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Date: 14 May 2024

Dear Mr Simms,

Habitat Regulations Appraisal Screening under The Conservation (Natural Habitats, &c.) Regulations 1994 and The Conservation of Offshore Marine Habitats and Species Regulations 2017.

Thank you for the Habitat Regulations Appraisal (“HRA”) Screening Report received on 20 December 2023, in relation to the construction and operation of the proposed Buchan Offshore Wind Farm (“the Proposed Development”). The Proposed Development will be located approximately 75 kilometre (“km”) north-east of Fraserburgh in the outer Moray Firth with a proposed landfall location within an area between Peterhead and Fraserburgh in Aberdeenshire.

Marine Directorate – Licensing Operations Team (“MD-LOT”) has consulted on the HRA Screening Report with the Department of Agriculture, Environment and Rural Affairs (“DEFRA”), Dee District Salmon Fishery Board (“DSFB”), Don DSFB, Esk DSFB, Fisheries Management Scotland (“FMS”), Forth DSFB, Natural England, Natural Resources Wales, NatureScot, Royal Society for the Protection of Birds Scotland (“RSPB Scotland”) and Tay DSFB. Copies of the representations are attached (see Appendix 1). MD-LOT advise you to fully review and address these, however highlight some key points below. In addition, MD-LOT advise that the HRA must fully align with the impact pathways identified for assessment in the scoping opinion adopted by the Scottish Ministers in relation to the Proposed Development dated 20 December 2023 (“the Scoping Opinion”).

Annex 1 Habitats

Identification of European sites which are designated for Annex 1 habitats are considered in Section 4 of the HRA Screening Report. The HRA Screening Report concludes no connectivity to any European sites designated for Annex 1 habitats and therefore no potential for Likely Significant Effect (“LSE”). MD-LOT is content with this conclusion, in line with the NatureScot representation.

Diadromous fish

With regards to the qualifying features to be considered, MD-LOT refer to the Scoping Opinion and advise that the advice remains unchanged and as such diadromous fish should be screened out from the HRA and instead must be considered through the Environmental Impact Assessment (“EIA”) Report for the Proposed Development. This is in line with the NatureScot representation. Furthermore, MD-LOT advise that consideration of impacts to diadromous fish, as outlined in the Dee DSFB and the FMS representations, should be considered further as part of the EIA Report.

Marine Mammals

With regard to the identification of European sites and marine mammal features identified within Section 4 of the HRA Screening Report. MD-LOT agree that the bottlenose dolphin feature of the Moray Firth SAC should be screened into the HRA, however in line with Natural England representation, MD-LOT also advise that the Proposed Development may affect the grey seal qualifying interest of the Berwickshire and North Northumberland Coast Special Area of Conservation (“SAC”) and agree that this should be screened into the HRA.

For the avoidance of doubt, a 20km buffer for grey seals and a 50km buffer for harbour seals are advised to determine potential for connectivity between the Proposed Development and seal SACs. However, in line with NatureScot representation, as all European sites designated for seals are out-with these distances, MD-LOT agree that there is no connectivity between the Proposed Development and seal SACs and therefore can be screened out, with exception of the Berwickshire and North Northumberland Coast SAC as noted in the Natural England representation outlined above.

MD-LOT advise that due to the lack of evidence to indicate movement of harbour porpoise and thus connectivity to SACs, impacts on harbour porpoise should be screened out from the HRA and instead must be considered through the EIA Report for the Proposed Development in line with the NatureScot representation.

In relation to impact pathways and determination of LSE, MD-LOT advise that the representation by NatureScot must be fully considered and implemented within the HRA with regard to the proposed impacts pathways identified within Table 5.1, the assessment of LSE within Section 5.2.2 and the assessment of potential in-combination LSE within Section 6.1 of the HRA Screening Report.

Ornithology

With regard to the identification of European sites and features, MD-LOT is broadly content with the European sites identified within Section 5 of the HRA Screening Report.

In relation to the identification of sites and features with connectivity, MD-LOT advise that the inconsistencies highlighted in the NatureScot representation with regard to Appendix A of the HRA Screening Report must be fully addressed and taken forward within the HRA. In addition, MD-LOT advise that the RSPB Scotland representation with regard to foraging ranges and ecosystem impacts should be considered in the HRA.

In relation to impact pathways and determination of LSE, MD-LOT advise that the representation by NatureScot must be fully considered and implemented within the HRA

with regard to the proposed impact pathways identified within Table 5.3 and the assessment of LSE within Table 5.5 of the HRA Screening Report.

In-combination Assessment

MD-LOT broadly agree with the approach to the in-combination assessment outlined within Section 6 of the HRA Screening Report however, advise that the advice provided by NatureScot in its representation with regard to marine mammal in-combination assessment and the Waddenzee judgement, must be fully addressed and taken forward in the HRA.

Yours sincerely,

Iain MacDonald
Marine Directorate - Licensing Operations Team