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MARINE SCOTLAND LICENSING OPERATIONS TEAM'S ("MS-LOT") ASSESSMENT OF THE PROJECT'S IMPLICATIONS FOR DESIGNATED SPECIAL AREAS OF CONSERVATION AND FOR SPECIAL PROTECTION AREAS IN VIEW OF THE SITES' CONSERVATION OBJECTIVES.

APPLICATION FOR A MARINE LICENCE UNDER THE MARINE (SCOTLAND) ACT 2010 FOR THE INSTALLATION OF A HIGH VOLTAGE DIRECT CURRENT ("HVDC") ELECTRICAL INTERCONNECTOR AND ASSOCIATED WORKS, INCLUDING INSTALLATION OF ROCK PROTECTION, BETWEEN SCOTLAND AND NORWAY

SECTION 1: BACKGROUND

1 Appropriate assessment ("AA") conclusion

- 1.1 This AA concludes that there will be no adverse effect on the site integrity of the Buchan Ness to Collieston Coast SPA from the NorthConnect proposal either in isolation or in combination with other projects, provided the conditions described in Section 4 are applied.

2 Introduction

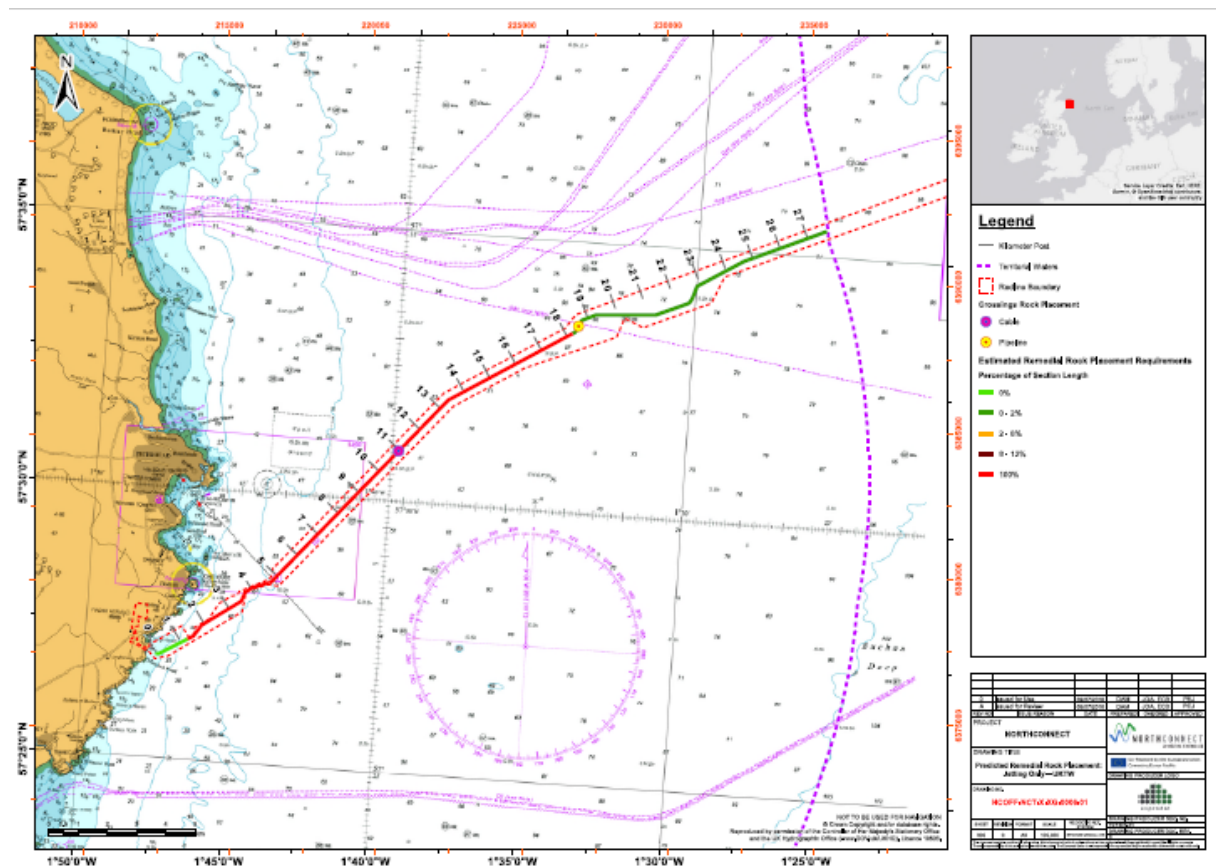
- 2.1 This is a record of the AA of the NorthConnect proposal to install and operate a High Voltage Direct Current ("HVDC") electrical interconnector between Peterhead, Scotland and Simadalen, Norway. This AA assesses only the impacts on European protected sites within Scottish territorial waters (within 12 nautical miles ("nm") of the Scottish coastline). Further details of the proposal are provided in Section 3.
- 2.2 The assessment has been undertaken by MS-LOT. This assessment is required under Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ("the Regulations"). This AA is in accordance with Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora . MS-LOT, as the 'competent authority' under the Regulations, has to be satisfied that the project will not adversely affect the integrity of any European site (SAC and SPA) before it can grant consent for the project.
- 2.3 A detailed AA has been undertaken and Scottish Natural Heritage ("SNH") has been consulted.

3 Details of proposed operation

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- 3.1 The proposal by NorthConnect is to install a 1,400 megawatt HVDC electrical interconnector between Peterhead, Scotland and Simadalen, Norway. The HVDC electrical interconnector will be used to transport electricity between Norway and Scotland.
- 3.2 The proposal includes two HVDC cables and fibre optic cabling between two converter stations. The cabling in the marine environment will be approximately 665km from the UK to Norway. Figure 1 below shows the route of the cable within 12nm. The cable will come ashore at Long Haven Bay and connect to a converter station at Fourfields, near Boddam, Peterhead.

Figure 1 shows the route of the cable within 12 nautical miles



- 3.3 Horizontal directional drilling (“HDD”) will be utilised at landfall. The marine cabling from the HDD marine exit point to the UK median line is approximately 230km. The HDD marine exit point is located in water depths of approximately 26m. There will be three boreholes drilled, one for each of the two HVDC cables and one for the fibre optic cable. All three holes will be drilled to a diameter suitable for a HVDC cable. This is so that if there is

an issue with one of the HVDC ducts preventing cable pull, there is a backup route available. If the fibre optic cable is in a separate borehole it will be routed towards one of the main HVDC cables and bundled with it for the remainder of the route. It is assumed that the two HVDC cables will be installed separately although there is a small potential for them to be bundled together.

3.4 This AA considers the proposed works from MHWS in Scotland out to 12nm. This is the first 12nm of the cable corridor, which is known to pose challenging seabed conditions for cable burial. An assessment undertaken by NorthConnect indicated that it should be possible to protect the cable in this area by ploughing and backfill rock placement to original seabed levels for around 90% to 95% of the route. The remaining 5% to 10% will require remedial rock placement above existing sea levels to obtain the appropriate protection levels.

3.5 The proposed works were originally planned to commence on 01 October 2019 and conclude on 30 October 2023. However, the project has been delayed by one year and so the revised dates are 01 October 2020 to 30 October 2024, approximately 54 months of construction activities. The lifespan of the project is 40 years.

4 Consultation

4.1 SNH was consulted on 4 September 2018 and provided a response on 15 October 2018, advising that an AA was required. Further clarification was sought from SNH on 5 December 2018 to which SNH provided a response on 11 December 2018. The Royal Society for the Protection of Birds Scotland ("RSPB Scotland") were consulted in respect of the proposal on 4 September 2018 and provided a response on 3 October 2018. Further clarification was sought from RSPB Scotland on 5 December 2018 and a response was provided by RSPB Scotland on 7 December 2018.

5 Main points raised during consultation

5.1 SNH advised that the proposal will have a likely to have a significant effect ("LSE") on the bottlenose dolphin qualifying interest of the Moray Firth SAC due to underwater noise emissions from the use of Sub-Bottom Profilers ("SBP") during the cable installation and associated works. MS-LOT note this advice, however, the use of SBP (and other geophysical survey equipment) is not covered by the marine licensing regime in the Marine (Scotland) Act 2010. A separate application for a licence to disturb or injure European protected species ("EPS licence") will be submitted in due

course, to permit the use of SBP and other survey equipment required. The advice received from SNH in relation to this qualifying interest and site will be considered in the AA to be completed for any EPS licence application received in relation to these works. The qualifying interests of the Moray Firth SAC will therefore not be considered further in this AA.

- 5.2 SNH advised that the cable installation and associated works will have a LSE on the breeding seabird interest of the Buchan Ness to Collieston Coast SPA.
- 5.3 RSPB Scotland stated that the cable pull site set-up should occur outwith the breeding period. RSPB Scotland further advised that, provided the works are carried out in the very early/late breeding period months (no later than March and no earlier than August), then the potential impacts are unlikely to cause significant disturbance to breeding birds. RSPB Scotland did not object to the proposal, providing the mitigation measures set out in the EIA Report are implemented and complied with, and providing a Breeding Bird Plan is submitted and approved prior to the commencement of the proposed works.
- 5.4 Further clarification was sought from RSPB on 5 December 2018 regarding their comments on cable site set-up. In their response dated 7 December 2018, RSPB Scotland confirmed that the cable pull site set-up is on land and their response was for the project as a whole. RSPB Scotland understand that the marine licence will cover works up to mean high water springs and that the cable pull site set-up will be regulated through the onshore planning regime.
- 5.5 SNH advised that the proposed works are not likely to have a significant effect on the qualifying interests of the following sites and therefore, the sites listed below will not be considered further within this AA;
- Ythan Estuary SPA;
 - Sands of Forvie and Meikle Loch SPA;
 - Troup, Pennan and Lion's Heads SPA;
 - Fowlsheugh SPA;
 - Forth Islands SPA;
 - Moray Firth proposed SPA ("pSPA");
 - Outer Firth of Forth and St Andrew's Bay Complex pSPA;
 - River Dee SAC;
 - River South Esk SAC;
 - River Tay SAC;

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- River Teith SAC; or
- River Tweed SAC.

SECTION 2: INFORMATION ON NATURA SITES

6 Background information and qualifying interests for the relevant Natura sites

- 6.1 This section provides links to the Scottish Natural Heritage Interactive website where the background information on the site being considered in this assessment is available. The qualifying interests for the site are listed as are the conservation objectives.

Table 1 Name of Natura site affected and current status

<p>Moray Firth SAC</p> <p>https://sitelink.nature.scot/site/8327</p> <p>Buchan Ness to Collieston Coast SPA</p> <p>https://sitelink.nature.scot/site/8473</p>

Table 2 European qualifying interests

<p>Moray Firth SAC</p> <ul style="list-style-type: none">• Bottlenose dolphins (<i>Tursiops truncatus</i>)• Subtidal sandbanks <p>Buchan Ness to Collieston Coast SPA</p> <ul style="list-style-type: none">• Fulmar (<i>Fulmarus glacialis</i>), breeding• Guillemot (<i>Uria aalge</i>), breeding• Herring gull (<i>Larus argentatus</i>), breeding• Kittiwake (<i>Rissa tridactyla</i>), breeding• Shag (<i>Phalacrocorax aristotelis</i>), breeding• Seabird assemblage (breeding)
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Table 3 Conservation objectives

Buchan Ness to Collieston Coast SPA

To avoid deterioration of the habitats of the qualifying species (listed above) 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
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

Moray Firth SAC – Bottlenose dolphin

To avoid deterioration of the habitats of the qualifying species (listed above) 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:

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

Moray Firth SAC – Subtidal sandbanks

To avoid deterioration of the qualifying habitat (listed above) 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:

- Extent of the habitat on site
- Distribution of the habitat within site
- Structure and function of the habitat
- Processes supporting the habitat

- Distribution of typical species of the habitat
- Viability of typical species as components of the habitat
- No significant disturbance of typical species of the habitat

SECTION 3: ASSESSMENT IN RELATION TO REGULATION 48 OF THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994

7 Requirement for appropriate assessment

7.1 *Is the operation directly connected with or necessary to conservation management of the site?*

7.1.1 The operation is not directly connected with, or necessary to, the conservation management of the site.

7.2 *Is the operation likely to have a significant effect on the qualifying interest?*

7.2.1 In their response dated 15 October 2018, SNH advised that the proposal would have a LSE on the breeding seabird interests of the Buchan Ness to Collieston Coast SPA during the construction phase of the works only, due to disturbance arising from noise impacts and vessel movements. SNH advised that it was unlikely that there would be any significant effects on the breeding seabird qualifying interests of the Buchan Ness to Collieston Coast SPA during the operational phase of the works, or as a result of impacts on seabed habitat. MS-LOT agree with this advice have therefore only considered impacts during the construction phase of the proposed works.

7.2.2 SNH advised, however, that the impact of works outside the SPA boundary, during all phases of the works, are unlikely to have significant effects on the qualifying interests of the Buchan Ness to Collieston Coast SPA and therefore, only the impacts of the proposed works within the SPA boundary have been considered within this AA.

7.2.3 MS-LOT agree with SNH's advice and have undertaken an AA for the Buchan Ness to Collieston Coast SPA, for the qualifying interests listed above.

8 Appropriate assessment of the implications for the site in view of the site's conservation objectives.

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- 8.1 MS-LOT have used the advice provided by SNH on 15 October 2018 to support this assessment.
- 8.2 MS-LOT have considered the implications for the site in view of the conservation objectives and note SNH's advice that the proposal (in isolation) will not adversely affect the integrity of the Buchan Ness to Collieston Coast SPA subject to the points outlined below and the condition described in Section 4.
- 8.3 SNH concluded that there would be no adverse effect on the site integrity of the Buchan Ness to Collieston Coast SPA, provided that the proposal is undertaken in strict accordance with the following mitigation measures:
- Vessels associated with cable pull activities should follow the [Scottish Marine Wildlife Watching Code](#) and the [Guide to Best Practice for Watching Marine Wildlife](#) to minimise disturbance to nesting and rafting birds. This includes;
 - Not approaching cliffs within a minimum of 50m;
 - Avoiding driving through rafting birds; and
 - Travelling at less than six knots (where safe to do so) in the vicinity of birds on the water and on cliffs.
 - Vessels should avoid section 3B (rocks known as The Meaths) south of the headland where the cable makes landfall. Notable numbers of birds were counted in this area for several seabird features of the SPA.
 - Mitigation measures should be outlined in a Vessel Management Plan to be communicated to all vessel operators.
 - Any lighting is directed at the working area only and should not illuminate cliffs.
- 8.4 Further clarification was sought from SNH regarding section 3B (rocks known as The Meaths). The Meaths are cliffs and above mean high water springs. In their response dated 11 December 2018, SNH advised that the minimum distance that vessels should remain away from the Meaths to avoid an adverse effect on the integrity of the Buchan Ness to Collieston Coast SPA is 50m. SNH also advised that a greater distance from areas of dense seabird occupation, such as the Meaths, would be preferable, but not necessary to avoid an adverse effect on the integrity of the site.
- 8.5 SNH considered a number of factors relating to potential noise impacts and vessel disturbance from the proposal on the breeding seabirds qualifying

interest of the Buchan Ness to Collieston Coast SPA and concluded that these impacts:

- Are localised, short-term and temporary;
- Are reversible over time;
- Will likely affect a very small proportion of birds within the SPA; and
- Will likely affect productivity only.

8.6 SNH concluded, based on consideration of the factors detailed above, there will be no adverse effect on the integrity of the Buchan Ness to Collieston Coast SPA from the project in isolation.

8.7 MS-LOT concurs with the conclusions of SNH that, provided the mitigation measures outlined above are fully implemented, there will be no adverse effect on the integrity of the Buchan Ness to Collieston SPA from the proposal in isolation.

9 In-combination assessment

9.1 MS-LOT has carried out an in-combination assessment to ascertain whether the proposal will have a cumulative effect with other plans or projects which have the potential to affect the qualifying features of the Buchan Ness to Collieston Coast SPA.

9.2 MS-LOT is aware of the following activities where a likely significant effect was identified on the qualifying interests of the Buchan Ness to Collieston Coast SPA. The in-combination effects of these plans and projects on the SPA are considered below:

- European Offshore Wind Deployment Centre ("EOWDC");
- Aberdeen Harbour Expansion Project ("AHEP"), construction, capital dredging and sea disposal;
- Caithness Moray Rock Placement;
- Forth and Tay Windfarm Developments;
- Hywind Scotland Pilot Park;
- Dounreay Tri Floating Wind Demonstration Project; and
- Kincardine Offshore Wind Limited ("KOWL").

9.3 EOWDC

9.3.1 Installation and operation of the EOWDC, consisting of 11 turbines, inter-array and export cables located 2 to 4.5km east of Blackdog, Aberdeenshire. Construction commenced in November 2017, beginning with foundations and

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cabling. All construction works have been completed for this project, which is now in the operational phase.

- 9.3.2 The AA for this project concluded that there would be no adverse effect on the site integrity of the Moray Firth SAC or the Buchan Ness to Collieston Coast SPA provided that the conditions set out in the AA are complied with. Provided both projects are carried out in accordance with the conditions included within their respective AAs, MS-LOT conclude that there will be no cumulative impact with the proposal on the site integrity of the Buchan Ness to Collieston Coast SPA.

9.4 AHEP, construction, capital dredging and sea disposal

- 9.4.1 Aberdeen Harbour Board ("AHB") proposes to develop a new harbour facility at Nigg Bay, Aberdeen, approximately 0.8km south of the existing harbour in Aberdeen City centre. The AHB proposal includes construction of two breakwaters, quaysides and associated infrastructure as well as a large-scale capital dredge and sea disposal operation. Works commenced in late 2016 and are scheduled to take place over a 3-year period. Dredging operations are expected to last until September 2019, which is when their dredging licence expires. Test blasting was undertaken in August 2018 and discussions are currently underway regarding future blasting operations. Therefore, timelines relating to blasting are yet to be confirmed. AHB are no longer undertaking any impact piling and will be using rotary piling, which is thought to produce less noise. All marine elements of the works are scheduled to be complete by February 2020. Full details of the project can be found in the documentation available [here](#).
- 9.4.2 The AA for this project concluded that there would be no adverse effect on the site integrity of the Buchan Ness to Collieston Coast SPA provided that the conditions set out in the AA are complied with. Provided both projects are carried out in accordance with the conditions in the respective AAs, MS-LOT conclude there will be no cumulative impact with the proposal on the site integrity of the Buchan Ness to Collieston Coast SPA.

9.5 Caithness Moray Rock Placement

- 9.5.1 The works consist of the placement of rock protection along the route of the Caithness to Moray cable installed under previous licences. Deposits of 154,127 tonnes of crushed rock are to be placed over the existing power cable bundle in areas of hard ground conditions. The rock placement activities will be executed by Dynamic Positioned Fall Pipe Vessels. Larger rocks (i.e. those that cannot be placed by fall pipe) will be placed on to the

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rock berm through use of a crane and large rock grab. The works will require the use of a Multi Beam Echo Sounder system for pre- and post-work surveys, Ultra Short Baseline positioning systems and beacons, for which a separate EPS licence has been obtained. Works are scheduled to take place between 1 March 2018 and 31 August 2019.

- 9.5.2 The AAs completed for this this project concluded that there would be no adverse effect on the site integrity of the Buchan Ness to Collieston Coast SPA, provided that the conditions set out in the AAs are complied with. Given there is no overlap in the timing of the two projects, MS-LOT will conclude there will be no significant adverse effect on the Buchan Ness to Collieston Coast SPA in-combination with the NorthConnect proposal.

9.6 Forth and Tay Windfarm Developments

- 9.6.1 When considered collectively, the following developments are referred to as the "Forth and Tay Windfarm Developments":

- Neart na Gaoithe Offshore Windfarm Limited development ("NNGOWL"), located approximately 15.5km to the east of Fife Ness in the outer Firth of Forth;
- Inch Cape Offshore Limited development ("ICOL"), approximately 15km to the east off the Angus coastline;
- Seagreen Alpha Wind Energy Limited development ("SAWEL"), approximately 27km off the Angus coastline; and
- Seagreen Bravo Wind Energy Limited development ("SBWEL"), approximately 38km off the Angus coastline.

- 9.6.2 A full project description for each development can be found here: [NNGOWL](#), [ICOL](#), [SAWEL](#), [SBWEL](#). These projects all received marine licences and consent under section 36 of the Electricity Act 1989 (as amended) in October 2014 ("the Original Consent"). These projects were not been progressed due to delays associated with a judicial review and have all submitted applications for new section 36 and marine licences to reflect recent technological advances. In December 2018, NNGOWL were granted a new section 36 consent and two marine licences in respect of the Neart na Gaoithe Offshore Wind Farm (Revised Design), which comprises of fewer, larger turbines when compared to the Original Consent. Construction activities for the Revised Design are scheduled to commence in Q3 2021 and conclude in late 2022. Construction timeframes for the existing consents for SBWEL, SAWEL and ICOL remain unclear at present.

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9.6.3 The 2014 AA for the Forth and Tay Windfarm Developments concluded that there would be no adverse effect on the site integrity of the Buchan Ness to Collieston Coast SPA. The AA completed for the Revised Design for Neart na Gaoithe Offshore Windfarm in 2018 concluded that there would be no adverse effect on the site integrity of the Buchan Ness to Collieston Coast SPA provided that the conditions set out in the AA are implemented and complied with. Provided the conditions set out in the respective AAs for the Forth and Tay Developments and this AA are complied, MS-LOT concludes that there will be no cumulative adverse impact on the site integrity of the Buchan Ness to Collieston Coast SPA as a result of the NorthConnect proposal in-combination with the Forth and Tay Developments.

9.7 Hywind Scotland Pilot Park

9.7.1 The Hywind Pilot Park is located approximately 25km off the coast at Peterhead, North East Scotland just outside the 12nm territorial water limit. The project includes construction, installation, operation and maintenance activities. Five 6MW wind turbine generators ("WTGs") have been installed and are expected to produce up to 135GWh per year of electricity. The turbines are positioned between 800 to 1,600m apart and attached to the seabed by a three-point mooring spread and anchoring system. Three anchors are required per turbine and the radius of the mooring system extends between 600 to 1,200m out from each turbine. The turbines are connected by inter-array cables which may require stabilisation in some locations. The export cable, which transports electricity from the Pilot Park to shore at Peterhead, is buried where seabed conditions allow. Where this is not possible, cable protection in the form of concrete mattresses and rock is required. Both the inter-array and export cables have 33 kV transfer voltage. The export cable comes ashore at Peterhead and connects to the local distribution network at SSE Peterhead Grange substation. The onshore project infrastructure comprises an underground cable approximately 1.5km in length and a small switchgear yard facility close to Peterhead Grange substation.

9.7.2 All construction and installation works are complete and the project is now in the operational phase. A full project description can be found [here](#).

9.7.3 The AA for this project concluded that there would be no adverse effect on the site integrity of the Buchan Ness to Collieston Coast SPA provided the conditions in the AA are complied with. Given the fact that the main risk identified from the Hywind Pilot Park was in relation to cable laying activities, which are now complete, and providing the conditions of both the Hywind AA and this AA are implemented and complied with, MS-LOT conclude there will

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be no cumulative impact with the NorthConnect proposal on the site integrity of the Buchan Ness to Collieston Coast SPA.

9.8 Dounreay Tri Floating Wind Demonstration Project

9.8.1 The Development is a demonstration floating offshore wind farm called 'Dounreay Tri' which shall consist of:

- A two turbine offshore wind farm with an installed capacity of between 8 to 12 MW, at least 6km off Dounreay, Caithness;
- A single, 33kV, export cable to bring the power to shore immediately to the west of the Dounreay Restoration Site fence line; and
- Subject to a Connection Offer from Scottish and Southern Energy Power Distribution, the associated onshore electrical infrastructure to connect the Development at, or near, the existing substation at Dounreay.

9.8.2 The main offshore components will include:

- Two offshore wind turbines;
- A floating foundation;
- Mooring clump weight;
- Mooring chain and/or steel lines;
- Drag embedment anchors;
- One cable to bring the renewable electricity ashore; and
- Scour protection for the anchors and the export cable, where necessary.

9.8.3 A full project description can be found [here](#). The company behind this development has gone into administration and presently the project is 'on hold'. Although there is interest from other organisations in buying the existing consents, work is currently suspended.

9.8.4 The AA for this project concluded that there would be no adverse effect on the site integrity of the Buchan Ness to Collieston Coast SPA. Given the timings of the works are unlikely to overlap, and providing both projects are carried out in accordance with the conditions in the respective AAs, MS-LOT conclude there will be no cumulative impact with the North Connect proposal on the site integrity of the Buchan Ness to Collieston Coast SPA.

9.9 Kincardine Offshore Wind Farm

9.9.1 A full project description can be found [here](#).

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9.9.2 The AA for this project concluded that there would be no adverse effect on the site integrity of the Buchan Ness to Collieston Coast SPA. Providing both projects are carried out in accordance with the conditions in the respective AAs, MS-LOT conclude there will be no cumulative impact with the proposed cable installation on the site integrity of the Buchan Ness to Collieston Coast SPA.

9.10 MS-LOT Conclusion

9.11 MS-LOT conclude that the NorthConnect proposal will not adversely affect the site integrity of the Buchan Ness to Collieston SPA, either in isolation or in-combination with the plans or projects detailed above.

SECTION 4: CONDITIONS

10 Conditions required

10.1 The licensee must submit a Construction Environment Management Plan ("CEMP"), in writing, to the licensing authority for their written approval at least two months prior to the commencement of the works, or less if agreed by the licensing authority. It is not permissible for any works associated with the CEMP to proceed prior to the granting of such approval. The CEMP must be consistent with the application and supporting information as it relates to environmental management measures. It must address but not be limited to, the following over-arching requirements for environmental management during construction:-

- a) Mitigation measures to prevent significant adverse impacts to environmental interests including protected areas and features, as identified in the application and supporting information;
- b) Pollution prevention measures and pollution contingency plans;
- c) The reporting mechanisms which will be used to provide the licensing authority and any relevant stakeholders with regular updates on operations relating to the licence, including any environmental issues which have been encountered and how these have been addressed;
- d) Methods to ensure the prevention of introduction of marine non-native species; and

The CEMP must also include but not be limited to the following:-

- a) All mitigation from the UK Environmental Impact Assessment Report (Revision 0 – Issue Date 30 July 2018) submitted to the licensing authority in support of the application;
- b) Vessel Management Plan;

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- c) Breeding Bird Protection Plan; and
- d) Marine Mammal Protection Plan.

- 10.2 The licensee must ensure that vessels remain more than 50m away from the bird survey section count area 3B known as 'the Meaths'.
- 10.3 The licensee must ensure that any lighting is directed at the working area only and does not illuminate cliffs of the Buchan Ness to Collieston Coast Special Protection Area.