



# Eastern Green Link 3

## Marine Environmental Appraisal Non-Statutory Scoping Report

Prepared for: National Grid Electricity Transmission (NGET) and  
Scottish Hydro Electric Transmission Ltd (SHE-T)

**nationalgrid**



**Scottish & Southern**  
Electricity Networks

TRANSMISSION



collaborative  
environmental  
advisers

Date: November 2023  
Document Reference: C01494a\_NGET\_REP\_D0187  
Version Number: 01

Point of Contact: Julie Drew-Murphy  
Tel: +44 (0)7762 982 759  
Email: [Julie.drew-murphy@ceaenvironmental.co.uk](mailto:Julie.drew-murphy@ceaenvironmental.co.uk)

Collaborative Environmental Advisers  
Registered in England at Suite A, First Floor, 132 Winchester Road,  
Chandlers Ford, Hampshire, SO53 2DS  
Registered number: 11114584

Tel: + 44 (0) 7719 523106 or +44 (0) 7920 714 411  
Email: [info@ceaenvironmental.co.uk](mailto:info@ceaenvironmental.co.uk)  
[www.ceaenvironmental.co.uk](http://www.ceaenvironmental.co.uk)



## Distribution List

#	Function Title	Company	Name (optional)
1	Strategic Marine Consents Manager	NGET	Matthew Kinmond
2	Marine Consents Officer	NGET	Lauren James
3	Senior Marine Technical Advisor	NGET	David Bean
4	Senior Marine Project Manager	NGET	Ed Ball
5	Marine Consents Manager	SHE - T	Kelsey Padgett
6	Lead Marine Project Manager	SHE - T	Ben Jones
Notes:			

Responsible for	Job Title	Name	Date	Signature
Content	Environmental Consultant, Senior Consultant Principal Consultant	Diane Summers, Elin Pickard, Megan Hart, Katie Kean, Sarah Pearce, Alice Gymer, Tony Brown	20/12/2023	
Checked & Approved	Director	Anna Farley	20/12/2023	
Copyright:	CEA ©	Document Reference:	C01494a_NGET_REP_D0187	

This document has been checked in line with internal quality control requirements.

### Disclaimer

This technical report has been prepared by Collaborative Environmental Advisers with all reasonable skill and care. No part of this document may be reproduced without the prior written approval of Collaborative Environmental Advisers



## Table of Contents

Distribution List.....	2
Table of Contents.....	3
Abbreviations.....	9
1. Introduction.....	12
1.1. Background.....	12
1.2. Screening.....	12
1.3. Scoping Opinion and Scoping Report Objectives.....	13
1.4. Scoping Boundary.....	13
1.5. The Applicants.....	15
1.6. Policy and Legislative Context.....	15
1.6.1. England.....	15
1.6.2. Scotland.....	18
2. Project Need and Alternatives.....	20
2.1. Introduction.....	20
2.2. Need for the Project.....	20
2.3. Objectives of the Project.....	21
2.4. Alternative Solutions Discounted Immediately.....	22
2.5. Alternative Solutions that are Feasible Alternatives.....	23
2.5.1. Alternative Technology.....	23
2.5.2. Alternative National Connection Points.....	23
2.5.3. Alternative Landfall Sites.....	23
2.5.4. Alternative Offshore Cable Routes.....	25
2.5.5. Alternative Construction Techniques.....	25
2.6. References.....	25
3. Project Description.....	27
3.1. Introduction.....	27
3.2. Location of the Marine Scheme.....	27
3.3. Components of the Marine Scheme.....	28
3.4. Pre-Construction Activities.....	28
3.5. Construction.....	30
3.5.1. Landfall.....	30
3.5.2. Submarine Cables.....	32
3.5.3. Construction Vessels.....	35
3.6. Operation, Maintenance and Repair.....	35
3.7. Decommissioning.....	36
3.8. Environmental Management.....	36
3.8.1. Net Zero Targets.....	36
3.9. Indicative Programme.....	37
4. Marine Environmental Assessment Approach and Methodology.....	38
4.1. Introduction.....	38



4.2.	Guidance and Best Practice .....	39
4.3.	Data Gathering .....	39
4.4.	Approach .....	40
4.4.1.	Characterise the Baseline Environment .....	41
4.4.2.	Establishing the Impacts to be Assessed .....	41
4.4.3.	Assessment of Effects .....	41
4.4.4.	The Determination of Effect Significance .....	43
4.4.5.	Acknowledging Levels of Certainty .....	44
4.5.	Mitigation and Monitoring .....	44
4.6.	Cumulative Effects .....	45
4.7.	Transboundary Effects .....	46
4.8.	Consultation .....	46
4.9.	References .....	46
5.	Designated Sites .....	48
5.1.	Introduction .....	48
5.2.	International and National Conservation Designations .....	48
5.3.	Assessment Approaches .....	50
5.3.1.	Habitats Regulations Assessment (HRA) .....	50
5.3.2.	Marine Conservation Zone (MCZ)/Nature Conservation Marine Protected Area (NCMPA) Assessment .....	51
5.3.3.	Assessment of Impacts on Other Conservation Designations .....	52
5.4.	Identification of Relevant Sites .....	53
5.5.	References .....	57
6.	Marine Physical Processes .....	58
6.1.	Study Area Definition .....	58
6.2.	Data Sources .....	58
6.2.1.	Site-specific Survey Data .....	58
6.2.2.	Publicly Available Data .....	59
6.2.3.	Additional Studies .....	60
6.3.	Consultation .....	60
6.4.	Baseline Characterisation .....	60
6.4.1.	English Baseline Characterisation KP 0 – KP 431.4 .....	61
6.4.2.	Scottish Baseline Characterisation KP 431.4 – KP 575.3 .....	71
6.4.3.	Designated Sites - Scotland .....	74
6.5.	Proposed Assessment Methodology .....	76
6.6.	Scope of Assessment .....	77
6.7.	References .....	80
7.	Intertidal and Subtidal Benthic Ecology .....	81
7.1.	Study Area Definition .....	81
7.2.	Data Sources .....	81
7.2.1.	Site-specific Survey Data .....	81
7.2.2.	Publicly Available Data .....	82



7.2.3.	Additional Studies.....	83
7.3.	Consultation.....	83
7.4.	Baseline Characterisation.....	83
7.4.1.	Introduction.....	83
7.4.2.	General Information.....	83
7.4.3.	English Baseline Characterisation KP 0 to KP 431.4.....	85
7.4.4.	Scotland Baseline Characterisation KP 431.4 to KP 575.3.....	93
7.5.	Proposed Assessment Methodology.....	95
7.6.	Scope of Assessment.....	96
7.7.	References.....	103
8.	Fish and Shellfish.....	106
8.1.	Study Area Definition.....	106
8.2.	Data Sources.....	106
8.2.1.	Site-specific Survey Data.....	106
8.2.2.	Publicly Available Data.....	106
8.2.3.	Additional Studies.....	107
8.3.	Consultation.....	108
8.4.	Baseline Characterisation.....	108
8.4.1.	General Species Information.....	108
8.4.2.	English Baseline Characterisation KP 0 to KP 431.4.....	116
8.4.3.	Scottish Baseline Characterisation KP 431.4 to KP 575.3.....	122
8.5.	Proposed Assessment Methodology.....	126
8.6.	Scope of Assessment.....	126
8.7.	References.....	132
9.	Intertidal and Offshore Ornithology.....	134
9.1.	Study Area Definition.....	134
9.2.	Data Sources.....	134
9.2.1.	Site-specific Survey Data.....	134
9.2.2.	Publicly Available Data.....	135
9.2.3.	Additional Studies.....	136
9.3.	Consultation.....	136
9.4.	Baseline Characterisation.....	136
9.4.1.	Introduction.....	136
9.4.2.	English Baseline.....	138
9.4.3.	Scottish Baseline.....	144
9.4.3.2.	Designated Sites Scotland.....	144
9.4.4.	Sensitive Receptors.....	150
9.5.	Proposed Assessment Methodology.....	150
9.6.	Scope of Assessment.....	151
9.7.	References.....	154
10.	Marine Mammals and Marine Reptiles.....	156



10.1.	Study Area Definition.....	156
10.2.	Data Sources.....	158
10.2.1.	Site-specific Survey Data .....	158
10.2.2.	Publicly Available Data.....	158
10.2.3.	Additional Studies .....	159
10.3.	Consultation.....	159
10.4.	Baseline Characterisation.....	160
10.4.1.	Introduction.....	160
10.4.2.	General Species Information .....	160
10.4.3.	English Baseline Characterisation KP 0 to KP 431.4 .....	168
10.4.4.	Scotland Baseline Characterisation KP 431.4 to KP 575.3 .....	172
10.5.	Proposed Assessment Methodology.....	175
10.6.	Scope of Marine Environmental Appraisal.....	176
10.7.	References .....	180
11.	Shipping and Navigation .....	184
11.1.	Study Area Definition.....	184
11.2.	Data Sources.....	184
11.2.1.	Site-Specific Survey Data.....	185
11.2.2.	Publicly Available Data.....	185
11.2.3.	Additional Studies .....	185
11.3.	Consultation.....	186
11.4.	Baseline Characterisation.....	187
11.4.1.	Introduction.....	187
11.4.2.	Overview .....	187
11.4.3.	English Baseline Characterisation KP 0 – KP 431.4 .....	189
11.4.4.	Scottish Baseline Characterisation KP 431.4 to KP 575.3.....	190
11.5.	Proposed Assessment Methodology.....	193
11.5.1.	Methodology Overview.....	193
11.5.2.	Baseline Assessment.....	194
11.5.3.	Hazard Identification .....	195
11.5.4.	Risk Analysis .....	195
11.5.5.	Risk Assessment .....	195
11.5.6.	Mitigation.....	196
11.5.7.	Risk Control.....	197
11.6.	Scope of Assessment.....	197
11.7.	References .....	200
12.	Commercial Fisheries .....	201
12.1.	Study Area Definition.....	201
12.2.	Data Sources.....	201
12.2.1.	Site-specific Survey Data .....	201
12.2.2.	Publicly Available Data.....	201





12.2.3.	Additional Studies .....	202
12.3.	Consultation.....	203
12.4.	Baseline Characterisation.....	203
12.4.1.	Introduction.....	203
12.4.2.	General Fisheries Information .....	204
12.4.3.	English Baseline Characterisation KP 0 – KP 431.4 .....	206
12.4.4.	Scottish Baseline Characterisation KP 431.4 – KP 575.3.....	215
12.5.	Proposed Assessment Methodology.....	222
12.6.	Scope of Assessment.....	222
12.7.	References .....	225
13.	Other Marine Users .....	226
13.1.	Study Area Definition.....	226
13.2.	Data Sources.....	226
13.2.1.	Site-specific Survey Data .....	226
13.2.2.	Publicly Available Data.....	226
13.2.3.	Additional Studies .....	227
13.3.	Consultation.....	227
13.4.	Baseline Characterisation.....	228
13.4.1.	Introduction.....	228
13.4.2.	English Baseline KP 0 – KP 431.4.....	228
13.4.3.	Scottish Baseline KP 431.4 – KP 575.3 .....	238
13.5.	Proposed Assessment Methodology.....	244
13.6.	Scope of Assessment.....	244
13.7.	References .....	246
14.	Marine Archaeology.....	247
14.1.	Study Area Definition.....	247
14.2.	Data Sources.....	247
14.2.1.	Site-specific Survey Data .....	247
14.2.2.	Publicly Available Data.....	247
14.3.	Consultation.....	248
14.4.	Baseline Characterisation.....	248
14.4.1.	Introduction.....	248
14.4.2.	Overview .....	249
14.4.3.	English Baseline Characterisation .....	250
14.4.4.	Scottish Baseline Characterisation .....	254
14.5.	Proposed Assessment Methodology.....	255
14.5.1.	Assessment Criteria and Assignment of Significance .....	256
14.5.2.	Mitigation.....	260
14.6.	Scope of Assessment.....	260
14.7.	References .....	268
15.	Scoping Conclusions .....	269



---

15.1.	Summary of Scoping .....	269
15.2.	Marine Environmental Appraisal Structure .....	271
15.3.	Next Steps and Scoping Questions.....	272





## Abbreviations

AA	Appropriate Assessment	ABP	Associated British Ports
AC	Alternating Current	AEZ	Archaeological Exclusion Zone
ALARP	As Low As Reasonably Practicable	AIAA	Areas of Intense Aerial Activity
AIS	Automatic identification system	AONB	Areas of Outstanding Natural Beauty
ASTI	Accelerated Strategic Transmission Investment	ATT	Admiralty Total Tide
BAP	Biodiversity Action Plan	BP	(years ) Before Present
BEIS	Department of Business, Energy and Industrial Strategy	BGS	British Geological Society
BMAPA	British Marine Aggregate Producers Association	BTO	British Trust for Ornithology
CBRA	Cable Burial Risk Assessment	CCS	Carbon Capture Storage
CEA	Cumulative Effects Assessment	CEFAS	Centre for Environment, Fisheries and Aquaculture Science
CEMP	Construction Environmental Management Plan	CFSR	Climate System Forecast Reanalysis
CITES	Convention on International Trade in Endangered Species	CLB	Cable lay barge
CIfA	Chartered Institute of Archaeologists	CLV	Cable lay vessel
CODA	Cetaceans Offshore Distribution and Abundance in the European Atlantic	COHSR	The Conservation of Habitats and Species Regulations 2017
COLREGS	International Regulations for Preventing Collisions at Sea	COMHSR	The Conservation of Offshore Marine Habitats and Species Regulations 2017
CSV	Construction Support Vessel	DBA	Desk Based Assessment
DC	Direct Current	DECC	Department of Energy & Climate Change
DEFRA	Department for Environment Food and Rural Affairs	DOME	Database on the Marine Environment
DP	Dynamic Positioning	DTM	Digital Terrain Model
DWT	Deadweight Tonnage	EEA	European Economic Area
EEZ	Exclusive Economic Zone	EGL	Eastern Green Link
EIFCA	Eastern Inshore Fisheries Conservation Association	EMF	Electro Magnetic Field
EMODnet	European Marine Observation and Data Network	EMS	European Marine Site
ESCA	European Subsea Cable Association	EUNIS	European nature information system
FCS	Favourable Conservation Status	FLMAP	Fishing Liaison and Mitigation Action Plan
FLO	Fisheries Liaison Officer	FLOWW	The Fishing Liaison with Offshore Wind and Wet Renewables Group
FOCI	Feature of Conservation Importance	GB	Great Britain
GES	Good Environmental Status	GIS	Geographical Information System
GW	Giga Watt	HAT	Highest Astronomical Tide
HDD	Horizontal Directional Drilling	HPMA	Highly Protected Marine Area
HE	Historic England	HES	Historic Environment Scotland
HER	Historic Environment Record	HRA	Habitat Regulations Assessment



HSC	Historic Seascape Characterisation	HVDC	High Voltage Direct Current
IAMMWG	Inter-Agency Marine Mammal Working Group	ICES	International Council for the Exploration of the Sea
IDP	Initial Decommissioning Plan	IFCA	Inshore Fisheries and Conservation Authority
IHLS	International Herring Larvae Surveys	INTOG	Innovation and Targeted Oil & Gas
IUCN	International Convention for the Conservation of Nature	JNCC	Joint Nature Conservation Committee
KIS-ORCA	The Kingfisher Information Service – Offshore Renewable & Cable Awareness project	Km	Kilometre
km <sup>2</sup>	Kilometre squared	KP	Kilometre Point
LAT	Lowest Astronomical Tide	LOC	Location
m	Metres	MAIB	Marine Accident Investigation Branch
MarLIN	The Marine Life Information Network	MARPOL	International Convention for the Prevention of Pollution from Ships
MBES	Multibeam Echosounder Sounder	MCA	Maritime Coastguard Agency
MCAA	Marine and Coastal Access Act 2009	MCZ	Marine Conservation zone
MD-LOT	Marine Directorate - Licensing Operations Team	MEA	Marine Environmental Assessment
MEAp	Marine Environmental Appraisal	MFE	Mass Flow Excavator
MGN	Marine Guidance Note	MHWN	Mean High Water Neap
MHWS	Mean High Water Spring	MINNS	Marine invasive non-native species
MLA	Marine Licence Application	MLWN	Mean Low Water Neap
MLWS	Mean Low Water Spring	MMO	Marine Management Organisation
MNR	Marine Nature Reserve	MoD	Ministry of Defence
MPA	Marine Protected Area	MPS	Marine Policy Statement
MSL	Mean sea level	MSFD	Marine Strategy Framework Directive
MU	Management Unit	MW	Mega Watt
MWR	Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)	NCMPA	Nature Conservation Marine Protected Areas
NE	Natural England	NEIFCA	North-Eastern Inshore Fisheries Conservation Association
NETS	National Electricity Transmission System	NEWS	Non-Estuarine Waterbird Surveys
NGET	National Grid Electricity Transmission	NFFO	National Federation of Fishermen's Organisation
NM	Nautical Mile	NNR	National Nature Reserve
NPPF	National Planning Policy Framework	NRA	Navigational Risk Assessment
NSA	National Scenic Area	NVC	National vegetation classification
NSTA	North Sea Transition Authority	O&M	Operation and Maintenance
OCT	Open cut trench	OESEA4	Offshore Energy Strategic Environmental Assessment 4
OEUK	Offshore Energies UK	OHL	Overhead Line
OOS	Out of Service	OPRED	Offshore Petroleum Regulator for Environment and Decommissioning
OSPAR	The Convention for the Protection of the Marine Environment of the North-East Atlantic	OWF	Offshore Wind Farm
PAD	Protocol for Archaeological Discoveries	PAH	Polycyclic Aromatic Hydrocarbons



PCB	Polychlorinated Biphenyls	PEXA	Military of Defence (MoD) Practice Exercise Areas
PLGR	Pre Lay Grapnel Run	PMRA 1986	Protection of Military Remains Act 1986
PMF	Priority Marine Feature	PWA	Protection of Wrecks Act 1973
RIAA	Report to Inform Appropriate Assessment	RIB	Rigid Inflatable Boat
RIFGs	Regional Inshore Fisheries Groups	RNLI	Royal National Lifeboat Institution
ROV	Remotely Operated Vehicle	RSMP	Regional Seabed Monitoring Programme
RSPB	Royal Society for the Protection of Birds	RYA	Royal Yachting Association
SAC	Special area of Conservation	SBL	Scottish Biodiversity List
SBP	Sub-Bottom Profiler	SCANS	Small Cetacean Abundance in the European Atlantic and North Seas
SCOS	Special Committee on Seals	SEA	Strategic Environmental Assessment
SEPA	Scottish Environmental Protection Agency	SFF	Scottish Fishermen's Federation
SHET-T	Scottish Hydro Electric Transmission Ltd	SLB	Simultaneous lay and bury
SMP	Shore Management Plan	SMRU	Sea Mammal Research unit
SNCBs	Statutory Nature Conservation Bodies	SNH	Scottish Natural Heritage
SOPEP	Shipboard Oil Pollution Emergency Plan	SPA	Special Protection Area
SSC	Suspended Sediment Concentration	SSS	Side-scan Sonar
SSSI	Site of Special Scientific	TAEZ	Temporary Archaeological Exclusion Zone
TCE	The Crown Estate	TJB	Transition Joint Bay
TO	Transmission Owner	TraC	Transitional and Coastal Waters Fish Monitoring Programme
UK	United Kingdom	UKCP	UK climate change projections
UXO	Unexploded Ordnance	UKHO	United Kingdom Hydrographic Office
VP	Vantage Point	VMS	Vessel Monitoring System
WFD	Water Framework Directive	WebS	Wetland Bird Survey
WMS	Web Mapping Service	WHS	World Heritage Sites



## 1. Introduction

### 1.1. Background

The Eastern Green Link 3 (EGL 3) (herein after referred to as the 'Project') is being developed by National Grid Electricity Transmission (NGET) and Scottish Hydro Electric Transmission plc (SHE-T) operating and known as Scottish and Southern Electricity Networks Transmission (SSEN Transmission) (the Applicants). The Project comprises a 2-gigawatt (GW) high voltage direct current (HVDC) system linking Aberdeenshire in Scotland and Lincolnshire in England. A full project description is provided in Section 3.1 and will comprise the English onshore scheme connecting the landfall in Lincolnshire with a substation at Walpole, the marine scheme comprising approximately 575 km subsea HVDC cable from Lincolnshire to Aberdeenshire, and the Scottish onshore scheme connecting the landfall in Aberdeenshire to the Scottish transmission system.

This Non-Statutory Scoping Report has been produced specifically for the Project's Marine Scheme, which comprises the components proposed from the mean high-water springs (MHWS) mark at the proposed English Landfalls to the MHWS mark at Sandford Bay, Scotland, through English and Scottish territorial waters and the UK Exclusive Economic Zone (EEZ).

There are two proposed Landfalls in England being considered at this stage of the marine environmental assessment (MEA) process. These options will be subject to further technical feasibility work and stakeholder consultation and will be refined to one preferred option for inclusion in the subsequent Marine Licence Applications (MLA) for the Project.

A schematic diagram shown below in Figure 1-1 illustrates the concept and main infrastructure of the Project.

## Eastern Green Link 3



Figure 1-1: Project Schematic

### 1.2. Screening

As the Project traverses through English and Scottish waters, the Applicants are intending to apply for two Marine Licences for the construction, operation and maintenance of the Project; one application will be made to the Marine Management Organisation (MMO) under the Marine and Coastal Access Act 2009 (MCAA); and one to the Marine Directorate – Licensing Operations Team (MD-LOT) under the Marine (Scotland) Act 2010.

The Applicants recognise that they will be required to provide environmental information in support of their MLA. For example, the Applicants are required to demonstrate that the potential beneficial and adverse effects of the project on UK protected sites have been considered; and that the effects of the Project have been considered in accordance with the Water Framework Directive (WFD). In addition, the MMO and MD-LOT (the Regulatory Authorities) will engage with statutory consultees to ensure that due consideration has been given to navigational safety, historic environment and other marine stakeholders.



The MMO and MD-LOT are of the opinion<sup>1</sup>, having reviewed the projects listed in Schedule A1 and Schedule A2 of The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (MWR), that the Project does not constitute either a Schedule 1 or Schedule 2 development. The Project is therefore not required to be screened by agreement or determination and a statutory Environmental Impact Assessment (EIA) and an Environmental Statement (ES) is not required.

To meet their obligations, and to ensure that the marine environmental assessment is presented to the MMO, MD-LOT and consultees in a consolidated and concise manner, the Applicants intend to carry out a MEA and submit a Marine Environmental Appraisal (MEAp) to support the MLA.

### 1.3. Scoping Opinion and Scoping Report Objectives

As outlined above, the Applicants are of the opinion that the best way to meet their obligations is to undertake an MEA and provide a MEAp. To ensure that the Applicants prepare a focused but robust MEA, the Applicant is requesting a Scoping Opinion from the MMO and MD-LOT. This is an opportunity for the Regulatory Authorities and key marine stakeholders to make representations regarding the scope of the Applicant's MEA and subsequent MEAp. It also provides an opportunity for stakeholders to raise any issues that they consider to be relevant to the assessment process.

This Scoping Report has been prepared to inform the Scoping Opinion. It sets out the views of the Applicants as to the proposed scope of the environmental issues to be considered in the MEA and the method by which assessment will be undertaken. The specific objectives of this Scoping Report are to:

- Describe the nature of the Project (the English and Scottish marine components of the Project - the Marine Scheme).
- Provide a baseline for each environmental topic.
- Describe the likely effects of the Project on each topic, including identifying those that are potentially significant. Topics or issues that are proposed to be scoped 'out' of the MEA are also described and justified.
- Provide the scope of assessment for each topic to be included in the MEAp.

This Scoping Report covers both English and Scottish jurisdictions with the English components presented first in each chapter.

### 1.4. Scoping Boundary

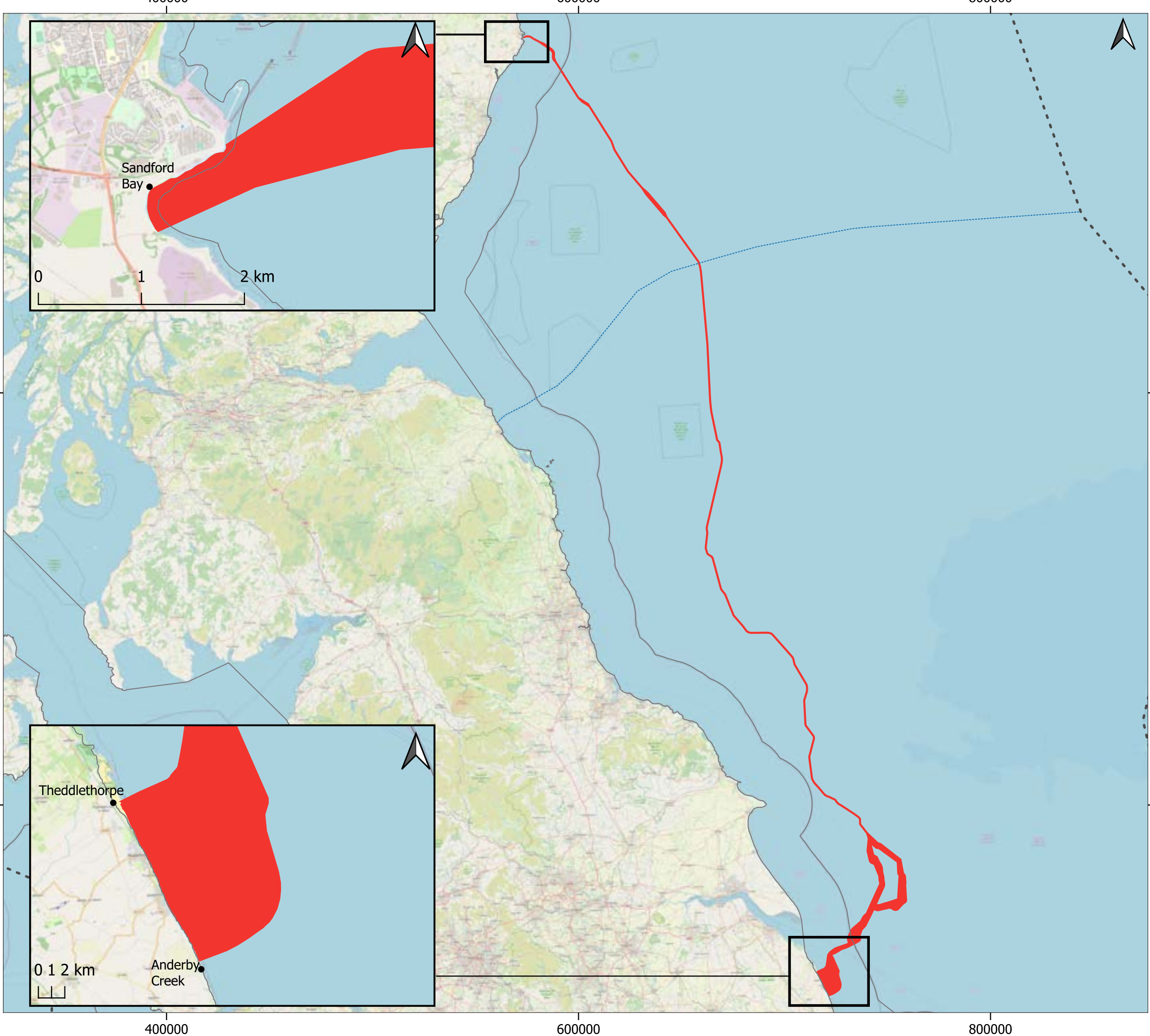
This Scoping Report relates to the marine components of the Project. The proposed submarine cable corridor is illustrated in Figure 1-2 (Drawing C01494-LOC-016) and extends from the MHWS mark at the proposed English Landfalls to the MHWS mark at the Scottish Landfall through English and Scottish territorial waters and the UK Exclusive Economic Zone (EEZ). The proposed submarine cable corridor extends for approximately 431 km in English waters and 144 km in Scottish waters.

The Scoping Boundary has been defined as the extent of the proposed submarine cable corridor, within which the cables will be laid, and all marine works will be conducted. The Scoping Boundary is nominally 1 km wide, 500 m either side of the centreline, however, it widens in areas where there is still optionality in the design e.g., to allow for micro-routeing around potential seabed features. It is anticipated that the marine licence application boundary will ultimately be 500 m following refinement and rationalisation as the MEA and design process evolves.

---

<sup>1</sup> Advice received from MD-LOT via email on 19/01/2023 and from MMO via letter dated 17/11/2023 (MMO ref ENQ/2023/00060).



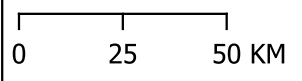
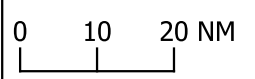


**EGL 3 Scoping Boundary**

**C01494-EGL3-LOC-016-B**



- Exclusive Economic Zone Limit (EEZ)
- 12NM Limit
- ..... Scottish Adjacent Waters
- █ EGL 3 Scoping Boundary



<b>Date</b>	05/10/2023
<b>Coordinate System</b>	ETRS89 / UTM Zone 30N
<b>Projection</b>	Universal Transverse Mercator (UTM)
<b>Unit</b>	Meters
<b>Scale at A3</b>	1:1,820,000
<b>Created</b>	J Cunningham
<b>Reviewed</b>	D Summers/ S Pearce
<b>Authorised</b>	A Farley
<b>CEA 2023, All Rights Reserved</b>	



## 1.5. The Applicants

In England, the MLA will be submitted by National Grid Electricity Transmission (NGET). In Scotland, the MLA will be submitted by Scottish Hydro Electric Transmission plc (SHE-T).

NGET is a division of National Grid plc. There are four distinct electricity business entities under the umbrella of National Grid Group plc in the UK, as detailed in Figure 1-3 below, all with different roles and responsibilities. NGET is the Transmission Operator (TO) for England and Wales, meaning they own and manage the high-voltage electricity transmission network in these countries.

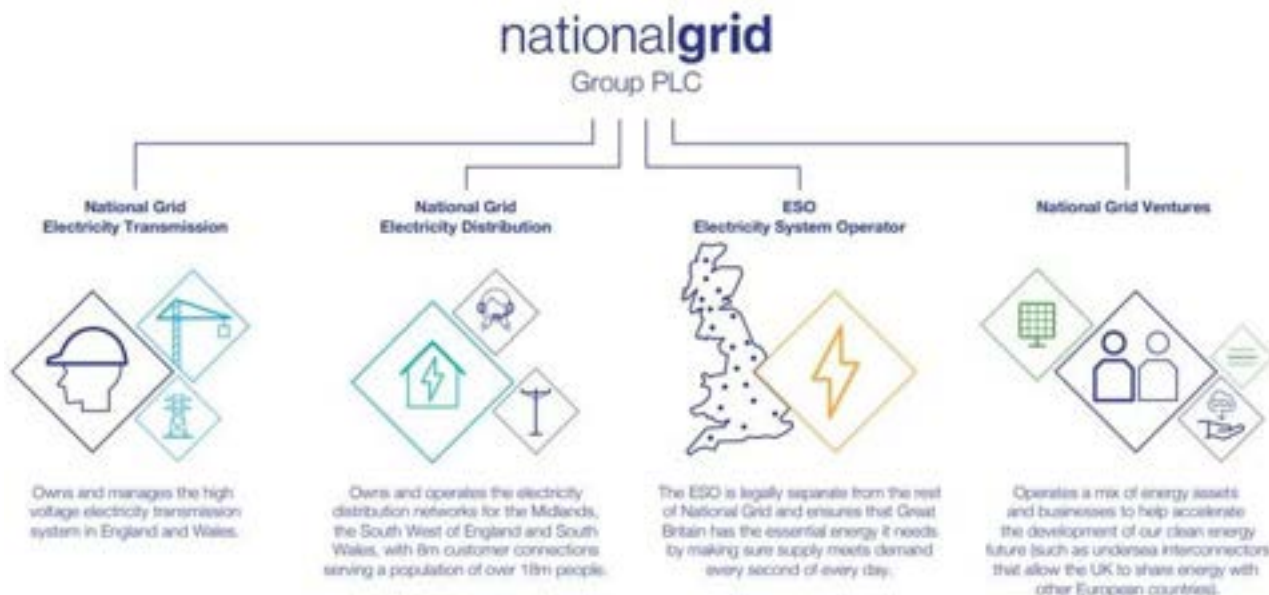


Figure 1-3: National Grid Group plc structure overview

SHE-T is the Transmission Owner (TO) for northern Scotland, and similar to NGET, are responsible for ensuring electricity is transmitted safely and efficiently from generation to user.

NGET and SHE-T are both transmission license holders under the Electricity Act 1989 and have a number of statutory duties which include the requirement “to develop and maintain an efficient, coordinated and economical system of electricity transmission” as well as specific responsibilities under Schedule 9 with regard to the preservation of amenity.

## 1.6. Policy and Legislative Context

This section provides an overview of the policy and legislation that govern the Project. Whilst the Project would be developed and constructed within the UK, as it crosses between English and Scottish waters there are slight differences in the governing legislation due to the two devolved administrations. This section therefore presents both the English and Scottish context. It should be noted that as well as a marine licence, the Project will require other permits, licences and approvals from other consenting bodies. These are not discussed in this Scoping Report.

The United Nations Convention on the Law of the Sea (UNCLOS) is equally applicable in England and Scotland within territorial waters and provides levels of protection at an international level for all international submarine cables. Amongst other provisions UNCLOS provides the freedom to lay, maintain and repair cables on the continental shelf (beyond 12NM). Article 79 of UNCLOS provides this freedom and states that the coastal States (e.g. MMO and MD-LOT, when exercising their licensing function) may not impede the laying or maintenance of such cables or pipelines. To ensure compliance with this, Section 81 of the Marine and Coastal Access Act (MCAA) 2009, applicable to both England and Scottish water beyond 12 NM sets out an exemption for such projects.

### 1.6.1. England

Under The Marine and Coastal Access Act 2009, a Marine Licence is required for certain activities that are carried out within the UK marine area. The MMO is responsible under Part 4 of the MCAA for administering marine licensing of activities related to construction





or removal of any substance or object in English territorial waters and also for regulating activities where they are undertaken outside of English territorial waters e.g., within the English EEZ.

A review of current marine licencing policy indicates:

- Laying and burial of the submarine cables within territorial waters (i.e., within 12 nautical miles (NM)) requires a Marine Licence under Part 4 of the MCAA.
- Within the offshore marine plan area (outside of 12 NM), the installation of an international electricity cable is exempt from requiring a Marine Licence under Section 81(2) of the MCAA. However, the placement of cable protection material e.g., concrete mattresses or rock would be licensable activities.
- The MMO consider that any form of cable protection works is a licensable activity, whether the need for such protection works is identified before or after the laying of the cable. Cable protection can be included in a MLA.

When determining a Marine Licence, the MMO has a responsibility to ensure that the application complies with the requirements of a range of UK and English legislation. However, for international submarine power cable applications, the MMO are obliged to grant a Marine Licence (within English territorial waters), although conditions can be included in any Marine Licence issued. To ensure compliance with necessary UK legislation, environmental information can be requested in order to determine the licence. The relevant regulations and types of assessment that the MMO are obliged to consider are described in Table 1-1.

There is a range of topic-specific guidance which may be of relevance to the assessment of potential impacts on specific receptors. For brevity, neither topic-specific legislation or guidance is reported here and is instead detailed within each chapter of the Scoping Report as appropriate.

*Table 1-1: Regulations which the Project in England must comply with*

Regulations	Description	Actions to be taken by the Applicant
Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (MWR) <sup>2</sup>	<p>The MWR require that certain types of projects with the potential to significantly affect the environment have an EIA before a marine licence decision is made. The MMO checks all applications to assess them for the potential to require an EIA.</p> <p>The installation of cables or the deposit of cable protection is not listed in Schedule A1 or A2 of the MWR as the type of project that would require a statutory EIA.</p>	As a responsible developer, the Applicants have chosen to fulfil their obligations by undertaking a MEA and submitting a MEAp. The content of this process is the subject of this Scoping Report.
Marine and Coastal Access Act 2009 (MCAA) - Marine Spatial Plans	<p>Under Section 58 of the MCAA, the MMO is required to make decisions in accordance with marine policy documents, and as such, is responsible for implementing the relevant Inshore and Offshore Marine Plans through existing regulatory and decision-making processes. In assessing marine licence applications, the MMO must determine whether the activities of the proposed development are compatible with the objectives of the Marine Policy Statement (MPS) and the relevant marine plan(s).</p> <p>The UK MPS provides the policy framework for the marine planning system and the context for Marine Plans. Marine Plans, where they exist, put into practice the objectives for the marine environment that are identified in the MPS alongside the National Planning Policy Framework (NPPF) and the Localism Act 2011.</p> <p>The Project lies within the North East Offshore Marine Plan and East Inshore and Offshore Marine Plan.</p>	Information to demonstrate that the Project is in accordance with the MPS and relevant Marine Plans will be provided by the Applicants with the Marine Licence application. This will take the form of a table setting out each policy objective with a description of how the features of the Project comply with the objective.
Marine Strategy Regulations 2010	<p>The UK Marine Strategy consists of a simple 3-stage framework for achieving Good Environmental Status (GES) in our seas. Achieving GES is about protecting the marine environment, preventing its deterioration and restoring it where practical, while allowing sustainable use of marine resources. The strategy covers 11 elements (known as descriptors) including: biodiversity; non-indigenous species; commercial fish; food webs; eutrophication; sea-floor integrity; hydrographical conditions; contaminants; contaminants in seafood; marine litter and underwater noise.</p> <p>The UK Marine Policy Statement clearly identifies the Marine Strategy Framework Directive (2008/56/EC (MSFD)) as one of the environmental legislative provisions that should be considered in the marine planning process and, where appropriate, reflected in marine plans. The MSFD requires Member States to take measures to achieve or maintain GES for their seas by 2020. It came into force on 15 July 2008 and was transposed into UK law by the Marine Strategy Regulations 2010.</p> <p>Marine plans will contribute to meeting the objectives of the MSFD, particularly in relation to any measures which have a spatial dimension. The MMO will consider</p>	As described above the information to demonstrate that the Project is in accordance with the relevant Marine Plans will be provided by the Applicants with the Marine Licence application.

<sup>2</sup> Changes to the EIA Directive were translated into an updated MWR as of 16 May 2017.



Regulations	Description	Actions to be taken by the Applicant
	<p>how marine plans may shape activities within the relevant marine area to support the goals of the MSFD, as well as those of other relevant pieces of legislation.</p> <p>Marine plans set the direction for the licensing and consenting process. Public authorities must take any authorisation or enforcement decision in accordance with the UK Marine Policy Statement 2011 and marine plans unless relevant considerations indicate otherwise.</p>	
<p>The Water Environment (Water Framework Directive (WFD)) (England and Wales) Regulations 2017 (as amended)</p>	<p>The sea from mean low water springs (MLWS) to 1 NM from shore is protected under The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 which require that the project or activity does not “cause or contribute to deterioration in water body status” or “jeopardise the water body achieving good status”.</p> <p>For licence applications in this zone, the MMO must ensure that the marine licence decision is compatible with the 2017 Regulations (as amended) and any river basin management plan. The Environment Agency is the competent authority for the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, and it advises the MMO prior to a licensing decision. The Environment Agency’s assessments and conclusions inform the MMO decision.</p> <p>A scoping template from the Environment Agency is used to decide whether further assessment is required, and this will be completed as part of the MEA process.</p>	<p>The scoping template provided by the Environment Agency will be completed as part of the MEA process and submitted with the Marine Licence application. Please refer to Chapter 6 for further details.</p>
<p>Conservation of Habitats and Species Regulations 2017 (covers inshore waters out to 12 NM) (CHSR)</p> <p>Conservation of Offshore Marine Habitats and Species Regulations 2017 (covers offshore waters from 12 NM out to the EEZ boundary) (COMHSR)</p>	<p>The CHSR and COMHSR are collectively referred to as the Habitats Regulations. They transpose into UK law the requirements of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and Council Directive 2009/147/EC on the conservation of wild birds (the Birds Directive). The Habitats Regulations established within the UK Special Areas of Conservation (SACs) to promote the protection of flora, fauna and habitats, and Special Protection Areas (SPAs) to protect rare, vulnerable, and migratory birds. These ‘European Sites’ form part of a network of internationally important sites across Europe.</p> <p>Under the Habitats Regulations, the competent authority (the MMO) is required to undertake a Habitats Regulations Assessment (HRA) to determine whether there is potential for a plan or project to have an adverse effect on a European Site, alone or in-combination with other plans or projects. The HRA process comprises four key stages including the assessment of Likely Significant Effects (LSE), Appropriate Assessment (determining the implications of the plan or project on the integrity of a European site in view of that site’s conservation objectives), assessment of alternative solutions and Imperative Reasons of Overriding Public Interest (IROPI). Under Regulation 63(1) of the Habitats Regulations, the Appropriate Assessment is undertaken by the competent authority based on information provided by the applicant, usually in the form of a Report to Inform an Appropriate Assessment (RIAA) or an HRA Report.</p> <p>When undertaking an HRA, it is also necessary to consider potential effects on proposed SPAs (pSPAs), candidate SACs (cSACs) and Ramsar sites.</p>	<p>The Applicants will provide information to inform screening for Appropriate Assessment. If screening identifies that Appropriate Assessment is required for any European Site, then the Applicants will provide a Report to Inform Appropriate Assessment with the Marine Licence application. Please refer to Chapter 5 for further details.</p>
<p>MCAA – Marine Conservation Zones (MCZ)</p>	<p>Section 126 (6) of the MCAA requires that Applicants seeking to undertake an activity must satisfy the competent authority (the MMO) that there is no significant risk of the proposed activity hindering the achievement of the conservation objectives stated for the MCZ.</p> <p>The MMO follows an MCZ assessment process that is integrated into existing marine licence decision making procedures. There are three stages to the assessment process including Screening (the process of identifying whether S.126 should apply to the proposed development and whether the activity is capable of affecting (other than insignificantly) either the protected features of the MCZ or the ecological or geomorphological processes on which the protected features are dependent); Stage 1 assessment (which considers whether there is a significant risk of the activity hindering the achievement of the conservation objectives stated for the MCZ) and Stage 2 assessment (which considers whether there are benefits to the public of proceeding with the project that clearly outweigh the damage to the environment and what measures the applicant will take to provide equivalent environmental benefit to compensate for the damage which the project will have on the MCZ).</p>	<p>The Applicants will provide information to inform MCZ Screening. If screening identifies that Stage 1 Assessment is required for any MCZ, then the Applicant shall provide a Report to Inform Stage 1 Assessment with the Marine Licence application. Please refer to Chapter 5 for further details.</p>
<p>Wildlife and Countryside Act 1981 (as amended)</p>	<p>Sites of Special Scientific Interest (SSSI) are identified and protected by Natural England (NE) under the Wildlife and Countryside Act 1981 (as amended). Sites are selected to protect biological interests (e.g., rare or best examples of flora and fauna and supporting habitats) or geological or geomorphological interests (e.g., strata containing important geological stratigraphy or fossils). NE’s objective is to achieve ‘favourable condition’ status for all SSSIs. Favourable condition means that</p>	<p>The Applicants will provide information to inform the SSSI Assessment within the Protected Sites Chapter of the MEAp. Please refer to Chapter 5 for further details.</p>



Regulations	Description	Actions to be taken by the Applicant
	<p>the SSSI's habitats and features are in a healthy state and are being conserved by appropriate management.</p> <p>Each SSSI has a list of activities, known as 'operations', which need NE's written consent before they can proceed. To arrive at a decision, NE will assess whether proposals to carry out operations within a SSSI have a positive or negative effect on the condition of a site.</p> <p>Where the Project overlaps with a SSSI, the MMO will consult NE on the proposed plans and activities. NE's assessments and conclusions inform the MMO's decision, and the Marine Licence forms the necessary consent to undertake operations within the SSSI.</p>	
MCAA - Shipping & Navigation	<p>Section 69(1c) of the MCAA requires the MMO to have regard to the need to prevent interference with legitimate uses of the sea. Any deposits must not pose a navigational risk. To inform their decision the MMO will consult with navigational bodies. The Maritime and Coastguard Agency (MCA) is the primary advisor on navigational safety issues, but representations are also sought from Trinity House, the Royal Yachting Association (RYA), Chamber of Shipping and any port authority within the proposed development area (which for the Project may include Humber Port Authority).</p>	<p>A Navigation Risk Assessment will be used to inform the MEA and will be provided with the MEAp. Please refer to Chapter 11 for further details.</p>
MCAA - Marine Archaeology	<p>Section 69(1a) of the MCAA requires the MMO to have regard to the need to protect the environment. This includes certain archaeological regulations that must be complied with e.g., the Protection of Wrecks Act 1973 (PWA), the Ancient Monuments and Archaeological Areas Act 1979, and the Protection of Military Remains Act 1986.</p> <p>To ensure due consideration is given to marine archaeology, certain marine archaeological assessments need to be provided to ensure that effects on archaeology are understood. The MMO will consult with Historic England on the findings of the assessments to inform their licensing decision.</p>	<p>Marine archaeological assessments will be undertaken by a qualified marine archaeologist to inform the MEA process, the conclusions of which will be presented in the MEAp. The scope of these assessments is described in Chapter 14.</p>
The Waste (England and Wales) Regulations 2011	<p>The MMO must ensure that waste generated by the Project is dealt with in an environmentally appropriate way before it can grant a licence. To do this it applies the waste hierarchy, which gives an order of preference for how waste is dealt with:</p> <ul style="list-style-type: none"> <li>• Prevention – this can include not carrying out an activity and the refusal of a marine licence</li> <li>• Re-use – finding an alternative, beneficial use for waste material</li> <li>• Recycling – this can include making high grade products from waste material</li> <li>• Other recovery - including treatment to alter the physical nature of the waste material disposal at sea – this is the last resort</li> </ul>	<p>The Applicants shall take all such measures as are reasonable in the circumstances to apply the waste hierarchy to prevent waste, and to apply the hierarchy as a priority order when transferring waste to another person.</p>

### 1.6.2. Scotland

Similar to England, a Marine Licence is required for certain activities that are carried out within the UK marine area. MD-LOT is the regulator responsible for determining marine licence applications in Scottish waters, however the licensing regime differs slightly to England.

A review of current marine licencing policy indicates:

- Laying and burial of the submarine cables within territorial waters (i.e., within 12 nautical miles (NM)) requires a Marine Licence under the Marine (Scotland) Act 2010.
- Within the Scottish offshore region (between 12 and 200 NM), licensing falls under the Marine and Coastal Access Act 2009, however as with England, within territorial waters the installation of an international electricity cable is exempt from requiring a Marine Licence under Section 81(2) of the MCAA. The placement of cable protection material e.g., concrete mattresses or rock would still be licensable activities.

Under the Marine (Scotland) Act 2010 when determining a Marine Licence, MD-LOT has a responsibility to ensure that the application complies with the requirements of a range of Scottish legislation. However, for international submarine power cable applications, MD-LOT are obliged to grant a Marine Licence (within Scottish territorial waters), although conditions can be included in any Marine Licence issued. To ensure compliance with necessary UK legislation, environmental information can be requested in order to determine the licence. The relevant regulations and types of assessment that MD-LOT are obliged to consider are described in Table 1-2.

*Table 1-2: Regulations which the Project in Scotland must comply with*



Regulations	Description	Actions to be taken by the Applicant
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)	These regulations cover the area within 12 NM of the Scottish coastline and from 12 NM to the edge of the EEZ. They require that certain types of projects with the potential to significantly affect the environment have an EIA before a marine licence decision is made. MD-LOT checks all applications to assess them for the potential to require an EIA. The installation of cables or the deposit of cable protection is not listed in Schedule 1 or 2 of the MWR as the type of project that would require a statutory EIA.	As a responsible developer, the Applicant has chosen to fulfil its obligations by undertaking a MEA and submitting an MEAp. The content of this process is the subject of this Scoping Report.
Marine and Coastal Access Act 2009 (MCAA) - Marine Spatial Plans	As in England, under Section 58 of the MCAA, MD-LOT is required to make decisions in accordance with marine policy documents, and as such, is responsible for implementing the Scottish National Marine Plan through existing regulatory and decision-making processes. In assessing marine licence applications, MD-LOT must determine whether the activities of the Project are compatible with the objectives of the UK MPS and the Scottish National Marine Plan (NMP).	Information to demonstrate that the Project is in accordance with the UK MPS and the Scottish NMP will be provided by the Applicant with the Marine Licence application. This will take the form of a table setting out each policy objective with a description of how the features of the Project comply with the objective.
MCAA - Shipping & Navigation	The requirements of the MCAA in relation to shipping and navigation apply in Scotland as well. To inform their decision MD-LOT will consult with navigational bodies. The Maritime and Coastguard Agency (MCA) is the primary UK advisor on navigational safety issues, but representations are also sought from Trinity House, the Royal Yachting Association (RYA) and any port authority within the proposed development area (which for the Project may include Peterhead Port Authority).	A Navigation Risk Assessment will be used to inform the MEA and will be provided with the MEAp. Please refer to Chapter 11 for further details.
MCAA - Marine Archaeology	The requirements of the MCAA in relation to marine archaeology apply in Scotland as well. To inform their decision MD-LOT will consult with Historic Scotland on the findings of the assessments to inform their licensing decision.	Marine archaeological assessments will be undertaken by a qualified marine archaeologist to inform the MEA process, the conclusions of which will be presented in the MEAp. The scope of these assessments is described in Chapter 14.
Marine (Scotland) Act 2010 – Marine Protected Areas (MPA)	The Marine (Scotland) Act 2010 (“the Act”) provides a statutory framework for the management of the marine environment in Scotland’s inshore waters (up to 12 NM from the coast). In UK offshore waters, including around Scotland, an equivalent framework is provided by the Marine and Coastal Access Act 2009. The Act allows for the designation of marine protected areas (MPAs) for nature conservation purposes in Scottish waters. MPAs are used to ensure protection of some of the most vulnerable species and habitats. A detailed consideration of the MPA assessment process as relevant to the Project is provided within Chapter 5 and for brevity, is not repeated here.	The Applicant will provide information to inform MPA Screening. If screening identifies that Stage 1 Assessment is required for any MPA, then the Applicant shall provide a Report to Inform Stage 1 Assessment with the Marine Licence application. Please refer to Chapter 5 for further details.
CHSR and COMHSR	As described in Table 1-1 the CHSR and COMHSR also apply in Scottish waters. In Scotland the competent authority is MD-LOT.	The Applicant will provide information to inform screening for Appropriate Assessment. If screening identifies that Appropriate Assessment is required for any European Site, then the Applicant shall provide a Report to Inform Appropriate Assessment with the Marine Licence application. Please refer to Chapter 5 for further details.
Wildlife and Countryside Act 1981 (as amended) Nature Conservation (Scotland) Act 2004	As described in Table 1-1, the Wildlife and Countryside Act also applies in Scotland. SSSIs are identified and protected by NatureScot. The Nature Conservation (Scotland) Act 2004, Part 3 and Schedule 6 make amendments to the Wildlife and Countryside Act (1981 as amended), strengthening the legal protection for threatened species to include ‘reckless’ acts. Within each SSSI, NatureScot have identified activities, that may damage the designated features, which need written consent before they can proceed. These are known as “Operations Requiring Consent. To arrive at a decision, NatureScot will assess whether proposals to carry out operations within a SSSI have a positive or negative effect on the condition of a site. Where the proposed development overlaps with a SSSI, MD-LOT will consult NatureScot on the proposed plans and activities. NatureScot’s assessments and conclusions inform MD-LOTs decision, and the Marine Licence forms the necessary consent to undertake operations within the SSSI.	The Applicant will provide information to inform the SSSI Assessment within the Protected Sites Chapter of the MEAp. Please refer to Chapter 5 for further details.