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From: [redacted]@whales.org>
Sent: 18 July 2014 14:04
To: Ford A (Alexander)
Subject: 002/TIDE/SPR - 2: MS LOT to WDC: ScottishPower Renewables: Sound of Islay Demonstration Tidal Array: ES Consultation
Attachments: WDC response for the Sound of Islay Tidal Array Environmental Report_July 2014.pdf

Dear Alexander,

Please find attached WDC's consultation response for the Sound of Islay Tidal Array Environmental Report.

Best wishes,

[redacted]



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11th July 2014

Dear Alexander Ford,

WDC comments on the Sound of Islay Demonstration Tidal Array Environmental Report

Thank you for the opportunity for WDC to provide comments on this Environmental Report. Given our area of interest, we have only focused on the marine mammal sections.

WDC are endeavouring to assist with the environmentally sustainable development of marine renewable energy in Scotland. Whilst welcoming the Scottish Governments' commitment to renewable energy generation, particularly noting the potential consequences of climate change for cetaceans, we have serious concerns about current levels of uncertainty and the possible negative impacts these developments, both individually and cumulatively, may have on cetaceans (whales, dolphins and porpoises) and seals in Scottish waters.

To reduce levels of uncertainty adequately, a coordinated approach to undertake robust and focused impact research, adequate analysis and data management is required, to ensure a truly adaptive and environmentally responsible management approach results. We recognise the efforts currently being undertaken towards this end and cannot emphasise enough the importance of the steps between monitoring to understanding impacts and the appropriate scale and pace of development of the industry enough.

We understand that the Sound of Islay Demonstration Tidal Array will be situated in the narrow channel of the Sound of Islay that separates the Isles of Islay and Jura within the administrative area of Argyll & Bute Council on the west coast of Scotland. The array will consist of 10 tidal turbines and have a maximum capacity of 10MW.

Specific comments

Section 7.5.1.1. Collision risk assessment during operation and maintenance. Whilst we welcome the collision risk assessments on harbour and grey seals, WDC has concerns about the lack of modelling for potential bottlenose dolphin collisions. The west coast bottlenose dolphin population around the Sound of Islay is a very small population (Cheney et al., 2013). We understand from a meeting with the developers that level of collisions of bottlenose



dolphins is expected to be negligible, however consent which allows for mortality of European Protected Species listed under Annex IV of the Habitats Directive (EPS) would be unacceptable. We urge Marine Scotland to produce strong guidance to assist developers in meeting their environmental responsibilities, including through appropriately managing disturbance of EPS.

Section 7.5.3 Cumulative Risk of Mortality to Marine Mammals. We welcome the addition of the Cumulative Impact Assessment (CIA). It would be helpful to provide a timetable for the construction of other sites in relation to the proposed development, which would help inform the CIA.

Different energy projects use different approaches to assess the cumulative impact on marine mammals, especially regarding collision rate. Marine Scotland should ensure that standard methods are used to allow comparative assessments to be made.

WDC would welcome the development of an Environmental Monitoring Programme (EMP) in consultation with the regulatory authorities e.g. Scottish Natural Heritage (SNH) and the Joint Nature Conservation Committee (JNCC). For the EMP, marine mammal observers (MMO) should be from a JNCC accredited source and there should be enough of them to work continuously without tiring. Passive acoustic monitoring (PAM) should be conducted in parallel to visual observations at all times. A strategic and comprehensive approach to monitoring at this early stage of the industry would likely benefit future developments.

WDC requests involvement in the development of the EMP.

WDC has serious concerns about the use of ducted propellers due to the widely acknowledged impacts on seals. Ducted propellers should not be permitted unless they are guarded or potential impacts can be effectively mitigated in some other way, especially for harbour seals.

If ducted propellers are to be used, a Vessel Management Plan (VMP) with a proposed Seal Corkscrew Injury Monitoring Scheme (SCIMS) should be developed. The SCIMS should include informing ship crew about the possibility of interactions and a requirement to minimise use, as well as dedicated coastal Marine Mammal Observer searches for seal carcasses to determine if injuries to seals are occurring and bodies are washing ashore. Beach searches should be conducted regularly enough to allow the carcasses to be 'fresh' enough for a cause of death, where possible, to be determined. Any stranded marine mammals should be reported to the Scottish Marine Animal Stranding Scheme (SMASS).

Overall, for tidal developments, a robust and long term monitoring programme is a necessary component of consent to ensure evidence is gathered to demonstrate that the development is benign, and does not result in mortality of marine mammals.

Habitats Regulations Appraisal (HRA) Screening

An Appropriate Assessment will need to be carried out due to the close proximity and potential connectivity between the development site and the South-East Islay Skerries Special Area of Conservation (SAC) for harbour seals. Whilst not a requirement for the HRA, the potential impact on bottlenose dolphin and harbour porpoise, which are listed as Priority Marine Features, and drivers in the Scottish Marine Protected Areas project, should also be given



adequate consideration in the Environmental Impact Assessment and HRA.

Should consent be given, an annex of suggested license conditions is attached.

We hope you find these comments useful and would be happy to discuss these comments further.

Yours Sincerely,

[REDACTED]

[REDACTED]

Scottish Policy Officer

References

Cheney, B., Thompson, P.M., Ingram, S.N., Hammond, P.S., Stevick, P.T., Durban, J.W., Culloch, R.M., Elwen, S.H., Mandlebreg, L., Janik, V.M., Quick, N.J., Islas-Villanueva, V., Robinson, K.P., Costa, M., Einfeld, S.M., Walters, A., Phillips, C., Weir, C.R., Evans, P.G.H., Anderwald, P., Reid, R.J., Reid, J.B. Wilson, B. 2013. Integrating multiple data sources to assess the distribution and abundance of bottlenose dolphins *Tursiops truncatus* in Scottish waters. *Mammal Review* 43: 71-88.

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ANNEX

Should consent be given to this proposed development, WDC suggests the following consent conditions:

- Visual and acoustic monitoring should be ongoing throughout construction.
- Activities should be halted when marine mammals approach within a specified distance of operations (mitigation zone).
- The Environmental Monitoring Plan (EMP) should be developed in consultation with scientists with expertise in the Natura species to ensure that monitoring of the grey and harbour seal SAC populations contribute to existing monitoring studies to assess any changes to site use and are appropriate to the level of works.
- The monitoring plan should be appropriate to all developments in the area, scientifically robust, and all the developers should work together to achieve this.
- The use of ducted propellers should not be allowed.
- If the use of ducted propellers is permitted during construction and/or operation, there should be regular monitoring of beaches for stranded animals to determine if any injuries to marine mammals, e.g. corkscrew injuries, are occurring.
- Should any incident that results in mortality occur during construction, activities should be halted immediately until an investigation can be completed.

Recommendations for Marine Scotland

- Generally, consideration should be given to the adequacy of the current frequency of two years baseline survey data collection, as not enough data are collected in one or two days visual surveys per month to provide densities of most species encountered in order to determine impacts during construction and operation. Acoustic data should always be used to supplement visual data.
- A review of the number of licenses provided to shoot grey and harbour seals for fisheries interests should be undertaken, with a view to protecting fisheries interests using more benign techniques and reducing 'takes' overall.
- An audit of Environmental Impact Assessments associated with the marine renewable energy industry should be undertaken, to identify strengths and weaknesses in assessments, with a view to ensuring best practice.

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