Fisheries Management Scotland (“FMS”)

From:	Alan Wells
To:	MD Marine Renewables
Cc:	Amy Woodward; Toni-marie Mcginn
Subject:	RE: MarramWind Limited – MarramWind Offshore Wind Farm – Scotwind NE7 Site - HRA Screening Consultation - Response Required by 04 October 2024
Date:	30 September 2024 08:20:10
Attachments:	image001.png

Dear Sir/Madam,

We note paragraph 5.1.1.3 in the Habitats Regulations Screening Report , and we look forward to a full assessment of any potential impacts on diadromous fish in the EIA. We would expect developers to assess and, where necessary, mitigate the potential impacts of deployed devices on such fish during the deployment, operation and decommissioning phases. These potential impacts have been highlighted through ScotMER, and include:

- Avoidance (including exclusion from particular rivers and subsequent impacts on local populations);
- Disorientation effects that could potentially affect behaviour, susceptibility to predation or by-catch; and
- Impaired ability to locate normal feeding grounds or river of origin; and delayed migration

Fisheries Management Scotland request that, in addition to the evidence gaps identified by ScotMER, the EIA gives attention to the effects of predator aggregation (e.g. large gadoids/ grey seals) around the proposed development on migrating salmonids at both the smolt and adult stages and, additionally, physical barrier effects on salmon during construction and operation (e.g. noise, shadow flicker). In this regard, it should be noted that NatureScot has formally conceded that shadow flicker from moving turbine blades (and also the direct visual effects of moving blades) may adversely affect salmonids in freshwater habitat. Since exactly the same physical principles apply in the marine environment, surface-orientated fish, like salmonids, are likely to be exposed to equivalent adverse effects.

Yours faithfully,

Alan Wells
Dr Alan Wells | CEO
Fisheries Management Scotland
11 Rutland Square, Edinburgh, EH1 2AS
Tel: 0131 221 6567 | [redacted]
www.fms.scot

Natural England

From:	Bylholt, Kirstin
To:	MD Marine Renewables
Cc:	Cantrell, Ruth; Amy Woodward; Toni-marie Mcginn
Subject:	NE Response - MarramWind Limited – MarramWind Offshore Wind Farm – Scotwind NE7 Site - HRA Screening Consultation
Date:	02 October 2024 12:57:41
Attachments:	488673_NE Response_Marram_HRA Screening.pdf

Good afternoon,

Please find attached NE's comments to the HRA Screening Consultation for MarramWind.

If you have any questions or comments, please let me know.

Kind regards,
Kirstin

Kirstin Bylholt
Operations Delivery Higher Officer Marine
Northumbria and NNS Offshore Wind Team
Natural England, Lancaster House, Hampshire Court,
Newcastle upon Tyne, NE4 7YH
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Pronouns: She/her

Date: 02 October 2024
Our ref: 488673
Your ref: MarramWind Limited – MarramWind Offshore Wind Farm – Scotwind NE7 Site - HRA Screening Consultation

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Marine Directorate
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St. Andrew's House
Regent Road
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BY EMAIL ONLY

Dear Amy

Habitats Regulations Assessment Screening consultation

- The Conservation (Natural Habitats, &C,) Regulations 1994
- The Conservation Of Offshore Marine Habitats And Species Regulations 2017
- The Conservation Of Habitats And Species Regulations 2017

MarramWind Limited – MarramWind Offshore Wind Farm – Scotwind NE7 Site - HRA Screening Consultation

Location: NE7 Site

Thank you for seeking our advice on the Habitats Regulations Assessment (HRA) screening in your consultation which we received on 06 September 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The advice contained within this letter is provided by Natural England, which is the statutory nature conservation body within English territorial waters (0-12 nautical miles). As the application is located in Scottish waters then the advice from NatureScot, the statutory nature conservation body in Scotland should be sought.

Due to our remit, we have limited our advice to sections on marine mammals and offshore ornithology. Within these bounds we have also restricted our advice to species from English Marine Protected Areas and to species in English waters.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

General advice

We would like to direct the applicant to our advice on the environmental considerations and use of data and evidence to support offshore wind and cable projects in English waters. We recognise this will not all be applicable for all aspects of the project but will provide a guide for assessments concerning England.

Marine mammals

Natural England considers that all matters in which we have an interest in English waters have been adequately considered in the HRA Screening Consultation.

Offshore Ornithology

Natural England note that the proposed development is in Scottish waters, and that the approach to ornithological assessment has been developed by the applicant based mainly on advice from NatureScot. NatureScot's advice on ornithological impact assessments differs from that provided by Natural England in some respects. These differences are flagged below, to provide context and to aid with the interpretation of the results of the impact assessment conducted by the applicant. Natural England do not expect the applicant to undertake a separate impact assessment based on Natural England's advice. However, Natural England have attempted to flag where the predicted impacts would likely differ if Natural England's advice were followed, and have based our comments with respect to integrity judgements on what the predicted impacts are likely to be if Natural England's advice were followed.

Flamborough and Filey Coast SPA - Common Guillemot

Natural England advise that common guillemot from the Flamborough and Filey Coast SPA should be screened in for potential impacts during the non-breeding season. Whilst Furness (2015) indicates that non-breeding individuals are likely to stay relatively close to their breeding colony in the non-breeding season, there is limited empirical evidence currently exists to support this, to quantify the extent over which this operates, and whether it applies to the same extent for all colonies. Natural England requests that to assess the potential impacts on Flamborough and Filey Coast SPA guillemot in the non-breeding season, the traditional approach of apportioning birds to the relevant SPA using the BDMPS populations as prescribed by Furness (2015).

We recognise that this advice differs from that provided by NatureScot / Marine Scotland, who advise that the breeding season mean / max, +1SD foraging ranges should also be used in the non-breeding season for this species, which we do not wish to contradict. However, we consider a specific exception to this advice should be made when considering impacts on Flamborough and Filey Coast SPA, due to the potential for the Marram to contribute to the in-combination impacts that multiple North Sea developments are already exerting on this SPA feature. We note that other Scottish projects already appear in the English in-combination assessments for this species, so this exception would facilitate the inclusion of Marram in future assessments.

If the applicant and Marine Scotland agree that the applicant should follow the NatureScot advice, it would nevertheless be useful if Marram's Environmental Statement could include the impact values for non-breeding Guillemot from FFC SPA based on the BDMPS apportioning approach. Alternatively, you could provide this separately to Natural England. This would avoid the need for offshore wind farm developers in the English North Sea and / or Natural England to carry out separate apportioning work for inclusion in relevant in-combination assessments.

Furness, R. (2015). Non-breeding season populations of seabirds in UK waters: Population sizes for Biologically Defined Minimum Population Scales (BDMPS). Natural England Commissioned Report no. 164

Stable Age Apportioning

Natural England advise that, where possible, site-specific ageing data (e.g. from Digital Aerial Surveys (DAS)) be used to age-apportion birds. Where this data is not available, Natural England advise that all 'adult-type' birds are apportioned as adults.

Natural England does not support the use of the stable age structure approach for age apportioning, due to:

a) uncertainty regarding survival rates – in particular for immature age classes,

b) lack of information about non-breeding adult components of populations, and
c) the underlying assumption that populations are stable (which is not the case for many populations)

Sabbatical Rates

If there is clear evidence relating to the proportion of adults within the population likely to be taking a sabbatical in any given year, then this can be considered at the population modelling stage. The weight of evidence is on demonstrating:

a) the proportion of breeding adults in the population likely to be taking a sabbatical in any given year
b) whether the SPA population estimates include or exclude sabbatical birds, and
c) whether or not sabbatical birds are likely to use the area of sea around the SPA colony.

This evidence can be used to inform whether and how sabbaticals are best incorporated in a Population Viability Analysis (PVA).

In the absence of such evidence, Natural England's standard advise is to assume no sabbaticals, i.e. to assume all adult birds are breeding birds. Natural England advise that we do not agree with the use of sabbatical rates to exclude sabbatical birds from impact assessment, nor do we consider the inclusion of sabbatical rates to be appropriate within the apportioning process.

Joint advice note from the Statutory Nature Conservation Bodies (SNCBs) regarding bird collision risk modelling for offshore wind developments

JNCC, Natural England, Natural Resources Wales, NatureScot. 2024. Joint advice note from the Statutory Nature Conservation Bodies (SNCBs) regarding bird collision risk modelling for offshore wind developments. JNCC, Peterborough.

https://data.jncc.gov.uk/data/f7892820-0f84-4e96-9eff-168f93bd343d/joint-sncb-crm-advice-note.pdf

Highly Pathogenic Avian Influenza

We also note the need for a precautionary assessment of impacts given the recent and ongoing outbreaks of Highly Pathogenic Avian Influenza (HPAI) in seabirds.

For any queries relating to the specific advice in this letter only please contact me using the details below. For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

Yours sincerely

Kirstin Bylholt
Higher Officer Marine, Northumbria Marine team
E-mail: kirstin.bylholt@naturalengland.org.uk
Telephone: [redacted]

NatureScot

From:	Caitlin Cunningham
To:	MD Marine Renewables
Cc:	Amy Woodward; Toni-marie Mcginn; Kirsten Watson; MARINEENERGY; Malcolm Fraser
Subject:	RE: MarramWind Limited – MarramWind Offshore Wind Farm – Scotwind NE7 Site - HRA Screening Consultation - Response Required by 04 October 2024
Date:	16 October 2024 12:04:53
Attachments:	image001.png 2024 10 16 - MarramWind - HRA Screening Report - MD-LOT Consultation - NatureScot advice.pdf

Dear Toni-Marie,
Thank you for the consultation on the HRA Screening Report for MarramWind Offshore Wind Farm, and also for the extension. Please see our advice attached, which I issue on Malcolm's behalf as he is currently on leave.
Best Wishes,

Caitlin
Caitlin Cunningham (she/her) | Marine Sustainability Adviser

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nature.scot | @NatureScot | *Scotland's Nature Agency* | *Buidheann Nàdair na h-Alba*
I work compressed hours and do not work Friday afternoons.

NatureScot
Scotland's Nature Agency
Buidheann Nàdair na h-Alba

Amy Woodward
Marine Directorate – Licensing Operations Team
Scottish Government
By email only: MD.MarineRenewables@gov.scot

16 October 2024

Our ref: CNS REN OSWF MarramWind

Dear Amy,

MARRAMWIND OFFSHORE WIND FARM

NATURESCOT ADVICE ON THE HABITATS REGULATIONS APPRAISAL (HRA) SCREENING REPORT

Thank you for consulting NatureScot on the HRA Screening Report for the MarramWind Offshore Wind Farm Array and Export Cable Corridor (ECC).

We have reviewed the HRA Screening Report (ref:MAR-GEN-PMG-REP-WSP-000022, dated August 2024) and provide advice, as outlined below, on the European Sites and their qualifying features for which we consider it reasonable to expect a Likely Significant Effect (LSE) either alone or in-combination with other plans or projects.

NatureScot advice

Annex I Habitats

Table 6.1 of the HRA Screening Report sets out potential impact pathways, and zone of influence (ZoI) effect range. It also provides justification for whether each potential impact pathway should be considered when screening for Likely Significant Effects (LSE). Appendix A applies this screening approach to all relevant European sites designated for Annex I habitats.

Increased suspended sediment concentrations is missing as a potential impact pathway and we would expect the ZoI to be informed by tidal excursion. However, we acknowledge that increased suspended sediment concentrations are unlikely to impact the qualifying features of either the Loch of Strathbeg Ramsar or Buchan Ness to Collieston SAC. As such, we are content that no sites with Annex I habitats have been screened in for further consideration.

Marine Mammals

Connectivity - seals

The approach used to establish connectivity to European sites, as detailed in Section 7.3.2, is based on the 50km and 20km connectivity distances for harbour seal and grey seal, respectively. We are content with this approach.

Connectivity - cetaceans

The approach used to establish connectivity to European sites, as detailed in Section 7.3.2, is based on species-specific Management Units (MUs). At the screening stage, the only bottlenose dolphin site within the MU, Moray Firth SAC, is considered. The nearest harbour porpoise site in the MU, Southern North Sea SAC, is considered, and as no LSE is identified for this site, more distant sites are not considered.

We are content with this approach, and we support the list of sites taken forward for assessment.

Impact pathways

Table 6.1 again sets out potential impact pathways, ZoI effect range, and a justification for whether each potential impact pathway should be considered in LSE screening.

Appendix B applies this screening approach to all relevant European sites designated for marine mammals. However, we note that Appendix B omits entanglement with mooring lines and/or secondary entanglement from the screening matrices. The Moray Firth SAC is located 120km from the proposed development array area, thus it is unlikely that the bottlenose dolphins from the SAC would have connectivity to the array area where entanglement could occur. As such, we would conclude no potential for LSE on the bottlenose dolphin feature – although we would have expected this process to be included for completeness.

Additionally, no LSE from disturbance and displacement from increased underwater noise has been identified during the operational and decommissioning phases for the Moray Firth SAC. At this stage, we advise that operational noise from turbines should be screened in, as well as operational noise from dynamic cables, due to the scale of the development and the limited understanding of underwater noise from floating wind projects. Moreover, we raise that there is also potential for LSE during the decommissioning phase, as impacts may be similar to construction.

Conclusions

Section 7.2.2 summarises the screening results for marine mammals, concluding LSE for the Moray Firth SAC only. We support the conclusions that no LSE is identified for any other European site designated for marine mammals in Scottish waters.

Ornithology

The ornithology sections are clear and well-presented and generally follow NatureScot guidance. Specific comments are provided below.

Connectivity

We note there is reference to tracking data, however, some do not have a citation or further detail provided. We require further information as to exactly what data are being referred to in order to provide more detailed advice.

Kittiwake - St Abbs Head to Fast Castle

We acknowledge that tracking studies have been undertaken for kittiwake at St Abbs Head to Fast Castle SPA but need further detail as to what studies are being referred to here. In particular, information on the time period and sample size enables us to understand how representative these data are. At this stage, we do not consider there is sufficient evidence to change our advice regarding the use of Woodward et al. (2019) foraging ranges. This is for the following reasons:

- Kittiwake foraging ranges can be highly variable (O'Hanlon et al., 2014[1]; Robertson et al., 2014[2]). There is evidence for variability between individuals at a site, at different times during seasons, and across years. Some birds show a dual foraging strategy making occasional long distance oceanic trips and regular shorter trips. Foraging ranges can also vary with environmental conditions and prey availability, with potentially shorter foraging ranges in years with more abundant prey. HPAI may also be affecting foraging ranges.
- This variability means that caution should be applied when using site specific foraging ranges for kittiwake, particularly if these are based on a small sample size or on data from a small number of years.
- Some species such as gannet (Wakefield et al., 2013)[3] are showing some segregation in their foraging ranges between sites, but kittiwake are demonstrating mixed results with both overlap and segregation effects.

In view of the above we currently continue to advise using Woodward et al. (2019) foraging ranges for kittiwake. Tracking studies already undertaken are providing the basis for potentially adjusting foraging ranges, but we consider that because of the variability shown by kittiwake, further work is still required.

Gannet

On principle we cannot accept the screening out of Sule Skerry and Sule Stack SPA based on tracking data without fully understanding what tracking data are being referred to. However, we do accept no connectivity for Ailsa Craig SPA due to consideration of the at-sea distance.

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[1] O'Hanlon, N. J., Thaxter, C. B., Clewley, G. D., Davies, J. G., Humphreys, E. M., Miller, P. I., Pollock, C. J., Shamoun-Baranes, J., Weston, E., & Cook, A. S. C. P. (2024). Challenges in quantifying the responses of Black-legged Kittiwakes *Rissa tridactyla* to habitat variables and local stressors due to individual variation. *Bird Study*, *71*(1), 48–64.

[2] Robertson, G. S., Bolton, M., Grecian, W. J., & Monaghan, P. (2014). Inter- and intra-year variation in foraging areas of breeding kittiwakes (*Rissa tridactyla*). *Marine Biology*, *161*(9), 1973–1986.

[3] Wakefield, E. D., Bodey, T. W., Bearhop, S., … Hamer, K. C. (2013). Space partitioning without territoriality in Gannets. *Science*, *341*(6141), 68–70.

Based on tracking data presented in Wakefield et al. (2013), we can accept Flamborough and Filey Coast SPA, St Kilda SPA, and Seas off St Kilda SPA are screened out. However, as North Rona and Sula Sgeir SPA was not included in the study, we do not support the conclusion of no LSE for this site in the breeding season.

Great Skua

We do not accept no connectivity for St Kilda SPA based on significant land barriers, as connectivity is assessed by at-sea distance for the HRA screening process. The proposed development array area is within at-sea foraging range for great skua at St Kilda SPA.

Manx Shearwater

The applicant notes an intention to screen out Manx shearwater from LSE due to low numbers recorded in their DAS. We note this species can fly outside daylight hours, which leads to detection issues in DAS (Deakin et al., 2022)[4], as surveys are conducted during the day. Therefore, we advise that this species is included within the RIAA. Given the challenges of undertaking a quantitative assessment for procellariforms based on the limitations of the survey technique for detecting and estimating populations for these species, we advise that a qualitative assessment can be undertaken.

Guillemot

Paragraph 4.1.4.17 discusses guillemot in the non-breeding season, and states "*the Applicant would welcome further discussion on potential connectivity with more distant sites based on Buckingham et al., (2022) data".* We welcome the approach suggested by the applicant and would be willing to discuss and finalise the details around this approach.

Fulmar

Fulmar have not previously been assessed in projects due to being a lower risk for both collision and displacement. However, they have now started to be included in some assessments, particularly due to proximity to breeding colonies and concerns with barrier effects.

We recommend revisiting the assessment of distributional responses for fulmar and consider whether this information is relevant for the proposed development. As fulmar generally have not previously been assessed in other applications, it may not be possible to undertake a cumulative assessment for this species, but we welcome the addition to the screening process. We note that potential LSE has been concluded for Buchan Ness to Collison Coast SPA for direct habitat loss during construction and decommissioning stages.

Herring gull

Potential for LSE has been concluded despite the development being outside of MM+1SD foraging rage for this species due to high numbers seen. We welcome this approach.

[4] Deakin, Z., Cook, A., Daunt, F., McCluskie, A., Morley, N., Witcutt, E., Wright, L., RSPB Centre for Conservation Science, BTO, & CEH UK. (2022). A review to inform the assessment of the risk of collision and displacement in petrels and shearwaters from offshore wind developments in Scotland.

Seabirds in the non-breeding and migratory seasons

The screening of sites and species within connectivity during the non-breeding season and migratory seasons has been undertaken using the BDMPS. We agree with this approach and the exception used for guillemot during the non-breeding season.

Migratory non-seabirds

The screening of migratory non-seabirds is appropriate. However, we note that there may be changes to this approach, as stated in communication between MD-LOT and the applicant. Therefore, it would be helpful to understand when this information will be provided. In undertaking the assessment for migratory waterbirds, the recently published Offshore wind strategic review (2023)[5] should be used.

Marine SPAs and non-breeding seabirds

The applicant notes that there are no SPAs which overlap with the ZoI. For marine SPAs this is 15km, with the exception of wintering gulls, whereby the recommended breeding ranges in Woodward et al., (2019) are used. From the information presented, it is likely that no LSE for the features of any marine SPA can be reached. However, if vessels are likely to transit through any marine SPA, we recommend that vessel disturbance between the proposed development site and the port is included as a potential impact pathway. The assessment process for vessel disturbance at these sites should include the following:

- information on likely vessel routes, lie up/sheltering areas, numbers of vessel trips, types of vessels;
- information on existing vessel traffic and the increase in traffic resulting from the proposed development;
- sensitivity of qualifying features to vessel disturbance;
- bird densities and distribution of sensitive species throughout the SPA and consideration of how potential vessel traffic may impact on areas of higher bird densities;
- extent of the SPA and degree of SPA populations likely to be affected by the vessel traffic;
- reference to a Vessel Management Plan and any embedded mitigation measures in the plan that are relevant to birds;
- any additional ornithology mitigation measures specific to this impact.

Likely significant effects (LSE)

We welcome the submission of HRA screening after a full 24 months of offshore surveys have been completed and note that a second season of Winter Goose and Swans Surveys Baseline Report is underway.

Table 4.6 is largely correct with the exception of a few points:

- For seabird assemblage features, please note that any named component species of a seabird assemblage are protected in their own right. In Scotland, the current practice is that the existence of the assemblage is acknowledged as a qualifying feature on the

[5] Woodward et al. (2023). Strategic study of collision risk for birds on migration and further development of the stochastic collision risk modelling tool. Marine Directorate.

citation but it has no relevant conservation objectives. Rather, the protection and ecological needs of the assemblage are catered for entirely via the application of the conservation objectives for the named component species. An HRA assessment should therefore be carried out for each named assemblage feature, with the overall assemblage conclusions drawn from these individual assessments.

- Guillemots at Calf of Eday SPA (150.25km) are only considered in the non-breeding season. However, Northern Isles guillemots have a foraging range of 153.7km (Guidance Note 3).
- Foraging range for puffin is 265.4km so Hermaness, Saxa Vord and Valla Field SPA (259.03km) is within breeding season foraging range.

We note that there are differences in LSE conclusions between seasons in Tables 4.6, 8.1 and tables in Appendix C. It would be useful to have these differences clarified, with further narrative presented. These included, but were not limited to:

SPA	Distance	Species	Table 4.6	Table 8.1	Appendix C
Calf of Eday	150.25km	Guillemot	Criterion 2 (non-breeding season only).	Not mentioned.	LSE in breeding season for distributional response and entanglement.
Handa	260.64km	Kittiwake	Criterion 2 (breeding season only).	Connectivity to the Project OAA and species sensitivity to impact pathways identified. Potential for LSE during both the breeding and non-breeding seasons.	Species recorded within site-specific surveys within the Project OAA and known to fly at potential collision height (PCH; Johnston et al. 2014). Potential for an effect only during the non-breeding season due to the Project OAA being outwith of the species mean max plus one SD foraging range (Woodward et al. 2019). During the non-breeding season only 1% of the SPA population is considered to remain within the North Sea for the entire non-breeding season (Furness 2015). Therefore, any effect is likely to be immaterial, especially considering the wider mixing of populations within the non-breeding season. Therefore, no potential for LSE concluded. **In the table it appears potential for LSE has been concluded.**

Impact pathways

Table 6.1 again sets out potential impact pathways, ZoI effect range, and a justification for whether each potential impact pathway should be considered in LSE screening. We have the following comments on this table:

- We note that connectivity has been identified for procellariforms including European storm petrel at Auskerry SPA. The potential effects of lighting on ornithological receptors should be considered as an impact pathway. Species such as European storm petrel, Leach's storm-petrel and Manx shearwater may be attracted to and/or disorientated by artificial light sources. Potential for LSE should be re-considered for these species in relation to this impact pathway for construction and decommissioning, as well as for operation and maintenance. As well as impacts from turbine lighting, there could be impacts from lighting on servicing or construction vessels, especially if construction will be a 24/7 operation. We recommend considering the findings from the Marine Directorate commissioned review to inform the assessment of the risk of collision and displacement in petrels and shearwaters from offshore wind developments in Scotland (Deakin et al., 2022).
- Distributional responses – for this proposed development a 2km buffer should be sufficient for the species being assessed. A 4km buffer is required for sea ducks but we note that none were recorded in the two years of DAS. No divers were recorded which would require a larger buffer.
- We note wet storage has not been considered in this screening. It is unclear whether this should form part of the EIA Report and RIAA for this application or should be considered as an aspect related to the relevant port and harbour expansion considerations. We are aware that Marine Directorate are currently considering consenting routes and processes around the activities associated with both the construction and maintenance phases and requirements to assemble, maintain and store components away from the array area. We would welcome further discussion on this as and when further details are available, to help inform our advice going forward.

In-combination assessment

In Section 7.4.4.3 'Ornithological features', we seek clarification on what is meant by "*projects that will be screened out for in-combination assessment consideration may include UK offshore wind farms evaluated as having low data confidence on the basis that no construction or operational period is known",* including identifying which projects this refers to.

We hope this advice is of assistance, noting that there may be aspects where some further engagement is required to assist in preparing the RIAA. If you have any queries please contact me, using the details below and copying in our marine energy mailbox - marineenergy@nature.scot.

Yours sincerely,

Malcolm Fraser

Marine Sustainability Manager – Sustainable Coasts and Seas

malcolm.fraser@nature.scot

Royal Society for the Protection of Birds Scotland ("RSPB Scotland")

From:	Peter Hearn
To:	MD Marine Renewables; Amy Woodward
Cc:	Toni-marie Mcginn; Kirsten Watson
Subject:	MarramWind Limited – MarramWind Offshore Wind Farm – Scotwind NE7 Site - HRA Screening Consultation
Date:	18 October 2024 16:15:01
Attachments:	image001.png image002.png image003.png image004.png image005.png 20241018 MarramWind HRA Screening Consultation RSPB Response FINAL.pdf

Good afternoon Amy, with thanks again for granting RSPB an extension of time in which to respond to this consultation, please find attached RSPB Scotland's response.
All the best, Peter

Amy Woodward
Marine Licensing and Consenting Casework Officer
Licensing Operations Team
Marine Directorate
Scottish Government
Victoria Quay
Edinburgh
EH6 6QQ

By email: MD.MarineRenewables@gov.scot

18th October 2024

Dear Amy,

MARRAMWIND LIMITED – MARRAMWIND OFFSHORE WIND FARM SCOTWIND NE7 SITE

HABITATS REGULATIONS APPRAISAL SCREENING REPORT UNDER THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994, THE CONSERVATION OF OFFSHORE MARINE HABITATS AND SPECIES REGULATIONS 2017 AND THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

Thank you for consulting RSPB Scotland on the above HRA Screening Report, and for allowing RSPB an extension of time to respond.

We understand the proposed development will comprise between 126 and 225 floating turbines, with a nominal capacity of 3 GW, along with associated infrastructure including transmission cabling. We understand that the number of turbines will depend primarily on the output / generation capacity of the turbines which ultimately end up being installed.

We understand that the HRA relates only to offshore generation and transmission assets, i.e. that associated onshore infrastructure will be subject to separate regulatory / consenting processes.

Faced with the threats of climate change to the natural world, RSPB considers that a low-carbon energy transition to reach net zero is essential to safeguard biodiversity. Inappropriately designed and/or sited developments can however cause serious and irreparable harm to biodiversity and must be avoided. We have reviewed the screening report in this context and provide the following comments.

General Comments

The UK is of outstanding international importance for its breeding seabirds and wintering marine birds. As with all Annex I and regularly migratory species, the UK has a particular responsibility under the Birds Directive to secure their conservation. Their survival and productivity rates can be impacted by offshore windfarms directly (i.e. collision) and indirectly (e.g. displacement from foraging areas, additional energy expenditure, potential impacts on forage fish and wider ecosystem impacts such as changes in stratification).

RSPB Scotland encourage the adoption of a precautionary approach to the identification of relevant protected sites for seabirds with clear methodology on the exclusion of sites and species. We generally agree with the collection and analysis methods advised by NatureScot, with some exceptions as set out below. We recommend use of the guidance notes available on their website to inform assessment. If an Applicant chooses to undertake supplementary modelling using alternative parameters to that recommended, we suggest this is clearly labelled.

As set out in Searle et al (2023)[1], assessing impacts of offshore windfarms and other renewables developments is inherently uncertain. This uncertainty is propagated throughout the impact assessments, as there are not only direct impacts, but ecosystem wide impacts that can change, for example, the abundance and availability of prey. Multiple data sources and modelling techniques are used to capture a simplified version of reality. They do not fully capture the complexity of seabird behavioural or demographic processes in a dynamic marine environment.

Not recognising these uncertainties risks poorly informed decisions being made. Furthermore an underestimation of impacts will have repercussions when consenting later offshore wind development. If a precautionary approach is taken from the beginning, the likelihood of irreversible damage occurring is reduced even whilst our knowledge base is incomplete, and modelling improves.

The precautionary principle requires the Applicant to demonstrate with scientific certainty that something would not be harmful. The concept of something being overly precautionary dismisses the inherent uncertainty in modelling and overlooks the simplistic version of reality that the modelling captures.

Detailed Comments

If the number and size of the turbines to be installed remains uncertain when the application for the development is submitted, RSPB Scotland assumes that any

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[1] Searle, K. R., S. H. O'Brien, E. L. Jones, A. S. C. P. Cook, M. N. Trinder, R. M. McGregor, C. Donovan, A. McCluskie, F. Daunt, and A. Butler. "A framework for improving treatment of uncertainty in offshore wind assessments for protected marine birds." *ICES Journal of Marine Science* (2023): fsad025.

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assessment submitted in support of the application will reference the 'worst case scenario' when it comes to identifying LSE.

Due to capacity constraints, we have not been able to interrogate every detail in some tables, for example the information provided in Tables 4.1, 4.6 and 8.1.

RSPB Scotland would welcome further engagement with the Applicant in response to para. 4.1.4.17 and, when appropriate, 4.1.4.19.

Noting the potential impacts identified in Table 6.1, and the species recorded and referenced in Table 5.5, in particular European and Leach's Storm Petrel and Manx Shearwater, RSPB Scotland disagree with the screening out of these species in Table 8.1. These species can be subject to attraction to light and subsequent disorientation, as highlighted in a recent review commissioned by the Marine Directorate (Deakin et al. 2022[2]) Such attraction, and subsequent disorientation, could have both direct and indirect impacts on these species. Direct impacts would be collision of birds that have altered their flight trajectory to enter the rotor swept zone, and it is most likely best considered by amended collision risk models. Indirect impacts could be through the energetic consequences of additional flight, which could result in subsequent mortality or reduced breeding performance. RSPB Scotland would welcome discussion with the Applicant as to a suitable impact pathway and methodology for this assessment.

Again, noting the potential impacts identified in Table 6.1, and the reference to Fulmar in Table 5.5, it is not clear why no LSE have been identified for Fulmar in Table 8.1. RSPB Scotland would welcome the inclusion in Table 8.1 of distributional responses as an impact for Fulmar, in particular in the consideration of in-combination impacts. We acknowledge that this is not something that has usually been considered for this species, mainly due to their large foraging range. However, the scale of proposed development in the ScotWind leasing round may mean that this becomes an emerging issue, and RSPB Scotland would welcome its consideration.

RSPB Scotland would also welcome inclusion in Table 6.1 of consideration of the potential wider ecosystem impacts that may arise through the construction and operation of the wind farm[3]. These could occur, for example, through changes in water column stratification arising from the presence of the wind farm ultimately altering the availability of prey to seabirds.

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[2] Deakin, Z., Cook, A., Daunt, F., McCluskie, A., Morley, N., Witcutt, E., Wright, L. and Bolton, M., 2022. A review to inform the assessment of the risk of collision and displacement in petrels and shearwaters from offshore wind developments in Scotland.

[3] Isaksson, N., Scott, B.E., Hunt, G.L., Benninghaus, E., Declerck, M., Gormley, K., Harris, C., Sjöstrand, S., Trifonova, N.I., Waggitt, J.J. and Wihsgott, J.U., 2023. A paradigm for understanding whole ecosystem effects of offshore wind farms in shelf seas. *ICES Journal of Marine Science*, p.fsad194.

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RSPB Scotland welcomes the numerous references in the Screening Report to NatureScot guidance having been followed, (for example the references in paras. 4.1.4.12 and 5.4.2.1, and in Table 5.6) and, to reiterate a comment above under the 'General Comments' heading above, advises that the applicant continues to adhere to such guidance in assessing the likely significant effects of the proposed development.

Should you wish to discuss of any of the above please do not hesitate to contact me.

Yours sincerely,

[redacted]

Peter Hearn
Head of Planning, RSPB Scotland

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Ugie District Salmon Fishery Board

From:	Ugie Salmon
To:	MD Marine Renewables
Cc:	Toni-marie Mcginn; Kirsten Watson; Amy Woodward
Subject:	RE: MarramWind Limited – MarramWind Offshore Wind Farm – Scotwind NE7 Site - HRA Screening Consultation - Response Required by 04 October 2024
Date:	07 October 2024 14:57:31
Attachments:	image001.png

Hello Amy

With so many of these applications coming in, this one seems to have passed me by.

If its not too late I would like you to include the following which is my standard way to get engaged with all these projects.

I would like to know what the Marram Wind Farm project is going to do to make sure that during the construction of the project and during its lifetime, that there will be no adverse effect to the resident juvenile salmon and sea trout in the River Ugie and when they are migrating to feeding ground in the sea. The Ugie District Salmon Fishery Board have a statutory duty to protect and enhance the populations of salmon and sea trout in the river Ugie.

Kind regards

Joseph Yule (Chairman)
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open Monday to Friday 8am- 5pm