

Appendix 4.7 Marine Licence Letter to Consultees

2021-02-24

Dear Sir/Madam,

ORKNEY'S COMMUNITY WIND FARM PROJECT – FARAY: MARINE LICENSABLE ACTIVITIES

Orkney Islands Council (OIC), the Applicant, plans to hold a pre-application consultation event regarding the marine licensable activities associated with the proposed Orkney's Community Wind Farm Project – Faray.

This will be an online event, taking place on 4 March 2021 between 4pm and 7pm via Microsoft Teams.

Please see the attached copy of the advert that was placed in The Orcadian (Attachment 1). Further details on the event are also available at www.orkney.gov.uk/FarayMarine.

The Applicant is currently undertaking an Environmental Impact Assessment (EIA) for the proposed development which comprises an onshore wind farm on the island of Faray (six turbines at 149.9m and generating a capacity of 28MW) and associated marine infrastructure for access, namely a new extended slipway and landing jetty. A marine licence is required for the new slipway and landing jetty as they extend below mean high water springs (MHWS). A separate planning application will be submitted for the onshore aspects of the proposed development, namely the onshore wind farm and associated onshore infrastructure. This letter is in relation to the marine licensable activities only.

The Applicant has undertaken an internal scoping exercise to determine the scope of the EIA for the proposed marine infrastructure, details of which are provided below.

An overview of the proposals to be discussed at the event are provided below, along with further details on the internal scoping described above. We would appreciate confirmation of your acceptance with the below conclusions and we hope you'll consider attending the online consultation event for further discussion. Alternatively, please contact us to arrange a phone call.

Project Summary

The proposed development is seeking to improve access to the island of Faray via the installation of the following marine infrastructure:

- **Replacing the existing dilapidated slipway** with a new extended slip to a maximum of 36 m long and 8 m wide. The new extended slipway would be built in the same location as the existing slipway. The design would be sufficient to enable easier access by larger vessels than the current slipway and would be built to a standard design for the Orkney Islands to allow access for local vessels.
- **Installation of a new landing jetty** comprising a causeway up to 55 m long and 10 m wide, terminating in square structure for docking, measuring up to 20 m by 20 m. The square docking structure would likely be constructed on site from sheet piles. The causeway would be in-filled and capped-off with concrete batched onsite.

The installation of the extended slipway and new landing jetty will ensure continued access to Faray for current agricultural works and would facilitate future development, such as the proposed Orkney's Community Wind Farm Project – Faray.

The proposed marine infrastructure is shown in Attachment 2. A Marine Licence application will be submitted for these works to Marine Scotland's Licensing Operations Team (MS-LOT) as they extend below

mean high-water springs (MHWS). In addition, the proposed marine infrastructure requires an EIA under the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

Localised dredging will be required to facilitate the construction of the new extended slipway and landing jetty. In addition, there may be a requirement for some localised channel dredging to allow vessel access to the landing jetty. We are still finalising the area in which dredging may be required. It will be limited to around the structures and a small channel leading to the jetty, so will be relatively small in comparison to the surrounding available seabed. A plan showing the extent of the dredging works will be provided once available.

An EIA has been prepared for the Orkney's Community Wind Farm Project – Faray, as a whole, to accompany both the planning application for the onshore wind farm and the marine licence application for the new slipway and landing jetty. Pre-application consultation for the onshore wind farm was undertaken in late 2020. Further details on the scope of the onshore aspects of the EIA can be found in the Scoping Opinion¹. This letter purely covers the marine licensable activities below MHWS, as shown in Attachment 2.

Ecology

Impacts to seabirds, terrestrial ecology (down to Mean Low Water Springs, MLWS), marine mammals (beyond MHWS) and nature conservation have been scoped into the EIA. For further details on the scope of the seabird and terrestrial ecology assessment, please refer to the scoping opinion issued in support of the planning application¹. Potential impacts below MHWS are outlined below.

Marine Mammals

It is anticipated that sheet piling will be required for construction of the landing jetty and, since the installation will be beyond mean low water, underwater sound is likely to be introduced into the surrounding environment. Piling causes high-amplitude, impulsive sounds that can result in a range of impacts to marine mammals, from behavioural changes to masking auditory cues used for navigation, communication and foraging and injury, such as physical damage to hearing systems. As such, the potential impacts of underwater noise from piling to marine mammals requires assessments.

Faray is surrounded by the Faray and Holm of Faray Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), with the qualifying interest being grey seals. The site supports the second largest grey seal breeding colony in the UK². In addition to grey seals, other marine mammals such as whales, porpoises and dolphins have the potential to be impacted by underwater noise from piling.

Piling will not be required for the extended slipway, thus it has been scoped out of the underwater noise assessment.

NatureScot have been previously consulted with on the scope of the underwater noise assessment. To summarise following marine mammals have been scoped into the assessment -

- Phocid pinnipeds: grey seals and harbour seals;
- Low-frequency cetaceans: baleen whales;
- Mid-frequency cetaceans: common dolphin, bottlenose dolphin, Atlantic white-sided dolphin, orca, long-finned pilot whale, minke whale, Risso's dolphin, white-beaked dolphin; and
- High-frequency cetaceans: harbour porpoise.

Otariid pinnipeds (sea lions and fur seals) are highly unlikely to be within the area, as they are not native to UK waters, so these have also been excluded from the assessment.

¹ See the Orkney Islands Council Planning Portal, https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm, application reference 19/174/SCO

² JNCC (2020). Faray and Holm of Faray. Available at <https://sac.jncc.gov.uk/site/UK0017096>. Accessed on: 01 December 2020

As agreed with NatureScot, the underwater noise assessment will assess potential impacts using SELcum, in line with NOAA guidelines³, and peak SPL. The assessment will include an estimated number of individuals impacted based on three thresholds – permanent threshold shift (PTS), temporary threshold shift (TTS) and behavioural disturbance. From this percentage impact at a local, regional and national population level for each species will be identified.

Standard mitigation, as outlined by the JNCC piling protocol, will be followed. In addition, the Applicant is proposing that no construction takes place from mid-September to December (i.e. during grey seal breeding/pupping season). Underwater noise modelling with the use of additional mitigation measures, such as bubble curtains is also being investigated. The modelling outputs and residual impacts following mitigation will be provided in the EIA.

Noise created by piling will predominantly travel through the water column. Sound reduces much more quickly in air than water, thus additional impacts to seals from piling when they are on land is highly unlikely. Thus, airborne noise from construction of the landing jetty has been scoped out of the EIA.

Airborne noise from construction works associated with the onshore wind farm aspects of the Proposed Development will be included in the terrestrial ecology assessment. Similarly, an assessment of operational impacts will be included within the EIA.

Benthos

The seabed habitat within the area is classified under the European Nature Information System (EUNIS) as 3.2 Atlantic and Mediterranean high energy infralittoral rock⁴. The geology in the local region around the island of Faray consists largely of sandstone bedrock referred to as Old Red Sandstone⁵. It is likely that there is a layer of sand of varied thickness over the sandstone bedrock.

There are no benthic conservation areas or Priority Marine Features recorded within the vicinity of the construction works⁸. Localised dredging will be required for the construction of the slipway and landing jetty, and there is the potential that channel dredging may also be required for vessel access to the jetty.

A dredging assessment will be undertaken and detailed in the EIA. Exact dredging volumes and the method of dredging is currently being determined, as such further consultation with Marine Scotland and NatureScot will be undertaken over the coming weeks to agree the scope of the dredging assessment.

Fish

Given the relatively small area of impact, disturbance to fish species is not considered to be significant. As such, fish have been scoped out of the EIA.

Water Quality

Impacts to water quality have been scoped into the EIA and will be considered within the dredging assessment provided in the EIA. Further consultation with Marine Scotland and NatureScot will be undertaken over the coming weeks to agree the scope of the assessment.

³ NOAA (National Oceanic and Atmospheric Administration) (2013). *Draft Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammals: Acoustic Threshold Levels for Onset of Permanent and Temporary Threshold Shifts*, National Oceanic and Atmospheric Administration

NOAA (2016). *Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing: Underwater Acoustic Thresholds for Onset of Permanent and Temporary Threshold Shifts*. National Oceanic and Atmospheric Administration, Technical Memorandum NMFS-OPR-55, July 2016.

⁴ JNCC (2018). UKSeaMap 2018 Version 2. Available at: <https://hub.jncc.gov.uk/assets/202874e5-0446-4ba7-8323-24462077561e>. Accessed on: 01 December 2020

⁵ McKirdy, A (2010). *Orkney and Shetland: A Landscape Fashioned by Geology*. Scottish Natural Heritage. Available at: <https://www.nature.scot/landscape-fashioned-geology-orkney-and-shetland>. Accessed on: 17 January 2021.

Air Quality

There would be emissions from the construction vessels. This would be localised and temporary and all vessels would be MARPOL compliant. As such, atmospheric emissions are not considered to present a significant impact and have been scoped out of the EIA.

Archaeology and Cultural Heritage

Impacts to terrestrial archaeology and cultural heritage have been scoped into the EIA, as detailed in the planning application scoping opinion^{Error! Bookmark not defined.}.

In terms of marine archaeology, there are no recorded wrecks, including Historic Marine Protected Areas (HMPAs) within the area⁶. In addition, the area of construction works, including dredging, is very small in comparison to the surrounding available seabed. As such, the works are not considered to present a significant impact to marine archaeology and have been scoped out of the EIA.

Navigation

We have previously consulted with Orkney Islands Council Marine Services and Orkney Ferries Ltd on the Proposed Development, who have confirmed that no impacts or potential effects are anticipated on marine radar due the Proposed Development. We can also confirm that a Port Management Plan will be prepared to manage abnormal load deliveries and other marine traffic at Hatston Pier to ensure that there will be no interruption to existing operations.

The structures, themselves, will be within very close proximity to Faray, a maximum of 110 m below MHWS, which would not interact with the existing Kirkwall – Papa Westray and Hollandstoun (North Ronaldsay) - Kirkwall routes which travel through the bay. The construction works, including localised dredging, will be temporary in nature and contained within the bay. As such we do not consider that the installation or operation of the extended slipway and landing jetty to present significant impacts to navigation.

Fisheries

The structures, themselves, will be within very close proximity to Faray, a maximum of 110 m below MHWS. The construction works, including localised dredging, will be temporary in nature and contained within the bay. In addition, we have previously consulted with Orkney Islands Council Marine Services and Orkney Ferries Ltd, who have confirmed that no impacts or potential effects are anticipated on marine radar due the Proposed Development. We can also confirm that a Port Management Plan will be prepared to manage abnormal load deliveries and other marine traffic at Hatston Pier to ensure that there will be no interruption to existing operations.

We have undertaken a desk-based assessment of fishing effort within the local area which we have summarised below.

Faray is located in ICES rectangle 47E7. The latest Scottish Government fish landings data⁷ shows that a total of 25,417 tonnes of fish were landed from rectangle 47E7 in 2019, with a monetary value of £17,320,275. This equates to 2.3% of the UK total for 2019, £767,721,934.

The latest Vessel Monitoring System (VMS) data available on Marine Scotland's National Marine Plan interactive (NMPi) map (2009-2013) shows that fishing intensity for vessels >15m in length within the area is low, with the exception of lobster fishing which is moderate to high⁸. Lobster accounts for £471,520 of the reported fish landings within ICES 47E7⁷. This accounts for 2.7% of total landings within ICES 47E7. In

⁶ Pastmap (2020). Available online at <https://pastmap.org.uk/map>. Accessed on: 01 December 2020.

⁷ Scottish Government (2020). *2019 Scottish Sea Fisheries Statistics - Fishing Effort and Quantity and Value of Landings by ICES Rectangles*. Available at: <https://data.marine.gov.scot/dataset/2019-scottish-sea-fisheries-statistics-fishing-effort-and-quantity-and-value-landings-ices>. Accessed on: 26 January 2021

⁸ Marine Scotland (2020). National Marine Plan interactive (NMPi). Available at: <https://marinescotland.atkinsgeospatial.com/nmpi/>. Accessed on: 01 December 2020

addition, each ICES rectangle covers an average of 940 nautical miles square (3,224 km²). Therefore, the area surrounding Faray only accounts for a small percentage of rectangle 47E7.

The latest ScotMap inshore fishing data (2007-2011) shows that the area has a high monetary value for vessels <15m, representing a monetary value of £8,842-£12,377⁸. According to the ScotMap data the total inshore fish landings for Scotland in 2010-2011 was £78.71 million with Orkney accounting for £9.66 million. Thus, effort from the area surrounding Faray account for 0.12% of total Orkney inshore landings. This is a relatively small percentage of total effort for the area.

There are no fish landings to Faray, and the Proposed Development would only result in temporary exclusion of fishing activities within the immediate area of the jetty and slipway during the construction phase, including the localised dredging works.

Due to the temporary and localised nature of the works, in combination with the relatively small contribution to the wider region's fish landings, significant impacts to fishing are not expected as a result of the Proposed Development. As such, fishing has been scoped out of the EIA.

Defence

There are no known Ministry of Defence (MoD) exercise or disposal areas near the site⁸. In addition, the site is out with historic areas, such as World War II training sites⁹, thus the risk of unexploded ordnance (UXO) is low. As such, significant impacts to defence are not expected and it has been scoped out of the EIA.

Overview

To summarise, the following impacts will be assessed and detailed in the EIA in support of the Marine Licence application:

- Underwater noise
- Dredging

We would welcome your thoughts on the above internal scoping exercise. If you could review and respond prior to the consultation event it would be greatly appreciated as we can include any comments within the event.

Yours sincerely



Gemma Tait

Principal Environmental Consultant

⁹ ORDEK (2020). *Mine Map*. Available online at <https://www.ordtek.com/mine-map/>. Accessed on: 01 December 2020.

Attachment 1 – Pre-application Consultation Event Advert, The Orcadian

**ORKNEY'S COMMUNITY WIND
FARM PROJECT –
FARAY – MARINE ACTIVITIES
MARINE (SCOTLAND) ACT 2010
THE MARINE LICENSING (PRE-
APPLICATION CONSULTATION)
(SCOTLAND) REGULATIONS 2013**



ORKNEY
ISLANDS COUNCIL

Notice is hereby given that Orkney Islands Council plans to hold a pre-application consultation event regarding the marine licensable activities associated with the proposed Orkney's Community Wind farm Project - Faray. The activities consist of the installation of a new extended slipway and new landing jetty on the southeast coast of the Island of Faray (59°12'23"N 002°49'07"W and 59°12'25"N 002°49'02"W).

The pre-application consultation event will take place on 4 March, 2021 between 4pm and 7pm. This will be an online event where representatives from the project will be available to discuss the proposed development. The online event will be available from www.orkney.gov.uk/FarayMarine. Further details concerning the activities will also be made available from this same weblink prior to the event.

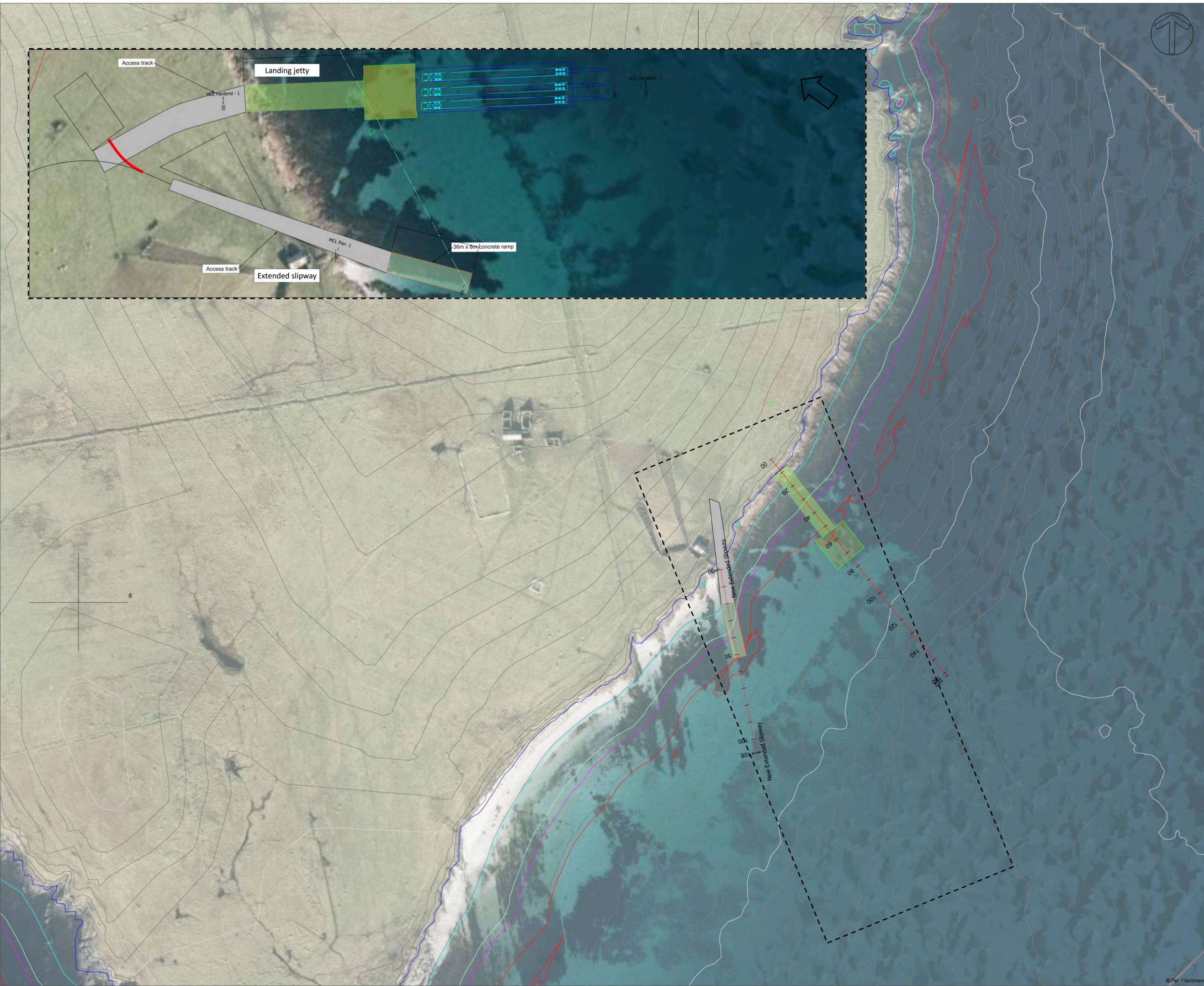
Persons wishing to provide comments on the proposed extended slipway and landing jetty can submit these through:

- The online feedback form at www.orkney.gov.uk/FarayMarine
- By email to kirsty.groundwater@orkney.gov.uk
- By phone to 07818508323
- By post to Kirsty Groundwater, Project Officer, Orkney Islands Council, Town House, Stromness, KW16 3AA

All comments relating to the proposal should be received no later than 18 March, 2021

Please note that this is the pre-application stage of the proposed development, comments made to Orkney Islands Council are not representations to the Scottish Ministers on a Marine Licence application. If Orkney Islands Council makes an application for a Marine Licence for these activities, there will be a separate opportunity for representations to be made to Scottish Ministers on the application.

Attachment 2 – Marine Infrastructure



- NOTE:
1. ALL WORKS TO BE EXECUTED IN ACCORDANCE WITH THE DMRB, THE MANUAL OF CONTRACT DOCUMENTS FOR HIGHWAY WORKS, DESIGN MANUAL FOR ROADS AND BRIDGES, AND TRAFFIC SIGNS MANUAL.
 2. ALL DIMENSIONS ARE IN METERS UNLESS STATED OTHERWISE. ALL LEVELS ARE IN METERS AND RELATE TO ORDNANCE DATUM.
 3. DO NOT SCALE FROM ANY DRAWING. WORK TO FIGURED DIMENSIONS ONLY. ANY DISCREPANCIES IN DIMENSIONS ARE TO BE REFERRED TO THE DESIGNER BEFORE WORK IS PUT TO HAND.
 4. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE BY THE CONTRACTOR PRIOR TO PREPARING ANY WORKING DRAWINGS OR COMMENCING ON SITE.
 5. ALL WORKS BY THE CONTRACTOR MUST BE CARRIED OUT IN SUCH A WAY THAT ALL REQUIREMENTS UNDER THE HEALTH AND SAFETY AT WORK ACT ARE SATISFIED.
 6. ALL WORKS ARE TO BE CARRIED OUT IN COMPLIANCE WITH THE REQUIREMENT OF THE STATUTORY AUTHORITIES AND CONSTRUCTION DESIGN MANAGEMENT REGULATIONS.

- KEY:
- Existing Contours
 - Temporary Running Area
 - Permanent Hard End
 - New extended slipway
 - Track
 - Temporary / Permanent landing jetty
- Mean High Water Spring (1.744m)
 - Mean High Water Neaps (0.944m)
 - Mean Low Water Neaps (-0.256m)
 - Mean Low Water Spring (-1.156m)

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Client
ITP Energised

Project
Faray Wind Farm

Drawing Title
**Indicative Landing Area
 General Arrangement**

	Name	Date	Scale	1:1000 @ A1
Drawn	CN	10.12.20	File Processed Faray Bathymetry - Opt 3 Revised.dwg	
Checked	GB	10.12.20	Drawing Status	DRAFT
Drawing No.	003			Revision POS