



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad



Marine Scotland
Licensing Operations Team
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

CNS REN OSWF Moray Firth

For the attention of: Ali Ford

16 May 2014

MORAY FIRTH OFFSHORE WIND FARMS

MARINE MAMMAL PRE-CONSTRUCTION MONITORING PROPOSALS JNCC & SNH COMMENTS

Thank you for your consultation on these pre-construction monitoring proposals for the Moray Firth offshore wind farms. We provide our specific comments on the submitted pre-construction monitoring proposals in **Appendix 1**.

While we recognise that this proposal is intended to provide baseline, pre-construction marine mammal information for MORL and BOWL, we believe that considering these proposals in a wider context would be beneficial. Specifically:

- (i) Harbour development under the National Renewables Infrastructure Project (NRIP) where NRIP construction activity in the Moray Firth may potentially occur at the same time as this pre-construction monitoring for the offshore wind farms.
- (ii) Marine mammal monitoring undertaken for the Moray Firth NRIP proposals such as the seal tagging work at Ardersier, funded by Marine Scotland.
- (iii) Further monitoring of the Moray Firth wind farms including impact monitoring during construction, post-construction monitoring over the operational lifespan of the wind farms and any monitoring required during repowering or decommissioning.
- (iv) Other research initiatives to monitor east coast harbour seal populations (under consideration by Marine Scotland and stakeholders to investigate the causes of current population declines).
- (v) Monitoring of bottlenose dolphin in the context of cumulative impacts of the Moray Firth and Forth & Tay offshore wind farms.

We strongly recommend that Marine Scotland establishes both the regional advisory group and Scottish strategic marine environment group as a matter of urgency with some clarity on each group's role, responsibilities, stakeholder members, expert advisers and work programmes. An early task of these groups should be to coordinate this and other monitoring projects so that they complement each other and take account of the range of planned development.

We would welcome a meeting with Marine Scotland to discuss project management arrangements for this (and other) pre-construction wind farm monitoring. This could assist with the discharge of relevant conditions on each of the MORL and BOWL wind farm licences, particularly those relating to the project environmental monitoring programme (MORL condition

26 / BOWL condition 27), the regional advisory group (MORL condition 27 / BOWL condition 28) and the Scottish strategic marine environment group (MORL condition 28 / BOWL condition 29).

We would also welcome further discussion with Marine Scotland on issues related to data collation, data management and publication. Where developers are involved in funding programmes of work that have wider, or public, research significance, it will be important to establish how the results will be made publicly available.

While we agree that the focus of this programme should be harbour seal and bottlenose dolphin, subsequent work for monitoring impacts of piling and laying/protecting the export cables may need to include species such as harbour porpoise and minke whale. We would like to offer our input to these at an early stage.

Finally, we would also welcome discussion over the work potentially required to validate the underwater noise propagation models used in the MORL & BOWL impact assessments.

CONCLUSION

We are content for the baseline, pre-construction monitoring to be undertaken as submitted, however, we would welcome early discussion of the associated aspects highlighted above.

We hope that the comments provided in **Appendix 1** are helpful and if you have any queries about our advice, please do not hesitate to contact either Catriona Gall, catriona.gall@snh.gov.uk 01738 458665 or Karen Hall, karen.hall@jncc.gov.uk 01224 266559.

Yours faithfully

John Uttley

SNH Principal Adviser - Casework and Advice

APPENDIX 1

JNCC & SNH COMMENTS ON THE PROPOSED REGIONAL PRE-CONSTRUCTION MARINE MAMMAL MONITORING PROGRAMME FOR MORL & BOWL OFFSHORE WIND FARMS

This is a good proposal that meets the requirements for pre-construction marine mammal monitoring for the MORL and BOWL offshore wind farms. We agree with the focus of work being on the two priority species identified: harbour seal and bottlenose dolphin. Setting the proposed work within the context of existing time-series for each species brings particular value in terms of adding to our knowledge and detecting relevant changes. We especially welcome the intention to examine aspects related to assumptions on the effects of noise on the vital rates of harbour seal and bottlenose dolphin within the Moray Firth Assessment Framework.

Bottlenose dolphin pre-construction monitoring

In the submitted ES assessments for MORL and BOWL, the predicted effects of construction noise on the bottlenose dolphin population were strongly influenced by the relatively high predicted probability of encountering this species along the north coast of the Moray Firth, closer to the wind farms. The ES suggested that this was probably an overestimate but there has been limited survey effort to confirm this. Evidence is now emerging (from Marine Scotland deployed acoustic loggers along the east coast of Scotland including two locations on the north coast of the Moray Firth) that dolphins (white-beaked or bottlenose) do use this area. This may undermine the rationale for leaving this area of the Moray Firth out of work package 2.3.

It is also important that dolphin monitoring is coordinated with respect to NRIP harbours and the Forth and Tay developments in order to focus efforts on those areas used by the dolphins most likely to be affected.

We would welcome further discussion of this aspect.

Harbour seal pre-construction monitoring

The seal tagging (work package 1.3) is also of particular interest, and we advise that it should be co-ordinated with similar proposals in respect of the NRIP harbour developments. While we understand the focus on Loch Fleet, we would welcome tagging work for other colonies (particularly the Dornoch Firth SAC), and suggest this matter is discussed via the regional advisory group and / or Scottish strategic group as it may be a wider research requirement than solely a responsibility for MORL and BOWL.

In respect of timing, we recommend that seal tagging should be prioritised closer to the start of construction/piling as this allows for the possibility that some tags might remain attached well into the construction period (notwithstanding that some new tagging should also take place during construction).

As discussed in the covering letter, we would welcome meeting with Marine Scotland to discuss aspects related specifically to the MORL and BOWL marine mammal monitoring programme, but also how the wider co-ordination of strategic monitoring requirements might be achieved.

Aires C (Catarina)

From: Brookes K (Kate)
Sent: 28 April 2014 17:49
To: Ford A (Alexander); Davies I (Ian) (MARLAB)
Cc: MS Renewables; Stainer P (Paul) (MARLAB)
Subject: RE: MS LOT to MSS: Consultation on the MMMP for MORL and BOWL: 14 April 2014

Hi Ali,

Thanks for this. I've had a look through it and it seems to be a sensible way forward for baseline data collection and complements well the work that Marine Scotland funded in 2013.

One thing that I would mention is whether it might be worth having some of the CPODs a bit further east along the coast. Since the areas that MORL's consent covers are to the east of the round 3 site at Stevenson, Telford and MacColl, the potential for impacts around the SAC boundary is likely to be lower than at areas such as Cullen, where the distance between the developments and the coast is least. The Marine Scotland PAM array has a site at Fraserburgh, but this leaves a fairly large gap. Of course there may be sound reasons for excluding these sites.

Best wishes,
Kate

Dr Kate Brookes

Marine Mammal Scientist

Marine Scotland: Science | Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB

Telephone: 01224 295613

Mobile: [REDACTED]

From: Ford A (Alexander)
Sent: 14 April 2014 15:32
To: Davies I (Ian) (MARLAB); Brookes K (Kate)
Cc: MS Renewables
Subject: MS LOT to MSS: Consultation on the MMMP for MORL and BOWL: 14 April 2014

Ian and Kate,

CONSENTED OFFSHORE WIND FARMS IN THE MORAY FIRTH - MORL AND BOWL

Please find attached the "Proposal for a strategic regional Pre-Construction Marine Mammal Monitoring Programme in respect of the BOWL and MORL Wind Farm Developments" (revision 4, issued 25/4/2014) ('the MMMP').

<< File: LF000005-PRO-016 Proposal for Pre-Construction MMMP BOWL and MORL Developments.pdf >>
These survey works are to satisfy working towards discharging the Project Environmental Monitoring Programme ('PEMP') condition in their consents relating to the MMMP - "b. The

Aires C (Catarina)

From: Nathan, Charles <Charles.Nathan@rspb.org.uk>
Sent: 26 June 2014 12:09
To: Ford A (Alexander)
Subject: RE: MS LOT to RSPB/ASFB: Consultation on the MMMP for MORL and BOWL: 18 June 2014

Ali,

Thank you for the opportunity to comment on the aforementioned. RSPB Scotland does not wish to raise any additional items on this report.

Regards,
Charles

From: Alexander.Ford@scotland.gsi.gov.uk [mailto:Alexander.Ford@scotland.gsi.gov.uk]
Sent: 18 June 2014 15:44
To: Nathan, Charles; alan@asfb.org.uk
Subject: MS LOT to RSPB/ASFB: Consultation on the MMMP for MORL and BOWL: 18 June 2014

Dear Charles and Alan,

CONSENTED OFFSHORE WIND FARMS IN THE MORAY FIRTH - MORL AND BOWL

Please find attached the "Proposal for a strategic regional Pre-Construction Marine Mammal Monitoring Programme in respect of the BOWL and MORL Wind Farm Developments" (revision 4, issued 25/4/2014) ('the MMMP').

These survey works are to satisfy working towards discharging the Project Environmental Monitoring Programme ('PEMP') condition in their consents (MORL number 26 and BOWL number 27) relating to the MMMP - "*b. The participation by the Company in surveys to be carried out in relation to marine mammals as set out in the MMMP*"

Under the PEMP condition, the Scottish Ministers are to consult the JNCC, SNH, RSPB Scotland, WDC, ASFB and any other ecological advisors, before any approval can be given on the **whole** PEMP. The work covered by the MMMP will eventually be incorporated into the final PEMP submitted for approval. MS LOT finished a consultation with the JNCC, SNH, WDC and MSS on the MMMP, to allow the work to proceed in May. I consulted these organisations on the document as they were the most appropriate to the receptors involved. However, to fulfil the meaning of approval on the **whole** PEMP document, I wish to extend the invite to the RSPB and the ASFB, for any comments on the approaches proposed. MS LOT would be grateful for any comments on the attached document you may have by 30th June 2014 to ms.marinelicensing@scotland.gsi.gov.uk

Kind regards,
Ali

Alexander Ford
Marine Licensing Casework Officer
Marine Scotland – Marine Planning & Policy Division
Scottish Government, Marine Laboratory, PO Box 101, 375 Victoria Road, Aberdeen, AB11 9DB
Tel: +44 (0)1224 295414
S/B: +44 (0)1224 876544

Aires C (Catarina)

From: Fiona Read <fiona.read@whales.org>
Sent: 06 May 2014 17:25
To: Ford A (Alexander)
Cc: Sarah Dolman
Subject: RE: MS LOT to WDC: Consultation on the MMMP for MORL and BOWL: 14 April 2014

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Alex,

Thank you for providing WDC with the opportunity to give feedback on the "Proposal for a strategic regional Pre-Construction Marine Mammal Monitoring Programme in respect of the BOWL and MORL Wind Farm Developments". We are happy with the proposed approaches in the monitoring programme and would be interested to be involved in the Steering Group and attend the annual meetings.

Kind regards,

Fiona

Fiona Read
Scottish policy officer

Telephone: +44 (0)791 869 3023
Working Hours: Monday, Tuesday, Wednesday AM.
whales.org

From: Alexander.Ford@scotland.gsi.gov.uk [<mailto:Alexander.Ford@scotland.gsi.gov.uk>]
Sent: 14 April 2014 15:29
To: Sarah Dolman
Cc: Fiona Read
Subject: MS LOT to WDC: Consultation on the MMMP for MORL and BOWL: 14 April 2014

Sarah,

CONSENTED OFFSHORE WIND FARMS IN THE MORAY FIRTH - MORL AND BOWL

Please find attached the "Proposal for a strategic regional Pre-Construction Marine Mammal Monitoring Programme in respect of the BOWL and MORL Wind Farm Developments" (revision 4, issued 25/4/2014) ('the MMMP').

These survey works are to satisfy working towards discharging the Project Environmental Monitoring Programme ('PEMP') condition in their consents relating to the MMMP - "*b. The participation by the Company in surveys to be carried out in relation to marine mammals as set out in the MMMP*"

The developers are keen to receive any feedback and confirmation on the approaches proposed, in order to commence surveys in early May 2014, therefore, MS LOT would be grateful for any comments on the attached document you may have by 6th May 2014. If you are unable to meet this deadline, please contact me at your earliest opportunity.

Kind regards,
Ali