

## MS-LOT Basking Shark Case Handling Report

**Licence Number:** 00010608

**Licensing Officer:** <Redacted>

<b>Site</b>	Beatrice Offshore Windfarm Survey Area
<b>Company</b>	Beatrice Offshore Windfarm Ltd  SSE 220 Dunkeld Road Perth PH1 3AQ
<b>Applicant</b>	<Redacted>
<b>Brief Description of Project</b>	Geophysical and benthic surveys and routine inspections of the Beatrice Offshore Wind Farm using uncrewed survey vessels (USVs)
<b>Associated Licences</b>	European Protected Species Licence No. 00010607

<b>Inshore/Offshore</b>	Inshore
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<b>TEST 1</b>	<b>Purpose of licence</b>
	Social, economic or environmental purpose2
<b>Comments</b>	
<ul style="list-style-type: none"> <li>• Is a specific need being addressed? - The applicant has a duty to ensure all aspects of the Beatrice Offshore Wind Farm ("the Development") are working effectively and efficiently, without posing any hazards to the marine environment or it's users. This is done through routine inspection, repair and maintenance of the Development.</li>   <li>• What benefit does the activity provide or what need does it address – social, economic, environmental, health and safety etc? - The applicant has explained that surveys of the OWF subsea infrastructure ensure that their presence and position is accurately updated onto admiralty charts, thus ensuring the ongoing safe navigation for legitimate users of the sea. Additionally, the proposed survey operations are required to ensure the ongoing success of the Development.</li>   <li>• Why is the activity essential? - In addition to the reasons mentioned above, if the applicant does not ensure all aspects of the Development are maintained and in good working order, it runs the risk of failure, which may result failure.</li>   <li>• What public interest is served? - Maintaining the Development through routine surveys (including equipment calibration) is essential for the longevity of the Development and to continue providing homes with renewable energy.</li>   <li>• Is the activity in relation to any government targets or policies? - The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 commits Scotland to reach net zero emissions of all greenhouse gases ("GHG") by 2045, ahead of the UK target of 2050. With the Development's installed capacity of 588 MW, enough to provide 450,000 homes with renewable energy, the Development provides a long-term environmental benefit by reducing carbon emissions associated with energy usage.</li>   <li>• Is the applicant undertaking a statutory function? - The applicant is not undertaking a statutory function during the routine survey activities.</li> </ul>	
<b>Test 1 satisfied?</b>	YES

## MS-LOT Basking Shark Case Handling Report

<b>TEST 2</b>	<b>Satisfactory alternatives</b>
<b>Comments</b>	
<p>The applicant has considered 2 options in relation to the use of vessels during geophysical surveys. These are set out in section 7 of the application form.</p> <p>Consideration has been given to the ‘do nothing’ method, where the surveys are not undertaken. Failure to monitor and maintain assets would increase the potential for asset faults leading to disruption of the distribution of power from the offshore windfarm. Disruption to power supply from the offshore windfarm (OWF) would lead to impacts, including financial, to the people and businesses who are reliant on it. The applicant has concluded that this would not be a satisfactory alternative.</p> <p>The applicant has also considered undertaking an EPS and Protected Sites and Species Risk Assessment prior to carrying out the geophysical survey. The risk assessment will identify the potential risks and determine an appropriate mitigation strategy to protect the conservation status of EPS and other protected species present in the survey area or adjacent waters where a disturbance may be perceived. This would ensure that the requirements of the Conservation (Natural Habitats, &amp;c.) Regulations 1994 (as amended) would be met. Unlike the ‘do nothing’ approach, carrying out the survey whilst incorporating mitigation would also ensure ongoing monitoring and maintenance of assets and reduce the risk of power supply disruption.</p> <p>The applicant has determined that carrying out the geophysical surveys and incorporating the mitigation proposed in section 5.3 of the ‘EPS and Protected Sites &amp; Species Risk Assessment’, ref. A-100631-S07-A-REPT-001, provided with the application, is the most suitable approach to maintain favourable conservation status of Basking Sharks whilst maintaining windfarm assets and ensuring compliance with licence requirements.</p>	
<b>Test 2 satisfied?</b>	YES

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<b>TEST 3</b>	<b>Favourable conservation status</b>
<b>Comments</b>	
<p>NatureScot confirmed in their response of 06/02/2024 that there is potential for disturbance of Basking Sharks -</p> <p>Noise impacts According to Popper et al. (2014), sound from geophysical surveys is unlikely to have a significant impact on basking sharks. Therefore a licence for noise disturbance or injury for basking sharks is not required.</p> <p>Uncrewed survey vessel impacts The proposed uncrewed survey vessels (e.g. USV, AUV) have the potential to result in disturbance and possibly collision. There has been a recent increase in basking shark sightings along the east coast of Scotland, particularly in the Moray Firth. The proposed surveys will take place throughout the whole year, including peak basking shark season in the late summer. Basking sharks are less responsive to the presence of moving vessels and are not as agile when compared to cetaceans. Further, basking sharks can enter a trance-like behaviour when feeding and breeding. The latter two points mean that basking sharks may not flee from an approaching uncrewed vessel.</p> <p>Given the information above, we agree with the applicant that a basking shark licence for disturbance under the Wildlife and Countryside Act 1981 (as amended) should be sought.</p> <p>As for collision risk with uncrewed survey vessels (e.g. USV, AUV), the applicant has stated in section 3.3 of the Risk Assessment with regards to basking sharks that "as the survey vessels will be slow-moving during the survey campaign, collision risk is low". However, given the increased basking shark sightings in the Moray Firth, the species' reduced ability to flee from an approaching uncrewed vessel, and the lack of human observation for basking sharks in the immediate vicinity of the uncrewed vessel, we have uncertainty around the low collision risk statement.</p> <p>Given the information in the risk assessment and the potential for collision risk detailed above, we consider as a precaution that the basking shark licence also covers collision with uncrewed survey vessels.</p>	
<b>Test 3 satisfied?</b>	YES

**Date application received:** 15/11/2023

**Consultation start date:** 16/11/2023

**Consultation end date:** 14/12/2023

### **Notes**

Date	Text
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13/11/2023	Initial application grid ref check (red markers) - <a href="https://gridreferencefinder.com/#gr=ND4518021157 58.17585_s__c__s_-2.933683333 1,ND4448621410">https://gridreferencefinder.com/#gr=ND4518021157 58.17585_s__c__s_-2.933683333 1,ND4448621410</a>
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### **Awaiting Information**

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

## MS-LOT Basking Shark Case Handling Report

14/11/2023

Application incorrectly references cetaceans instead of basking sharks. Request for application to be updated 14/11/23.

21/12/2023

MD-LOT seek clarification on the following points: • Is BOWL going to use the SBP equipment on a remote platform (e.g. USV)? • Applicant Will a support vessel be in the vicinity of the remote platform at all times, to enable the JNCC mitigation protocol

**Licence issue date:**

**Date report due:** 31/01/2028

**Licence start date:** 16/02/2024

**Licence end date:** 31/12/2027

National Marine Plan considerations:

The decision is: In accordance and no further action required

Comments:

Reviewed and signed by:

Signed: .....

<Redacted>

Date: 14/02/2024