

**MARINE SCOTLAND'S CONSIDERATION OF A PROPOSAL AFFECTING
DESIGNATED SPECIAL AREAS OF CONSERVATION ("SACs")
OR SPECIAL PROTECTION AREAS ("SPAs")**

SITE DETAILS: Moray Offshore Renewables Limited ("MORL") Modified Offshore Transmission Infrastructure for the consented Telford, Stevenson and MacColl Wind Farms, in the outer Moray Firth.

FILE REF: FKB/Z267 (011/OW/MORLE – 8)

APPROPRIATE ASSESSMENT ("AA") CONCLUSION:

Marine Scotland Licensing Operations Team ("MS-LOT") concludes that, based upon the content of the following assessment, the proposed Modified Offshore Transmission Infrastructure ("the Operation") alone or in-combination with other projects already consented (as detailed in this assessment) will not adversely affect site integrity of the Moray Firth SAC, Dornoch Firth & Morrich More SAC and River Spey SAC, provided that the conditions detailed in section 3d are complied with.

Introduction

This is a record of the AA for the Operation. The assessment has been undertaken by MS-LOT. This assessment is required to be undertaken under Council Directive 92/43/EEC on the conservation of natural habitats of wild fauna and flora ("the Habitats Directive") and Council Directive 2009/147/EC on the conservation of wild birds ("the Birds Directive") as implemented, in particular, by Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 for projects within 12 nautical miles ("nm") and Regulation 25 of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 for projects beyond 12 nm before MS-LOT may decide to give consent for the Operation.

MS-LOT, as the 'competent authority' under the Habitats Regulations, has to be satisfied that a project will not adversely affect the integrity of any European protected sites (SACs and SPAs) before it may recommend the grant of consent for that project. The precautionary principle requires to be applied when complying with obligations under the Habitats Directive and in preparing an AA. In accordance with the ECJ case of *Waddenzee*¹ MS-LOT may only authorise a project if they are certain that it will not adversely affect the integrity of European protected sites; and "that is the case where no reasonable scientific doubt remains as to the absence of such effects".

Table 1a. provides links to the Scottish Natural Heritage Interactive ("SNHi") website where the background information on the sites being considered in this assessment are available.

Table 1c. details the qualifying features of the SACs and SPAs in this assessment. The conservation objectives being considered are detailed in section 1d. For the qualifying interests where likely significant effect ("LSE") has been identified (section 3b) the appropriate assessment assesses whether or not the relevant conservation objectives will be achieved. This enables a conclusion in relation to adverse effect on site integrity to be reached.

¹ ECJ Case no - C-127/02 – judgment issued on 07.09.2004.

1a. Name of Natura site affected & current status available from:

1. Moray Firth SAC

http://gateway.snh.gov.uk/sitelink/siteinfo.jsp?pa_code=8327

2. Dornoch Firth & Morrich More SAC

http://gateway.snh.gov.uk/sitelink/siteinfo.jsp?pa_code=8242

3. River Spey SAC

http://gateway.snh.gov.uk/sitelink/siteinfo.jsp?pa_code=8365

1b. Name of component SSSI if relevant

Not considered relevant for this assessment.

1c. European qualifying interests & whether priority/non-priority:

1. Moray Firth SAC

- Bottlenose dolphin (non-priority)
- Subtidal sandbanks

2. Dornoch Firth & Morrich More SAC (* indicates priority habitat)

- Harbour (common) seal (non-priority)
- Otter (non-priority)
- Atlantic salt meadows
- Coastal dune heathland*
- Dune grassland*
- Dunes with juniper thickets*
- Estuaries
- Glasswort and other annuals colonising mud and sand
- Humid dune slacks
- Intertidal mudflats and sandflats
- Lime-deficient dune heathland with crowberry*
- Reefs
- Shifting dunes
- Shifting dunes with marram
- Subtidal sandbanks

3. River Spey SAC

- Atlantic salmon (non-priority)
- Sea lamprey (non-priority)
- Freshwater pearl mussel (non-priority)
- Otter (non-priority)

1d. Conservation objectives for qualifying interests:

SAC - Habitats

To avoid deterioration of the qualifying habitat thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying habitat that the following are maintained in the long term:

- (i) extent of the habitat on site
- (ii) distribution of the habitat within site
- (iii) structure and function of the habitat
- (iv) processes supporting the habitat
- (v) distribution of typical species of the habitat
- (vi) viability of typical species as components of the habitat
- (vii) no significant disturbance of typical species of the habitat

Moray Firth SAC – Bottlenose dolphin

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are established then maintained in the long term:

(i) Population of the species as a viable component of the site*

- (ii) Distribution of the species within site
- (iii) Distribution and extent of habitats supporting the species
- (iv) Structure, function and supporting processes of habitats supporting the species
- (v) No significant disturbance of the species

Dornoch Firth & Morrich More SAC – Harbour seal

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are established then maintained in the long term:

(i) Population of the species as a viable component of the site*

- (ii) Distribution of the species within site
- (iii) Distribution and extent of habitats supporting the species
- (iv) Structure, function and supporting processes of habitats supporting the species
- (v) No significant disturbance of the species

SAC – Migratory fish and freshwater pearl mussel

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for each species that the following are maintained in the long term:

(i) Population of the species, including range of genetic types for salmon, as a viable component of the SACs*

- (ii) Distribution of the species within site
- (iii) Distribution and extent of habitats supporting each species
- (iv) Structure, function and supporting processes of habitats supporting each species
- (v) No significant disturbance of the species

And for freshwater pearl mussel in particular, to ensure that the following are maintained in the long term:

- (vi) Distribution and viability of freshwater pearl mussel host species
- (vii) Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species

*As the potential effects of the proposed Operation, as identified, occur outside the SAC

itself, any disturbance to the qualifying interests is only considered to be significant in terms of the relevant conservation objective if it could undermine the conservation objectives relating to population viability.

PROPOSAL DETAILS

2a. Proposal title & name of consultee (i.e. applicant or competent authority)

Modified Offshore Transmission Infrastructure - MORL

2b. Date of Consultation:

MS-LOT received advice regarding the application for the Operation from the Joint Nature Conservation Committee and Scottish Natural Heritage (“the SNCBs”) on 14th August 2014. The SNCBs referred MS-LOT back to their advice of 8th July 2013 for the three MORL wind farm developments in the Outer Moray Firth, in which they advised MS-LOT to carry out an AA. In the 14th August 2014 advice, the SNCBs advised addressing the possible impacts of the Operation on the qualifying interests from the three SACs listed above.

2c. Type of Case:

AA of the proposed MORL Modified Offshore Transmission Infrastructure

2d. Details of proposed operation (inc. location, timing and methods):

The application submitted on 4th April 2014 is for the construction of the Operation in the Outer Moray Firth, consisting of:

- Up to 2 AC Offshore Substation Platforms (“OSPs”);
- Substructure and foundations for the OSPs;
- Inter-platform cabling within the three consented Telford, Stevenson and MacColl wind farms; and
- Up to 4 triplecore submarine HVAC export cables between the OSPs and the shore.

Construction of the Operation is to occur within the timeframes for construction of the Telford, Stevenson and MacColl wind farms, Q1 2016 to Q3 2020.

ASSESSMENT IN RELATION TO REGULATION 48 OF THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994 AND REGULATION 25 OF THE OFFSHORE MARINE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 2007

3a. Is the operation directly connected with or necessary to conservation management of the site? YES/NO If YES give details:

The Operation is not connected with or necessary to conservation management of the three Natura SAC sites.

*If **yes** and it can be demonstrated that the tests in 3b have been applied to all the interest features in a fully assessed and agreed management plan then consent can be issued but rationale must be provided, including reference to management objectives. If **no**, or if site has several European qualifying interests and operation is not directly connected with or necessary to the management of all of these then proceed to 3b.*

3b. Is the operation likely to have a significant effect on the qualifying interest? Repeat for each interest on the site.

1. Moray Firth SAC – Bottlenose dolphin

The SNCBs advised that the Operation could give rise to LSE on bottlenose dolphin as the cable route will cross the coastal waters on the south-side of the Moray Firth.

The potential impacts to consider for bottlenose dolphin are:

- disturbance due to the construction noise, boat movements and cable-laying; and
- any affects to their prey species.

2. Dornoch Firth & Morrich More SAC – Harbour seal

The SNCBs advised on the 14th of August 2014 that the potential impacts to consider for harbour seal are:

- disturbance due to the construction noise, boat movements and cable-laying; and
- any affects to their prey species.

3. River Spey SAC – Atlantic salmon, sea lamprey and freshwater pearl mussel

The SNCBs advised that the Operation is likely to have a significant effect on Atlantic salmon and lamprey species due to construction noise and/or possible effects of electromagnetic fields (“EMF”) from the installed cables. The SNCBs also advised that freshwater pearl mussel (“FWPM”) could be indirectly affected through any impacts to Atlantic salmon, one of their host species.

The potential impacts to consider for FWPM are linked to Atlantic salmon, as salmonids are integral to the life cycle of FWPM. Any impacts to Atlantic salmon that prevent them from returning to their natal rivers may have a resulting effect on FWPM.

The remaining species and habitats listed in the SAC citations in 1c are scoped out of further consideration in this AA as no LSE was identified.

If no for all features, a consent or non-objection response can be given and recorded under 4 (although if there are other features of national interest only, the effect on these should be considered separately). If potential significant effects can easily be avoided, record modifications required under 3d.

If yes, or in cases of doubt, proceed to 3c.

3c. APPROPRIATE ASSESSMENT of the implications for the site in view of the site’s conservation objectives.

1. Moray Firth SAC – Bottlenose dolphin

Disturbance to bottlenose dolphin could arise from cable-laying and/or placement of scour protection associated with the Operation; therefore the SNCBs advised that a European Protected Species (“EPS”) licence will be required. If disturbance is addressed via EPS licensing and good working practice is achieved through marine licence conditions attached to any marine licence given, the SNCBs are satisfied that there will not be any long term impacts on the viability of the Moray Firth SAC bottlenose dolphin population.

Installation of the OSPs is likely to give rise to underwater noise impacts. However, as noted in the current environmental statement (“ES”) for the Operation, MORL confirm that there will be a maximum of two OSPs, rather than eight as in the original transmission infrastructure marine licence application. Therefore, predicted impacts are no greater than

the 'worst case' previously assessed (which included MORL and Beatrice Offshore Windfarm Limited ("BOWL") wind farms and all associated infrastructure including transmission works) and on which the SNCBs provided advice in the 8th July 2013 response.

In this regard the SNCBs agree that all other potential impacts to bottlenose dolphin arising from the Operation, including vessel collision, EMF effects, contamination and prey availability are minor and do not give rise to any LSE in respect of the bottlenose dolphin status as an SAC interest.

The SNCBs conclude that the Operation will not adversely affect site integrity of the Moray Firth SAC with respect to bottlenose dolphin provided that conditions listed in 3d are complied with. MS-LOT is in agreement with this conclusion. These conditions include the requirement for an agreed vessel management plan ("VMP"), construction method statement ("CMS"), construction programme ("CoP"), piling strategy ("PS") and cable plan ("CaP") which will ensure suitable mitigation.

In-combination assessment

An in-combination assessment was completed for the original MORL transmission infrastructure in combination with the MORL wind farms, the BOWL development, Aberdeen Bay Offshore Wind Farm, and the port developments at Nigg, Invergordon and Ardersier. This assessment concluded that these projects would not in-combination adversely affect site integrity of the Moray Firth SAC with respect to bottlenose dolphin provided that conditions attached to any consents / licences issued are complied with.

MS-LOT consider that any potential effects from the Operation will be less than those already assessed for the original MORL transmission infrastructure due to the shorter cable route and fewer number of OSPs. Advice received from the SNCBs (March 2014) in relation to the Forth and Tay offshore wind farms (Near na Gaoithe, Inch Cape and Seagreen Alpha and Bravo) concluded no adverse effect on the Moray Firth SAC with respect to bottlenose dolphin in-combination with the MORL and BOWL developments.

MS-LOT concludes that the Operation in-combination with these other projects will not adversely affect site integrity of the Moray Firth SAC with respect to bottlenose dolphin provided that conditions attached to any licence issued are complied with.

2. Dornoch Firth & Morrich More SAC – Harbour seal

The SNCBs conclude that there will be no long-term impacts on the SAC harbour seal population provided that conditions listed in 3d are complied with, and thus the Operation will not adversely affect site integrity of the Dornoch Firth & Morrich More SAC with respect to harbour seal. MS-LOT is in agreement with this conclusion. These conditions include the requirement for an agreed VMP, CMS, CoP and CaP which will ensure suitable mitigation.

In-combination assessment

An in-combination assessment was completed for the original MORL transmission infrastructure in combination with the MORL wind farms, the BOWL development, and the port developments at Nigg, Invergordon and Ardersier. This assessment (and AAs completed for the port developments) concluded that these projects would not in-combination adversely affect site integrity of the Dornoch Firth & Morrich More SAC with respect to harbour seal provided that conditions attached to any consents / licences issued are complied with.

MS-LOT consider that any potential effects from the Operation will be less than those already assessed for the original MORL transmission infrastructure due to the shorter

cable route and fewer number of OSPs.

MS-LOT concludes that the Operation in-combination with these projects will not adversely affect site integrity of the Dornoch Firth & Morrich More SAC with respect to harbour seal provided that conditions attached to any licence issued are complied with.

3. River Spey SAC – Atlantic salmon, sea lamprey and freshwater pearl mussel

The SNCBs conclude that there will be no long-term impacts on the SAC population provided that conditions listed in 3d are complied with, and thus the Operation will not adversely affect site integrity of the River Spey SAC with respect to Atlantic salmon, sea lamprey and FWPM. MS-LOT is in agreement with this conclusion. These conditions include the requirement for an agreed VMP, CMS, CoP and CaP which will ensure suitable mitigation.

In-combination assessment

An in-combination assessment was completed for the original MORL transmission infrastructure in combination with the MORL wind farms, the BOWL development, and the MeyGen Phase 1 tidal development. This assessment concluded that these projects would not in-combination adversely affect site integrity of the River Spey SAC with respect to Atlantic salmon, sea lamprey or FWPM provided that conditions attached to any consents / licences issued are complied with.

The closer proximity of the Operation to the River Spey SAC means that potential impact on the qualifying interests of this SAC could be slightly greater than those considered in the MORL wind farm AA. The installation of the export cables close to shore could take a matter of days so that mitigation, or avoidance, of impacts to smolts could be possible by timing the work to avoid peak smolt runs (if the timing of these can be established and if considered necessary). This mitigation should be progressed in post-consent discussions between MS-LOT, Marine Scotland Science (“MSS”), the Association of Salmon Fishery Boards (“ASFB”), the SNCBs, MORL and BOWL. In relation to potential cumulative impacts arising from the EMF around intra-array and export cables, proposed mitigation to shield / bury cables will help to reduce EMF. For Atlantic salmon, it is recommended that deeper burial depth or directional drilling removes the risk of any operational effect (the SNCBs advised up to 3 m, where possible) i.e. for export cables in shallower water approaching landfall (water depths of up to ~20 m). Where cable burial or directional drilling is not possible, rock armouring or a similar protective layer should be considered.

MS-LOT concludes that the Operation in-combination with the MORL wind farms, the BOWL development or the MeyGen Phase 1 tidal development will not adversely affect site integrity of the River Spey SAC with respect to Atlantic salmon, sea lamprey or FWPM provided that conditions attached to any licence issued are complied with.

iii) In light of the assessment, ascertain whether the proposal will not adversely affect the integrity of the site for the European interests. If SAC and/or SPA and/or Ramsar site, give separate conclusions. If conditions required, proceed to 3d.

The proposed Modified Offshore Transmission Infrastructure will not adversely affect site integrity of the Moray Firth SAC, Dornoch Firth & Morrich More SAC and River Spey SAC alone or in-combination with other projects already consented as detailed in this assessment, provided conditions detailed in section 3d are complied with.

3d. Conditions proposed.

Indicate conditions/modifications required to ensure adverse effects are avoided, & reasons for these.

<i>Condition:</i>	<i>Reason:</i>
<p>1.) The Licensee must, no later than 6 months prior to the Commencement of the Works, submit a Project Environmental Monitoring Programme (“PEMP”), in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the Joint Nature Conservation Committee (“JNCC”), Scottish Natural Heritage (“SNH”), Whale and Dolphin Conservation (“WDC”), the ASFB and any other ecological advisors as required at the discretion of the Licensing Authority. The PEMP must be in accordance with the Application as it relates to environmental monitoring.</p> <p>The PEMP must set out measures by which the Licensee must monitor the environmental impacts of the Works. Monitoring is required throughout the lifespan of the Works where this is deemed necessary by the Licensing Authority and specifically, monitoring for cable exposure as specified in condition 3.2.2.10 parts f and g (of the marine licence). Lifespan in this context includes pre-construction, construction, operational and decommissioning phases.</p> <p>Monitoring should be done in such a way as to ensure that the data which is collected allows useful and valid comparisons as between different phases of the Works. Monitoring may also serve the purpose of verifying key predictions in the Application. Additional monitoring may be required in the event that further potential adverse environmental effects are identified for which no predictions were made in the Application.</p> <p>The Licensing Authority may agree that monitoring may cease before the end of the lifespan of the Works.</p> <p>The PEMP must cover, but not be limited to the following matters</p> <p>a) Pre-construction, construction (if considered appropriate by the Licensing Authority) and post-construction monitoring surveys as relevant in terms of the Application and any subsequent surveys for:</p> <ol style="list-style-type: none">1. Diadromous fish;2. Benthic communities; and3. Seabed scour and local sediment	<p>1.) To ensure that appropriate and effective monitoring of the impacts of the Operation is undertaken.</p>

deposition.

- b) The participation by the Licensee in surveys to be carried out in relation to marine mammals as set out in the Marine Mammal Monitoring Programme.

All the initial methodologies for the above monitoring must be approved, in writing, by the Licensing Authority and, where appropriate, in consultation with the Moray Firth Regional Advisory Group (“MFRAG”), referred to in conditions 3.2.2.18 and 3.2.3.10 of the marine licence. Any pre-consent surveys carried out by Licensee to address any of the above species may be used in part to discharge this condition.

The PEMP is a live document and must be regularly reviewed by the Licensing Authority, at timescales to be determined by the Licensing Authority, in consultation with the MFRAG to identify the appropriateness of on-going monitoring. Following such reviews, the Licensing Authority may, in consultation with the MFRAG, require the Licensee to amend the PEMP and submit such an amended PEMP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation with MFRAG and any other ecological, or such other advisors as may be required at the discretion of the Licensing Authority. The PEMP, as amended from time to time, must be fully implemented by the Licensee at all times.

The Licensee must submit written reports of such monitoring surveys to the Licensing Authority at timescales to be determined by the Licensing Authority in consultation with the MFRAG. Subject to any legal restrictions regarding the treatment of the information, the results are to be made publicly available by the Licensing Authority, or by such other party appointed at their discretion.

2.) The Licensee must, no later than 6 months prior to the Commencement of the Works, submit an Environmental Management Plan (“EMP”), in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH, Scottish Environment Protection Agency (“SEPA”), Aberdeenshire Council and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The Works must, at all times, be constructed and operated in accordance with the approved EMP (as updated and

2.) To mitigate the impacts on the Natura interests during construction and Operation.

amended from time to time by the Licensee). Any updates or amendments made to the EMP by the Licensee must be submitted, in writing, by the Licensee to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with Aberdeenshire Council.

The EMP must set out a mechanism for the approval process for all proposed updates to the EMP. This must include, but not be limited to, a programme for the consideration of the consultation on, and any subsequent grant of approval of the proposed updated EMP, to be agreed in writing between the Licensee and the Licensing Authority.

The EMP must provide the over-arching framework for on-site environmental management during the phases of works as follows:

- a) all construction as required to be undertaken before the Final Commissioning of the Works; and
- b) the operational lifespan of the Works from the Final Commissioning of the Works until the cessation of electricity transmission (environmental management during decommissioning is addressed by condition 3.2.2.2 of the marine licence).

The EMP must be in accordance with the Application as it relates to environmental management measures. The EMP must set out the roles, responsibilities and chain of command of any Licensee personnel, contractors or sub-contractors in respect of environmental management for the protection of environmental interests during the construction and operation of the Works. It must address, but not be limited to, the following over-arching requirements for environmental management:

- a) Mitigation measures to prevent significant adverse impacts to environmental interests, as identified in the Application and pre-consent and pre-construction surveys, and include the relevant parts of the CMS;
- b) A completed Written Scheme of Investigation ("WSI") approved by Historic Scotland;
- c) Pollution prevention measures and contingency plans;
- d) Management measures to prevent the introduction of marine non-native marine species;
- e) Measures to minimise, recycle, reuse and dispose of waste streams; and

- f) The methods for responding to environmental incidents and the reporting mechanisms that will be used to provide the Licensing Authority and relevant stakeholders (including, but not limited to, the JNCC, SNH, SEPA, Maritime and Coastguard Agency (“MCA”) and the Northern Lighthouse Board (“NLB”)) with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed.

The Licensee must, no later than 3 months prior to the Final Commissioning of the Works, submit an updated EMP, in writing, to cover the operation and maintenance activities for the Works to the Licensing Authority for their written approval. Such approval may be given only following consultation with the JNCC, SNH, SEPA and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The EMP must be regularly reviewed by the Licensee and the MFRAG (refer to conditions 3.2.2.18 and 3.2.3.10 of the marine licence) over the lifespan of the Works, and be kept up to date (in relation to the likes of construction methods and operations of the Works in terms of up to date working practices) by the Licensee in consultation with the MFRAG.

The EMP must be informed, so far as is reasonably practicable, by the baseline surveys undertaken as part of the Application and the PEMP.

3.) The Licensee must, no later than 6 months prior to the Commencement of the Works, submit a CoP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH, SEPA, MCA, NLB, Aberdeenshire Council and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The CoP must be in accordance with the Application.

The CoP must set out:

- a) The proposed date for Commencement of the Works;
- b) The proposed timings for mobilisation of plant and delivery of materials, including details of onshore lay-down areas;
- c) The proposed timings and sequencing of construction work for all elements of the Works infrastructure;
- d) Contingency planning for poor weather or other

3.) To confirm the timing and programming of construction.

<p>unforeseen delays; and</p> <p>e) The scheduled date for Final Commissioning of the Works.</p> <p>4.) The Licensee must, no later than 6 months prior to the Commencement of the Works submit a CMS, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH, SEPA, MCA, NLB, Aberdeenshire Council and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The CMS must set out the construction procedures and good working practices for constructing the Works. The CMS must be in accordance with the construction methods assessed in the Application and must include details of how the construction related mitigation steps proposed in the Application are to be delivered.</p> <p>The CMS must, so far as is reasonably practicable, be consistent with the Design Statement (“DS”), the EMP, the VMP, the Navigational Safety Plan (“NSP”), the PS, the CaP and the Lighting and Marking Plan (“LMP”).</p> <p>5.) The Licensee must, no later than 6 months prior to the Commencement of the Works, submit a PS, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH and any such other advisors as may be required at the discretion of the Licensing Authority.</p> <p>The PS must include:</p> <ul style="list-style-type: none"> a) Full details of the proposed method and anticipated duration of pile-driving at all locations; b) Details of soft-start piling procedures and anticipated maximum piling energy required at each pile location; and c) Details of mitigation and monitoring to be employed during pile-driving, as agreed by the Licensing Authority. <p>The PS must be in accordance with the Application and reflect any surveys carried out after submission of the Application. The PS must demonstrate how the exposure to and/or the effects of underwater noise have been mitigated in respect of the following species: bottlenose dolphin; harbour seal; Atlantic salmon; cod; and herring.</p>	<p>4.) To ensure the appropriate construction management of the Operation, taking into account mitigation measures to protect Natura interests.</p> <p>5.) To mitigate the underwater noise impacts arising from piling activity.</p>
--	---

The PS must, so far as is reasonably practicable, be consistent with the EMP, the PEMP and the CMS.

6.) The Licensee must, no later than 6 months prior to the Commencement of the Works, submit a VMP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH, and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The VMP must include, but not be limited to, the following details:

- a) The number, types and specification of vessels required;
- b) Working practices to minimise the unnecessary use of ducted propellers;
- c) How vessel management will be co-ordinated, particularly during construction but also during operation; and
- d) Location of working port(s), how often vessels will be required to transit between port(s) and the Site and indicative vessel transit corridors proposed to be used.

The VMP must, so far as is reasonably practicable, be consistent with the CMS, the EMP, the PEMP, the NSP, and the LMP.

7.) The Licensee must, no later than 6 months prior to the Commencement of the Works, submit CaP, in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH, MCA, and the Scottish Fisherman's Federation ("SFF") and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The CaP must be in accordance with the Application.

The CaP must include the following:

- a) Details of the location and cable laying techniques for the cables;
- b) The results of survey work (including geophysical, geotechnical and benthic surveys) which will help inform cable routing;
- c) A pre-construction survey for Annex 1 habitat and priority marine features to inform cable micro-siting and installation methods in consultation with the Licensing Authority and

6.) To mitigate disturbance or impact to marine mammals.

7.) To ensure Natura issues are considered for the location and construction of the inter array cables and export cable corridor to shore.

<p>their advisors;</p> <ul style="list-style-type: none"> d) Technical specification of all cables, including a desk based assessment of attenuation of electro-magnetic field strengths and shielding; e) A burial risk assessment to ascertain if burial depths can be achieved. In locations where this is not possible then suitable protection measures must be provided; f) Methodologies for over trawl surveys of the cables through the operational life of the Works where mechanical protection of cables laid on the sea bed is deployed; and g) Measures to address exposure of any cables. <p>8.) Prior to the Commencement of the Works, the Licensee must at its own expense, and with the approval of the Licensing Authority in consultation with the JNCC and SNH, appoint an Ecological Clerk of Works (“ECoW”). The term of appointment for the ECoW shall be from a start date to be agreed, in writing, with the Licensing Authority, until the Final Commissioning of the Works.</p> <p>The responsibilities of the ECoW must include, but not be limited to:</p> <ul style="list-style-type: none"> a) Quality assurance of final draft version of all plans and programmes required under this licence; b) Provide advice to the Licensee on compliance with licence conditions, including the conditions relating to the CMS, the EMP, the PEMP, the PS, the CaP and the VMP; c) Monitor compliance with the CMS, the EMP, the PEMP, the PS, the CaP and the VMP; d) Provide reports on point c) above to the Licensing Authority at timescales to be determined by the Licensing Authority; and e) Inducting site personnel on the Site / the Works environmental policy and procedures. <p>The ECoW role may be carried out by a party appointed by the Licensee or a third party to carry out an equivalent role pursuant to other consents or licences granted in relation to the Works and subject to the written approval of the Licensing Authority.</p> <p>9.) The Licensee must participate in MFRAG established by the Licensing Authority for the purpose of advising the Licensing Authority on research, monitoring and mitigation programmes for, but not limited to, diadromous fish, marine mammals and</p>	<p>8.) To ensure that appropriate and effective monitoring of the impacts of the Operation is undertaken.</p> <p>9.) To ensure effective environmental monitoring and mitigation is undertaken at a Regional scale.</p>
---	---

commercial fish. Should a Scottish Strategic Marine Environment Group (“SSMEG”) be established (refer to conditions 3.2.2.19 and 3.2.3.11 in the marine licence), the responsibilities and obligations being delivered by the MFRAG will be subsumed by the SSMEG at a timescale to be determined by the Licensing Authority.

10.) The Licensee must participate in any SSMEG established by the Licensing Authority for the purpose of advising the Licensing Authority on research, monitoring and mitigation programmes for, but not limited to, diadromous fish, marine mammals and commercial fish.

11.) The Licensee must, no later than 3 months prior to the commissioning of the first OSP, submit an Operation and Maintenance Programme (“OMP”), in writing, to the Licensing Authority for their written approval. Such approval may only be granted following consultation by the Licensing Authority with the JNCC, SNH, SEPA, MCA, NLB, Aberdeenshire Council and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The OMP must set out the procedures and good working practices for the operations and maintenance of the OSPs, substructures, and cable network of the Works. Environmental sensitivities which may affect the timing of the operation and maintenance activities must be considered in the OMP.

The OMP must, so far as is reasonably practicable, be consistent with the EMP, the PEMP, the VMP, the NSP, the CaP and the LMP.

12.) The Licensee must, to the satisfaction of the Licensing Authority, participate in the monitoring requirements as laid out in the ‘Scottish Atlantic Salmon, Sea Trout and European Eel Monitoring Strategy’ so far as they apply at a local level (the Moray Firth). The extent and nature of the Licensee’s participation is to be agreed by the Licensing Authority in consultation with the MFRAG.

10.) To ensure effective environmental monitoring and mitigation is undertaken at a National scale.

11.) To safeguard Natura interests during operation of the transmission infrastructure.

12.) To ensure effective monitoring of the effects on migratory fish at a local level (the Moray Firth).

4. RESPONSE

a) Marine Scotland's Comments

For Marine Scotland advice to other authorities:

Will not adversely affect site integrity of the Moray Firth SAC, Dornoch Firth & Morrich More SAC and River Spey SAC.

For Marine Scotland response to request for opinion on effects of permitted development:

Will not adversely affect site integrity of the Moray Firth SAC, Dornoch Firth & Morrich More SAC and River Spey SAC.

For Marine Scotland response to application:

Licence process will continue

Name of assessor	Alexander Ford
Date	08 September 2014
Name of approver	Gayle Holland
Date	09 September 2014