

## MS-LOT European Protected Species Case Handling Report

**Licence Number:** 00010607

**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
<b>Associated Licences</b>	Basking Shark Licence No. 00010608

<b>Species</b>	harbour porpoise ( <i>Phocoena phocoena</i> );bottlenose dolphin ( <i>Tursiops truncatus</i> );minke whale ( <i>Balaenoptera acutorostrata</i> );Risso's dolphin ( <i>Grampus griseus</i> );killer whale ( <i>Orcinus orca</i> );white-beaked dolphin ( <i>Lagenorhynchus albirostris</i> );humpback whale ( <i>Megaptera novaeangliae</i> );fin whale ( <i>Balaenoptera physalus</i> );long-finned pilot whale ( <i>Globicephala melas</i> )
<b>Inshore/Offshore</b>	Inshore

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<b>TEST 1</b>	<b>Purpose of licence</b>
	Imperative reasons of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
<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 infrastructures 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

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<b>TEST 2</b>	<b>Satisfactory alternatives</b>
<b>Comments</b>	
<p>The applicant has considered 2 options in relation to the use of geophysical survey and subsurface positioning equipment for the survey of Beatrice Offshore Wind Farm. 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 5.2 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 EPS cetaceans whilst maintaining windfarm assets and ensuring compliance with licence requirements.</p>	
<b>Test 2 satisfied?</b>	<b>YES</b>

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<b>TEST 3</b>	<b>Favourable conservation status</b>
<b>Comments</b>	
<p>NatureScot provided advice to MD-LOT on 13 Dec 2023 and further comment and clarification on 20 Dec 2023, 29 Jan 2024 and 6 Feb 2024.</p> <p>NatureScot advised: Under the offshore regulations (The Conservation of Offshore Marine Habitats and Species Regulations 2017) an EPS licence for disturbance is not required, as a disturbance offence under these regulations would be unlikely as a result of the proposed surveys.</p> <p>Provided the mitigation is conducted as proposed by the applicant in the supporting document 'Routine Marine Surveys EPS Licence Application, EPS and Protected Sites &amp; Species Risk Assessment, Document: A-100631-S07-A-REPT-001 dated 26 October 2023, an EPS licence for injury is not required (inshore or offshore).</p> <p>Under the inshore regulations (Conservation (Natural Habitats, &amp;c.) Regulations 1994 (as amended)) an EPS licence for disturbance is required. NatureScot advised that due to the potential connectivity between the proposed activity and the bottlenose dolphin feature of the Moray Firth SAC, there is a likely significant effect. NatureScot consider that SBP equipment has the potential to cause disturbance.</p> <p>NatureScot acknowledged and agreed with the proposed mitigation measures detailed at Section 5 of BOWL's Risk Assessment which would help to minimise the potential for noise disturbance effects. NatureScot welcomed BOWL's commitment to adhere to the Scottish Marine Wildlife Watching Code (SMWWC) when undertaking the survey activities. The proposed mitigation has been secured by condition of the licence.</p> <p>In its response dated 13 December 2024 that a support vessel should be present in the vicinity of any Uncrewed Surface Vessel (USV) used for the purpose of deploying SBP equipment, together with implementation of a mitigation zone of 500m for cetaceans. This will therefore ensure that JNCC mitigation protocol can be followed for the purpose of minimising disturbance to cetaceans. This mitigation measure must be included in a protocol for the use of the USV to be submitted for approval prior to works commencing and has been secured by condition of the licence.</p> <p>NatureScot agreed that the SSS, MBES and SBES equipment listed in the Risk Assessment are outwith generalised hearing ranges of marine mammals (&gt;200kHz) and therefore do not need to be included for a licence for disturbance. In its clarification 06 February 2024 NatureScot confirmed that USBL, SBI and vessels do not need to be included as licensed activities.</p> <p>Provided the proposed mitigation is adhered to, NatureScot advised there is a limited risk of significant disturbance that could result in a detrimental effect on favourable conservation status (FCS) and concluded that the proposal is not capable of having an adverse impact on the FCS of any of the EPS concerned.</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

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### Notes

Date	Text
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> ;

### Awaiting Information

Start date	End date	Duration (days)	Waiting for	Waiting on Information From
08/01/2024	12/01/2024	4	Awaiting information from HRA/EIA team	HRA team
21/12/2023	15/01/2024	25	MD-LOT seek clarification on the following points: • Is BOWL going to use the SBP equipment on a remote platform (e.g. USV)? • Will a support vessel be in the vicinity of the remote platform at all times, to enable the JNCC mitigation etc	Applicant

**Licence issue date:** 15/02/2024

**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