

Department of
Agriculture,
Environment and
Rural Affairs

From: [DAERA Marine Information Requests](#)
To: [MD Marine Renewables](#)
Subject: RE: Thistle Wind Partners Limited – Ayre Offshore Wind Farm – Scotwind NE2 Site - HRA Screening Consultation - Response Required by 09 October 2024
Date: 10 October 2024 15:17:05
Attachments: [image001.png](#)
[image002.png](#)

Hi

Apologies for the delay in responding. I can confirm this is a nil return from NI MFD. Thanks Eamonn

Eamonn Brady | Marine Plan Team | Department for Agriculture, Environment and Rural Affairs
Ground Floor | Clare House | 303 Airport Road West | Belfast | BT3 9ED
Contact: [REDACTED]



Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk

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valued by everyone.*

Fisheries
Management
Scotland
("FMS")

From: [Alan Wells](#)
To: [MD Marine Renewables](#)
Cc: [Amy Woodward](#); [Toni-marie McGinn](#)
Subject: RE: Thistle Wind Partners Limited – Ayre Offshore Wind Farm – Scotwind NE2 Site - HRA Screening Consultation - Response Required by 09 October 2024
Date: 30 September 2024 12:23:17
Attachments: [image001.png](#)

Dear Amy,

Thank you for getting in touch. In our earlier response, we argued that all SAC rivers in Scotland are relevant to the proposed development and the export cable route. We made this point in full knowledge of the evidence cited in the HRA Stage 1 LSE screening report. Whilst the outlined approach is probably appropriate for post smolts leaving Scottish rivers, we do not consider it appropriate in the case of returning adults.

The basis for the 9 SACs selected for assessment of LSE is not clear to us. It remains our position that all SAC rivers should be scoped in, but at the very least, we do not believe that it is possible to scope out returning adult salmon arising from any north or east coast SAC river, including the east coast of England.

Kind regards,



Dr Alan Wells | CEO
Fisheries Management Scotland
11 Rutland Square, Edinburgh, EH1 2AS



www.fms.scot

Natural England

Date: 26 September 2024
Our ref: 488665
Your ref: [Click here to enter text.](#)



Scottish Government,
Victoria Quay,
Edinburgh,
EH6 6QQ

Lancaster House
Hampshire Court
Newcastle-upon-Tyne
NE4 7YH

BY EMAIL ONLY

T 0300 060 3900

Dear Amy

HABITATS REGULATIONS APPRAISAL SCREENING REPORT under The Conservation (Natural Habitats, &c.) Regulations 1994

Thistle Wind Partners Limited – Ayre Offshore Wind Farm – Scotwind NE2 Site

Location: 22 km from Orkney

Thank you for seeking our advice on the HRA Screening in your consultation which we received on 11 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, advice from NatureScot, the statutory nature conservation body in Scotland should be sought.

Having considered the location and scale of the Ayre windfarm, we conclude that the project is unlikely to significantly impact any species from English designated sites. We do not expect a requirement to provide further comments or advice on this project unless the project changes substantially.

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

Ruth Cantrell
Marine Senior Officer
E-mail: ruth.cantrell@naturalengland.org.uk



NatureScot

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

09 October 2024

Our ref: CNS / REN / OSWF / NE2 –
Ayre – Pre-application

By email only: ms.marinerenewables@gov.scot

Dear Amy,

AYRE OFFSHORE WIND FARM – SCOTWIND NE2

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

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

We have reviewed the HRA Screening Report (WP-AYR-RPS-OFC-RPT-00014 Version 5) and provide advice, as outlined below, on those 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

Overall, we are disappointed with the quality of the HRA Screening Report submission. There are substantial issues where our previous advice / guidance has not been followed, as well as a lack of clarity on the approach undertaken. **We recommend that the ornithology aspects are revisited and revised once the full 24 months of Digital Aerial Surveys (DAS) are available, with further consultation prior to the submission of the RIAA.**

Annex I Habitats

Section 4.2 details the approach used to establish connectivity to European sites, for Annex I habitats. One tidal excursion has been used to estimate the spatial extent of indirect effects, such as increased suspended sediment concentrations. The tidal excursion ranged from 2.01 km to 13.07 km, thus a precautionary 20 km buffer was applied.

Paragraph 4.2.7 states that no European sites with Annex I habitats fall within this buffer. We highlight that East Caithness Cliffs SAC, designated for vegetated sea cliffs, is within 20km of the ECC landfall area. However, increased suspended sediment concentrations are unlikely to impact the vegetated sea cliffs of the East Caithness Cliffs SAC, and as such, there is no impact pathway between the proposed development and the SAC. Thus, further consideration is not required, and we are content that no sites with Annex I habitats have been screened in for further consideration.

Diadromous Fish

As discussed in our advice to the EIA Scoping Report (dated 15 August 2024), diadromous fish species should be assessed through EIA only and not through HRA.

There is limited knowledge of distribution and behaviour of these species in the marine environment. For example, the precise migration routes of adult or juvenile Atlantic salmon or direction taken by migrating adult European eels is not fully known. Published information indicates that European smelt and River lamprey are primarily, though probably not exclusively, associated with estuarine environments. Shad might also prefer estuarine environments.

Furthermore, for some species, like seals, we have a reasonable understanding of connectivity to individual SACs. We also have population estimates for nearly all seal SAC populations in the standard data forms which forms part of the citation package. For diadromous fish species we do not have population data for any salmon or lamprey SAC on the data forms.

This inability to understand connectivity to and within individual rivers to the development area, currently prohibits an informed assessment of the impact on individual site integrity. This is a necessary step within HRA assessment process.

The recently updated ScotMER evidence map¹ process for diadromous fish confirms these evidence gaps, particularly with respect to spatial and temporal distribution as well as uncertainty around migration routes, potential impact pathways and connectivity to protected sites. The ScotMER process is an important vehicle for helping to address these evidence gaps and uncertainties. We specifically welcome the ScotMER project *Diadromous Fish in the Context of Offshore Wind – Review of Current Knowledge & Future Research*, due to be published soon.

This research may change conclusions on how diadromous fish are treated in both EIA and HRA going forward. However, we advise, based on evidence currently available to us, it is not possible for us to carry out an assessment of diadromous fish to the level required under HRA. We therefore advise that diadromous fish species should be assessed through EIA only and not through HRA.

Marine Mammals

Section 4.4 details the approach used to establish connectivity to European sites, for marine mammals. For marine mammals, this is based on the species recorded through the 21 months of DAS conducted to date. We would have expected a buffer approach to be used instead. This is because of the snapshot nature and the ornithological focus in the design of DAS, potentially resulting in some marine mammal species being missed. However, in this case, all sites that we would have expected are included regardless.

¹ <https://www.gov.scot/publications/diadromous-fish-specialist-receptor-group/> – published 26 January 2023

Seals

For grey seals, we advise screening in SACs for assessment if the proposed development or impact radius is within 20 km of the SAC. Although grey seals can and do forage considerable distances, the Conservation Objectives for grey seal SACs are related to the protection of the breeding colony. During this sensitive time, grey seals (especially females) do not travel further than about 20 km. Outside the breeding season the number of grey seals present can dramatically decrease at the site. There is evidence to show that grey seals may not forage close to the SAC outside the breeding season and instead can travel to different management units (Carter et al, 2022). **As such, Faray and Holm of Faray SAC can be screened out of further assessment.**

For harbour seals, we advise screening in SACs for assessment if the proposed development or impact radius is within 50 km of the SAC. Ranges further than this should also be considered if there is other information (e.g. tagging data, photo-ID data) to suggest that SAC animals travel to the proposed development area. We are content that Sanday SAC is included for harbour seal, given the site lies 31.2 km from the proposed array area and 36.2 km from the ECC.

Cetaceans

For cetaceans, we would have expected a 100 km buffer to be applied. As such, we agree that Moray Firth SAC should be screened in for further assessment for bottlenose dolphin, given the ECC is 61.5 km from the SAC. **However, all other sites as per Table 4.2, including all those designated for harbour porpoise, can be screened out from further assessment.**

Impact pathways

Table 5.5 details the potential impacts on marine mammal features.

For injury and disturbance from subsea noise generated during site investigation surveys, we disagree that there is no potential for LSE on marine mammal features. Sanday SAC is 31.2 km from the proposed array area and 36.2 km from the ECC, both falling within the 50 km connectivity range for harbour seal. Additionally, the Moray Firth SAC is 61.5 km from the ECC, with the bottlenose dolphin feature known to be wide-ranging. Without further survey detail (i.e. location, duration, equipment type, frequency, sound pressure information, proposed mitigation, etc) at this stage, we highlight that the noise-emitting equipment used in site investigation surveys have the potential to cause injury and/or disturbance. As such, this impact pathway should be screened in for Sanday SAC and Moray Firth SAC.

Moreover, for injury and disturbance from subsea noise generated during vessel use and other activities (e.g. dredging, trenching, rock placement, etc), we disagree that there is no potential for LSE on bottlenose dolphin for the Moray Firth SAC, especially considering most of these activities will occur along the ECC. The SAC is 61.5 km from the ECC, with the bottlenose dolphin feature known to be wide-ranging along this coast. Thus, any noisy activities associated with the ECC have the potential to cause injury and/or disturbance to the bottlenose dolphin feature.

Injury and disturbance from subsea noise generated during operational wind turbines is also proposed to be screened out for marine mammals. **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.

We welcome the inclusion of changes in prey availability as an impact pathway, noting that potential for LSE is concluded for the construction phase only. **However, we raise that there is also potential for LSE during the decommissioning phase, as impacts will be similar to construction, and the operation and maintenance phase, due to indirect impacts from EMF on prey species.**

Transboundary impacts

Paragraph 4.4.17 considers transboundary sites and we are content that they will not be assessed further due to the distances from the proposed development and lack of evidence for any connectivity.

In-combination assessment

An overview of the in-combination assessment process is provided in Section 6, which seems appropriate. However, we cannot comment further due to the lack of detail provided.

Onshore Annex II species

Bats

As discussed in our advice to the EIA Scoping Report (dated 15 August 2024), *Nathusius' pipistrelle* bats should be considered within the EIA Report. **We advise that further assessment of bats under the offshore HRA Screening is not required.**

Otter

A buffer of 10 km has been applied to establish connectivity to European sites, for otter. Table 4.3 includes the Caithness and Sutherland Peatland SAC, which is located approximately 1.66 km from the ECC. Otter are a qualifying feature of this SAC and are reliant on suitable habitat in the surrounding wider countryside, including the marine environment. The home range of an otter varies depending on their sex, habitat quality and food availability, with males having a mean linear range size of 48km and females of 21km. There are a number of burns that run from the SAC to Sinclair's Bay, via the Loch of Wester and River Wester. Therefore, we agree that there is the potential for connectivity between proposed activities in the ECC and the otter feature of the Caithness and Sutherland Peatlands SAC.

Table 5.9 details the potential impacts on otter. For all impacts, it is concluded that there is no potential for LSE on otter and thus, the impacts are screened out for the Caithness and Sutherland Peatland SAC. However, we disagree with this conclusion. Potential impacts to otter may occur as a result of construction / decommissioning works at landfall and within the nearshore area. Further consideration should be given to otter, including consideration of impacts within the sub-tidal zone, particularly waters that are less than 10m deep and within 100m from shore (Kruuk, 2006) where foraging dives of otter are most likely to occur. **Therefore, impacts to otter associated with the Caithness and Sutherland Peatland SAC should be screened in for further assessment.**

Although the screening of specific SACs will be assessed through the HRA process, we also advise that, as a European Protected Species (EPS), otter should also be considered as part of the EIA and any subsequent EPS licensing processes. Otter will also need to be considered for landfall and terrestrial aspects.

Ornithology

Sites designated for marine ornithological features are discussed in Section 4.6. The HRA Screening for ornithology is based on only 12 months of DAS, but the report acknowledges that once the full dataset of 24 months is available, it will be analysed in full and included in the RIAA, with the potential for additional key species and sites to be identified, which are not included in the HRA Screening Report. Whilst we are content with this approach, **we recommend that the ornithology aspects are revisited and revised once the full 24 months of Digital Aerial Surveys (DAS) are available, with further consultation prior to the submission of the RIAA.**

Approach to breeding colonies in the breeding season

Please note that for screening of SPAs, the distance from the closest edge of the SPA to the closest edge of the development area should be used to determine which sites/species should be screened in.

Paragraph 4.6.10 refers to recommended foraging ranges including the data from Fair Isle SPA, as per NatureScot guidance. This is relevant to guillemot and razorbill. However, this does not apply to all SPAs, our advice is as follows:

- Use of mean max+1SD including data from Fair Isle for all Northern Isles designated sites, as presented in Woodward et al. 2019 and our guidance note 3². Guillemot – 153.7 km; Razorbill – 164.6 km.
- For all designated sites south of the Pentland Firth (i.e. excluding the Northern Isles), use of mean max+1SD discounting Fair Isle values, as presented in Woodward et al. 2019. Common guillemot - 95.2 km; Razorbill – 122.2 km.

Table 4.4 uses the North Isles value for guillemot (153.7km) and the south of Pentland Firth value for razorbill (122km). **Both sets of values described above should be presented in the table.**

Approach to breeding colonies in the non-breeding season

Paragraph 4.6.14 correctly states that common guillemot are more likely to stay within the vicinity of their breeding colonies and therefore the non-breeding population is defined as the breeding population within the mean maximum foraging range. This also applies to herring gull. There are other species, such as shag and cormorant, whose movements in the non-breeding season are quite limited, which may affect their connectivity for some SPAs.

In Tables 4.5 and 4.6, it should be made clear which BDMPS region is relevant for the proposed development and has been used in the tables. Although the data appears to be for the UK North Sea BDMPS, which is correct in this instance, this is not stated in either the tables or supporting text.

Screening of breeding colonies in the breeding and non-breeding season

The qualifying features of an SPA are protected both within and outwith the SPA throughout the year, irrespective of the season for which they qualified as a feature. As such, any HRA will require assessment of SPA populations both during the breeding and non-breeding season.

² <https://www.nature.scot/doc/guidance-note-3-guidance-support-offshore-wind-applications-marine-birds-identifying-theoretical>

Table 4.7 states that it covers '*Breeding Seabird Colony SPAs Assessed During the Breeding and Non-breeding Season*'. However, the table itself is confusing to follow in terms of the information it is presenting, most notably:

- Column 2 '*Qualifying marine ornithological features identified through initial screening of sites*' appears to be based on breeding season foraging ranges, thus identifying connectivity in the breeding season only. This approach is correct for the breeding season, but it would have been a lot clearer if all qualifying species had been listed with Y/N column for 'within foraging range'. It is assumed that any feature screened in for the breeding season will also be assessed in the non-breeding season.
- Column 7 '*Additional qualifying marine ornithological features (not screened in under Criterion 2)*' lists species associated with each SPA that are screened out, but it is not clear whether these have been screened out based on no connectivity in the breeding season, or on no connectivity in the non-breeding season as well. Not all the remaining features are listed here.
- Column 7 excludes features that may need to be screened in during the non-breeding season, as there is potential for connectivity with a greater range of qualifying features from breeding seabird colony SPAs during the non-breeding season.

In addition to the comments above around presentation, we also have the following points around specific sites in Table 4.7 and 4.8:

- Cape Wrath SPA and Buchan Ness to Collieston Coast SPA – there is no connectivity for Guillemot at these sites, as the foraging range used only applies to Northern Isles sites. For these sites the foraging range should be 95.2 km.
- Fetlar SPA and Ronas Hill – North Roe and Tingon SPA – there is breeding and non-breeding season connectivity for great skua at these sites. They should not be in Table 4.8.

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 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.

Table 4.8 details the breeding seabird colonies assessed during the non-breeding season only. Non-breeding season connectivity should be based on BDMPS³; the percentage contribution of different SPA populations to the BDMPS; species ecology; and the species recorded in the full 24 months of DAS. At this stage the full survey data is not available, so it is important not to exclude species prematurely on that basis. It should, however, be possible to narrow down the relevant SPAs for each species at this stage.

However, it is unclear how this part of the screening has been undertaken using Table 4.7 or Table 4.8. For relevant species there is the potential for non-breeding season connectivity for any of the SPA populations for which breeding season connectivity is established (Table 4.7). The potential for connectivity with other SPA populations during the non-breeding season (Table 4.8) should be

³ Furness, R. W. (2015). Non-breeding season populations of seabirds in UK waters: Population sizes for Biologically Defined Minimum Population Scales (BDMPS). Natural England Commissioned Reports, Number 164.

considered based on the contribution of these SPA populations to the relevant BDMPS population and, in some cases, species ecology.

For some species, connectivity between specific SPA populations during the non-breeding season can be excluded on the basis of the negligible contribution of these populations to the overall BDMPS population. Information is provided on this in Tables 4.5 and 4.6, but this does not appear to have been applied in the screening process. For example, Ailsa Craig is included in Table 4.8 for several species. This site is off the south-west coast of Scotland and for all the species listed there is negligible contribution to the UK North Sea BDMPS, the relevant BDMPS region for this proposed development.

It is also possible to consider some sites/species in terms of species behaviour - for example, herring gull at Morecambe Bay and Duddon Estuary SPA. Herring gulls in Britain do not migrate and show only limited dispersal with most adults remaining close to their breeding sites throughout the year. As a result, connectivity with this SPA is highly unlikely. The same applies to St Abbs Head to Fast Castle SPA for herring gull, and also for shag which does not move far from its breeding colonies in winter and tends to remain close to the coast.

In contrast, there are also sites/species omitted from the various tables, for example:

- Arctic Skua – the proposed development is outwith the foraging range for arctic skua at all SPAs in the breeding season. However, arctic skua may need to be assessed in the non-breeding season for several SPAs, as birds could pass through the array area on spring and autumn migration. These include West Westray, Hoy, Rousay, Foula, Fair Isle, Fetlar and Papa Westray. Only Fetlar and Papa Westray are included in Table 4.8. We note that only one arctic skua was recorded in the first year of survey, so, depending on the results from the second year, this species may not need to be included at these sites once all the survey data has been analysed, but at this stage it cannot be excluded.
- Terns – for a range of SPAs, terns have been screened out in the non-breeding season and not included as migratory species either, though there is clearly potential for them to have connectivity with the development on migration.

Tables 4.7 and 4.8 need to be revisited and revised in light of our advice above. We would expect a better explanation of the non-breeding season screening than is provided, with reasoning for screening in/out specific qualifying species/SPAs.

Migratory seabirds

Both Table 4.10 and 4.11 consider migratory birds and it is unhelpful that some SPAs appear in both tables for different species, e.g. Inner Moray Firth SPA, Firth of Tay and Eden Estuary SPA. This should be presented more clearly in the RIAA.

The sites listed in Table 4.10 are largely marine SPAs. They provide foraging and wintering areas for true seabirds, seaducks and divers. For the proposed development, none of these SPAs are within 15 km of the development but screening of these sites should consider these two points:

- Will the proposed development have a direct impact on relevant SPA populations, e.g. by vessels passing through the SPA between ports and the array.
- Will qualifying species fly through the array area on their migration routes to winter at the SPAs.

We have the following comments with respect to these two points:

Scapa Flow SPA – this site is only screened in under the second point, which may not be adequate. Depending on the ports used for the proposed development, there could potentially be vessel traffic through Scapa Flow SPA which could result in impacts on diver and sea duck qualifying features of the site, both in the breeding season (red-throated diver) and the non-breeding season (other wintering qualifying features).

If vessels are likely to transit through Scapa Flow SPA, or another marine SPA such as the Outer Firth of Forth and St Andrews Bay Complex (OFFSABC) SPA or the Moray Firth SPA we

recommend that vessel disturbance between the 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.

Impact pathways

Table 5.12 details the potential impacts on marine ornithological features. **Disturbance to birds from the presence of vessels during all phases, particularly from construction/decommissioning works, is not included in this table.** This should include vessels transiting between the proposed development site and ports.

Table 5.13 presents an LSE matrix for SPAs with marine ornithological features and we have the following comments, in addition to our previous advice above:

- Fulmar – fulmar have not previously been assessed in projects due to being at 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 considering whether this information is relevant for the proposed development. Regarding cumulative assessments, as they generally have not previously been assessed in other applications, it may not be possible to undertake a cumulative assessment for this species.
- Storm petrel, Leach's storm petrel, Manx shearwater – attraction to light may occur during the construction and decommissioning phases as well as the operational phase, as lighting is not restricted to the operational phase. 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.
- Great skua – this species should be assessed for collision risk.

- Arctic skua – this species can only be assessed as a migratory species vulnerable to collision.
- Red-throated diver – there is inconsistency in the way red-throated diver impacts are considered at different sites. There is breeding season connectivity for only one site – Caithness and Sutherland Peatlands SPA with the ECC. For most other sites (apart from possibly marine SPAs as discussed above), connectivity can only be in the non-breeding season whilst birds are on migration and therefore collision would be the key impact pathway.
- Marine SPAs – please note our comments above on vessel disturbance between the proposed development and ports.

Summary of LSE

Our advice above will have implications for Table 7.2.

In-combination assessment

An overview of the in-combination assessment process is provided in Section 6, which seems appropriate. However, we cannot comment further due to the lack of detail provided.

Further information and advice

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.

Please contact me in the first instance for any further advice, using the contact details below, copying to our marine energy mailbox – marineenergy@nature.scot.

Yours sincerely,

Caitlin Cunningham

Marine Sustainability Adviser – Sustainable Coasts and Seas

caitlin.cunningham@nature.scot

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

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

17th October 2024

Dear Amy,

**AYRE OFFSHORE WIND FARM – SCOTWIND NE2 SITE
APPROXIMATELY 22 KM FROM ORKNEY**

**HABITATS REGULATIONS APPRAISAL SCREENING REPORT UNDER THE
CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994**

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 up to 67 turbines, which may be fixed or floating (with the final type, number and layout to be determined post consent), with a nominal capacity of 1 GW, along with associated infrastructure including transmission cabling. We note, however, that the applicant's website [Ayre | Thistle Wind Partners](#) appears to refer only to floating turbines.

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

RSPB Scotland Headquarters
2 Lochside View
Edinburgh Park
Edinburgh
EH12 9DH

Tel: 0131 317 4100
Facebook: @RSPBScotland
Twitter: @RSPBScotland
rspb.org.uk



The RSPB is part of BirdLife International, a Partnership of conservation organisations working to give nature a home around the world.

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

RSPB Scotland notes in particular paragraph 4.6.2 in the HRA Screening Report, which references preliminary analysis having been informed by 12 months of digital aerial surveys, the intention to analyse and include 24 months of such data in the RIAA, and the potential for additional species to be identified and included in the Appropriate Assessment, which have not been included in the Screening Report. Noting that the HRA Screening Report should ideally be based on 24 months of digital aerial surveys, RSPB Scotland will keep careful watch to ensure that this commitment is upheld, noting the potential implications of incomplete data for the assessment of Adverse Effects on Site Integrity, including the results presented in Tables 5.13 and 7.2.

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.

RSPB Scotland Headquarters
2 Lochside View
Edinburgh Park
Edinburgh
EH12 9DH

Tel: 0131 317 4100
Facebook: @RSPBScotland
Twitter: @RSPBScotland
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Due to capacity constraints, we have not been able to interrogate every detail in some tables, for example the foraging ranges specified in Table 4.4 and the information provided in Tables 4.5, 4.6, 4.7, 4.8, 4.10, 4.11, 5.14 and 7.2.

Noting Table 5.12, RSPB Scotland would welcome inclusion of consideration of the potential wider ecosystem impacts that may arise through the construction and operation of the wind farm². 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.

RSPB Scotland welcome the inclusion of "attraction to light" as a potential impact for European and Leach's Storm Petrel and Manx Shearwater, following Deakin et al. (2022) in Tables 5.13 and 7.2. However, it is not clear how this impact pathway will be taken forward to assess the actual scale of impact. Attraction of these species to light, and subsequent disorientation, could have both direct and indirect impacts. 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 methodology for this assessment.

In Table 7.2. Distributional responses are included as an impact for fulmar at East Caithness Cliffs SPA but not at other SPAs. While this may be an error, we would welcome this as a potential LSE for this species at other SPAs, 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 welcomes the numerous references in the Screening Report to NatureScot guidance having been followed, (for example the reference in para. 4.6.10 to Fair Isle SPA data having been included in accordance with NatureScot Guidance Note 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.

² 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.

RSPB Scotland Headquarters
2 Lochside View
Edinburgh Park
Edinburgh
EH12 9DH

Tel: 0131 317 4100
Facebook: @RSPBScotland
Twitter: @RSPBScotland
rspb.org.uk



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

Yours sincerely,



Peter Hearn, Head of Planning, RSPB Scotland

RSPB Scotland Headquarters
2 Lochside View
Edinburgh Park
Edinburgh
EH12 9DH

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Facebook: @RSPBScotland
Twitter: @RSPBScotland
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