

Gayle Boyle
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Edinburgh
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Date: 19th October 2017

Dear Ms Boyle

THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994
THE OFFSHORE MARINE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS
2007

OFFSHORE HABITATS REGULATIONS APPRAISAL SCREENING OPINION ON THE MORAY WEST OFFSHORE WIND FARM, TO BE LOCATED IN THE OUTER MORAY FIRTH APPROXIMATELY 22 KM SOUTH OF THE CAITHNESS COASTLINE.

Thank you for your email dated 8th September 2017 requesting a screening opinion on the Habitats Regulations Appraisal (“HRA”) for proposed installation of the Moray West Offshore Wind Farm (“Moray West”), to be located in the Moray Firth, approximately 22 km south of the Caithness coastline. It will be comprised of an offshore array of Wind Turbines Generators (“WTGs”), connected to one another by subsea inter-array cables, which will in turn connect the WTGs to the Offshore Transmission Infrastructure (“OfTI”). The site has connectivity with multiple European and Ramsar sites as addressed in table 4.4.1 of the Moray West Offshore Habitats Regulations Appraisal document received with the screening opinion request.

The OfTI will be comprised of one or two Offshore Substation Platform(s) (“OSP”(s)) (joined by an interconnector cable if two are required) and up to two offshore export cable circuits that carry the power to an onshore landfall location joined to the Onshore Transmission Infrastructure (“OnTI”). Each OfTI circuit is likely to be comprised of three core cables in a trefoil arrangement with a typical voltage of 132 to 400 kilovolts (kV) and may also include a fibre optic communication link either embedded within the cables or as separate, smaller cables running alongside in the same trench.

Consultation

The Scottish Ministers have, consulted with Scottish Natural Heritage (“SNH”), the Royal Society for the Protection of Birds (“RSPB”) and the Whale and Dolphin Conservation society (“WDC”). All have responded to the consultation and their advice is included at Appendix 1.

In summary, SNH are unable to provide advice on which Special Protection Areas (“SPAs”)/ qualifying interests are required to be taken to the next stage of HRA as baseline characterisation and modelling discussions are currently on-going with a further report due the week of 23rd October 2017. SNH as an interim refer you to the final short list of species identified in the Moray East appropriate assessment (see caveat to this in their advice). With regards to Special Areas of Conservation (“SACs”) SNH has advised that the Dornoch Firth and Morrich More SAC - harbour

seals, and Moray Firth SAC - bottlenose dolphins and subtidal sandbanks. should be screened in. SNH advise that there is no requirement to consider diadromous fish as part of the HRA, impacts should be considered in the EIA report.

RSPB highlighted their concern with the lack of a full two years of site specific survey data.

WDC agreed with the potential impacts that have been 'scoped in' for Likely Significant Effect (LSE) in Table 5.3.1 of the document.

In-combination assessment

Scottish Ministers advise that for bottlenose dolphin the following projects should be considered in a quantitative way:

- Beatrice
- Moray East
- Neart na Gaoithe
- Inch Cape
- Seagreen

For the Forth and Tay sites the worst case of the 2014 consents or the 2017 proposals should be considered in the in-combination assessment. It will be appropriate include other projects qualitatively.

SNH have advised separately that sequential piling represents the worst case, so that it is not necessary to model concurrent piling at the different sites or within the Moray West site.

Conclusions

The Scottish Ministers have considered whether the proposed works would have a likely significant effect on the surrounding SACs. Based on the advice outlined above, the Scottish Ministers are of the opinion that the following sites/qualifying interests should be taken forward to the next stage of HRA and information must be provided to inform the appropriate assessment which Scottish Ministers will be required to undertake:

- **Dornoch Firth and Morrich More SAC – harbour seals**
- **Moray Firth SAC, - bottlenose dolphin, subtidal sandbanks**

Scottish Ministers agree with the SNH advice that diadromous fish do not need to be considered through the HRA process. Once further advice has been received from SNH on the ornithological interests, confirmation will be provide on which SPAs/qualifying interests will be required to be taken forward to the next stage of HRA.

Yours sincerely,

Gayle Holland
Marine Scotland Licensing Operations Team

Appendix 1

Consultee response to the request for a HRA Screening Opinion

Stakeholders Comment

SNH Advice

MORAY WEST OFFSHORE WIND FARM SNH ADVICE ON HABITATS REGULATIONS APPRAISAL SCREENING REPORT FOR THE MORAY WEST OFFSHORE WIND FARM PROPOSAL

Thank you for your consultation of the 14 September 2017 requesting our advice on the Habitats Regulations Appraisal (HRA) screening report for the Moray West offshore wind farm (OSWF) development proposal.

Introduction

We have now had chance to review the HRA screening document and we have the following comments to make:

- The layout and content of the report make it difficult to follow and to understand the conclusions reached by the developer as to which species / sites are being taken forward to the next stage.
- We disagree with some of the conclusions reached and provide further advice below.
- We are unable at this point to provide final advice in respect of ornithological interests; this is due to ongoing discussions about the baseline characterisation and modelling. We are aware of a further request for a meeting and a further report is due the week of the 23rd October which may help inform which SPAs / features need to be taken to the next stage of HRA.
- As an interim measure we would refer you to the final short list of species taken forward in the appropriate assessment for the Moray East proposal. Please note this is with the caveat that we wish to understand more of the baseline characterisation before we can confirm if any additional species / sites require to be considered or if any sites / features from this list do not require to be considered further.

SNH advice

We provide advice below in respect of those species / sites for which we can conclude at this stage if they require further consideration as part of the HRA for the proposed Moray West application. At this stage we are unable to provide any advice on which ornithological European sites / features should be screened into the HRA. We cannot make an informed judgement on this without an agreed baseline of species recorded on the development site. This requires further information from the developer as was discussed at the meeting held on 24 August 2017.

Notwithstanding our comments above, please find below comments in respect of the other receptors which have been considered:

1. Diadromous Fish

Please note that SNH advises that with regard to this proposal that there is no requirement to consider diadromous fish as part of the HRA. We do however advise that impacts to diadromous fish should be considered within the EIA report. In our view, we do not feel that it is possible to undertake site-specific HRA for migratory Atlantic salmon or other migratory fish because we cannot apportion impacts correctly to individual SACs. This is due to the current lack of information on SAC diadromous fish populations upon which to inform decisions on site integrity. As our knowledge improves and assessment methods develop this position may change. Potential

impacts to migratory fish and therefore as a consequence freshwater pearl mussel (FWPM) should, in our view therefore be considered under EIA rather than HRA.

We would anticipate that assessment under EIA would also include the export cable and landfall with any potential effects addressed through appropriate mitigation as part of a construction method statement.

2. Marine Mammals

- Harbour Porpoise

We agree with the decision not to consider harbour porpoise further within the HRA with there being no likely significant effect with any of the candidate SACs. We do not however agree with the reasons. When considering harbour porpoise we advise that it does not need to be considered further, our reason for this advice is as follows:

- I. The development does not lie within a cSAC
- II. The appropriate management unit for harbour porpoise to consider is the North Sea.
- III. This development does not have any direct or indirect impact overlapping with the Southern North Sea cSAC.

We also advise that consideration of harbour porpoise should still be included within the EIA Report as well as with the provision of information for any European Protected Species (EPS) licencing requirement.

- Grey Seal

We advise that there is no connectivity to grey seal SACs and this species therefore needs no further consideration within HRA. We would only consider grey seal SACs where there was an impact pathway from a proposal within 20km of a breeding colony.

- Dornoch Firth and Morrich More SAC - Harbour seal

We agree that there is a likely significant effect for harbour seal and this site should be included within the HRA for harbour seal.

- Moray Frith - Bottlenose Dolphins

As identified, the Moray Firth SAC and bottlenose dolphin feature should be considered with the HRA. As part of the HRA, consideration will need to be given to in combination effects with the Forth and Tay offshore wind proposals. Recent advice provided by SNH in respect of the Forth and Tay proposals and the methods for considering underwater noise impacts are pertinent and we advise that the Forth and Tay discussions should also be held with Moray West.

3. Coastal Habitats

- Moray Firth SAC - Subtidal Sandbanks

The report correctly identifies the physical processes modelling and assessment work as the key tool in understanding any likely impact that the proposal may have on the physical processes within the wider Moray Firth, including any hydrodynamic changes that may affect the subtidal sandbank feature of the Moray Firth SAC. Given the potential connectivity, and pending the modelling assessment, we are unable to rule out a Likely Significant Effect (LSE).

We therefore do not agree that this impact should be addressed under EIA, rather the Moray Firth SAC subtidal sandbank feature should at this point in time, be screened in. We are content that the Dornoch Firth & Morrich More SAC and the Culbin Bar SAC are sufficiently far away for there

not to be any discernable connectivity in terms of physical processes and so both of these sites can be screened out.

We hope these comments are helpful. Please note I have been temporarily promoted in SNH for the next six months and will not be working on marine renewables during this period. If further information or advice is required please contact the Marine Energy mailbox in the first instance: MARINEENERGY@snh.gov.uk

RSPB Advice

Thank you for inviting comments on the HRA screening report for the proposed Moray West project.

We have no comment on the approach to screening, however we do wish to highlight the potential risks and our concern with the lack of a full two years site specific survey to support the environmental assessment. The alternative proposal to analyse existing historic and contextual survey data is welcomed, although the requirement for 2 full years' worth of site specific data is a long established UK minimum standard for site characterisation of offshore wind projects.

The Moray West proposal may have significant effects on SPAs within the region both in isolation and in-combination, therefore any conclusions of the effects on site integrity need to be based on adequate and robust environmental data. It is imperative that the site characterisation and environmental baseline is supported by site specific survey data that is equivalent to 2 full years of site survey effort. We would recommend this 'equivalence' is demonstrated and accepted prior to the application and future determination.

WDC Advice

WDC comments on the Moray West Offshore Habitats Regulations Appraisal Screening Report.

Thank you for the opportunity to provide comments on the Moray West Offshore Habitats Regulations Appraisal (HRA) Screening Report. Given our area of interest, we have only focused on the marine mammal sections.

We understand that the Moray West Offshore Wind Farm will be located approximately 22 kilometres from the Scottish coast on the Smith Bank in the Outer Moray Firth. The Offshore Transmission Infrastructure will be located within the Outer Moray Firth and comprise of one or two offshore substation platforms. The export cables will make landfall on the Moray/Aberdeenshire coast. The Onshore Transmission Infrastructure will comprise onshore transition bays near the landfall where the offshore and onshore circuits join together. The location of the onshore work has yet to be determined and will be covered in the onshore Environmental Impact Assessment and onshore HRA. The development is anticipated to consist of up to 90 wind turbines with a potential generation capacity of up to 850 MW.

WDC are endeavouring to assist with the environmentally sustainable development of marine renewable energy in Scotland. Whilst welcoming the Scottish Governments' commitment to renewable energy generation, particularly noting the potential consequences of climate change for cetaceans, we have concerns about current levels of uncertainty and the possible negative impacts these developments, both individually and cumulatively, may have on cetaceans (whales, dolphins and porpoises) and seals in Scottish waters.

In summary

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Overall, we are happy with the HRA screening document and agree with the potential impacts that have been 'scoped in' for Likely Significant Effect (LSE) in Table 5.3.1.

Harbour porpoise

We understand that there are no harbour porpoise SACs in the Moray Firth and that connectivity between the Moray Firth and the candidate SACs is low. However, considering the number of harbour porpoises observed in the development area during the surveys, we would like to see the potential impacts on harbour porpoises given more consideration. Harbour porpoise are very sensitive to noise from pile driving and if pile driving is conducted during development of Moray West there is the potential for an impact on the population.

Harbour seals

In recent years, connectivity between harbour seals in the Moray Firth and Orkney has been shown from tagged data. Due to the significantly declining population in Orkney, harbour seals in the Moray Firth should be given the same level of protection from disturbance and displacement as harbour seals in Orkney.

We hope you find these comments useful and would be happy to discuss any of these comments further.