

Item: 16

General Meeting of the Council: 2 July 2019.

**Scottish Hydro Electric Transmission plc.
Orkney Transmission Connection and Infrastructure Project.
Orkney to Mainland Scotland Cable.
Application for Marine Licence.**

Report by Executive Director of Development and Infrastructure.

1. Purpose of Report

To consider the Council's response to the application by Scottish Hydro Electric Transmission plc for a marine licence in respect of the Orkney to Mainland Scotland cable.

2. Recommendations

The Council is invited to note:

2.1.

That, in terms of Part 4 of the Marine (Scotland) Act 2010, Scottish Hydro Electric Transmission plc has submitted an application for a marine licence in respect of the Orkney to Mainland Scotland cable, which forms part of the Orkney Transmission Connection and Infrastructure project.

2.2.

That applications for marine licences are determined by Marine Scotland, following consultation with statutory and non-statutory consultees, including Orkney Islands Council.

It is recommended:

2.3.

That the draft consultation response, attached as Appendix 1 to this report, in relation to the application by Scottish Hydro Electric Transmission plc for a marine licence in respect of the Orkney to Mainland Scotland cable, be approved.

3. Introduction

At its meeting held on 19 February 2019, when considering governance arrangements in respect of the Orkney Transmission Connection and Infrastructure project, the Policy and Resources Committee recommended, inter alia, that, as well as determining the planning applications submitted for the Orkney Transmission Connection and Infrastructure Project, the Council should also determine any

responses made as a consultee in regard to the marine licence for the submarine cables and the application in terms of Section 37 of the Electricity Act 1989 for the overhead power lines and underground cables.

4. Background

4.1.

In terms of Part 4 of the Marine (Scotland) Act 2010, Scottish Hydro Electric Transmission plc has submitted a Marine Licence application for the Orkney to Mainland Scotland cable. This development forms one part of the proposed transmission infrastructure. The Orkney Transmission Connection and Infrastructure Project is proposed to consist of the following elements:

- A marine cable linking Mainland Scotland and Mainland Orkney at Warebeth, west of Stromness.
- A new substation at Finstown.
- An underground cable linking the Finstown substation to the cable landing site at Warebeth.
- The construction and installation of 132kV trident wood pole overhead lines – a north section from the Finstown substation providing a link to Westray and Costa Head, and a south section providing a link from the Finstown substation to Hesta Head and the south of Hoy.
- Two switching stations at Ellibister, north of Finstown, and in South Ronaldsay to the south of St Margaret's Hope.
- Marine cables linking a number of the Orkney islands.

4.2.

The Orkney to Mainland Scotland Transmission Connection is a proposed high voltage alternating current (HVAC) cable, allowing the transfer of electricity between Dounreay and landfall at Warebeth. A Horizontal Directional Drilling (HDD) technique is proposed to install ducts, drilled under the seabed. It is proposed that the cable would be pulled through these ducts by a Cable Lay Vessel.

4.3.

The subsea cable would be buried in the seabed. In locations where the subsea cable cannot be buried, due to seabed conditions, the presence of sensitive environmental habitats or species, or at crossings of other cable assets, it would be protected by alternative methods, for example High Density Polyethylene (HDPE) ducting, Cast Iron Shells (CIS), rock placement or concrete mattresses.

5. Consultation Response

5.1.

In terms of the Marine Licence, the Marine (Scotland) Act 2010 requires that licences are authorised in accordance with the National Marine Plan and any regional marine plan in effect. The regional marine plan covering the area within which the cable

would be laid is the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan, which will be a material consideration in determination of this Marine Licence application.

5.2.

Future parts of the Orkney Transmission Connection and Infrastructure Project will fall within the terrestrial planning process. High Voltage Electricity Transmission is identified in the National Planning Framework 3 (NPF3) as a national development. The development will be considered against national and local planning policies.

5.3.

Orkney Islands Council is a non-statutory consultee of Marine Scotland, in determining the Marine Licence. The proposed consultation response is attached as Appendix 1 to this report.

6. Corporate Governance

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

7. Financial Implications

There are not anticipated to be any significant financial implications arising from the report recommendation.

8. Legal Aspects

Whilst National Development status establishes the need for a project, it does not grant development consent. Planning permission and any other necessary assessments and consents will still be required at the consenting stage.

9. Contact Officers

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10. Appendix

Appendix 1 – Marine Licence consultation response.

DEVELOPMENT AND INFRASTRUCTURE

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July 2019

Marine Scotland
Marine Laboratory
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Aberdeen
AB11 9DB

Dear Sir/Madam

19/234/MARCON

06889 – Scottish Hydro Electric Transmission Plc - HVAC Cable

Orkney to Mainland Scotland (Warebeth to Dounreay)

Thank you for consulting Orkney Islands Council (the Council) on the application for a Marine Licence for the HVAC cable between Orkney to Mainland Scotland (Warebeth to Dounreay).

The Marine Licence application and supporting information for the laying of the cable is considered to comply with the requirements of Scotland's National Marine Plan and the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan in terms of implementing the presumption in favour of cable burial supported by an appropriate risk assessment.

No significant adverse effects individually or cumulatively to ecological protected sites, benthic and intertidal ecology, marine mammals, ornithology, marine archaeology, commercial fisheries, and other infrastructure and other sea users within the vicinity of the project area have been identified.

I have consulted internally within the Council and no objections have been raised to the development; however, several key issues and matters have been raised, and I would be grateful if you would take account of these in your determination of this application for a Marine Licence.

Key issues to consider in terms of interactions with other marine users include effects on commercial fishing activity, predominately inshore creel fishing. There is a significant shipping route running from east to west through the Pentland Firth and a lifeline ferry service route from Scrabster to Stromness.

Orkney Harbour Authority has identified conditions that should be met during installation of the cable on the basis it would be laid within the Orkney Harbour Area and would also cross an area which is in the approaches to the Harbour Area.

The Harbour Authority requests that the following conditions and notes be included with any Marine Licence granted:

Any shipping activity within the Orkney Harbour Area must be conducted within the requirements of the Orkney Pilotage Direction 1988 as amended 2007, 2010 & 2016. Vessels over 80m in length associated with the works will require a Pilot unless alternative arrangements to the satisfaction of the Competent Authority (for pilotage) are agreed following appropriate risk assessment.

Harbour Dues may be payable for all operations within the Harbour Area.

Given the proximity of the Loch of Stenness Natura Site, any ballast discharge of over 50 tonnes may require compliance with the Scapa Flow Ballast Water Management Plan.

Any works within the Harbour Area or within the approaches to the Harbour Area, should be such as to minimise any disruption to the lifeline ferry service between Stromness and Scrabster.

The works will involve working inshore at Warebeth, which is a route for small local craft in certain weather conditions. Liaison with the local craft sector must therefore take place in order to minimise the impact on their trade with appropriate arrangements made should any impact affect their ability to go about their normal business.

The cable, when laid, will cross the approaches to Hoy Mouth which is notorious as an area of treacherous water with high seas, overfalls and strong tides. As such, it is an area where vessels approaching or departing will have no option but to drop an anchor as soon as they get into difficulty with there being no real option to wait until drifting clear of any 'no anchoring' zone across the subsea cable. This should be taken into account in designing the construct within the Harbour Area and its approaches.

During any works within the Harbour Area and its approaches, protocols, to be agreed, will require to be followed with regards to communications and warnings with the Orkney Vessel Traffic Service.

It is also requested that the Council be consulted on the Construction Method Statement (CMS) for the marine cable installation and the Cable Burial Plan (CBP) to be produced, including the method statements for and requirements of cable protection for approval by the Regulators and in discussion with fisheries stakeholders.

The Council's internal consultation responses are available to view at the following website address: http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm (then enter the application 19/234/MARCON).

In addition, the developer should be aware that works within the Orkney Harbour Area will, in addition to any other consents, require a Works Licence from the Council.

If you wish to discuss this further, please do not hesitate to contact me.

Yours faithfully

Margaret Gillon MRTPI

Senior Planner, Development Management

Encs.