



Eastern Green Link 3

Marine Environmental Appraisal

Chapter 5 - Designated Sites

Prepared for: Scottish Hydro Electric Transmission plc (SHE-T)



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Abbreviations/Glossary

| Abbreviation | Description |
|---------------------|--|
| AA | Appropriate Assessment |
| AEoI | Adverse Effect on Integrity |
| DEFRA | Department for Environment, Food & Rural Affairs |
| EC | European Commission |
| EU Exit Regulations | Conservation of Habitats and Species (EU Exit) (Scotland) (Amendment) Regulations 2019 |
| GIS | Geographical Information System |
| HPMA | Highly Protected Marine Area |
| HRA | Habitats Regulations Appraisal |
| HVDC | High Voltage Direct Current |
| IROPI | Imperative Reasons of Overriding Public Interest |
| JNCC | Joint Nature Conservation Committee |
| LSE | Likely Significant Effect |
| MCAA | Marine and Coastal Access Act 2009 |
| MCZ | Marine Conservation Zone |
| MD-LOT | Marine Directorate – Licensing Operations Team |
| MEAp | Marine Environmental Appraisal |
| MIG_Birds | Marine Industry Group for Ornithology |
| MPA | Marine Protected Area |
| NCMPA | Nature Conservation Marine Protected Area |
| NGET | National Grid Electricity Transmission |
| NM | Nautical Mile |
| SAC | Special Area of Conservation |
| SHE-T | Scottish Hydro Electric Transmission plc |
| SNCB | Statutory Nature Conservation Bodies |
| SPA | Special Protection Area |
| SSSI | Site of Special Scientific Interest |
| ZoI | Zone of Influence |



5. Designated Sites

5.1. Introduction

This chapter collates the preliminary findings of the environmental assessments undertaken to date for the Proposed Development relating to designated sites and species. Specifically, it considers impacts during the construction and operation (and maintenance) phases with a high level assessment of the decommissioning phase. This chapter of the Marine Environmental Appraisal (MEAp) has been collated based on publicly available data and information only. It is assumed that the data collected is accurate, and every effort has been made to check and ensure the accuracy of the data used.

For the purposes of seeking the necessary consents, the Project has been split into different ‘Schemes’ i.e. English Onshore Scheme, English Offshore Scheme, Scottish Onshore Scheme and the Scottish Offshore Scheme (with the latter herein referred to as ‘the Proposed Development’). The Applicant is applying for a Marine Licence from the Scottish Government’s Marine Directorate – Licensing Operations Team (MD-LOT), for the construction, operation and maintenance of the Proposed Development in Scotland. In English waters a Development Consent Order under the Planning Act 2008 is being sought by National Grid Electricity Transmission (NGET).

This chapter is written with specific regard to the Proposed Development for which a single application for a Marine Licence will be made. The Proposed Development comprises:

- Approximately 145 km of subsea High Voltage Direct Current (HVDC) cable from the landfall at Sandford Bay to the boundary with adjacent English waters. The subsea cable system would consist of two bundled HVDC cables and a fibre optic cable (up to the first offshore joint) for control and monitoring purposes, as described further in **Chapter 3: Project Description**.

It is noted that laying and burial of the submarine cables within territorial waters (i.e., within 12 nautical miles (NM)) requires a Marine Licence under the Marine (Scotland) Act 2010. However, within the Scottish offshore region (between 12 and 200 NM), the installation of an international electricity cable is exempt from requiring a Marine Licence under Section 81(2) of the Marine and Coastal Access Act (MCAA) 2009. Assessment of effects for the Proposed Development do consider cable laying beyond 12 NM, however this is to provide a holistic view of the Proposed Development only, and the Applicant will not be seeking consent for the ‘exempt cable’. The placement of cable protection material e.g., concrete mattresses or rock would still qualify as a licensable activity in the Scottish offshore region and therefore consent for cable protection beyond 12 NM is being sought under the MCAA.

To ensure that the Proposed Development does not have a significant adverse effect on designated sites, either alone or in combination with other plans or projects, a Habitats Regulations Appraisal (HRA) Stage 1 Screening and Stage 2 Report to Inform Appropriate Assessment and a Marine Protected Area (MPA) Stage 1 Initial Screening have been carried out to support the MD-LOT decision-making process under the relevant legislation. This chapter explains the HRA and MPA assessment process and summarises the findings of both assessments. This chapter should be read in conjunction with:

- **Appendix 5A: Habitats Regulations Appraisal Stage 1 Screening**
- **Appendix 5B: Habitats Regulations Appraisal Stage 2 Report to Inform Appropriate Assessment**
- **Appendix 5C: Marine Protected Area Assessment**

5.2. Designations

A list of designations relevant to the Proposed Development are listed in **Table 5-1**. Although the Proposed Development is within Scottish waters, any English sites which could be impacted by the Proposed Development have also been included in assessments to provide a holistic view of the Proposed Development and are detailed in **Table 5-1**.

Table 5-1: List of designations relevant to the Proposed Development

| Designation | Description |
|---|---|
| Nature Conservation Marine Protected Area (NCMPA) | Nature Conservation MPAs protect nationally important habitats and species, these are designated in inshore and offshore Scottish waters. The Marine (Scotland) Act 2010 and the MCAA allow the designation of these sites by Scottish Ministers. |
| Ramsar Sites | Sites designated under the International Treaty for the Conservation and Sustainable Use of Wetlands. In the UK, any wetland site that meets one or more of the treaty’s criteria can be designated as a Ramsar site. For legislative and management purposes, Ramsar sites are typically designated in conjunction with relevant European sites. Conservation objectives and operational advice are provided as part of the associated European or European marine site. |



| Designation | Description |
|---|---|
| Sites of Special Scientific Interests (SSSI) | Areas of land identified through scientific surveys as having the highest conservation value. SSSIs are legally protected to preserve their wildlife or geological features. In Scotland, SSSI's are designated under the Nature Conservation (Scotland) Act 2004. |
| Special Area of Conservation (SAC) | Sites designated for the protection of habitats and species listed in Annexes I and II of the Habitats Directive. In the UK, SACs are designated under the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) for sites in the offshore region in both Scotland and England, the Conservation of Habitats and Species Regulations 2017 (as amended) in England and also in Scotland for reserved matters (e.g. Section 37 consenting) and the Conservation Natural Habitats, &c.) Regulations 1994 (as amended) in respect of devolved matters (e.g. marine licensing) in Scotland. |
| Special Protection Area (SPA) | Sites designated for the protection of rare and vulnerable bird species listed in Annex I of the Birds Directive. In the UK, SPAs are designated under the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) for both Scotland and England, the Conservation of Habitats and Species Regulations 2017 (as amended) in England and in Scotland for reserved matters (e.g. Section 37 consenting) and the Conservation Natural Habitats, &c.) Regulations 1994 (as amended) in Scotland for all other matters. |
| Highly Protected Marine Area (HPMA) (England) | Areas of sea designated for the protection of marine ecology. This prohibits any activities including deposits, extraction or destruction, allowing only non-damaging levels of other activities. They are designated under the MCAA and will improve the understanding of how marine ecosystems work. |
| Marine Conservation Zones (MCZ) (England) | The MCAA enables the establishment of MCZs. These zones safeguard a variety of nationally significant marine wildlife, habitats, geology, and geomorphology and can be designated across English and Welsh territorial waters, as well as UK offshore waters. Additionally, the MCAA provided for the conversion of previously designated Marine Nature Reserves into MCZs. |

5.3. Consultation

In January 2024, an MEA Non-Statutory Scoping Report was submitted to MD-LOT as part of a pre-application consultation exercise for the Proposed Development. Responses from consultees were received on 15 July 2024. A summary of the consultation comments and responses can be seen in the following relevant Chapters:

- **Chapter 7: Intertidal and Subtidal Benthic Ecology**
- **Chapter 8: Fish and Shellfish**
- **Chapter 9: Intertidal and Offshore Ornithology**
- **Chapter 10: Marine Mammals and Marine Reptiles**

5.4. Habitats Regulations Appraisal (HRA)

5.4.1. Requirement for HRA Appraisal

The 'Habitats Directive' (European Union Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) protects habitats and species of European nature conservation importance. Together with the 'Birds Directive' (Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds), the Habitats Directive establishes a network of internationally important sites (i.e., 'Natura 2000 Sites') designated for their ecological status. These include SACs and Sites of Community Importance which are designated under the Habitats Directive and promote the protection of flora, fauna, and habitats, as well as SPAs designated under the Birds Directive to protect rare, vulnerable, and migratory birds. Collectively SACs and SPAs are referred to as "European sites" in UK legislation.

The Habitats Directive is transposed into UK law in the offshore area (>12 NM from the coast) by The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) for both Scotland and England; and within the inshore area (<12 NM from the coast) by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) in Scotland for devolved matters as well as the Conservation of Habitats and Species Regulations 2017 for reserved matters, these are collectively referred to as "the Habitats Regulations".

On the UK leaving the European Union (EU), the Conservation of Habitats and Species (EU Exit) (Scotland) (Amendment) Regulations 2019 (EU Exit Regulations) made changes to the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), The



Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) so that they could continue to operate effectively post-Brexit. While the basic legal framework for HRA is therefore maintained, the EU Exit Regulations transfer functions previously undertaken by the European Commission (EC) to Scottish Ministers. Furthermore, where the Habitats Regulations continue to use the term European sites, those sites on land and sea, including inshore and offshore marine areas in the UK now form part of a “national site network” and are no longer part of the EU’s “Natura 2000” site network.

Under the Habitats Regulations, the competent authority is required to undertake a HRA to determine whether there is potential for a plan or project to have an adverse effect on a European site, alone or in-combination with other plans or projects. The HRA process comprises three key stages, as follows:

- **Screening for Likely Significant Effects (LSE):** The process of identifying potentially relevant European sites, and whether the project is likely to have a significant effect on the site either alone or in-combination with other plans and projects. If it is concluded at this stage that there is no potential for LSE, there is no requirement to carry out subsequent stages of the HRA.
- **Appropriate Assessment – the ‘Integrity Test’:** Where an LSE for a European site cannot be ruled out, either alone or in-combination with other plans and projects, it is necessary to provide further information to enable the competent authority to carry out an Appropriate Assessment (AA) of the implications of the project on the integrity of the site(s), either alone or in-combination with other plans and projects, in view of the site’s conservation objectives. Where it is not possible to rule out an Adverse Effect on site Integrity (AEoI) (integrity test), the HRA must progress to Stage 3.
- **Derogations:** Where an AEoI cannot be ruled out, three legal tests must be met and passed for derogations to be granted. First an assessment of alternative solutions to identify and examine alternative ways of achieving the objectives of the project to establish whether there are solutions that would avoid or have a lesser effect on the site(s). Where no alternative solution exists and where an AEoI remains, the next test is the consideration of Imperative Reasons of Overriding Public Interest (IROPI). If it has been shown that there are IROPI, the third test must identify and ensure that any compensatory measures needed to protect the overall coherence of the designated site network are taken.

The requirement for an HRA is further described in **Appendix 5A: Habitats Regulations Appraisal Stage 1 Screening and Appendix 5B: Habitats Regulations Appraisal Stage 2 Report to Inform Appropriate Assessment.**

5.4.2. Guidance

The Stage 1 Screening has been undertaken according to the following guidance:

- Scottish Government Ramsar sites: Ministerial and Chief Planner letter – July 2025 (Scottish Government, 2025);
- National Planning Framework 4: Part 2 – National Planning Policy (Scottish Government, 2024);
- Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001);
- Managing Natura 2000 sites. The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC (EC, 2019);
- The European Commission Guidance - Article 6 of the Habitats Directive – “Rulings of the European Court of Justice. Final Draft”, September 2014 (EC, 2014);
- EU Guidance document on Article 6(4) of the ‘Habitats Directive’ 92/43/EEC (EC, 2007);
- Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2002);
- Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments (Planning Inspectorate, 2025);
- Habitats Regulations Assessments: Protecting a European site (Department for Environment, Food & Rural Affairs (DEFRA) *et al.* 2021);
- The Habitats Regulations Handbook (Tyldesley and Chapman, 2013); and
- Guidance on when new marine Natura 2000 sites should be taken into account in offshore renewable energy consents and licences (DECC, 2016).

Relevant guidance published by Statutory Nature Conservation Bodies (SNCBs) and considered in the assessment includes:

- NatureScot Guidance Note - The handling of mitigation in Habitats Regulations Appraisal – the People Over Wind CJEU judgement (NatureScot, 2025);
- Habitats Regulations Appraisal (HRA) (NatureScot, 2025a);
- European Site Casework Guidance: How to consider plans and projects affecting Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) (NatureScot, 2022);
- Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments (Planning Inspectorate, 2025);



- Seasonal Periods for Birds in the Scottish Marine Environment (NatureScot, 2020);
- JNCC: Guidance for assessing the significance of noise disturbance against Conservation Objectives of Harbour Porpoise SACs (JNCC, 2020).
- Joint SNCB Interim Displacement Advice Note (Marine Industry Group for Ornithology (MIG-Birds), 2022);
- Joint Interim Advice On The Treatment Of Displacement For Red-Throated Diver (MIG-Birds, 2022a); and
- Natural England Offshore Wind Cabling: ten years' experience and recommendations (Natural England, 2018).

5.4.3. Relevant European sites

Selection of relevant European sites in the Stage 1 Screening follows the below principles:

- Any European site within the Proposed Development which, using the Source-Pathway-Receptor model, may be affected by the proposed activities;
- Any European site within the likely Zone of Influence (Zol) of the Proposed Development following the Source-Pathway-Receptor model; and
- Any European site that is designated for mobile Annex II species that have the potential to occur within the Proposed Development or the likely Zol.

The relevant European sites have been identified within **Appendix 5A: Habitats Regulations Appraisal Stage 1 Screening**. Search areas for Annex I habitats and species and Annex II species which are primary and qualifying features (i.e., features for which the site is designated) of a European site were developed based on either the maximum Zol of a potential impact on a qualifying feature (i.e., the maximum spatial extent over which potential impacts could affect receptors), or for mobile Annex II species, the spatial extent over which the impacts of anthropogenic activities should be taken into consideration.

A geographical information system (GIS) using publicly available shapefiles from Natural England (2024, 2024a), NatureScot (2023) and the Scottish Government (2023) was used to identify European sites within the relevant search areas. **Appendix 5A: Habitats Regulations Appraisal Stage 1 Screening Figure 4-1 (Drawing reference C01494-EGL3-MEA-SPEC-008-C)** presents the relevant SACs and marine mammal transboundary European sites within the search areas and **Figure 4-2 (Drawing reference C01494-EGL3-MEA-SPEC-009-C)** presents the relevant SPAs and Ramsar sites within the search area for the three priority seabird species and each of the relevant functional groups.

The European Sites selected as relevant and assessed within the Stage 1 Screening are as follows:

- Buchan Ness to Collieston Coast SPA [UK9002491];
- Buchan Ness to Collieston Coast SAC [UK0030101];
- Ythan Estuary, Sands of Forvie and Meikle Loch SPA [UK9002221];
- Loch of Strathbeg SPA [UK9002211];
- Loch of Strathbeg Ramsar [UK13041]
- Ythan Estuary and Meikle Loch Ramsar [UK13061];
- Troup, Pennan and Lion's Heads SPA [UK9002471];
- River Dee SAC [UK0030251];
- Fowlsheugh SPA [UK9002271];
- Outer Firth of Forth and St Andrews Bay Complex SPA [UK9020316];
- Moray Firth SAC [UK0019808];
- Northumberland Marine SPA [UK9020325];
- Farne Islands SPA [UK9006021];
- Forth Islands SPA [UK9004171]; and
- St Abbs Head to Fast Castle SPA [UK9004271]
- East Caithness Cliffs SPA [UK9001182]
- Southern North Sea SAC [UK0030395].
- North Caithness Cliffs SPA [UK9001181]
- Hoy SPA [UK9002141]
- Cape Wrath SPA [UK9001231]
- Fair Isle SPA [UK9001233]
- Sule Skerry and Sule Stack SPA [UK9001234]



5.4.4. Stage 1 Screening conclusions

Having regard to the relevant legislation and the methodology followed, a Stage 1 Screening was undertaken to ascertain whether or not the Proposed Development could have a LSE on any European site alone or in-combination with other plans or projects.

The Stage 1 Screening identified 14 UK European sites as relevant, either because they were in the direct ZoI of the Proposed Development, or they contained mobile Annex II species which could potentially travel into the ZoI of the Proposed Development.

Fourteen potential impact pathways for effects on receptors during construction, operation and maintenance and decommissioning, were identified and assessed, namely:

- Temporary habitat loss / seabed disturbance;
- Permanent habitat loss;
- Changes in distribution of prey species;
- Temporary increase and deposition of suspended sediments;
- Water flow (tidal current) changes, including sediment transport considerations;
- Temperature changes – local;
- Electromagnetic Fields (EMF);
- Introduction or spread of Marine Invasive Non-Native Species (MINNS);
- Barriers to species movement;
- Underwater noise changes;
- Visual / physical disturbance or displacement (above water noise);
- Collision with project vessels;
- Accidental spills; and
- In-combination effects.

The **Appendix 5A: Habitats Regulations Appraisal Stage 1 Screening** determined that there was no source-pathway-receptor between the potential impacts of 'temperature changes – local', 'barriers to species movement' and 'accidental spills' with any of the receptor groups (ornithology, marine mammals, migratory fish and habitats). These potential impacts were therefore not considered further in the Stage 1 Screening.

The Stage 1 Screening was carried out taking into consideration the conservation objectives for the relevant European Sites and the associated qualifying features and is summarised in **Table 5-2**.

Table 5-2: Summary of Stage 1 Screening Conclusion

| European Site | Qualifying Feature | Potential Impact | LSE Conclusion |
|---|---|---|----------------|
| Buchan Ness to Collieston Coast SPA [UK9002491] | Common Guillemot (<i>Uria aalge</i>), (breeding); and European shag (<i>Phalacrocorax aristotelis</i>), (breeding). | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | LSE |
| | | In-combination | LSE |
| Buchan Ness to Collieston Coast SAC | Vegetated Sea cliffs. | Temporary habitat loss / seabed disturbance | No LSE |
| | | Permanent habitat loss | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Water flow (tidal current) changes, including sediment transport considerations | No LSE |



| European Site | Qualifying Feature | Potential Impact | LSE Conclusion |
|--|--|--|----------------|
| | | In-combination | No LSE |
| Ythan Estuary, Sands of Forvie and Meikle Loch SPA [UK9002221] | Sandwich tern (<i>Sterna sandvicensis</i>), (breeding); and Common eider (<i>Somateria mollissima</i>), (non-breeding). | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| Loch of Strathbeg SPA [UK9002211] | Sandwich tern (Breeding); and Goldeneye (<i>Bucephala clangula</i>), (Non-breeding). | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| Loch of Strathbeg Ramsar [UK13041] | Sandwich tern (<i>Sterna sandvicensis</i>), (Breeding) | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| Ythan Estuary and Meikle Loch Ramsar | Eider (<i>Somateria mollissima</i>), (non-breeding); and Sandwich tern, (breeding). | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| Troup, Pennan and Lion's Heads SPA [UK9002471] | Razorbill (<i>Alca torda</i>), (breeding); and Common Guillemot, (breeding). | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| River Dee SAC [UK0030251] | Atlantic salmon (<i>Salmo salar</i>); and Freshwater pearl mussel (<i>Margaritifera margaritifera</i>). | Changes in distribution of prey species | No LSE |
| | | EMF | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| Fowlsheugh SPA [UK9002271] | Razorbill, (Breeding); and Common Guillemot, (Breeding). | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |



| European Site | Qualifying Feature | Potential Impact | LSE Conclusion |
|---|---|--|----------------|
| Outer Firth of Forth and St Andrews Bay Complex SPA [UK9020316] | Atlantic puffin (<i>Fratercula arctica</i>), (Breeding); and Razorbill, (Non-breeding). | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| Moray Firth SAC [UK0019808] | Bottlenose dolphin (<i>Tursiops truncatus</i>). | Changes in distribution of prey species | No LSE |
| | | EMF | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| Northumberland Marine SPA [UK9020325] | Atlantic puffin, (Breeding). | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| Farne Islands SPA [UK9006021] | Atlantic puffin, (Breeding). | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| Forth Islands SPA [UK9004171] | Atlantic puffin, (Breeding). | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| St Abbs Head to Fast Castle SPA [UK9004271] | Razorbill (<i>Alca torda</i>) (breeding) | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| East Caithness Cliffs SPA [UK9001182] | Razorbill (<i>Alca torda</i>) (breeding) | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| Southern North Sea SAC [UK0030395] | Harbour porpoise (<i>Phocoena Phocoena</i>). | Changes in distribution of prey species | No LSE |
| | | EMF | No LSE |



| European Site | Qualifying Feature | Potential Impact | LSE Conclusion |
|---|--|--|----------------|
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| North Caithness Cliffs SPA [UK9001181] | Atlantic puffin (<i>Fratercula arctica</i>) (Breeding) | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| Hoy SPA [UK9002141] | Atlantic puffin (<i>Fratercula arctica</i>) (Breeding) | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| Cape Wrath SPA [UK9001231] | Atlantic puffin (<i>Fratercula arctica</i>) (Breeding) | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| Fair Isle SPA [UK9001233] | Atlantic puffin (<i>Fratercula arctica</i>) (Breeding) | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |
| Sule Skerry and Sule Sack SPA [UK9001234] | Atlantic puffin (<i>Fratercula arctica</i>) (Breeding) | Changes in distribution of prey species | No LSE |
| | | Temporary increase and deposition of suspended sediments | No LSE |
| | | Underwater noise changes | No LSE |
| | | Visual / physical disturbance or displacement | No LSE |
| | | In-combination | No LSE |

Where the Stage 1 Screening concluded that there is the potential for an LSE, it is proposed that a Stage 2 Appropriate Assessment is undertaken for the associated European site and qualifying feature(s). Considering the conclusions in **Table 5-2**, the Applicant has prepared a Report to Inform Appropriate Assessment for the following European sites:

- Buchan Ness to Collieston Coast SPA [UK9002491]

5.4.5. Stage 2 Report to Inform Appropriate Assessment

The Stage 1 Screening process identified one European site which had the potential for an LSE as a result of the Proposed Development: Buchan Ness to Collieston Coast SPA. The Stage 1 Screening identified that there was a potential for an LSE on the qualifying features of breeding common guillemot and breeding European shag from the following potential impacts:

- Visual/physical disturbance or displacement during construction, operation and maintenance and decommissioning; and



- In-combination effect for visual/physical disturbance or displacement during construction, operation and decommissioning.

Therefore, this site was progressed onto a Stage 2 Appropriate Assessment.

The Report to Inform Appropriate Assessment has been prepared by the Applicant to provide further information to enable the competent authority to carry out an AA to determine whether the Proposed Development could have an Adverse Effect on Integrity (AEol) on the Buchan Ness to Collieston Coast SPA, either alone or in-combination with other plans and projects, in view of the site's conservation objectives.

The impact of visual/physical disturbance or displacement from the Proposed Development was evaluated against the conservation objectives for the Buchan Ness to Collieston Coast SPA for common guillemot and European shag. The assessment concluded that with the proposed mitigation measures detailed in **Appendix 5B: Habitats Regulations Appraisal Report to Inform Appropriate Assessment**, there is no significant risk, that the Proposed Development alone or in combination with other projects or plans, could result in an AEol. **Therefore, there is no AEol.** Further stages of the HRA process will not be required.

The conclusions for common guillemot and European shag within the Buchan Ness to Collieston Coast SPA are summarised in **Table 5-3**.

Table 5-3: Summary of Report to inform appropriate assessment conclusions

| European Site | Qualifying Feature | Potential Impact | AEol Conclusion |
|---|-------------------------------------|---|-----------------|
| Buchan Ness to Collieston Coast SPA [UK9002491] | Common guillemot; and European Shag | Visual/physical disturbance or displacement during construction, operation and decommissioning; and In-combination effect for visual/physical disturbance or displacement during construction, operation and decommissioning | No AEol |

5.5. Marine Protected Area (MPA) Assessment

5.5.1. Requirement for MPA Assessment

Section 126 (6) of the MCAA and Section 83 (4) of the Marine (Scotland) Act 2010 requires that applicants seeking to undertake an activity must satisfy the competent authority that there is no significant risk of the proposed activity hindering the achievement of the conservation objectives stated for the NCMPA. Although this report considers the Proposed Development in Scottish waters, any English MCZs or HPMAs which could be impacted must also be considered under the MCAA. Nature Conservation Marine Protected Areas: Draft Management Handbook (Marine Scotland, 2013) and NatureScot (2025b) recommends a two staged sequential assessment process for assessing the effects of a project on an NCMPA, with the outcome of each staging informing whether the assessment progresses to the next stage, as follows:

- **Stage 1 - Initial Screening:** The process of identifying whether Section 126 of the MCAA and Section 83 of the Marine (Scotland) Act 2010 should apply to the Proposed Development. Initial Screening identifies whether the proposed activity and/or development is capable of affecting (other than insignificantly) the protected features of the NCMPA. If the proposal is not screened out, the Stage 1 Initial Screening will progress to a Stage 2 Main Assessment.
- **Stage 2 - Main Assessment:** This stage considers whether there is a significant risk of proposed activity and/or development hindering the achievement of the conservation objectives stated for the NCMPA. The regulator can grant authorisation if it is satisfied that there will not be a significant risk. If the regulator cannot determine that there will be no significant risk of the activity hindering the achievement of the conservation objectives, authorisation can still be granted if the regulator is satisfied that:
 1. there is no alternative that would have a lower risk of hindering the conservation objectives of the NCMPA;
 2. the public benefit outweighs the environmental impact; and
 3. the applicant will arrange for measures of equivalent environmental benefit to offset the anticipated damage.

An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

The MPA Assessment is undertaken by the competent authority, which for the Proposed Development is MD-LOT, based on information provided by the Applicant, usually in the form of an MPA Assessment Report. **Appendix 5C: Marine Protected Area**



Assessment provides the assessment for the Proposed Development. In English waters, an equivalent assessment will be provided as part of the Development Consent Order application to the Secretary of State under the Planning Act 2008 by National Grid Electricity Transmission. Therefore, the required assessments will be provided for the whole Project.

5.5.2. Guidance

The Stage 1 Initial Screening has been undertaken in accordance with the following Guidance:

- Nature Conservation Marine Protected Areas: Draft Management Handbook (Marine Scotland, 2013);
- Development management and Nature Conservation Marine Protected Areas (NatureScot, 2025b); and
- Marine Conservation Zones and Marine Licensing (Marine Management Organisation, 2013).

In relation to guidance issued by the SNCBs, this includes:

- Joint SNCB Guidance for assessing the significance of noise disturbance against Conservation Objectives of Harbour Porpoise Special Areas of Conservation (SAC) (JNCC, 2020);
- Joint SNCB Interim Displacement Advice Note (MIG-Birds, 2022);
- Joint Interim Advice On The Treatment Of Displacement For Red-Throated Diver (MIG-Birds, 2022a); and
- High-level Conservation Advice for Public Authorities on Highly Protected Marine Areas (JNCC, 2022).

5.5.3. Relevant MPAs

To identify relevant MPAs to include in the Stage 1 Initial Screening, the following approach has been adopted:

- Identify potential impact pathways and Zol (the spatial extent over which the impact may be experienced by receptors and therefore an effect may occur) between the Proposed Development and protected features using the source-pathway-receptor model;
- Define search areas for qualifying features based on the Zol of potential impact pathways;
- Identify relevant MPAs within the search areas; and
- Assess whether, in the absence of mitigation measures, the identified potential impact pathway is capable of affecting (other than insignificantly) the protected feature or ecological or geomorphological process it is dependent on.

NCMPAs/MCZs are designated to conserve nationally important, rare, or threatened habitats and species and/or features of geological and geomorphological interest. HPMAs are designated for the protection and the recovery of marine ecosystems. Each of these features can be considered as receptors and can broadly be broken down into the following categories:

- Habitats;
- Benthic species;
- Fish and shellfish;
- Birds;
- Marine mammals;
- Geological interests; and
- Geomorphological interests.

The search areas and Zol have been identified within **Appendix 5C: Marine Protected Area Assessment**. Study areas were developed based on either the maximum Zol of a potential impact on a protected feature (i.e., the maximum spatial extent over which potential impacts could affect receptors), or for mobile species (Fish and shellfish, birds and marine mammals), the spatial extent over which the impacts of anthropogenic activities should be taken into consideration.

GIS and the JNCC marine protected area mapper (JNCC, 2025) were used to identify relevant NCMPAs/MCZs. It is important to note that the Firth of Forth Banks Complex NCMPA is approximately 18.4 km away from the Proposed Development and has ocean quahog as a protected feature. However, for the purposes of the Stage 1 Initial Screening, ocean quahog are categorised as non-mobile benthic receptors as they are considered to have an extremely sedentary lifestyle and are not sensitive to under water noise, collision risk, visual disturbance, increased turbidity, smothering by sediment (light or heavy) or changes in prey (due to being suspension feeders), (Tyler-Walters and Sabatini, 2017). Therefore, this site is outside of the study area for benthic receptors as outlined in **Appendix 5C: Marine Protected Area Assessment** and is not considered further.

The three pilot HPMAs, (Allonby Bay, Dolphin Head and the North East of Farnes Deep) each have one overarching protected feature, 'the marine ecosystem of the area'. In order to identify whether the HPMAs should be 'screened in', key important habitats and species



for which the HPMA was designated to protect are taken from supplementary information provided by Natural England and JNCC (2022).

The MPAs selected for consideration in the Stage 1 Initial Screening are as follows:

- Southern Trench NCMPA [EU555703756];
- Turbot Bank NCMPA [EU555560489];
- Sea of the Hebrides NCMPA [EU555703754];
- North-east Lewis NCMPA [EU555703753];
- North East of Farnes Deep HPMA [UKEHPMA003];
- Dolphin Head HPMA [UKEHPMA002]; and
- Allonby Bay HPMA [UKEHPMA001].

5.5.4. Stage 1 Screening conclusions

Having regard to the relevant legislation and the methodology followed, a Stage 1 Initial Screening was undertaken to ascertain whether or not the Proposed Development is capable of affecting (other than insignificantly) the protected features of an MPA.

The Stage 1 Initial Screening identified four NCMPAs and three HPMA as relevant, either because they were in the direct ZoI of the Proposed Development, or they contained mobile species which could potentially travel into the ZoI of the Proposed Development.

Fourteen potential impact pathways during construction, operation and decommissioning, were identified and assessed namely:

- Temporary habitat loss / seabed disturbance;
- Permanent habitat loss;
- Changes in distribution of prey species;
- Temporary increase and deposition of suspended sediments;
- Water flow (tidal current) changes, including sediment transport considerations;
- Temperature changes – local;
- EMF;
- Introduction or spread of MINNS;
- Barriers to species movement;
- Underwater noise changes;
- Visual / physical disturbance or displacement (above water noise);
- Collision with project vessels;
- Accidental spills; and
- In-combination effects.

Appendix 5C: Marine Protected Area Assessment determined that there was no source-pathway-receptor between the potential impacts of ‘temperature changes – local’, ‘barriers to species movement’, ‘Introduction or spread of MINNS’ and ‘Accidental spills’ with any of the receptor groups (habitats, benthic species, bird species, geomorphological/geological features, marine mammals and fish and shellfish). These potential impacts were therefore not considered further considered in the Stage 1 Initial Screening.

The Stage 1 Screening was carried out taking into consideration the conservation objectives for the relevant MPAs and the associated qualifying features and is summarised in **Table 5-4**.

Table 5-4: Summary of Stage 1 Initial Screening

| Designated site name | Protected feature | Potential impact | Initial Screening conclusion |
|-------------------------------------|--|---|------------------------------|
| Southern Trench NCMPA [EU555703756] | Geology: <ul style="list-style-type: none"> • Quaternary of Scotland: Moraines; • Quaternary of Scotland: Sub- | <ul style="list-style-type: none"> • Temporary habitat loss / seabed disturbance; • Permanent habitat loss; and | Screened out |



| Designated site name | Protected feature | Potential impact | Initial Screening conclusion |
|---------------------------------|---|---|------------------------------|
| | glacial tunnel valleys; <ul style="list-style-type: none"> Submarine Mass Movement: Slide scars; Fronts- large-scale feature (marine); and Shelf deeps- large-scale feature (marine). | <ul style="list-style-type: none"> Water flow (tidal current) changes, including sediment transport considerations. | |
| | Habitats: <ul style="list-style-type: none"> Burrowed mud. | <ul style="list-style-type: none"> Temporary increase and deposition of suspended sediments. | Screened out |
| | Species: <ul style="list-style-type: none"> Minke whale (<i>Balaenoptera acutorostrata</i>). | <ul style="list-style-type: none"> Changes in distribution of prey species; EMF; Underwater noise changes; Visual / physical disturbance or displacement; and Collision with project vessels. | Screened out |
| Turbot Bank NCMPA [EU555560489] | Species: <ul style="list-style-type: none"> Sandeels (<i>Ammodytes spp.</i>). | <ul style="list-style-type: none"> Temporary habitat loss / seabed disturbance; Permanent habitat loss; Changes in distribution of prey species; Temporary increase and deposition of suspended sediments; Water flow (tidal current) changes, including sediment transport considerations; EMF; Underwater noise changes; and Visual / physical disturbance or displacement. | Screened out |



| Designated site name | Protected feature | Potential impact | Initial Screening conclusion |
|---|---|--|------------------------------|
| Sea of the Hebrides NCMPA [EU555703754] | Species: <ul style="list-style-type: none"> Minke whale. | <ul style="list-style-type: none"> Changes in distribution of prey species; EMF; Underwater noise changes; Visual / physical disturbance or displacement; and Collision with project vessels. | Screened out |
| North-east Lewis NCMPA [EU555703753] | Species: <ul style="list-style-type: none"> Risso's dolphin (<i>Grampus griseus</i>). | <ul style="list-style-type: none"> Changes in distribution of prey species; EMF; Underwater noise changes; Visual / physical disturbance or displacement; and Collision with project vessels. | Screened out |
| North East of Farnes Deep HPMA [UKEHPMA003] | Important bird species: <ul style="list-style-type: none"> Common guillemot; Razorbill; and Atlantic puffin. | <ul style="list-style-type: none"> Changes in distribution of prey species; Temporary increase and deposition of suspended sediments; Underwater noise changes; and Visual / physical disturbance or displacement. | Screened out |
| | Important marine mammal species: <ul style="list-style-type: none"> Harbour porpoise; Minke whale; White-beaked dolphin (<i>Lagenorhynchus albirostris</i>); and Grey seal (<i>Halichoerus grypus</i>). | <ul style="list-style-type: none"> Changes in distribution of prey species; EMF; Underwater noise changes; Visual / physical disturbance or displacement; and Collision with project vessels. | Screened out |
| Dolphin Head HPMA [UKEHPMA002] | Important marine mammal species: <ul style="list-style-type: none"> Harbour porpoise; | <ul style="list-style-type: none"> Changes in distribution of prey species; EMF; | Screened out |



| Designated site name | Protected feature | Potential impact | Initial Screening conclusion |
|-------------------------------|---|--|------------------------------|
| | <ul style="list-style-type: none"> Short-beaked common dolphin (<i>Delphinus delphis</i>); Risso's dolphin; and Minke whale. | <ul style="list-style-type: none"> Underwater noise changes; Visual / physical disturbance or displacement; and Collision with project vessels. | |
| Allonby Bay HPMA [UKEHPMA001] | Important marine mammal species: <ul style="list-style-type: none"> Harbour porpoise. | <ul style="list-style-type: none"> Changes in distribution of prey species; EMF; Underwater noise changes; Visual / physical disturbance or displacement; and Collision with project vessels. | Screened out |

The Stage 1 Initial Screening assessment screened out every potential impact for all of the relevant MPAs (as summarised in **Table 5-4**). Therefore, the Stage 1 Initial Screening concluded that the Proposed Development is not capable of affecting (other than insignificantly) the protected features of any of the relevant MPAs and subsequently a Stage 2 Main Assessment is not required.

In conclusion, Appendix 5A: Habitats Regulations Appraisal Stage 1 Screening screened out all sites apart from the Buchan Ness to Collieston Coast SAC for LSE. This site was taken forward to the Appendix 5B: Habitats Regulations Assessment Report to Inform Appropriate Assessment in which it was concluded there would be no AEoI on the site. Appendix 5C: Marine Protected Area Assessment concluded that all MPA sites were screened out.



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