

Marine Scotland - Licensing Operations Team

Opinion on report identifying additional studies required as part of the Western Isles subsea cable marine licence application

Scottish Hydro Electric Transmission plc (per Xodus) – Western Isles Subsea Cable – Arnish Point and Dundonnell

OPINION FOR THE PROPOSED MARINE LICENCE APPLICATION

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1. Executive Summary

This is the opinion adopted by the Scottish Ministers, as to the scope and level of detail of information to be provided in the Environmental Appraisal (“EA”) report, for the proposed Western Isles HVDC submarine cable between Arnish Point (Stornoway) to Dundonnell on the Scottish Mainland. This opinion has been requested by Scottish Hydro Electric transmission plc (SHE Transmission) (“the applicant”).

Whilst standalone submarine cable projects are not listed as Environmental Impact Assessment (“EIA”) projects under Schedule 1 or 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the 2017 MW Regulations”), the Scottish Ministers require an application for a marine licence to be accompanied by an assessment of the environmental effects detailing the assessments carried out, in this case termed an ‘Environmental Appraisal’ (EA). The Scottish Ministers offer to ‘scope’ such an assessment in a similar manner to EIA projects to ensure the required information is considered during the pre-application process.

This opinion is based on the information provided by the applicant, dated 28 November 2017, for the Scottish Ministers to review the document and adopt an opinion. The request included the submission of [Report identifying additional studies required as part of the Western Isles subsea cable marine licence application](#) (“the report”). The Scottish Ministers have consulted on the scoping report and the responses received have been taken into account in adopting this opinion. The matters addressed by the applicant in the report have been carefully considered and use has been made of professional judgment (based on expert advice from stakeholders and Marine Scotland in-house expertise) and experience in order to adopt this opinion.

The main potential issues identified are:

- although the footprint of the proposed works is relatively small scale, the cable is proposed to go through a very important and sensitive area for benthic habitats;
- Scottish Ministers emphasise that the applicant will need to provide clear evidence to support micro-routing and surface lay to mitigate impacts; and
- the need to minimise the impacts to fishing industry and other users during installation.

Detailed information is provided in the specialist topic sections. Matters are not scoped out unless specifically addressed and justified by the applicant and confirmed as being scoped out by the Scottish Ministers. Table 1 summarises the Scottish Minister’s advice on whether topics are to be scoped in or out of the EA.

Table 1: Scottish Minister’s opinion as to whether topics are to be scoped in or out.

Topic	Scoped in / out	Reason for scoping in / out
Protected Sites	Scoped IN.	Based on sensitivity of receptors and potential magnitude of effect, consultees agree potential likely significant impacts.
Physical Environment and Seabed Conditions	Scoped OUT.	Negligible magnitude of effect. Consultees agree no likely significant impacts.
Benthic and Intertidal Ecology	Scoped IN.	Based on the sensitivity of receptors and potential magnitude of effect, consultees agree potential likely significant impacts.
Fish Ecology - EMF	Scoped OUT.	Negligible magnitude of effect. Consultees agree no likely significant impacts.
Fish Ecology – Sedimentation	Scoped IN.	Applicant proposed scoping out, but based on the sensitivity of receptors and potential magnitude of effect, consultees agree potential likely significant impacts.
Fish Ecology – Sandeels	Scoped OUT.	Negligible magnitude of effect. Consultees agree no likely significant impacts.
Ornithology	Scoped OUT.	Lack of sensitive features and negligible magnitude of effect. Consultees agree no likely significant impacts.
Marine Mammals	Scoped IN.	Based on the sensitivity of receptors and potential magnitude of effect, consultees agree potential likely significant impacts.
Commercial Fisheries	Scoped IN.	Based on the sensitivity of receptors and potential magnitude of effect, consultees agree potential likely significant impacts.
Shipping and Navigation	Scoped IN.	Based on the sensitivity of receptors and potential magnitude of effect, consultees agree potential likely significant impacts.
Marine Archaeology	Scoped OUT.	Lack of vulnerable marine features. A protocol for archaeological discoveries should be included within the site specific Schedule of Mitigation (“SoM”).
Other Users	Scoped IN.	Based on the sensitivity of receptors and potential magnitude of effect, consultees agree potential likely significant impacts.
Other Issues - Coastal Flooding at	Scoped OUT.	Applicant had not identified the potential impact, but based on vulnerability of site, consultees

Landfall		agree potential likely significant impacts. The Scottish Ministers advise the applicant to have on-going discussions with the CnES to agree their requirements to mitigate any potential impact.
Other Issues - Population and Human Health	Scoped IN.	Applicant had not identified the potential impact, but based on a consultee recommendation, Scottish Ministers advice scoping in.
Other Issues – Cumulative Impacts	Scoped IN.	Applicant had not identified the potential impact, but with particular concern over potential noise, ecology and marine safety, Scottish Ministers advise on-going discussions with SNH and Stornoway Port Authority to agree their requirements to mitigate any potential impact. If considered to be significant, a cumulative impact assessment should be scoped into the EA.

For the avoidance of doubt, the adoption of this opinion by the Scottish Ministers does not preclude the Scottish Ministers from requiring the applicant to submit additional information in connection with any EA report submitted with their application for a marine licence relative to the proposed works.

In the event that an application is not submitted by the applicant for the proposed works within 12 months of the date of this opinion, the Scottish Ministers recommend that the applicant seeks further advice from them regarding the potential to update the opinion.

2. Introduction

2.1 Background to opinion

The applicants report contained a description of the location of the works, including a plan sufficient to identify the area in which the works are proposed to be sited, and a description of the nature and purpose of the proposed works and their likely impact on the environment. The Scottish Ministers consider that they have been provided with sufficient information to adopt an opinion.

2.2 The requirement for an Environmental Appraisal

Due to the nature of the works, the environmental impacts do not have to be assessed under the 2017 MW Regulations, and therefore an EIA report is not required. However this opinion details what environmental impacts should be considered in more detail and these should be taken forward and contained within the EA to support the marine licence application.

2.3 The content of this opinion

In regards to your request for an opinion on the proposed content of the required EA, the Scottish Ministers have considered the documentation provided to date and consulted with the appropriate consultation bodies (see Appendix I) and scientific advisors (Appendix II) in reaching their opinion.

The EIA process is vital in generating an understanding of the biological, chemical and physical processes operating in and around the proposed works site and those that may be impacted by the proposed works. We would however state that references made within this opinion with regard to the significance of impacts should not prejudice the outcome of the EA process. It is therefore expected that these processes will be fully assessed in the EA unless scoped out.

3. Description of works

The purpose of the Western Isles subsea cable is to reinforce the electrical network connection between the Western Isles and Scottish Mainland in order to provide increased capacity to accommodate generation from renewable energy projects on the Western Isles. This will be achieved by creating a new transmission link between Stornoway on the Isle of Lewis and Beaully, near Inverness. The total length of the preferred cable route between Arnish Point and a landfall at Dundonnell, at the end of Little Loch Broom is 82 km. The proposed Western Isles Connection Project will be a 600 MW single circuit link comprising:

- 132 kV substation and HVDC convertor station at Arnish Point (Stornoway);
- a subsea cable between Arnish Point and Dundonnell on the Scottish Mainland (West Coast), buried along the majority of the route, and protection measures (e.g. rock mattresses) where burial is not possible.
- underground onshore cable to link to a convertor station and 400 kV GIS substation at Beaully (near Inverness).

4. Aim of this opinion

4.1 The scoping process

Scoping provides the first identification, and likely significance, of the environmental impacts of the proposal and the information needed to enable their assessment. The scoping process is designed to identify which impacts will or will not need to be addressed in the EA. This includes the scope of impacts to be addressed and the method of assessment to be used. The scoping process also allows consultees to have early input to specify their concerns and to supply information that could be pertinent to the marine licence determination process. In association with any comments herein, full regard has been given to the information contained within the report submitted.

The Scottish Ministers have also used this opportunity to provide advice in relation to the licensing requirements (see Appendix III) and specific cable application requirements (Appendix IV).

5. Consultation

On receipt of the applicants report, the Scottish Ministers initiated a 30 day consultation process, which commenced on 21 December 2018. The following bodies were consulted, those marked in **bold** provided a response, those marked in *italics* sent nil returns or stated they had no comments:

- British Shipping
- Caledonian Maritime Assets Limited
- **Comhairle nan Eilean Siar (“CnES”)**
- The Crown Estate
- Defence Infrastructure Organisation
- Fisheries Management Scotland
- The Health and Safety Executive
- Hebridean Whale and Dolphin Trust
- **Highland Council**
- **Historic Environment Scotland (“HES”)**
- Marine Scotland Fishery Office – Stornoway
- Marine Scotland Planning and Policy
- **Maritime Coastguard Agency (“MCA”)**
- Marine Safety Forum
- **The Northern Lighthouse Board (“NLB”)**
- Royal Society for the Protection of Birds
- **The Royal Yachting Association (“RYA”)**
- **Scottish Environment Protection Agency (“SEPA”)**
- Scottish Fishermen’s Federation
- **Scottish Natural Heritage (“SNH”)**
- Scottish Wildlife Trust
- Transport Scotland
- UK Chamber of Shipping
- Whale and Dolphin Conservation

From the list above, a total of 8 responses were received. Advice was also sought from Marine Scotland Science (“MSS”). The purpose of the consultation was to obtain advice and guidance from each consultee or advisor as to which potential effects should be scoped in or out of the EA.

The sections below highlight issues which are of particular importance with regards to the EA and any marine licence application(s). Full consultation responses are attached in Appendix I and each should be read in full for detailed requirements from individual consultees. MSS advice is attached in Appendix II. The Scottish Ministers expect all consultee concerns to be addressed in the EA unless otherwise stated.

6. Contents of the EA

The EA must be based on this scoping opinion and include the information that may be reasonably required for reaching a reasoned conclusion, which is up to date, on the significant effects of the works on the environment, taking into account current knowledge and methods of assessment.

A gap analysis template is attached at Appendix V to record the environmental concerns identified during the scoping process. This template should be completed and used to inform the preparation of the EIA report. In assessing the quality and suitability of applications, the Scottish Ministers will use the gap analysis template and this scoping opinion in assessment of the submitted application.

6.1 Mitigation

Within the EA it is important that all mitigating measures are:

- clearly stated;
- accurate;
- assessed for their environmental effects;
- assessed for their effectiveness;
- fully described with regards to their implementation and monitoring, and;
- described in relation to any consents or conditions

The EA should contain a mitigation table providing details of all proposed mitigation discussed in the various chapters. Refer to Appendix I for consultee comments on specific baseline assessment and mitigation.

Where potential environmental impacts have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by stating in the EA:

- the work has been undertaken;
- what this has shown i.e. what impact if any has been identified, and
- why it is not significant.

6.2 Design Envelope

The exact nature of the work that is needed to inform the EA may vary depending on the design choices. The EA must address this uncertainty so that there is a clear explanation of the potential impact of each of the different scenarios. Where flexibility in the design envelope is required, this must be defined within the EA and the reasons for requiring such flexibility clearly stated. The applicant must also describe the criteria for selecting the worst case, and the most likely, scenario, and the

impacts arising from these. The Scottish Ministers will determine the application based on the worst case scenario. The EA will reduce the degree of design flexibility required and that the detail will be further refined in a Construction Method Statement (“CMS”) to be submitted to the Scottish Ministers, for their approval, before works commence. Please note however the information provided in section 9 below regarding multi-stage regulatory consent. The CMS will freeze the design of the project and will be reviewed by the Scottish Ministers to ensure that the worst case scenario described in the EA is not exceeded.

7. Interests to be considered within the EA

This section also contains a summary of main points raised by consultees and the Scottish Ministers' opinion on whether topics should be scoped in or out. The consultation responses are contained in Appendix I and the advice from MSS is in Appendix II and the applicant is advised to carefully consider these responses and use the advice and guidance contained within them to inform the EA.

The report considered the marine environment under the following headings which are addressed in turn below.

7.1 Protected Sites

The applicant identified the various protected sites with marine components, and opinions on the impacts to some of these sites are provided under each component section.

SNH note that although the pMPA does not currently have policy protection current advice (Marine Scotland's MPA Management Handbook) is to take such sites into account through any licensing or consenting process. SNH notes there is potential for the proposed protected feature (Risso's dolphin) to be affected by the works. SNH also provide a list of cetacean species and seals that they consider should be included in any assessment.

7.2 Physical Environment and Seabed Conditions

The applicant acknowledged the varying sensitivities of the protected features of geodiversity importance associated with the Wester Ross MPA and the North East Lewis and Shiant East Bank pMPAs. During cable installation, the main potential impact relates to direct physical disturbance of seabed structures and substratum extraction.

The applicant noted that cable burial using conventional methods (e.g. trenching) is not possible where geological features are present, considering the features "*to be a hazard to cable installation*". The applicant used this "*hazard*" to justify surface lay in these areas and proposes to use protection measures such as concrete mattresses. The applicant considered there will be no direct impacts to the integrity of the geological features of interest along the subsea cable route given the lack of intrusive work, and therefore suggested scoping out physical environment and seabed conditions.

Scottish Ministers conclude that the potential effects of direct physical disturbance can be scoped out of the EA.

7.3 Benthic and Intertidal Ecology

The proposed the Western Isles cable is located within the Wester Ross MPA and the applicant considered it is likely to have a significant effect on the designated features of the site (including, but not limited to, maerl beds, flame shell beds, pockmarks and slide scars). SNH consider that further work is required to assess impacts on the Wester Ross MPA features, where micro-routing and surface laying will help mitigate impacts. SNH request the applicant include some benthic habitat mapping as part of the assessment, with surveys involving benthic video transects and grab sampling. SNH further recommends available data on Priority Marine Features (PMFs) should be used in light of policy protection afforded through the Scotland's National Marine Plan ("SNMP").

The proposed works are within the Shiant East Bank pMPA, designated for a range of biodiversity and geodiversity features (including, but not limited to, northern sea fan and sponge communities, shelf breaks and mounds). The applicant referred to this site, and SNH believe that, based on the information provided, the proposed works could affect the conservation objectives of the site.

Scottish Ministers agree with the applicant and SNH that the impacts of the installation and operational phases of the works on benthic and intertidal ecology should be scoped into the EA.

7.4 Fish Ecology

The applicant has noted that outward migrating salmon smolts and returning adult salmon may be present in the work area, but have not presented any baseline data. CnES noted that data and information on sensitive times of the year are available from the Outer Hebrides Fisheries Trust.

When considering potential impacts from electromagnetic fields ("EMFs"), the applicant states that, with the exception of Little Loch Broom, cables will be buried or covered with protection such as concrete mattresses or rock placement, providing a predicted magnetic field strength at the seabed of below the earth's magnetic field.

SNH, SFF, MSS and Highland Council provided comments on potential impacts from EMF. SNH responded that no further work was required to consider fish ecology. MSS advised that, whilst shellfish were not included, with burial or covering as mitigation, EMF would not be a concern to marine fish. Furthermore, MSS advised

that outward migrating salmon smolts and returning adult salmon and sea trout have been shown to generally swim close to the sea surface, thereby reducing any possibility of such interaction. Highland Council has noted that for most, or all of Little Loch Broom the cable will be surface laid, but MSS noted that the loch is sufficiently deep that the cable will not result in any EMF close to the sea surface whether it is buried or not. The Scottish Ministers conclude that impacts from EMF effects on diadromous and marine fish should be scoped out of the EA.

MSS recommend further consideration within the EA be given to impacts to fish from increased levels of suspended sediment. High levels of suspended sediment can be injurious to salmonids and other fish, so good practice such as only ditching in the intertidal zone when the tide is out should be in place to reduce levels of suspended sediment. Such work should also not take place under any situations when many salmonids could be present. The Scottish Ministers advise the applicant to demonstrate the concerns have been fully addressed and mitigated against, and therefore fish ecology – sedimentation effects, should be scoped into the EA.

SNH note that the main sandeel habitats (a designated feature of the North East Lewis pMPA) are further north than the proposed works and there is no overlap in footprint. The Scottish Ministers conclude impacts on the sandeel qualifying feature of the pMPA can be scoped out of the EA.

7.5 Ornithology

SNH note the qualifying feature of Priest Island SPA, is European storm petrel (not Manx shearwater as stated in the report). The SPA is located 2km from the proposed Western Isles cable, and the applicant considered it unlikely that features of the SPA and other bird interests will be significantly impacted by the installation activities as these will be highly localised and short term in duration. SNH agree with the report's conclusions about assessment impacts on SPAs and other bird interests.

Scottish Ministers therefore conclude that ornithology can be scoped out of the EA.

7.6 Marine Mammals

The applicant considered the main impacts to marine mammals would be from underwater noise from vessels, cable trenching activities, and from additional geophysical surveys.

The report noted that the EA will assess the potential direct and indirect impacts arising from the works on marine mammals and provided information on the two marine designated sites near the works i.e.

- the Inner Hebrides and the Minches candidate Special Area of Conservation (“cSAC”), which is within 1km of the works and is selected for its harbour porpoise (*Phocoena phocoena*) interest and
- the North East Lewis proposed Marine Protected Area (“pMPA”), which is less than 1km east of the proposed works, and is designated for Risso’s dolphin (*Grampus griseus*) and sandeel habitat.

The applicant refers to grey (*Halichoerus grypus*) and harbour (*Phoca vitulina*) seals, with four designated haul out sites located 2 – 4 km from the proposed works. SNH note that any impacts from underwater noise that have the potential to affect cetaceans, could also have potential effects on seals.

The report did not provide details of how an assessment of the impacts will be carried out, which will include a desk top study of literature and data sets for marine mammals. The requirement for surveys to determine the presence/absence, abundance and other behavioural aspects of marine mammals using the area will be agreed with SNH and the Scottish Ministers. The need for underwater noise studies will be discussed with the Scottish Ministers.

Disturbance due to underwater noise and vibration is relevant to all marine mammals, and the Scottish Ministers advise a Marine Mammal Protection Plan (“MMPP”) be scoped in to consider impacts to cetaceans and seals that occur regularly in the North Minch. This should include details of mitigation and the use of Marine Mammal Observers (“MMO”) and Passive Acoustic Monitoring (“PAM”). The applicant notes that if mitigation is not possible or appropriate and an impact on European Protected Species (“EPS”) is envisaged then an EPS licence will be required.

In their consultation response, CnES and SNH note that the works could affect the conservation objectives of the cSAC as there will be impacts from underwater noise as noted above. SNH note that the Scottish Ministers will be required to carry out an appropriate assessment as required by the Conservation (Natural Habitats, &c.) Regulations 1994 and advice that the impacts on marine mammals are scoped in and that the EA contains sufficient information to carry out this assessment.

Although SNH did not comment on otters during consultation, the Scottish Ministers agree with CnES that the applicant discuss the potential for otter disturbance with SNH when considering landfall locations.

The Scottish Ministers agree:

- that impacts from underwater noise and increased sedimentation effects on marine mammals are scoped into the EA; and

- that consideration should be given to the impact of the works on the features of the cSAC and of the pMPA.

7.7 Commercial Fisheries

The applicant considered key potential impacts on fisheries to include possible disruption to fishing activities during cable installation and longer term impacts on fishing activities due to presence of the cable and associated protection measures. Although the cable will be buried along the majority of the route, there is potential for some disruption to fishing activities during cable installation, and possible gear interactions where burial was not possible.

SFF expressed concern on the impact to commercial fisheries, considering it essential that in planning the final route and timing of the work, to liaise with the fleet that uses the area, particularly the Nephrops fleet, to minimise the impacts. The applicant proposes to conduct a fisheries study to identify at a higher resolution the type of gear used along different sections of the route and the intensity of fishing effort in different locations. This will be achieved through continued engagement with local fishermen based both on the Scottish Mainland (around Ullapool and the Little Loch Broom area) and on Lewis (Stornoway). In addition to developing a more detailed understanding of fisheries along the proposed subsea cable route, the applicant acknowledged that continued engagement with local fisheries will be critical for helping to develop clear strategies for mitigating potential impacts associated with the temporary exclusion to certain fishing grounds during cable installation.

Scottish Ministers agree with the applicant that further assessment work should be carried out to demonstrate the impacts to fishing, and therefore conclude commercial fishing to be scoped into the EA.

7.8 Shipping and Navigation

Given the importance of the Minch as a major shipping route, the applicant proposed that a desk based Navigational Risk Assessment (NRA) is undertaken to include all types of vessel, including recreational craft. The MCA and RYA provided comments in support of a NRA and the MCA provided further advice in relation to anchorage, the potential for an anchor penetration study, and the requirements for ensuring safe navigation.

Scottish Ministers therefore conclude that shipping and navigation should be scoped into the EA.

7.9 Marine Archaeology

Although there are a number of wrecks located in the area of proposed Western Isles cable, the route has been routed to avoid all charted wreck sites. The applicant has proposed scoping out marine archaeology, but using recommended guidance documents and practices to develop a protocol for archaeological discoveries.

The Archaeology Service of CnES and HES provided comments on marine archaeology. HES acknowledge that it is unlikely that marine archaeology will be significantly impacted by the site preparation or installation activities and confirm no further assessment work is required. Both HES and CnES welcome the detailed plan should undiscovered remains be discovered. CnES commented that they wish to see the assessment report that was compiled from the survey data, and Scottish Ministers advise the applicant to have discussions with the local archaeologist to mitigate any impacts.

The Scottish Ministers conclude marine archaeology can be scoped out of the EA.

7.10 Other Sea Users

The applicant reported on the presence of telecommunications cables, anchorages and area of foul ground and where possible, these areas have already been avoided as part of the routing selection process. Where avoidance is not possible (e.g. with respect to cables), crossing agreements will be put in place to ensure protection of the third-party assets.

The applicant reported on a number of aquaculture sites (finfish and shellfish) located within Little Loch Broom, and acknowledged the potential for disturbance of the seabed during cable installation to result in sediment re-suspension along the cable route. This could potentially affect shellfish through smothering from sediment resettlement, increased turbidity or disturbance of contaminated sediment (leading to potential shellfish contamination).

Highland Council provided further detail on active sites and also highlighted that there are some several orders for scallops that may require further assessment.

The applicant proposed to carry out a more detailed assessment of the potential impacts of seabed and sediment disturbance on aquaculture sites once more detailed information on the proposed methods of cable installation are made available.

Scottish Ministers agree with the applicant that further consideration should be provided and other users are therefore scoped into the EA.

7.11 Other Issues (Not Considered by the Applicant)

Coastal Flooding

CnES consider coastal flooding to be an issue at the proposed landfall, as any undermining to the rock armour protection could lead to erosion of the reclaimed areas and risk flooding to the site. The Scottish Ministers agree with their concern and advise the applicant to have on-going discussions with CnES to agree their requirements to mitigate any potential impact.

The Scottish Ministers conclude coastal flooding can be scoped out of the EA.

Population and Human Health

CnES responded that the application would benefit from consideration of the potential for effect on 'Population and Human Health', which is now a requirement under the 2017 MW Regulations. While there are unlikely to be significant environmental effects arising, consideration should be given to the related issues within supporting information, such as: impacts on employment, businesses and residents, direct and indirect impacts on tourism and recreational interests in the vicinity (including countryside and coastal access) and community attitudes, perceptions and aspirations.

Scottish Ministers conclude population and human health to be scoped into the EA.

Cumulative Impacts

CnES note the proposed harbour expansions at Newton Marina and Arnish Deep Water Port could coincide with the timings of the cable installation, with particular concern over impacts from noise, ecology and marine safety.

Scottish Ministers agree with CnES about the potential for cumulative impacts, and advise the applicant to have on-going discussions with SNH and Stornoway Port Authority to agree their requirements to mitigate any potential impact. If SNH consider impacts to be significant, a cumulative impact assessment should be scoped into the EA.

8. Marine Planning

8.1 Background

The proposed works should be in accordance with the UK Marine Policy Statement and SNMP.

The UK Marine Policy Statement 2011 – The UK Administrations share a common vision of having clean, healthy, safe, productive and biologically diverse oceans and seas. Joint adoption of a UK-wide Marine Policy Statement provides a consistent high-level policy context for the development of marine plans across the UK to achieve this vision. It also sets out the interrelationship between marine and terrestrial planning regimes. It requires that when the Scottish Ministers make decisions that affect, or might affect, the marine area they must do so in accordance with the Statement.

SNMP 2015 – Developed in accordance with the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 (as amended), the SNMP provides a comprehensive statutory planning framework for all activities out to 200 nautical miles. This includes policies for the sustainable management of a wide range of marine industries. The Scottish Ministers must make authorisation and enforcement decisions, or any other decision that affects the marine environment, in accordance with the SNMP. The SNMP sets out a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of the Plan. Policy within SNMP require the applicant to submit further documentation to mitigate any impacts, and these are detailed in Appendix IV.

8.2 Application and EA

It should be noted that any changes produced after the EA is submitted may require further environmental assessment and public consultation.

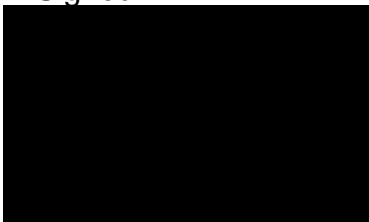
9. Judicial review

All decisions may be subject to judicial review. A judicial review statement should be made available to the public.

10. Gaelic Language

If the proposed works are located in areas where Gaelic is spoken, the applicant is encouraged to adopt best practice by publicising details of the proposed works in both English and Gaelic.

Signed



Redacted
12 March 2018
Authorised by the Scottish Ministers to sign in that behalf

Appendix I: Consultee Responses

Local Authority – Comhairle nan Eilean Siar - Planning Department

From: Redacted
To: Redacted
Cc: Redacted
Subject: FW: Request for Opinion - SSE, Western Isles Subsea Cable Link - Consultation - Response required by 31 January 2018

Sent: Fri 26/01/2018 17:21

Dear Sirs,

I refer to the undernoted request for comment on the non-statutory 'Scoping Report' by SSE/Xodus Group re studies, proposed to be undertaken, in relation to the Marine construction aspects of laying the Western Isles Subsea Cable Link.

I trust the undernoted comments secured via internal consultation will be of assistance in relation to the interests of Comhairle nan Eilean Siar.

Regards

Redacted | Manaidsear Dealbhaidh, (Rianadh Leasachaidh) | Roinn Leasachaidh | Comhairle nan Eilean Siar | Baile a' Mhanaich | Beinn na Faoghla | Benbecula | HS7 5LA | Redacted | Redacted
Redacted

CnES Comments on Report Identifying Additional Studies - X Western Isles Subsea Cable Marine Licence Application - Xodus Group November 2017

Marine mammals

It is noted that the study has identified relevant protected sites including the Minch and Inner Hebrides cSAC designated for Harbour Porpoise and the North East Lewis pNCMPA for Risso's dolphin and it is agreed that the potential impacts on marine mammals should be the subject of further assessment.

Commercial fishing

Commercial fishing activity does take place in the coastal waters around the site of cable landfall. It is agreed that further assessment work should be carried out. Further information on commercial fishing activity around Arnish and in the Minch can be obtained through contact with the Western Isles Fisherman's Association c/o Duncan MacInnes, Address: 13 Newvalley, Isle Of Lewis HS2 0DW Phone: 01851 702385

Shipping and Navigation

The implications of the works on Stornoway Port Authority - Harbour Order Area should be discussed with Alex MacLeod, Chief Executive, Stornoway Port Authority Amity House, Esplanade Quay, Stornoway, HS1 2XS. Tel: 01851 702 688

From: Redacted
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Request for Opinion - SSE, Western Isles Subsea Cable Link - Consultation - Response required by 31 January 2018

Sent: Fri 26/01/2018 17:21

Marine Archaeology

The report notes that inshore / coastal waters contain a number of wreck sites, and a large anchorage and a large area of foul ground (harbour dredge disposal site) located off the Arnish Point landfall.

The Archaeology Service of Comhairle nan Eilean Siar advise 'The report for the proposed Western Isles Subsea Cable Link identifies marine archaeology as a key environmental consideration and it has been assessed in Chapter 2 - 2.10. A large number of known wrecks are located around Stornoway Harbour and Arnish point and additional unknown potential wreck sites were identified from marine survey data taken along the route. This information was assessed and the cable route correspondingly has been altered to avoid impacting these features. The Archaeology Service acknowledges the mitigation guidance that will be consulted in the event that unknown archaeological features are discovered; however the Archaeology Service would appreciate having sight of the actual assessment report that was compiled from the survey data regarding wrecks and other potential archaeological features'.

Relevant Planning History

Prior to this marine license consultation, a planning application (16/00146 Planning Permission in Principle Maj-Nat) was submitted to the Comhairle in 2016 for the landward side of this development which consisted of "the construction of a High Voltage Direct Current Converter Station and ancillary infrastructure (incorporating a 132kV/33Kv substation on land at Arnish Point." The application was permitted subject to compliance with conditions.

Cable Landfall

'Figure 1.1 Preferred subsea cable route options' indicates the sub-sea cable will make landfall on the south east shore of Arnish Point. The planning Service of Comhairle would wish to have early sight of a 'detailed' plan (at a scale of 1:2500) indicating the most probable points of the sub-sea cable making landfall at Arnish. The Ross and Cromarty - Isle of Lewis Sheet XXVII (includes: Lochs; Stornoway), Ordnance Survey Maps - Six-inch 2nd and later editions, Scotland, 1892-1960 indicates that two area of the south eastern shore dressed with rock armour protect areas of reclaimed land. Any undermining of the rock armour protection could lead to erosion of the reclaimed areas and risk coastal flooding to the site. Consideration should be given to this in choosing and designing the point of landfall.

The Development Plans and Marine Planning Team advise of the following:

- Land-fall: When selecting locations for the land-fall of the sub-sea cable the applicant should consider the policies relating to flooding and coastal protection in the National Marine Plan and align with those in Scottish Planning Policy and Outer Hebrides Development Plan and the conditions set out in the decision notice 16/00146/PPPM.

From: Redacted
To: Redacted
Cc: Redacted
Subject: FW: Request for Opinion - SSE, Western Isles Subsea Cable Link - Consultation - Response required by 31 January 2018

Sent: Fri 26/01/2018 17:21

- Cable Burial Plan: A Cable Burial Plan should include which provides data and analysis to support any claims for not burying and provides details of how a cable will be protected. It is recommended that a mitigation schedule is also included in support of the marine license application.
- HRA: As noted in 3.3.1, it is likely that Marine Scotland will be required to consider the effect of the proposal on the cSAC before it can be consented by undertaking a Habitats Regulations Appraisal (under the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended). It is welcomed that the Nature Conservation Appraisal will include European Protected Species risk assessment (if screening advises an HRA) and particular regard should be had to the impacts of noise generating activities on Marine Mammals. Relevant underwater noise assessments and proposed mitigation measures may be required to ensure there is sufficient information to inform the Habitats Regulations Appraisal. This should be discussed with SNH.
- Otters: When considering land-fall locations for the sub-sea cable at Arnish, the applicant should discuss the potential for otter disturbance (a European Protected Species) with SNH and agree whether any additional otter survey work will be required to support the application.
- Wild Fisheries: It is recommended that the applicant engages with the Outer Hebrides Fisheries Trust and the Stornoway Angling Club to discuss potential impacts on Salmon (year 1 and 2) entering Stornoway Harbour to travel upriver to spawning grounds on the Creed and Glen river systems and this should be detailed in supporting information. Impacts on salmon should include risks and mitigation measures related to loss of habitat, impacts of sediment suspension in the water column and sediment transportation within the bay and upriver from cabling operations. Contact: Redacted Biologist, Outer Hebrides Fisheries Trust, The Sawmill, Marybank, Isle Of Lewis HS2 ODD Redacted <http://www.outerhebridesfisheriestrust.org.uk/contact/>
- Population and Human Health: The application would benefit from consideration of the potential for effect on 'population and human health' (which is now a requirement under the Environmental Impact Assessment (Scotland) Regulations 2017). While there are unlikely to be significant environmental effects arising consideration should be given to the related issues within supporting information, such as: impacts on employment, businesses and residents, direct and indirect impacts on tourism and recreational interests in the vicinity (including countryside and coastal access) and community attitudes, perceptions and aspirations.

From: Redacted
To:
Cc:
Subject: FW: Request for Opinion - SSE, Western Isles Subsea Cable Link - Consultation - Response required by 31 January 2018

- Post Construction: Consideration of the need to reinstate the seabed, undertake post-lay surveys and monitoring and carry out remedial action should be included to support the application.
- Alternatives: The supporting information should include details on the main alternatives studied and an indication of the main reasons for choosing the selected option, with reference to the environmental effects.
- Cumulative Impacts: In September 2017 an application for an environmental impact assessment - scoping opinion was submitted for two development proposals by Stornoway Port Authority: (17/00453/SCO_L) "proposed multi-purpose deep water port on west shore of Glumaig Bay, Arnish" and 17/00452/SO_L "Proposed Development of 75 berth Marina at Newton Basin, marina facilities, new slipway & yacht lift, land reclamation to north side of Goat Island, parking and boat storage, redevelopment of boatyard site and improvements to fish processing facilities". We would recommend that the potential for cumulative impact is discussed with SNH, with particular regard to noise, ecology, and marine safety. If considered to be significant, a cumulative impact assessment should be included in support of the marine license application.
- Engagement: It is recommended that details of engagement with affected stakeholders is detailed in the information which supports the marine licence application to ensure there has been appropriate awareness of the risks and consequences of the proposal. e.g. the Outer Hebrides Inshore Fisheries Group, the Outer Hebrides Fisheries Trust etc.
- Policy Context: There is currently no Regional Marine Plan in place in the Outer Hebrides 'Scottish Marine Region'. Where there is no Regional Marine Plan the National Marine Plan (2015) (NMP) applies. The NMP has a presumption in favour of sustainable development and the use of the marine environment when it is consistent with its policies and objectives. The NMP recognises that development of growth sectors is particularly important in more remote areas of Scotland and that sustainable development and use of the marine environment can provide multiple economic benefits at both a community and national level.
- NPF3 recognises enhancement of the High Voltage Energy Transmission Network as a 'national development', which will be particularly important for enabling areas that are remote from the main grid to realise their renewable energy potential. However, NPF3 cautions that the environmental impacts of this type of infrastructure require careful management. The National Planning Framework 3 (NPF3) and Outer Hebrides Local Development Plan identifies Arnish (where the cable will make landfall) as part of the 'Low Carbon/ Renewable North Enterprise Area and an N-RIP (National Renewables Investment Plan) site.

From: Redacted
To: [Redacted]
Cc: [Redacted]
Subject: FW: Request for Opinion - SSE, Western Isles Subsea Cable Link - Consultation - Response required by 31 January 2018

Sent: Fri 26/01/2018 17:21

- In progressing any element of the proposal above the low water mark, particular regard should be afforded to the relevant provisions of National Planning Framework (NPF3), National Marine Plan (NMP), Scottish Planning Policy (SPP), The Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2017, Circular 1/2017: The Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2017 as well as other relevant national policy guidance; the provisions of the Outer Hebrides Local Development Plan (adopted 2012), and other material planning policy considerations.
- The Outer Hebrides Local Development Plan (and associated statutory Supplementary Guidance) was adopted in November 2012 and forms the basis of development and land use planning in the Outer Hebrides. Prop E1h Energy Interconnector Sites Lewis, are identified in the Plan as sites which are part of the infrastructure network required to upgrade the interconnector; although they reflect the previous preference for the convertor station to be located in Gravir, Arnish is identified as a cable sealing compound. In the emerging Outer Hebrides Development Plan 2 (LDP2) the Arnish site is referenced PP17 Arnish, Lewis as the prime location for energy related development (please see previous Development Plans and Marine Planning Team response to 16/00146/PPPM for further comment on the landward element of this project).
- Policy EI8: Energy and Heat Resources of the emerging LDP2 states that: "The Comhairle will support proposals that contribute to meeting the targets and objectives of the National Planning Framework 3, the Climate Change Act, and the National Renewables Infrastructure Plan in relation to electricity grid reinforcements, infrastructure and renewable energy generation."
- Additional information - Water: Any proposed engineering works within the water environment above Mean High Water Springs or any proposed abstractions or discharges will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat, soils or dredging spoil may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012.

Local Authority – Highland Council - Planning Department



Scottish Hydro Electric Transmission Plc
c/o Scottish Government
Redacted
Marine Scotland - Marine Planning & Policy
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Please ask for / Foighnich airson: Redacted
Direct Dial / Àireamh fòn: 01955 609528
Email / Post-d: Redacted @highland.gov.uk
Our Ref / Ur n-àireamh-iùil: 17/05952/PREAPP/SHTU/LOMC
Your Ref / Ar n-àireamh-iùil:
Date / Ceann-là: 11 January 2018

Subject:GSX: Request for Opinion - SSE, Western Isles Subsea Cable Link - Consultation - Response required by 31 January 2018

Dear Sir/Madam

MS-LOT CONSULTATION: WESTERN ISLES SUBSEA CABLE MARINE LICENCE APPLICATION AT DUNDONNELL - ARNISH,

Thank you for consulting The Highland Council on the above application, which was received on 21/12/17.

The report identifying the additional studies required appears to address most of the key issues. However, the following comments may be helpful.

The report identifies a number of 'aquaculture' sites in the area. It is likely that most of the shellfish sites identified, as classified as marine fish farms sites, are historical sites no longer in use and do not have planning permission. The applicant is aware of the shellfish farm proposal at the head of the loch (14/00492/FUL), although it is unclear if this has been developed.

There are two fin fish farms at Ardessie (16/00126/CLE; 16/00124/CLE); impacts on these will require further assessment. Note the site known as Ardessie B (16/00126/CLE) has not been active for over four years.

Details on the marine fish farms can be found here: <http://wam.highland.gov.uk/wam/> by inserting the relevant planning reference numbers given above.

There are a number of several orders for scallops, which are not covered by planning applications by the local authority, but will also require further assessment; details will be available from Marine Scotland.

The report notes that the cable would be buried for much of the route. However, it also notes that the cable is more likely to be laid on the surface, with associated protection, for most, if not all, of the length of Little Loch Broom. Given the loch's status as a NCMPA, further consideration should be given to 'scoping in' the impacts on fish ecology. The EMF impacts, given the narrowness of the loch, may also have the potential to alter the benthic and wider marine species communities, therefore further guidance on this aspect should be sought from Marine Scotland Science and SNH as appropriate.

ePlanning Centre, The Highland Council, Glenurquhart Road, INVERNESS IV3 5NX

Email: eplanning@highland.gov.uk

PRECOVER

Historic Environment Scotland



By email to: MS.majorprojects@gov.scot

Marine Scotland – Marine Planning & Policy
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our ref: AMA/16/31/53
Our case ID: 300025481

17 January 2018

Dear Sirs

[SSE - Western Isles Subsea Cable Link - Dundonell to Arnish](#)
Statutory Designation:
Designation Reference:

Thank you for your pre-application consultation which we received on 21 December 2017.

We have the following comments to make on the proposals -

I can confirm that we are content with the course of action outlined in the Report for marine archaeology. The Report shows that the proposed route has been designed to mitigate impacts on known archaeological remains and minimise risks to any currently unknown sites within the marine environment. We, therefore, accept the conclusion that no further assessment work is required to support an application for a Marine Licence.

We note that the Report recommends mitigation for unexpected archaeological discoveries in line with the JNAPC Code of Practice for Seabed Development and the Crown Estate Protocol for Archaeological Discoveries: Offshore Renewables Projects. Adherence to the practices recommended in these documents should provide sufficient mitigation for any unexpected archaeological discoveries encountered during works. However, we would expect any Marine Licence application to provide more detail on how the recommendations outlined in these documents will be fulfilled e.g. how Site Champions and Nominated Contacts will be nominated, what training will be provided for project staff.

We look forward to receiving your statutory consultation if an application comes forward.

Detailed guidance on the application of national policy is set out in our 'Managing Change in the Historic Environment' series available online at

www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Redacted and they can be contacted by phone on Redacted or by email on Redacted

Yours faithfully

Historic Environment Scotland

Scottish Fishermen's Federation



Our Ref: MM/dr-18/01

Your Ref:

11th January 2018

E-mail: ms.majorprojects@gov.scot

Scottish Fishermen's Federation
24 Rubislaw Terrace
Aberdeen, AB10 1XE
Scotland UK

T: +44 (0) 1224 646944
F: +44 (0) 1224 647058
E: sff@sff.co.uk

www.sff.co.uk

Dear Redacted

SSE-Western Isles Subsea Cable Link – Dundonell to Arnish

The Scottish Fishermen's Federation (SFF) is pleased to respond to this application on behalf of the 500 plus fishing vessels in membership of its constituent associations:- the Anglo Scottish Fishermen's Association, the Fife Fishermen's Association, the Fishing Vessel Agents and Owners Association (Scotland) Ltd, the Mallaig and North-West Fishermen's Association, the Orkney Fisheries Association, the Scottish Pelagic Fishermen's Association Ltd, the Scottish White Fish Producers Association Ltd and the Shetland Fishermen's Association.

While cognisant of the different process being followed for this development we would hope that our comments are accepted, understood and acted on.

Given that the narrative in 1.3.5 on page 7 illustrates some weaknesses in the survey protocols, having failed to identify significant areas of Maerl, the SFF would seek clarification on how the project can give us confidence that burial, as stated at various points in the document, will take place along the majority of the route.

Referring to 2.5.1 and 2 the SFF is concerned that the 3 main crustacean species likely to be affected by this project are not specifically mentioned, i.e. Nephrops, crab and lobster. Furthermore with the recent paper by Hutchison, Gill, Sigra and King presented to the 2017 MASTS conference highlighting the lack of work on the matter, the SFF would seek verification of the claim that there will be no significant impacts due to EMF emissions.

Moving on to 2.8 commercial fisheries, the SFF would consider it essential that in planning the final route and timing of the work the project should liaise fully with the fleet that uses the area, particularly the Nephrops fleet, to minimise the impact of installation to the greatest extent possible, both in terms of the timing of the work, and the achievement of burial.

The same full consultation with industry must be undertaken to ensure that burial is given a high priority, and only in the case of it being impossible to bury should surface laying be considered.



Any protection might be considered with the fishers using the area to decide on the least problematic solution being used.

In order to ensure co-operation the fishing industry should have total clarity over why different installation methods are used especially as some involve longer loss of access than others.

Upon completion of the installation the project should provide proof that they have not introduced any unnecessary hazards to the seabed and provide as laid charts for local vessels along with kingfisher notifications as timeously as possible.

Taking all these into account, the table, 3.1, as it refers to "fish and shellfish" is wrong – there is potential for significant impact on shellfish, in particular , therefore a need for additional research on those, which seems to be reflected in para 3.3.2but must be clarified.

Yours sincerely

Redacted

Fisheries Policy Officer, Scottish Fishermen's Federation

Maritime and Coastguard Agency



Navigation Safety Branch
Bay 2/25
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Redacted
Marine Scotland

Tel: +44 (0)20 38172426
Fax:
E-mail: navigationsafety@mcga.gov.uk

Your ref:
Our ref:

06 February 2018

Dear Redacted

Request for Opinion - SSE, Western Isles Subsea Cable Link

Thank you for your email dated 21 December 2017 in which you invited our views on the above Scoping Report.

The documents have been examined by staff of the Navigation Safety Branch and we welcome the applicant following an EIA-like process, and conducting a Navigation Risk Assessment.

Subsea cables raise particular concern to the safety of navigation, so a series of conditions will need to be complied with. Key issues that need to be addressed prior to consent are:

- 1) A Navigation Risk Assessment (NRA) should be undertaken to supply detail on the possible impact on navigational issues for both Commercial and Recreational craft, including
 - Collision Risk
 - Navigational Safety
 - Visual intrusion and noise
 - Risk Management and Emergency response
 - Marking and lighting of site and information to mariners
 - Effect on small craft navigational and communication equipment
- 2) Electromagnetic deviation on ships' compasses. The MCA would be willing to accept a three degree deviation for 95% of the cable route. For the remaining 5% of the cable route no more than five degrees will be attained. The MCA would however expect a deviation survey post the cable being laid; this will confirm conformity with the consent condition. The developer should then provide this data to UKHO via a hydrographic note (H102), as they may want a precautionary notation on the appropriate Admiralty Charts.

- 3) The developer must ensure that 'the works' do not encroach on any recognised anchorage, either charted or noted in nautical publications, within the proposed consent area.
- 4) Particular attention should be paid to cabling routes and burial depth for which a Burial Protection Index study should be completed and, subject to the traffic volumes, an anchor penetration study may be necessary.
- 5) Any consented cable protection works must ensure existing and future safe navigation is not compromised, accepting a maximum of 5% reduction in surrounding depth referenced to Chart Datum.
- 6) A detailed review of any Marine Licence applications will be undertaken before consent is granted. This should include appropriate risk mitigation measures, to ensure the risk remains ALARP.

Yours sincerely,

Redacted
Navigation Safety Branch

Northern Lighthouse Board

Northern Lighthouse Board

Your Ref: e-mail dated 21 December 2017
Our Ref: PD/OPS/ML/S8_016_223

84 George Street
Edinburgh EH2 3DA
Switchboard: 0131 473 3100
Fax: 0131 220 2093
Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk



Redacted

Marine Licensing Casework Manager
Marine Scotland – Marine Planning & Policy Division
Scottish Government
Marine Laboratory
375 Victoria Road
ABERDEEN
AB11 9DB

9 January 2018

Dear Redacted

SSE - WESTERN ISLES SUBSEA CABLE LINK – DUNDONNELL TO ARNISH

Thank you for your email correspondence dated 21 December 2017 regarding the 'Report identifying additional studies' required as part of the Western isles Cable Marine Licence Application, submitted on behalf of **Scottish Hydro Electric Transmission plc (per Xodus Group)**.

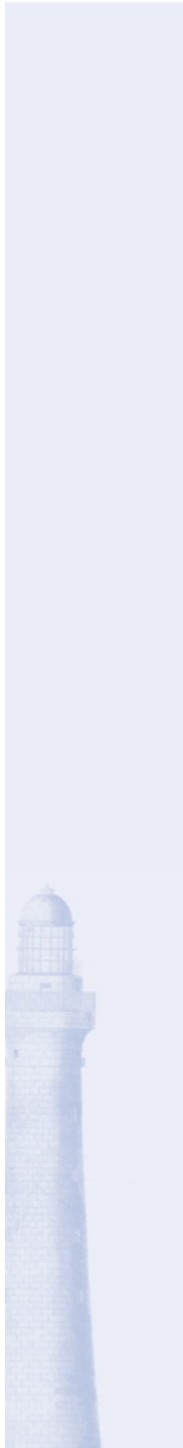
Northern Lighthouse Board note the additional information requirements identified, including the intention to undertake a desk-based Navigational Risk Assessment.

Northern Lighthouse Board has no comment regarding these proposals but will reply formally to any Marine Licence application.

Yours sincerely

A black rectangular box redacting the signature of the Navigation Manager.

Redacted
Navigation Manager



Royal Yachting Association Scotland



Royal Yachting Association Scotland

RYA Scotland

Caledonia House
1 Redheughs Rigg
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EH12 9DQ

Tel: +44 (0)131 317 7388
Fax: +44 (0)844 556 9549
Email: admin@ryascotland.org.uk
Web: www.ryascotland.org.uk

22 December 2017

Redacted

Marine Scotland Licensing Operations Team
Scottish Government
Marine Laboratory,
375 Victoria Road, Aberdeen,
AB11 9DB
ms.majorprojects@gov.scot

Redacted

Dear Redacted

SSE – Western Isles Subsea Cable Link – Dundonell to Arnish

I have read the *Report identifying additional studies* of behalf of RYA Scotland. We recognise the importance of the work being carried out.

Cable laying is carried out according to the *International Rules for the Prevention of Collisions at Sea* with which all recreational sailors are expected to be familiar. RYA Scotland may be able to advise on how the works can best be publicised, as *Notices to Mariners* are not an effective way of communication, particularly as many sailors in the Minch come from outside the UK. The current version of the UK Coastal Atlas of Recreational Boating (The RYA Coastal Atlas mentioned in section 3.3.3), which is available on NMPi, consists of a heat map of recreational vessel movements based on AIS transmissions. The atlas is currently being updated and transformed into a higher resolution version but it is unlikely to be available till late spring 2018. About 20% of cruising boats transmit an AIS signal and for areas like the Minch the routes of these boats are considered representative of all recreational vessels. RYA Scotland would be happy to contribute to a Navigational Risk Assessment of the project.

Cable landfalls rarely cause any problems for recreational craft anchorages. These are described in the current *Clyde Cruising Club Sailing Directions and Anchorages* volumes for *Ardnamurchan to Cape Wrath* and *Outer Hebrides*, both published in 2017. The only anchorages in Little Loch Broom are at Scoraig, and at Camusnagaul about a mile and a half from the head the loch. These anchorages have been confirmed as not being on maerl beds. There are no anchorages at Arnish Point.

Yours sincerely

Redacted

Planning and Environment Officer, RYA Scotland

Scottish Environment Protection Agency

From: Redacted
To: Redacted
Cc: Redacted
Subject: RE: Request for Opinion - SSE, Western Isles Subsea Cable Link - Consultation - Response required by 31 January 2018

Sent: Wed 31/01/2018 14:52

Deal Redacted

Thank you for your consultation email below.

Please consider our standing advice in Section 3 and Table 1 as SEPA's consultation response [SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations](#)

If, after consulting this guidance, you still require our comment on some **site specific issue** which is not adequately dealt with by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of the consultation email or letter.

If you have any queries relating to this letter, please contact me by telephone or by replying to this e-mail.

Kind Regards,

Redacted
rd
Redacted
Senior Planning Officer – Linear Infrastructure Projects
Planning Service, SEPA, Silvan House, 231 Corstorphine Road, Edinburgh, EH12 7AT
Direct Tel: Redacted
Email: Redacted

Scottish Natural Heritage



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Redacted

ms.majorprojects@gov.scot

15 February 2018

Our Ref: CNS/ELY/WESTERN ISLES/WESTERN ISLES TRANSMISSION LINE

Dear ^{Redacted}

WESTERN ISLES SUBSEA CABLE MARINE LICENCE APPLICATION REPORT IDENTIFYING ADDITIONAL STUDIES

Thank you for requesting SNH's comments on this Report, and for granting extra time to prepare our advice. We understand that the process for obtaining a marine licence for this proposal is analogous to EIA, and that this Report is therefore equivalent to a scoping report in that regime. We have considered the Report on that basis, and offer the following advice.

General comments

Under Other Legislative Requirements 1.4.2, the Report omits to mention Priority Marine Features (PMFs), although they are afforded policy protection in the National Marine Plan.

North East Lewis and Shiant East Bank have not yet progressed to possible MPA status, so are not yet in receipt of full policy protection, though as proposals there is still an onus (Marine Scotland's MPA Management Handbook) to consider them in EIAs, or equivalent. The Report does this, so we make this point only for clarity.

Report Conclusions

Unless stated otherwise below, then we are content with the Report's conclusions about the need or for further assessment.

1. Benthic features – 2.4.2

We agree that further work is required to assess impacts on the Wester Ross MPA features, where micro-routing and surface laying will help mitigate impacts. We have had detailed discussions on this section of the route previously.

PMFs are not considered for the benthic work for the cable route and the information is not presented in the report to allow PMFs to be scoped out, although survey information is available along the entire length of the corridor. This needs to be addressed in light of the policy protection PMFs are afforded. The Lewis end of the cable route is particularly lacking in this respect.

2. Fish – 2.5.1

We agree that no further work is required. There is the potential for both herring and sandeel spawning grounds to overlap with the cable route. The cable corridor will be 10m in width and will pass through the North East Lewis MPA proposal where sandeels are proposed protected features, and where herring may spawn. The main sandeel habitats are further north in the NEL MPA proposal and we agree that the overlap footprint is such that the potential impacts are not considered significant to either herring or sandeels.

Scottish Natural Heritage, 32 Francis Street, Stornoway, Isle of Lewis, HS1 2ND
Tel: 01851 705258 Fax: 01851 704900 www.snh.gov.uk

Dualchas Nàdair na h-Alba, 32 Sràid Fhrangain, Steòrnabhagh, Eilean Leòdhais, HS1 2ND
Fòn: 01851 705258 Facs: 01851 704900 www.snh.gov.uk

It is proposed that the cable will be buried to 1m where possible so that any electro-magnetic field impacts are also insignificant.

3. Ornithology 2.6 – note that the qualifying feature of Priest Island SPA is Storm petrel, not Manx shearwater as stated. We agree with the Report's conclusions about assessment of impacts on SPAs and other bird interests.

4. Marine Mammals – 2.7 -

We agree that further work is required. The main impacts in this section are highlighted as underwater noise from vessels and cable trenching activities, but there is no mention of whether further geophysical surveys will be required. Any such surveys would need further assessment in relation to marine mammals. The list in Table 3.1 of section 3.2, while covering the porpoise interest of the Inner Hebrides and the Minches cSAC, does not include consideration of the Risso's dolphin as a proposed protected feature of the MPA, and we think the further work should include this alongside the others listed here. This may be an oversight, as it is mentioned under section 2.7.

Please contact me should you wish to discuss any of the above or if you require any further information.

Yours sincerely

Appendix II - Advice from Marine Scotland Science

marinescotland
science

T: +44 (0)131 244 2500
MS_Renewables@gov.scot



Redacted

Licensing Operations Team
Marine Scotland
375 Victoria Road
Aberdeen
AB11 9DB

SSE – WESTERN ISLES SUBSEA CABLE LINK – DUNDONELL TO ARNISH – MSS RESPONSE

Marine Scotland Science has reviewed the submitted information and has provided the following comments.

Marine Fish Ecology

MSS has considered the Western Isles Subsea Cable Link report with regards to marine fish and shellfish and has the following comments to make:

MSS is largely content with the presented marine fish aspect. The main potential impact of concern however would be from electromagnetic fields (EMFs) for which consideration within the report does not extend to include shellfish, some of which are regarded as electro-sensitive. When considering potential impacts from EMF, the report states that cables will be buried or covered with protection such as concrete mattresses or rock placement, providing a predicted magnetic field strength at the seabed of below the earth's magnetic field. With burial or covering as mitigation to reduce the magnetic field to those levels, MSS would generally be content that, despite not specifically mentioning shellfish species, EMFs would not be an impact of concern. However, MSS does note that the response from SFF raises a "recent paper by Hutchison, Gill, Sigra and King presented to the 2017 MASTS conference highlighting the lack of work on the matter". If this is available online or otherwise, it would be useful if a reference to the paper could be provided in order to consider their comment fully.

Diadromous fish

Investigations into any possible impact of EMFs of the magnitude likely to be found close to cables on fish, including salmonids, have been generally reassuring. In addition, that the EMF field strength drops off quickly with distance provides additional reassurance. There have been questions raised as to whether weak DC EMFs could affect the migration of salmon and sea trout if they are making use of subtle cues from the local geomagnetic field and MSS has taken it from the information provided in the Xodus report which mentions a HVDC converter station that the cable is DC. That outward migrating salmon smolts and returning adult salmon and sea trout have been shown to generally swim close to the sea surface will reduce any possibility of such interaction, particularly any possibility of sustained interaction.

The intention is to bury the cable for much of the route, which will also reduce any EMF in the water. Highland Council has noted, that for most, or all, of Little Loch Broom the cable will be laid on the loch bed. The loch is sufficiently deep that the cable will not result in any EMF close to the sea surface whether it is buried or not.

Presumably, the cable will be buried as it comes onshore. Although burying will reduce any in water EMFs even close to the bed there could be increased levels of suspended sediment, while the work to bury the cables is taking place. High levels of suspended sediment can be injurious to salmonids and other fish, so good practice such as only ditching in the intertidal zone when the tide is out should be in place to reduce levels of suspended sediment. Such work should also not take place under any situations when many salmonids could be present and local information on times and conditions when salmon and sea trout may be present may be available from local fisheries bodies such as Fisheries Trusts and Angling Clubs. River mouths are places where salmon

and sea trout may wait before running upstream and possibly vice versa. The Dundonnell landfall is approximately 700 metres from the mouth of the Dundonnell River which may be far enough to reduce the possibility that large numbers of salmon or sea trout could be present.

Hopefully these comments are helpful to you. If you wish to discuss any matters further contact the MSS Renewables in-box at MS_Renewables@gov.scot

Yours sincerely

Redacted

Marine Scotland Science

15 February 2018

Appendix III: Licensing Process

Application

The application letter must detail how many licences are being sought, what marine licensable activities are proposed and what legislation the application is being made under.

Applicants are required to submit two hard copies of the EA together with an electronic copy in a user-friendly PDF format which will be placed on the Scottish Government website. If requested to do so by the Scottish Ministers the applicant must send to the Scottish Ministers such further hard copies of the EA as requested. Applicants may be asked to issue the EA directly to consultees and in which case consultee address lists should be obtained from the Scottish Ministers.

Requirement for Public Pre-Application Consultation ('PAC')

From 6th April 2014, applications received for certain activities are subject to a public pre-application consultation requirement. Activities affected will be large projects with the potential for significant impacts on the environment, local communities and other legitimate uses of the sea. This requirement allows local communities, environmental groups and other interested parties to comment on proposed works in their early stages and before an application for a marine licence is submitted.

The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013 can be accessed via

<http://www.legislation.gov.uk/ssi/2013/286/made>

Guidance on marine licensable activities subject to Pre-application Consultation can be obtained at:

<http://www.gov.scot/Topics/marine/Licensing/marine/guidance/preappconsult>

The licensing authority reserves the right not to accept an application in the absence of an acceptable PAC report.

Ordinance Survey ("OS") Mapping Records

Applicants are requested at application stage to submit a detailed OS plan showing the site boundary and location of all deposits and onshore supporting infrastructure in a format compatible with The Scottish Government's Spatial Data Management Environment ("SDME"), along with appropriate metadata. The SDME is based around Oracle RDBMS and ESRI ArcSDE and all incoming data should be supplied in ESRI shape file format. The SDME also contains a metadata recording system based on the ISO template within ESRI ArcCatalog (agreed standard used by The Scottish Government); all metadata should be provided in this format.

Advertisement

Where the applicant has provided the Scottish Ministers with an EA, the applicant must publish their proposals in accordance with Regulation 16 of The Marine Works 2017 (as amended) and ensure that a reasonable number of copies of the EA are available for inspection at any place named in the publication. Licensing information and guidance, including the specific details of the adverts to be placed in the press, can be obtained from the Scottish Ministers. If additional information is submitted further public notices will be required

EPS licence

European Protected Species (“EPS”) are animals and plants (species listed in Annex IV of the [Habitats Directive](#)) that are afforded protection under [The Conservation \(Natural Habitats, &c.\) Regulations 1994](#) (as amended) and [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#). All cetacean species (whales, dolphins and porpoise) are European Protected Species. If any activity is likely to cause disturbance or injury to a European Protected Species a licence is required to undertake the activity legally.

A licence may be granted to undertake such activities if certain strict criteria are met:

- there is a licensable purpose;
- there are no satisfactory alternatives, and;
- the actions authorised will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range.

Applicants must give consideration to the three fundamental tests and should refer to the [guidance on the protection of marine European Protected Species](#) for more detailed information in relation to Scottish Inshore Waters. Applicants may choose to apply for an EPS licence following the determination of the EIA application and once construction methods have been finalised, however it is useful to include a shadow EPS assessment within the EA.

Basking sharks are also afforded protection under the Wildlife & Countryside Act 1981 (as Amended by the Nature Conservation (Scotland) Act 2004).

Appendix IV: Cable Guidance – Required Submissions

The installation, protection and decommissioning of transmission cables are controlled by:

- Marine (Scotland) Act 2010; and
- Scotland's National Marine Plan (“SNMP”).

The requirements set out in this guidance will ensure applications are in compliance with the above regulations and policy. Deviations from these requirements are liable to result in delays in processing your application as well as the potential requirement for further consultation and assessment.

Further documentation, supplied at the time of a marine licence application, should be all of the following:

- Construction Method Statement;
- Cable Burial Plan;
- Fisheries Liaison and Mitigation Action Plan;
- Communication Strategy;
- Post Installation Survey Plan; and
- Decommissioning Plan.

More detail on what these should include are provided below.

Construction Method Statement

The EA will reduce the degree of design flexibility required and that the detail will be further refined in a Construction Method Statement (“CMS”) to be submitted to the Scottish Ministers, for their approval, before works commence. Please note however the information provided in section 10 below regarding multi-stage regulatory consent. The CMS will freeze the design of the project and will be reviewed by the Scottish Ministers to ensure that the worst case scenario described in the EA is not exceeded.

Cable Burial Plan

To avoid interference with legitimate users of the sea and to protect the asset, in accordance with the SNMP there is a presumption in favour of cable burial. As such, marine licence applications should also be accompanied by a Cable Burial Plan which should include the following information:

- evidence of advice from fishing representatives and other marine users;

- depth profiles of any burial (provision of shapefiles);
- data and analysis of survey data to justify not burying; and
- detail of how the cable will be protected.

Fisheries Liaison and Mitigation Action Plan (“FLMAP”)

The EA will detail a Fisheries Liaison and Mitigation Action Plan (FLMAP) which should include the following information:

- Fisheries Liaison Officer credentials;
- must be applicable to all legitimate users of the sea – not just commercial fishing; and
- must not be date-specific to allow for timeline shifts and should refer to times in relation to installation works.

Communication Strategy

The EA will detail a Communication Strategy which should include the following information:

- Notice to Mariners;
- notice to fishermen to allow for gear clearance;
- Kingfisher bulletin;
- MCA / radio notices;
- timing of each of the above relative to project timings; and
- method of handling information relating to updates and problems.

Post Installation Survey Plan

The EA will detail a Post Installation Survey Plan which should include the following information:

- immediate post-lay survey and longer term survey and inspection programme;
- proposed timescales;
- survey type / details;
- mitigation if spans or movement found; and
- provision of proposed inspection timetable for all assets (if available).

Appendix V: Gap Analysis

Applicant to complete:

Consultee	Summary of response (key concern)	Response from applicant	Action required	Evidence sent to MS LOT