

Moray Firth Regional Advisory Group Meeting 11th May 2015

Meeting Minutes

Meeting Title: Moray Firth Regional Advisory Group Meeting

Date / Time / Venue: 11th May 2015, 10:30 – 12:45, Marine Scotland, Marine Lab, Aberdeen

Attendees: Marine Scotland: Ian Davies (ID); Nicola Bain (NB); Alexander Ford (AF); Jim McKie (JM); Paul Smith (PS); Danny Pendrey (DPe); David Palmer (DP, Chair). SNH: Erica Knott (EK). ASFB: Brian Davidson (BD). JNCC: Karen Hall (KH). WDC: Fiona Read (FR). BOWL: Jonathan Wilson (JW); Lis Royle (LR); Sarah MacNab (SM). MORL: Sarah Pirie (SP); Catarina Rei (CR); Ben King (BK); Paula Low (PL, by phone)

Apologies: RSPB: Charles Nathan. JNCC: Enrique Pardo. WDC: Sarah Dolman

Minutes taken by: Sarah MacNab (SM)

Item	Agenda Item	Actions
1.0	<p>MFRAG ToRs / membership / interactions with sub-groups / chair</p> <ul style="list-style-type: none"> • DP acting as meeting Chair in absence of formally appointed Moray Firth Regional Advisory Group (MFRAG) Chair. • Meeting minutes from the first MFRAG (9th March) were agreed. • Formal chair to be appointed from a pool of potential candidates. Five bodies from which chair could be drawn have been proposed (Highlands and Islands Enterprise; Moray Firth Partnership; Scottish Renewables; The Crown Estate; Scottish Enterprise). Suitable individuals within these bodies yet to be identified. • Discussion around suitability of agenda. All agreed proposed agenda to be issued to MFRAG members for comment / addition in advance of future meetings. Items on the agenda should reflect the requirements of consent conditions for 'consultation with MFRAG'. • No comments raised on revised MFRAG Terms of Reference (ToR); ToR (version 5) approved by MFRAG. • EK asked for more clarity on the link between the sub-groups and the MFRAG, and how is the chair going to be elected? • ID queried whether MFRAG sub-groups have been formally set up, with ToR (Birds & Mammals), and asked if any other sub-groups need to be established (e.g. benthic, fisheries). • NB confirmed that ornithology and marine mammal sub-groups already exist. • Group discussion around the need for additional sub-groups, with a focus on commercial fisheries and fish ecology. Developers indicated no need for additional groups, particularly given existence of the Commercial Fisheries Working Group (CFWG) and the national strategy group for diadromous fish. • ID indicated that the secretariat role for the national strategy diadromous fish group may now sit with Rob Main. 	<ul style="list-style-type: none"> • MS to identify suitable Chair and communicate that to MFRAG. • Proposed agenda of next MFRAG meeting to be issued by developers to members for input. • MFRAG sub-group ToRs to be produced and reflect their sign-off capabilities.

Moray Firth Regional Advisory Group Meeting 11th May 2015

	<ul style="list-style-type: none"> • LR queried the decision-making powers of the MFRAG sub-groups, and whether sub-groups can approve monitoring methods rather than needing to duplicate the need for discussion and approval within MFRAG. • NB / JM confirmed that sign-off in the sub-groups is sufficient and that any sub-group agreements should be reported up to MFRAG at the next meeting. It is everyone's interest to work smart and collaboratively. • SP suggested that the ToR for the sub-groups reflects this power to sign-off and define the linkages to the MFRAG • LR noted that developers would appreciate it if Marine Scotland Science (MSS) and other MFRAG members share any useful information and updates relevant to sub-groups as this would be useful to help form various plans. • Secretariat duties sit with developers as per ToR, with developers taking meeting minutes. 	
<p>2.0</p>	<p>MORL – salmon monitoring proposal</p> <ul style="list-style-type: none"> • PL joined the meeting by phone 11:15 • SP outlined MORL's salmon monitoring proposal, developed in collaboration with MSS and the Spey Foundation. • The proposal involves tagging of smolts from the River Spey in 2017 and monitoring them as they leave the river to help identify their coastal behaviour. It's intended to compliment the theme on smolt behaviour under the National Plan and has been shaped by input from the stakeholder group. • MORL considered two receiver array designs, which are set out in their written proposal. Information on local hydrodynamic conditions suggests that a double arc array is the preferred layout. Further hydrodynamic data will be gathered in 2016 to further refine the array layout. • MORL are now seeking feedback on this proposal. • The Chair asked if anyone had any comments on the proposal. • ID confirmed that the proposal and array options have been discussed with MSS and that what's presented in the proposal is acceptable. • ID queried the difference in survey timing proposed by BOWL (2016) and MORL (2017) and seeks confirmation that the developers are aware of one another's plans. • SP explained that the delayed timing for MORL is a result of Contracts for Difference (CfD) allocation; the earliest date by which MORL will know whether they have been successful in the next round of CfD allocation is January 2016. The significant costs associated with the survey (largely associated with receivers and ancillary equipment) mean that MORL will not seek to commission the survey pre-CfD. MORL will look to learn from in-river studies run by the Spey Foundation in 2016 if available. • JW confirms that the developers are aware of each other's monitoring proposals. BOWL proposal for 2016 is still yet to be defined. 	<ul style="list-style-type: none"> • MSS to set up future meeting with relevant parties to discuss current diadromous fish monitoring proposals. • SNH to submit comments on the MORL proposal to MSS by the end of the week,

Moray Firth Regional Advisory Group Meeting 11th May 2015

	<ul style="list-style-type: none"> • ID suggested that a meeting with MSS, local salmon boards, MORL and BOWL would be useful to check that all monitoring plans are aligned and ensure no opportunities are missed to ensure the best output from the survey. For example, MSS may be interested in maintaining an array of receiving devices near the Pentland Firth beyond 2016. • EK asked for Scottish Natural Heritage (SNH) to be included in the discussions and suggested speeding up the setting up of the SPORRAN group on diadromous fish would assist in such discussions. ID agreed and noted for information that MSS smolt trawl trials will be commencing within the next few weeks and that survey is planned for 2016. • BD asked if the MORL and BOWL studies were similar. JW & SP replied yes. • EK indicated that SNH have comments on the MORL proposal, which are yet to be submitted to Marine Scotland. JM asked that these be passed to MSS (Rob Main) by the end of the week. • Marine Scotland Licensing and Operations Team (MS-LOT) / MSS confirmed that they are happy with the proposal. Final approval may follow once review of SNH comments completed. • LR asked for an update on the offshore smolt trials being carried out by MSS. • ID informed the MFRAG that they are due to be carried out in the next couple of weeks from FRV Scotia. • PL left the meeting. 	
<p>3.0</p>	<p>BOWL – cod survey results</p> <ul style="list-style-type: none"> • JW presented overview of cod pre-construction survey findings – key areas found to be to the north of the site. • JW explained that the pre-construction element of BOWL consent conditions relating to cod spawning surveys had been discharged by MS-LOT in writing. • JM asked how the cod spawning survey results compare to data presented in the Environmental Statement for the Jacky Oil Platform. JW not certain, but findings tally with assumptions made in BOWL ES. • JW explained that the intended BOWL piling period does not overlap with the cod spawning period. • JW highlighted that MS-LOT has already approved survey methods and results and partially discharged the condition. • JM stated that MS-LOT were happy to see a brief presentation of monitoring plans and results within MFRAG, to inform members. 	<ul style="list-style-type: none"> • .
<p>4.0</p>	<p>BOWL – sandeel survey results</p> <ul style="list-style-type: none"> • JW presented overview of sandeel pre-construction survey findings which indicate small numbers of sandeel across the BOWL site. • ID requested that in any future reporting on sandeel data, 	<ul style="list-style-type: none"> • MS-LOT to investigate potential for publication of survey reports on the MS website.

Moray Firth Regional Advisory Group Meeting 11th May 2015

	<p>some kind of classification be applied to define what constitutes a lot / few sandeels, in order to understand the data within a wider context.</p> <ul style="list-style-type: none"> • ID queried whether the BOWL fish survey results (all species) will be shared with the CFWG. • BOWL explained that the data had not yet been shown to the CFWG or the Scottish Fishermen’s Federation (SFF). • Marine Scotland propose that Roger May (MS-LOT), , make CFWG aware of the existence of the survey reports. Marine Scotland also proposed to publish such reports online, on the Marine Scotland website. EK suggested that all reports published online have a front page added to demonstrate that they have been consulted on with MFRAG. NB proposed addition of a standing agenda item for future MFRAG meetings - to agree what data coming out of BOWL and MORL monitoring programmes could be published on the Marine Scotland website. 	<ul style="list-style-type: none"> • MS-LOT to make CFWG and SFF aware of fish survey reports. • Future reporting on sandeel surveys by developers to apply a classification to sandeel numbers. •
<p>5.0</p>	<p>BOWL – proposed benthic survey scope</p> <ul style="list-style-type: none"> • JW presented a summary of BOWL’s benthic monitoring strategy, which has been presented in some detail to Marine Scotland, SNH and Joint Nature Conservation Committee (JNCC) at a meeting in January 2015, and for which a written proposal had previously been submitted to Marine Scotland and relevant stakeholders in late 2014. • JW explained that the focus of monitoring is on addressing the uncertainties in the ES, looking in particular at effects on the MoeVen biotope. The monitoring programme reflects the substantial decrease in scale of the project design envelope. • ID noted that the current BOWL post-construction benthic monitoring proposal doesn’t address a query posed by MSS during consultation, related to monitoring the effects of introducing hard structures. ID suggests the inclusion of drop down video survey work to look at progressive change along transects from structures. • JW acknowledged the suggestion from ID and indicated that it may be possible to build such additional survey into post-construction monitoring, though flagged that this monitoring would be at the request of MSS. It is not a direct requirement of a consent condition and would not be relevant to the assessments made in the ES. JW indicated that BOWL consider no post-construction surveys are considered necessary for the cable corridor and micro-siting would take place around Annex 1 habitats. • KH queried how the benthic scope will be finalised. ID explained that correspondence between BOWL and MSS would be sufficient. • EK suggested that SPORRAN would be the correct forum in which to discuss strategic benthic monitoring requirements across all consented wind farm sites. 	<ul style="list-style-type: none"> • MSS and BOWL to correspond regarding inclusion of drop-video monitoring in post-construction benthic monitoring proposals.

Moray Firth Regional Advisory Group Meeting 11th May 2015

<p>6.0</p>	<p>BOWL – update on ornithology surveys</p> <ul style="list-style-type: none"> • LR provided a verbal update on the BOWL ornithology monitoring strategy. • LR indicated that discussions in the ornithology sub-group meetings have been productive. BOWL propose aerial surveys as part of their bird monitoring programme. BOWL have tendered for the surveys, as they need these to commence this year, ideally before the end of May 2015. The aerial survey Scope of Work has been informally discussed with MSS and others; it will be formally submitted to all interested parties on 12/05/15. MSS and SNH understand the need for BOWL to have the Scope of Work signed off with some urgency to enable sufficient pre-construction data gathering. 	<p>BOWL to submit finalised aerial survey SoW to MS and SNH for sign-off.</p>
<p>7.0</p>	<p>BOWL / MORL – update on marine mammal monitoring</p> <ul style="list-style-type: none"> • CR provided an update on the joint BOWL/MORL marine mammal monitoring programme (MMMP). • The pre-construction MMMP is ongoing, with data being gathered and analysed. Discussion is ongoing around monitoring in later project phases. The next meeting of the marine mammal sub-group is proposed for 20/05/15; the MMMP will be discussed, along with mitigation measures. (Post meeting note: this meeting was held on 19/06/15 in line with subsequent discussions summarised below). EK advised that SNH are unable to attend the upcoming meeting. EK reported that the Statutory Nature Conservation Bodies had recently met with Professor Paul Thompson and that they suggested that in order to progress discussions on mitigation during construction, Paul is to work with BOWL and MORL to prepare a document outlining the guiding principles of mitigation during piling. The document should be submitted to MSS and the SNCBs by the end of May, and a meeting held in mid-June to discuss marine mammal monitoring and mitigation. MSS and the SNCBs are keen to understand how mitigation will be applied in various construction scenarios, and the document produced by Paul/BOWL/MORL should inform discussions around the potential use of Acoustic Deterrent Devices (ADDs). The mitigation principles presented should be applicable to both developers. • BOWL and MORL agreed that this would be a good way forward and they will liaise with Paul on the preparation of a guiding principles document and arrange a meeting in June. MSS and the SNCBs will provide written feedback on the document in advance of a June meeting. The scheduled meeting on 20/05/15 will be retained at present. • BOWL emphasised the importance of quickly agreeing upon guiding principles to ensure that the developers can develop a realistic finance schedule around their construction plans. BOWL need to submit their Piling Strategy, which has 	<ul style="list-style-type: none"> • BOWL and MORL to work with Paul Thompson to produce guiding principles paper re. mitigation during piling. Paper to be submitted to MS/SNCBs by end May. • BOWL/MORL to set up meeting mid-June to discuss paper

Moray Firth Regional Advisory Group Meeting 11th May 2015

	<p>significant implications for project cost, to MS at the very latest in July 2015 to meet their Final Investment Decision timelines.</p> <ul style="list-style-type: none"> • SP explained that MORL require approval of their Piling Strategy by November 2015 and so their timeline is not too different to BOWL's. • EK confirmed that the SNCBs understand the tight timescale though reminded all that they need to be comfortable with any alternative approach to mitigation. • KH explained that BOWL and MORL should be aware that any guiding principles document is likely to be discussed more widely, for example with Natural England. Can the developers therefore write the documents in such a way so as to aid KH in her discussions with other UK authorities. 	
<p>8.0</p>	<p>MS-LOT SPORRAN updates</p> <ul style="list-style-type: none"> • ID provided a brief verbal update on SPORRAN. • Terms of Reference for the parent group are well advanced (currently being produced by Rob Main). Membership of sub-groups is being confirmed. • A fishing focus group is due to meet on 5th June. 	
<p>9.0</p>	<p>AOB</p> <ul style="list-style-type: none"> • Group discussions around the need for an interim MFRAG Chair. No need for another MFRAG meeting in the very near future, thus no requirement for interim Chair at present, though thought that Ian Davies (MSS) could perform that role if required. The sub-groups are therefore to take up the responsibility of the MFRAG in the meantime. Developers to approach MS-LOT with proposed date for future MFRAG meeting. • EK requested that MFRAG members be provided with updates on which conditions have been discharged by BOWL and MORL. JM confirmed that MS-LOT can do this. 	<ul style="list-style-type: none"> • MS-LOT to report on condition discharge to MFRAG on ongoing basis. • MS-LOT to issue correspondence confirming discharge of conditions (BOWL and MORL) to MFRAG.