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Seagreen HRA Status Report

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1. Introduction

The purpose of this report is to obtain agreement with Marine Scotland and Scottish Natural Heritage on the scope of the Habitat Regulations Appraisal (HRA) report (information to inform Appropriate Assessment) in support of the Seagreen Phase 1 Offshore Project (here after referred to as the “project”). The HRA screening conclusions presented here take into account information contained within, and the conclusions of, the initial project specific HRA screening report (Seagreen, 2011 - A4MR/SEAG-Z-DEV200-SRP-094), the Information to Inform Appropriate Assessment report (October 2013 - A4MR-SEAG-Z-DEV275-SRP-264), Marine Scotland Licensing Operations Team Appropriate Assessment (MS-LOT, 2014) and various other project specific studies, reports and communications that have occurred since the beginning of the initial HRA process. The HRA specific advice provided within the Scottish Ministers’ Scoping Opinion document, received from Marine Scotland (September, 2017), has been reviewed and is reflected within the conclusions stated.

This screening report does not provide any detailed information on, or the justifications for, the sites features or impacts/effects previously screened out and only seeks to identify those sites, features and impacts to be considered in the next stage of the HRA process for the revised project and subsequently what will be presented within the revised HRA report.

This report has been prepared by NIRAS on behalf of Seagreen.

2. Background

Seagreen was awarded exclusive development rights in the Firth of Forth Round 3 Offshore Wind Zone (the "Firth of Forth Zone") by The Crown Estate in 2010.

In 2012, Seagreen submitted an application to construct and operate two offshore wind farms, Seagreen Alpha and Seagreen Bravo, within the Phase 1 development area of the Zone. The associated infrastructure required to facilitate the export of power to the national electricity transmission grid was also included within that application. An HRA Addendum was submitted in October 2013.

Consent for both the Seagreen Alpha and Seagreen Bravo Wind Farms and the Offshore Transmission Asset was awarded by Scottish Ministers in October 2014. In January 2015, the Royal Society for the Protection of Birds (the RSPB) successfully brought a Judicial Review challenging the wind farm consents awarded to Seagreen Alpha, Seagreen Bravo and the adjacent Inch Cape and Neart Na Gaoithe offshore wind farms. The challenge focussed on the cumulative impacts of the wind farm projects on seabirds from protected breeding colonies on the east coast of Scotland. The Judicial Review was successfully appealed by Scottish Ministers.

Delays that have followed from the legal challenge to the offshore consents have resulted in Seagreen considering an application for consent for a revised wind farm design utilising the advances in wind turbine technology since the original submission, located within the same Phase 1 development area. The Seagreen Offshore Transmission works consent was not challenged and remains in place.

As discussed and agreed at the meeting with Marine Scotland and Scottish Natural Heritage on the 22/11/2017, the revised HRA report will only include assessments relating to potential impacts on receptors arising from activities occurring within the project array area.

The following response within the scoping opinion (Marine Scotland, September 2017) is noted:

"The EIA Report to be submitted for the current project should be a standalone document without the need for users to refer back to the Original Development ES to understand the information contained within the 2017 EIA Report. The Scottish Ministers consider that it would be appropriate that where data from the Original Development are being used to inform the assessment this could be contained in appendices so that the main text of the EIA Report for the current project is concise."

In addition, it is noted within the scoping opinion document that it "is appropriate for the HRA report to form a chapter within the EIA report" and, as such, it is therefore considered appropriate for the revised HRA report to cross reference to sections within the wider EIA Report including data from the Original Development which will be presented within the appendices as per the comment above so as to avoid any unnecessary repetition.

3. Screening Summary

The sites and qualifying features for which a Likely Significant Effect (LSE) cannot be excluded for potential impacts arising from activities occurring within the project array area, that will subsequently be considered within the revised HRA report, are detailed below by receptor group and any assumptions are outlined.

3.1 Annex I Habitats

It was previously concluded that there was no indication of an adverse effect on the integrity of any European sites for which Annex I habitats are an interest feature. Furthermore, it is understood that the revised project is not considered to lead to an LSE on any qualifying Annex I habitats and on this basis there is no requirement for additional consideration of impacts on these features over and above those assessed within the initial Information to Inform Appropriate Assessment report (October 2013 - A4MR-SEAG-Z-DEV275-SRP-264).

There will, therefore, be no further assessment of effects on Annex I Habitats within the revised HRA report.

3.2 Annex II Species – Fish and shellfish

It was previously concluded that there was no indication of an adverse effect on the integrity of any European sites for which Annex II fish or shellfish species are an interest feature. Furthermore, it is understood that the revised project is not considered to lead to an LSE on any qualifying Annex II fish and shellfish species and on this basis there is no requirement for additional consideration of impacts on these features over and above those assessed within the initial Information to Inform Appropriate Assessment report (October 2013 - A4MR-SEAG-Z-DEV275-SRP-264).

There will, therefore, be no further assessment of effects on Annex II fish or shellfish species within the revised HRA report.

3.3 Annex II Species – Marine Mammals

It is noted within Marine Scotland scoping opinion (September 2017) that:

“The Scottish Ministers agree that the assessment on marine mammals should only consider the effects from underwater noise.”

The sites and designated features listed in Table 3.1 will be subject to an assessment alone and in combination with other plans and projects within the revised HRA report for potential direct effects arising from underwater noise generated from pile driving activities only.

The potential effects to be assessed comprise:

- Lethality/injury
- Disturbance

Table 3.1: Marine mammal qualifying features to be assessed for underwater noise from piling operations

| European Site | Qualifying Feature |
|--|--------------------|
| Isle of May SAC | Grey Seal |
| Berwickshire & North Northumberland Coast SAC | Grey Seal |
| Firth of Tay & Eden Estuary SAC | Harbour seal |
| Moray Firth SAC | Bottlenose dolphin |

The following statement is noted within Marine Scotland’s scoping opinion response:

“The Scottish Ministers advise for harbour seal and grey seal that further assessment is only carried out within the ES if the effects of the Revised Development are found to be greater than those assessed for the Original Development. The Scottish Ministers request that, where necessary, the information is provided in a form that means it can be used for the EPS process or, where needed, to inform the Appropriate Assessment as part of an HRA.”

Consideration will be given to potential noise impacts of the revised project on grey and harbour seals. However, if no increased effects are identified then no further assessment will be carried out within the updated EIA and HRA Reports of those sites for which these seal species are an interest feature (Table 3.1).

3.4 Ornithology

The European sites and qualifying features listed in Table 3.2 will be subject to assessment within the revised HRA report for the potential effects identified, alone and in-combination with other plans and projects.

Table 3.2: Ornithology qualifying features to be assessed for potential impacts

| European Site | Qualifying Feature | Potential Impact |
|-------------------|-------------------------|--------------------------------|
| Forth Islands SPA | Gannet (breeding) | Collision risk |
| | Kittiwake (breeding) | Collision risk Displacement |
| | Herring gull (breeding) | Collision risk |
| | Puffin (breeding) | Displacement |
| | Guillemot (breeding) | Displacement |
| | Razorbill (breeding) | Displacement |
| Fowlsheugh SPA | Kittiwake (breeding) | Collision risk |

| European Site | Qualifying Feature | Potential Impact |
|---|--------------------------------------|--------------------------------|
| | | Displacement |
| | Herring gull (breeding) | Collision risk |
| | Guillemot (breeding) | Displacement |
| | Razorbill (breeding) | Displacement |
| Buchan Ness to Collieston Coast SPA* | Kittiwake (breeding) | Collision risk Displacement |
| | Herring gull (breeding) | Collision risk |
| | Guillemot (breeding) | Displacement |
| St Abb's Head to Fast Castle SPA* | Kittiwake (breeding) | Collision risk Displacement |
| | Herring gull (breeding) | Collision risk |
| | Guillemot (breeding) | Displacement |
| | Razorbill (breeding) | Displacement |
| Outer Firth of Forth and St Andrews Bay Complex SPA** | Gannet (breeding) | Collision risk |
| | Kittiwake (breeding/non-breeding) | Collision risk Displacement |
| | Herring gull (breeding/non breeding) | Collision risk |
| | Puffin (breeding) | Displacement |
| | Guillemot (breeding) | Displacement |
| | Razorbill (non-breeding) | Displacement |

*PVAs for these SPAs are required unless the cumulative effects from the Forth and Tay projects are estimated to be less than a reduction in annual adult survival of 0.2%.

** The interest features of the Outer Firth of Forth and St Andrews Bay Complex pSPA comprise the same populations as those SPAs that are designated for breeding seabirds within the Forth & Tay area, but protects instead their foraging habitats. It is considered that, in the absence of any direct effect of the Seagreen project on those foraging habitats, the assessment of impact on the breeding populations (and the SPAs for which those populations are interest features) will also address any potential effect on the pSPA.

Mortality during the non-breeding season will be also assessed for those populations for which collision risk is screened into HRA as indicated in **Table 3.2**.

For gannet, a non-breeding reference population will be defined using the Biologically Defined Minimum Population Scale (BDMPS) approach. The scale of this non-breeding population is, however, expected to be large as non-breeding gannet are dispersed widely throughout the North Sea and beyond. Consequently, this also implies a potential collision risk to non-breeding gannet by a potentially large number of other wind farms. It is considered that such an extensive cumulative / in-combination assessment is beyond the ability of individual developers to resolve and further advice on how to approach this component of the assessment is required.

Further advice is also required in relation to the collision risk assessment of kittiwake during the non-breeding season. Paragraph 9.3.8 of the scoping opinion states that only a qualitative assessment is required whereas paragraph 9.5.4 refers to apportioning effects at the BDMPS which implies a quantitative assessment.

For kittiwake a qualitative assessment of non-breeding season displacement will be performed.

It is understood that a displacement assessment for puffin during the non-breeding season is not required but for other auk species (guillemot and razorbill) non-breeding displacement effects will need to be quantified. However, the BDMPS scale is considered too broad for these species and so it is proposed that the breeding season population scale will be used instead. It is acknowledged that this is likely to be highly precautionary, as the non-breeding season populations of these species are expected to be more dispersed.. The approach used to defining populations and the implications for the assessment will be fully explained in the assessment.

The assessments within the HRA will address all the conservation objectives for each relevant SPA, however, it is anticipated that the key focus will be on assessing the extent to which the qualifying populations are likely to remain viable components of site respectively.

It is understood, from the meeting with Marine Scotland and SNH on the 22/17/2017 that an assessment of the effects of the export cable (which is already consented) is outside the scope of this revised HRA. Nevertheless, the Scoping Opinion indicates:

“In order to inform the AA for the pSPA Seagreen should present information on the cable route to allow for the in-combination effects to be considered. The Scottish Ministers advise that information requested by SNH (in advice dated 07 September 2017) must be provided (see Appendix I). This information will also assist in the review of consents in relation to the transmission works marine licence required under the Habitats Regulations if the pSPA becomes designated.”

As discussed above, it is understood that it was agreed at the meeting with Marine Scotland and SNH on the 22/17/2017 that it is outside the scope of this revised HRA to consider any potential impacts arising from the cable route on this pSPA or any other European site.

4. Summary

- The revised HRA report will be presented as a chapter within the EIA Report, however; it will still be referred to as the “HRA report”.
- There will be no assessment of any Annex I (benthic habitats) qualifying features of any European site within the revised HRA report.
- There will be no assessment of any Annex II fish or shellfish qualifying features of any European site within the revised HRA report.
- The revised HRA report will not present information on any European sites and qualifying features for which an LSE has not been previously identified and where the absence of such an affect has been agreed with Marine Scotland and Scottish Natural Heritage.
- The scope of the HRA report will, therefore, be those qualifying features, sites and potential impacts listed in Table 3.1 and Table 3.2.
- The revised HRA report will not include any assessment relating to the project cable route.