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LICENCE/CONSENT VARIATION – VALIDATION OF APPROPRIATE ASSESSMENT

1 Licence Details

<u>Licensee/Developer Name:</u>	<u>Seagreen Wind Energy Limited (Company Number 06873902) (“SWEL”)</u>
<u>Site Details:</u>	<u>Seagreen Alpha and Seagreen Bravo Offshore Wind Farms approximately 27 km to the east of Angus (“the Development”).</u>
<u>Date Existing Licence/Consent Issued:</u>	<u>Section 36 consents issued 10 October 2014 (as subsequently varied on 28 August 2018) (“the Existing Consents”); and Marine licences 04676/19/0 and 04677/19/0 dated 12 December 2019; and marine licence 04678/19/0 dated 6 March 2019 (together “the Marine Licences”).</u>
<u>Date of Existing Appropriate Assessment (“AA”):</u>	<u>10 October 2014 (“the 2014 AA”)</u>

2 Summary of proposed variation application:

Variation application to amend the Existing Consents and the Marine Licences in the following respects:

- Increase the size of 36 of the 150 consented but not constructed Wind Turbine Generators (“WTG”) with a variation in parameters to include increases in (a) the maximum rotor diameter from 167 metres (“m”) to 242m, (b) the maximum blade chord width from 5.4m to 7.6m, (c) the maximum tip height from 209.7m to 285m, (d) the minimum tip height (air gap) from 29.8m to 34m and (e) the maximum hub height from 126.2m to 165m.
- Increase the weight of the steel seabed deposits associated with the Offshore Substation Platforms (“OSPs”) from 13,000 tonnes to 22,560 tonnes

(“the Variation Application”).

The only impact of the Variation Application to ornithological features that required further assessment was collision risk during operation. Alongside the Variation Application SWEL provided an environmental appraisal report, supported by an additional collision risk modelling (“CRM”) report. The CRM concluded a significant reduction in predicted collision mortalities for Northern gannet and Black-legged kittiwake when comparing between the Existing Consents and the Variation Application. The updated modelling also shows a reduction in predicted collision mortalities for European herring gull for all but one modelling scenario where one additional European herring gull was predicted to be taken.

The Variation Application does not result in any clear impact pathway to any qualifying interests of the Special Areas of Conservation considered in the 2014 AA accompanying the Existing Consents and these have therefore not been considered any further.

If consent is granted for this Variation Application, the Scottish Ministers will vary the Marine Licences in respect of the Development, in accordance with section 72(3)(d) of the Marine and Coastal Access Act 2009 to ensure consistency with the Existing Consents. MS-LOT will also consider the request by the Company to increase the weight of the steel seabed deposits associated with the OSPs within the transmission works marine licence under section 72(3)(d) of the MCAA 2009.

3 Summary of consultation responses – in relation to European protected sites:

NatureScot (operational name of Scottish Natural Heritage) noted that it was content that there would be no material change to predicted ornithology impacts as a result of the Variation Application.

The Royal Society for the Protection of Birds (“RSPB”) Scotland raised concerns on the impact of the 114 WTG currently under construction, as well as the other 36 WTG if varied, on the overall populations of Northern gannet, Black-legged kittiwake and European herring gull in the Firth of Forth and Tay region. RSPB Scotland noted that SWEL is not building to the worst-case scenario in the Existing Consents and therefore when comparing the parameters of the WTGs currently under construction, as approved under the Development Specification and Layout Plan, with those in the Variation Application, the proposed variations result in a slightly higher estimate collision risk mortality for Northern gannet, Black-legged kittiwake and European Herring gull. However, RSPB Scotland acknowledged that, when compared with the assessment undertaken for the Existing Consents, the Variation Application would result in a lower estimated annual mortality for Northern gannet, Black-legged kittiwake and European Herring gull.

4 Summary of other information in relation to European protected sites (MSS responses, external reports).

MSS acknowledged that the results of the CRM Option 2 indicated that for all but one scenario presented, the Variation Application will have lower collision risk than the Existing Consents. The one exception was for European herring gull, however the results indicated that only one additional European herring gull was predicted to be taken, when compared with the original project. Therefore, MSS advised that the increased collision risk estimate for the species is acceptable at this level, and agreed with NatureScot that there would be no material change to predicted ornithological impacts from the proposed Variation Application.

5 Conclusion - Consideration of whether AA completed for the original decision is still valid:

No consultation responses, advice, external reports or representations have been received which would invalidate the conclusions or alter the outcome of the 2014 AA in respect of the Existing Consents.

The AA completed for the original decision is still valid in its conclusion that the proposal is not likely to have an adverse impact on the site integrity of the Buchan Ness to Collieston Coast SPA, Fowlsheugh SPA, Forth Islands SPA and St Abb's Head to Fast Castle SPA, either alone or in combination with other projects providing the mitigation measures previously secured remain in place.

Outer Firth of Forth and St Andrews Bay Complex SPA

At the time the Existing Consents were granted in 2014 the Outer Firth of Forth and St Andrews Bay Complex SPA was a draft SPA, and was therefore not considered in the AA for the Existing Consents. The Outer Firth of Forth and St Andrews Bay Complex SPA was designated in December 2020 and therefore requires to be considered in relation to the Variation Application.

The Outer Firth of Forth and St Andrews Bay Complex SPA was considered in an AA completed by the Scottish Ministers in relation to the Inch Cape Offshore Windfarm ("ICOL") in March 2019. At this time the SPA was a proposed SPA but in accordance with Scottish Government policy it was considered and assessed as if it was designated. The [ICOL AA](#) included a complete assessment of the Outer Firth of Forth and St Andrews Bay Complex SPA in relation to the Northern gannet, Black-legged kittiwake, European herring gull, Atlantic puffin, Common Guillemot and razorbill qualifying features, for ICOL in-combination with other projects including the Existing Consents. This assessment concluded that there would be no adverse effect on the integrity of the Outer Firth of Forth and St Andrews Bay Complex SPA. As the CRM for the Variation Application has demonstrated less impact than the Existing Consents, the conclusions from the ICOL AA for the Outer Firth of Forth and St Andrews Bay Complex SPA can be relied upon in relation to Variation Application.

Since the ICOL AA was completed the conservation objectives for the Outer Firth of Forth and St Andrews Bay Complex SPA have changed and are detailed below:

1. To ensure that the qualifying features of the Outer Firth of Forth and St Andrews Bay Complex SPA are in favourable condition and make an appropriate contribution to achieving Favourable Conservation Status.
2. To ensure that the integrity of the Outer Firth of Forth and St Andrews Bay Complex SPA is restored in the context of environmental changes by meeting objectives 2a, 2b and 2c for each qualifying feature:
 - 2a The populations of the qualifying features are viable components of the Outer Firth of Forth and St Andrews Bay Complex SPA.
 - 2b. The distribution of the qualifying features is maintained throughout the site by avoiding significant disturbance of the species.
 - 2c. The supporting habitats and processes relevant to qualifying features and their prey resources are maintained, or where appropriate restored, at the Outer Firth of Forth and St Andrews Bay Complex SPA.

The [Conservation and Management Advice](#) published by NatureScot provides further advice on the interpretation of these conservation objectives.

Despite the change in conservation objectives NatureScot raised no concerns in relation to impacts on the Outer Firth of Forth and St Andrews Bay Complex SPA in its consultation response to the Variation Application. In addition NatureScot was consulted on a draft of this AA validation and advised that it agreed with the conclusions reached.

Therefore the Scottish Ministers conclude that if the Variation Application is granted, there will not be an adverse effect on the site integrity of the Outer Firth of Forth and St Andrews Bay Complex SPA from the Development in-combination with other plans and projects.

The proposed Berwick Bank Offshore Windfarm, for which an application is expected to be submitted in December 2022 is likely to have in-combination effects with the Development. Any AA completed in respect of the Berwick Bank Offshore Windfarm will be required to fully consider the in-combination effects with the Development before any decision is made. In addition since the Existing Consents were granted, the Scotwind lease option agreements have been awarded, some of the lease areas on the east coast of Scotland may have in-combination effects with the Development. An iterative plan review of the Sectoral Marine Plan for offshore wind is being undertaken and is due to complete in 2023. The AA for this will fully consider any in-combination effects with the Development.

Name	Assessor or Approver	Date
Rebecca Bamlett	Assessor	07/09/2022
Kerry Bell	Approver	16/09/2022