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SCOTTISH MINISTERS ASSESSMENT OF THE PROJECT'S IMPLICATIONS FOR A PROPOSED NATURE CONSERVATION PROPOSED MARINE PROTECTED AREA IN VIEW OF THE SITE'S CONSERVATION OBJECTIVES.

APPLICATION FOR A MARINE LICENCE UNDER THE MARINE (SCOTLAND) ACT 2010 AND MARINE AND COASTAL ACCESS ACT 2009 FOR THE OFFSHORE TRANSMISSION INFRASTRUCTURE ASSOCIATED WITH THE MORAY WEST OFFSHORE WIND FARM.

SITE DETAILS: CABLE CORRIDOR LEADING TO MORAY WEST OFFSHORE WIND FARM 22.5KM SOUTHEAST FROM THE CAITHNESS COASTLINE

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## **SECTION 1: BACKGROUND**

### **1 Introduction**

- 1.1 This Marine Protected Area (“MPA”) assessment relates to the application submitted by Moray Offshore Windfarm (West) Limited (“the Company”) for a marine licence under the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 to construct and operate the offshore transmission infrastructure associated with the Moray West offshore wind farm 22.5km southeast from the Caithness coastline (“the Works”).
- 1.2 The assessment has been undertaken by Scottish Ministers and is required under section 83 of the Marine (Scotland) Act 2010. MS-LOT, as the 'public authority' under the 2010 Act, has to be satisfied that the licensable activities are not capable of affecting (other than insignificantly) the protected features in the Nature Conservation MPA or any ecological or geomorphological process on which the conservation of these features is dependant, before any consents can be granted.
- 1.3 Scottish Natural Heritage (“SNH”) has been consulted.

### **2 MPA assessment conclusion**

- 2.1 This MPA assessment concludes that the Works are not capable of affecting, other than insignificantly, the protected features of the Southern Trench Nature Conservation proposed MPA (“NC pMPA”) and therefore do not pose a significant risk to the achievement of the conservation objectives of the Southern Trench NC pMPA.

### **3 Background to including assessment of new MPAs**

- 3.1 The Scottish Ministers are currently in the process of identifying a suite of new MPAs in Scotland. In 2012 possible MPAs were identified, since then, additional assessment work has been undertaken and SNH have provided advice that the possible MPAs meet the MPA selection guidelines. The Scottish Ministers have agreed the case for the possible MPAs to be subject to consultation and now, proposed MPAs will be provided with policy protection. This policy protection effectively offers the pMPAs the same level of protection as designated MPAs until a decision on the classification of the sites are made.

### **4 Details of proposed operation**

- 4.1 The Company proposes to construct and operate offshore transmission infrastructure associated with the Moray West offshore wind farm, located 22.5km to the east of the Caithness Coast in the outer Moray Firth. The works will consist of a maximum of two Offshore Substation Platforms (“OSPs”) topsides (housing electrical infrastructure and potentially welfare facilities). The substructure and foundation design for the OSPs will be chosen from the

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following options:- gravity base; monopile; jacket foundation; suction caisson; or jack-up platform.

4.2 The Works will also include a maximum of two subsea offshore export cables, each cable measuring no more than 65 km in length and interconnector cable extending to a maximum of 15km between the 2 OSPs. In addition, the Company will carry out scour and cable protection works.

4.3 Figure 1 provided a chart detailing the Moray West offshore wind farm site and the cable corridor to shore.

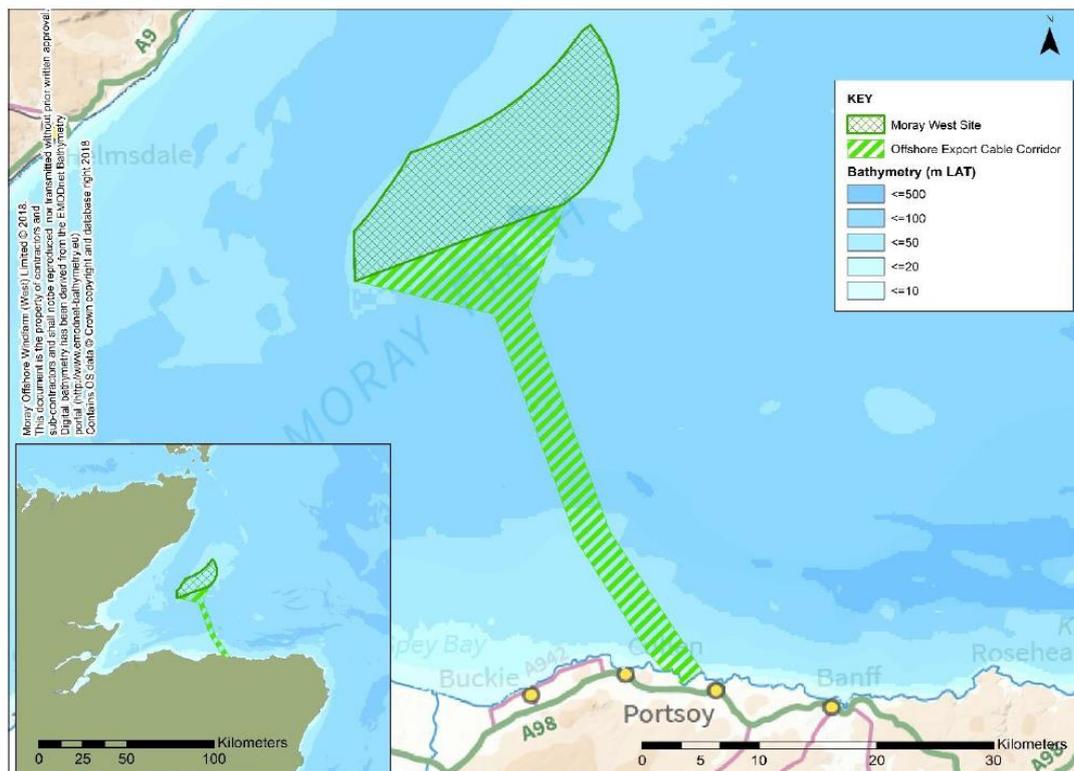


Figure 1 Chart of Generating Station and Cable Corridor

## 5 Consultation

5.1 SNH was consulted on 10 July 2018 and provided their response on 7 September 2018 with regards to protected features of the NC pMPA.

6 Main issues raised during consultation

6.1 The response from SNH advised that whilst the proposal is capable of affecting the burrowed mud protected feature of the Southern Trench NC pMPA, the effects will be insignificant.

## SECTION 2: INFORMATION ON THE NC pMPA SITE

## 7 Background information and protected features of relevant Nature Conservation MPA sites

7.1 This section provides links to the Scottish Government website where the background information on the site being considered in this assessment is available. The protected features for each site are listed as are the conservation objectives.

**Table 1 Names of NC pMPA site affected and current status**

<a href="#">Southern Trench pMPA</a>
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**Table 2 Protected features**

<p><b>Southern Trench NC pMPA</b></p> <p>Habitats</p> <ul style="list-style-type: none"><li>• <i>Burrowed mud</i></li></ul> <p>Mobile species</p> <ul style="list-style-type: none"><li>• <i>Minke whale</i></li></ul> <p>Geomorphological features</p> <ul style="list-style-type: none"><li>• <i>Shelf deeps</i></li><li>• <i>Subglacial tunnel valleys and moraines</i></li><li>• <i>Slide scars</i></li></ul> <p>Large scale features</p> <ul style="list-style-type: none"><li>• <i>Fronts</i></li></ul>
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**Table 3 Conservation objectives**

<p><b>Southern Trench NC pMPA</b></p> <p>The draft Conservation Objectives of the Southern Trench NC pMPA, are that the protected features</p> <ul style="list-style-type: none"><li>• so far as already in favourable condition, remain in such condition</li><li>• so far as not already in favourable condition, be brought into such condition, and remain in such condition</li></ul> <p>“Favourable condition”, with respect to a marine habitat, means that</p> <ol style="list-style-type: none"><li>a) its extent is stable or increasing; and</li><li>b) its structures and functions, its quality, and the composition of its characteristic biological communities are such as to ensure that it is in a condition which is healthy and not deteriorating.</li></ol>
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Any temporary deterioration in condition is to be disregarded if the habitat is sufficiently healthy and resilient to enable its recovery from such deterioration.

“Favourable condition”, with respect to a mobile species of marine fauna, means that

- a) the species is conserved or, where relevant, recovered to include the continued access by the species to resources provided by the possible MPA for, but not restricted to, feeding, courtship, spawning or use as nursery grounds;
- b) the extent and distribution of any supporting features upon which the species is dependent is conserved or, where relevant, recovered; and
- c) the structure and function of any supporting feature, including any associated processes supporting the species within the possible MPA, is such as to ensure that the protected feature is in a condition which is healthy and not deteriorating.

“Favourable condition”, with respect to a feature of geomorphological interest, means that

- a) its extent, component elements and integrity are maintained;
- b) its structure and functioning are unimpaired; and
- c) its surface remains sufficiently unobscured for the purposes of determining whether the criteria in paragraphs (a) and (b) are satisfied.

For the purpose of determining whether a feature of geomorphological interest is sufficiently unobscured under paragraph (3)(c), any obscuring of that feature entirely by natural processes is to be disregarded.

“Favourable condition”, with respect to a large scale feature, means that

- a) the extent, distribution and structure of that feature is maintained;
- b) the function of the feature is maintained so as to ensure that it continues to support its characteristic biological communities and their use of the site including, but not restricted to, feeding, spawning, courtship or use as nursery grounds; and
- c) the processes supporting the feature are maintained.

For the purpose of determining whether a protected feature is in favourable condition any alteration to that feature brought about entirely by natural processes is to be disregarded.

### **SECTION 3: ASSESSMENT OF THE POTENTIAL TO HAVE A SIGNIFICANT RISK OF HINDERING THE ACHIEVEMENT OF THE CONSERVATION OBJECTIVES OF THE NC pMPA.**

#### **8 Requirement for Nature Conservation Marine Protected Area assessment**

8.1 *Is the proposal capable of affecting (other than insignificantly) the protected features of the NC pMPA?*

8.1.1 SNH advised that, whilst the proposal is capable of affecting the burrowed mud protected feature of the Southern Trench NC pMPA, these effects are insignificant and therefore further assessment is not required.

8.1.2 SNH noted that the cable route passes through the Southern Trench NC pMPA selected burrowed mud as well as shelf deeps, fronts and minke whale and acknowledged that the benthic survey shows the presence of the burrowed mud at five sites along the export cable corridor.

8.1.3 SNH advised however, that the Southern Trench NC pMPA and the burrowed mud feature within it, is extensive, with burrowed mud widespread across the southern half of the Moray Firth and relatively widespread across the waters surrounding Scotland. SNH advised therefore that the area of habitat likely to be affected by the Works is comparatively small compared to the area of burrowed mud within the Southern Trench NC pMPA and the area should recover, although this may take some time.

8.1.4 MS-LOT agree with SNH's advice that whilst the Works are capable of affecting the burrowed mud protected feature of the Southern Trench NC pMPA, these effects are insignificant.

8.2 *Is there a significant risk of hindering the achievement of the NC pMPA's conservation objectives?*

8.3 No, the effects are insignificant so no further assessment required.

#### **9 Assessment of the implications for the site in view of the site's conservation objectives.**

9.1 No further assessment required.

#### **10 MS-LOT conclusion**

10.1 This MPA assessment concludes that the Works are not capable of affecting, other than insignificantly, the protected features of the Southern Trench Nature Conservation proposed MPA ("NC pMPA") and therefore do not pose a significant risk to the achievement of the conservation objectives of the Southern Trench NC pMPA.

### **SECTION 4: CONDITIONS**

**11 Requirement for conditions**

11.1 Not required.