

Fall of Warness Report to Inform an Appropriate Assessment

Volume 3, Chapters 8: Conclusion

November 2025



Document History

Revision	Date	Description	Originated by	Reviewed by	Approved by
R01	22/08/2025	Issued for Review	[Redacted]		
A01	24/11/2025	Issued for Use			

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Acronyms and Abbreviations

Acronym	Definition
AA	Appropriate Assessment
ADCP	Acoustic Doppler Current Profiler
AEoSI	Adverse Effect on Site Integrity
BWM	Ballast Water Management
CEMP	Construction Environmental Management Plan
CJEU	Court of Justice of the European Union
CMS	Construction Method Statement
cSAC	candidate Special Area of Conservation
CTD	Conductivity, temperature and depth
DP	Dynamic Positioning
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
EMEC	European Marine Energy Centre
EPS	European Protected Species
EU	European Union
HDD	Horizontal Directional Drilling
HRA	Habitats Regulation Appraisal
IAMWWG	Inter-Agency Marine Mammal Working Group
INNS	invasive non-native species
IROPI	imperative reasons of overriding public interest
km	Kilometre
km ²	Kilometre squared
kV	kilovolt
LMP	Lighting and Marking Plan
LSE	Likely Significant Effect
m	Metre
m/sec	Metre per second
MCA	Maritime Coastguard Agency
MD-LOT	Marine Directorate Licencing Operations Team
MHWS	Mean High Water Spring
MLWS	Mean Low Water Spring
MPCP	Marine Pollution Contingency Plan
MS-LOT	Marine Scotland Licencing Operations Team
MU	Management Unit
MW	Megawatts
NLB	Northern Lighthouse Board
NM	Nautical Mile
OCT	Open Cut Trenching
OEMP	Operation Environmental Management Plan
OIC	Orkney Islands Council
PDE	Project Design Envelope
PEMP	Project Environmental Monitoring Programme
pSPAs	Potential Special Protection Area
RIAA	Report to Inform Appropriate Assessment
ROV	Remotely Operated Vehicle

Acronym	Definition
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SCI	Sites of Community Importance
SNH	Scottish Natural Heritage
SOP	Standard Operating Procedures
SPA	Special Protection Area
UK	United Kingdom
UXO	unexploded ordnance
VMP	Vessel Management Plan

8 Conclusions

This report follows on from HRA Screening, which considered whether the Project had the potential to have an LSE on a European Site. This RIAA provides the Competent Authority with the information required to assist them in undertaking an AA for the Project, as required under the Habitats Regulations, by assessing the potential for the Project to result in an AEoSI on a European Site, either alone or in-combination with other projects, plans and activities.

During the HRA Screening stage, informed by the HRA Screening Report and the Screening Opinion, LSE was excluded for the Annex I habitat qualifying features of any European Site and it was concluded that Annex II diadromous fish qualifying features should be considered within the EIA only, in line with the advice in the Screening Opinion. Potential LSE was identified for the Annex II marine mammals qualifying features of the Faray and Holm of Faray SAC and the Sanday SAC, grey seal and harbour seal, respectively. Furthermore, 26 SPAs were screened into the RIAA where LSE could not be excluded, with 13 unique seabird species or species groups as qualifying features. This RIAA assessed the potential for the Project to result in an AEoSI for those European Sites and impacts where LSE could not be excluded.

For Annex II marine mammal SACs, an AEoSI from collision with turbine blades leading to injury or death for the grey seal and harbour seal features of the Faray and Holm of Faray SAC and the Sanday SAC, respectively, could not be excluded for the Project alone or the Project in-combination with other projects, plans and activities. Despite no recorded collisions at any operating tidal site, due to the unfavourable condition of the grey seal feature of the Faray and Holm of Faray SAC and the harbour seal feature at the Sanday SAC, and also the uncertainties around collision risk for seals from operating turbines, an AEoSI could not be ruled out. Therefore, EMEC have prepared a Derogation Case (Volume 3, HRA Derogation Case) and are investigating options for strategic mitigation, monitoring and research initiatives with the aim of comparing the predictions made in the CRM, which EMEC believe to be overly precautionary and to further develop the evidence base for future tidal stream energy development in the region. For all other impacts on the Faray and Holm of Faray SAC and the Sanday SAC, AEoSI could be excluded for the Project alone and for the Project in-combination with other projects, plans and activities.

In conclusion, the Project has been identified to result in an AEoSI on the grey seal qualifying feature of the Faray and Holm of Faray SAC and the harbour seal qualifying feature of the Sanday SAC.

For all SPAs screened in for the assessment of offshore ornithological receptors, no AEoSI were concluded for any impacts for both the Project alone or the Project in-combination with other projects, plans and activities.

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