MD-LOT European Protected Species Case Handling Report

Licence Number: 00010704
Licensing Officer: [Redacted]

Site	Bowdun (Cluaran Deas Ear) E3 Wind Farm and Export Cable Corridor
Company	Thistle Wind Partners Limited Capital Building 12-13 St Andrew Square Edinburgh EH2 2AF
Applicant	[Redacted]
Brief Description of Project	Geophysical and benthic surveys
Associated Licences	

Species	harbour porpoise (Phocoena phocoena);bottlenose dolphin (Tursiops truncatus);minke whale (Balaenoptera acutorostrata);white sided dolphin (Lagenorhynchus acutus);white-beaked dolphin (Lagenorhynchus albirostris)
Inshore/Offshore	Inshore

TEST 1	**Purpose of licence**
	Imperative reasons of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)

Comments

Is a specific need being met?
Why is the activity essential?

If the proposed survey activities are not completed, sufficient geophysical and benthic data for the proposed wind farm project cannot be collected to inform the design, layout and Environmental Impact Assessment. The proposed survey operations are required to facilitate the progression of the development of a proposed wind farm, which will allow an increase in renewable energy generation capacity and decrease the national reliance on fossil fuels. Hence, the survey activities constitute work of an overriding public interest whilst presenting a minimal and temporary disturbance in a limited geographical area

What benefit does the activity provide or what need does it address?

While the marine surveys associated with the ScotWind Offshore Wind farms present a temporary disturbance to the localised marine environment, this work will allow an important addition to Scotland's growing contributions to the UK's renewable energy sector and benefits to the socio-economics of Scotland through potential direct investment, local supply chain development, and training indicatives.
The UK has an urgent need for new electricity generation capacity due to the closure of coal fired stations, the

aging of thermal power stations and the closure of nuclear power programmes, and the target of net zero by 2050 (2045 for Scotland). Offshore wind provides the opportunity to deliver this vital, new, large scale capacity, not only from a renewable, low carbon resource, but a resource which is indigenous and does not depend upon the geo-economic and geo-political risks attendant with importing fuels.
The UK also has committed to a range of national and international targets for reducing greenhouse gas emissions in order to contribute towards the global action plan towards climate neutrality and limiting the increase in global average temperature. As the UK follows policies to meet its national and international commitments to greenhouse gas reduction, additional demands will be placed on domestic electricity supply as use of, for example, electric vehicles, increases. The project will provide additional support to the UK government's national and international commitments to reduce greenhouse gases, which will bring long-term benefits, both within Scotland, and the wider UK.
The Bowdun (E3) project costs will be in the order of £3 billion (TBC) of which TWP are exploring how the local expenditure can be optimised. TWP are actively engaging with Scottish ports and local companies (established and aspiring new entrants to the offshore wind sector) to develop the local content so it is ready for the large-scale roll-out of offshore wind in Scotland. TWP are actively involved in a University of the Highlands and Islands (UHI) initiative which will support careers in science, technology, engineering and maths (STEM).
The subtidal benthic surveys will provide essential information that will enable further site investigation work and the development of the offshore wind project, whilst also establishing part of a robust baseline on which TWPs Environmental Impact Assessments (EIAs) will be undertaken. As detailed above, the offshore wind project will provide a number of benefits including social, economic and environmental.

What public interest is served?

The project aims to contribute to Scotland’s target of 11 GW of offshore wind by 2030, and the UK’s 40 GW target by 2030. The development of the wind farm will serve to provide UK homes and businesses with a renewable source of power and will create jobs for the various roles required.
The proposed activity, which will support the development of TWPs Offshore Wind Farm will serve to address the demand for cleaner sources of energy in line with the UK Government’s goals and objectives. Whilst also benefiting the general population through job creation, job security, energy security and access to low carbon energy. The activity, and resulting development, will also be beneficial to the environment as a low carbon energy source.
ScotWind offers the deployment of a proven technology in a location with a recognised wind resource and to deliver a low-cost, low-carbon supply of electricity at a time when the UK urgently needs new generation capacity to maintain a secure, affordable supply of power.
In addition to providing employment over the lifetime of the project, it will also make a highly significant contribution to the local, regional and national economy of Scotland.

Is the activity in relation to and government targets or policies?

The proposed activities will participate in meeting national and international commitments to greenhouse gas reductions, which are under the form of UK policies. This includes pieces of UK and Scottish legislation that have been enacted to help achieve targets for reduction in greenhouse gases. This legislation includes:
The Climate Change Act 2008, which the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline.
The Energy Act 2013 which makes provisions to incentivise investment in low carbon electricity generation, ensure security of supply, and help the UK meet its emission reduction and renewables targets; and
The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which amends the Climate Change

(Scotland) Act 2009 and introduces binding targets on the Scottish Government to reduce net Scottish greenhouse gas emissions by at least 100% by 2045 from 1990 levels.
• Other policies to which the project aligns include, but are not limited to:
• Offshore Wind Policy Statement
• Scottish National Marine Plan
• The Scottish Energy Strategy
• The British Energy Security Strategy
• The Net Zero Strategy
• Sectoral Marine Plan for Offshore Wind Energy
• Approved National Planning Framework 4 – achieving net zero in Scotland by 2045 (Scottish Government, 2021e).

This project will help to support the UK government's commitments to reducing greenhouse gas emissions as part of these policies and legislation. This ScotWind project offers the deployment of a technology in a location with a recognised wind resource and to deliver a low-cost, low-carbon supply of electricity at a time when the

UK urgently needs new generation capacity to maintain a secure, affordable supply of power.

Is the applicant undertaking a statutory function? No

Test 1 satisfied?	YES

TEST 2	**Satisfactory alternatives**

Comments

TWP have considered several options in relation to the requirements of the geophysical and benthic surveys:

Option 1: Do not undertake the geophysical or benthic survey works or use subsurface positional equipment. This would result in excessive project risk and potential abandonment of the project. This would mean TWP being unable to develop the design for the ScotWind site, or conduct the environmental assessments necessary to support the consent applications. These surveys are therefore fundamental to the project development and without them the wind farm development would be prevented. TWP do not consider this to be an appropriate or responsible option. The risk of not progressing the development of the wind farm could hamper the potential for Scotland, and UK, to reach net-zero emissions by 2045 and 2050, respectively.

Option 2: Carry out surveys in different or smaller location. The site was awarded a lease by the Crown Estate Scotland and therefore TWP can only develop the wind farm in this location - we have no alternative locations to develop on. TWP do not consider this to be an appropriate or responsible option. The risk of not progressing the development of the wind farm could hamper the potential for Scotland, and UK, to reach net-zero emissions by 2045 and 2050, respectively.

Option 3: Carry out the surveys at another time. The timing of the surveys has been scheduled in to take into account favourable weather, avoiding winter whereby harsh weather conditions and sea states have the potential to have health and safety risks to crew. Likewise carrying out the survey in winter conditions has the potential to prolong the survey duration due to slower rate of survey, this has the potential to increase the disturbance of EPS to a greater extent. Carrying out the survey during another period would also mean that further surveys may be required as the survey would be undertaken in sub- optimal times meaning that data gathered might not be of sufficient quality to help address the projects engineering and environmental uncertainties. This too has the potential to mean further surveys and disturbance to EPS may be experienced. TWP do not consider this to be an appropriate or responsible option. The risk of not progressing the development of the wind farm could hamper the potential for the Scotland, and UK, to reach net-zero emissions by 2045 and 2050, respectively.

Option 4: Smaller survey windows/smaller survey times. Conducting the surveys over a number of visits is not deemed a viable option as extra survey time would be required to ensure the survey covered the entire area. Again, this option would likely increase the overall survey period and therefore has potential to increase disturbance to EPS. TWP do not consider this to be an appropriate or responsible option. The risk of not progressing the development of the wind farm could hamper the potential for Scotland, and UK, to reach net-zero emissions by 2045 and 2050, respectively.

Option 5: To undertake the geophysical survey works and use subsurface positional equipment, in conjunction with undertaking a Marine Mammal / EPS Risk Assessment. The EPS Risk Assessment will identify, quantify and determine a mitigation strategy for the works such that the conservation status of EPS & Marine Mammals present in the works area, or in adjacent waters, where a disturbance could be perceived, are minimised through the use of mitigation tools i.e. MMO and PAM following the JNCC guidelines for minimising the risk of injury to marine mammals from geophysical surveys (August 2017).

Test 2 satisfied?	YES

MD-LOT European Protected Species Case Handling Report

TEST 3	**Favourable conservation status**
Comments	
On 7 April 2023 NatureScot confirmed that the proposal would not have a detrimental effect on the favourable conservation status of any of the EPS included on the licence. On 27 July 2023 NatureScot confirmed that the additional vessel to be utilised in the proposal does not alter its previous advice of 7 April 2023. On 26 April 2024 NatureScot confirmed that the requested extension to the expiry date of the current licence (EPS-00010499) until 30 June 2024 does not alter its previous advice of 7 April 2023.	
Test 3 satisfied?	YES

Date application received: 08/02/2024

Consultation start date: 21/02/2024 **Consultation end date**: 20/03/2024

Notes

Date	Text	Created By

Awaiting Information

Start date	End date	Duration (days)	Waiting for	Waiting on Information From

Licence issue date: 30/04/2024 **Date report due**: 31/07/2024

Licence start date: 01/05/2024 **Licence end date**: 30/06/2024

National Marine Plan considerations:

The decision is: In accordance and no further action required
Comments: The proposal relates to the policies contained in Chapter 11 of Scotland's National Marine Plan which sets out the government objectives for the offshore wind and marine renewable energy sector.

Reviewed and signed by:

Signed: ……..

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Date: 29/04/2024