

Gavin McPherson
NOVA Innovation Ltd
45 Timber Bush,
Edinburgh,
EH6 6QH

Date: 09 January 2018

Dear Mr McPherson,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (AS AMENDED) (“the Marine Works Regulations”)**

**SCREENING OPINION ON THE INSTALLATION OF THE NOVA INNOVATION LTD
TIDAL ARRAY PROJECT IN BLUEMULL SOUND, SHETLAND**

Thank you for your email dated 05 December 2017 requesting a screening opinion on the proposed extension, of an additional single turbine, to the Shetland Tidal Array. The existing Shetland Tidal Array project in Bluemull Sound Shetland, is a small community owned project for which a marine licence (04859/15/1) has previously been awarded permitting the deployment of five turbines at the site, of which three turbines have already been deployed. The proposal for an additional turbine means that the tidal array will consist of six 100 kW Nova M100 tidal turbines deployed in the Bluemull Sound, Shetland.

The Scottish Ministers have adopted a screening opinion in relation to the proposed works under regulation 11(1) of the Marine Works Regulations 2017.

The Scottish Ministers have, as required by regulation 10(5) of the Marine Works Regulations, consulted with Scottish Natural Heritage (“SNH”) (a consultation body considered to be appropriate) as to their view on whether the proposed works are an Environmental Impact Assessment (“EIA”) project. SNH responded to the consultation and their advice is included at Appendix 1.

The Scottish Ministers have considered whether the proposed works fall into any of the categories set out in Schedules of 1 and 2 of the Marine Works Regulations. Where relevant, Schedule 3 provides the selection criteria for screening Schedule 2 works.

Schedule 1

The proposed works do not fall into any category under Schedule 1 of the Marine Works Regulations.

Schedule 2

The Scottish Ministers consider that the proposed works fall under Schedule 2 paragraph 13 of the Marine Works Regulations – “*any change to or extension of works of a description mentioned in paragraphs 1 to 12 of Column 1 of this table where those works are already authorised, executed or in the process of being executed*”. The existing works fall under Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB
www.scotland.gov.uk

Schedule 2 paragraph 3(a) of the Marine Works Regulations - "*Industrial installations for the production of electricity, steam and hot water (unless included in schedule 1)*"

Schedule 3

As the proposed works fall under Schedule 2, and the threshold of 0.5 hectares outlined in Schedule 2, paragraph 3(a) column 2 is exceeded, it is necessary to consider the selection criteria set out in Schedule 3 of the Marine Works Regulations in order to determine whether an EIA is required. Scottish Ministers have considered the following:

Characteristics of the works

The proposal is for one additional tidal turbine to be deployed within the boundary of the previously consented works. The area of the works is not being extended. The additional turbine will be deployed using a gravity base with no requirement for piling.

Location of the Works

The location of the proposed turbine is within Blue Mull and Colgrave Sounds pSPA. This pSPA has red-throated diver as the qualifying interest.

Characteristics of the potential impact

The proposed works are of a novel design with the potential to impact protected species. The appropriate assessment completed for the existing five turbines concluded no adverse effect on the integrity of nearby European protected sites. In addition NOVA Innovation has carried out extensive monitoring of the turbines currently deployed in the area, with over 4000 hours of video footage recorded and no observations of any marine wildlife colliding with the blades. Fish, birds and seals were observed on the cameras; however, both the fish and their predators were seen to exit the region of the turbine blades while the tide was flowing (and the blades were rotating), with fish moving to areas of lower flow on the seabed. This behaviour should reduce the chance of interaction between marine animals and the blades,

Based on the reasons outlined above, the Scottish Ministers are of the opinion that an EIA will not be required to be undertaken in support of the proposed works of NOVA Innovation Ltd , Bluemull Sound Shetland.

The following information will be required to support the marine licence application:

- Updated collision risk modelling for marine mammals and birds (using the latest SNH guidance) in order to inform the appropriate assessment which will be required to be undertaken for the European sites previously assessed and the Bluemull and Colgrave pSPA;
- Updated EMMP;
- Information on monitoring and analysis from the array deployment, as per the requirements in the EMMP, to provide context for this extension will also be required;
- Schedule of mitigation including pollution prevention measures; and
- Decommissioning statement

Yours sincerely



Panos Piratsikas
Marine Scotland Licensing Operations Team

Appendix 1

Consultee responses to the request for a Screening Opinion

SNH Advice

Scottish Natural Heritage (“SNH”) has reviewed the submitted screening document and have provided the following comments.

Due to the location of the proposed turbine within Blue Mull and Colgrave Sounds pSPA, we advise that, as part of any marine licence application, consideration is given to this SPA and the potential impacts of the proposed additional turbine to the qualifying feature – breeding red throated divers. We also advise that consideration is given to the other key nature conservation features assessed as part of the array application.

We advise that the following information is required to support any new marine licence application:

1. Updated collision risk modelling for both marine mammals and birds, see our previous advice and the MS appropriate assessment (January 2016) to help inform this assessment. <http://www.gov.scot/Topics/marine/Licensing/marine/scoping/nova>. For collision risk assessment, we advise the use of the SNH (2016) guidance note ‘Assessing collision risk between underwater turbines and marine wildlife’. 1
2. Information on monitoring and analysis from the array deployment, as per the requirements in the EMMP, to provide context for this extension.

We have received the underwater camera footage and provided comments on this in autumn 2017 and as a result we requested a meeting to discuss the other aspects of monitoring as detailed and agreed in the EMMP.