Annex One

MD-LOT European Protected Species Licence Case Handling Report

Licence Number: 00010499
Licensing Officer:

Site	Bowdun (Cluaran Deas Ear) E3 Wind Farm and Export Cable Corridor
Company	Thistle Wind Partners Limited Ibex House Baker Street Weybridge United Kingdom KT13 8AH
Applicant	
Brief Description of Project	Geophysical Surveys
Associated Licences	Marine Licence No. 00010226 Marine Licence No. 00010294

Species	harbour porpoise (Phocoena phocoena);bottlenose dolphin (Tursiops truncatus);minke whale (Balaenoptera acutorostrata);white sided dolphin (Lagenorhynchus acutus);white-beaked dolphin (Lagenorhynchus albirostris)
Inshore/Offshore	Inshore

TEST 1	**Purpose of licence**
	preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment
Comments	

The Applicant has advised the following:

With regard to Test 1 there are several different purposes for which an EPS licence can be granted including, under Regulation 44(2)(e) of the Habitat Regulations and Regulation 49(6)(1) of the Offshore Marine Regulations, for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'.

NatureScot Guidance states that, when determining an EPS Licence application, it will be taken into account whether an activity or development is required to meet, or contribute to meeting, a specific need such as maintaining the environment of Scotland's people (including sustainable development and renewable or green energy), complying with national planning policies and supporting economic or social development (including nationally important infrastructure development projects and employment).

While the marine surveys associated with the proposed ScotWind Offshore Wind farms present a temporary disturbance to a localised marine environment, the development of the Cluaran Ear-Thuath and Cluaran Deas Ear projects will allow an important addition to Scotland's growing contributions to the UK's renewable energy sector. The UK has an urgent need for new electricity generation capacity due to the closure of coal fired stations, the aging of thermal power stations and the closure of nuclear power programmes. Offshore wind provides the opportunity to deliver this new capacity, not only from a renewable, low carbon resource, but a resource which is indigenous and does not depend upon the geo-economic and geo-political risks attendant with importing fuels.

The UK and Scotland has committed to meeting national and international commitments to greenhouse gas reduction including the Paris Agreement (2016), which sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to below 2 °C above pre-industrial levels, and to pursue efforts to limit global warming to 1.5 °C. A number of pieces of UK and Scottish legislation have also been enacted with a view to achieving these targets for reduction in greenhouse gasses, including, but not limited to:

• The Climate Change Act 2008, which the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline;

• The Energy Act 2013 which makes provisions to incentivise investment in low carbon electricity generation, ensure security of supply, and help the UK meet its emission reduction and renewables targets. And

• The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which amends the Climate Change (Scotland) Act 2009, and introduces binding targets on the Scottish Government to reduce net Scottish greenhouse gas emissions by at least 100% by 2045 from 1990 levels:

As the UK follows these legislation and policies to meet its national and international commitments to greenhouse gas reduction, additional demands will be placed on domestic electricity supply as use of, for example, electric vehicles, increases. The project will provide additional support to the UK government's national and international commitments to reduce greenhouse gases, which will bring long-term benefits. The UK currently aims to reach their zero emissions target by 2050 and a new plan is aiming for at least 68% reduction in GHG emissions by the end of the decade, compared to 1990 levels. The UK has committed to reducing emissions by the fastest rate of any major economy and in doing so, aims to create and support 250,000 jobs whilst eradicating contributions to climate change.

ScotWind offers the deployment of a proven technology in a location with a recognised wind resource and to deliver a low-cost, low-carbon supply of electricity at a time when the UK urgently needs new generation capacity to maintain a secure, affordable supply of power. The proposed development will also provide multiple opportunities of employment over the course of the project's lifetime.

If the survey works do not proceed, the progression of the ScotWind offshore developments would not be possible, making it more difficult for the UK to reach its ambitions environmental goals and having a direct impact on the local economy and job market.

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Test 1 satisfied?	YES

TEST 2	**Satisfactory alternatives**
Comments	
Regulation 44(3)(a) of the Habitat Regulations 1994 requires the Scottish Ministers to be satisfied that there is no satisfactory alternative before an EPS Licence can be issued for the Licensable Operations. TWP has detailed the following two options that describe the possible alternatives that were considered and those that were deemed unsuitable: Option 1: Do not undertake the geophysical survey works or use subsurface positional equipment, resulting in excessive project risk and potential abandonment of the projects. Option 2: To undertake the geophysical survey works and use subsurface positional equipment, in conjunction with undertaking a Marine Mammal / EPS Risk Assessment. The EPS Risk Assessment will identify, quantify, and determine a mitigation strategy for the works such that the favourable conservation status of EPS & Marine Mammals present in the works area or in adjacent waters where a disturbance could be perceived, are protected through the use of mitigation tools i.e. MMO and PAM following the JNCC geophysical survey guidelines. TWP has determined that Option 2 will be progressed, as the survey activities will provide TWP with an in depth understanding of ScotWind offshore wind farm areas, while maintaining FCS of cetaceans within the works or adjacent area. If the works do not proceed, as previously stated, it would make the UK's ambitious target to reach net zero by 2050 more difficult to attain, resulting in the underutilisation of a strong and renewable resource off the Scottish coast.	
Test 2 satisfied?	YES

TEST 3	**Favourable Conservation Status ("FCS")**
Comments	
NatureScot has confirmed in its advice dated 7 April 2023 that due to the scale of the activity, there is a limited risk of significant disturbance that could result in a detrimental effect on FCS. NatureScot has therefore concluded that the proposal is not capable of having a detrimental effect on the FCS of any of the EPS concerned. Furthermore, in relation to the variation application, NatureScot advised in its advice dated 27 July 2023 regarding the use of an additional vessel that the advice of 7 April remains valid.	
Test 3 satisfied?	YES

Date application received: 06/03/2023
Date variation application received: 11/07/2023

Consultation start date: 27/07/2023 **Consultation end date**: 28/07/2023

Notes

Date	Text	Created By

Awaiting Information

Start date	End date	Duration (days)	Waiting for	Waiting on Information From

Licence issue date: 31/07/2023 **Date report due**: 01/06/2024

MD-LOT European Protected Species Licence Case Handling Report

Licence start date: 31/07/2023 **Licence end date**: 01/05/2024

Reviewed and signed by:

Signed: ……..

Date: 28/07/2023