

Queiros J (Joao)

From: [REDACTED]
Sent: 04 April 2013 12:16
To: Ford A (Alexander)
Subject: Kyle Rhea

Ali,

I know that the Scottish Canoe Association are responding to the Kyle Rhea proposal. However, wearing my [REDACTED] hat, I wonder whether the divers have done so. When carrying out a final read of the documents I noticed that section 22.3.12 mentioned that the area was used for drift diving. Section 22.2.24 seems rather optimistic about the continuation of drift diving in the area if the devices are put in place and it would be good to get the views of experienced divers on this. I presume that divers set off from one or other of the ferry slips and, if this is so, then keeping downstream of the devices, as suggested in 22.2.4, means diving on the ebb and missing most of the Kyle. I find it difficult to believe that even experienced divers are able to position themselves more accurately than the recreational boaters on the surface. Moreover depth is assessed using water pressure and this may be complicated by the three dimensional flow of the water. I imagine that the response to installation of these turbines would be to effectively close the area to drift divers. The nearby lochs provide a very different type of experience.

Also, I note that the maximum tip speed is given as 12 m/s, which in 12.4.5 is classed as slow. However, in the marine environment this would be classed as fast as it is much faster than any vessel likely to pass through this area. Anyone or thing being hit by a rotor at that speed would suffer serious injury, as would be the case with a car hitting a pedestrian at that speed.

I have sent this directly to you rather than as a formal response as it is not really my area of competence but feel I would be remiss if I did not draw it to your attention.

best wishes,
[REDACTED]

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04/04/2013

Ford A (Alexander)

From: Allen R (Ruth)
Sent: 04 April 2013 14:18
To: MS Marine Licensing
Subject: FW: Kyle Rhea Tidal Array Project
Importance: High
Attachments: SeaGen.Kyle Rhea Project.docx

Hi guys

This came in to the MS mailbox – is it for you?

Thanks,

Ruth

Ruth Allen
Communications Manager
Marine Scotland
Scottish Government
1 A South
Victoria Quay
Edinburgh
EH6 6QQ

Tel: 0131 244 8470
Blackberry: [REDACTED]

www.scotland.gov.uk/marinescotland

From: [REDACTED]
Sent: 04 April 2013 14:11
To: Marine Scotland Mailbox
Subject: Kyle Rhea Tidal Array Project
Importance: High

Please see the attached letter regarding the Kyle Rhea Tidal project.

Many thanks,
[REDACTED]

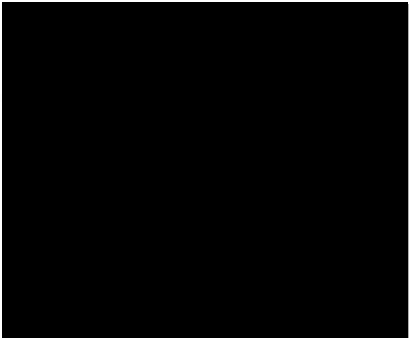
[REDACTED]

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08/04/2013

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The Scottish Government
Marine Scotland
Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

Dear Sir/Madam,

Re: Kyle Rhea – Marine Current Turbines

I am a householder in Glenelg and have known the area well for over forty years. I attended the Marine Current Turbines exhibition/drop-in meeting held in Glenelg on Wednesday 20th March during which a significant amount of new information came to light. The information supplied by MCT employees raised several questions which I feel require clarification before the project is permitted to proceed. I have been informed that the consultation period has been extended to Friday 19th April and would be grateful if you could confirm that this is the case as soon as possible as I do not think that this is widely known in the community.

I have studied the Environmental Statement produced by MCT and I am particularly concerned to read the section regarding shipping and navigational impact (Section 17).

There are several points which I would like to highlight:

- The survey of 'summer' maritime traffic through Kyle Rhea is flawed. Twenty days in June certainly does not accurately reflect the volume of summer traffic through this international shipping lane. July and August (school holidays) are clearly busier months than June with much increased recreational traffic.
- The Environmental Statement states that navigational hazards caused by installation of the turbines were reviewed [17.5 Summary: 17.5.4 "..... and a number of hazards were **judged to have unacceptable risk**". I appreciate that various mitigation measures have been suggested, but I can find no information on what further investigation has been carried out to determine whether any of the suggested mitigation measures can actually be implemented in practice to achieve an acceptable reduction in risk.

- The section regarding **Maritime incidents** [17.3.24] understandably only refers to **recorded** incidents. I am aware that there have been numerous incidents in Kyle Rhea which have not been officially recorded. [REDACTED] has photographic evidence of several vessels in difficulty in Kyle Rhea which I am sure he would be able to provide you with.

I was also very concerned to hear that the turbine in Strangford Lough (on which the Kyle Rhea project is based) has never yet been operated without mitigation measures in place and so there is **no available data regarding marine mammal collision with the device without mitigation**. I was informed that in Strangford Lough, marine mammals passing within 30 metres of the device are detected by sonar and the turbine is then shut down. I feel that data concerning marine mammal collision with the turbine without mitigation needs to become available *before* the Kyle Rhea project is permitted to progress further. This is particularly worrying bearing in mind that the Kyle Rhea project is not directly comparable with that in Strangford Lough, where there is a single turbine device with two double-bladed rotors, compared with the Kyle Rhea proposal for **four** turbines each with two sub-sea **triple-bladed** rotors.

I look forward to your comments on the lack of data regarding marine mammal collision without mitigation measures in place.

I would also be grateful if you could supply me with some information about what further investigations have been carried out which can reliably reassure users of this route that the navigational/shipping hazards will be reduced to acceptable levels.

Yours faithfully,

[REDACTED]

Queiros J (Joao)

From: [REDACTED]
Sent: 05 April 2013 11:19
To: MS Marine Licensing
Cc: FO Mallaig
Subject: consultation - Kyle rhea tidal stream array

Sirs,

Consultation - Kyle Rhea Tidal Stream Array

[REDACTED] has concerns over this proposal from a navigational point of view.

Our members have pointed out that these four turbines cover a substantial area mid-channel – constricting manoeuvrability for larger vessels given the strong tidal flows in the area.

[REDACTED] are not objecting to the proposal but **we do wish to stress that adequate marking and lighting are of utmost importance** should this proposal go ahead.

Yours faithfully,

[REDACTED]

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08/04/2013

Queiros J (Joao)

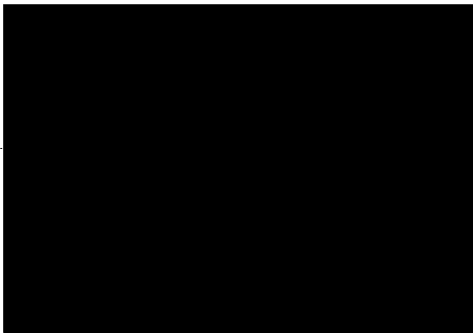
From: [REDACTED]
Sent: 05 April 2013 11:19
To: MS Marine Licensing
Cc: [REDACTED]
Subject: Submission Pertaining to Sea Generation (Kyle Rhea) Application
Attachments: Skye DSFB submission to Sea Generation (Kyle Rhea) Application.docx

To Whom it May Concern,

The Skye DSFB has statutory jurisdiction over Kyle Rhea under the consolidated Salmon Acts and relevant Designation Order. Although it seems we may have been overlooked when the consultation in respect of this application was circulated, we note that the Association of Salmon Fisheries Boards was consulted and has formulated a comprehensive response.

On the basis that the statutory powers and responsibilities in this matter vest in the Skye DSFB, rather than in the ASFB, I wish to submit the attached comments in support of the ASFB and to highlight that some research and monitoring work ought first to be undertaken.

Best Regards,



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08/04/2013

March 2013

The Skye District Salmon Fishery Board would like to endorse the response submitted by the Association of Salmon Fishery Boards. We believe that adequate monitoring is vital to ensure that the potential negative impacts on migratory fish are understood and mitigated where necessary. Guidance issued by Marine Scotland Science relating to information requirements on diadromous fish of freshwater fisheries interest states that an Environmental Statement should provide information on the use of the development area by such fish and that if such information was lacking then a suitable monitoring strategy should be devised. The purpose of this submission is to suggest a possible means of collecting some of this information along with some further information on migratory fish in Skye.

Skye District Salmon Fishery Board and Fisheries Trust

There are 12 notable salmon rivers on the Isle of Skye, many of which carried very healthy stocks of salmon and sea trout until the 1960's. As with other regions of Scotland these stocks began a dramatic decline thereafter.

The Skye Fisheries Trust, building on foundations laid by the Skye District Salmon Fishery Board, has completed an island-wide Fishery Management Plan. The FMP draws upon three surveys commissioned by the Skye DSFB encompassing all 12 rivers. These are surveys of the Juvenile Salmon and Trout Populations, the Riparian Habitat and Invertebrates.

Thus a substantial amount of data, knowledge and management information has been collated concerning migratory salmonids within Skye's river systems. But virtually nothing is known about what happens to the salmon from the time they leave as smolts and the time they return to spawn as grilse or multi sea-winter adults.

In addition, the coastal waters to the East of Skye are potentially an important migratory route for fish originating in Argyll, Lochaber and Wester Ross. It is important that we understand the origins of fish passing through the development area.

Research and Monitoring

There is one salmon netsman still operating in Skye coastal waters. He sets bag nets (which do not harm the fish) at locations on the East coast of the island. The annual catch is modest, at around 300 mixed-stock salmon and grilse, but the fish are currently sold to local hotels and restaurants or exported to fishmongers on the mainland for human consumption.

The netsman in question is vice-convenor of the Skye DSFB and a respected member of the Skye community. His family have operated bag-nets for the netting of salmon for several generations and the operation is very small, using the resources of only one other person at any given time and running for three to five weeks only each year. The operator insists that he will continue this family tradition for as long as he is able, explaining that the revenue has long since become an irrelevant factor.

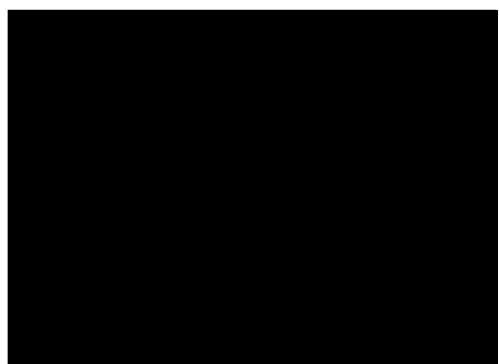
The netsman is conservation conscious and, notwithstanding his determination to continue to operate bag nets, has agreed to a voluntary quota linked to Skye's annual rod catch.

We propose that the bag net catch is utilised to obtain genetic sample material for analysis, tag and release and/or tracking studies in order to determine migratory routes and destination rivers of adult fish passing through Skye's coastal waters. Many of the monitoring techniques being proposed for the Pentland Firth could also be deployed here.

In addition, there is the potential to intercept sea trout post smolts using sweep nets, which could allow tracking studies to be undertaken on the migratory routes of these species.

Ultimately the spirit of the Water Framework Directive is that nothing should be done that is detrimental to our aquatic habitats or species. An opportunity exists now to establish a baseline against which we will be able to determine whether this Sea Generation scheme has any adverse effect. That will perhaps have a strong bearing upon and inform decision making in respect of any future such projects.

Full, costed details for the Research and Monitoring arrangements can be worked up in due course. But, at this stage, we think it is important to highlight that this opportunity exists and to secure 'in principle' support for the necessary work prior to any physical development of the Tidal Array project commencing.



Queiros J (Joao)

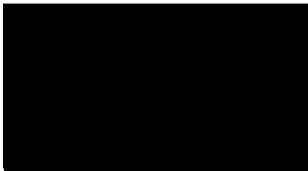
From: [REDACTED]
Sent: 04 April 2013 17:44
To: MS LOT MCT KR Representations
Subject: Objection against proposal SeaGen in Kylerhea
Attachments: ObjectionSeaGenKylerhea.pdf

Sir/Madam,

Attached you will find my objection against the proposal to erect four turbine towers in Kylerhea between the Isle of Skye and the mainland.

If you could confirm receiving the file in good order, I would much appreciate it.

Kind regards,



Save a tree...please don't print this e-mail *unless you really need to*

"There is nothing real about an economic system that measures prosperity in dollars and material goods when the real wealth -clean air, pure water, abundant wildlife, and the freedom to move- is further compromised with each and every dollar made." Karsten Heuer in 'Being Caribou'.

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08/04/2013

Response to Marine Current Turbines

On Tuesday 19 March I was present at the exhibition and presentation MCT organised in Broadford. I hereby wish to make my feelings known on the proposed project.

It was repeatedly admitted by both MCT's Development Manager Joseph Kidd and Frank Fortune, Technical Director in Royal Haskoning's Renewable Energy (Environment) Team in Scotland, that the proposed project's main goal was not to generate energy for local communities, or even to generate energy efficiently at all. They said that in this very early stage in their development risks of all kinds were still very high and that profit would quite likely not be generous. In their own words, then, the main goal for this proposed project is attempting to launch a new industry. An attempt! An attempt to launch a risky new industry which hasn't proved itself yet and, more importantly, of which is still quite unsure what the environmental impact will be. In many ways this is nothing more than an experiment to see if big money can be made. The experiment for one tower is already underway in Strangford Lough in Ireland, and to accommodate the experiment for multiple towers (four) Kyle Rhea has been selected as a sacrifice to Big Business. If this project will be allowed to commence, the character of the kyle and its whole surroundings will be changed profoundly, and not for the better.

My objections to this project come on many different fronts:

1. It will ruin the peaceful and quiet nature of the spot, and will cause terrible light pollution at night in this area, being one of the sites granted the prestigious "dark sky" status by astronomy and environmental organisations.
2. The risk of collisions between ships traversing the kyle and the towers is considerable, and considered to be guaranteed to happen sooner or later according to some experienced seagoing locals I conversed with.
3. The impact on the wild community of all life in the direct and indirect surroundings is unknown, but is bound to be considerable.

But I'm virtually certain that these three points will be covered very well by other people, and so I will concentrate on a fourth.

Neither during the exhibition nor the presentation have I heard those representing MCT say anything about what has become known as 'renewable energy'. Not once did they claim that their project would help to reduce the harmful effects of more conventional sources of energy. How wonderfully refreshing! Well, of course there is the possibility that they simply forgot to mention it. Maybe they assume that it doesn't have to be said because it is clear enough. But maybe it really is a case of honesty where CMT doesn't want to fool the general population by claiming that this source of energy is sustainable or renewable. It is a standard trick that industries working on 'alternative' energy sources pull all the time, but naturally it is nonsense.

The trick is in the word renewable. While it is true that the energy harvested by so-called renewable energy industries is indeed renewable, the installations to harvest that energy; to convert it into the kind of energy which machines, tools and gadgets can work on; and those aforementioned machines and tools and gadgets themselves most certainly are not.

The wind blows for free, and its energy has been used by humans for millennia. It fills sails and with the right know-how it can be used to take the boat or ship to wherever you want to go for absolutely free. It similarly fills sheets and socks when they're on the clothes line and it will dry them after washing for absolutely free. But if you want to convert that energy into electricity, you need a turbine. Much of its body is made out of materials that have to be dug out of mines. Mining is an inherently unsustainable, polluting and destructive process. The materials delved are "doused in

in acid and chemicals and processed through red-hot furnaces to extract its components" and the resulting unwanted mess is generally dumped in watersheds. To make the extracted components into the turbine bodies requires yet more gigantic amounts of very non-renewable energy and causes yet more pollution. To make the conversion of wind into electricity possible, you need a magnet. This magnet is made out of neodymium, and much of this is mined and processed in China. The result is a toxic lake which "poisons Chinese farmers, their children and their land. It is what's left behind after making the magnets for Britain's latest wind turbines." How misleading and wrong the claim that wind energy is sustainable and renewable is, becomes clear if you follow the following two links:

- <http://www.dailymail.co.uk/home/moslive/article-1350811/In-China-true-cost-Britains-clean-green-wind-power-experiment-Pollution-disastrous-scale.html>
- <http://fifewindfarms.org.uk/toxic-impacts-from-wind-turbines/>

None of this takes into account yet what is needed to bring the harvested and converted energy to where it will be used. Consider only the metal cables (made out of mined materials) covered in plastic (made out of petrochemicals) needed for this, and the heavy machinery needed to produce and place them. And last but not least, what is the energy finally used for? For powering machines, tools and gadgets made out of further metals and plastics, most of which have little to do with sustainability in any sense of the word. It's a case of doing absolutely anything possible to maintain our ability to use mobile phones, cars, televisions and electric shavers. Well... to be honest, it's for the ability of a minority of people on the planet, because the majority doesn't have the luxury we are used to. A significant percentage of humans on the planet doesn't even have one single electric appliance, let alone a socket to plug it into. So it's all for the benefit of a select elite and to the detriment of just about anyone and everything else.

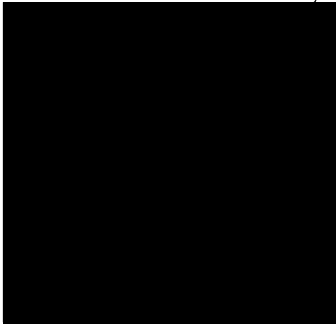
In principle, the story is the same for all so-called renewable energies used on industrial scale, and that certainly includes the story for the installations MCT seeks to build in Kylerhea.

There is a scenario where I would be all for projects such as this. It would be a scenario where such projects were conscious steps towards the very concrete goal of becoming truly sustainable as a culture again. As it is, this is absolutely not the case. All these kinds of unsustainable energy only serve to provide as much energy for as much profit as possible, and more tomorrow than today, to a wasteful and destructive culture. Unfortunately this culture we are part of is heavily addicted to things that are inherently unsustainable, and energy is one of those things. Also unfortunate is that this culture doesn't understand what "unsustainable" means, even though it says very clearly what's in the box. The word not merely means that something will lead to some mild discomfort, or that someone will get a bit miffed about it: it means that something is physically absolutely impossible to sustain. The lust for cheap huge amounts of energy of this culture is physically absolutely impossible to sustain. The wind will keep blowing, the tides will continue to come in and go out, the sun will keep shining, but the materials needed to harvest, convert, transport and consume that energy is running out very quickly, and their delving, production and use are quickly turning a living planet into a dead one doused in toxic waste.

For a moment, a few years ago it seemed as if maybe the trend towards 'renewable' sources would be the first steps towards a less destructive culture. Now we know better, and clearly the 'renewable' sources which are harvested and used in unrenowable ways are not contributing to reducing destruction much at all.

And so I argue against any expansion of or addition to the energy industry, certainly in a pristine spot like Kylerhea, which would be forever marred by this project.

Alas, in the meantime I have found out that MCT certainly does claim their energy is sustainable. They claim that their turbines cause no pollution, which is debunked by the story about China and wind turbines. The premises for this project are deeply faulty. They clearly don't know what sustainability means. The project should not get green light!



Queiros J (Joao)

From: [REDACTED]
Sent: 08 April 2013 09:11
To: MS LOT MCT KR Representations
Subject: Kyle Rhea Tidal Stearn project

I would like to object to the above proposed project on the grounds of adverse effects on environment, wildlife and the danger to shipping and people trying to navigate the narrows at Kylerhea.

Regards

[REDACTED]

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08/04/2013

Queiros J (Joao)

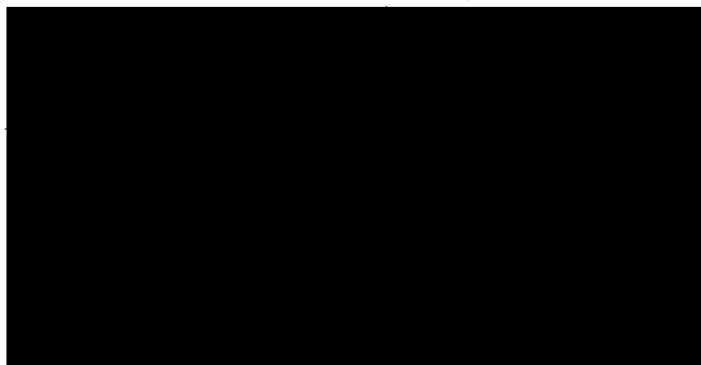
From: [REDACTED]
Sent: 09 April 2013 22:37
To: MS LOT MCT KR Representations
Subject: objection to Kyle Rhea Tidal Stream project

TO WHOM IT MAY CONCERN

I am writing to object to the Kyle Rhea Tidal Stream project because:

- 1) As shown on the Kyle Rhea Tidal Stream Array Volume II Environmental Statement pages 397 to 405 it informs that the impact on the 9 Viewpoints mentioned is ADVERSE and I can see no positive impact for Glenelg.
- 2) The stretch of water between Kyrhea and Glenelg is extremely narrow and because of the high number and size of boats and ships that I have witnessed over the years navigating through it I believe that four tidal stream turbines situated there would be a serious danger to shipping and would eventually cause human fatalities.
- 3) People visit Glenelg because of its beauty, the tranquillity and the wildlife. From the beautiful sea eagle that catches fish at Kyrhea and all the otters, dolphins, porpoises, basking sharks and fish that populate these waters, all of these at the very least would be scared away and at worst killed or maimed.

I feel strongly that this project would be highly detrimental to Glenelg, to the wild beauty of the place, to the quality of life in Glenelg, to human life and to all wildlife.



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10/04/2013

Ford A (Alexander)

From: [REDACTED]
Sent: 12 April 2013 07:14
To: MS Marine Licensing
Subject: Marine Current Turbines at Kylerhea Isle of Skye

Dear Sir
 [REDACTED]

I directly overlook the proposed Marine Current Turbine site in the Kylerhea narrows.

I wish to object to the development proposals on the following grounds

1) Navigation

The narrows at Kylerhea produce extremely powerful and confused currents and are they are used as a transit passage up the west coast of Scotland, particularly when there is bad weather in the Minch. They are also used by inshore fishermen potting for prawns and for recreational use. A significant sailing holiday industry is emerging, the ability to use the narrows to avoid bad weather is very important to this developing tourist industry

The currents are such that even quite large coasting vessels can find difficult to transit the area. When this happens the vessel's ability to control its course is compromised.

If the proposed turbines are built, in the main tidal stream as they must be to work, a collision between a vessel and the towers is certain.

I understand that it is proposed to close the narrows during construction, an unbelievable idea.

I also understand that a traffic flow system is proposed with craft only able to transit the narrows in one direction at a time. This is an unworkable proposal and will require vessels to wait at either end in waters that have no suitable anchorages, particularly at the southern end. We will be presented with an absurd situation of having marine traffic jams in one of the most beautiful parts of the west coast of Scotland. The chaos of several small and medium sized sailing vessels trying to wait for a green light will be farcical and dangerous, particularly when faced with a flotilla of coasters coming the other way.

2) Dark Sky

The land above the site chosen for the turbines has been designated a Dark Sky site. I can personally attest to the beauty of the stars visible on a clear night. The floodlighting of the turbine towers will destroy the site. For those that live in view of the towers, in what is a quiet and peaceful place at night, the visual environment will become the equivalent of a 24 hour industrial installation.

3) Water supply

Whilst the land based part of this project is probably not your concern the two parts are inextricably linked. It seems likely that any subsurface drilling will interfere with our water supply which is drawn from very small burns coming off the hill. If so that will be an ecological disaster.

4) Beauty and Wild life

The Kylerhea narrows and the surrounding land are some of the most beautiful parts of Scotland, and on a windless fine day, the view and stillness are amongst the finest in the world, we get more of them than you might imagine. It is beyond belief that the Scottish government will allow this beauty to be vandalised. I do not know how many people visit the other hide behind my house (it's a lot), but one thing is certain, if this proposal goes ahead there will be no point in them coming. A significant blow for the tourist industry. It seems highly likely that the seal population, which inhabit the area with a nursery, will find it dangerous to feed in the narrows as they do at present. A line of seals waiting across the Kyle, like a company of soldiers, hunting for the fish that migrate through them will be a memory. I suspect that the seals will either find the waters around these turbines too confused, I understand that the wake can persist for several hundred

12/04/2013

meters, or they will get sliced up by the rotating blades of four turbines. If the first one doesn't get you then the next one will! The other species that transit the narrows will surely suffer the same fate.

I would appreciate an acknowledgement to this email to [REDACTED]

Yours Sincerely

[REDACTED]

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Ford A (Alexander)

From: [REDACTED]
Sent: 12 April 2013 13:27
To: MS LOT MCT KR Representations
Attachments: Marine Current Turbines.docx

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Marine Current Turbines

The [REDACTED] has two main concerns over the plans for the siting of turbines in the Kylerhea Narrows. Both of these concerns are with regard to navigational issues and have been previously raised at consultations.

- a) Under certain tide conditions (ie. extremely low tide) the path the MV Glenachulish currently takes to reach the Kylerhea slipway for end-on loading crosses the planned position of the southernmost turbine.
- b) The array will potentially obscure clear sight of marine traffic approaching from the north when the MV Glenachulish is preparing to set off from Kylerhea slipway.

The company has also raised more general concerns about the possibility of the array forcing marine traffic too closer to the mainland shore when approaching from the south and making directional changes. Also, when traffic is approaching from the north it is likely to remain hidden from view from the Glenelg slipway for longer than is presently the case if it hugs the mainland coast, affecting the safety of the MV Glenachulish when leaving the slipway.

Ford A (Alexander)

From: [REDACTED]
Sent: 13 April 2013 14:53
To: MS LOT MCT KR Representations
Subject: Letter of Objection to turbine project: for Marine Scotland
Attachments: Kylerhea objection letter.doc; IMG_0315.jpg

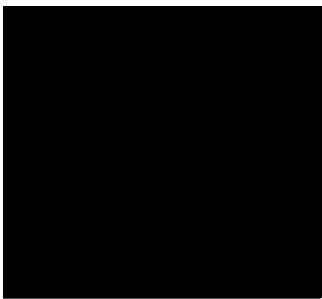
I am a resident of Kylerhea and attach a letter of objection relevant to Marine Scotland's current consideration of the application for a licence by Marine Current Turbines to place a demonstration array in the Kyle Rhea narrows. I also attach a photograph of a submarine transiting the narrows, which accompanies the letter. I would be grateful if you could confirm receipt of both letter and photograph. Many thanks.

[REDACTED]

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The Scottish Government
Marine Scotland Licensing Operations Team

Dear Sir or Madam,

Re: application by Marine Current Turbines to construct a demonstration array of four turbines at Kylerhea narrows.

I am a resident of Kylerhea and I wish to object to this proposal, which has been submitted to you for licensing. My objections are on the following grounds:

a) Navigation. The assessment in the EIA on the impact of the turbines on the safe passage of shipping is not sufficiently thorough, and on occasion the statements made in the report seem dangerously cavalier. The survey period was very brief and research which could have been done to enable a proper assessment of traffic through the narrows (such as marking out the area) was not done. The proposed mitigations seem hopelessly optimistic and have not been thoroughly worked up or considered. The 'traffic management system' which would implement a one-way system seems to have some large questions remaining about practicality and cost; it is not reasonable that this could be accepted as a mitigation strategy until such time as those questions of practicality and cost have been answered. Those aspects of the mitigation which cannot be described in sufficient detail to be realistic should be discounted unless further detail could be added. I note that the EIA states that model results should be treated with caution, but I feel that this statement, which undermines significantly the results from the models, is insufficiently prominent in the text. The statement at 23.3.3, that no submarines have transited Kylerhea, is patently untrue, and again undermines the amount of assurance which can be placed in the other assertions made about shipping. I attach a recent photograph taken of a submarine, which had just transited the narrows.

b) Landscape degradation. The EIA states that the work will be designed to reduce the visual impact, and to reduce to a minimum the impact on the natural environment. It is of serious concern is that the EIA only covers one half of the project, namely the installation of the turbines and the substation. It goes on to state that "The cable from the project substation to the local grid will be the responsibility of the Distributed Network Operator (DNO), SSE in this area, and is not considered. It is expected that export will be via a combination of new buried cable and upgraded existing overhead cable, routed towards the Broadford area". It is striking that the EIA gives no detail about the likely impact of the second half of the project. There are a number of sweeping statements

about the use of the local roads, and the unlikely event that these will need to be widened, but without giving any detail or certainty. Any consideration of environmental impact should consider the impact of the project in its entirety; to obscure the fact that cabling will be further laid followed by an upgrade to the cabling which runs through the village and up the glen is misleading and gives a false account of the likely environmental impact of the whole project. **An EIA which does not contain detail of the second half of the project cannot be considered a credible assessment of the impacts on the landscape and livelihood of the community.**

The granting of planning permission for the second phase of the project (cable from the substation to the local grid) is a critical dependency for the project – the viability of the project depends on the ability to egress the electricity. The project proposal overlooks this critical dependency. Is Marine Scotland prepared to grant a licence without that critical dependency? Or has this already been agreed? What information do MCT and Marine Scotland hold on the second phase of the project which has not been shared with consultees? If MCT and Marine Scotland are aware of plans by the DNO then these should be included in the EIA. **Willingness to grant a licence without considering this critical dependency and its additional impact on the landscape and environment would seem to be an abuse of process.**

c) Socioeconomics. The statements made in the EIA that “the project will provide socioeconomic benefits to the local community” are at best disingenuous and at worst deliberately misleading. It has become clear during recent local consultations that there are unlikely to be anything other than very short term jobs for the local community, and that jobs related to the construction and running of the turbines will be for specialists (this can be read between the lines of the statement that “a small number of jobs *may* be created”). It states that the local economy will benefit from “the influx of personnel to the area”. But Kylerhea, which subsists from tourism, will suffer a marked deterioration in their environment; there are no shops which might benefit from “the influx of personnel”, but those members of the community who make their living from rental property or tourist services will find their income drops as properties become unrentable, and the main tourist draws – the otter haven and ferry – suffer significant disruption. The EIA makes grand claims for benefits without stating what these might actually be and how they would manifest themselves. **Unless they can be clearly articulated, then these claims should be discounted. The benefits of having construction workers in local hotels would be more than offset by the impact of the drilling rig, 24/7 continuous noise for 75 days, closure of the otter hide and access, and disruption to the ferry.** The communities of Glenelg and Arnisdale, while included as beneficiaries of the project, will suffer none of the negative impact of the project – either the construction or subsequent operation – so the mitigating benefits for Glenelg and Arnisdale are irrelevant since they have no disruption to mitigate.

d) Destruction of Dark Sky Discovery site. The Forestry Commission land from the otter haven car park on to the Kylerhea hills has been designated as one of only 13 Dark Skye Discovery sites in Scotland. This is because there is so little

light pollution; the fact that there are only 13 in Scotland demonstrates how rare this is and what an important landscape feature to preserve. The proposed continuous floodlighting of the turbines (as part of the mitigations against navigation hazards) will completely destroy the Dark Sky status of the area.

e) Protection of the environment. It is widely accepted that Kyle Rhea is an area of outstanding ecological interest. The designation of the area as an SSSI, as well as two SACs (Kinloch and Kyleakin Hills, and Lochs Duich, Long and Alsh reefs) underlines the importance of this area. It was disconcerting and unnerving to find again and again that the impact of this project on this very special environment was discounted on the basis of relatively short and incomplete surveys. The EIA stated that the 3 year environmental monitoring programme at Strangford Lough had concluded positively, but during the recent consultations it emerged that nonetheless permission for additional turbines at Strangford Lough was refused on conservation grounds. This fact does not seem to be included in the EIA. **Do Marine Scotland feel that they understand exactly why the conservation limits have been placed in Strangford Lough?** It seems from other correspondence as though the positioning of this demonstration array in such a protected area is precisely in order to experiment with nature, and to then be able to draw a conclusion about how much damage it does cause. Kylerhea is a vibrant community who all feel passionately about protecting the very special nature we have; to be used as an experiment in order to see how much of it is destroyed seems like a terrible thing to do. I am concerned that the information on otters is deemed to be confidential (in case human beings disturb them) while the potential impact of the turbines and drilling, particularly during the installation phase, is significantly downplayed. This is so ironic as to be absurd. The EIA also underestimates, in my opinion, the presence of other species such as adders, which are prevalent in the affected area and protected under the Countryside Act. It is also commonly accepted that a one year survey of marine mammals is insufficient to be able to make a proper judgement about likely impact.

f) economic necessity. It is clear that this project is not intended to be economically viable, and that it never will be. **There is therefore no case to be made that there is a commercial or economic necessity to site this experimental array in such a special place.** The statements in the EIA about the extent to which this project will contribute to ending global warming are ludicrous and shameful hyperbole and should be treated as such. It is disgraceful to state that the turbines in Kylerhea "will contribute to an 80% reduction in greenhouse gas emissions by 2050". This kind of gross exaggeration is playing on sentimentality and not worthy of a scientific document. It should be clear that this is a project by one company which seeks to make a lot of money out of cornering the tidal energy market; this is a competitive business about long term profit.

g) Consultation. The EIA states that the "need for effective public participation is identified throughout the following relevant legislation and planning guidance." There has been no consultation with the local community in Kylerhea until

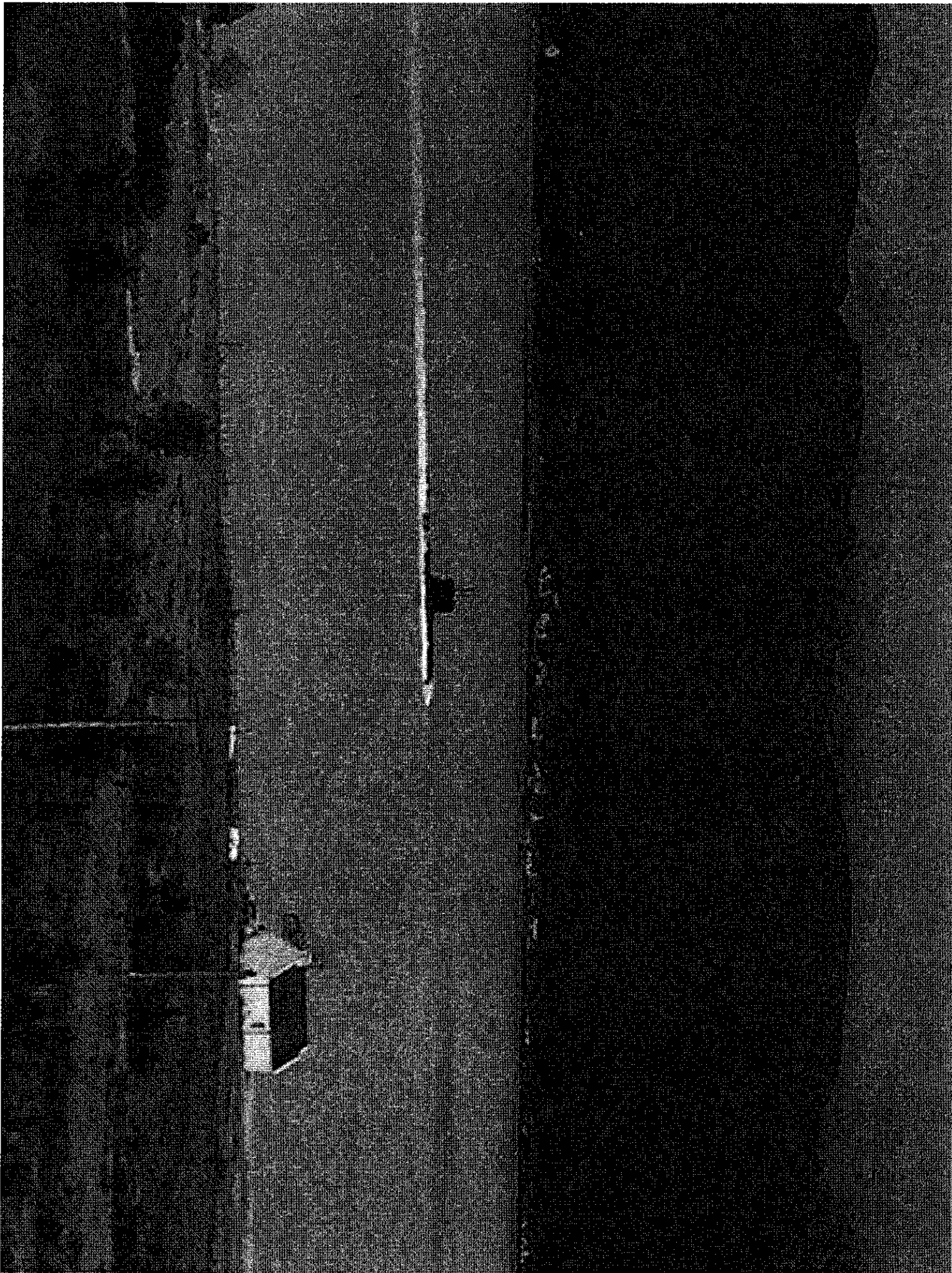
March 2013. Even then the consultation only took place at the insistence of the Kylerhea community. It is entirely false to suggest otherwise.

h) Water. The EIA is vague about water courses, since it conducted its survey during an exceptionally dry summer and was unable to make judgements about some the burns. The village water is supplied by burns which run off the hill where the drilling is intended to take place and I have seen nothing in the EIA which makes clear that there will be no disturbance to our water supply.

In general I would like to comment that the survey work seems to be superficial in places, wrong in others and exceptionally partial. I would like to question a process which allows the EIA to be written by the interested party; surely it would be more reasonable and reliable if the EIA were written by a third party which would then make an impartial assessment? I am concerned that the parties making judgments on whether this project should be granted a licence are all in some way interested parties in the project. I am also concerned that the fact that the Marine Licence does not require an assessment of the impact of the entirety of the project creates a *fait accompli* by sleight of hand – what will happen, for example, if planning permission for the pylons to export the electricity is not granted? Surely the process is improper unless it considers the whole project?

Yours faithfully,

A solid black rectangular box used to redact the signature of the sender.



Ford A (Alexander)

From: [REDACTED]
Sent: 21 March 2013 18:45
To: MS LOT MCT KR Representations
Subject: Submission

Hello,

I am re-submitting the following as, having read the criteria for submissions - the document "Kyle Rhea Frequently asked Questions issued by sea generation Kyle Rhea Ltd." states: "Representations should be dated and should state the name (in block capitals) and full return email or postal address of those making representations", I fear my original email may have been disregarded because it did not follow some of the criteria.

I have also taken the opportunity to edit the submission, please disregard the original.

I am a resident of Glenelg and would like to comment on the Environmental Impact Assessment carried out in and around Kyle Rhea.

We can best judge any such document by looking at what the document says about something we have some knowledge of. I have looked at the survey results and conclusions regarding bird life in the kyle. I take no issue with the observations and counts of birds and the methodology used - presumably "tried and tested" within the industry. However the shortcomings of a survey that can, at best, provide the results of a series of "snapshots" become apparent when unjustified and unwarranted conclusions are drawn from the snapshot observations. A truer picture of the birdlife in the kyle might have been achieved by including more local observations.

In the document The Kyle Tidal Stream Array, Volume 1, Non-Technical Study it states:

"...and during the breeding season the site does not appear to be important to any species in terms of finding food"

EIA Document:

Gannet

Gannet were seen irregularly and in low numbers only during snap-shot scans (Table 12, Map 10). From July to December up to 11 but typically <5 birds were occasionally present, but there were no records from January to June.

and:

There were 21 records of gannet plunge-diving or on the sea in the survey area, some of these involving several birds. These records were distributed across the sound and there is evidence that the deeper parts (>30m), i.e. the area where tidal devices are proposed, were less used than shallower areas (Map 10). The narrowest part of the sound in the vicinity of the ferry route was particularly used by diving flocks (Map 10), something that was also noted in a number of incidental records

I have observed large flocks of gannets feeding in the kyle on many occasions including during the month of May (I have photographic evidence of this). The statement that the deeper parts of the channel were "less used than shallower areas" is subjective and prejudicial. Less used by how much? In fact I have observed gannets diving in large numbers in the area of the deepest part of the channel as well as other areas. It is

28/03/2013

acknowledged in the document that gannets plunge-dive to depths of up to 15 m and are therefore at risk from collision with the submerged parts of the array. It might therefore be convenient for the document to imply that the deeper part of the channel is "less used".

EIA Document:

Eagle species

A single adult white-tailed eagle was recorded on seven dates through the year (Table 19, Photo 5). Two records were in winter and the others were in the 2012 breeding season, between late April and mid June. Records mostly involved birds flying over the site.

and:

The birds seen are almost certainly of the pair that breeds locally (a few km away). This pair is closely monitored by RSPB and is known to have bred successfully in 2012, rearing a single chick. It is also known that this pair regularly forages in Kyle Rhea sound and Glenelg Bay. Indeed in 2010 and 2012 (when they also bred successfully) they were observed feeding in the sound, mostly on the ebb tide, almost daily during the summer by local residents and the ferrymen. Indeed it is reported that at times an adult would take fish thrown out for it from boats. A high proportion of the fish they obtain in the sound are kleptoparasitised (stolen) from great-black-backed gulls.

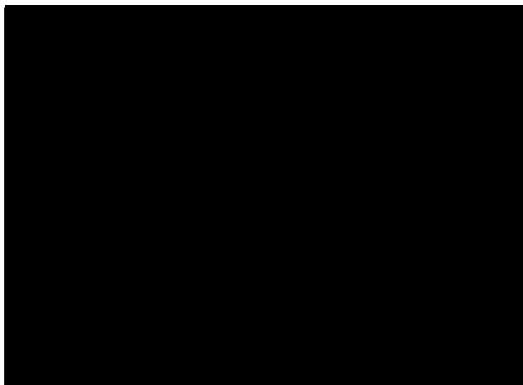
And in the document The Kyle Tidal Stream Array, Volume 1, Non-Technical Study it states:

"He [male white tailed eagle] was observed taking fish thrown out by fishing vessels and does not appear to be disturbed by human activity".

In its conclusions the EIA describes the white tailed eagle as "**uncommon**" in the kyle. This, again, is subjective and prejudicial and actually begs the question; how could a nationally rare species that has a breeding territory measured in many square kilometres appearing *every day* at a particular feeding site for more than 6 months of the year be described as "common" or "frequent" according to the EIA authors' criteria?.

The observations of the survey and the additional evidence provided confirm that both white tailed eagles, male and female, use the kyle daily during the breeding season to source food, which is in direct contradiction to the statement: **"...and during the breeding season the site does not appear to be important to any species in terms of finding food"** In fact one of the UK's rarest birds relies on the kyle for food during the breeding season. The statement **"He [male white tailed eagle] was observed taking fish thrown out by fishing vessels and does not appear to be disturbed by human activity"**. is obviously included to infer that the birds will not be disturbed by the tidal array or the construction works, which is a leap of logic that is completely unjustified.

I stated at the start of this email that a document can best be judged by what it says about something the reader has knowledge of. This reader of this document thinks that the document is partial, inaccurate and prejudicial.



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Registration of an Objection against the proposed installation of Tidal Turbines in the Kylerhea Narrows.

RECEIVED

15 APR 2013

To whom it may concern

We are residents of Kylerhea, Isle of Skye, where there is a new proposed installation of a Tidal Power Array by Marine Current Turbines (MCT) in the Kylerhea narrows between the Isle of Skye and mainland Scotland.

We would like to register an objection to the installation of these turbines for the following reasons.

- ✚ They will be a danger to the safe passage of all vessels passing through the Kylerhea Narrows. As residents of the narrows we see several boats every year that are obviously out of control. There must be many more that negotiated the narrows on a wing and a prayer. It will only be a matter of time before a boat will hit one of the turbine towers.
- ✚ The inevitable collision of a vessel and a turbine tower could bring about an ecological disaster to the whole marine environment of the entire Inner sound area. Only a small diesel oil spill will have disastrous effects marine wildlife, mammals and the destruction of fish farm stocks.
- ✚ The irreversible damage to the Scottish landscape and wilderness habitat. Wild untouched places are trademark of the Visit Scotland campaign and it can not be argued that there is any justification in destroying a pristine green environment to the industrialised production of very unprofitable energy.
- ✚ The detrimental effects on the holiday and tourism businesses on which the entire highland economy rely. A third of the houses in the Kylerhea narrows are holiday lets. Almost all working adults derive some or part of their income from holiday lets or wider tourism.
- ✚ The symbolic impact of Towers will be to send a message to the entire world that there is nothing and nowhere in Scotland that doesn't have a price.

Yours faithfully,

[Redacted signature block]

Queiros J (Joao)

From: [REDACTED]
Sent: 15 April 2013 20:36
To: MS LOT MCT KR Representations
Subject: Kyle Rhea Tidal Stream Array Project
Attachments: Ltr to Marine Scotland re Kyle Rhea (p1).pdf; Ltr to Marine Scotland re Kyle Rhea (p2).pdf

Please see attached letter from [REDACTED]

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16/04/2013

[REDACTED]

FAO Alexander Ford
Marine Licensing Casework Officer
Marine Scotland - Marine Planning & Policy Division
Scottish Government
Marine Laboratory
PO Box 101
375 Victoria Road
ABERDEEN
AB11 9DB

15 April 2013

Dear Sir

KYLE RHEA TIDAL STREAM ARRAY PROJECT

[REDACTED] have received representations from residents of Kylerhea, Isle of Skye relating to proposed safety concerns arising from the proposed Kyle Rhea Tidal Stream Array Project following on the recent open day held by the developer in Broadford. Notwithstanding that the open day was only held on 19 March, we understand that the deadline for public representation to Marine Scotland may have passed. However, we consider that these safety concerns are significant and therefore shall be grateful if due consideration can be given to this letter in addition to any communications that may be received from other persons or interested groups given the timescales within which people are being asked to respond.

As an initial point, we would state that [REDACTED] and residents in Kylerhea are not against alternative energy or tidal projects, but consider that Kyle Rhea is not the place for a project of this type.

The primary concerns are the impact on shipping and safety. Kyle Rhea forms part of the route for inshore shipping visiting ports such as Mallaig and Kyle. In addition, it serves as a shorter, safe alternative to having to navigate round Skye through the Minch, especially in bad weather. We are therefore aware of all types of shipping using Kyle Rhea throughout the year, from bulk carrying commercial freighters to fish farm well boats, paddle steamers carrying tourists to many visiting yachts enjoying cruising the west coast of Scotland. In addition, whilst we understand that the UK military does not have Kyle Rhea marked as a navigation route, we have seen video evidence of naval ships and submarines from other countries passing through Kyle Rhea.

We appreciate that the obvious attraction of Kyle Rhea for the developer is the very strong tidal flow through the narrows. However, it is that extremely strong tidal flow that makes the narrows difficult for shipping. We have seen video evidence of both commercial shipping and yachts getting into difficulties in the narrows where the turbine towers will be positioned. The ships include large freighters, perhaps disabled by engine issues, being swept through the narrows by the current, sideways! The turbine towers will further restrict manoeuvrability in this already narrow channel and there is potential for shipping to hit the towers.

Importantly, any resultant pollution will be carried across a huge area given the tidal stream through Kyle Rhea. In addition to the adverse impact such an incident would have on tourism in the local area, it would affect locally important fishing areas which provide an income for many living locally. We also note that Kyle Rhea is within or adjacent to each of the Lochs Duich, Long and Alsh Reefs SAC and the Kinloch and Kyleakin Hills SAC. We wonder what protection is afforded to the environment by such designations if development is still permitted within protected areas?

In addition to the risk of shipping actually colliding with the towers, we are also concerned that the location of the towers in Kyle Rhea will result in shipping deciding to avoid the area and instead navigating around the outside of Skye through the Minch which they might otherwise not choose to do, for example, as a result of bad weather. We consider that this increases the risk of an accident in the Minch in relation to which pollution is already a particular concern given the volume of shipping already passing through this area. We understand that it is an aim of Comhairle nan Eilean Siar, the Highland Council and Scottish Natural Heritage to reduce pollution and promote tourism in the Minch, none of which is assisted by any increase in shipping caused by the installation of turbines in Kyle Rhea.

Another consideration for the local communities in Kyleakin and Kylerhea regarding this proposal is the potential effect on tourism in the area. Kyle Rhea is the site of the community operated car/passenger ferry to Skye, providing much needed income for the communities in Glenelg and Kylerhea. There are concerns relating to the reputation of Kyle Rhea as an area renowned for its beauty and wildlife if industrial turbines are located in this area. In addition, we understand that a third of the houses in the area are let as holiday accommodation and tourism forms part of the income for many families living in the area. Loss of this income would have a detrimental effect on these already fragile communities. We would also be concerned regarding the loss of revenue from yachts visiting local harbours should the turbines prove a disincentive for yachtsmen to visit the area.

We shall be grateful if you will please acknowledge receipt of this letter. We would also appreciate being kept updated as to the process for consideration of the application for permission for the development.

Yours faithfully



Marine Scotland
Marine Laboratory
PO Box 101 375 Victoria Road
Aberdeen
AB11 9DB.



KYLE RHEA MARINE TURBINES PROJECT CONSULTATION

Thank you for the opportunity to respond to the proposed Marine Turbines Project planned for installation in the Kyle Rhea narrows off the Isle of Skye.

[Redacted]

To clarify any perceived misunderstanding; we are wholly sympathetic to the Scottish Government's aspiration toward a full renewable energy target. We recognise that electrical energy is a finite resource and we should all do our utmost to encourage its conservation and renewal.

Typically, we know that in most instances of change people generally do not react well to disturbance of their environment, landscape or seascape, whether that be permanent or temporary – we are no exception to this general emotion. As self appointed custodians, this environment is our singular vested interest and we naturally feel most strongly about it.

However, that apart, we have grave misgivings about this project, not simply because of likely disturbance to us, our environment and community but how this is compounded by the proposed major changes to our seaway. We consider this to be a gross error of judgement for the reasons given below.

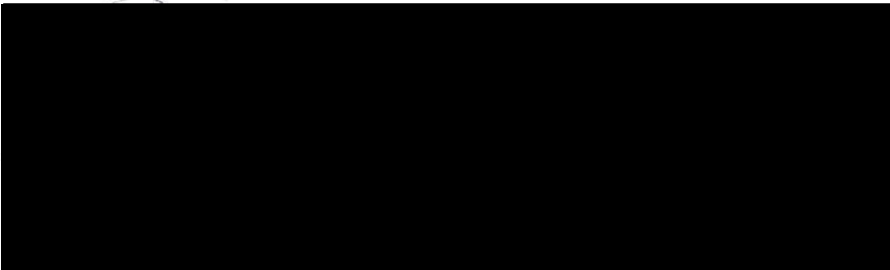
On the whole we are of the considered opinion that this is the *wrong project in the wrong place!*

- On the scale of need against the difficulties set out below, why such a seemingly inconsequential and *experimental* project in this place? The project proposes reducing the width of the channel but does not, in our view, sufficiently mitigate the risks to shipping. The risk to shipping caused by reduced sea space and ability to manoeuvre may be such that it will deter the most competent of mariner and the present class of commercial shipping from attempting this passage in favour of the perceived safer but more lengthy and costly alternative via the inner Minch; with consequential and inherent delays and expense. If asked, few masters of such vessels would admit their anxiety to safely navigating a much narrower shipping lane to that which presently exists and such an admission may, in their view; reflect on their ability as competent mariners.
- Our concern is not simply about damage to shipping, which may be serious enough in itself, but the catastrophic consequences of diesel oil spillage in the relatively near vicinity of renowned habitats and commercial fish farms. In the circumstances of '*the polluter pays*' who would be liable in the event – the shipping company and/or the developers of this project or a combination of both? By this, our response, we give our reasoned and honest view that this project is a disaster in the making.

Given our first-hand knowledge, by observation, of occasional but obvious difficulties experienced by seafarers navigating this area it will be poor consolation to us to say in the aftermath of such an event, "we told you so" Apart from physical damage, what of the effects from the accidental spillage of oils on the environment. Marine life for many miles distant of the site would be irretrievably lost.

- The scope of this project, in such an unsuitably confined area, and MCT's statement that this is *experimental* begs the question, why *experiment* in such a location as Kyle Rhea with the attendant risks to shipping and disruption to both marine and terrestrial habitats? Why affect the integrity of the adjacent designated Special Area of Conservation and its marine equivalent Marine Area of Conservation? One might reasonably, perhaps cynically, ask, 'what price environmental conservation then?' against the highly dubious economic benefits this project's developers claim. What *real* and lasting opportunities of employment are to be created by such a project? – maintenance and inspection all and every day? – we think not.
- My wife and I, along with other residents, have personally observed incidents involving shipping (commercial and recreational) passing through the narrows of Kyle Rhea (proposed site) arising from the respective vessels inability to cope with the strength of the tidal current. We grant this latter is an asset to the developers of this project but ignores the frequent and risky spectacle of vessels held, albeit temporarily, '*in irons*' and '*keeping station*' whilst awaiting a change in tide. Who will police sea traffic intending to pass through these narrows 24/7? and at whose expense? Admiralty advice is currently shown on charts 2208 and 2209 respectively and states: "*For procedures and working details of the Kyle of Lochalsh voluntary reporting scheme see admiralty list of radio signals Volume 6.*" and, "*For tidal streams in Kyle Rhea, see chart 2540 and Admiralty sailing Directions, NP66.*" These however are West Coast of Scotland Pilot NP 66 From Mull of Galloway to Cape Wrath including Hebrides and as such are the most general of instructions.
- No effort is proposed to test our assertion, shown above. For instance, could the proposed area be initially marked by an array of buoys so that shipping could, from this point on, be obliged to follow the proposed shipping lane? This would have the additional benefit of first-hand observation and knowledge without undue danger to shipping occasioned by collision with any of the turbines, if/when installed, and the costly implementation of measures that might be reasonably expected, post construction, to mitigate against such an occurrence. An independent outsiders view of our statements may give the impression that our deep concern is fanciful. Without such a test of use one could never be certain if the safe passage assertion is nothing more than an academic and remote opinion. Logs of reported incidents show a substantial absence of many such reports – why is that? when we know that such incidents have in the past occurred. Perhaps because there has been a lack of third party damage; unsurprising given the sea space presently afforded. How different this is likely to be if this project were to go ahead - one can only wonder.

Yours faithfully,



12th April 2013

Queiros J (Joao)

From: [REDACTED]
Sent: 17 April 2013 18:42
To: MS LOT MCT KR Representations
Subject: KYLE RHEA
Attachments: Dear Sirs.docx



Dear Sirs.docx (137
KB)

Dear Sirs please find attached my letter of objection to the tidal turbines in Kyle rhea.

Thank you very much



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received from an external party and has been swept for the presence of computer viruses.

Dear Sirs,

Ref; Sea Gen (Kyle Rhea) Ltd application to locate a tidal stream power station in the Kyle Rhea narrows.

I have a house, [REDACTED] This is towards Glenelg and [REDACTED] from the proposed development. We also run a business in the area and employ a number of local people. I would like to register my strong objections to the proposed development.

This is an area of extraordinary and world-renowned natural beauty. There are many and various parts of the North West of Scotland which should be considered before this very special place with its wonderful wildlife. Otters, porpoises, whales, dolphins, seals seem to come nowhere in this headless rush to "environmentalism". The irony is extraordinary. Kyle Rhea as it is, undeveloped, remains a far richer and longer-term resource for Scotland than this paltry contribution to the Grid will ever be. The cost benefit comparison is staggering. And risible.

When seeking reasons for this ill-judged project, set in the context of the forthcoming wrangle over North Sea Oil [consider that for a moment] I sought reassurance from the local MSP Dave Thompson. Mr Thompson's trump card in E-mail to me? Are you ready?

"One benefit is that it will ultimately add to our electricity generation and reduce our reliance on fossil fuels which will, in turn, help to save the planet - is that not worthwhile?"

As I mentioned to Dave in response, I am doing some work on the environmental story in China in August. I will pass on his message to the people of Nan-king. Their relief will be palpable. Such fatuity aside [his], this project while no doubt well intentioned somewhere along the line, flagrantly qualifies for the depressing axiom of knowing the price but not the value. In terms of any benefit for the area, or future of the planet, it is a moral paradox. Jettisoning the future for a political fast buck. My [world] expert contacts in renewables point to far more beneficial, efficient and less damaging potential projects. More and more people in Glenelg are smelling a rodent.

The main objection though and the massive bull elephant in the room is navigational safety. Have you seen the boats that go through there on a daily basis. They can always take the long way round with a lot more fuel. Oh hang on! Wasn't this all about fossil fuels? Oh never mind that.

A terrible and unforgiveable accident is waiting to happen. Have you seen where they are putting them? Absolute madness. The effects of the inevitable collision will be catastrophic for local flora and fauna. Copy and paste this bit. It will happen and whoever's watch it happens on will be damned for it.

[REDACTED]

Queiros J (Joao)

From: [REDACTED]
Sent: 17 April 2013 20:33
To: MS LOT MCT KR Representations
Subject: Sea Generation (KyleRhea) Ltd
Attachments: ObjectionSeaGeneration(Kyle Rhea)Ltd.docx

[REDACTED]

To:
The Scottish Government,
Marine Scotland Licensing Operations Team mailbox
kylerhea@scotland.gsi.gov.uk

Dear Sir,

Please find attached my representation opposing the Sea Generation (Kyle Rhea) Ltd application.

Would you please confirm receipt of this representation within the extended time, at my email address shown above.

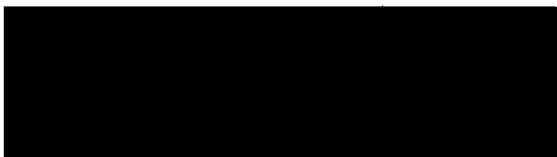
Best regards,

[REDACTED]

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18/04/2013



16 April 2013

The Scottish Government,
Marine Scotland Licensing Operations Team mailbox
kylrhea@scotland.gsi.gov.uk

Dear Sir,

Re: Sea Generation (Kyle Rhea) Ltd application for consent to construct and operate Kyle Rhea Tidal Array, located between the Isle of Skye and mainland Scotland to the north of Kylerhea village on the west and Glenelg on the east

As a regular visitor to Glenelg, I am writing to express my astonishment and strong opposition to the outrageous proposal to install 4 marine turbines at Kyle Rhea narrows. I, like many others, choose to return regularly to stay in this location, supporting the local community and economy, because of its unspoiled beauty, tranquility, irreplaceable collection of wildlife and rich cultural heritage.

The installation of marine turbines, constituting a power station here, would be totally alien to the peaceful, unspoiled, natural environment; it would pose an unquestionable threat to the delicate eco-system, the protected wildlife and, furthermore, because of the unpredictable tides, would pose a severe danger to shipping and human life.

My objections to the proposal are as follows:

It poses a danger to shipping and to life –

This is an important shipping route bringing vital business to the local communities. It is, at the same time, a narrow seaway and the tides on this stretch are extremely unpredictable, with sudden changes making them very difficult to negotiate. Adverse weather conditions often add to these hazardous conditions. To install the dangerous obstacle of marine turbines in this already narrow shipping lane would be extremely foolish and would create a totally unjustifiable and unnecessary risk to shipping and potentially to human life.

Which organization will be liable for compensation in the event of claims for damage to shipping, pollution, injury and loss of life?

It poses a danger to wildlife and the delicate, invaluable eco-system –

The reef, which is dependent on the tidal flow; mobile species; Atlantic salmon; basking sharks; otters – the Forestry Commission established an otter hide at Kylerhea for watching and encouraging interest in and the protection of otters,

because it is such an important place for otters in the wild; Atlantic seals and others, which migrate here; herons and other birds, etc.

These would be put at risk by the installation and operation of marine turbines at this point, both from being killed outright by them (danger to seals proved by the single marine turbine at Strangford Lough) and by the effects of noise from not only the turbines but also the electrical impulses from underwater cables.

It poses a threat to the cultural heritage of this locality –

Thousands of visitors from all over the world delight in crossing by this historical ferry route to the Isle of Skye, in this beautiful, unspoiled, natural location, which would be ruined by marine turbines.

This special area of conservation is an integral part of the legacy of Gavin Maxwell. The proposed marine turbines site is between Sandaig - the setting for 'Ring of Bright Water', the book in which he wrote about his life with his pet otters at this peaceful spot - and the house that was his home when he died.

This locality is in a listed historic environment – drove road, ancient crossing of cattle, listed piers, listed houses, etc.

Further points which I would like to raise in objection are:

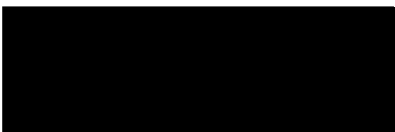
If the danger caused by this installation stopped the trade brought by the many yachts, for which this stretch is so popular, it would have a devastating effect on the local communities.

If this installation caused shipping to take the longer route instead of this shorter one, the effect on the local communities would be damaging and the extra fuel used would negate any extra energy produced by these turbines.

I believe that there has been a failure to adhere to the correct procedures and to follow the required consultation process.

Consequently I believe strongly that this proposal should not go ahead.

Yours faithfully,

A solid black rectangular box used to redact the signature of the author.

Queiros J (Joao)

From: [REDACTED]
Sent: 17 April 2013 22:24
To: MS LOT; MCT KR Representations
Subject: Kylerhea Marine Turbines Licensing Application: objection
Attachments: [REDACTED] Objection Letter.doc

Dear Sir/Madam,

I attach a formal letter of objection to the proposal to install an array of Marine Turbines in the Kyle Rhea narrows. I would be grateful if you could acknowledge its receipt.


[REDACTED]

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18/04/2013



17 April 2013

The Scottish Government
Marine Scotland Licensing Operations Team

Dear Sir or Madam,

Re: application by Marine Current Turbines to construct a demonstration array of four turbines at Kylerhea narrows.

I am a property owner in both Glenelg and Kylerhea. I am writing to object to the above proposal on the following grounds:

Absence of adequate consultation of the local community. Marine Current Turbines (MCT) failed to engage with the community of Kylerhea, who would be most directly affected by the installation of the turbines. They engaged instead with the Glenelg and Arnisdale Development Trust, a non-representative body with no remit for Kylerhea. This resulted in the unjust situation of the residents of Arnisdale, who live over 10 miles from Kylerhea and would have no visibility of the turbines nor be affected by the installation, having representation when the residents of Kylerhea had none. The engagement with the Kylerhea community has only come about as a result of an initiative taken by the community itself, which has not been reciprocated. I did not receive for example any formal notification of householders and residents of Kylerhea from either the Marine Scotland or MCT. I am however aware that MCT have claimed misleadingly to have been in touch with the local community when in fact they were only in touch with the residents of Glenelg and Arnisdale. This is a clear failure to establish a partnership with the local community which must be at the heart of any major development but in particular one which is seen as an experiment. This project will set the precedent for the standard of community engagement for larger projects. This is a poor precedent and undermines any claim by developers or the Scottish government that community partnerships would form part of the renewable energy strategy.

Absence of benefits for the local community. No benefits have been identified for the residents of Kylerhea. No compensation has been offered for the disruption to village life during construction, maintenance work nor for the potentially deleterious impact of the array on livelihoods (see below).

Environmental Impact. This has simply not been adequately assessed. A major industrial installation is proposed in a complex and fragile marine and terrestrial environment. The EIA states that the work will be designed to reduce the visual impact, and to reduce to a minimum the impact on the natural environment. It is

of serious concern that the EIA only covers one half of the project, namely the installation of the turbines and the substation. It goes on to state that "The cable from the project substation to the local grid will be the responsibility of the Distributed Network Operator (DNO), SSE in this area, and is not considered. It is expected that export will be via a combination of new buried cable and upgraded existing overhead cable, routed towards the Broadford area". It is striking that the EIA gives no detail about the likely impact of the second half of the project. There are a number of sweeping statements about the use of the local roads, and the unlikely event that these will need to be widened, but without giving any detail or certainty. Any consideration of environmental impact should consider the impact of the project in its entirety; to obscure the fact that cabling will be further laid followed by an upgrade to the cabling or pylons running through the village and up the glen is misleading and gives a false account of the likely environmental impact of the whole project. An EIA which does not contain detail of the second half of the project cannot be considered a credible assessment of the impacts on the landscape.

Damage to livelihoods. The community have few sources of local income other than tourism through holiday lets. The attraction of the area is the unspoilt environment. This will be critically compromised by the installation of an array of turbines, their presence and operation and related maintenance activity. Suggestions have been made that it may enhance the tourist industry. But it is clear that no structured research has been done into the possible impact of the array on the local economy. An additional factor is the significant compromise to the "Dark Sky" status of Kylerhea which will result from the light pollution of flood-lit turbine towers.

Risk to Navigation. The Kyle Rhea narrows are busy and hazardous. There has been no survey over a reasonable period of time of shipping volumes and patterns. Residents both sides of the Kyle are aware that the Kyle is used constantly by freight, survey, recreational and naval vessels of varying sizes and with varying standards of seamanship. Narrowing the sea room will dramatically heighten the risk of shipping accidents with consequent damage to the environment. The passage of any shipping including in a convoy will be significantly more risky if it has an artificially narrowed passage in an area of strong and variable tidal current.

Lack of integration of planning proposal. The proposal to install the turbines is a discrete project (owned by MCT) from that the provision of the necessary infrastructure to egress the generated power to the national grid (owned by the relevant utility company). No proposals concerning the latter have been made available to the residents of Kylerhea who will be directly affected by any construction work or permanent structures. The two projects will have equal impact on the local communities and neither should be considered for planning permission in isolation from the other. If permission for the turbines were to be granted, for example, the authorizing body for the linkages to the grid would be under pressure to grant permission for that project regardless of environmental and socioeconomic considerations because of the dependency. This would unfairly weight the arguments in favour of granting permission. The only fair

way to accommodate local concerns is for the two projects to be considered as a whole: would the totality of the impact on the environment and the local community be acceptable? More details on what is proposed on land must be made available for scrutiny by local residents and provision be made for local objection before any decision is taken on the primary project.

Inadequate data on maintenance, recovery and residual responsibilities.

The responsibilities for and local implications of maintenance and recovery of the turbines in event of failure should be available for scrutiny and challenge by local residents. The potential for damage to the environment and local community interests is as large in maintenance and recovery as in installation and operation. The proposed activity levels for both (support vehicles for example using the only approach road, vessels in the Kyle) need to be made clear. The risk mitigations and contingency planning for malfunction and recovery in particular should be shared with the community.

Inadequate information on review and development. The MCT array is an experiment. MCT should disclose the scope and length of the experiment and what criteria will apply to determine its success or failure. What are the viability thresholds for power generation? What are the thresholds for unacceptable environmental impact apply? What will be the review intervals and the decision points for continuing, ending or extending the scope of the experiment? If the experiment fails, which body will retain through-life liability for damage resulting from the turbines and which body will be responsible for final removal? The potential for shipping hazard and environmental damage of abandoned turbines or related material needs to be assessed and disclosed. So too do details of the provisions being made for forced removal (in the event of catastrophic failure) and for restoration of the environment in the event of cessation of the experiment.

In light of the above I regret I must join the rest of the community of Kylerhea in opposing this project. I request that, in the clear interests of the community and of other communities for whom this will be a precedent, you do not grant a license for this proposal.

Yours faithfully

A solid black rectangular box used to redact the signature of the person writing the letter.

Queiros J (Joao)

From: [REDACTED]
Sent: 19 April 2013 09:12
To: MS LOT MCT KR Representations
Subject: [REDACTED]
Attachments: [REDACTED]

This submission is sent on behalf of [REDACTED]
[REDACTED]

We may send more as we found it difficult to respond to all the points in the time given, coinciding as it did with Easter when many people were away.

Also please note that [REDACTED] have done a survey post ES to include [REDACTED] and the results of that are being analysed after collection on 21st April. We will send you results of that so that you know that the whole community have been consulted.

Kind regards
[REDACTED]

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Response to the proposal by MCT – Sea Gen (Kyle Rhea) Ltd to build a tidal power station in the Kyle Rhea Narrows

exists:

- **to promote the importance of the conservation of the Kyle Rhea sea-bed and associated reef for the benefit of the local economy and its future sustainability.**
In particular to protect the kelp, sea pen and flame shells, which are vital in maintaining the habitats for the prawns and other shellfish, and many other species and to maintain healthy fisheries.
- **to maintain Kyle Rhea as a safe right of passage and migratory route for all craft, cetaceans and other mammals, fish and birds.**
- **to protect the landscape and character of Kyle Rhea for future generations to enjoy.**
In particular to maintain those aspects, which are special to both tourists and residents in terms of health, wellbeing and quality of life: dark skies, peace, history and wildlife.
- **to increase awareness of economic costs, which occur when essential ecosystems, access routes and landscapes are affected by development and to ensure that these are weighed against benefits when decisions are made.**
In particular that the values of ecosystem services (carbon sinks, shellfish, fish,) tourist spend, restrictions to shipping and potential losses are factored into calculations.
- **because it believes that we should respect Kyle Rhea for its intrinsic natural value, not just as a resource to be exploited.**
In particular, The designation of “Special Area of Conservation” for both “Loch Duich, Loch Alsh and Loch Long” and “Kinloch and Kyleakin Hills” is meaningless if conservation is not a priority.

Objections: This is the wrong project in the wrong place

- **Collision risk:** Four turbines in a narrow shipping lane pose an unacceptable collision risk to man and beast: potential loss of life, pollution and financial loss to local businesses, particularly the local shellfish, aquaculture and tourism.
- **Environmental damage** to the reef resulting from collision would destroy the immediate and future sustainability of local inhabitants in terms of food and wildlife tourism.
- **The environmental stressors** in terms of physical presence, dynamic effect, energy removal, chemical, acoustic and EMFs will have a long-term impact on the conservation objectives of the reef: the kelp forest at Kyle Rhea is a key species/habitat and a marine priority feature; Otters, seals and cetaceans will be disturbed.
- **The landscape, character and cultural heritage** of Kyle Rhea is rural and remote. Imposing an industrial landscape upon an iconic crossing and impinging on the setting of historic listed buildings and the drove road is inappropriate.
- **Human values** have not been taken into account, although a requirement of the EIA process. How we feel about the place where we live and the effects on our quality of life should be a material consideration. The protection of the right to live in an environment which is adequate for personal health and well-being is a requirement of the Aarhus Convention.
- **Darkness** is increasingly recognised as important physiologically, mentally as well as being a draw for winter tourists. We have an excellent chance of being designated an International Dark Sky Community
- **Costs** have not been calculated regarding potential losses to ecosystem services or the worst-case scenario of degradation/devastation of the whole loch system.
- **Adverse impact** has been identified regarding qualifying features of both SACs. What compensation measures are in place should the project pass the Habitat Directive tests?

- **Consultation and information** has been inadequate. Kyle Rhea has been deemed a tidal resource without consultation with local stakeholders. The ecosystems approach should require bottom up Ecosystem Based Management.

Policy and Public Participation

This proposal appears to have gathered a momentum of its own.

- Decisions appear to have been made at high level which have informed public perception that this project is inevitable. The National Planning Framework 2 Monitoring Report 2012 states at para. 173:

“Demonstration tidal turbine arrays are being deployed in the Sound of Islay and Kyle Rhea”

- Publications and draft policies by government departments combined with press releases, news reports and grant funding decisions have reinforced the perception of a “done deal” **undermining** due process, particularly the principle of public participation inherent in the EIA Directive and the Aarhus Convention.
- This had led to many people in the local area feeling that the project is going to happen; that it is inevitable. The process of EIA and the requirements of the Habitats Regulations have not been effectively communicated.
- It is also felt that there should be a better method of communicating to communities councils that policies are being developed and consulted upon which affect them. For example, we should have been informed of the results of tidal surveys and when, how and why Kyle Rhea came to be propose as a “demonstration array”.

- It concerns us greatly that Marine Scotland have discussed Kyle Rhea with the developer and yet they are also charged with making an objective decision re licensing consent. Their ***Draft Marine Licensing and Consents Manual*** states:

“The potential for the Sound of Islay and Kyle Rhea projects to be included within the Demonstration Strategy have already been discussed with the relevant developers and a feasibility study proposal has been prepared.”

- The feasibility study is not included in the ES – it is a pity that this study did not involve the community.
- Furthermore, the statement “ *Priority for demonstration strategy investigations will be given to those interactions, which are relevant to features of the environment that may be designated under EU (or national) legislation, i.e. seabed habitats, seabirds, marine mammals (seals and cetaceans), and migratory fish (primarily salmonids...* ”¹ is alarming:
- It implies that Kyle Rhea is being targeted **because** it is so environmentally precious. It sounds as though our wildlife and reef are being sacrificed for the “greater good”. This is entirely apposite to the ethos of the Habitats Directive and the precautionary principle.²

- It would set a dangerous precedent: development consent for a power station in two adjacent SACs would weaken objections anywhere else.
- It gives a clear signal that the confidence implicit in government and media communications regarding Kyle Rhea has its foundations in successful lobbying in Europe:

Scotland’s ***Renewable Routemap Short Life Task Force***³ reports that Marine Scotland’s ‘one stop shop’ approach “ *is of particular interest as the European Commission is looking at ways in*

¹ ABP Marine Environmental Research Ltd Marine Scotland, R. 1957: *Marine Scotland Licensing and Consents Manual Covering Marine Renewables and Offshore Wind Energy Development* (Marine Scotland, Scottish Government, October, 2012), 4-5

² Case - 127/02 *Landelijke Vereniging tot Behoud van de Waddenzee, Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij* [2004] ECR I-07405

³ Scottish Government, *Scotland's Renewable Routemap Short Life Task Force on Streamlining Energy Development Licensing and Consents, Final Report* (The Scottish Government, Edinburgh, February 2012, 2012)

which to harmonise EIA with other EC assessment obligations such as SEA, Water Framework Directive (WFD) and Natura/HRA.⁴

The European Commission is moving towards a position of more proportionate action in the way in which energy projects are being planned, considered and consented.

The Scottish Government welcomes this move as it reflects those that are being taken in Scotland amongst policy makers and regulators to move towards a model which takes a proportionate approach to the planning/consenting of offshore renewables projects whilst proactively managing the risks involved."

The Marine Energy Group (MEG) an industry led group but comprising members from MS, MCT, HIE and The Scottish Government have produced recommendations for government action⁵: "Developers urge MS to explain the science-based management measures involved in the proposed ecologically coherent network of Marine Protected Areas (MPAs) and for consideration to be given to areas of potential wave or tidal resourced activity **before formal designation of MPAs**".

(...and MPA's have been delayed until 2014)

- The evidence of this lobbying success is reflected in a E.U. press release of 18th December, 2012⁶, in which Connie Hedegaard, the E.U. Climate Commissioner announced that the Kyle Rhea Project would receive £18.4 million from the NER 300 fund⁷:

"An array of tidal turbines with a nominal capacity of 8 MWe will be built in the narrow strait between the Isle of Skye and the Scottish mainland. The project...is based on a significant scaling up of the operational test turbine, which has a three-year track record in Northern Ireland."

(.. it has a track record of being shut down whenever a seal comes within 20m ..AND it is not good science to extrapolate data from a and apply it to b⁸)

- This is in stark contrast to a report published by the **European Union (E.U.)** in February 2011⁹, in which it is stated:
"Moreover, vast opportunities remain to establish such energy infrastructures outside of Natura 2000 sites and many of these opportunities will prevail until and beyond 2020. As such, there are no reasons of overriding public interest to establish any such infrastructure within Natura 2000 areas, at least until 2020".¹⁰ And

"...Take immediate action to conserve and restore terrestrial and marine biodiversity and ecosystem services as these are the basis for cost-effective climate change adaptation and mitigation and can provide multiple economic, social and environmental benefits..."¹¹

and also a press release entitled *"The Fish Cannot go to Court"* by the EU Environment Commissioner, just before the Climate Commissioner set aside the £18.4m:

⁴ Council Directive 92/43/EEC of 21st May 1992 on The Conservation of Natural Habitats and of Wild Flora and Fauna OJ [1992] L206/7

⁵ Marine Energy Group, *Marine Energy Action Plan, Executive Summary* (Scottish Government, June 2012, 2012)

⁶ European Commission, 'Questions and Answers on the outcome of the first call for proposals under the NER300 programme' Europa - Press Releases <http://europa.eu/rapid/press-release_MEMO-12-999_en.htm> accessed 18.12.12

⁷ <http://www.ner300.com/>

⁸ Scottish Natural Heritage, *Scoping Opinion for the Proposed FEPA Application for Swan Turbines Tidal Array Montrose* (The Scottish Government 2011)

⁹ M. Bertzky and others, *Impacts of Climate Change and Selected Renewable Energy Infrastructures on EU Biodiversity and the Natura 2000 Network: Summary Report* (European Commission and International Union for Conservation of Nature, Brussels, 2010), 21

¹⁰ Ibid, 22

¹¹ Ibid, 25

*"...the environment cannot protect itself if it is threatened or harmed. It is a public good and should be supported by public voice. Action needs to come from stakeholders representing the public interest."*¹²

- We intend to write to the EU Environment Commissioner suggesting some appropriate **action in the public interest**: in the interests of distributional equity, could we have £18.4 m to protect our public good? There is quite a lot of environmental investment that could be made to promote sustainability in and around Kyle Rhea:
 - Fund research on kelp forests and a better understanding of reef ecology, so that pressures can be avoided
 - stop the highly destructive scallop dredging in the Sound of Sleat
 - Control the mink explosion – they are already at Arnisdale and crunching their way up the sound devastating ground nesting birds and shellfish
 - Fund our attempt to gain international dark sky status
 - Build a small observatory to advance the importance of darkness to wildlife/humans
 - Develop small scale micro energy projects independent of the national grid
 - Further develop wildlife eco tourism
 - Restore our historic slipways
 - Fund our ferry repairs to maintain the traditional route to Skye
 - Fund the Forestry Commission for the work it does for wildlife education at Kylerhea
 - Fund more ecology fieldwork and education in local schools.

There would still be change from £18.4 million and these projects would promote economic growth and decouple it from environmental degradation.

Which brings us to the nub of the argument:

Kyle Rhea and the rest of the reef is a public good; a global public good. It is an SAC because it is in the public interest to protect it.

It provides ecosystem services: oxygen, food, carbon storage.

It has values which are qualitative, evidenced though by the many comments in our visitor books which celebrate the darkness, stars, wildlife, peace, beauty, skies – things that make us and our visitors happy ie an intrinsic part of sustainability.

It is difficult to conceive of a national need *so imperative* that it would override and put at risk the conservation value and ecosystem services of Kyle Rhea, its cultural and historical importance and the value it has to those of us who live here, *especially* as the developer has an alternative: consent to deploy a demonstration array at Skerries, Angelsey.

The government is not intending to measure the value of Kyle Rhea's ecosystem services and contribution to the local economy – it is not included in the Sectoral Marine Plan¹³ and there will be no socio-economic appraisal.

The 5 sustainable development principles seem not to apply here.

The MEG are getting what they asked for: the government are delaying the implementation of marine planning, despite their international commitments to deliver an ecologically coherent network of well-managed marine protected areas.

Marine Scotland must now deliberate whether to consent this project at Kyle Rhea. This is experimenting

¹² Janez Potocnik, "The Fish cannot go to Court" - the environment is a public good that must be supported by a public voice. (Europa Press Room 2012)

¹³ The principle is that MS would form **partnerships with developers** to take advantage of the opportunities presented by early projects to make targeted investigations of particular aspects of the environmental interactions of the development. Information, beyond the monitoring which would be required of the developer as consent conditions, would be obtained and used to inform the consenting of future developments "... Kyle Rhea and Sound of Islay (The two demonstration sites) **will not be assessed by the SEA**, as they are not to be included in the plan; however, they will be included in the cumulative effects assessment."

with protected species, protected habitats, human life and the sustainability and sustainable development of a fragile crofting community.

We would argue that even in the absence of implementation of National, Regional or Sectoral Marine Plans, the Scottish Government should abide by the UK Marine Plan Policy¹⁴ Paragraphs 2.1.3.5.1¹⁵ and Kyle Rhea should undergo a sustainability appraisal.

We note that the information for AA has been supplied separately and although we realise that you have no obligation to make it publically available, in the interests of transparency we would like to see it.

There is nothing in the EU treaties that prioritises economic or climate change policies over environmental protection as the Court of Justice of the European Union have indicated in a recent judgement.¹⁶ Environmental protection, investment and respect is the greatest mitigation against climate change.

Furthermore, the Habitats Directive tests of need, alternative locations and Imperative reasons of Overriding Public Interest have also been interpreted strictly by the ECJ and National Courts.

EIA and Scottish Policy

- Regarding the EIA process, there has been no ecosystem services assessment so it is impossible to weigh competing interests fairly.
- The requirement in the EIA Directive Article 3 requires to ES to address the direct and indirect effects of a project on human beings. The scoping response from the Scottish Government omitted to mention this and it was certainly not addressed in the ES.
- We also consider that the criteria in Annex III of the EIA Directive have not been considered adequately **in combination**.
 - 1 (a) size :4 lit posts 54m high and painted yellow will dominate the landscape.
 - 1(c) use of natural resources: tidal regime, kelp provisioning services.
 - 1(e) pollution and nuisances – noise, chemical contamination and light pollution in a dark sky area.
 - 1 (f) risk of accidents: 4 posts in a narrow channel = high risk to navigation
 - 2 (a) existing land use – this is a remote, rural area, not an industrial landscape.
 - 2(b) regenerative capacity of resources – particularly after an oil spill (SPP 129 – duty to further conservation of biodiversity – Conservation Scotland Act 2004)
 - (c)ii Absorption capacity of coastal zone in relation to other pressures – antifouling, fish farming etc
 - viii landscapes of historical, cultural or archaeological significance (Over the Sea to Skye/ drove road - the main road from Edinburgh to the Outer Isles(SPP 124) 2 grade B listed drovers' inns designed by eminent Scottish architect James Gillespie Graham, 2 Telford slipways listed grade B (SPP 112); Boswell and Johnson, Knox, Martin, Gavin Maxwell)
 - 3.(a) extent of impact – views, lights, oils spill, loss of carbon sink
 - (c) magnitude and complexity of impact – transiting cetaceans, seals, benthic ecology, otters, visitors (SPP 126 – wildlife corridors and integrated habitat networks)
 - (e) duration, frequency and reversibility of the impact – on the human population: emotional and financial investment in our homes and our connection with the landscape. We might endanger mobile species by creating a barrier and a danger to life? (SPP 132 – precautionary principle...the Skye to Mull MPA Search Area research is still ongoing. (SPP 132) The ES annex report shows the use of Kyle Rhea by cetaceans.

¹⁴ HM Government and others, *The UK Marine Policy Statement* (London: The Stationery Office, March 2011, 2011), para.2.3.2.1

¹⁵ "Should conflicts arise, the marine plan authority in reaching a decision must integrate economic, social and environmental considerations in conformity with the MPS and draw on other considerations, evidence or supplementary guidance where appropriate. This process will be aided by the sustainability appraisal for a Marine Plan, as it will examine the degree to which conflicts are being addressed through mitigating actions."

¹⁶ *Azienda Agro-Zootecnica Franchini Sari v Regione Puglia* C-2/10 ECJ

Public Participation

- Ecosystem based management, where stakeholders are meaningfully involved in consultation has not been practised. A model such as that employed in the pilot study at the Mull of Kintyre should have been piloted here – after all, Kyle Rhea is a proposed experimental site, so why not experiment with procedure too?¹⁷
- At no point has Marine Scotland, SNH, SEPA or any other government agency sat around the table with local people and consulted on this “policy” for Kyle Rhea to become a demonstration array. Had it done so, it could have learnt a great deal from local knowledge, particularly in terms of navigation. After all, this is a sensitive location and it merits a sensitive approach.
- The developer did not consult effectively with the immediate community at Kyle Rhea, who feel that their personal, social economic and proprietary interests as well as their peaceful enjoyment of a beautiful landscape and ecology. The inhabitants of Kyle Rhea/Kylerhea will see, hear and experience any development as close neighbours, whereas the residents of Glenelg are unlikely to be thus affected, being 3+ kilometres distant.
- As “the public concerned”* the residents either side of Kyle Rhea are those most likely to be affected by or have an interest in the environmental decision-making procedures and should have been afforded “early and effective opportunities to participate”** (*EIA Directive (85/337 as amended) Art 2; **Art 6 para 4)
- Instead, MCT have liaised closely with the Glenelg Community Council (GCC) and the Glenelg and Arnisdale Development Trust. (GADT) It was decided by the chair of the GCC (in minutes of meeting) that only two members of the Glenelg and Kylerhea communities should go to liaison meetings. Thus other interested parties – i.e. the nearest neighbours were excluded, even after an email request to MCT. Members of the community in Glenelg asked to attend and were not contacted. Meetings were largely presentations and it was not felt that any contributions made were informing an iterative process as per IEMA recommendations.
- Meanwhile the GADT have commissioned due diligence and feasibility studies funded through government initiatives such as Community Energy Scotland. GADT are engaged in communication with the Scottish Government in a pilot scheme to purchase equity in MCT/the project (to inform future community ownership/involvement elsewhere in Scotland). We consider that there is a conflict of interests when planning decisions and community initiatives to gain financial benefit from renewable developments are dealt with within one body.
- In terms of terrestrial development however, it is the Kyleakin and Kylerhea Community Council who may well claim to be the relevant consultee for planning purposes, as the onshore works are on Skye, yet the council have not been contacted by Highland Council or the developer. This was confirmed at a meeting between the Kylerhea Forum and The K&K CC on 8th April 2013.
- In fact Highland Council have not contacted community councils about the opportunity to make comments on their website.
- We feel very strongly that that as the “public concerned” - the residents most proximate to the proposed development- we have not been recognised as such. We deplore the idea that a cash payment could ever compensate for loss of habitat and our way of life.

In the SNH Habitats Regulation Document, August, 2012 it is stated:

“The Habitats Regulations Appraisal process should not be a legal obstacle course, but an effective way of helping to protect European sites, whilst making and implementing plans for sustainable economic growth.”

This is not our reading of the provisions of the Habitats Directive. The intention is to protect areas of high biodiversity and and development can only be permitted for imperative and overriding reasons of public interest if no alternatives can be found. This new interpretation appears to be at odds with SNH policy on Marine Renewables, currently on their website:

¹⁷ Karen A. Alexander and others, *Interactive Marine Spatial Planning: Siting Tidal Energy Arrays around the Mull of Kintyre* (2012)

*"The policy statement also refers to the significant adverse ecological impacts likely to be associated with tidal barrage proposals, and to the potential for tidal stream generation, if high velocity tidal channels, which are usually areas of distinctive marine natural heritage interest, are avoided."*¹⁸

*"...for example, developments within or with the potential to affect a marine Natura 2000 site will be subject to stringent tests to ensure they do not adversely affect the particular marine natural heritage interests safeguarded by that site."*¹⁹

*"Tidal rapids and BAP habitats should be avoided for tidal stream generators."*²⁰

And with SNH's response²¹ to the Highlands Renewable Energy Policy²²:

"6.2.2.8 Tidal current" *"The Strategy recognises that developments in tidal streams will need to carefully consider possible interactions with wildlife....At Kylerhea the narrows support internationally important reef habitats which are an integral part of Lochs Duich Long and Alsh SAC."*

"Section 8.2.2." *"SNH supports the view expressed in 8.2.2 that there is considerable capacity for renewable energy developments in Highland that do not significantly compromise the conservation objectives of designated sites. It is also our view that there is considerable capacity for renewable energy development in Highland that does not adversely affect key natural heritage interests outwith designated sites. Renewable energy development in Highland should therefore avoid adverse impacts on key natural heritage interests through appropriate siting and design."*

We also consider it a conflict of interest that Royal Haskoning have been working with SNH on monitoring surveys.

The Highlands Renewable Energy Strategy also states:

R1 *"In general developments in designated conservation areas and any necessary 'buffer' zones should be avoided. However, there may be circumstances where the energy dividend from a development within such an area is so significant that the overall weight of wider benefits outweighs possible site specific negative impacts. In such circumstances it will be necessary to demonstrate that no alternative development strategies are practical within the Highland area and to unambiguously estimate the pros and cons associated with the development plans."*

-Table 6.2.9 shows GWh/yr / MW

North Stroma	3094 (1176)
North Skye	3071 (1168)
Duncansby Head	1298 (494)
Kyle Rhea	186 (71)

- There are clearly significant alternatives with higher energy dividend— North Skye is the nearest one and is included in the Sectoral Plan.
- The negative impacts would impact far out with the site itself: the SIF is far from resolved as are the impacts of a pollution incident.
- Alternatives for the purposes of the Habitats Directive 6(4) do not have to be within the regional or even national area.²³ Skerries, Anglesey has been consented as a tidal demonstration array.
- Estimating "pros and cons" appears to refer to a Sustainability Appraisal. This has not been done.

R.2 *"Devices should be positioned to avoid direct disturbance of scheduled heritage sites and to protect the landscape in the immediate vicinity of prime visited sites."* **Policy/strategy**

The project adversely impinges on the setting of two Grade B listed properties and two Grade B listed slipways. The ferry to Skye is iconic in the international psyche and visitors have been crossing the narrows for hundreds of years. Many people – from all over the world – use it in preference to the Skye Bridge; attracted by the romance, the wildlife and the journey itself in what is a beautiful landscape. We have Telford walls and slipways and a David Stevenson lighthouse to boot.

¹⁸ Scottish Natural Heritage, *Marine Renewable Energy and the Natural Heritage: An Overview and Policy Statement* (SNH 2004) para 6

¹⁹ Ibid, para 25

²⁰ Ibid, Para 52

²¹ Susan Davies, *re Highland Renewable Energy Strategy* (SNH 2007)

²²

²³ Commission, Guidance Document on Article 6(4) of the Habitats Directive 92/43/EEC

It has been in many TV adverts, TV programmes, an American film by Columbia Pictures and is due to feature on a new BBC series "Hebrides on the Edge". <http://www.bbc.co.uk/programmes/p017kcc4>
Turning this wonderful heritage into an industrial landscape is tantamount to putting a wind turbine on Edinburgh Castle.

S.1 "Devices should be positioned far enough away from residential areas and working places to avoid direct nuisance and disturbance." *Policy/strategy*

The proposed development is very close to two houses and dangerously close to the route of the Glenelg-Skye Ferry.

Navigation risk to man and beast

"If you wanted to design a hazard for shipping and wildlife, it would be difficult to come up with a better scheme."²⁴

- **Four turbine pillars in a narrow sea-way with 20m revolving blades = high probability of collision and concomitant fatality: humans, animals and fish + environmental damage and destruction.**
- It would only take one vessel to collide with a turbine to precipitate an ecological disaster in the entire three-loch system. A small amount of diesel spill can cause immense ecological damage.
- The government risk a PR disaster, which could destroy investor confidence in the nascent tidal industry.
- There may be recovery in time (but we don't know enough about marine ecology to be sure) but what happens to the local economy in the meantime, in an area, which is heavily dependent on shellfish and eco tourism?
- **Therefore** we urge you to apply the precautionary principle to this project and reject the application.
- We consider that there has been a **material change** in the plan/project in terms of the positioning of the turbines, which has resulted in the turbines taking up more channel space. This poses an even greater adverse risk to life than was previously identified at the scoping stage.
- We appreciate that the use of the "Rochdale Envelope" allows for a change of plan within the project boundary, but nevertheless we consider that the project should have been re-scoped **and - we cannot emphasise this enough** – that local knowledge should have been sought at a much earlier stage of this project.
- **We note also that the blade length was increased after the scoping response.**
- This, with the change of layout and the inadequacy of the survey period, which did not conform with best practice, would have alerted the developers to the great dangers inherent in their design and layout.
- The Chamber of Shipping state *"It will also ensure that the initial surveys and studies on traffic will be carried out to the highest standards possible - carrying out accurate and thorough studies and stakeholder engagement has time and again proven far quicker and cheaper than delays or surveys of alternative routes for displaced shipping. The importance of this caveat cannot be stressed enough, when viewing the damage done to the "Octopus" and the potential damage should the incident have occurred to a passenger vessel."*²⁵
- The survey time recommended by the University of Strathclyde Marine Current Group was 4 months, 24/7.
- Para 3.1.7 suggests that a safe channel can be maintained. The channel is already hazardous and no channel is "safe" There is always a risk which is dependent on several variables. Adding further hazards multiplies this risk to an unacceptable level.
- *"The risk of collision is not limited to those areas of sea that are the busiest. Indeed, the introduction of any object into an area that was previously clear will exponentially raise the risk of collision and it should not be assumed that collision will not occur, just because there is less*

²⁴ [REDACTED] (Ex Boat Master's Licence holder with 50 years experience in the Inner Sound

²⁵ Metoc MR SEA 2007

traffic."

- "Furthermore, to assume that areas of low vessel activity will present less of a risk is also dangerously presumptuous. It is often these areas of minimal activity in which mariners can "switch off" whereas areas of high traffic density, or confined waters, will often mean that there will be higher levels of alertness on the bridge and even increased manning or marine pilots onboard."²⁶ ...If the Royal Navy can leave an able seaman in charge of the Astute
- Restricting the channel is effectively compromising safety by forcing vessels to use the least optimal route.
- The chamber of shipping comments regarding the construction: ..."see the grounding incident involving the jack-up barge "Octopus" whilst working on the EMEC site in The Orkneys. ANY measures or alterations, which may have ANY effect on vessel routing, REGARDLESS OF HOW INSIGNIFICANT, should be thoroughly studied, researched and surveyed in order to ensure that vessels will be safe to transit new or alternative routes."²⁷
- **A video compilation has already been submitted to Marine Scotland** illustrating the difficulties that ships have encountered in Kyle Rhea due to the strength of the tides: **ships going backwards, sideways and struggling to gain control.** It also shows the size of craft transiting the narrows, the shipping lanes used and the number of craft that can be using the channel concurrently. It has also been sent to the MCA.
- Para 3.1.11 suggests that materials and equipment can be brought into the ferry slipway. If construction is taking place in the summer months this will represent an additional risk to the ferry in terms of giving safe passage to its passengers. Also the slipway is Grade B listed and part of the road system in law. It should not be regarded as a harbour.
- Para 17.1.5 A tidal power station in Kyle Rhea could result in some larger ships being dissuaded from using this route due to risk avoidance. Going around the Minch would result in increased fuel costs, increased carbon footprint and onus on staffing. Also if craft are forced to divert into less sheltered seas, this too increases risk.
- The local and national economy may lose income from yachts, which visit Inverie, Isle Ornsay, Kyle, Raasay, Plockton if they are dissuaded/prevented from using the channel.
- Safe passage for yachts is essential. Yachts and small boats have less control in bad weather. 17.5.2 Average figures for yachts are misleading. 23 vessels per day in summer....over 40 yachts logged in 3 hours, July 2012. - times and names noted in unofficial survey.
- Much of the shipping coming through Kyle Rhea is providing essential services to a remote area. Diversions will add to the already high cost of goods.
- **17.2.2** MCT have concentrated on presentation. Consultation requires interaction, discussion, questioning, listening. There has been a policy of risk avoidance with regard to talking to those on the spot. A well-designed questionnaire would have been better than nothing.
- One method of risk assessment may have been to constrict the channel using dummy buoys to observe manoeuvrability of craft and congestion.
- There were some comments in the ES that suggest that it was written without use of observation skills eg: Para 17.3.13 is inaccurate – the ferry takes different courses across the narrows to work with the tide and to ensure the safest passage for its passengers. It frequently enters the proposed site of the turbines.
- The section on military vessels is incomplete. Kyle Rhea is used for large NATO exercises. A Norwegian 'state of the art vessel', powered by engine and gas cylinders came through the narrows at 2220 on Wednesday 10th April 2013 at a speed of at least 40 knots. The wash created was considerable. Another transited at 7am on the 11th April. NATO warships regularly transit the narrows during exercises. The survey does not appear to have accounted for foreign navies- it erroneously stated that submarines do not use the channel.

²⁶ Faber Maunsell & Metoc, *Scottish Marine Renewables SEA: Environmental Report Section C Chapter C6 Benthic Ecology* (Scottish Executive, 2007)

²⁷ Ibid consultation response from The Chamber of Shipping

- Nothing is mentioned re dangerous cargoes or dangerous vessels and the impact on close communities. Nuclear submarines?
- The ES does not mention whether a safety zone would be enforced – if 500m clearance needed as with some wind farms, this would effectively mean closure of the channel during construction. How would this comply with the innocent right to safe passage?
- There are issues regarding damage to the environment and private land in the event of a pollution incident and no indication as to what level and type of insurance will be in place: in this respect we would be interested in your interpretation of the Environmental Liability Scotland Regulations.(2009).

The importance of the Kyle Rhea reef habitat.

If a tidal flow power station is deployed in Kyle Rhea, the local communities face a “lose-lose” crisis:

Degradation of the kelp biotope through diesel spill; the likelihood of collision being significant due to the installation of navigational hazards in the seaway

Potential damage to kelp and the kelp biotope through reduction in kinetic energy and blockage and turbulence effects.²⁸

Loss of fragile coastal and marine ecosystems dependent upon kelp ‘exports’,
 Loss of an important carbon sink
 Loss of wildlife, local economy and amenity: wildlife tourism, aquaculture, shell fishing, diving, food and enjoyment of wildlife
 Loss of food security and local sustainability.

The ES does not provide an adequate evaluation of the collective pressures of human activities on the environment at Kyle Rhea and the rest of the Reef SAC.

The reef system is already under pressure from activities currently undertaken in the sound: shipping, military exercises, aquaculture, an increasing mink population, which has had a devastating effect on small birds and shellfish and scallop dredging – witnessed right on the southern edge of the SAC and most likely damaging *funiculina quadrangularis* - without adding another stressor.

“Without kelp plants, not only would there be no kelp biotopes but it is probable that much of the area of the coastal zone, which is fuelled by the primary production of the kelp forests would be ecologically damaged.”²⁹

There are too many uncertainties about kelp ecology and the ecology of other components of the reef to be convinced that there would **not** be an adverse effect on the integrity of the reef and there are too many unknowns about the hydrodynamic effects of tidal turbines on the near and far field ecology.³⁰ The ECJ has held that any reasonable scientific doubt as to the absence of adverse effects on the integrity of the site must be removed before a project is authorised.³¹

Without the base line understanding of how “how the energetic properties of the environment determine the nature and functioning of marine ecosystems”, for example by the identification of sentinel /keystone

²⁸ http://www.esru.strath.ac.uk/EandE/Web_sites/05-06/marine_renewables/envimpact/sif.htm

²⁹ D.A. Birkett and others, *Infralittoral Reef Biotopes with Kelp Species* (Scottish Association of Marine Science (SAMS) for the UK Marine SAC's Project. 1998)

³⁰ Commission, Guidance Document on Article 6(4) of the Habitats Directive 92/43/EEC “In case of doubt, or negative conclusions, the precautionary and preventive principles should be applied and procedures under art. 6(4) followed.”

³¹ Ibid referring to Case-239/04, para 24 *Commission of the European Communities v Portugal* [2006] ECR I-10183 para 20 “The Court has already held that a plan or project such as the one in question may be granted authorisation only on the condition that the competent national authorities are certain that it will not have adverse effects on the integrity of the site concerned. That is so where no reasonable scientific doubt remains as to the absence of such effects (Waddenvereniging and Vogelbeschermingsvereniging [2004] ECR I-7405, paras 56 and 59)”

species susceptible to change in hydrodynamic conditions, it is not possible to determine the influence of tidal turbines on both near and far-field flow conditions. "Such understanding is vital for effective marine spatial planning and impact assessment."³²

The SEA 2007 regarded as a high priority: the "*Collection of baseline data and subsequent monitoring data to confirm prediction regarding potential changes in habitats and species. Such data would assist in understanding the degree of change in wave or tidal energy (if any occur) together with the extent of change.*" Only with this data would the certainty required to inform consents in SACs be available.

The certainty regarding impact requires long term monitoring and attempts to short cut proper scientific enquiry by policies such as "Survey, Deploy and Monitor" are both inappropriate in such a sensitive location and in conflict with the aims of the Habitats Directive. That uncertainty is still the case at Kyle Rhea is evident from the recent SNH report:

A tide-swept *Laminaria hyperborea* (kelp) park on mixed substrata (IR.MIR.KR.LhypTX.Pk) was recorded at the southern entrance to Kyle Rhea, within the SAC. In this survey both sea pen and habitat (PMFs -see below) and kelp are considered at a "***potentially high risk of significant impact from marine energy developments***"³³

It also notes: "Kyle Rhea is supported by richer examples of the biotopes CR.HCR.FaT.CTub.Adig (in turbine area) IR.MIR.KR.LhypT.Pk and IR.MIR.KR.LhypTX.Pk (*Laminaria Hyperborea*)- a PMF "***A reduction in current speed resulting from the presence of turbines is likely to invoke changes in the communities of these biotopes, but it is not possible to assess whether such changes would be undesirable.***"³⁴

The SEA regards tidal rapids as having high sensitivity to substratum loss and water flow reduction, with and we have concerns regarding the accuracy of the SIF (significant impact factor) calculations on tidal energy extraction – it is not known what % of the energy can be taken from a specific site before it becomes economically unviable due to environmental and turbine effects. Modelling done by the University of Southampton Sustainable Energy Research Group indicates that there could be an increase in velocity either side of an array, which has implications for the coastline.

Based on what scientists do know about kelp, it is recognised as an essential component of ecological coherence, which must be strictly protected:

- "There are no other biotopes in UK coastal waters which display the species diversity, complexity of ecological relationships and net primary productivity (mg C m⁻² yr⁻¹) of kelp beds."
- "Kelp plants are the major primary producers in the UK marine coastal habitat. Within the coastal euphotic zone (from high water mark to the depth of light penetration) kelps produce nearly **75% of the net carbon fixed annually on a shoreline.**"³⁵

Kyle Rhea must have been included in the SAC precisely for "*imperative reasons of overriding public interest*"³⁶ only **one** of which is carbon fixing. It would seem irrational to risk damaging a natural carbon fixing species by installing a power station producing "green energy" in order to reduce carbon emissions. Some of that energy goes on production and consumption, already at unsustainable levels in Europe,³⁷ whereas the kelp provides many ecosystem services with entirely positive effects.

The maintenance of such a productive species and its associated habitat is far more necessary to local,

³² Mark A. Shields and others, 'Marine Renewable Energy: The Ecological Implications of altering the hydrodynamics of the Marine Environment' (2011) 54 Ocean and Coastal Management 2, 9

³³ Moore C.G. and Roberts J.M., *An Assessment of the Conservation Importance of Species and Habitats Identified During a Series of Recent Research Cruises Around Scotland*. (Scottish National Heritage Commissioned Report N 446, 2011)

³⁴ Ibid, 21/22

³⁵ Birkett and others

³⁶ Council Directive 92/43/EEC of 21st May 1992 on The Conservation of Natural Habitats and of Wild Flora and Fauna OJ [1992] L206/7 Art 6(4)

³⁷ United Nations World Commission on Environment and Development, *Our Common Future* (Oxford University Press 1987)

national and global survival than energy production. We are a tiny community with a small ecological footprint and we depend on the land and the sea for survival. The production of "green energy" in this location is therefore not a "*win-win scenario whereby economic growth and environmental protection could be reconciled.*"³⁸ Our economic survival is threatened by any further damage to our fragile ecosystem. We accept that the government may consider that there is a need to test the effects of a tidal array, but we consider the proposed location in Kyle Rhea as morally and ecologically irresponsible.

Certainties

- The kelp forests and parks are possibly the most ecologically dynamic and biologically diverse habitats on the planet. These marine forests, on a par with coral reefs are the underwater equivalent of the terrestrial rain forests, with a wide variety of different species assemblages and ecological linkages.
- A single kelp holdfast may be "home" to several thousand small animals from as many as 80 different species. There are pelagic and benthic components of the habitat, with groups of species that are planktonic, nektonic, mobile, encrusting, or sedentary.
- Kelp beds contribute 2-3 times their standing biomass each year and provide the energy supply for filter feeders and detritivores beyond the boundaries of the kelp bed itself. Much of the net production of kelp plants is exported from the kelp forest to coastal ecosystems as a whole, and is generally thought to sustain many inshore fisheries. The productivity of the kelp bed is likely to have a direct impact on the survival of many if not most of the other species in the area, as the kelp plants may be responsible for more than 60% of the primary productivity in coastal ecosystems (to a depth of 10 m., Birkett, Dring & Savidge, in prep.) It is probable that reduced kelp production would affect the population structures of other commercial species such as crabs and lobsters, as was reported from Canada (Mann & Breen, 1972).³⁹

Uncertainties

- Kelps are the major primary producers in the biotopes, but the complex web of interactions depending on them remains largely **unknown**.
- Knowledge of the biology and ecology of the majority of species in the UK kelp beds is **so limited** that we have **little detailed understanding** of their functional and ecological interactions. Even the basic biological characteristics of many of the species are **unknown** and the species that are of key importance to the maintenance of kelp biotopes cannot be firmly identified.
- Kelp beds are the habitat for several commercially harvested species in the UK, notably lobsters and crabs but, even for these common species, we have only a **limited** idea of their ecological roles, their trophic level and their dietary habits.
- **Although many species have been described from kelp biotopes, the species that are of greatest importance to the structure and function of the ecosystem (keystone species) have not been identified.**
- With the diversity of habitats within them, kelp beds are likely to play a significant role as nursery areas for a wide variety of species, but this topic has **not been studied** in any detail within Europe.

Sensitivity and Vulnerability:

- **Aquaculture** – waste materials and chemicals, increasing phytoplankton blooms
- **Major chemical pollution events**, such as oil spills, are usually sporadic but can be low level, persistent and pernicious, as with antifouling chemicals and pesticides. Kelp may recover from oil spills, but the physiology is likely to be severely damaged.
- **Coastal alterations** and channel dredging that result in increased turbidity and sedimentation may

³⁸ James Connelly, *The European Union and Sustainable Development* (The University of Hull 2007), 5

³⁹ Birkett and others

wipe out local kelp beds by reducing the available light to levels below that at which the kelps can develop. Increased levels of sediment may also smother other components of the kelp biotope.

- **The effects of predator removal** or the introduction of alien species within kelp biotopes have not been studied.
- **Tidal currents**⁴⁰ play a vital part in maintaining the kelp plant's stability and the diversity of associated plants and animals. The tidal flow prevents thick depositional layers of silt building up on the blades of the kelp plants (and effectively reducing productivity through shading) and the water movement over the blades maintains the maximum concentration gradients of external dissolved nutrients (particularly of nitrate and phosphate), which are actively taken up and stored within the kelp tissue.
- The magnitude of damage over space and time need to consider **recoverability**. Although kelp population structure can recover from physical damage in the course of 5 -7 years, **the re establishment rates of the fauna and flora associated with the kelps appears to take a much longer as yet unknown period to return to pre-disturbance status.**⁴¹ As present understanding of the natural fluctuations in the species assemblages, populations, distribution and diversity of species in kelp beds is very **limited**.

Pages 123/124 of Birkett and others highlights the many unknowns re kelp ecology – before even rudimentary base line data is in place, the precautionary principle should be applied to any development, which might affect the kelp ecosystem bearing in mind its critical importance the whole reef system:

- little is presently known about the long term effects of many present day human activities on kelp biotopes.
 - The primary productivity of some kelp ecosystems is thought to be among the highest per unit area of all global vegetation (Mann, 1972b)..."
 - Any deleterious impact of human activities on kelp production could, therefore, be translated into decreasing landings of fish before changes in kelp density or standing stock could be detected.
-
- It appears that important baseline characteristics of the kelp biotope have not been identified in the ES, in particular, the keystone species within the biotope. If these are not identified, it is impossible to know how the tidal power station may affect them and the consequent impact upon the whole coastal ecosystem. Perhaps they have been identified in the HRA document?
 - Monitoring and surveillance cannot have been achieved when no management plan has been in place and has only recently been drafted by Highland Council on advice from SNH (2011)?
 - The conservation status is recorded as "unfavourable/declining" in the Appropriate Assessment done for the West Highlands and Islands Local Plan in 2010 (although there was no mention of tidal power at Kyle Rhea)
 - If Appropriate Assessment is to be informed by robust scientific data, more detail is required to substantiate that the kelp has been subject to monitoring and surveillance required by the Habitats Directive Art 11.
 - However, significant further effort is required to assess fully the resource potential in order to determine an acceptable level of resource extraction and to understand resulting ecological effects.

The UK Marine Policy Statement uses the following statement from the Marine Framework Directive:

'an ecosystem-based approach to the management of human activities means an approach which ensures that the collective pressure of human activities is kept within the levels compatible with the achievement of good environmental status; that does not compromise the capacity of marine ecosystems to respond to human-induced changes; and that enables the sustainable use of marine

⁴⁰ http://www.esru.strath.ac.uk/EandE/Web_sites/05-06/marine_renewables/envimpact/sif.htm

⁴¹ Ibid, 82

goods and services'.

The kelp park is part of the reef protected under the SAC. Given the number of unknowns listed above by an experienced marine biologist, the ES section on Benthic Habitat has failed to fill significant ecological knowledge gaps. It has accomplished the equivalent of hanging out of a helicopter attempting to photograph species in a rainforest. This is surveying. It is not a study of ecological relationships.

13.3.34 appears to be excluding kelp from the reef description. Kelp is mentioned in the statutory SAC statement describing the reef.⁴²

13.4.3 The fact that tidal rapids may have significant natural changes in benthic ecology is unsupported by direct evidence from Kyle Rhea. Extrapolating data from Stangford Lough is poor science.

13.4.9 The reef is the primary reason for the SAC designation.

13.4.38 A tiny amount of diesel could do untold damage to benthic organisms – see above. If the tide was flooding the contaminants would very quickly reach the fish farm in Loch Duich. We consider the magnitude of impact as HIGH given the increased risk of collision.

13.4.39 A vessel can't have track record for operating in tidal races – surely it is the captain of the vessel who might have this?

13.4.71 We disagree that the hydrodynamic regime will only be affected in the near field. Research is ongoing and an array of 4 turbines is untested. Shields suggests that effects could be over 10's of kilometers.⁴³

13.5.4 The conclusion that the effects on benthic ecology would be limited is at odds with the SNH commissioned report.⁴⁴

It is very surprising that there is no reference to Birkett et al especially as their study "**Infralittoral Reef Biotopes with Kelp Species**" informed the creation of marine SACs. We regard this part of the ES as a sweeping overview, which does not address the lack of data and base line information as detailed above.

Mobile species that pass through Kyle Rhea :

Common seal *phoca vitulina* - smaller number but here in summer.

Grey seal *Halichoerus grypus* – most numerous in summer – haul outs all along Kyle Rhea Skye side – from lighthouse down to village and mainland side. We have counted 300 at one time. Seal count by Aberdeen University.

Otter *lutra lutra* – [REDACTED]

European spiny lobster *Palinurus elephas* – not picked up on survey, but confirmed by two divers
Atlantic salmon (marine part of lifecycle *Salmo salar*)

Atlantic mackerel *Scomber scombrus* Bony fish – regularly in summer .

Eel *Anguilla Anguilla* – one in our pond. Streams at Sandaig moving with them "*Ring of Bright Water*" trilogy photographs; declined rapidly over last 50 years. Recollection J. Watt

Sea trout *salmo trutta* – mouth of Glenelg river

Basking shark *cetorhinus maximus* – last summer seen by ferry (see Skye Ferry blog); also by tourists at Sandaig

Dogfish *squalas acanthias*

Bottlenose dolphin *tursiops truncatus* – have photographs/video

Harbour porpoise *phocoena phocoena* – frequently seen

Killer whale *orcinus orca* (Loch Hourn)

Minke whale *balaenoptera acutorostrata* – seen by ferry in summer

Northern bottlenose whale

Risso's dolphin *grampus griseus* (Sandaig)

⁴² Loch Duich. Long and Alsh Reefs Special Area of Conservation; Advice under Regulation 33(2) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

⁴³ Shields and others

⁴⁴ G.C.G. Moore and J.M. Roberts, *An Assessment of the Conservation Importance of Species and Habitats Identified during a Series of Recent Research Cruises Around Scotland*. (Scottish Natural Heritage Commissioned Report No 446, 2011)

⁴⁵ Roger Cottis, *Tidal Power Generation Proposals Kyle Rhea: Mammal Survey* (Tawny Croft Wildlife Consultants (unpublished report), 2010)

Terrestrial and Intertidal Ecology/Marine Mammals

10.3.67/68 There are bats in Kyle Rhea. Regularly seen at [REDACTED] on the Eastern side of Kyle Rhea, where they roost in the wood shed. The Bat Conservation Trust states:

"...pipistrelle bats, are more tolerant of light and feed on the insect congregations around street lamps. However, this exposes the bats to predation. For the bats that are repelled by light such as horseshoe bats and brown long-eared bats, insect food becomes scarcer and more difficult to find and hunt.

We know that some bat species will not cross lines of light, such as street lighting. The light acts as a barrier, disrupting flight paths and fragmenting and restricting habitats. In addition, lighting close to roost access points disturb bats within a roost, delay emergence time and may result in the abandonment of a roost"

We recommend that this is investigated regarding the impact of lighting on bats. Again, better consultation and this information would have been easy to find out.⁴⁶

10.3.70 There are [REDACTED] on the mainland side of Kyle Rhea.⁴⁷

Site	Grid ref	Site type	Category	Activity	Date	Description
069	[REDACTED]	Forage signs			13.10.2010	Extensive in moss/grass on foreshore
070	[REDACTED]	Forage signs			13.10.2010	Extensive in moss/grass on foreshore – earth worms & chafer larvae present
071	[REDACTED]	Forage signs			13.10.2010	Extensive in moss/grass on foreshore – earth worms & chafer larvae present
072	[REDACTED]	Forage signs			13.10.2010	Extensive in moss/grass on foreshore – earth worms & chafer larvae present
073	[REDACTED]	Forage signs			13.10.2010	Extensive in road verge grass

10.4.19 The option for a substation is immediately adjacent to a residential dwelling. Below the proposed substation is an underground stream. It is unclear re cabling – there is rock above and below the road.

10.4.49 The suggestion that artificial otter holts would mitigate the disturbance is unrealistic. Otters will be disturbed by the noise and by the presence of humans. The impact of noise will be felt both sides of Kyle Rhea, where there is also a significant population of otters.⁴⁸

12.3.42

Cottis R, *Tidal Power Generation Proposals Kyle Rhea: Mammal Survey* (Tawny Croft Wildlife Consultants (unpublished report), 2010)

⁴⁶ The impact of light on commuting corridors used by lesser horseshoe bats. Emma Stone, University of Bristol

⁴⁷ Roger Cottis, *Tidal Power Generation Proposals Kyle Rhea: Mammal Survey* (Tawny Croft Wildlife Consultants (unpublished report), 2010)

⁴⁸ Ibid

Commission v Portugal Case-239/04, para 24 *Commission of the European Communities v Portugal* [2006] ECR I-10183

Commission, Guidance Document on Article 6(4) of the Habitats Directive 92/43/EEC

Council Directive 92/43/EEC of 21st May 1992 on The Conservation of Natural Habitats and of Wild Flora and Fauna OJ [1992] L206/7

Birkett DA and others, *Infralittoral Reef Biotopes with Kelp Species* (Scottish Association of Marine Science (SAMS) for the UK Marine SAC's Project. 1998)

C.G. M and J.M. R, *An Assessment of the Conservation Importance of Species and Habitats Identified During a Series of Recent Research Cruises Around Scotland*. (Scottish National Heritage Commissioned Report N 446, 2011)

Connelly J, *The European Union and Sustainable Development* (The University of Hull 2007)

Cottis R, *Tidal Power Generation Proposals Kyle Rhea: Mammal Survey* (Tawny Croft Wildlife Consultants (unpublished report), 2010)

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Queiros J (Joao)

From: [REDACTED]
Sent: 22 April 2013 09:18
To: MS LOT MCT KR Representations
Subject: FW: Kylerhea Marine Turbine Development

-----Original Message-----

From: [REDACTED]
Sent: 19 April 2013 09:41
To: kylrhea@scotland.gsi.gov.uk
Subject: Kylerhea Marine Turbine Development

19/04/13

Dear Sirs

Application for Marine Turbines at Kylerhea I am a house holder in Glenelg and a Director of a Scottish based Tour Operating business which brings many hundreds of tourists to the Western Highlands of Scotland each year.

I wish to object to the construction of the planned demonstration array for the following reasons:-

Environmental Kylerhea is a staggeringly beautiful coastal landscape set in an area of outstanding ecological interest. The area is designated as an SSSI and is home to specific SAC's (Kinloch and Kyleakin hills and Loch Alsh reefs, to name two). Kylerhea is also home to the country's only Otter Hide - maintained by the Forestry Commission, a most popular and appropriate facility. I wonder at the value of any protected land if industrial development is still permitted to progress in preference to protecting such an environment for future generations - not quite the message that is offered by VisitScotland's current worldwide marketing slogan 'The Year of Natural Scotland'.

It is stating the obvious to say just how much of a draw such natural beauty has in attracting visitors to the area throughout the year. As a Tour Operator I know the value of having specifically highlighted tourist routes (or 'Great wee journeys' as I like to call them) - the road to Skye is a very good example. Since completion of the Skye Bridge in the 1990's both local and national tourist boards have been publicising the round trip of entering Skye via the Ratagan Pass and Kylerhea Ferry, returning to the mainland via the Bridge (or of course vice versa). This has the makings of a classic day excursion - such a scenic route has the potential to be taken to a global market. A similar day excursion operating out of Bergen Norway 'Norway in a nutshell' draws thousands of tourists each year. The uniqueness of this route would be blighted should an industrial development be placed in its heart. Indeed it is laughable were it not so tragic that the proposed development wants to place an electricity substation in the existing car park of the Otter Hide and then lay power lines across the shoreline to link up with the National Grid - such desecration of a protected

animal species' habitat beggars belief.

Economic benefits

We are told that the marine turbines will provide jobs and great economic benefits to the area and local communities. Quite what the benefits are, or the creation of what jobs are 'wooly' to say the least - perhaps some short term construction jobs, but any other employment will only be available to specialist marine engineers from outside the area. The local community in Glenelg and Kylerhea relies heavily on tourism; I understand that a third of all houses in the area are let as holiday accommodation. As already stated, tourists come to enjoy the wildlife, wild land and history - not to see industrial development. In addition Kylerhea has been designated as one of only 13 Dark Sky Discovery sites in Scotland - another great draw for tourists, with the interest in astronomy growing year on year - clearly demonstrated in the huge coverage that Glenelg's 'twinning' with 'Glenelg' on Mars had in autumn 2012. We are told that each of the four turbines will be illuminated all day and all night so as they can be seen by passing ships - bang goes the dark skies at Kylerhea! - Is this another protected specification that is just going to be brushed aside?


Collision risk

My greatest fears should this development be given the go ahead is the potential impact on shipping and safety.

On Tuesday of this week (16th April 2013) I stood on a track above the racing tidal rip at Kylerhea, the wind was blowing up to force 8 and the sea was boiling - I guess quite the very reason why the developers have been attracted to Kylerhea. A large freighter was ploughing up the Sound of Sleat clearly having to deal with very challenging sea conditions. I held my breath watching this large commercial vessel ultimately make good a difficult passage. A short time later one of the Swedish Navy's Visby-class corvette ships, or 'Stealth Ships' as I believe they are known passed south through Kylerhea at a hell of a lick, with a plume of spray out its stern two hundred metres long. I have to say watching both ships deal with the currents was a spectacular sight, particularly in such wild conditions. But what if half the channel was blocked due to marine turbines? I have seen many yachts and even larger freighters really struggle with the currents here - I have seen photographic evidence of ships going through Kylerhea sideways! Clearly there is the potential for collision with the towers or at least the presence of the towers will further restrict manoeuvrability for ships in an already narrow strip of water. This is a very busy shipping lane, not to mention the attraction of the community-owned car ferry the last of its kind.

To conclude, I understand the desire for sustainable power in Scotland, in the UK and within the EU. That said, surely other technology can be deployed, safer alternatives must be available rather than despoil and risk the beauty of Kylerhea.

Yours sincerely



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Queiros J (Joao)

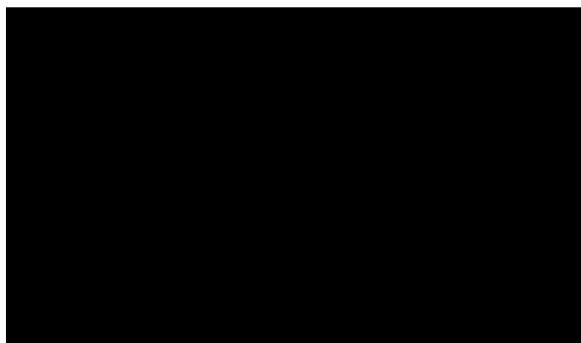
From: [REDACTED]
Sent: 24 April 2013 12:15
To: MS LOT MCT KR Representations
Subject: Marine turbine project at Kylerhea

Dear Sir

Proposed Marine Turbine Project at Kylerhea

As a Yachtmaster Ocean skipper who does a lot of sailing charter work around Kylerhea (and as a former resident of the community - I learnt to sail a Topper in the very waters where the turbines are to be sited - so I know the tidal flow and eddies well!) I was absolutely gobsmacked to discover the new location of the turbines. This is a completely different scenario to the one presented to the community at the outset when the turbines were to be placed further north and outwith the main shipping route. I simply cannot believe the proposers of this scheme are so audacious, arrogant and idiotic to consider such a spot - nor can I believe that the planning authorities will be equally blind or idiotic enough not to spot the obvious flaw; they are placed on a shipping route! Vessels have the 'right of innocent passage' to use it, and use it they will, just as they use the Inner Minch when west of the Western Isles is the preferred route. One rogue eddy, one lapse in concentration when ferry-gliding in an adverse current (or rocketing through with a sudden surge of eight extra knots of momentum)...and an accident. Unless planners have themselves steered an ocean-going vessel through this channel, they will have no awareness of the idiosyncratic dangers of this passage, which is now being reduced to 'canoe slalom' proportions. THIS IS AN ACCIDENT WAITING TO HAPPEN. Ask any mariner. In its current position, this proposal is madness.

Yours faithfully



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26/04/2013

Queiros J (Joao)

From: [REDACTED]
Sent: 14 May 2013 13:07
To: MS LOT MCT KR Representations
Cc: Palmer DJ (David); Rosborough LM (Linda)
Subject: Kyle Rhea Tidal Stream Array

Dear Sir/Madam,

I am writing to protest in the strongest possible terms about the proposed Kyle Rhea Tidal Stream Array project.

You will see from my address that I am not local to the Hebrides, but have spent many holidays in the Kyle Rhea area, principally because of the beauty, remoteness, peacefulness and abundant wildlife of the area. I usually stay on the mainland close to the seasonal Glenelg to Skye ferry overlooking Kyle Rhea, and the quietness in this dramatically beautiful place first thing in the morning is beyond belief. I have often heard it said that if there was a heaven on earth it wouldn't be far from Kyle Rhea! The only sounds in the vast landscape are the lapping of the water in the Sound and the calls of the varied seabirds peacefully going about their business.

I am not a marine engineer nor an environmental or wildlife expert, but I would simply stress with every sinew of my being that if Sea Generation (Kyle Rhea) Ltd are allowed to embark on this project this lovely area, enjoyed by so many, will *never, ever* be the same again, for both the indigenous wildlife and humans. Whether it's the ugliness of their industrial architecture, the hum from the turbines or the undoubted harm to the marine wildlife encountering the underwater turbine blades, it will simply ruin this pristine area of the Hebrides for ever, however the company couch their tenuous reassurances.

As a frequent visitor to Kyle Rhea I have also witnessed the number of boats, some very large, that regularly navigate this narrow strip of water, often fighting the fierce currents. The potential for a serious disaster or collision because of the restricted width of the Sound caused by the presence of the turbines should not be underestimated. Who will have to apologise to the relatives of any casualties then?

Like many people, I understand the need for a certain amount of renewable energy generation, but surely this has to be balanced against the ruinous blight, and the danger to lives, that this proposal would put on such an outstandingly beautiful and important area such as Kyle Rhea. There simply must be other locations for this type of energy generation where the effects would not be so devastating, or dangerous, on the surrounding area.

I am confident you will make the right decision for the local population and the many visitors to this special part of the Hebrides and that will be to reject this proposal.

Yours sincerely,

[REDACTED]

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Ford A (Alexander)

From: [REDACTED]
Sent: 24 March 2013 19:09
To: MS LOT MCT KR Representations
Subject: Concerns over marine turbine project

Dear sir/madam

I wish to add my concerns over the placement by MCT of marine turbines in the Kyle Rhea narrows between the Scottish mainland and the Isle of Skye.

There are several issues I have concerns with, amongst them are.

1) Economy and tourism

Glenelg has already been pinpointed as a "fragile" area and there is a fine balance with the core businesses of the Glenelg Inn, the Glenelg shop and the Glenelg (Skye) ferry all relying on each other for future business. The failing of any of these 3 could be critical for Glenelg.

The Glenelg ferry and ferry crossing "over the sea to Skye" has an iconic and long historical heritage. It is visited by thousands of tourists each year from all over the world.

The visitor book in the ferry slip lighthouse proves this fact on a daily basis.

The revenue and employment that the Glenelg ferry brings in is critical to the local community and it cannot be proven that the scheme will not impact on that.

2) Visual impact

The planting of these structures must have a detrimental visual impact on the crossing.

The Environmental Impact Assessment struggles to convince that this can be minimized by neutral coloured turbines to decrease the negative visual impact when it also claims safety issues can be minimized by using lines of hi visibility buoys to mark the drastically decreased width of the shipping channel. It does not come up with a clear way to have both.

3) Marine transport and safety

The Kyle Rhea narrows is a challenging stretch of water where decreasing the working width must correspondingly increase the safety risk. With the fast flowing tides any vessel in collision with a turbine structure will have considerable force and if there is damage causing a release of fuel or heavier oil this could have serious environmental impact to wildlife and tourism.

4) Wildlife

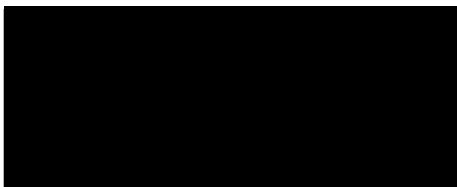
Otters - The Glenelg name is synonymous with otters, the history of author Gavin Maxwell's "Ring of bright Water" book and the following film highlighted and is still a benefit for tourism. Otters are a protected species; they feed along the Kyle Rhea shorelines and cross from side to side daily. The Kylerhea Otter Haven sightings show records of this (though many more go unrecorded each day.)

Sea Eagles - With the introduction and successful breeding pattern over the last two years of our resident sea eagles the narrows have become a regular visiting point for tourists to see the birds feeding (almost daily). Kyle Rhea now offers one of the few places in the UK where tourist can see Sea Eagles feeding on the sea without having to go on a boat trip. We own a self catering unit in Glenelg and for years many visitors come to Glenelg with the hope of seeing Otters but we are now also receiving bookings from people specifically coming to see the Sea Eagles. Disturbance of the feeding grounds will impact tourism now but potentially much more in the future if the birds leave the area.

Kind Regards

[REDACTED]

28/03/2013



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8th April, 2013

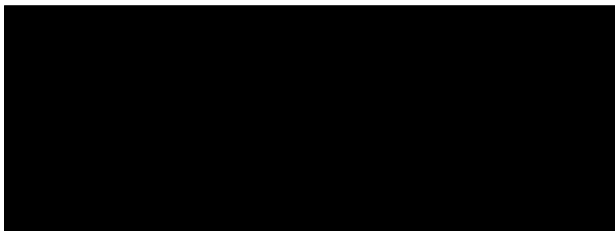
Mr. Alexander Ford
Marine Licensing Casework Officer
Marine Scotland: Marine Planning and Policy Division
Scottish Government Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

Dear Mr. Ford,

I am sending you a CD compilation of video film of shipping passing through Kyle Rhea, Scotland. I am in the process of responding to the Environmental Statement both as an individual, as member of [REDACTED] and as a [REDACTED]

[REDACTED]

I have considerable experience of the tides at Kyle Rhea, my house being immediately adjacent to the sea and my boat moored below. In my opinion, this proposal represents a considerable hazard to shipping and an unacceptable risk to life, environment and economy. I was advised to send you a copy of this video by Graeme Proctor at the MCA Navigation Safety Department. (Graeme.Proctor@mcga.gov.uk)



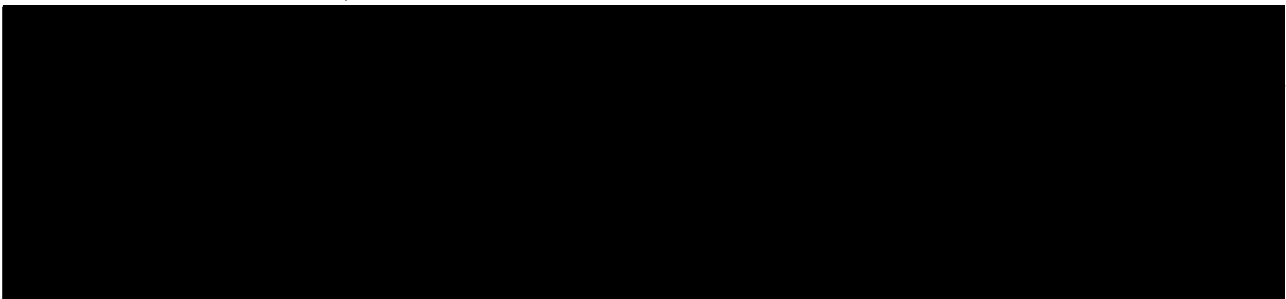
Ford A (Alexander)

From: [REDACTED]
Sent: 11 March 2013 20:59
To: MS Marine Licensing
Subject: Kyle Rhea generators

To: Alexander Ford MS-LOT

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989, AND A MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE AN 8MW TIDAL STREAM ARRAY AT KYLE RHEA.

Dear Mr Ford, I have been asked to pass the following response from the Netherlands to you with regard to the above application. Although small, many Drascombes have been sailed in challenging waters (<http://www.drascombe-association.org.uk/>) including all round Skye and to the outer Isles. Let me know if you need [REDACTED] contact details.



----- Original Message -----

Sent: Sunday, March 10, 2013 5:33 PM
Subject: Kyle Rhea generators

Dear [REDACTED]

We are writing you as members of the Nederlandse Kring van Drascombe Eigenaren (Dutch Circle of Drascombe Owners) and we personally sail a Drascombe Coaster for some twenty years now. Please review - and if possible pass on to the bodies involved - our concern about the plans to construct sea generators in the Kyle Rhea main channel.

Each summer we transport our boats across Europe to new coastal sea areas to enjoy holiday voyages. We have visited the west highland coast of Scotland some five times now and spent altogether a couple of memorable months cruising her various beautiful unspoiled parts.

Each time we have passed through the Kyle Rhea narrows we had to wait until slack tide so a slight and favourable tide would help us along. In stronger winds we found it was quite impossible to make any headway at all against the flow in the centre of the main channel.

Our Drascombes have a maximum speed through the water of approximately 5.5 knots. We found the Kyle Rhea tidal stream much faster than that! Even with our outboard revving at full power we were unable to prevent ourselves being swept down tide, along with the main current. We also found it was not always possible to predict with any accuracy where the boat would be carried to next by the tidal rips and spectacular overfalls.

28/03/2013

Sitting down close so to the water in our Drascombe we feel that any high pillars in mid channel on the bend, as proposed by this plan, would create large areas of restricted visibility particularly in foul weather and rain. Aboard a small sailing boat it might be impossible to spot approaching vessels beyond the pillars in time to take action to avoid them.

Had we not been sailing as a group when we visited Scotland, guided by a local Drascombe owner, we might never have dared use the Kyle Rhea channel at all. Even then the courses we could take were ours to control once local advice had been shared. The force of water and wind funnelled by this channel was always an interesting surprise to us.

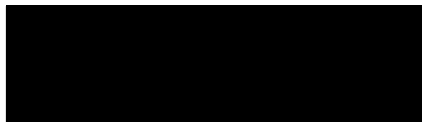
If marine turbines, marker buoys and other complexities were to further restrict the centre of this channel, then for us a coastal voyage in our Drascombe through Kyle Rhea would be something we would no longer consider safe. Obstructions here would unfortunately have to affect our choice when choosing and promoting to come to this region of Scotland on a sailing holiday.

In a Drascombe we prefer to sail as long as there is wind. The outboard motor we have is an auxiliary one for which we carry limited reserves of fuel mainly for emergencies. To be required to use the motor to pass through Kyle Rhea would reduce any restricted reserves of fuel we carry. This might compromise a later emergency or rescue situation.

When we sailed through Kyle Rhea we noticed - apart from the playful seals - how much seaweed and debris is also swept along through the narrows. Some boats in our group snagged on floating weed and kelp which wrapped around rudders and centreboards. This affected our ability to control our course properly. While clearing this we were left no other choice than only drift with the current. Had our outboard motor been in use, weed might have become entangled around the propeller. We would then be at the mercy of the current as well.

We would worry that placing turbines in this complicated channel would create a situation that would be unsafe for small leisure craft in moderate weather. In strong winds any extra obstructions in this channel would be an unacceptable danger for all crews of small and low powered sailing boats.

Kind Regards,



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Ford A (Alexander)

From: [REDACTED]
Sent: 01 April 2013 21:53
To: MS LOT MCT KR Representations
Subject: Consent Application: Kyle Rhea Tidal Stream Array

To The Scottish Government, Marine Scotland, Marine Laboratory, PO Box 101, 375 Victoria Road, Aberdeen, AB11 9DB

Dear Sirs

I refer to the of the Environmental Statement (ES) produced in support of Sea Generation (Kyle Rhea) Limited's consent application for the Kyle Rhea Tidal Stream Array and I would like to submit the following comments. My basis for my comments is that I am a sea kayak coach who regularly uses the area to train individuals in the sport.

The Comments refer to the Non Technical Summary as I have been unable to access the full summary.

1.4 Data Collection

The data collection has failed to collect data on the use of this area for recreation both tourist and local. The Kylerhea narrows are used regularly by sea Kayakers of all abilities as a training area or passage route.

As a stakeholder who uses the area for recreation sea kayaking on a regular basis, I have had no contact or information from MCT. I have concerns that there collection of data may be flawed and inaccurate.

1.6 Site Selection

Given that there is a test site for the MCT device in Strangford Lough the statement made is that this will provide a stepping stone for deployment in the Pentland Firth. Given that significant experience will have been gained in Stangford Lough in similar conditions to Kylerhea, there is little evidence what extra experience will be gained before the deployment in the Pentland Firth which will have more challenging conditions in relation to wave and tidal action.

The installation of substations in the area will not fit into a well known tourist area. Substations and infrastructure can be intrusive.

The document states that there is a requirement to have onshore elements for the work on the Skye side of the development area. Access to this area by road is very difficult (narrow, steep roads which are single track). I doubt if the road could cope with heavy construction traffic for this development – I find it difficult to take a minibus and trailer of kayaks down this road. Access by sea will also probably be limited. There is a question on the ability for the road to cope with routine traffic to an operation substation on a routine basis. These issues are later highlighted when there is a suggestion of bringing material in on a pebble beach and I question this based on the strong eddies which develop close to shore.

1.7 Project Objectives

These are stated as commercial electrical generation. Though earlier it states the purpose *"The Kyle Rhea site offers a high energy tidal environment, with shelter from waves and allowing safe access for installation as well as operation and maintenance (O&M) activities. Kyle Rhea provides an ideal stepping stone to demonstrate and develop SeaGen technology before deploying in more challenging, exposed environments such Pentland Firth in the northeast of Scotland."*

The project objectives are therefore unclear and misleading.

2.11 Shipping and Navigation

The confined area is used regularly by shipping as identified in the report. It is unclear what is meant by smaller vessels. As someone who has undertaken activities in the area, I have seen large vessels (cargo ships) use this channel. The following statement is made

"The impact assessment concluded that the main impacts that the Project may cause are associated with reducing the area in which vessels can manoeuvre within Kyle Rhea, increasing the risk of possible collision with the devices and construction vessels. A navigable channel to the east of the array has been identified and assessed as part of the Navigational Risk Assessment (NRA) for the Project."

The flow of water is very irregular due to eddies, whirlpools etc. These vary depending on the part of the tidal cycle and the whether spring or neap tides. This is based on over 7 years sea kayaking experience in Kyle Rhea

Some "small vessels" appear to go through the channel either with or against the tide and their route is not fully controlled due to the tidal conditions encountered.

What happens if 2 vessels are going through the channel at the same time? This means that there is a very high potential of collision in this confined area.

2.15 Socio Economics

The report suggests that there will be generation of a small number of jobs. Clarity is required on what is meant by local. The probability is that these will be engineering related jobs and will probably be from outside the area. A study for the Pentland Firth suggest the creation of around 600 jobs (lower estimate) for 1600 devices. Therefore for 4 devices the employment is likely to be less than 2. These needs to be clarified and MCT should be able to give an indication of Full Time Equivalent O&M jobs based on the Strangford Lough development. Developers are looking for the O&M period to be 5 yearly, therefore there are unlikely to be any full time jobs in the area. That is the O&M team will come into the area undertake the work and then leave.

There is unlikely to be any local jobs during installation as the work will need to be carried out by specialist contractor for both marine and onshore installation and will involve companies from outside of the area.

MCT should be asked to give an estimate of the project costs and the value going into the local economy both during installation and O&M rather than just meaningless statements without any basis. Again this should be based on experience from Strangford Lough. These figures should be made public to stakeholders.

2.16 Tourism and Recreation

I would suggest that tourists use the ferry to experience the "remote" over the sea experience to Skye. Due to this industrial development there is a significant negative impact on tourism.

Additionally, the development will have a visual impact on wildlife watchers in the area. There will also noise during installation – directional drilling.

Given the nature of the tide confidence is required that installation of electrical cables can be undertaken in such a dynamic marine environment. Has any work been undertaken to understand how to install cables in such an environment.

This area is recognised (internationally) as a venue for training individuals in sea kayaking. This is up to and including the highest personal performance awards. The area is used all year round for kayaking both during the day and at night. The proposed development will impact significantly on the ability to use the area safely. This will have an impact on the local economy of the area.

I understand that MCT took their information on sea kayaking from Visit Scotland. There has therefore been no consultation with

- the National Governing Body of the sport – the Scottish Canoe Association
- local kayaking businesses such as Skyak Adventures who utilise this area very regularly
- local canoe clubs who use the area
- freelance coaches who use this area to train individuals.

VisitScotland will have very limited (if any) knowledge of the sport.

The route through Kylerhea is part of the Scottish Sea Kayak Trail as detailed in a guide book by Simon Willis (2009).

Diagrams

The diagrams show the developments being in the main shipping area as detailed by the sector lights for navigating in the area at night.

My observations would of the ferry suggest that the ferry varies its route depending on the tidal conditions. There is a risk that the development will present a hazard to the ferry.

Yours faithfully



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Ford A (Alexander)

From: [REDACTED]
Sent: 31 March 2013 10:20
Cc: MS Marine Licensing; [REDACTED]
Subject: Kylerhea

On 28 March RYA Scotland submitted a comment on the proposed tidal turbine development at Kylerhea. As [REDACTED] of [REDACTED] I wish to associate both organisations with the substance of the RYA submission. We believe the proposed development to be ill founded and to create a serious hazard in a navigable channel which is already demanding for small craft to navigate.

The RYA submission reflects our view entirely and has our unequivocal support.

Neither organisation is opposed to tidal power but this location is not suitable for this type of turbine.

[REDACTED]
[REDACTED]
Pl acknowledge receipt of this note.

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Marine Scotland Licensing Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

30 March, 2013

For the attention of Alexander Ford

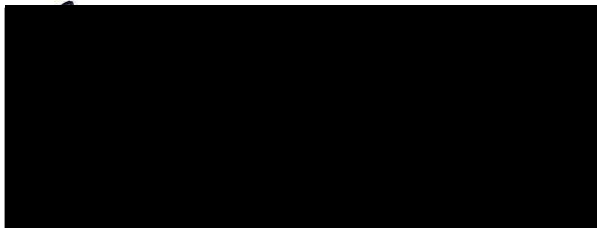
Dear Mr Ford

APPLICATION FOR CONSENT, TIDAL STREAM ARRAY KYLE RHEA.

I am writing on behalf of the [REDACTED] to say that the Club's cruising committee have examined the above proposals and also the response of RYA Scotland and that we are in agreement with, and fully support, the latter.

Additionally, as [REDACTED], I must say that, if these proposals are implemented, the hazard that they will present will be such that we would find it difficult to recommend this well-used passage to engineless or low powered sailing craft. The alternative of passing outside Skye could be just as hazardous in the wrong conditions.

Yours sincerely



Queiros J (Joao)

From: [REDACTED]
Sent: 03 April 2013 13:20
To: MS Marine Licensing
Subject: Kyle rhea Tidal Stream Array

With regard to the application for 4 tidal turbines to be situated with the confines of the Kyle Rhea narrows. [REDACTED] do not believe that currently this development will have any direct fisheries impact, however, we have concerns over navigational safety and cost impact to our members.

The Kyle Rhea narrows are very important to our local fishing fleet, they provide a sheltered transit between the North and South Minch fishing grounds and significantly reduce the distance involved in doing so. Many of the vessels involved are relatively small and low powered and we feel that the introduction of the tidal turbines to the channel will compromise their ability to safely navigate the narrows. In an already tight channel with significant tidal flows, rocky out crops and underwater hazards, requiring the use of leading lights to safely enter, transit and exit the addition of the four turbines will reduce the margin for error should anything go wrong during the transit to an unacceptable level. Rather than risk the safety of their vessels, skippers will be forced into transiting using the Minch. This has further safety implications, as already stated many of the vessels are small and could find themselves in conditions unsuitable for their vessels in order to reach their preferred fishing grounds.

The inability to use the Kyle Rhea safely, will have cost implications for vessels. Vessels may choose to remain on grounds that are less productive, where before they would have nipped through the narrows to reach more fertile grounds. Or for those that choose to change grounds using the Minch as a transit route, there will be added time steaming to fishing grounds, increasing fuel consumption and reducing fishing time, further reducing incomes.

Regards

[REDACTED]

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03/04/2013

Queiros J (Joao)

From: [REDACTED]
Sent: 04 April 2013 11:31
To: MS Marine Licensing
Cc: [REDACTED]
Subject: Consultation regarding Kyle Rhea.

To: Alexander Ford MS-LOT (Copied FAO [REDACTED])

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989, AND A MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE AN 8MW TIDAL STREAM ARRAY AT KYLE RHEA.

Having regard to the proposal for constructing generators in Kyle Rhea , I have studied the Navigational Risk Assessment prepared by the developers.

I have over 45 years experience using this channel in a wide variety of private yachts and smaller craft. (Sea kayaks, dinghies, coastal sailing cruisers and larger yachts.)

This Risk assessment appears to be an intellectual exercise which has been conducted in isolation from the realities faced by small boat users while on passage through the channel.

1: Small vessels often have a limited range of potential speeds through the water. During spring tides the Kyle Rhea race flows faster than the maximum hull speed of many sailing craft under 50 ft in length.

2: The flow of water through the channel at full flood and ebb more closely resembles the currents to be found in a river. Eddies form along each side of the channel, tidal 'whorls' and overfalls occur even in mid channel. Sheer lines between counter flowing currents form in various areas...their severity depending on the state of tide. These effects will not be so significant or even noticeable to skippers of larger (commercial) vessels with displacement and power.

3: The illustration of tracking data acquired by the developer, during one month in 2010, shows clearly that the area proposed for the four generator arrays is within the track where many vessels end up while in transit. The fact that the mean track (average of all tracks) appears to be the east of this zone, does not negate the truth that many vessels are in fact swept along by the tide. Low powered craft, and small sailing craft simply cannot compete with, or steer against, the eddies they find themselves in. They can only "ferry-glide" down stream across the flow, and make best possible course decisions based on where they find themselves being carried.

4: A considerable volume of marine debris is carried up and down this channel by the tide . Along the channel sides, at low tide, there is a considerable quantity of a weed known locally as "maidens hair" ; strands of this can be several meters in length. This weed and the heavier kelp can wrap around propellers, disabling an auxiliary outboard engine. Small boats under auxiliary engine are at risk of entanglements also by other objects such as broken fishing lines, discarded creel ropes, plastics and so on. Flotsam can also block the inlets to the cooling system on yachts. The probability of loss of power aboard transiting vessels has not been mentioned - if considered at all - in this NRA proposal.

5: Should power failure occur aboard any vessel uptide of the arrays, it will run the risk of being swept onto them. The NRA gives a contrived probability figure - based offshore in

other sea areas - of 1 major incident in 104 years. It is proposed that this 4 array Kyle Rhea project will run for 25 years. The maths suggests that (even with these contrived non specific statistics) there is almost 25% chance of a major collision during the life of the project. It would be alarming to discover, if built, that having based this statistical exercise on North sea experience, it was in fact flawed, and collisions with array towers in this complex tidal channel were more frequent.

6: No mention has been made in this NRA of the risk to rescue services represented by the High Voltage cables that run across the channel a few hundred meters to the north of the proposed project zone. In adverse conditions the cables and pylons must represent a considerable hazard to Rescue helicopters.

7: Up to date NRA wind data has not been sourced from monitoring stations anywhere near or on site. Instead data from 40 miles away on a promontory (Ardnamurchan lighthouse) and from a station that existed 40 years ago, (for a short period, inland and some distance from hills and shore) from Saasaig, has been used. Everyone in Scotland accepts that conditions today are changing , with more extreme weather events.

8: Developers might have shown awareness of the wind funnel represented by Kyle Rhea at water level. They have not done so. In fact winds from the northern sector NNW - NNE will all be funnelled south at water level; all winds from southern aspects SW, S & SE, will be funnelled north. Winds outside these sectors result in fluky conditions through the channel. Moderate cross winds lead to "lumps" of cool air descending from the high ground on either shore into the channel. In strong conditions these squalls are severe. Progress, and course choices even aboard a masted sailing vessel under power is always affected by these squalls. Sudden squalls make holding any course - much harder to manage.

In conclusion .

1. The proposal to build tidal arrays within the Kyle Rhea channel, if considered feasible, represents an unnecessary additional hazard to all vessels using this inshore passage. The option of voyaging out round Skye is not practical for the majority of transiting smaller vessels, when account is taken of the huge additional risk along an exposed coast (There are few secure anchorages for leisure craft between the sound of Sleat and Loch Dunvegan in westerly gales.) The expense of going right round Skye when voyaging from the sound of Arisaig to Loch Alsh is self evident.
2. Little practical first hand experience of the effects of tidal streams on small craft transiting this channel is revealed by the NRA.
3. Lights, VHF broadcasts and warning signs will not avert a collision. Placing fenders and padding on the structures is an admission by developers that collision is considered inevitable. A sailing yacht will find itself dismasted or even capsised if such an incident occurs while the proposed arrays are in the raised position.
4. There are many channels and sea loch entrances along the west highland coast that are used by a fraction of the transit traffic that uses Kyle Rhea. If experiments with this source of tidal energy have to take place, these alternative locations should be identified and assessments of them made first. (You would not place a wind turbine mast in the middle of a main road, even if the location showed a huge wind potential !)
5. Finally. The west Highland coast of Scotland has a huge attraction to visitors from all over the world. It is one of the least developed parts of the European coastline. The freedom to cruise away from built infrastructure still exists, and yachts come from across thw world to experience it. They may have no previous experience of navigating small tidal channels in such potentially wild conditions. . Consenting to the creation of a significant navigational hazard within the main inshore artery along this coast, would be to destroy a vital part of the special wild land heritage we should be trying to pass on to our grandchildren .

This project in this channel should be refused.

Risk mitigation measures outlined by the proposers NRA reveal they have failed to understand much of the very danger to Life and safe navigation posed by their proposal.

Yours sincerely



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