



Western Isles HDVC Link EPS/BS Application

Document Classification | **Confidential**

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Basking Shark Application

9. JNCC Marine Noise Registry Activity Numbers: 3867.

Please note that percussive boreholes have been included under the 'survey equipment operating in the range of 10 Hz - 10 kHz' as the dominant frequencies for this activity are under 10 kHz. See Xodus Document Reference: A-100336-S05-A-REPT-003: Western Isles HVDC Link: EPS and Protected Species Risk Assessment.

10. Scottish National Marine Plan (2015) - GEN 9 section of the Plan refers to Natural Heritage and provides that "development and use of the marine environment must:

- Comply with legal requirements for protected areas and protected species;
- Not result in significant impacts on the national status of Priority Marine Features; and
- Protect and, where appropriate, enhance the health of the marine area"

The Plan also references the prohibition of deliberate or reckless disturbance or harassment to protected species, including basking sharks.

Paragraph 4.47 of the Plan refers to MPAs and provides that "the Marine Acts place a duty on all regulators to ensure that there is no significant risk of hindering the achievement of the conservation objectives of an MPA before giving consent to an activity. Where an ongoing activity presents a significant risk of hindering the achievement of the conservation objectives of an MPA there will be a management intervention. This intervention will be practical and proportionate, utilising the most appropriate statutory mechanism to reduce the risk."

Paragraphs 4.51 and 4.53 of the Plan refers to protected species and provides that "The presence (or potential presence) of a legally protected species is an important consideration. If there is evidence to suggest that a protected species is present or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. (...) for certain species deliberate or reckless disturbance or harassment is prohibited and can only be carried out in accordance with the terms of a licence."

The policies described above have been taken into account through the completion of the EPS Risk and Protected Species Assessment which describes the presence of basking shark in the survey corridor and demonstrates that no injurious impacts are anticipated while any disturbance to basking shark is extremely unlikely with the implementation of the proposed mitigation measures. The EPS Risk and Protected Species Assessment also demonstrates that there will be no hindrance of conservation objectives of any designated site. Mitigation measures will be implemented to minimise the risk of injury or disturbance to basking sharks and other protected species. See Xodus Document Reference: A-100336-S05-A-REPT-003: Western Isles HVDC Link: EPS and Protected Species Risk Assessment.

EPS Application

9. JNCC Marine Noise Registry Activity Numbers: 3867. Please note that percussive boreholes have been included under the 'survey equipment operating in the range of 10 Hz - 10 kHz' as the dominant frequencies for this activity are under 10 kHz. See Xodus Document Reference: A-100336-S05-A-REPT-003: Western Isles HVDC Link: EPS and Protected Species Risk Assessment.

10. Scottish National Marine Plan (2015) - GEN 9 section of the Plan refers to Natural Heritage and provides that "development and use of the marine environment must:

- Comply with legal requirements for protected areas and protected species;
- Not result in significant impacts on the national status of Priority Marine Features; and
- Protect and, where appropriate, enhance the health of the marine area"

The Plan also references the prohibition of deliberate or reckless disturbance of EPS through the Habitats Regulations, and states that Marine Scotland's guidance on Protection of Marine European Protected Species from Injury or Disturbance must be followed.

Paragraph 4.47 of the Plan refers to MPAs and provides that "the Marine Acts place a duty on all regulators to ensure that there is no significant risk of hindering the achievement of the conservation objectives of an MPA before giving consent to an activity. Where an ongoing activity presents a significant risk of hindering the achievement of the conservation objectives of an MPA, there will be a management intervention. This intervention will be practical and proportionate, utilising the most appropriate statutory mechanism to reduce the risk."

Paragraphs 4.51 and 4.53 of the Plan refers to protected species and provides that "The presence (or potential presence) of a legally protected species is an important consideration. If there is evidence to suggest that a protected species is present or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. (...) for certain species deliberate or reckless disturbance or harassment is prohibited and can only be carried out in accordance with the terms of a licence."

The policies described above have been taken into account through the completion of the EPS Risk Assessment which describes the presence of EPS in the survey corridor and demonstrates that no injurious impacts to EPS are anticipated, while any disturbance to EPS will be limited to one or a few individuals of the local population. The risk assessment further shows that there will be no hindrance of conservation objectives of any designated site. Mitigation measures will be implemented to minimise the risk of injury or disturbance to EPS and other protected species. See Xodus Document Reference: A-100336-S05-A-REPT-003: Western Isles HVDC Link: EPS Risk Assessment.