

Our ref: PCS/128024  
Your ref: 005/OW/SER

If telephoning ask for:

20 August 2013

Licensing Operations Team  
Marine Scotland  
Marine Laboratory  
PO Box 101  
375 Victoria Road  
Aberdeen  
AB11 9DB

By email only to: [ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)

Dear Sir

**Marine (Scotland) Act 2010  
The Electricity Act 1989**

**Application reference : 005/OW/SER Application for consent under Section 36 and 36A of the Electricity Act 1989 and Marine Licences under Part 4, Section 20 of the Marine (Scotland) Act 2010 to construct and operate an offshore windfarm, 15 – 22 kilmoetres east of Angus coastline**

Thank you for your consultation letter of 24 July 2013.

We have **no objection** to this application. Please note the advice provided below.

**Advice for the Marine Scotland**

**1. River basin management planning**

- 1.1 Since development will take place within some of the Firth of Forth coastal water bodies the river basin management planning (RBMP) process should be considered in the ES. More information on the RBMP process can be found on the SEPA website at [http://www.sepa.org.uk/water/river\\_basin\\_planning.aspx](http://www.sepa.org.uk/water/river_basin_planning.aspx). The RBMP Web Mapping Application available on SEPA's website ( <http://gis.sepa.org.uk/rbmp/>) shows the Water Framework Directive (WFD) water body boundaries for transitional and coastal waters and provides further water body classification information.
- 1.2 Marine Scotland is a designated authority under the Water Environment and Water Services (Scotland) Act (WEWS) 2003 and should ensure that marine licensing assists in the delivery of RBMP objectives.

**2. Bathing waters**

- 2.1 It should be noted that the proposed landfall location close to Longniddry crosses the EC Designated Bathing Water at Seton Sands. SEPA monitors Scotland's designated bathing



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waters throughout the bathing water season from 1 June to 15 September. Large scale sediment disturbance can result in elevated faecal coliform concentrations which can potentially lead to bathing water failure. Ideally such works should take place outwith the bathing water season.

- 2.2 Further guidance and information on the Bathing Waters Directive (2006/7/EC) can be obtained from SEPA's website ([www.sepa.org.uk/water/bathing\\_waters/bathing\\_water\\_profiles.aspx](http://www.sepa.org.uk/water/bathing_waters/bathing_water_profiles.aspx)).
- 2.3 Should the easterly landfall option be taken forward SEPA should be notified when cable installation is scheduled to take place at the earliest opportunity.

### 3. Pollution prevention

- 3.1 With regard to construction plant on the shoreline the applicant should refer to the appropriate sections in the following guidance –
- SEPA's Pollution Prevention Guidelines (PPGs) ([www.sepa.org.uk/about\\_us/publications/guidance/ppgs.asp](http://www.sepa.org.uk/about_us/publications/guidance/ppgs.asp))
  - CIRIA Guidance, in particular C584 - Coastal and Marine Environmental Site Guide ([www.ciria.org](http://www.ciria.org)).
- 3.2 Disturbance to the shoreline should be minimised and the shore restored to as near its former condition following the works as reasonably possible.

### 4. Marine Non-Native Species

- 4.1 With regard to the reference to the introduction of Non Indigenous Species (NIS) and MSFD section 122 on pg 46 of Chapter 12 – Benthic Ecology, it should also be recognised that the accidental introduction of NIS or Marine Non-Native Species (MNNS) has been highlighted as a risk for water body degradation under the WFD.
- 4.2 SEPA recommends that controls should be included in development planning and marine licensing for MNNS in line with WFD and Marine Strategy Framework Directive objectives, and [EU Biodiversity Strategy](#) targets. Under the WFD the presence of MNNS within a water body can constitute a significant pressure on the biological elements. Good status is usually the maximum a water body can achieve if MNNS are detected and this can fall to moderate status if MNNS are present above certain thresholds. Once well established, efforts to eliminate MNNS species have proven to be extremely expensive and so far, no non-native species have been successfully eradicated from the marine environment. Therefore, in view of these difficulties, SEPA supports the GB Non-Native Species Secretariat (<https://secure.fera.defra.gov.uk/nonnativespecies/home/index.cfm>) recommendation to put in place effective biosecurity measures to prevent introduction and to stop their spread. Guidance that may be drawn upon includes:-

The alien invasive species and the oil and gas industry guidance produced by the Oil & Gas industry ([www.ogp.org.uk/pubs/436.pdf](http://www.ogp.org.uk/pubs/436.pdf)).

SNH web-based advice on Marine non-native species ([www.snh.gov.uk/land-and-sea/managing-coasts-and-sea/marine-nonnatives/](http://www.snh.gov.uk/land-and-sea/managing-coasts-and-sea/marine-nonnatives/))

Marine non-native guidance from the GreenBlue (recreation advice)  
[www.thegreenblue.org.uk/clubs\\_and\\_training\\_centres/antifoul\\_and\\_invasive\\_species/best\\_practice\\_invasive\\_species.aspx](http://www.thegreenblue.org.uk/clubs_and_training_centres/antifoul_and_invasive_species/best_practice_invasive_species.aspx)).

## 5. Engineering activities in the water environment at landfall

- 5.1 No exact locations were provided as to where the pipelines will cross on land as decisions have not been taken in this regard, however, should the design involve crossing a water course, it is advised that any construction is in line with SEPA's Engineering in the Water Environment: Good Practice Guide.  
[www.sepa.org.uk/water/water\\_regulation/guidance/idoc.ashx?docid=fa231e19-ed87-4417-91d1-fda918bc56c0&version=-1](http://www.sepa.org.uk/water/water_regulation/guidance/idoc.ashx?docid=fa231e19-ed87-4417-91d1-fda918bc56c0&version=-1)

## Regulatory advice for the applicant

### 6 Regulatory requirements

- 6.1 In terms of authorisation required under the Water Environment (Controlled Activities) (Scotland) Regulations 2011, the landfall works will potentially require to be authorised. The applicant should consult SEPA's [Practical Guide to the Controlled Activities](#) Regulations in order to determine the appropriate level of authorisation;
- 6.2 Within the proposal area, developers should be aware of the Canty Burn and the Seton Burn which both lie within this region. Further discussions with our operations team may be advisable in due course once decisions are made on the landfall location.
- 6.3 Details of regulatory requirements and good practice advice for the applicant can be found on our website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx). If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

Clearwater House, Heriot Watt Research Park, Avenue North, Riccarton, EH14 4AP, tel 0131 449 7296

If you have any queries relating to this letter, please contact me by telephone on [REDACTED] or e-mail at [REDACTED]@sepa.org.uk

Yours faithfully

[REDACTED]  
 Senior Planning Officer  
 Planning Service

eCopy to: [inchcapewind@repsol.com](mailto:inchcapewind@repsol.com)

#### *Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning*

*application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).*