

MARINE DIRECTORATE - LICENSING OPERATIONS TEAM'S ASSESSMENT OF
THE PROJECT'S IMPLICATIONS FOR A DESIGNATED NATURE
CONSERVATION MARINE PROTECTED AREA FEATURE.

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT
1989, AND FOR MARINE LICENCES UNDER THE MARINE (SCOTLAND) ACT
2010 AND THE MARINE AND COASTAL ACCESS ACT 2009 FOR THE
CONSTRUCTION AND OPERATION OF CALEDONIA SOUTH OFFSHORE WIND
FARM AND ASSOCIATED TRANSMISSION INFRASTRUCTURE

SITE DETAILS: CALEDONIA SOUTH OFFSHORE WIND FARM, MORAY FIRTH,
APPROXIMATELY 45KM FROM WICK AND 35KM FROM BANFF

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SECTION 1: BACKGROUND

1 Introduction

- 1.1 This Nature Conservation Marine Protected Area (“NC MPA”) assessment relates to the applications submitted by Caledonia Offshore Wind Limited (“the Company”) for marine licences under the Marine (Scotland) Act 2010 (“the 2010 Act”) and the Marine and Coastal Access Act 2009 (“the 2009 Act”) to construct, alter or improve the marine renewable energy works and associated offshore transmission infrastructure (“the Works”) located adjacent to the Southern Trench NC MPA.
- 1.2 The assessment has been undertaken by Marine Directorate - Licensing Operations Team (“MD-LOT”) to ensure compliance with the duties set out in section 83 of the 2010 Act. MD-LOT, as the ‘public authority’ must consider how the Works are capable of affecting the protected features of the NC MPA or any ecological or geomorphological process on which the conservation of these features is dependant, before any consents can be granted.
- 1.3 An NC MPA assessment has been undertaken and NatureScot, operating name of Scottish Natural Heritage, has been consulted.

2 NC MPA assessment conclusion

- 2.1 This MPA assessment concludes that there is no significant risk of the Works hindering the achievement of the conservation objectives of the protected features of the Southern Trench NC MPA providing that the conditions set out in section 4 are complied with.

3 Details of proposed Works

- 3.1 The Works consist of the construction and operation of an offshore energy generating station, with an indicative generating capacity of between 900 and 1,100 megawatts (“MW”). The offshore generating station is proposed to have a lifetime of up to 35 years and shall consist of a maximum number of 78 fixed or floating Wind Turbine Generators (“WTGs”) each with:
- a. A minimum blade tip height (air gap) of 35 metres (“m”) above Mean Sea Level (“MSL”);
 - b. A maximum blade tip height of 355m above MSL if fixed-bottom and 325m above MSL if floating; and
 - c. A maximum rotor hub height of 190m above MSL if fixed-bottom, and 170m above MSL if floating.
- 3.2 Several methodologies for the installation of the foundations are considered, including pin piles, jackets with suction caissons, monopiles, fully-restrained platforms, semi-submersible platforms, and/or tension leg platforms.

- 3.3 The Company has proposed two Offshore Substation Platforms (“OSPs”) for the Works. The OSPs consists of a ‘topside’ platform supported by a bottom-fixed foundation structure. The maximum seabed footprint of the OSPs will be 9,000 square metres. A single interconnector cable with a maximum length of 30 kilometres (“km”) may be installed to connect the OSPs.
- 3.4 The Company has proposed up to 78 inter-array cables, with a total length of up to 365km.
- 3.5 The Company has proposed up to two export cables with a total length of up to 150km. The cables will be installed along the length of the Offshore Export Cable Corridor (“OECC”) by jet trencher, mechanic trencher, or cable plough.
- 3.6 Piling will take a maximum of 275 days throughout the construction period, this was refined during the determination process resulting in a reduction in piling days considered in the Company’s additional information submission ([Volume 8, Additional Information](#)).
- 3.7 Further information regarding the Works, including a detailed description of the development, can be found in [Volume 1, Chapter 3 of the EIA Report](#) and [Volume 8, Additional Information](#).

4 Consultation

- 4.1 NatureScot was consulted on 4 December 2024 and provided its response on 27 March 2025. Within its response, NatureScot requested additional information on the Southern Trench NC MPA assessment.
- 4.2 Additional Information was requested from the Company on 17 July 2025 and received on 3 October 2025. NatureScot was consulted on the additional information on 17 October 2025, and provided its response on 15 December 2025.
- 4.3 NatureScot provided a further clarification regarding impacts on minke whale in the Southern Trench NC MPA on 30 March 2026.
- 4.4 NatureScot further clarified its position regarding fronts, shelf deeps, submarine mass movement, and geodiversity features on 13 May 2026.

5 Main issues raised during consultation

- 5.1 NatureScot, in its responses dated 27 March 2025 and 15 December 2025, agreed with the Company’s conclusion that the risk of hindering the conservation objectives of the Southern Trench NC MPA with respect to the potential for effects on the minke whale feature were uncertain.
- 5.2 NatureScot, in its response dated 27 March 2025, highlighted that the Works are capable of affecting the burrowed mud feature of the Southern Trench NC MPA. However, NatureScot requested that the potential impacts of permanent habitat loss on burrowed mud features be assessed further both alone and in combination with other developments.

- 5.3 Additionally, NatureScot, in its response dated 27 March 2025, requested that further assessment of storm wave height on geodiversity features in the Southern Trench NC MPA be carried out, specifically the cumulative impact with Moray West offshore windfarm.
- 5.4 In its response of 13 May 2026, NatureScot advised that the Works are capable of affecting, other than insignificantly, the fronts feature of the Southern Trench NC MPA.
- 5.5 In relation to the shelf deeps, submarine mass movement and Quaternary of Scotland features, NatureScot confirmed in its response of 13 May 2026 that the Works are not capable of affecting these features, other than insignificantly, noting its acceptance that Moray West offshore wind farm was considered in the baseline for the cumulative assessment.
- 5.6 Consequently, MD-LOT concluded that an NC MPA assessment is required in respect of the minke whale, burrowed mud and fronts features of the Southern Trench NC MPA to determine if there is a significant risk of hindering the achievement of the conservation objectives.

SECTION 2: INFORMATION ON THE NC MPA SITE

6 Background information and protected features of the relevant NC MPA site

- 6.1 This section provides links to the NatureScot SiteLink website ("SiteLink") where the background information on the site being considered in this assessment is available. The protected features for the site are listed as are the conservation objectives.

Table 1 Names of NC MPA site affected and link to SiteLink

Southern Trench NC MPA https://sitelink.nature.scot/site/10477
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Table 2 Protected features

Southern Trench NC MPA Habitats - Burrowed Mud Large scale features - Fronts - Shelf Deepes
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Mobile Species

- Minke Whale (*Balaenoptera acutorostrata*)

Geomorphological features

- Quaternary of Scotland
- Submarine Mass Movement

Table 3 Conservation objectives**Southern Trench NC MPA**

1) The conservation objectives of the Southern Trench NC MPA, are that the protected features

- a) so far as already in favourable condition, remain in such condition
- b) so far as not already in favourable condition, be brought into such condition, and remain in such condition.

2) In paragraph (1) “favourable condition”, with respect to a marine habitat, means that

- a) its extent is stable or increasing; and
- b) its structures and functions, its quality, and the composition of its characteristic biological communities are such as to ensure that it is in a condition which is healthy and not deteriorating.

3) In paragraph 2(b) the reference to the composition of the characteristic biological communities of a marine habitat includes a reference to the diversity and abundance of species of marine flora and fauna forming part of, or inhabiting, that habitat.

4) For the purposes of paragraph (1), any temporary deterioration in condition is to be disregarded if the marine habitat is sufficiently healthy and resilient to enable its recovery from such deterioration.

5) In paragraph (1) “favourable condition”, with respect to a mobile species of marine fauna, means that

- a) the species is conserved or, where relevant, recovered to include the continued access by the species to resources provided by the MPA for, but not restricted to, feeding, courtship, spawning or use as nursery grounds;
- b) the extent and distribution of any supporting feature upon which the species is dependent is conserved or, where relevant, recovered; and

- c) the structure and function of any supporting feature, including any associated processes supporting the species within the MPA, is such as to ensure that the protected feature is in a condition which is healthy and not deteriorating.
- 6) In paragraph (1) “favourable condition”, with respect to a large scale feature, means that
- a) the extent, distribution and structure of that feature is maintained;
 - b) the function of that feature is maintained so as to ensure that it continues to support its characteristic biological communities and their use of the site including for, but not restricted to, feeding, courtship, spawning or use as nursery grounds; and
 - c) the processes supporting that feature are maintained.
- 7) In paragraph 6(b) the reference to the characteristic biological communities of a large scale feature includes a reference to the diversity of any species associated with the large scale feature.
- 8) In paragraph (1) “favourable condition”, with respect to a feature of geomorphological interest, means that
- a) its extent, component elements and integrity are maintained;
 - b) its structure and functioning are unimpaired; and
 - c) its surface remains sufficiently unobscured for the purposes of determining whether the criteria in paragraphs (a) and (b) are satisfied.
- 9) For the purpose of determining whether a feature of geological or geomorphological interest is sufficiently unobscured under paragraph (8)(c), any obscuring of that feature entirely by natural processes is to be disregarded.
- 10) For the purpose of determining whether a protected feature is in favourable condition within the meaning of paragraphs (2), (5), (6) or (8) any alteration to that feature brought about entirely by natural processes is to be disregarded.

SECTION 3: ASSESSMENT OF THE POTENTIAL TO HAVE A SIGNIFICANT RISK OF HINDERING THE ACHIEVEMENT OF THE CONSERVATION OBJECTIVES OF THE NC MPA.

6.2 *Is the proposal capable of affecting (other than insignificantly) the protected features of the NC MPA?*

Minke Whale

- 6.2.1 NatureScot, in its response dated 27 March 2025, advised that it agreed with the Company’s assessment detailed in [Document 9](#) of its EIA Report (“the Company’s

MPA Assessment”) in relation to potential impact pathways considered that could affect the minke whale feature of the Southern Trench NC MPA. These included disturbance from underwater noise related to Unexploded Ordnance (“UXO”) clearance, geophysical surveys, piling and vessel movements.

Burrowed Mud

- 6.2.2 NatureScot, in its response dated 15 December 2025, noted that the Works are capable of affecting the burrowed mud feature of the Southern Trench NC MPA due to temporary and long term/permanent habitat loss due to cable protection.

Geomorphological features (Submarine Mass Movement and Quaternary of Scotland)

- 6.2.3 NatureScot, in its response dated 27 March 2025, requested the Company undertake further assessment regarding the predicted cumulative impact of storm wave height on geodiversity features, specifically including Moray West offshore wind farm. On 18 February 2026, the Company clarified that Moray West had been considered in the assessment as part of the baseline and so to consider it within the cumulative assessment would result in it being accounted for twice. NatureScot accepted this in its advice of 13 May 2026. .
- 6.2.4 Furthermore, in its response dated 13 May 2026, NatureScot concluded that the Works are not capable of affecting, other than insignificantly, the submarine mass movement feature. Additionally, NatureScot concluded that the Works are not capable of affecting, other than insignificantly, the subglacial tunnel valleys and moraines elements of the Quaternary of Scotland feature. As such, these geomorphological features of the Southern Trench NC MPA have not been considered further in this assessment.

Large scale features (Shelf Deepes and Fronts)

- 6.2.5 In its clarification of 13 May 2026, NatureScot advised that the Works are not capable of affecting, other than insignificantly, the shelf deep features and as such have not been considered further in this assessment.
- 6.2.6 NatureScot further advised that the Works are capable of affecting, other than insignificantly, the wave and tidal regimes of the fronts feature of the Southern Trench NC MPA as a result of spatially extensive hydrodynamic effects originating near to the area of fronts. However, NatureScot disagreed with the Company’s Assessment that the Works are capable of affecting other than insignificantly the fronts feature with regard to potential impacts to seabed topography. NatureScot noted that this was because the scale of potential changes to seabed topography was extremely limited to the relative regional scale of the fronts feature.

6.3 *Is there a significant risk of hindering the achievement of the NC MPA’s conservation objectives?*

Minke Whale

- 6.3.1 In its response dated 27 March 2025 and 15 December 2025, NatureScot advised that it agreed with the conclusion in the Company's MPA Assessment and updated assessment submitted as part of the additional information that the risk of hindering the conservation objectives of the Southern Trench NC MPA in relation to minke whale is uncertain. However, NatureScot provided a further response on 30 March 2026 and advised that with a seasonal timing restriction for noisy construction activities, it concluded there would not be a risk of hindering the achievements of the conservation objectives of the minke whale feature of the Southern Trench NC MPA.

Burrowed Mud

- 6.3.2 NatureScot, in its response dated 15 December 2025, concluded that based on its knowledge of the feature, the Works are unlikely to pose a significant risk of hindering the achievement of the conservation objectives with respect to the burrowed mud feature.

Fronts

- 6.3.3 NatureScot, in its clarification dated 13 May 2026, concluded that the Works do not present a significant risk of hindering the conservation objectives with respect to the wave and tidal regimes of the fronts feature.
- 6.3.4 MD-LOT agrees with this advice and has used it to undertake an NC MPA assessment for the Southern Trench NC MPA, specifically in relation to the minke whale, burrowed mud and fronts features.

7 Assessment of the implications for the site in view of the site's conservation objectives.

Minke Whale

- 7.1 The Company's MPA Assessment identified potential impacts to the minke whale feature of the Southern Trench NC MPA. These included injury, killing and disturbance from UXO clearance, geophysical surveys, piling, vessel collisions, entanglement and other construction activities, and also disturbance from operational noise and vessel movements. Additionally, the Company identified that impacts to supporting features and processes such as changes in fish abundance and distribution and changes to habitats and processes could also potentially impact minke whale. Furthermore, the presence of infrastructure could cause a physical barrier to minke whale.
- 7.2 In relation to potential impacts that could cause auditory injury to minke whale, the Company has committed to low order deflagration of UXO as well as further mitigation measures to be agreed and finalised within a Marine Mammal Mitigation Protocol ("MMMP"). The Company considers this will fully mitigate the impact of auditory injury to minke whale from underwater noise related to UXO clearance, geophysical surveys and piling.
- 7.3 With regard to potential for vessel collision, the Company considers that due to the already high volume of vessel traffic in the area, the introduction of additional vessels as a result of the Works is not a novel impact for minke whale. The Company

concluded that with adherence to best practice vessel-handling protocols, the risk of vessel collision with minke whale will be negligible.

- 7.4 Due to the floating component of the Works, the Company also considered primary, secondary and tertiary entanglement with mooring lines as an impact to minke whale. The Company has committed to undertaking inspection of the mooring lines and floating inter-array cables and as well as evaluating the presence of discarded fishing gear for entanglement risk and removing if necessary. The Company's MPA Assessment concluded that, due to the limited spatial extent of impacts and following the application of embedded mitigation measures, there is no significant risk of injury and/or killing to minke whale within the NC MPA.
- 7.5 The Company's MPA Assessment also considered injury from noise generated through other non-piling related construction activities and concluded that these will be extremely local in spatial extent and is unlikely to cause an effect as minke whale will have already been deterred from the injury zone due to vessel noise.
- 7.6 The Company's MPA Assessment considered that there is little potential for minke whale to be disturbed by low order UXO clearance activities and that the impact would not cause widespread prolonged displacement. Furthermore, in relation to geophysical surveys, the Company considered that any behavioural response would be temporary.
- 7.7 The Company's MPA Assessment includes an assessment of disturbance to minke whale as a result of piling using a worst case scenario. The worst case scenario considered the total piling duration to be 275 days between October 2028 and September 2030.
- 7.8 In relation to potential indirect effects on minke whale as a result of impacts on supporting features and processes, the Company considered any loss of habitat to be limited to the OECC and any resultant impact to minke whale prey was not expected.
- 7.9 Finally, with regard to infrastructure causing a physical barrier to minke whale, the Company considered that due to the Works being located outwith the NC MPA, there will be continued access to resources provided by the NC MPA, such as feeding, courtship, spawning and use of nursery grounds.
- 7.10 The Company's MPA Assessment also considered cumulative effects as a result of disturbance due to underwater noise from piling, UXO clearance, geophysical surveys and vessel movements during construction and operation of the Works. The cumulative assessment also considered the impact of physical barriers, entanglement and impacts on prey and supporting habitats and processes.
- 7.11 The potential for temporal overlap of piling with Salamander and Broadshore offshore wind farms was identified. The Company's MPA Assessment noted that when considering the worst case scenario there is a risk that minke whale within the Southern Trench NC MPA could be disturbed intermittently for up to 875 days between 2028 and 2032, although noted that the potential overlapping affected area within the NC MPA is minimal. Additionally, if the Works and these projects were to pile on the

same day, up to 19.3% of the minke whale population within the NC MPA could be disturbed.

- 7.12 In relation to the remaining impact pathways considered in the cumulative assessment, the Company's MPA Assessment concluded that the activities could cause temporary disturbance and displacement of minke whale within the NC MPA, however it is anticipated that any impact will be temporary.
- 7.13 The Company's MPA Assessment subsequently concluded that the risk of hindering the conservation objectives of the minke whale feature of the Southern Trench NC MPA was uncertain due to the of high uncertainty around minke whale responses to underwater noise and the highly precautionary approach to the assessment.
- 7.14 NatureScot agreed with the Company's MPA Assessment conclusions regarding the effects on minke whale related to UXO clearance, piling disturbance and auditory injury from geophysical surveys. In its response dated 27 March 2025, it queried why the Permanent Threshold Shift impact range for minke whale is the same for monopiles and pin piles despite the monopiles being significantly larger in size. The Company noted that the rate of increase in noise level with increasing pile size tends to slow. This, in combination with the greater number of piles driven in the multi-leg (jacket) designs, reducing the gap between the impact ranges from monopile and multi-leg are contributory factors. All of which the Company noted are expected to be precautionary. NatureScot concluded in its advice dated 27 March 2025, that the risk of hindering the conservation objectives of the Southern Trench NC MPA is uncertain for minke whale disturbance from piling from both the Works alone and cumulatively with other projects.
- 7.15 The Company submitted a [piling reassessment](#) (Volume 8, Appendix 23) as well as a [marine mammals cumulative offshore export cable corridor vessel disturbance technical note](#) (Volume 8, Appendix 27) as part of its additional information submission on 3 October 2025 ("The Company's Additional Information").
- 7.16 The Company's Additional Information included an assessment of cumulative vessel disturbance within the OECCs during the construction phase from the Works and several other offshore wind projects. The Company noted the OECCs for Buchan, Muir Mhòr, Salamander, Stromar, Cenos and Caledonia North offshore wind farms also overlap with the Southern Trench NC MPA with cumulative vessel numbers expected to increase by 149% above the baseline. The Company concluded that although the impacts are expected to be localised and temporary in nature, the increased vessel activity could increase the likelihood of short term behavioural responses with potential energetic consequences. The Company noted the outcomes are uncertain and dependant on the scheduling and distribution of construction works.
- 7.17 The Company's Additional Information concluded that the risk of hindering the conservation objectives is uncertain as a result of cumulative disturbance from vessel activities with the OECCs during construction.
- 7.18 In relation to underwater noise from piling, NatureScot, in its 15 December 2025 response, state that its advice of 27 March 2025 still stands in that the risk of hindering

the conservation objectives of the Southern Trench NC MPA is uncertain for minke whale both alone and cumulatively. Additionally, in its advice of 15 December 2025, NatureScot concluded that the risk of hindering the conservation objectives of the Southern Trench NC MPA for minke whale again was uncertain as a result of cumulative vessel activities.

- 7.19 In a further clarification of 30 March 2026, NatureScot advised that if the Works were to be built out as assessed in the Company's MPS Assessment using the worst case scenario, a timing restriction on noisy construction activities during June-October should be put in place to mitigate impacts on minke whale in the Southern Trench NC MPA. With this timing restriction in place, this would ensure that the conservation objectives would not be at risk of being significantly hindered. MD-LOT has secured conditions to compel the Company to submit a Piling Noise Mitigation Plan and MMMP, which must include considerations given to any necessary and relevant seasonal restrictions for noise generating activities (to ensure that the Southern Trench NC MPA conservation objectives are not significantly hindered), as stated in section 4 of this assessment, which will be included on both the relevant marine licence(s) and section 36 consent (if granted).
- 7.20 MD-LOT agree with the NatureScot advice and conclude that the Works do not have the potential to pose a significant risk of hindering the conservation objectives of the Southern Trench NC MPA for the minke whale feature provided the conditions set out in section 4 are adhered to.

Burrowed Mud

- 7.21 With regard to the burrowed mud feature, the Company's MPA Assessment considered the following potential impact pathways: physical habitat loss/disturbance; increased suspended sediment concentration ("SSC") and deposition of disturbed sediments, direct and indirect seabed disturbance leading to release of sediment contaminants; introduction of, marine invasive non-native species ("MINNS"); and changes to physical processes.
- 7.22 The Company's MPA Assessment considered that the burrowed mud feature could be temporarily impacted due to disturbance during construction of the Works, however it concluded that given the short term nature of the disturbance, the tolerance to disturbance and ability to recover, the burrowed mud feature would be maintained in the long-term.
- 7.23 Similarly, the Company's MPA Assessment considered that construction of the Works would cause sediment to be disturbed and released into the water column giving rise to suspended sediment plumes, potential release of contaminants and localised changes to seabed levels as it settles. However, modelling predicted increases to SSC to be short lived with rapid dissipation and localised deposition and subsequently concluded that the impact would be temporary and localised.
- 7.24 The introduction of MINNS was also considered by the Company to be a risk to the burrowed mud feature, however the Company's MPA Assessment concluded that due to the lack of evidence to suggest an adverse effect from MINNS from offshore wind

farms, and with mitigation to be finalised within a marine biosecurity management plan, there is a low risk of promoting the spread of MINNS as a result of the Works.

- 7.25 The Company's MPA Assessment also considered the presence of foundations, scour protection and cable projection to cause changes to physical processes and the impact of this on the burrowed mud feature. It considered that changes to local hydrodynamic and wave regimes could result in changes to the sediment transport pathways and have associated effects on benthic ecology, potentially making the habitat less suitable for some species. However, the Company's MPA Assessment concluded that there will be limited changes to physical processes with only a small proportion of the MPA impacted.
- 7.26 The Company's MPA Assessment also included a qualitative assessment of cumulative effects in relation to temporary increases in SSC and sediment deposition during construction of the Works with the Shetland High Voltage Direct Current Link cable, Moray West offshore wind farm export cable and Stromar offshore wind farm export cable. The Company concluded that there is limited potential for overlap with these projects and given the short term nature of the disturbance, the existing tolerance to disturbance and the ability to recover, the burrowed mud feature will be maintained in the long term.
- 7.27 The Company subsequently concluded that the Works would not risk hindering the conservation objectives of the burrowed mud feature of the Southern Trench NC MPA alone or cumulatively.
- 7.28 In its advice dated 27 March 2025, NatureScot largely agreed with the conclusions in the Company's MPA Assessment, however highlighted that permanent habitat loss during the operation and maintenance phase of the Works should have been considered both alone and cumulatively. The Company provided a Marine Protected Area Assessment Update (Volume 8, Appendix 33) as part of its additional information submitted on 3 October 2025. NatureScot, in its response dated 15 December 2025, noted that the assessment was limited to the extent and distribution aspects of the conservation objectives with no consideration given to potential effects on habitat structure, function, quality and community composition. However, NatureScot concluded that, based on the information provided, the precautionary approach taken, and the scale of this and the other cable developments considered in the cumulative assessment compared with the scale of the burrowed mud feature, it is unlikely that the Works will pose a significant risk of hindering the achievement of the conservation objectives.
- 7.29 MD-LOT agree with the NatureScot advice and conclude that the Works do not create a significant risk of hindering the conservation objectives of the Southern Trench NC MPA for the burrowed mud feature.

Fronts

- 7.30 The Company's MPA Assessment considered modification to wave and tidal regimes and the potential impacts to seabed topography which could have implications for the structure or distribution of the fronts feature and its functional role within the Southern

Trench NC MPA. However, the Company concluded that there is no significant risk of modification or disruption to the frontal feature due to the limited spatial extent of the impacts.

- 7.31 The Company's MPA Assessment did not consider fronts in its cumulative impact assessment as it did not identify a potential cumulative pathway of effect.
- 7.32 In its advice of 13 May 2026, NatureScot agreed with the conclusion in the Company's MPA Assessment that the Works do not create a significant risk of hindering the conservation objectives.
- 7.33 MD-LOT agree with the NatureScot advice and conclude that the Works do not have the potential to pose a significant risk of hindering the conservation objectives of the Southern Trench NC MPA for the fronts feature.

8 MD-LOT conclusion

- 8.1 MD-LOT concludes the Works do not have the potential to have a significant risk of hindering the achievement of the conservation objectives of the Southern Trench NC MPA providing the conditions in section 4 are adhered to.

SECTION 4: CONDITIONS

9 Requirement for conditions

- 9.1 The conditions below relate to the protected features of the NC MPA in accordance with requirements under the 2010 Act, as well as covering other interests. The conditions here are written in their complete form and so may also refer to other interests. Where reference is made to other conditions, these are numbered as per the condition numbers which will be used in the section 36 consent if granted. Defined terms used in the conditions below will have the meaning given to them in the section 36 consent, if granted.

10 Piling Noise Mitigation Plan

The Developer must submit a Piling Noise Mitigation Plan to the Scottish Ministers in writing, for their written approval, no later than six months prior to the Commencement of the Development.

Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, JNCC, and any other consultees as may be required at the discretion of the Scottish Ministers.

Commencement of the Development cannot take place until such approval is granted.

The Piling Noise Mitigation Plan must include:

- a. Details of the species that may be affected by piling and how they may be affected including a summary of any spatial and temporal sensitivities. A summary of, or reference to, relevant conclusions of the EIA Report can be given.
- b. Details of expected noise levels from pile-drilling/driving at all locations.
- c. Details of the proposed method and anticipated duration of piling to be carried out at all locations including information on any seasonal or spatial scheduling.
- d. Details of soft-start initiation and ramp up for piling procedures and predicted maximum piling energy required at each pile location.
- e. Details of any mitigation such as Passive Acoustic Monitoring, Marine Mammal Observer, use of Acoustic Deterrent Devices and monitoring to be employed during pile-driving.
- f. a summary of how the Piling Noise Mitigation Plan relates to any commitments in the application, EIA Report and any consent conditions.

The Piling Noise Mitigation Plan must be in accordance with the Application and must also reflect any monitoring or data collection carried out after submission of the

Application. The Piling Noise Mitigation Plan must demonstrate how the exposure to and/or the effects of underwater noise have been mitigated in respect to the species that may be affected. The Piling Noise Mitigation Plan must so far as is reasonably practicable be consistent with the Marine Mammal Mitigation Protocol.

The Developer must implement the approved Piling Noise Mitigation Plan.

Any updates to the Piling Noise Mitigation Plan must be submitted in writing to the Scottish Ministers for their written approval.

Implementation of the updated Piling Noise Mitigation Plan cannot take place until such approval is granted.

Reason: *To mitigate the underwater noise impacts arising from piling activity.*

11 Marine Mammal Mitigation Protocol

The Developer must submit a Marine Mammal Mitigation Protocol in writing to the Scottish Ministers, for their written approval, no later than six months prior to the Commencement of Development. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot and any other consultees as may be required at the discretion of the Scottish Ministers.

The Marine Mammal Mitigation Protocol must be based on the outline Marine Mammal Mitigation Protocol dated 18 October 2024 (document code: UKCAL-CWF-CON-EIA-RPT-00007-7012) submitted by the Developer to the Scottish Ministers as part of its application.

The Marine Mammal Mitigation Protocol must include:

- a. An overview of noise generating activities to be undertaken during the pre-construction and construction phases of the Development and potential impacts arising from these activities;
- b. Detailed consideration of the type of foundations, duration and timing of noisy activities including piling and vessel noise, potential for noise abatement systems and UXO removal methods;
- c. An overview of the mitigation measures applied to reduce risk of potential injury to marine mammal species considered in the EIA Report, including but not limited to, bottlenose dolphin, minke whale, harbour porpoise, white-beaked dolphin and grey seal and harbour seal during noise generating activities, including:
 - i. Geophysical surveys;
 - ii. Unexploded ordnance clearance; and,

- iii. Pile driving;
- iv. Vessel disturbance.
- d. Underwater noise modelling for marine mammal species considered in the EIA Report, including but not limited to, bottlenose dolphin, minke whale, harbour porpoise, white-beaked dolphin and grey seal and harbour seal during noise generating activities, including:
 - i. Geophysical surveys;
 - ii. Unexploded ordnance clearance;
 - iii. Pile driving;
 - iv. Vessel disturbance.

The underwater noise modelling must include worst case scenario impact ranges and predicted numbers of disturbed animals.

- e. An overview of reporting requirements for noise generating activities.
- f. Consideration must be given to relevant and necessary seasonal restrictions for noise generating activities as a mitigation measure.

The Development must be constructed in accordance with the approved Marine Mammal Mitigation Protocol. The Marine Mammal Mitigation Protocol must so far as is reasonably practicable be consistent with the Piling Noise Mitigation Plan.

Any updates to the Marine Mammal Mitigation Protocol must be submitted to the Scottish Ministers, in writing, for their written approval.

Implementation of an updated Marine Mammal Mitigation Protocol cannot take place until such approval is granted.

Reason: To ensure appropriate mitigation is in place, dependent on the preferred construction approach, and that as a result the MPA assessment is not negative.