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Ms Kirstine Wood
Seagreen 1A Limited
c/o SSE plc
1 Waterloo Street
Glasgow
G2 6AY

Date: 19 February 2021

Dear Ms Wood,

Screening Opinion under The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) and The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)

Thank you for your screening opinion request dated 02 December 2020 in regards to the proposed construction of an offshore export cable and cable protection in the Firth of Forth and Firth of Tay to connect the Seagreen Alpha and Seagreen Bravo offshore wind farms to a landfall in East Lothian (“the Proposed Works”).

The Proposed Works are required as part of the installation of the Seagreen Alpha and Bravo offshore wind farms (“the Seagreen Project”) for which marine licences were granted in October 2014. The Seagreen Project included up to six export cables to connect to a landfall at Tealing, Carnoustie. The installation of an additional export cable at an alternative landfall location was not included in the Seagreen Project that was previously assessed.

The construction of the Seagreen Project is an Environmental Impact Assessment (“EIA”) project therefore the Scottish Ministers consider the Proposed Works to fall under paragraph 13 of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the 2017 MW Regulations”) and paragraph 89, of schedule A2 of the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (“the 2007 MW Regulations”), on the basis that they constitute an extension of schedule 2/schedule A2 works already authorised with the Proposed Works being carried out in a sensitive area as defined by the 2017 MW Regulations. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are or are not, an EIA project under the 2017 MW Regulations and the 2007 MW Regulations.

Under regulation 10(5) of the 2017 MW Regulations and paragraph 4(1) of schedule 2 of the 2007 MW Regulations, the Scottish Ministers have consulted with the relevant local planning authorities (Angus Council, Dundee City Council, East Lothian Council, Fife

Council and the Scottish Borders Council), NatureScot (operating name of Scottish Natural Heritage), Historic Environment Scotland (“HES”) and the Scottish Environment Protection Agency (“SEPA”) for their view on whether the Proposed Works are an EIA project. Copies of the consultation responses and the advice received are attached for your review (see Appendix 1). Due to circumstances outwith its control, SEPA has not been able to provide a consultation response.

When making a determination as to whether schedule 2 projects under the 2017 MW Regulations and schedule A2 projects under the 2007 MW Regulations are an EIA project, the Scottish Ministers must take into account the selection criteria set out in schedule 3 of the 2017 MW Regulations and schedule 1 of the 2007 MW Regulations as are relevant to the Proposed Works. In this regard, the Scottish Ministers have considered the following:

Characteristics of the works

The Seagreen Project was awarded Section 36 consents and marine licences for the construction and operation of 150 Wind Turbine Generators (“WTGs”), associated inter array cabling and offshore transmission asset infrastructure. The Seagreen Project will comprise of 114 WTGs to be installed on three-legged steel jackets, each installed on suction bucket caissons and 36 WTGs installed on up to four-legged steel jackets, each installed on pin pile foundations. The existing marine licences allow up to six export cables to be installed to connect the wind farm to a landfall at Carnoustie, Fife.

The Proposed Works involve the construction of an additional high voltage export cable (approximately 108 kilometres long) from the Seagreen Project to an identified landfall location on the East Lothian coastline at either Cockenzie or Seton Sands. The cable will transmit electricity from up to 36 of the 150 consented WTGs within the Seagreen Project area via an Offshore Substation Platform. The Proposed Works will follow a similar alignment to the consented Inch Cape export cable corridor and will overlap across approximately 400 to 500 meters of the Inch Cape cable route.

The cable will be buried along the majority of the export cable route and, where this is not possible, additional cable protection measures will be applied (including concrete mattresses, grout bags and/or rock placement). The exact details of the cable installation technique to be employed are yet to be confirmed; however, it is envisaged that a variety of installation and burial techniques (such as post lay burial using a jet trenching remotely operated vehicle and cable lay and burial using a cable plough or a mechanical trencher) will be used due to the variable nature of the seabed along the proposed export cable corridor. At the landfall location, a trenchless installation technique (horizontal directional drilling or direct pipe) will be used to install a cable duct from onshore to below mean high water springs.

There remains uncertainty as to the extent of the onshore works associated with the Proposed Works. East Lothian Council highlighted that further onshore transmission works including a substation within East Lothian will be required however details of this have not been provided. The screening opinion request also refers to the construction of an onshore operations and maintenance facility for the Proposed Works however does not provide any further details. The Proposed Works and onshore transmission works are integral to each other, as the electricity cannot be exported to the grid without both. The Scottish Ministers are required to consider the whole project when considering EIA.

Location of the works

The Proposed Works are to be located within the Firth of Forth and Firth of Tay running south and east of the Inch Cape Offshore Wind Farm, north of the consented Neart na Gaoithe Offshore Wind Farm and northwest of the proposed Berwick Bank and Marr Bank Offshore Wind Farms.

The Proposed Works are located within or in close proximity to the Outer Firth of Forth and St Andrews Bay Complex Special Protected Area (“SPA”), the Firth of Forth SPA, the Firth of Forth Banks Complex Nature Conservation Marine Protected Area (“ncMPA”), the Firth of Forth Site of Special Scientific Interest (“SSSI”), the Forth Islands SPA and the Isle of May Special Area of Conservation (“SAC”). NatureScot advised that there are a number of impact pathways which may lead to significant effects on one or more of these protected sites.

NatureScot advised that quantification of any habitat loss during the construction and decommissioning phases is needed to assess the impact on habitat and benthic features as well as habitats used by seabirds or migratory birds. NatureScot advised that this needs to be considered for all qualifying features of the Outer Firth of Forth and St Andrews Bay Complex SPA which overlaps with the cable corridor, as well as the Firth of Forth SPA which overlaps with the landfall locations. NatureScot also advised that the features of the Firth of Forth Banks Complex ncMPA should be assessed for any potential impact pathways.

NatureScot also advised, that disturbance and displacement effects during the construction phase are possible for all the qualifying features of the Outer Firth of Forth and St Andrews Bay Complex SPA, the Firth of Forth SPA, the Firth of Forth SSSI as well as seabird qualifying features (guillemot, kittiwake, puffin, razorbill (and seabird assemblage)) of the Forth Islands SPA. NatureScot advised that a qualitative assessment based on vessel movements and areas occupied by activity should be undertaken and that depending on the construction schedule, consideration may also be required for the Isle of May SAC designated for grey seals.

In relation to the operation and maintenance phase, NatureScot advised that it is not yet known to what extent introducing hard structures to a soft sediment environment will impact benthic and fish communities. There is the potential for impacts across multiple trophic levels due to changes in prey availability and this will need to be considered for all the qualifying features of the Outer Firth of Forth and St Andrews Bay Complex SPA and also the seabird qualifying features of the Forth Islands SPA.

East Lothian Council highlighted that construction works at the landfall locations may be in close proximity to sensitive residential receptors. These may be impacted by noise, vibration and dust caused by the Proposed Works. East Lothian Council advised that this could be controlled through the submission of a Construction Environmental Management Plan which should include practicable control measures for reducing visible dust emissions, details of daytime and night time construction noise mitigation measures and assessment of vibration impacts from tunnelling and trenching during construction. However, the Scottish Ministers note that details of these mitigation measures have not been provided so there remains a potential for significant effects on sensitive receptors.

HES advised that sufficient information has been provided to demonstrate that any potentially significant effects on historic environment interests can be effectively mitigated. The Scottish Ministers note however, that details of this mitigation have not been provided and HES have also requested sight of the Written Scheme of Investigation and Protocol for Accidental Discoveries which it requires to be submitted to show how accidental impacts on marine heritage will be avoided or mitigated and to manage any accidental discoveries of archaeological interest.

Characteristics of the potential impact

In addition to the impacts on designated sites, NatureScot also advised on the need to consider pre-construction activities such as unexploded ordnance clearance and geophysical activities that may create significant underwater noise. NatureScot confirmed that these impacts will require assessment under European Protected Species licensing as well as an assessment of the effects on designated sites with marine mammal and potentially diadromous fish qualifying features. East Lothian Council supported this view about impacts on marine mammals and referred to the Isle of May SAC and Moray Firth SAC as being potentially impacted. NatureScot also advised that greater consideration of electromagnetic field effects for diadromous fish and in particular Atlantic salmon, is required.

Concerns were raised by East Lothian Council regarding the lack of detail about the mitigation measures which have been proposed. East Lothian Council noted that this is particularly relevant for potential effects with regard to noise, accidental spillage of pollutants, invasive non-native species, possible risks to the health of the general public and fisheries. East Lothian Council also noted with respect to landscape, that the visual disturbance from the intertidal works requires further consideration as part of the Proposed Works.

The Proposed Works will overlap considerably with the Inch Cape Offshore Wind Farm export cable corridor which underwent an EIA. The screening opinion request proposes that assessments carried out in support of the Inch Cape project can be used to show that the Proposed Works will not have significant effects on the environment. However, NatureScot noted that while much can be drawn across from the previous assessments, all key environmental receptors and impact pathways have been screened out across all development phases in the screening opinion request without any project-specific quantification or justification of these impacts. NatureScot disagrees with the proposed approach due to a lack of knowledge on the Inch Cape build out and advised that insufficient consideration has been given to impacts on protected sites and features, including the potential for in-combination effects. NatureScot also advised that other works that may be sequential or operating at the same time as the Proposed Works require further consideration and may need to be assessed further.

The Scottish Ministers note the proposal in the screening opinion request to include some of this information as part of an environmental appraisal to be submitted along with the marine licence application. However, the Scottish Ministers are of the view that due to the number of uncertainties, insufficient detail on mitigation and the potential for the Proposed Works to have a significant effect on the environment, an environmental appraisal is not appropriate and the Proposed Works are an EIA project.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are an EIA project under the 2017 MW Regulations and the 2007 MW Regulations and, therefore, an EIA is required to be carried out in respect of the Proposed Works.

If you increase, alter or extend the Proposed Works, you are advised to contact Marine Scotland - Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to Angus Council, Dundee City Council, East Lothian Council, Fife Council and Scottish Borders Council Planning Departments, NatureScot, HES and SEPA. The screening opinion has also been made publicly available through the [Marine Scotland Information](#) website.

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely,

Emma Lees
Marine Scotland - Licensing Operations Team