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**MARINE SCOTLAND - LICENSING OPERATIONS TEAM'S
ASSESSMENT OF THE PROJECT'S IMPLICATIONS FOR
DESIGNATED SPECIAL AREAS OF CONSERVATION AND SPECIAL
PROTECTION AREAS IN VIEW OF THE SITES' CONSERVATION
OBJECTIVES.**

APPLICATION FOR A MARINE LICENCE UNDER THE MARINE (SCOTLAND) ACT 2010 AND THE MARINE AND COASTAL ACCESS ACT 2009 FOR INSTALLATION OF A SINGLE HIGH VOLTAGE ALTERNATING CURRENT EXPORT CABLE AND ASSOCIATED CABLE INFRASTRUCTURE.

SITE DETAILS: CABLE ROUTE FROM SEAGREEN ALPHA AND BRAVO OFFSHORE SUBSTATION PLATFORM TO LANDFALL AT COCKENZIE, EAST LOTHIAN

Name	Assessor or Approver	Date
Mark McCormack	Assessor	27 August 2021
Kerry Bell	Approver	9 November 2021

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SECTION 1: BACKGROUND

1 Introduction

- 1.1 This appropriate assessment (“AA”) relates to the application submitted by Seagreen 1A Ltd (“SG1A”) for a marine licence under part 4 of the Marine (Scotland) Act 2010 (“the 2010 Act”) and the Marine and Coastal Access Act 2009 (“the 2009 Act”) to install an export cable and cable protection from the Seagreen Alpha and Bravo offshore wind farms to Cnockenzie, East Lothian. The use of the associated geophysical survey equipment for the cable works is not covered by the marine licensing regime under the 2010 Act or the 2009 Act. The potential impacts from the geophysical survey equipment will however be considered as part of this AA. An application for a licence to disturb European Protected Species (“EPS”) in respect of the use of the geophysical survey equipment has not yet been submitted by SG1A. Once an application has been submitted, as part of the EPS application process, Marine Scotland – Licensing Operations Team (“MS-LOT”) will assess if the conclusions of this AA remain valid.
- 1.2 This AA has been undertaken by MS-LOT as required under regulation 28 of the Conservation of Offshore Marine Habitats and Species Regulations 2017 and regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 (collectively referred to as “the Habitats Regulations”). MS-LOT, as the 'competent authority' under the Habitats Regulations, must be satisfied that the Seagreen 1A project will not adversely affect the integrity of any European site (special areas of conservation (“SAC”) and special protection areas (“SPA”)), either alone or in combination with other plans or projects, before it can grant consent for the project.
- 1.3 A detailed AA has been undertaken and NatureScot, operating name of Scottish Natural Heritage, has been consulted.

2 Appropriate assessment conclusion

- 2.1 This AA concludes that there will be no adverse effect on the site integrity of the Outer Firth of Forth and St Andrews Bay Complex SPA, Firth of Forth SPA, Isle of May SAC, Firth of Tay and Eden Estuary SAC, Moray Firth SAC and the River Teith SAC (where each SPA or SAC is taken as a whole) from the SG1A proposal either in isolation or in combination with other plans or projects, providing that the conditions set out in Section 4 are complied with.
- 2.2 MS-LOT considers that the most up to date and best scientific advice available has been used in reaching the conclusion that the SG1A proposal will not

adversely affect the integrity of these sites and is satisfied no reasonable scientific doubt remains.

3 Details of proposed project

3.1 SG1A propose to install a single high voltage alternating current export cable from the Seagreen Alpha and Bravo Offshore Wind Farms to the national electricity network at Cockenzie, East Lothian. The cable extends to approximately 110 kilometres (“km”) in length and will be installed within a cable corridor which will vary in width, however it is anticipated that the maximum width of the cable corridor will be 1.6 km. The total area of the cable corridor is 116.3 km² and is shown coloured blue in Figure 1 below.

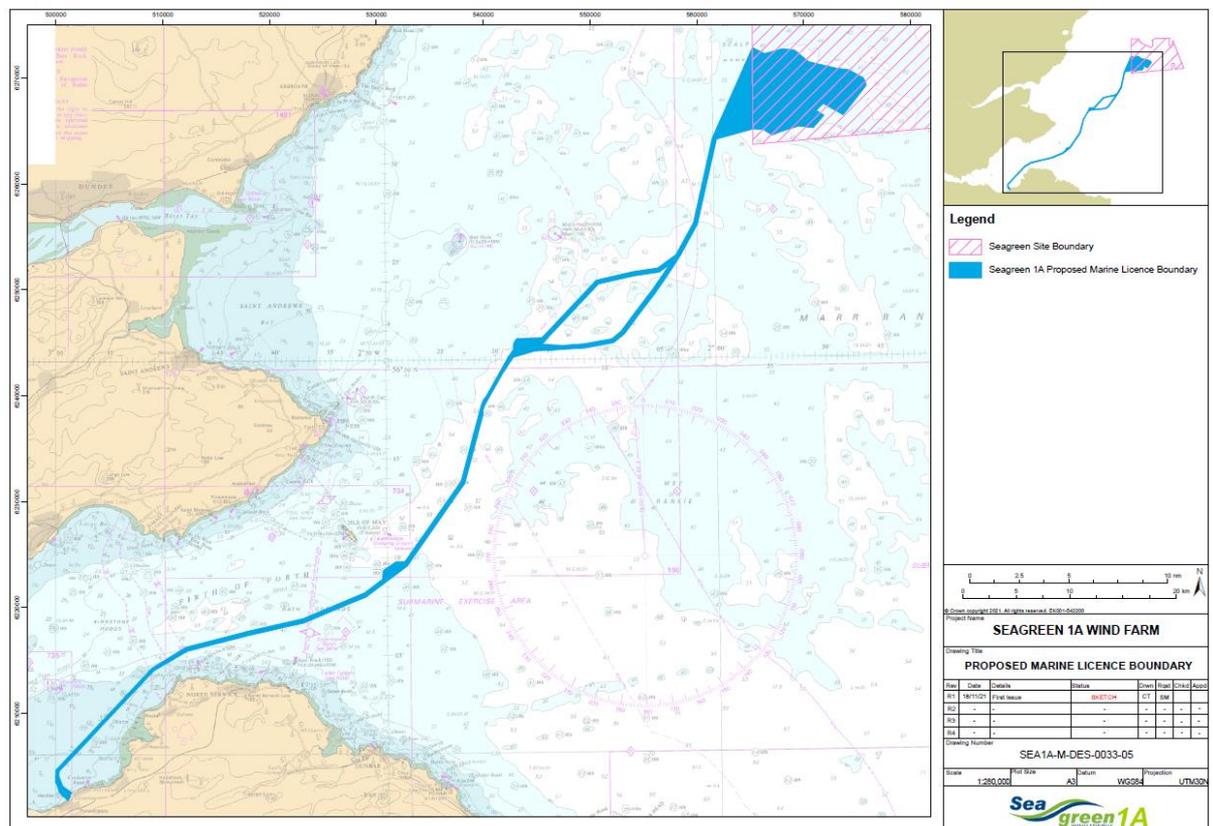


Figure 1: Chart detailing export cable corridor.

3.2 SG1A estimates that 80% of the export cable will be buried to a depth between 1m and 3m. The remaining 20% of the export cable will be protected by rock placement, concrete mattresses and grout bags. Horizontal directional drilling will be used for installation at the export cable’s shore end, and cast iron segments may be used for additional cable protection and stability at the offshore substation platform.

- 3.3 As part of the SG1A proposal, pre-installation and post installation geophysical surveys will be carried out. These will include the use of multi-beam echo sounder, side-scan sonar, sub-bottom profiler (“SBP”), ultra-high resolution seismic (“UHRS”) technology and ultra-short base line (“USBL”).
- 3.4 SG1A applied for the construction works to take place from April 2023 to June 2024. The indicative construction programme provides for 24/7 hour working, with no seasonality restrictions. Excluding weather delays, SG1A estimates that the seabed preparation to take four weeks, with the landfall preparation at Cnockenzie and trenchless installation to take two months. The cable lay with post lay burial will last up to six weeks and the cable pull in, cable protection and post-lay survey will each last one week.

4 Consultation

- 4.1 NatureScot was consulted on the marine licence application and supporting information, including an Environmental Impact Assessment Report (“EIA Report”) and a Nature Conservation Appraisal Report (“NCA Report”) on 13 May 2021.
- 4.2 A detailed response was received from NatureScot and Marine Scotland Science (“MSS”) also provided scientific advice on the application. NatureScot later provided a further response confirming its position on the updated conservation objectives for the Outer Firth of Forth and St Andrews Bay Complex SPA.

5 Main points raised during consultation

- 5.1 NatureScot advised that the SG1A proposal would have a likely significant effect on the non-breeding waterfowl qualifying features of Outer Firth of Forth and St Andrews Bay complex SPA, the non-breeding wading and waterfowl qualifying features of the Firth of Forth SPA, the grey seal qualifying feature of Isle of May SAC, the harbour seal qualifying feature of Firth of Tay and Eden Estuary SAC, the bottlenose dolphin qualifying feature of Moray Firth SAC and the Atlantic salmon, sea and river lamprey qualifying features of the River Teith SAC. NatureScot advised that an AA was required.
- 5.2 NatureScot noted that the SG1A proposal overlaps with the Forth Islands SPA and also has considerable overlap in foraging range for all or most of the breeding seabirds that are a named assemblage feature of this SPA. NatureScot advised however that disturbance effects from vessel movement associated with installation, operation, maintenance and repair and decommissioning activities are likely to be short term and localised in nature. Furthermore, NatureScot advised that impacts from turbidity increase or

temporary prey resource disruption are also likely to be small scale and reversible. NatureScot advised therefore that the SG1A proposal is unlikely to have a significant effect on any qualifying interests of the Forth Islands SPA. The Forth Islands SPA will therefore not be considered further in this assessment.

SECTION 2: INFORMATION ON EUROPEAN SITES

6 Background information and qualifying interests for the relevant European sites

6.1 This section provides links to the NatureScot SiteLink website (“SiteLink”) where the background information on the sites being considered in this assessment is available. The qualifying interests for the sites are listed as are the conservation objectives.

Table 1 Name of European sites affected and relevant links to SiteLink

<ul style="list-style-type: none">• Outer Firth of Forth and St Andrews Bay Complex SPA SiteLink (nature.scot)• Firth of Forth SPA SiteLink (nature.scot)• Isle of May SAC SiteLink (nature.scot)• Firth of Tay and Eden Estuary SAC SiteLink (nature.scot)• Moray Firth SAC SiteLink (nature.scot)• River Teith SAC SiteLink (nature.scot)
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Table 2 Qualifying interests

<p>Outer Firth of Forth and St Andrews Bay Complex SPA</p> <ul style="list-style-type: none">• Arctic tern (<i>Sterna paradisaea</i>), breeding• Black-headed gull (<i>Chroicocephalus ridibundus</i>), non-breeding• Common gull (<i>Larus canus</i>), non-breeding• Common scoter (<i>Melanitta nigra</i>), non-breeding
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- Common tern (*Sterna hirundo*), breeding
- Eider (*Somateria mollissima*), non-breeding
- Gannet (*Morus bassanus*), breeding
- Goldeneye (*Bucephala clangula*), non-breeding
- Guillemot (*Uria aalge*), breeding
- Guillemot (*Uria aalge*), non-breeding
- Herring gull (*Larus argentatus*), breeding
- Herring gull (*Larus argentatus*), non-breeding
- Kittiwake (*Rissa tridactyla*), breeding
- Kittiwake (*Rissa tridactyla*), non-breeding
- Little gull (*Hydrocoloeus minutus*), non-breeding
- Long-tailed duck (*Clangula hyemalis*), non-breeding
- Manx shearwater (*Puffinus puffinus*), breeding
- Puffin (*Fratercula arctica*), breeding
- Razorbill (*Alca torda*), non-breeding
- Red-breasted merganser (*Mergus serrator*), non-breeding
- Red-throated diver (*Gavia stellata*), non-breeding
- Seabird assemblage, breeding
- Seabird assemblage, non-breeding
- Shag (*Phalacrocorax aristotelis*), breeding
- Shag (*Phalacrocorax aristotelis*), non-breeding
- Slavonian grebe (*Podiceps auritus*), non-breeding
- Velvet scoter (*Melanitta fusca*), non-breeding
- Waterfowl assemblage, non-breeding

Firth of Forth SPA

- Bar-tailed godwit (*Limosa lapponica*), non-breeding
- Common scoter (*Melanitta nigra*), non-breeding
- Cormorant (*Phalacrocorax carbo*), non-breeding
- Curlew (*Numenius arquata*), non-breeding
- Dunlin (*Calidris alpina alpina*), non-breeding
- Eider (*Somateria mollissima*), non-breeding
- Golden plover (*Pluvialis apricaria*), non-breeding
- Goldeneye (*Bucephala clangula*), non-breeding
- Great crested grebe (*Podiceps cristatus*), non-breeding
- Grey plover (*Pluvialis squatarola*), non-breeding
- Knot (*Calidris canutus*), non-breeding
- Lapwing (*Vanellus vanellus*), non-breeding
- Long-tailed duck (*Clangula hyemalis*), non-breeding
- Mallard (*Anas platyrhynchos*), non-breeding

- Oystercatcher (*Haematopus ostralegus*), non-breeding
- Pink-footed goose (*Anser brachyrhynchus*), non-breeding
- Red-breasted merganser (*Mergus serrator*), non-breeding
- Red-throated diver (*Gavia stellata*), non-breeding
- Redshank (*Tringa totanus*), non-breeding
- Ringed plover (*Charadrius hiaticula*), non-breeding
- Sandwich tern (*Sterna sandvicensis*), passage
- Scaup (*Aythya marila*), non-breeding
- Shelduck (*Tadorna tadorna*), non-breeding
- Slavonian grebe (*Podiceps auritus*), non-breeding
- Turnstone (*Arenaria interpres*), non-breeding
- Velvet scoter (*Melanitta fusca*), non-breeding
- Waterfowl assemblage, non-breeding
- Wigeon (*Anas penelope*), non-breeding

Isle of May SAC

- Grey seal (*Halichoerus grypus*)
- Reefs

Firth of Tay and Eden Estuary SAC

- Estuaries
- Harbour seal (*Phoca vitulina*)
- Intertidal mudflats and sandflats
- Subtidal sandbanks

Moray Firth SAC

- Bottlenose dolphin (*Tursiops truncatus*)
- Subtidal sandbanks

River Teith SAC

- Atlantic salmon (*Salmo salar*)
- Brook lamprey (*Lampetra planeri*)
- River lamprey (*Lampetra fluviatilis*)
- Sea lamprey (*Petromyzon marinus*)

Table 3 Conservation objectives

Outer Firth of Forth and St Andrews Bay Complex SPA (draft conservation objectives to be finalised)

1. To ensure that the qualifying features of the Outer Firth of Forth and St Andrews Bay Complex SPA are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status.

2. To ensure that the integrity of the Outer Firth of Forth and St Andrews Bay Complex SPA is restored in the context of environmental changes by meeting objectives 2a, 2b and 2c for each qualifying feature:

2a. The populations of qualifying features are viable components of the site.

2b. The distributions of the qualifying features throughout the site are maintained by avoiding significant disturbance of the species.

2c. The supporting habitats and processes relevant to the qualifying features and their prey/food resources are maintained, or where appropriate restored, at the Outer Firth of Forth and St Andrews Bay Complex SPA.

Firth of Forth SPA

To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species.

Isle of May SAC; Firth of Tay and Eden Estuary SAC

To avoid deterioration of the qualifying habitat(s) (listed above) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying habitat that the following are maintained in the long term:

- Extent of the habitat on site
- Distribution of the habitat within site
- Structure and function of the habitat
- Processes supporting the habitat
- Distribution of typical species of the habitat
- Viability of typical species as components of the habitat
- No significant disturbance of typical species of the habitat

Moray Firth SAC

1. To ensure that the qualifying features of Moray Firth SAC are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status.

2. To ensure that the integrity of Moray Firth SAC is maintained or restored in the context of environmental changes by meeting objectives 2a, 2b and 2c for each qualifying feature:

For subtidal sandbanks:

2a. Extent and distribution of the habitat within the site.

2b. Structure and function of the habitat and the supporting environment on which it relies.

2c. Distribution and viability of typical species of the habitat.

For bottlenose dolphin:

2a. The population of bottlenose dolphin is a viable component of the site.

2b. The distribution of bottlenose dolphin throughout the site is maintained by avoiding significant disturbance.

2c. The supporting habitats and processes relevant to bottlenose dolphin and the availability of prey for bottlenose dolphin are maintained.

River Teith SAC

To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species, including range of genetic types for salmon, as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

SECTION 3: ASSESSMENT IN RELATION TO REGULATION 48 OF THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994

7 Requirement for appropriate assessment

7.1 *Is the project directly connected with or necessary to the conservation management of the site(s)?*

7.1.1 The project is not directly connected with or necessary to the conservation management of the site.

7.2 *Is the project likely to have a significant effect on the qualifying interest(s)?*

7.2.1 In its response dated 30 June 2021, NatureScot advised that many of the non-breeding waterfowl (including assemblage) qualifying features of the Outer Firth of Forth and St Andrews Bay complex SPA and the non-breeding wading and waterfowl (including assemblage) qualifying features of the Firth of Forth SPA are particularly sensitive to vessel activity which could cause disturbance effects depending on whether cable installation falls within the wintering period. NatureScot advised however that impacts on these qualifying features from turbidity increase or temporary prey resource disruption are likely to be small scale and reversible. In its further response, NatureScot additionally advised that despite the habitat changing from seabed to that of seabed with

cable, there will not be an adverse effect on the relative abundance of prey/ food resources for the protected features in the short or long term. NatureScot therefore advised that vessel activity associated with the installation, operation, maintenance and repair and decommissioning of the SG1A cable would have a likely significant effect on the non-breeding waterfowl (including assemblage) qualifying features of the Outer Firth of Forth and St Andrews Bay complex SPA and the non-breeding wading and waterfowl (including assemblage) qualifying features of the Firth of Forth SPA. NatureScot confirmed in its further response that NatureScot's advice on the non-breeding waterfowl (including assemblage) qualifying features of the Outer Firth of Forth and St Andrews Bay Complex SPA remained unchanged despite the updated draft conservation objectives.

- 7.2.2 In addition, NatureScot advised that there was potential connectivity from the SG1A proposal on the bottlenose dolphin qualifying feature of the Moray Firth SAC within the shallower coastal waters, noting they are regularly sighted some 300km south in the Firth of Forth. NatureScot advised that the geophysical surveys to be carried out as part of the SG1A proposal would have the potential to emit significant underwater noise, highlighting the proposed use of a UHRS sparker which would operate at a sound pressure level above the auditory injury threshold for bottlenose dolphins. NatureScot therefore advised the geophysical survey works as part of the SG1A proposal would have a likely significant effect on the bottlenose dolphin qualifying feature of the Moray Firth SAC.
- 7.2.3 NatureScot also advised that the use of SBP and the UHRS as part of the geophysical surveys would have the potential to cause injury and disturbance to seals. In relation to the Isle of May SAC, NatureScot advised the cable corridor lies approximately 3.9km at its closest point to the Isle of May SAC. NatureScot advised the grey seal qualifying feature of the SAC is known to forage a considerable distance but tends to stay within approximately 20km of the breeding colony during the breeding season (September to December) and therefore connectivity with the SG1A proposal is likely. NatureScot noted that the SG1A proposal included the potential for SBP to be used at any point during the lifespan of the cable. NatureScot also noted that whilst the expected timeline of the pre-installation surveys indicate that the UHRS technology will not overlap with the sensitive breeding season, if this timeline were to slip, the effects would need to be considered. NatureScot therefore advised the geophysical survey works as part of the SG1A proposal would have a likely significant effect on the grey seal qualifying feature of the Isle of May SAC.
- 7.2.4 In relation to the Firth of Tay and Eden Estuary SAC, NatureScot advised that the cable corridor route lies within approximately 30km at its closest point.

NatureScot advised that the harbour seal qualifying feature of the SAC displays greater site fidelity throughout the year, staying within approximately 50km of their breeding colony and therefore connectivity with the SG1A proposal is likely. NatureScot notes that the SBP may be used at any point during the lifespan of the cable and the expected timeline of the pre-installation surveys indicate that the UHRS technology may also overlap with the part of breeding season. NatureScot therefore advised the geophysical survey works as part of the SG1A proposal would have a likely significant effect on the harbour seal qualifying feature of the Firth of Tay and Eden Estuary SAC.

7.2.5 NatureScot also advised that there was potential connectivity from the SG1A proposal on Atlantic salmon, sea and river lamprey qualifying features of the River Teith SAC. NatureScot advised that sea lamprey and Atlantic salmon may pass through the cable corridor during the migratory phases of their life cycle, while they move from the river to the sea as juveniles and back to the river as adults to spawn. NatureScot also advised that river lamprey may pass through the cable corridor as they migrate from their coastal feeding grounds to freshwater. NatureScot advised that whilst there is no evidence currently available to confirm that electromagnetic field effects may or may not disrupt migratory pathways, they did not agree with the NCA Report that disturbance effects could be screened out from the AA. NatureScot therefore advised that activity associated with the installation, operation, maintenance and repair and decommissioning of the SG1A cable is likely to have a significant effect on the Atlantic salmon, sea and river lamprey qualifying features of the River Teith SAC.

7.2.6 MS-LOT agrees with NatureScot's advice and has undertaken an AA for the above qualifying features of the Outer Firth of Forth and St Andrews Bay Complex SPA, the Firth of Forth SPA, the Moray Firth SAC, Isle of May SAC, the Firth of Tay and Eden Estuary SAC and the River Teith SAC.

8 Appropriate assessment of the implications for the site in view of the site's conservation objectives.

8.1 Outer Firth of Forth and St Andrews Bay Complex SPA – Non-breeding Waterfowl; Firth of Forth SPA – Non-breeding Waders and Waterfowl

8.1.1 NatureScot highlighted that limited information was provided in the EIA Report and the NCA Report to allow the extent of the disturbance to be quantified. NatureScot noted however that the cable lay operations are expected to take up to six weeks (excluding weather delays) and are likely to represent the longest period of vessel activity during the lifespan of the cable. NatureScot noted that the EIA Report and the NCA Report provided no details on which season or periods during the proposed yearlong licence that the installation

would occur. NatureScot advised that even if all the cable laying activity were to fall within the wintering period, the associated vessel movement would be of a short term transient nature. NatureScot advised that SG1A's proposed Vessel Management Plan ("VMP") would also help reduce disturbance effects. NatureScot advised however that the VMP should include provision to ensure vessel operators are also made aware of the Scottish Marine Wildlife Watching Code ("SMWWC"). NatureScot advised that vessel movements should follow as far as possible the protocols in the SMWWC which will help minimise any potential disturbance to marine wildlife.

- 8.1.2 NatureScot advised that subject to adherence to a satisfactory VMP it would be content that there would be no adverse effect on site integrity for non-breeding waterfowl (including assemblage) as qualifying features of the Outer Firth of Forth and St Andrews Bay Complex SPA or on the site integrity for the non-breeding wading or waterfowl (including assemblage) as qualifying features of the Firth of Forth SPA.
- 8.1.3 MSS advised that the installation, operation and decommissioning are likely to be spatially and temporally localised. However, the effect of vessel presence (particularly during the installation or decommissioning period) can elicit a disturbance response for some species such as red-throated diver even tens of kilometres from the activity. MSS advised that the VMP should consider vessel speed (particularly in transit to and from operational activities), the VMP should provide details on avoidance of assemblages of rafting birds and consider sensitive periods of time for disturbance of sensitive qualifying feature such as; guillemot fledging (beginning late June through to dispersal July- Mid-August), particularly (but not exclusively) in the areas of the cable route in closest proximity to breeding colonies around Fidra and the Isle of May
- 8.1.4 MSS agreed with NatureScot that adherence to a VMP which includes consideration of undertaking activities outside of the non-breeding season when sensitive features are present, as well as the protocols of the SMWWC, should prevent any significant effect from having an adverse effect on site integrity.
- 8.1.5 MS-LOT has considered the information contained within the SG1A proposal and the advice provided by NatureScot and MSS, and concluded that subject to a satisfactory VMP, incorporating the measures identified by NatureScot and MSS, the SG1A proposal, in isolation, will not adversely affect the integrity of the Outer Firth of Forth and St Andrews Bay Complex SPA, the Firth of Forth SPA.

8.2 Moray Firth SAC - Bottlenose Dolphin

- 8.2.1 NatureScot highlighted that limited information was provided within the EIA Report and the NCA Report regarding the anticipated occurrence and the duration of certain geophysical equipment usage, particularly in relation to the likely cable inspection and monitoring regime. In addition, NatureScot noted that whilst mitigation is embedded and provided within the EIA Report and the NCA Report, the detail is limited with no reference to whether survey work is likely during hours of darkness or how poor visibility and or how high sea state will be addressed.
- 8.2.2 NatureScot advised however that providing the following mitigation measures are applied to the European Protected Species (“EPS”) licence for the geophysical surveys, the risk of auditory injury from the UHRS sparker to bottlenose dolphins will be minimised and significant disturbance will be unlikely due to the short term localised nature of the surveys:-
- Adherence to the JNCC (2017) guidance in full, including use of dedicated Marine Mammal Observer. Passive Acoustic Monitoring (“PAM”) should be used during periods when visual mitigation is not possible (e.g. darkness, low or poor visibility and/or sea state above 3);
 - Use of soft start procedures and ramp up subject to SBP equipment capability;
 - Where 24-hour working is required, survey work should starting as far as is practically possible during daylight hours;
 - The ultra-short baseline technology should be used at the lowest practicable sound level and over the shortest period of time to achieve the survey objectives; and
 - Adherence to the guidance and principles within the SMWWC code including during transit to or from the cable corridor.
- 8.2.3 NatureScot advised that providing that the above mitigation measures are adhered to then the geophysical surveys would have no adverse effect on site integrity for the bottlenose dolphin qualifying feature of the Moray Firth SAC.
- 8.2.4 MSS agreed with the proposed embedded mitigation for survey activities that start during daylight hours. However, like NatureScot, raised concerns that the risk of injury is not mitigated for any survey works that start during darkness, or poor visibility. MSS agreed one option would be to use PAM to detect cetaceans, but also encouraged SG1A to consider whether there are others ways to mitigate this risk.
- 8.2.5 MS-LOT has considered the information contained within the SG1A proposal and the advice provided by NatureScot and MSS, and concluded that subject

to the inclusion of the conditions detailed in section 4 (Conditions) within any subsequent EPS licence (if granted) for the use of the geophysical survey equipment, the SG1A proposal, in isolation, will not adversely affect the integrity of the Moray Firth SAC.

8.3 Isle of May SAC – Grey Seals

8.3.1 NatureScot advised that some of the mitigation measures to be applied to the EPS licence, when granted, would minimise the auditory injury risk from the SBP to grey seals and significant disturbance is unlikely due to the short term localised nature of the geophysical surveys. NatureScot advised however that PAM would not detect seal vocalisation and will not help mitigate auditory injury during periods of poor visibility during poor weather, darkness or when the sea state is greater than 3, which may be likely during the winter months. NatureScot therefore advised that any survey work within 20km of the Isle of May SAC during the breeding season (September to December) should start during daylight hours and in good sea states, otherwise there is a risk that the Marine Mammal Observer pre-start watch will not sufficiently minimise the risk of auditory injury to the qualifying feature of the SAC.

8.3.2 In addition, NatureScot advised that if the expected timelines for the pre-installation surveys were to slip and overlap with the sensitive breeding season, then the same mitigation measures identified for the use of the SBP would also require to be applied to the use of the UHRS technology.

8.3.3 NatureScot advised that subject to the above mitigation measures together with the mitigation measures identified in section 8.2.2 above, all being secured as part of an EPS licence, the geophysical surveys would have no adverse effect on site integrity for the grey seal qualifying feature of the Isle of May SAC.

8.3.4 MSS agreed with the proposed embedded mitigation for survey activities that start during daylight hours.

8.3.5 MS-LOT has considered the information contained within the SG1A proposal and the advice provided by NatureScot and MSS, and concluded that subject to the application of the conditions detailed in section 4, the SG1A proposal, in isolation, will not adversely affect the integrity of the Isle of May SAC.

Firth of Tay and Eden Estuary SAC – Harbour Seal

8.3.6 NatureScot noted that PAM will also not detect harbour seal vocalisation however, from habitat-based predictions of at-sea predictions, NatureScot advised that the proposed corridor route is not particularly important to the

harbour seal qualifying feature of the Firth of Tay and Eden Estuary SAC. NatureScot advised that much of the mitigation measures to be applied to the EPS licence, when granted, would minimise the auditory injury risk from the SBP and UHRS technology to harbour seals and significant disturbance is unlikely due to the short term localised nature of the geophysical surveys

- 8.3.7 NatureScot advised that subject to the mitigation measures to be secured as part of the EPS licence, the geophysical surveys would have no adverse effect on site integrity for the harbour seal qualifying feature of the Firth of Tay and Eden Estuary SAC.
- 8.3.8 MSS agreed with the proposed embedded mitigation for survey activities that start during daylight hours.
- 8.3.9 MS-LOT has considered the information contained within the SG1A proposal and the advice provided by NatureScot and MSS, and concluded that subject to the inclusion of the conditions detailed in section 4 (Conditions), within any subsequent EPS licence (if granted) for the use of the geophysical survey equipment, the SG1A proposal, in isolation, will not adversely affect the integrity of Firth of Tay and Eden Estuary SAC.

8.4 River Teith SAC - Atlantic salmon, sea and river lamprey

- 8.4.1 NatureScot advised that significant disturbance effects are unlikely due to the short term localised nature of the activity associated with the installation, operation, maintenance and repair, and decommissioning of the SG1A cable. NatureScot advised therefore that it was content that the SG1A proposal would not adversely affect the integrity of the River Teith SAC.
- 8.4.2 The advice from MSS concurred with NatureScot's consultation response and noted that cable burial would likely provide a degree of mitigation to the qualifying features of the River Teith SAC from the effects of EMF. MSS highlighted that Atlantic salmon are most vulnerable during the smolt migration period between April and July. MS-LOT have considered this advice and have concluded that no additional mitigation measures are required to avoid adverse impact on the site integrity of the River Teith SAC.
- 8.5 MS-LOT has considered the information contained within the SG1A proposal and the advice provided by NatureScot and MSS, and concludes that the SG1A proposal, in isolation, will not adversely affect the integrity of the River Teith SAC.

8.6 In Combination Assessment

- 8.6.1 NatureScot advised that it agreed with the NCA Report that significant in combination impacts from the SG1A proposal are unlikely even if there was overlap in the constructions activities of any of the other Forth and Tay offshore wind farm projects. NatureScot advised this was due to the short term, localised nature of the vessel activity associated with the SG1A proposal. MSS advised that limited detail was provided within the NCA Report; however, agreed with NatureScot that even if there is an overlap in activities with other projects, the in combination impacts are unlikely to be significant
- 8.6.2 MS-LOT has considered the NCA Report and the advice from both NatureScot and MSS and concludes, subject to the condition in section 4, that based on the short and localised nature of the SG1A proposal, any in combination effects with other projects will not adversely affect the site integrity of the Outer Firth of Forth and St Andrews Bay Complex SPA, the Firth of Forth SPA the Isle of May SAC, the Firth of Tay and Eden Estuary SAC, the Moray Firth SAC and the River Teith SAC.

9 MS-LOT Conclusion

- 9.1 MS-LOT concludes that providing the conditions listed in Section 4 are adhered to, there will be no adverse effect on the site integrity of the Outer Firth of Forth and St Andrews Bay Complex SPA, the Firth of Forth SPA, the Isle of May SAC, the Firth of Tay and Eden Estuary SAC, the Moray Firth SAC and the River Teith SAC from the SG1A proposal either in isolation or in combination with other projects.

SECTION 4: CONDITIONS

10 Requirement for conditions

- 10.1 The requirement for the below conditions is as a result of SG1A's commitments in the EIA Report, NCA Report and the advice of both MSS and NatureScot regarding mitigation measures to ensure that there will be no adverse effect on the site integrity of the Outer Firth of Forth and St Andrews Bay Complex SPA, the Firth of Forth SPA, the Isle of May SAC, the Firth of Tay and Eden Estuary SAC, the Moray Firth SAC and the River Teith SAC.
- 10.2 The conditions below relate to Natura concerns as well as covering other interests. The conditions here are written in their complete form and so may also refer to non-Natura interests. Where reference is made to other conditions these are numbered as per the condition numbers which will be used in the marine licence and EPS licence if granted. As detailed in section 1.1. above, the use of geophysical survey equipment is not covered by the marine

licensing regime under the 2010 Act or the 2009 Act. An application for a licence to disturb EPS in respect of the use of the geophysical survey equipment has not yet been submitted by SG1A; however, once submitted, as part of the EPS application process, MS-LOT will assess if the conditions detailed below for the EPS licence are appropriate and the conclusions of this AA remain valid.

Marine Licence Conditions

- 10.2.1 The Licensee must, no later than six months prior to the Commencement of the Works, submit a Vessel Management Plan (“VMP”) in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with Scottish Natural Heritage, the Maritime Coastguard Agency, the Northern Lighthouse Board, the Scottish Fishermen’s Federation, and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. Commencement of the Works cannot take place until such approval is granted.
- 10.2.2 The VMP must consider and adhere to the protocol of the Scottish Marine Wildlife Watching Code and mitigate any potential impacts from vessel activity to the breeding features of the Firth of Forth SPA and the Outer Firth of Forth and St Andrews Bay Complex SPA.
- 10.2.3 The VMP must include, but not be limited to, the following details:
- a) The number, types and specification of vessels required;
 - b) The manner in which vessel management will be coordinated, particularly during construction but also during operation;
 - c) Location of working port(s), the routes of passage, the frequency with which vessels will be required to transit between port(s) and the site and indicative vessel transit corridors proposed to be used during construction and operation of the Works;
- 10.2.4 The confirmed individual vessel details must be notified to the Licensing Authority in writing no later than 14 days prior to the Commencement of the Works, and thereafter, any changes to the details supplied must be notified to the Licensing Authority, as soon as practicable, prior to any such change being implemented in the construction or operation of the Works;
- 10.2.5 The VMP must consider vessel speed (particularly in transit to and from operational activities), detail avoidance of assemblages of rafting birds and consider sensitive periods of time for disturbance of sensitive qualifying

features including but not limited to guillemot fledging and auk post-colony dispersal; and

- 10.2.6 The VMP must, so far as is reasonably practicable, be consistent with the Construction Method Statement (“CMS”), the Environmental Monitoring Plan (“EMP”), the Project Environmental Management Plan (“PEMP”), the Navigational Safety Plan (“NSP”) and the Fisheries Management and Mitigation Strategy (“FMMS”).

EPS Licence Conditions

- 10.3 The licensee must ensure that all licensed activities are carried out in strict accordance with the marine mammals mitigation set out in section 12 – Schedule of Mitigation of Volume 1 of the Seagreen 1A: Offshore Export Cable Corridor Environmental Impact Assessment Report (document reference number LF000012-CST-OF-LIC-DEV-REP-0003 dated 05 March 2021 but subject to the following modifications or amendments made within this licence.
- 10.4 The licensee must ensure that the Joint Nature Conservation Committee (“JNCC”) guidelines for minimising the risk of injury to marine mammals from geophysical surveys dated August 2017 (“JNCC Guidance”) is followed at all times in connection with the undertaking of such surveys.
- 10.5 The licensee must ensure that during hours of darkness or when visual observation is not possible due to low or poor visibility or in sea states above 3, Passive Acoustic Monitoring is used by a trained operative in accordance with the JNCC guidance.
- 10.6 The licensee must ensure that if the sub bottom profiler (“SBP”) deployed has the capability to undergo a soft start procedure, this is implemented on every occasion it is switched on. If the SBP is not capable of soft start, it must be kept at the lowest power setting necessary for each location.
- 10.7 The licensee must ensure when using ultra short baseline technology it is used at the lowest practicable sound level and over the shortest period of time to achieve the survey objectives.
- 10.8 The licensee must ensure that if a sub-bottom profiler is deployed within 20 kilometres of the Isle of May Special Area of Conservation (“SAC”), then the licensed activities must commence during good visibility in daylight hours and in sea states no greater than 3.
- 10.9 The licensee must ensure that if using ultra-high resolution seismic sparker within 20 kilometres of the Isle of May SAC during the months from September

to December, then the licensed activities must commence during good visibility in daylight hours and in sea states no greater than 3.

- 10.10 Except where it is not relevant to the provisions of this licence, the Licensee must ensure that the Scottish Marine Wildlife Watching Code is adhered to at all times, including during transit to or from the cable corridor.
- 10.11 Where 24-hour working is required, the licensee must ensure survey work commences as far as is practically possible during daylight hours.