MS-LOT European Protected Species Case Handling Report

Licence Number: 00010722
Licensing Officer: [Redacted]

Site	Neart Na Gaoithe Offshore Wind Farm and Export Cable Corridor
Company	Neart na Gaoithe Offshore Wind Limited Atria One, Level Six 144 Morrison Street Edinburgh EH3 8EX
Applicant	[Redacted]
Brief Description of Project	Works in relation to the construction of the Neart na Gaoithe Offshore Wind Farm and Offshore Transmission Works
Associated Licences	

Species	harbour porpoise (Phocoena phocoena);bottlenose dolphin (Tursiops truncatus);minke whale (Balaenoptera acutorostrata);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

The Scottish Government can only issue licenses under Regulation 44(2) of the Regulations (as amended) for specific purposes. These purposes include:
• 44(2)(e) preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; (Marine Scotland 2012).
When considering EPS licences under IROPI, SNH takes into account whether an activity or development is required to meet, or contribute to meeting a specific need, such as:
• maintaining the health, safety, education or environment (sustainable development, renewable or green energy, green transport) of Scotland's people;
• complying with national planning policies.
• supporting economic or social development (nationally important infrastructure development projects, employment, regeneration, mineral extraction, housing etc.).
The Project meets the criteria for the development to be considered as one of IROPI.
The development of the Project demonstrates a direct environmental benefit on a national and international scale and complies with international and national environmental policies. Furthermore, the life-span of the Project is predicted to be up to a 50-year period and therefore a long-term development that will contribute to ensuring the security of energy supply, with long-term environmental benefits. It is not a development for short-term

economic interests

The Project will have a direct national and international environmental benefit by significantly reducing carbon emissions to the atmosphere compared to other sources of non-renewable energy generation. By replacing non-renewable energy generation, e.g. coal generation, the development of the Project will reduce annual CO2 emissions. Over the operational period of the wind turbines, the Project will displace CO2 from other energy sources by up to 12.61 million tonnes coal equivalent.

Recognising the importance of reducing carbon emissions, the EU, UK and Scottish Government have all committed to reduce emissions and increase the use of renewable energy:

• In 2009 the EU introduced Directive 2009/28/EC on the Promotion of the use of energy from renewable sources, which set renewable energy targets for each member state. The Directive imposed on the UK a mandatory national target of deriving 15% of gross final energy consumption from renewable sources by 2020.

• The Climate Change (Scotland) Act 2009, which sets additional targets for emissions reductions in Scotland than the Climate Change Act: 80% reduction by 2050, with an additional interim target of 42% by 2020;

• The Climate Change Act 2008, which commits the UK to a net reduction in greenhouse gas emissions of 80% by 2050 and 34% by 2020.

The development complies with national policies and plans including:

• The National Renewable Energy Action Plan for the UK produced under Article 4 of the Renewable Energy Directive.

• The UK National Policy Statements (NPSs) on Energy, produced under Part 2 of the Planning Act 2008, which decision makers must have regard to when deciding an application for nationally significant infrastructure projects consented under that Act. As energy policy is a reserved matter for UK ministers, the Energy NPSs may be a relevant consideration in energy infrastructure decisions in Scotland. Of the 12 NPSs, EN1 (overarching energy) sets out the policy for the delivery of major energy infrastructure and reflects the UK Low Carbon Transition Plan, and EN3 (Renewable Energy) supports the development of renewable energy and offshore wind farms in particular.

• The National Planning Framework 2 (NPF2), produced under the Planning etc. (Scotland) Act 2006, sets out a strategy for Scotland's development up to 2030. One of the main elements of the strategy is to "realise the potential of Scotland's renewable energy resources and facilitate the generation of power and heat from all clean, low carbon sources" (Scottish Government 2009).

• The 2020 Routemap for Renewable Energy in Scotland, which sets further targets of renewable sources to meet the equivalent of 100% of Scotland's gross annual electricity demand by 2020 (Scottish Government 2011).

• Scotland's Low Carbon Economic Strategy (LCES) aims to secure economic growth and includes an approach to guiding Scotland into a low carbon economy. The strategy focuses on Scotland's targets for reducing GHG emissions, and recognises that, "By 2030 almost all of our electricity will have to come from low carbon technologies such as renewables and fossil fuelled plants fitted with carbon capture and storage technology" (The Scottish Government 2010).

• A sector specific marine plan, 'Blue Seas - Green Energy: A Sectoral Marine Plan for Offshore Wind in Scottish Territorial Waters' ('the Plan') (Marine Scotland 2011) was published in March 2011 (including a SEA, HRA and an Economic Impact Assessment), and confirmed that six sites for offshore wind developments were suitable for development. Within the Plan the Neart na Gaoithe site was shortlisted as one of these sites.

The development of the Project identifies a direct environmental benefit and complies with both international

and national policies and plans and is therefore a project of Imperative Overriding Public Interest. The proposed works are directly linked with the development of the project and therefore meets the requirements of the Regulations.	
Test 1 satisfied?	YES

TEST 2	**Satisfactory alternatives**
Comments	
Section 6.2 (NNG-NNG-ECF-REP-0010 REV 2.0) sets out the purpose of the Project and the need that the Project has the ability to meet. Any alternatives considered should be limited to those that have the capacity to meet this same need and be similarly financially and logistically viable within the context of an offshore wind farm development. The Developer states in section 7 of the application form that there are no satisfactory alternatives to the proposed works outlined below. Without these works taking place, the windfarm could not be safely constructed. The activities described in Section 3 are required to develop the Project. Within the Project design envelope presented in the Application (NnGOWL 2018) there were a number of permutations for the development of the Project. Included within these permutations were different designs and installation methods that in turn can influence the levels of underwater noise entering the marine environment. Full consideration of Project design decisions and consideration of alternatives is provided in Chapter 3 of the EIA Report (NnGOWL 2018) and summarised below as relevant to the activities presented in Section 3 above. Geophysical Surveys Geophysical surveys are required in order to map the seabed, measure water depth or characterising layers of sediment or rock below the seabed. They are essential when undertaking any offshore development work and projects cannot be developed without some geophysical work being undertaken. Although there may be different types of equipment that can be used, this is often constrained by the specific purpose the geophysical survey is being undertaken and the use of alternative equipment may not be effective. There are no alternative options to the use of the geophysical equipment required to undertake pre-construction and post-installation surveys. Cable laying and burial It is necessary for the export and inter-array cables to be buried where possible to mitigate impacts on physical processes, benthic habitats and other sea users. The most appropriate method of cable installation has been selected. Cable burial will be conducted by a hybrid trenching tool that can be set to use water jetting and / or mechanical cutting to achieve required burial depths. The trenching tool can use jetting or mechanical cutting modes simultaneously to account for highly variable seabed conditions. Vessel and Equipment Positioning Acoustic signals are extensively used to support the positioning of vessels and equipment offshore. Acoustic positioning systems, such as USBL, enable underwater (rather than surface) positioning, which is required across a number of offshore sectors including renewables and oil and gas. Such systems also enable more reliable and repeatable positioning than alternatives, such as satellite-based positioning systems. On this basis, contracted vessels and equipment can be expected, in line with standard practice, to utilise acoustic positioning systems. Construction Vessels Survey and construction activities offshore are required to be undertaken by vessels that are fit for purpose. Construction (and survey) vessels that are suited to and equipped for each activity have been selected for use on the project.	
Test 2 satisfied?	YES

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TEST 3	Favourable conservation status
Comments	
NS confirmed in consultation that due to the scale of the activity the proposal is not capable of having a detrimental effect on the favourable conservation status of any of the EPS concerned.	
Test 3 satisfied?	YES

Date application received: 24/04/2023

Consultation start date: 27/02/2024 **Consultation end date**: 12/03/2024

Notes

Date	Text	Created By

Awaiting Information

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

Licence issue date: 25/03/2024 **Date report due**: 31/08/2025

Licence start date: 01/04/2024 **Licence end date**: 31/07/2025

National Marine Plan considerations:

The decision is: In accordance and no further action required
Comments:

Reviewed and signed by:

Signed: ……..

[Redacted]

Date: 25/03/2024