Shetland Tidal Array Decommissioning Consultation Summary (T1-3)

Version 1.0

Document control

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Notice

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1 Introduction

Nova Innovation has produced this document to summarise consultation carried out relating to decommissioning the three geared M100 turbines in the "Shetland Tidal Array" in the Bluemull Sound, Shetland. This includes consultation carried out under the requirements of section 105 of the Energy Act 2004 as part of the process of producing the formal Decommissioning Programme[1] required for the Shetland Tidal Array.

The three M100 turbines in the Shetland Tidal Array were licenced and installed when overall responsibility for decommissioning offshore renewable energy installations under the Energy Act (2004) lay with the Department for Business, Energy and Industrial Strategy (BEIS) rather than the Scottish Ministers.

Decommissioning the three Nova M100 turbines in the Shetland Tidal Array will be carried out under, and in accordance with, the conditions of the following project licences:

1. Shetland Islands Council Works Licence 2022/015/WL, issued by Shetland Island Council (SIC) under the Zetland County Council Act 1974 for offshore works associated with the Shetland Tidal Array.
2. Marine Licence MS-00009110 issued by Marine Scotland Licensing Operations Team (MS-LOT) under the Marine (Scotland) Act 2020, Part 4 for construction and operation of the Shetland Tidal Array.

A separate Marine Licence is required from MS-LOT for decommissioning the three M100 turbines (and other associated decommissioning activities below MHWS). This Decommissioning Consultation Summary document has been produced in support of an application for this Marine Licence to MS-LOT under the Marine (Scotland) Act 2020, Part 4. Further consultation will be carried out by MS-LOT to inform their licence determination process.

[1] Nova Innovation (2021). Bluemull Sound Tidal Array Decommissioning Programme (Turbines 1-3, 2021 update).

2 Summary of decommissioning consultation

As per the notice received under section 105 of the Energy Act 2004, Nova Innovation carried out a formal consultation on a draft of the Decommissioning Programme for the three M100 turbines in the Shetland Tidal Array. The following organisations were consulted:

- Marine Scotland
- Maritime and Coastguard Agency
- Shetland Ports and Harbours
- Scottish National Heritage (now NatureScot)
- Northern Lighthouse Board
- Shetland Fishermen's Association
- Shetland Shellfish Management Organisation
- Shetland Coastguard Operations Centre
- UK Hydrographic Office
- Shetland Islands Council
- Recreational Boating Associations
- Recreational Angling Associations
- Scottish Environment Protection Agency (SEPA)
- Joint Nature Conservation Committee (JNCC)
- Crown Estate Scotland

The consultation took place in June and July 2017, via email and telephone. The decommissioning documentation was also made publicly available at the Nova Innovation site office at the Cullivoe Harbour, Shetland.

Nova received confirmation of the receipt and/or comments regarding the Decommissioning Programme from all consultees. Nova did not receive any comments from the on-site consultation at Cullivoe.

All the responses that were received are summarised in Table 2-1, alongside the actions Nova has undertaken to address the comments. The Decommissioning Programme was updated in response to comments received directly from BEIS.

Table 2-1 Summary of consultation responses received relating to the Decommissioning Programme for the three M100 turbines in the Shetland Tidal Array.

Organisation	Response	Nova Action
Marine Scotland	Acknowledged receipt and provided no comments.	No Nova action required
Maritime and Coastguard Agency	Acknowledged receipt and provided no comments.	No Nova action required
Shetland Ports and Harbours	Acknowledged receipt and provided no comments.	No Nova action required
Scottish National Heritage (now NatureScot)	Comments from SNH on the draft DP are provided in Appendix A.	The number below refers to the numbering of Annex A of the SNH Response. 1. Information regarding the Habitats Regulations Appraisal, and the feedback from SNH is provided in Section 4.5.1. of this updated DP. 2. See Section 6.1. 3. No concrete mattresses were used during the construction of the array. 4. The map and this DP will be updated once all 5 turbines have been commissioned. 5. This will be considered during development of the decommissioning EMMP. 6. 3 Natura sites are included as part of Section 4.5.1. These are the sites mentioned in advice received from SNH and in the Appropriate Assessment. 7. Nova will adhere to the principles outlined in the Scottish Marine Wildlife Watching Code. This will be expanded upon further in the EMMP developed as part of the Marine License application for Decommissioning. 8. This advice is consistent with the comments from JNCC. In the future, Nova will only consult with SNH and no longer with JNCC. JNCC has been removed from Section 9 of this DP.
Northern Lighthouse Board	Acknowledged receipt and provided the following comment: "…advise that: Before any decommissioning works commence Nova Innovations Ltd's shall issue local Notice to Mariners covering the nature, position and duration of the works. We would also require that UKHO be notified when equipment is removed so chart BA 3292 can be correctly updated"	Nova shall issue a Notice to Mariners before the commencement of any decommissioning work. Nova shall also notify UKHO so that chart BA 3292 can be updated.

Organisation	Response	Nova Action
Shetland Fishermen's Association	Acknowledged receipt and provided no comments.	No Nova action required
Shetland Shellfish Management Organisation	Acknowledged receipt and provided no comments.	No Nova action required
Shetland Coastguard Operations Centre	Shetland Coastguard Operations Centre acknowledged receipt and provided the following comments: 1. "Section 4.4 under the Shetland Overview the tankers overall length is 250 m not 350m as stated" 2. "No section covered for Emergency Procedures, and what form this will take i.e. will divers be used."	1. Corrected in this updated decommissioning programme 2. An emergency response plan will be developed with the MCGA before the decommissioning takes place. Nova already has an ERCOP in place for the construction phase. This will transition into an ERCOP for the operational phase. This information has been added to Section 11 of the Decommissioning Programme.
Hydrographic Office	Acknowledged receipt, and provided no comments	No Nova action required
Shetland Islands Council	Acknowledged receipt, and provided no comments	No Nova action required
Recreational Boating Associations	Acknowledged receipt over the phone, and provided no comments	No Nova action required
Recreational Angling Associations	Acknowledged receipt, and provided no comments	No Nova action required
Scottish Environment Protection Agency (SEPA)	SEPA provided a link to the SEPA standing advice. SEPA further provided the following comment: "We highlight to assist you the typographical error in Section 7 "Error! Reference source not found ..." and that under Section 9 the Scottish Environment Protection Agency is referenced as Scottish Environmental Protection Agency."	Nova has reviewed the SEPA standing advice, and the decommissioning programme meets this standing advice. The identified errors have been corrected in the updated Decommissioning Programme.
Joint Nature Conservation Committee (JNCC)	JNCC provided the following comment: "JNCC's requirement to provide advice on Scottish renewables has now been devolved to Scottish Natural Heritage (SNH). As a result, you should contact SNH regarding your decommissioning plan."	Nova has contacted SNH as part of this consultation round. No further Nova action required.
UK Hydrographic Office	"Thank you for sending us this information. The UK Hydrographic Office holds a neutral position on all	Continue to keep UKHO updated with any developments.

Organisation	Response	Nova Action
	offshore activity developments. However, it is in our interest to promote safe navigation through the appropriate maintenance of our Admiralty chart series. We currently have the Nova Innovation Tidal Array site (including the turbines and cables) present on our ENC's and charts. We note the planned decommissioning works planned for 2037. However if you could continue to send us any future information relating to the Nova Innovation Tidal Array that would be greatly appreciated."	
Crown Estate Scotland	"This decommissioning plan satisfies the requirements of the lease which are to remove all the items from the seabed. We are therefore happy with this."	No Nova action required

All feedback on the Decommissioning Programme has been taken into account in the production of the detailed Decommissioning Schedule and Method Statement[2], and other documents produced in support of Nova's application for a Marine Licence for decommissioning the three M100 turbines from MS-LOT. These documents include an updated Environmental and Protected Species Risk Assessment[3] and Environmental Monitoring and Mitigation Plan[4] for the decommissioning activity. These two documents directly address many of the comments received from SNH (now NatureScot).

[2] Nova Innovation (2023). Shetland Tidal Array Decommissioning Schedule and Method Statement (T1-3).
[3] Nova Innovation (2023). Shetland Tidal Array Decommissioning Environmental and Protected Species Risk Assessment.
[4] Nova Innovation (2023). Shetland Tidal Array Decommissioning Environmental Monitoring and Mitigation Plan (T1-3).

Annex A SNH advice on the Draft Decommissioning Programme

The information below is a copy of SNH advice.

"We have noted below a number of areas we feel would benefit revision in order to improve the decommissioning programme document. In particular, the decommissioning programme does not sufficiently identify the sites and species that could be impacted through the marine works, nor does it assess the potential route to impact for these sites / species or provide any commentary on the significance of any potential impact and whether any specific mitigation is required as a result.

General observations

1. *There is no Habitats Regulations Appraisal provided – see Appendix B for an overview of this process. Further comments in relation to SPAs and SACs (Natura sites) are provided under the assessment of impacts section below.*

2. *We note through the BEIS guidance for 'Decommissioning of offshore renewable energy installations under the Energy Act 2004', that works in the intertidal zone are not usually included. It would be helpful however to include a few details as to how the export cables will be disconnected and made ready for decommissioning (via the spool drum) and any other associated works at and around the landfall site.*

3. *During the application stage, we understood that concrete mattresses or similar cable protection measures may be required to keep the export cables in place. It would be helpful to indicate whether this was the case and whether and / or how these will be removed.*

4. *Figure 4.1 illustrates the proposed layout of the 5 devices forming the array. It would be helpful if future revision of the DP includes a map illustrating the exact locations of the individual turbines, as mentioned in section 4.1, page 8, should these differ from Figure 4.1.*

5. *We welcome the commitment to carry out a post-decommissioning video survey of the site as indicated in section 14 page 19 with details to be provided via the EMMP. It may be possible to compare the results with the pre-deployment footage and we recommend further thought is given to this.*

Assessment of impacts

6. *Section 4.5 Nature Designations on page 11 provides a list of the designated areas in the vicinity of the Shetland Tidal Array. However, the text provides no commentary as to why certain sites have been included both in terms of the route to impact or connectivity. It is important to remember that some nature conservation sites e.g. SSSIs, afford protection to their notified features while they are present within the site boundary, whereas other sites e.g. Natura sites with mobile species such as seals, diadromous fish or cetaceans, afford protection while the qualifying species are onsite and outwith the site in certain circumstances outlined through the conservation objectives. It is common practice to use the foraging range of the seabird or marine mammal species as a measure of connectivity between the designated site and the proposed marine works to assess whether it is theoretically possible for the protected species to be present and therefore could be impacted.*

In deciding which natural heritage sites (within foraging range) could be affected by the marine works, a number of other judgements need to be made including the type of activity and therefore any route to impact and the significance of this (which may need to be assessed at an individual, site or regional population scale depending on the nature of the impact and the importance or vulnerability of the species involved). Key in determining this will be the duration and the time of year together with the nature of the proposed marine works.

In terms of our advice, we have taken into account the scheduling during the summer months (i.e. during the breeding season for seabirds / red throated divers and within the period during which frequently occurring cetacean species are likely to be present in Shetland waters) and the extremely short duration of the marine works proposed.

More importantly in this instance, the works do not involve any activity that is likely to produce any underwater noise capable of significantly disturbing or causing injury to seals or cetacean species. Furthermore, the use of a multicat vessel is not unusual activity for these waters and any impact to benthic communities is likely to be extremely localised and temporary in nature.

7. *With respect to Section 8 (EIA) page 18, we highlight that the assessment process as referred to above has already been carried out during the application stage and we refer you to the agreed appropriate assessment written by Marine Scotland for detailed commentary on this. This should be used to assist this part of the DP, as we note that no appraisal of impacts has been provided, nor any identification of any specific mitigation measure which may be required to address a particular impact or further reduce any likely residual effect. We highlight this, as it is an important step in the assessment process and as such should be laid out in the DP. In terms of our assessment, we identified that any residual disturbance impacts could be further reduced through adherence to principles outlined in the Scottish Marine Wildlife Watching Code, as indicated in our cover letter.*

8. *Lastly, we note the reference to JNCC in section 9 page 19 and highlight that SNH are now responsible for all advice on marine renewable projects in Scottish waters both inshore and offshore. JNCC have delegated this activity to SNH beyond 12nm since April 2017."*

Annex B Natura sites potentially impacted by the Decommissioning Programme

The information provided in Table B.1 details advice provided in 2017 by SNH on potential impacts of decommissioning T1 to T3 on Natura sites and has been provided for completeness, in the context of the previous consultation on decommissioning.

The updated Environmental and Protected Species Risk Assessment[5] and Environmental Monitoring and Mitigation Plan[6] for the decommissioning activity fully consider the potential impacts of the decommissioning on all protected sites and species, based on the most up to date evidence.

Table B.1 Natura Sites potentially impacted by the decommissioning process

Site Name	Designation Status	Date of Designation	Qualifying Features	Conservation Objectives	Site conditions
Hermaness, Saxa Vord & Valla Field	Special Protection Area	29/03/1994	Fulmar (Fulmarus glacialis), breeding, Gannet (Morus bassana), breeding, Great skua (Catharacta skua), breeding, Guillemot (Uria aalge), breeding, Kittiwake (Rissa tridactyla), breeding, Puffin (Fratercula arctica), breeding, Red-throated diver (Gavia stellata), breeding, Shag (Phalacrocorax aristotelis), breeding	To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and to ensure for the qualifying species that the following are maintained in the long term: - Population of the species as a viable component of the site - Distribution of the species within site	Fulmar, Gannet, Great Skua, Guillemot, Puffin, Seabird Assemblage, favourable, Kittiwake, Red-Throated Diver, Shag, unfavourable.
Yell Sound Coast	Special Area of Conservation	17/03/2005	Harbour seal (Phoca vitulina), Otter (Lutra lutra)		Harbour Seal, unfavourable Otter, unfavourable.
Bluemull & Colgrave Sounds	Proposed Special Protection Area	At consultation Stage	Red-throated diver (Gavia stellata), breeding		N/A

[5] Nova Innovation (2023). Shetland Tidal Array Decommissioning Environmental and Protected Species Risk Assessment.
[6] Nova Innovation (2023). Shetland Tidal Array Decommissioning Environmental Monitoring and Mitigation Plan (T1-3).

Fetlar	Special Protection Area	29/03/1994	Arctic skua (Stercorarius parasiticus), breeding, Arctic tern (Sterna paradisaea), breeding, Dunlin (Calidris alpina schinzii), breeding, Fulmar (Fulmarus glacialis), breeding, Great skua (Stercorarius skua), breeding, Red-necked phalarope (Phalaropus lobatus), breeding, Seabird assemblage, breeding, Whimbrel (Numenius phaeopus), breeding	- Distribution and extent of habitats supporting the species - Structure, function and supporting processes of habitats supporting the species - No significant disturbance of the species	Arctic skua, Arctic tern, Dunlin, Great skua, Red-necked phalarope, Seabird assemblage, Whimbrel, favourable, Fulmar, unfavourable
Foula	Special Protection Area	27/11/1995	Puffin (Fratercula arctica), breeding, Red-throated diver (Gavia stellata), breeding, Arctic tern (Sterna paradisaea), breeding		Puffin, Arctic tern, unfavourable, Red-throated diver, favourable
Mousa	Special Protection Area	27/11/1995	Arctic tern (Sterna paradisaea), breeding		Unfavourable
Noss	Special Protection Area	16/08/1996	Gannet (Morus bassanus), breeding, Puffin (Fratercula arctica), breeding		Gannet, favourable, Puffin, unfavourable
Otterswick & Graveland	Special Protection Area	31/12/2001	Red-throated diver (Gavia stellata), breeding		Favourable
Fair Isle	Special Protection Area	16/12/1994	Gannet (Morus bassanus), breeding, Puffin (Fratercula arctica), breeding		Gannet, favourable, Puffin, unfavourable
Sule Skerry & Sule Stack	Special Protection Area	29/03/1994	Gannet (Morus bassanus), breeding		Favourable
North Rona & Sula Sgeir	Special Protection Area	30/10/2001	Gannet (Morus bassanus), breeding		Favourable
St Kilda	Special Protection Area	31/08/1992	Gannet (Morus bassanus), breeding		Favourable