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| Ms S EdwardsSenior Environmental ConsultantXodus Group63A George StEdinburghEH2 2JG |  |

Reference 017/OW/HYWD-11

**Dear Ms S Edwards**, 14 August 2013

##### MARINE (SCOTLAND) ACT 2010

**MARINE AND COASTAL ACCESS ACT 2009**

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007**

**SCREENING OPINION ON THE INSTALLATION OF A PILOT FLOATING OFFSHORE WIND FARM, OUT WITH THE 12 MILE LIMIT, CONSISTING OF FIVE TURBINES UP TO 6 MW EACH.**

With regard to my letter dated the 23rd of June 2013 relating to your request for a Screening Opinion for the proposed construction of the **Hywind Scotland Pilot Park** owned by Statoil.

Marine Scotland Licensing Operations Team (MS-LOT) has circulated your request for comment from relevant stakeholders.

The construction of the Hywind Offshore Pilot Park is considered to fall under the description of an Annex II project as laid down in Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (the 'EIA Directive'). Annex II of the EIA Directive describes developments that, if the authority considers they are likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location, require an EIA to be undertaken.

The Hywind Scotland Pilot Park is considered to fall under Annex II, 3(i), as an installation for the harnessing of wind power for energy production (wind farms). The proposal also exceeds the applicable thresholds / criteria for such a development namely the proposal will involve the installation of more than two turbines and the hub height of any turbine or any other structure exceeds 15 metres. The proposal may have a significant effect(s) on the environment.

Marine Scotland therefore concludes that an EIA will be required to be undertaken in support of the proposal. MS LOT confirms that s36 consent is not required for this project.

MS-LOT requests that the following information is submitted in support of any application for the proposed Hywind Scotland Pilot Park. The EIA should seek to cover the following receptors which will be informed by the forthcoming scoping document.

Ornithology

Marine Mammals

Benthic ecology

Commercial fisheries

Fish ecology

Marine archaeology

Unexploded ordinance

Physical processes and sediment dynamics

Shipping and navigation

Radar and aviation

Social economic

Telecommunication

MOD

MS-LOT expects that the current Preliminary Hazards Assessment undertaken in 2011 be updated and that a Navigational Risk Assessment also be undertaken.

With regard to HRA within the scoping document consideration should be given to HRA requirements, with respect to The Offshore Marine Conservation Natural Habitats Regulations 2007. EPS Licensing requirements will need to be considered at the Marine Licence application stage.

MS-LOT strongly recommends that a single ES to cover both the Offshore and Onshore aspects of the proposed Hywind Scotland Pilot Park is produced. MS-LOT also recommends that any application is submitted in its completed form to reduce the requirement for addenda.

Marine Scotland, in accordance with The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended), Regulation 9, Paragraph 1, will publicise this screening opinion on the MS-LOT website.

Copies of consultee responses are provided in Appendix I of this letter.

Yours sincerely,

David J Bova

**Appendix I**

**Consultee response to the request for a Screening Opinion**

**Stakeholders Comment**

**MSS Advice**

Marine Scotland Science (MSS) has reviewed the submitted screening document and have provided the following comments.

**Diadromous Fish**

Offshore renewable developments have the potential to directly and indirectly impact diadromous fish of freshwater fisheries interest including Atlantic salmon, anadromous brown trout (sea trout) and European eel. These species use the coastal areas around Scotland for feeding and migration and are of high economic and / or conservation value. As such they need to be considered during the ES/EIA process. Developers should also note that offshore renewable projects have the potential to impact on fish populations at substantial distances from the development site.

The developer should consider the site location (including proximity to sensitive areas), type of device, and the design of any array in addition to construction and installation methodology. Specifically we request that developers include information for the following topics:

1. Identify use / likely use of the proposed development area by diadromous fish (salmon, sea trout and eels)
	1. Which species use or are likely to use the area? Is this for feeding or migration?
	2. At what times of year is the area used or likely to be used?
	3. Will salmon and sea trout be only of local origin or will significant numbers from further afield be expected to be present?
2. Identify the behaviour / likely behaviour of fish in the area
	1. swimming depths
	2. tendency to swim on or offshore

In relation to 1 and 2, a few years ago Marine Scotland Science carried out a review of migratory routes and behaviour for Atlantic salmon, sea trout and eels relevant to Scotland, which may be useful (<http://www.scotland.gov.uk/Resource/Doc/295194/0111162.pdf>). If there are insufficient site specific data, the developer will need to consider whether these can be obtained, possibly as part of collaborative initiatives and / or whether expert judgement based on published information can be used.

1. Assess the potential impacts of deployed devices on diadromous fish during deployment, operation and decommissioning phases. Potential impacts could include those resulting from:
	1. Noise during construction, operation and decommissioning
	2. EMF associated with the operation of intra-array (described as inter-array in the request) and export cables.
	3. Loss of habitat
	4. Effects of construction on water quality
2. Which could cause
	1. Avoidance (including exclusion from particular rivers and subsequent impacts on local populations)
	2. Injury and disturbance
	3. Disorientation that could potentially affect behaviour, susceptibility to predation or by-catch, or ability to locate normal feeding grounds or river of origin
	4. Delayed migration

For example with respect to impacts of noise and EMF SNH commissioned a review of the potential impacts of EMF and noise on migratory fish which is available at: [www.snh.org.uk/pdfs/publications/commissioned\_reports/401.pdf](http://www.snh.org.uk/pdfs/publications/commissioned_reports/401.pdf) which may be useful. We would also draw the attention of the developer to Gill A. B., Bartlett M. and Thomsen F. (2012) Potential interactions between diadromous fishes of U.K. conservation importance and the electromagnetic fields and subsea noise from marine renewable energy. Journal of Fish Biology 81, 664–695 doi:10.1111/j.1095-8649.2012.03374.x, with Corrigendum in Journal of Fish Biology (2012) 81, 1791 doi:10.1111/j.1095-8649.2012.03450.x, available online at [www.wileyonlinelibrary.com](http://www.wileyonlinelibrary.com/)

5. The developer will need to pull 1-4 together with any other relevant available information to determine likely risk and consider

1. Both direct and indirect effects.
2. Likely impact on diadromous fish fisheries
3. Mitigation measures and what monitoring is required to assess impacts either on stocks of diadromous fish as a whole, or on particular rivers as necessary..
4. The potential for cumulative impacts both from other local deployments and if relevant from those further afield
5. In the case of Atlantic salmon information will be required to assess whether there is likely to be any significant effect of developments on any rivers which are classified as Special Areas of Conservation (SACs) for Atlantic salmon under the Habitats Directive. Where there is the potential for significant impact then sufficient information will be required to allow Marine Scotland to carry out a Habitats Regulations Appraisal (HRA) Appropriate Assessment as necessary.

**Commercial Fisheries**

The cable corridor illustrated, transects productive scallop grounds. There will need to be consideration given to impacts on loss of fishing grounds, over trawl ability in terms of vessel safety.

The wind farm site itself sits in an area which is fished seasonally for Haddock (Jul-Jan).

Consider restrictions caused by cables and anchor points to fishing activities in the area

**Marine Fish Ecology**

Consider EMF and e-field effects on teleost fish (particular attention to Salmonids, flat fish and gadoids) and elasmobranches from unburied cables both on the seabed and in the water column.

**Aquaculture**

There is no aquaculture sites located near the Hywind Scotland Pilot Park near Peterhead.

The Closest aquaculture sites are located ~170km south and ~160km north of the proposed offshore wind farm development.

**Physical Environment**

MSS have no concerns regarding coastal processes for this project. It’s good to see that physical processes will be considered in the EIA. MSS expect that the most relevant aspect of the project, re. sediments etc. will be the anchors and cable routes.

**SNH and JNCC**

With regard to the EIA Screening request sent on the 25th of June (Your ref: 017/OW/HYWD-11), I can confirm advice on behalf of SNH and JNCC that an Environmental Statement will be required.

Schedule 2 of The EIA Directive details thresholds for development types that, if the authority considers may have significant effects on the environment, will require EIA. The proposal exceeds these thresholds (2 turbines) and we advise that the proposal may have significant effects on the environment.