



## **Terms of Reference for the Advisory Group for Phase 1 of the MeyGen Tidal Energy Project**

### **Definitions**

**“Advisory Group”** - MeyGen Tidal Energy Project Phase 1 Advisory Group

**“EMP”** – The Environmental Management Plan for the MeyGen Tidal Energy Project Phase 1

**“PEMP”** – The Project Environmental Monitoring Programme for the MeyGen Tidal Energy Project Phase 1

**“Project”** – Phase 1 of the MeyGen Tidal Energy Project

**“Member”** – those members selected and appointed to the Advisory Group by Scottish Ministers at the inception of the Advisory Group owing to their key role in the development of tidal energy/the Project and/or expertise in a key area of environmental research. All members are required to provide confirmation of their commitment to membership of the Advisory Group.

**“Liaison Group”**– those organisations who have a vested interest in the outputs of the Project and the Advisory Group but who are not required to advise the EMP and PEMP activities directly on a regular basis. Liaison group members are included on distribution lists for outputs, meeting minutes of the EMP, PEMP and Advisory Group.

**“Consent”** - consent under Section 36 of the Electricity Act 1989 granted to the Project by Scottish Ministers on the 18<sup>th</sup> September 2013 (application reference: 009/TIDE/MGIS1 – 6)<sup>1</sup>.

### **Introduction**

Under the conditions of the Consent the Project must include an Environmental Management Plan (“EMP”) and Project Environmental Monitoring Programme (“PEMP”) with an Advisory Group to provide advice upon and oversee the EMP and PEMP.

The outputs from the EMP and PEMP will be used to augment the development of the Project under Condition 2 of the Consent.

Although the remit of the Advisory Group covers both the EMP and PEMP, the main focus will be on monitoring and therefore the PEMP. The function of the PEMP as stated in the Consent is to ensure that appropriate and effective monitoring of the impacts of the Project is undertaken. It is also important to acknowledge that PEMP monitoring activities aim to quantify the environmental effects of the Project and that the outputs of these will determine whether subsequent stages of the Project can progress.

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<sup>1</sup> <http://www.scotland.gov.uk/Topics/marine/Licensing/marine/scoping/MeyGen/DecisionLetter>

## **Objectives of the Advisory Group**

- To facilitate compliance with Conditions 11, 12 and 13 of the Consent.
- Provide a cooperative base for reviewing and agreeing the scope of monitoring for the PEMP. To clearly identify elements of the monitoring programme which should be independently peer reviewed, disseminating the outcomes of any such reviews along with other elements of the PEMP and EMP.
- Provide a cooperative base for identifying and agreeing monitoring activities to be included in the PEMP to enable the discharge of Condition 12 of the Consent.
- Provide a cooperative base for steering and reviewing the delivery of monitoring for the PEMP.
- To ensure the monitoring activities are aligned with Scottish Government and academic research in marine renewables and other relevant areas.
- To review opportunities and proposals for additional monitoring/research activities associated with the MEYGEN development beyond the immediate requirements of Condition 12. To make recommendations regarding these opportunities and proposals and to assist in the management and coordination of the activities.
- Provide a cooperative base for reviewing monitoring outputs of the PEMP and communicating these to the Scottish Ministers.
- Undertake reviews of the PEMP monitoring outputs for incorporation into amendments of the EMP.
- Provide a cooperative base for reviewing and agreeing the scope of mitigation for EMP amendments focusing on but not necessarily limited to, marine mammals, birds and migratory fish.

## **Membership**

Members include:

1. Chairperson: Professor Ian Bryden (University of the Highlands and Islands)
2. Secretariat: Ed Rollings (MeyGen Ltd.)
3. Representatives from:
  - Marine Scotland Science (MSS)
  - Marine Scotland Licensing Operations Team (MS-LOT)
  - Marine Scotland Marine Planning and Policy (MS-MPP)

- Scottish Natural Heritage (SNH)
- MeyGen Ltd.
- The Crown Estate (TCE)

Members are, upon agreement with the other Advisory Group members, allowed to invite their advisors to join Advisory Group meetings in order to advise/provide input on a particular area of the EMP and/or PEMP. In addition, it may be necessary for the Group to invite other interested bodies to provide additional expertise on specific issues that may arise in relation to monitoring methodologies, data analysis and monitoring outcomes.

The Advisory Group will, as and when required, seek independent peer review of monitoring outputs.

Liaison Group includes representatives from:

- Royal Society for the Protection of Birds (RSPB)
- Whale and Dolphin Conservation (WDC)
- Association of Salmon Fishery Boards (ASFB)
- The Highland Council (THC)
- Orkney Islands Council (OIC)

## **Ways of Working**

### **Reporting**

The Advisory Group will report to Scottish Ministers.

### **Meeting frequency**

The Advisory Group will meet at least four times in the first year and then review the frequency of and requirements for meetings in subsequent years.

### **Management of disputes**

In the event of a dispute that cannot be collectively resolved through discussion by the Advisory Group, the chair can request that Scottish Ministers make a decision to resolve the issue.

### **Review of Advisory Group function**

The function of the Advisory Group may change over time, after monitoring activities commence and results are reviewed. The Advisory Group's function will be reviewed on an annual basis or more frequently if members find this necessary.

### **Information Dissemination**

Scottish Ministers will provide the Liaison Group with approved final versions of Advisory Group meeting minutes, terms of reference and initial discussion paper as well as other relevant documents as agreed by the Advisory Group.

Other key documents (e.g. approved PEMP) as agreed by the Advisory Group will be made publically available on Marine Scotland's website.

Information considered commercially sensitive by MeyGen (e.g. turbine design) will not be shared out with the Advisory Group.

### **Core Agenda**

Pre meeting documents (agenda, previous meeting minutes, and reports) to be provided 2 weeks in advance of Advisory Group meetings to give enough time for review of material.

### **Document Location**

Documents being drafted that require input from Advisory Group members will in general be held on MeyGen's SeaPlanner website. As well as this, documents may be distributed via email for comment as and when required.