drafted marine pollution-response plan must be submitted for comments to the Estonian Navy, the Environmental Board, the Transport Administration, and the Ministry of Climate.

9) Once the exact placement of the turbines has been determined, a separate maritime-traffic analysis must be carried out for the offshore wind-farm area (including for the winter period) to assess navigation risks for construction and maintenance vessels associated with the wind farm, as well as for vessels involved in rescue and icebreaking operations. The analysis must be coordinated with the Transport Administration. In addition, cooperation with the Transport Administration must be undertaken to adjust and implement the other maritime safety measures presented in Annex 3.18 of the EIA report.

10) When designing the wind farm, it must be taken into account that, to ensure aviation safety on the Pärnu–Ruhnu air route, a turbine-free corridor of at least 10 km must be maintained between the Gulf of Riga and the Saare-Liivi offshore wind farms to allow an aircraft to turn back if necessary. In cooperation with the flight operator, additional operating regimes must be established if required (e.g. temporarily shutting down turbines during scheduled flights) to ensure safe operation of the existing aircraft. Cooperation must be carried out with the Ministry of the Interior, the Transport Administration, and the Police and Border Guard Board to ensure aviation safety.

11) Aids to navigation must be designed and installed in accordance with the phase of project implementation (construction, operation), and an appropriate maintenance programme must be developed and implemented for the intended service life of the navigation aids. The turbines must be painted yellow in accordance with the guidelines of the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) from mean sea level up to a height of 15 metres, and must be marked with a unique alphanumeric identification code visible from vessels. The perimeter of the wind-farm array must be marked with outer structures in line with IALA recommendations.

12) A standard protective zone of at least 300–400 metres around the underwater heritage object must be ensured in relation to the construction work.

13) To reduce the potential negative impact of electromagnetic fields emitted by submarine cables, the cables must be buried in the seabed or otherwise covered.

7.2. During the operational phase following the completion of the construction work in Area 1 referred to in point 4.1:

1) Wind turbines must be shut down during periods of intense bird migration. The species requiring primary attention are the common crane and nocturnal migrants. To ensure accuracy and efficiency, high-tech solutions must be used to identify periods requiring mitigation (i.e., periods of peak migration intensity). The technology to be used and the criteria for identifying migration periods must be established before the building permit is issued and must be coordinated in advance with the Environmental Board as part of the environmental management plan.

2) To reduce collision risk for birds, aviation safety lighting must be switched off during times when there are no low-flying aircraft in the area, provided this is technically and legally feasible. If turbine manufacturers are able to implement technological solutions that safely increase turbine visibility, their deployment should be considered.

3) The risk of bat mortality must be reduced by shutting down turbines during the autumn migration period (1 August–15 September) from sunset to sunrise during precipitation-free conditions when wind speeds are below 5 m/s. Wind speed must be measured within the offshore wind farm at the height of the working platform located at the base of each turbine (approximately 16 m above sea level). The need for continued turbine-operation restrictions must be reassessed during post-construction monitoring, and the temporal and spatial extent of restrictions must be refined (including determining whether there are areas within the wind farm where bat migration intensity is significantly lower, and whether mitigation is required for all turbines or only some of them). This reassessment must be presented in an expert report by qualified specialists and coordinated with the Environmental Board. In case reliable technical solutions become available in the future for alternative mitigation measures—such as radar-based, infrared-camera-based, or other sensor-based turbine shutdown mechanisms—these may be implemented instead, subject to expert consultation and coordination with the Environmental Board.

4) If maintenance work is unavoidable during the seal pupping season, an aerial survey over the ice must be conducted to plan vessel movements in a way that avoids disturbing pupping seals.

5) Additional maritime-safety information must be provided to cargo and recreational vessel operators regarding the construction and operation of the offshore wind farm, and restriction zones must be clearly distinguished (e.g. marked) to reduce the risk of collisions and groundings.

6) If later analysis shows that the Saare-Liivi Offshore Wind Farm results in insufficient Automatic Identification System (AIS) coverage for the State of Latvia, the licence holder must construct an additional AIS base station on the coastline of the Republic of Latvia.

7) Turbines must be marked in accordance with the applicable requirements to ensure aviation safety.

8) A minimum Search and Rescue (SAR) access lane width of 1 km must be ensured for SAR and medical evacuation (MEDEVAC) flights. The SAR access lane must be marked, and if necessary, a refuge area for helicopters must be created, along with a clear and visible turbine-marking system for both marine and aerial navigation. Cooperation must be undertaken with relevant authorities in the field of maritime surveillance and operational communications.

7.3. During the pre-construction and construction phases of the construction work in Area 2 referred to in point 4.2:

1) To reduce the potential negative impact of electromagnetic fields emitted by submarine cables, the cables must be buried in the seabed or otherwise covered.

2) When installing cables in reef habitat types, buried cables must be covered with material that has properties similar to the natural substrate. If the reefs consist of limestone, limestone must be used for covering. If the reefs consist of granite boulders, material of the same type must be used.

3) A standard protective zone of at least 300–400 metres around the underwater heritage object must be ensured in relation to the planned construction work.

4) If, during the installation of export cables, the sediment cloud spreads outside the 300-metre buffer zone of the cable into depth zones shallower than 6 metres, the work must be stopped.

8. In implementing the planned activity, the following mandatory monitoring measures must be taken into account:

1) An environmental management plan for the offshore wind farm must be prepared in cooperation with sectoral experts, applying the best available technological solutions. The plan must be submitted for approval to the Consumer Protection and Technical Regulatory Authority and the Environmental Board together with the construction design as part of the building permit procedure. The environmental management plan must include both the environmental measures made mandatory when issuing the superficies licence and all voluntary environmental measures implemented by the developer. A reassessment plan together with a specific monitoring programme must form a mandatory part of the environmental management plan.

8.1. During the pre-construction and construction phases of the construction work in Area 1 referred to in point 4.1:

1) Current measurements must be carried out for one year prior to the start of construction of the wind farm and for one year after the wind farm has become operational.

2) Monitoring of the water column must be carried out during construction and during subsequent operation to detect the potential impact of construction activities and the presence/operation of the wind farm on the marine environment, including changes in concentrations of nitrogen and phosphorus compounds. During the construction phase, the monitoring of water-column parameters must be more frequent (up to twice per month) and have sufficient spatial resolution to allow close tracking of the immediate effects of construction on the surrounding coastal sea. Following the design phase, the precise monitoring technology and methodology must be agreed upon with a subject-matter expert and coordinated with the Environmental Board as part of the environmental management plan.

3) At turbine-foundation installation sites and within a 200-metre radius of each foundation, the structure and characteristics of the seabed habitat must be documented prior to submitting the notice of commencement of building work. Documentation must include seabed relief sonar mapping, underwater video surveys, quantitative sampling where possible, oxygen conditions, and organic matter content in sediments.

4) Immediately after the installation of the foundations, the seabed biota and habitat condition, as well as the extent of any possible damage, must be documented within a 200-metre radius around the foundation (video surveys). The specific foundation locations requiring documentation must be determined based on the results of the pre-construction monitoring (it may not be necessary to monitor all foundations).

5) A detailed construction- and operation-phase bird-monitoring programme for the offshore wind-farm area must be developed, in cooperation with ornithologists and in agreement with the Environmental Board, no later than in the environmental management plan.

6) Seal observers must be employed during the construction period for both grey and ringed seals. The purpose of this work is to measure and take into account the actual behavioural responses of seals to the activities in the context of long-term impacts. Upon commissioning of the wind farm, the seal telemetry study must be repeated.

7) To detect potential changes in the species composition and abundance of fish during both the construction works and the operational phase of the wind farm, a dedicated monitoring programme must be developed within the reassessment plan. Monitoring must be carried out annually during the first five years of the wind farm's operation and every second year for the following ten years. After this period, an assessment must be made regarding the need for continued monitoring. The permit holder must prepare a detailed research plan in cooperation with a research institution and coordinate it, as part of the environmental management plan, with the Consumer Protection and Technical Regulatory Authority and the Environmental Board.

8) To verify the results of the underwater ambient-noise modelling, measurements must be carried out at every stage of wind-farm construction and also during the operational phase. Ambient-noise levels must be measured at times when no construction works are taking place. The measurement location must represent as accurately as possible the ambient noise present in the area of construction activities.

9) To verify the accuracy of the sound-propagation model, short-term sound-pressure-level measurements must be conducted in the construction area. A source of impulse noise with controllable intensity is most suitable as the sound source. In addition, sound levels generated during pile vibratory driving and drilling must be measured.

8.2. During the operational phase following the completion of the construction in Area 1 referred to in point 4.1:

1) Chlorophyll-a, temperature, and salinity measurements must be carried out in the upper layer of the seawater from ice-breakup until autumn during one year prior to the commissioning of the wind farm, and the measurements must be repeated after the wind farm becomes operational.

2) Oxygen, temperature, and salinity measurements must be carried out in the near-bottom layer of seawater from 1 May to 31 October during one year prior to the commissioning of the wind farm, and the measurements must be repeated after the wind farm becomes operational.

3) All measurements (currents, chlorophyll-a, temperature, salinity) must be conducted at two locations: – one inside the wind-farm area at station KW (coordinates: 58.11630°N 23.63115°E, average depth 29 m, EIA report Figure 3.1-1) or in its vicinity; and – a second location under comparable conditions (depth, openness, distance from shore) but outside the wind-farm area and outside the potential impact zone. During the operational phase, turbine foundations should be used as permanent monitoring platforms where feasible.

4) Colonisation of foundation structures by seabed biota must be monitored (quantitative sampling/assessment once per year for five years following installation, covering the entire depth profile from seabed to surface; three foundations located in different parts of the wind-farm area).

5) Accumulation of organic matter near the foundations must be monitored (directly at the seabed within 0–30 m of the foundation; sediment traps over five years; three foundations located in different parts of the wind-farm area).

6) The condition of seabed habitats within the wind-farm area must be monitored (three study areas of 1000 m² within the wind-farm area covering reef habitat type; recommended method: underwater video surveys of at least 25 stations/transects + quantitative sampling from at least 10 stations once per year).

7) In the first two years after commissioning of the wind farm, post-construction monitoring must assess the relative abundance of bats and compare the results with baseline survey data. To avoid confounding effects caused by recorder placement, devices must be installed in the same areas within the wind-farm site. Instead of temporary buoys, it is advisable to install recorders on turbine maintenance platforms for post-construction monitoring.

8) To assess bat mortality risk, in addition to recorders placed near sea level, devices must also be installed within the operational rotor-sweep zone, to evaluate bat flight activity within the hazard zone. Upon completion of the offshore wind farm, it must be reviewed whether methodologies for estimating bat fatalities at offshore facilities are available, and the best practices established by that time must be followed.

9) Upon commissioning of the wind farm, the seal telemetry study must be repeated.

10) After the wind farm becomes operational, radio-communication systems and AIS system measurements must be carried out to verify the required coverage and identify the need for additional coastal radio stations or AIS base stations.

8.3. During the pre-construction and construction phases of the construction work in Area 2 referred to in point 4.2:

1) During the installation of export cables, the spread of suspended sediment must be monitored in real time. Because suspended-matter concentrations also exhibit considerable natural variability, monitoring must be carried out at at least two locations:´– near a sensitive area and habitat within the expected impact zone of the works (e.g. sandbanks and seagrass communities in the photic zone), and – in a comparable area (depth, sediment type) located nearby but outside the expected impact zone.

2) If the sediment cloud spreads beyond the 300-metre buffer zone of the export cables into depth zones shallower than 6 metres, the works must be stopped. The detailed design of this real-time monitoring measure (once the cable-routing plan is finalised) must be carried out in cooperation with experts in water quality, benthic habitats, and fish fauna, and the methodology must be approved by the Environmental Board before the start of construction.

3) The extent of disturbances caused by construction works must be assessed both within the export-cable corridor and within the surrounding buffer zone.

9. The agreements set out in points 1 and 2 of the cooperation agreement No. 19-1/14 concluded between OÜ Utilitas Wind and the Kihnu Municipality on 30 October 2025 must be complied with.

10. From the date that follows the date on which a building permit was issued under the superficies licence, the licence holder must pay an annual superficies fee in accordance with the provisions of the legal act in force for the respective year. The Consumer Protection and Technical Regulatory Authority will issue the corresponding payment notice to the licence holder.

11. Within five years from the granting of the superficies licence, the licence holder must obtain a building permit for the area encumbered by the superficies licence or apply for an extension of the building permit issuance deadline.

12. The licence holder is obligated to remove a construction work that constitutes an essential part of the licence from the public water body when the period of validity of the licence expires.

13. This superficies licence does not replace other permits required by law for the construction and use of the construction work that forms an essential part of the superficies licence.

Any person who considers that their rights or freedoms have been violated by this decision or during the administrative procedure has the right to file an objection with the Consumer Protection and Technical Regulatory Authority (Endla tn 10a, 10122 Tallinn; e-mail: info@ttja.ee) in accordance with the Administrative Procedure Act within 30 days from becoming aware of the decision, or a complaint with the Tallinn Administrative Court (Tallinna Courthouse, Pärnu mnt 7, 15082 Tallinn).