



Appendix 2, Annexes

**Derogation Case
2024**



Marubeni



Appendix 2, Annex A: Compensation Stakeholder Consultation

Revision	Comments	Author	Checker	Approver
FINAL	Final	RPS/NIRAS	RPS	RPS

Approval for Issue		
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1. CONSULTATION OVERVIEW

- Ossian Offshore Wind Farm Limited (hereafter referred to as 'the Applicant') has consulted statutory and non-statutory stakeholders during the development of the Array Compensation Plan (appendix 2). This engagement has been extremely valuable in obtaining stakeholder feedback and advice, which has resulted in numerous improvements to the proposed compensation package of measures.
- A summary of the communications that took place with stakeholders is provided in Table 1.1. Feedback and advice was primarily obtained during five workshops that were scheduled at key stages during the development process. There were also several instances when feedback and advice was obtained through written correspondence.

Table 1.1: Consultations on Compensation Measures

Date and Location	Agenda Topics	Attendees
19/07/2023 Email	<ul style="list-style-type: none"> first of series of placeholders to discuss ongoing Ossian derogation case; and plan in advance of meetings in line with Stakeholder Engagement Plan (SEP). 	<ul style="list-style-type: none"> Ossian Consents Team; RPS; NIRAS; Royal Society for the Protection of Birds (RSPB); Marine Directorate - Licensing Operations Team (MD-LOT); and NatureScot.
10/08/2023 Microsoft Teams call	Derogation Workshop 1 <ul style="list-style-type: none"> introductions; Array project update; key sites and species; compensation approach for the Array; discuss shortlisting process; progress made by the Applicant to date; planned deliverables; and next steps. 	<ul style="list-style-type: none"> Ossian Consents Team; RPS; NIRAS; MD-LOT; NatureScot; and RSPB.
08/09/2023 Email	<ul style="list-style-type: none"> Derogation meeting 2 placeholder; attached document: a briefing note setting out evidence summary to support conservation measures currently being considered for shortlisting. 	<ul style="list-style-type: none"> Ossian Consents Team; MD-LOT; NatureScot; RSPB; RPS; and NIRAS.
13/09/2023 Email	<ul style="list-style-type: none"> email from MD-LOT to confirm receipt of briefing note ahead of 2nd derogation call on 28/09/2023. 	<ul style="list-style-type: none"> Ossian Consents Team; RPS; NIRAS; MD-LOT; RSPB; and NatureScot.

Date and Location	Agenda Topics	Attendees
10/10/2023 Microsoft Teams call	Derogation Workshop 2 <ul style="list-style-type: none"> introductions; aims of meeting; progress to date; suggested shortlisted measures and questions; and next steps. 	<ul style="list-style-type: none"> Ossian Consents Team; RPS; NIRAS; MD-LOT; NatureScot; and RSPB.
26/10/2023 Email	<ul style="list-style-type: none"> Scottish Government's Framework to Evaluate Ornithological Compensation Measures for Offshore Wind – Process Guidance Note for Developers attached document: "Scottish guidance on the principles underpinning the assessment of compensatory measures in relation to ecology, monitoring and socio-economics"; and attached document: "Compensatory Measures Advice Note - Two examples to help developers consider necessary components in the development of any compensatory measure package". 	<ul style="list-style-type: none"> Ossian Consents Team; MD-LOT; RPS; and NIRAS.
14/12/2023 Microsoft Teams call	<ul style="list-style-type: none"> introductions; Scottish Invasive Species Initiative (SISI) project ambitions; quantifying scale of impact; timeline; and securing. 	<ul style="list-style-type: none"> NIRAS; and SISI.
15/12/2023 Microsoft Teams call	<ul style="list-style-type: none"> introductions; compensation overview; Portuguese Society for the Study of Birds (SPEA) bycatch trails; funding; and next steps. 	<ul style="list-style-type: none"> NIRAS; and SPEA.
07/02/2024 Microsoft Teams call	<ul style="list-style-type: none"> introductions; bycatch measure overview; Portuguese government bycatch action; SPEA presentation on bycatch work; and key hotspots. 	<ul style="list-style-type: none"> Ossian Consents Team; NIRAS; and SPEA.
14/02/2024 Microsoft Teams call	<ul style="list-style-type: none"> discussion around measure objectives; quantifying scale of impact; monitoring; and securing. 	<ul style="list-style-type: none"> Ossian Consents Team; NIRAS; and Xavier Lambin.

Date and Location	Agenda Topics	Attendees
15/02/2024 Microsoft Teams call	Derogation Workshop 3 <ul style="list-style-type: none"> overview of potential compensation approaches, including predator control and eradication (Scottish mink control and rats), seabird bycatch, offshore artificial nesting structures (ANS), and habitat enhancement; update on deliverables; and compensation plan structure. 	<ul style="list-style-type: none"> Ossian Consents Team; NatureScot; MD-LOT; RPS; and NIRAS.
06/03/2024 Email	<ul style="list-style-type: none"> attached slidedeck presented during first derogation workshop and draft of meeting minutes. 	<ul style="list-style-type: none"> Ossian Consents Team; RPS; NatureScot; NIRAS;
27/03/2024 Email	<ul style="list-style-type: none"> next steps following feedback received on compensation plan; and no feedback from NatureScot on compensation plan at this time. 	<ul style="list-style-type: none"> Ossian Consents Team; NIRAS; and RPS.
28/03/2024 Email	<ul style="list-style-type: none"> draft email included to NatureScot to touch base; awaiting feedback on meeting minutes and slide desk from last external derogation email; awaiting comments from NatureScot on briefing note for SISI project; briefing note issued to SPEA to aid discussion on developing seabird bycatch measures (attached); feedback received from SPEA currently being incorporated into compensation plan; and plans for derogation workshop in April. 	<ul style="list-style-type: none"> Ossian Consents Team; RPS; and NIRAS.
28/03/2024 Email	<ul style="list-style-type: none"> preparations for derogation workshop on 18th April; awaiting feedback from NS on SISI briefing project; note issued to SPEA on developing seabird bycatch measures (attached); feedback received from SPEA being incorporated into compensation plan; and plans to issue sections of compensation plan to NS for feedback following workshop. 	<ul style="list-style-type: none"> Ossian Consents Team; NatureScot; and MD-LOT.
29/03/2024 Email	<ul style="list-style-type: none"> email to confirm both briefing notes sent to NatureScot with MD-LOT copied in. 	<ul style="list-style-type: none"> Ossian Consents Team; RPS; and NIRAS.

Date and Location	Agenda Topics	Attendees
05/04/2024 Email	<ul style="list-style-type: none"> feedback from NatureScot on Mink control measure and bycatch measure. 	<ul style="list-style-type: none"> Ossian Consents Team; NatureScot; and MD-LOT.
08/04/2024 Microsoft Teams call	<ul style="list-style-type: none"> discussion on briefing note; scale of impact; monitoring and metrics; costs; and regional compensation. 	<ul style="list-style-type: none"> NIRAS; and SISI.
16/04/2024 Email	<ul style="list-style-type: none"> NIRAS response to NatureScot questions in the compensation plan on mink control measure and bycatch measure. 	<ul style="list-style-type: none"> Ossian Consents Team; NIRAS; and RPS;
18/04/2024 Microsoft Teams call	Derogation Workshop 4 <ul style="list-style-type: none"> introductions; detailed descriptions of the two measures being taken forward (evidence, scale, location, monitoring, securing). 	<ul style="list-style-type: none"> Ossian Consents Team; NatureScot; MD-LOT; RPS; and NIRAS.
23/05/2024 Microsoft Teams call	Derogation Workshop 5 <ul style="list-style-type: none"> introductions; feedback and questions on the Compensation Plan from MD-LOT and NatureScot; update from NIRAS on Compensation Plan feedback and revisions; and post-submission plan outlined. 	<ul style="list-style-type: none"> Ossian Consents Team; NatureScot; MD-LOT; Marine Directorate Science, Evidence, Data and Digital (MD-SEDD); RPS; and NIRAS.
31/05/2024 Email	<ul style="list-style-type: none"> email from NatureScot providing feedback on excerpts from the Ossian Compensation Plan provided and issues raised during the derogation workshop 5 on 23/05/2024. 	<ul style="list-style-type: none"> N/A

2. STATUTORY STAKEHOLDER CONSULTATION

- Sections 2.1 to 2.6 outline the workshops that have been conducted with statutory stakeholders. Each workshop consisted of a presentation on the proposed measures by NIRAS, questions posed and stakeholder responses. Any feedback sent from statutory stakeholders on the content that was presented has been included here.

2.1. DEROGATION WORKSHOP MEETING 1 – 10 AUGUST 2023

2.1.1. MEETING SUMMARY

4. A presentation was provided that introduced the project and went through the key seabird species that may be impacted. Information on the compensation approach as well as the longlist compensation measure options and approach to achieving a viable compensation measure shortlist were presented. Next steps and deliverables were outlined.

2.1.2. FEEDBACK PROVIDED

5. NatureScot responded that they were open to novel ideas of non-like-for-like compensation measures being used in other countries that can be trialled in the United Kingdom (UK). NatureScot, MD-LOT, RSPB responded that they were interested to know more about the shortlist options being considered, including any non-like-for-like measures. All stakeholders emphasised a need for an adaptive management to be created alongside any proposed measures.

2.2. DEROGATION WORKSHOP MEETING 2 – 28 SEPTEMBER 2023

2.2.1. MEETING SUMMARY

6. A presentation was provided that presented the shortlisted compensation options. Additionally, a 32-page briefing note was provided to stakeholders on the shortlisted options.
7. The following questions were asked to stakeholders:

Colony invasive biosecurity

- Biosecurity is extremely important on islands. Do the stakeholders accept this as a valid option for compensation (i.e. the protection of seabird colonies)?
- Do stakeholders agree there is sufficient evidence to progress this measure?
- Are there any key evidence gaps which need to be pursued to support the measure?
- Are there any sites that the stakeholders can suggest to be included in the feasibility assessment?
- Are stakeholders aware of any potential limitations to determining potential locations or progressing this measure?

Seabird bycatch

- Do stakeholders agree there is merit in pursuing this measure for auks and gannet?
- Are there any sites that the stakeholders can suggest to be included in the feasibility assessment?
- Are stakeholders aware of any potential limitations to determining potential locations or progressing this measure?
- Do stakeholders support the potential implementation of measures outside of UK waters?

Offshore Artificial Nesting Structure (ANS)

- Do stakeholders support an offshore ANS as compensation for kittiwake and auks in Scottish waters?
- If no, what evidence do you require to improve confidence in the measure?
- Do the stakeholders agree that the following would be sufficient to determine the success of the ANS as a compensatory measure?
 - Monitoring of breeding population and productivity of the ANS in relation to region colony performance;

- Colonisation rates of the ANS to inform colony growth predictions; and
- Natal dispersal to determine contribution to biogeographic population.

Habitat enhancement

- Do stakeholders agree there is merit in pursuing these measures?
- Are there any sites that the stakeholders can suggest to be included in the feasibility assessment?
- Are stakeholders aware of any potential limitations to determining potential locations or progressing this measure?

Gannet harvest and human disturbance

- The Array may not directly impact North Rona and Sula Sgeir Special Protection Area (SPA). However, a reduction in gannet harvesting would lead to large increases in the gannet population of North Rona and Sula Sgeir SPA and therefore would benefit the national site network, providing SPA compensation for gannets at a national level (noting linkages between colonies). Are the stakeholders in agreement with this approach?

Other compensation options

- Do stakeholders see merit in pursuing the additional measures outlined above?
- Are there any other 'low hanging fruit' which could also be pursued?

2.2.2. FEEDBACK PROVIDED

8. RSPB commented that they did not support seabird bycatch as a measure, as it needs a lot of evidence to make it work and a strong adaptive management plan. NatureScot inquired about what would be required to secure bycatch reduction outside of the UK. Regarding offshore ANS, NatureScot noted an evidence gap and enquired about the site selection process. Regarding guga hunt, NatureScot noted that although they are the licencing body, they could not influence the quota to accommodate offshore wind compensation, and would provide a more extensive response on this point. No further feedback was provided on the questions.
9. In response to the feedback, NIRAS stated that there was ample evidence of the issue associated with seabird bycatch and opportunity to remove bycatch risk. Prior to the implementation of the bycatch measure, more evidence would be collected and bycatch reduction options would be trialled. The securing of a measure outside of the UK has been explored in other projects and that precedent would be followed. In response to questions of offshore ANS, NIRAS has established a site selection and structure design process which has been used for numerous projects (and accepted by decision makers), and the idea would be to put forward multiple sites with confidence in how the measures would be presented.

2.3. DEROGATION WORKSHOP MEETING 3 – 15 FEBRUARY 2024

2.3.1. MEETING SUMMARY

10. A presentation detailed the progress that had been made towards the shortlisted measures for compensation, highlighting Strategic and Regional compensation, Scottish mink control, rat eradication, seabird bycatch, and offshore ANS. An update on the deliverables was provided as well as an outline of the Array Compensation Plan (appendix 2).

11. The following questions were asked to stakeholders:

Predator eradication

- Do the stakeholders support this as a feasible compensation measure, in principle?

Seabird bycatch

- Do stakeholders agree there is merit in pursuing this measure for gannet?
- Are stakeholders aware of any potential limitations to determining potential locations or progressing this measure?
- Do stakeholders support the potential implementation of measures outside of UK waters where it can be demonstrated that affected seabirds originate from Scottish colonies?

Offshore ANS

- Do stakeholders support an offshore ANS as compensation for kittiwake and auks in Scottish waters?
- If no, what evidence do you require to improve confidence in the measure?

2.3.2. FEEDBACK PROVIDED

12. NatureScot commented that they would provide feedback on the feasibility of mink control as a measure, but they were pleased to hear about the practicality of accounting for the measure. Regarding rat eradication, NatureScot emphasised that they would like to see compensation as close to the site of impact as possible, making this option further down the list of what they would support. NatureScot had a positive view of seabird bycatch and the development of the measure. NatureScot were not supportive of offshore ANS as a measure, as nesting space is not an issue.

13. In response to the feedback from NatureScot, NIRAS commented that there were not many options for predator eradication close to the site of impact, and the compensation hierarchy must be considered. In response to NatureScot’s queries on offshore ANS, NIRAS commented that creating nesting space closer to prey resources may result in higher rates of productivity.

14. Further feedback was provided on the 05 April 2024 from NatureScot through email, with responses to the comments included:

Mink control measure

“We are keen to better understand the following ecological elements which we anticipate will need to be addressed in the derogation package:

- Evidence that those seabird species for which compensation is required are being limited by mink predation, where, and at what scale?”

A fully detailed evidence report has been produced and will be submitted with the application. The report sets out the impact of mink on seabirds across their introduced range. This measure will benefit entire seabird communities, plus other fauna, however we have focused it on razorbill and kittiwake. We have copied over the key sections into this email to highlight the relevant evidence. A full reference list can be provided if required.

(Section 3.2 from the Ossian Ecological Evidence Report (appendix 1) was included, but will not be included here)

- “How will the benefits of mink control be quantified?”

The method for calculating the impact of mink predation involves several steps. A summary is provided below which will be presented during the workshop on 18 April 2024 and is provided in full within the Compensation Plan.

First, the coastal breeding extent of an SPA is determined using Geographic Information System (GIS). A mean density of 1.42 mink per kilometre of coastline is assumed, based on multiple studies. This density is multiplied by the length of coastal breeding extent to obtain the number of mink within the SPA (or what could be if control was to finish). The assumption is made that mink predominantly target chicks rather than adult birds. The mink density is multiplied by estimates of 50 to 200 chicks predated per mink in a breeding season (both are based on available evidence and highly precautionary). Survival rates are used to calculate the number of razorbill and kittiwake chicks required to recruit one adult bird into the population. The potential impact of mink predation is presented within the Compensation Plan, detailing the predicted mortality of adult populations. SPAs currently included within control areas show estimates of the number of adult birds that would be at risk if control were to end. Other estimates are presented for SPAs that are outside of the current control programme for the number of adult birds likely predated each breeding season. Detailed text on the quantification of scale and the justification for all assumptions are provided in the Ossian Compensation Plan.

- “Where we can, we will provide (initially via our advice on the SISI Mink Control Project Compensation Briefing Note) any information we have on mink predation at east coast SPAs.”

This would be hugely helpful and is much appreciated. We are also working with Xavier Lambin (University of Aberdeen) to increase our understanding of the presence of mink, in partnership with NatureScot and SISI. Xavier has also supported the evidence base and process outlined above.

- “Narrative on the monitoring required to assess the efficacy of the compensation measure itself and the response of the target species (via appropriate metrics) to demonstrate that the compensation measure is delivering the required benefit and to inform any necessary adaptive management requirements.”

The EC (2018) Guidance recognises that the feasibility of the identified compensation measure must be based on the best scientific knowledge available. The novelty of developing compensation cases increases the importance of pre- and post-implementation monitoring. There will, following award of consent, be a phase of further evidence gathering followed by monitoring which will continue through the operational life of the Array. Where necessary, monitoring and adaptive management will ensure, in line with guidance, that the proposals are developed in the most appropriate manner and can be flexible to enable modifications to be made where evidence suggests it is merited.

The Applicant’s compensation proposal will adopt a pragmatic approach to determine whether adaptive management actions are necessary once the Array is operational. The Applicant will discuss with relevant stakeholders if adaptive management is required post-consent of this compensation plan.

Adaptive management is an iterative process that combines management measures with ongoing monitoring to enhance the effectiveness of the measure, while also updating knowledge and improving decision-making over time. Adaptive management will play a crucial role in the compensatory measure, serving as a tool to address unexpected issues or deviations from the anticipated outcomes of the compensation.

Due to the detailed approach to compensation, it is expected that the compensation proposals will not need any additional management actions beyond general maintenance during the lifetime of the Array. However, it is essential to remain alert to unforeseen events that may necessitate adaptive management. The Applicant’s compensation aims to mitigate all foreseeable risks as much as practicable through design, implementation and planned maintenance. Additionally, measures presented by the Applicant have been developed to be flexible and scalable and therefore can be

increased as necessary to respond to feedback or requirements identified by the adaptive management process. Any long term challenges to the effectiveness of the compensation should be viewed in a regional/biogeographic context and in the context of natural variability, climate change and other pressures.

Adaptive management will be detailed in full (along with trigger points which will depend on the final scale of impact decided by the Appropriate Assessment (AA) and location) and in agreement with relevant stakeholders within the detailed Compensation Implementation and Monitoring Plan which will be developed with key stakeholders post consent and provided to Scottish Ministers for approval. Mink control offers a large number of adaptive management options, should they be required, due to the prevalence of mink in Scotland. A list of potential adaptive management options is presented below:

- Increase the intensity of control across Objectives A and B (as detailed in the Compensation Plan (appendix 2);
- Increase the new areas included within Objective B;
- Increase the number of traps used to maintain Objective A;
- Provision of additional Mink Wardens to facilitate the implementation of Objective A and B;
- Include predator proof fencing at readily accessible colonies where control is proving to be less effective than planned; and
- Use of the proposed Marine Recovery Fund or similar strategic route, if available.

Monitoring of adaptive management will depend on the option used and will be set out in full within the Compensation Implementation and Monitoring Plan (CIMP).

Bycatch measure

“This proposed compensation measure could offer a lot of ecological benefit and we welcome the innovative approach you have taken, however its ambitious nature also presents a number of challenges which we anticipate would need to be addressed through the Derogation Package:

- Narrative around direct engagement with the fishing fleet to better understand any potential issues around security/ deliverability of the proposed compensation measure.”

Bycatch is an extremely sensitive topic which requires a delicate approach to building relationships with fishers. The Applicant will enter an agreement with SPEA and or Scottish Oceans Institute (SOI) who have already built strong relationships with fishers. We will continue to discuss potential issues they have identified around the security and deliverability of the measure but both parties have not indicated any concerns in relation to delivery.

- “Further detail on how bycatch would be reduced, quantification of the benefit derived, and how this would be monitored – would this involve a change to fishing gear used by the long line fleets? Or changes to fishing effort/ locations?”

Bycatch reduction methods will likely be gear driven, as well as deterrence (i.e. scarybird device) and offal management. However, the method will be dependent on fishery gear type, location, and species that is being targeted. Monitoring has previously consisted of onboard observers, questionnaires, and logbooks. In addition, camera monitoring and image processing will be explored. Quantification will be calculated based on the following model; if 100 birds are being caught pre-implementation, and a bycatch reduction technique has 70% efficacy, 70 birds will be considered compensated. The number of birds compensated will be based off concrete levels of bycatch reported pre-implementation per vessel, and scaled up to the number of vessels employing bycatch reduction techniques. Efficacy rates will be specific to location, fishing gear, and bycatch reduction method. Further information of quantification is detailed in the Ossian Compensation Plan. This will also consider the application of a compensation ration to overcompensate and therefore account for uncertainty, distance to SPA etc.

- “As well as consideration of how a proposed measure located so far from the site of impact will deliver benefit to the target species/ populations.”

Stable isotope analyses and tracking studies have been proposed in the Ossian Compensation Plan to support the existing evidence which documents Scottish gannets wintering in Portugal, or passing through during passage to wintering areas further south off the west coast of Africa. Subadults also spend a significant amount of time fishing in these regions prior to breeding at established colonies in Scotland.

- “What dependencies have been addressed? Particularly given the international nature of this proposed measure, and how this fits with consenting requirements in Scotland – we are keen to understand MD-LOT’s position around this.”

From an ecological perspective, the connectivity of gannets bycaught in Portugal and their breeding range in Scotland is established. Therefore, compensation in Portugal will be directly benefiting Scottish SPAs (as almost all gannets are protected by the UK designated site network), thus maintaining the coherence of the network. The Applicant will enter a formal agreement with SPEA, or SOI if Scottish fisheries are pursued (however bycatch is a much rarer occurrence when compared to Portugal (detailed in the Ecological Evidence Report (appendix 1)) to secure the delivery of compensation and monitoring for the lifetime of the Ossian project.

2.4. DEROGATION WORKSHOP MEETING 4 – 18 APRIL 2024

15. Prior to the presentation from NIRAS, NatureScot provided feedback based on the briefing notes provided in advance of the workshop on the mink control and bycatch reduction measures. NatureScot confirmed that the SISI project manager has given advice related to the mink control briefing note, and that feedback is being reviewed. NatureScot noted no records of theirs that relate to mink impacts. NatureScot would like to see site-specific evidence on mink access and impacts. Additionally, there were questions around the likelihood of mink recolonisation if the current control programme were to end. With regards to the bycatch measure, NatureScot have less understanding of the governance and regulatory concerns of a measure outside of UK waters. The Applicant has sought legal advice on the proposed Memoranda of Understanding (MoU) for the proposed partnerships.
16. In response to NatureScot’s queries, NIRAS confirmed that the mink control strategy has been created in partnership with Xavier Lambin from the University of Aberdeen, who is an expert on the subject. NIRAS also noted that the level of compensation required is relatively small for razorbill and kittiwake and therefore population level impacts may be hard to detect as a result of mink predation. However, evidence suggests that when mink presence overlaps with high density breeding seabirds, predation events are likely. NIRAS showed the images of mink accessing kittiwake breeding on a cliff in Norway and noted that there are a number of examples of mink reaching seabirds which are usually out of reach to most predators. NIRAS thanked NatureScot for the advice and feedback and noted that these points will be addressed within the slide pack and far more detail around these points are provided within the compensation plan and ecological evidence report which will accompany the application.
17. A presentation gave further details on the two project-specific measures that are being taken forward; mink control and bycatch reduction. Evidence was given on the impacts of mink and bycatch as they relate to the species and locations relevant to the Array. A detailed method for determining the scale of compensation was presented. Information on specific locations, monitoring methods, and securing the measure were given to stakeholders.
18. NatureScot expressed confidence in the involvement of Xavier Lambin in the creation of the mink control measure. NatureScot said they would like the figure of mink density to be clearly described in the submitted reports. NatureScot additionally said they wanted the scale and ratios presented for mink control to be clearly described in submitted reports. NatureScot agreed to send advice on the most appropriate methods for monitoring mink in coastal areas.

19. In response to the bycatch measure, NatureScot commented that the implementation of the measure and how it could be enforced is beyond the NatureScot remit. There are concerns it is novel and so would be good to know what the project would need from NatureScot to support this measure and queried what is next. NS said they need more information to review and feedback on this. Ossian Consent Team agreed to circulate the key sections of the draft compensation plan that looks to set out the bycatch evidence behind the measure and how it would be implemented. NatureScot agreed to look at it but without prejudice to the assessment of the application.

2.5. BRIEFING NOTES AND MEMORANDA OF UNDERSTANDING

20. To enable both SPEA and SISI to help guide the compensation process outlined within the Compensation Plan (appendix 2), the Applicant prepared Compensation Briefing Notes to demonstrate how the compensation measures were approached along with key questions to each organisation. The briefing notes were well received by each organisation with feedback used to further progress the compensation planning for both mink control and bycatch reduction. As stated in the Compensation Plan (appendix 2), both SPEA and SISI worked with NIRAS on behalf of the Applicant to develop the compensation measures, signifying a strong relationship between all parties and ensuring the compensation is robust and deliverable.

21. In order to demonstrate the agreement between the Applicant with SISI and SPEA, and show how both measures have been secured, both organisations have signed a Memorandum of Understanding which are appended to the Compensation Plan (appendix 2).

2.6. DEROGATION WORKSHOP MEETING 5 – 23 MAY 2024

22. This session provided an opportunity for further inputs and any required clarifications ahead of application, and also to go over the plan for post-application. MD-LOT asked for clarification about the risks to delivering compensation in Portuguese fisheries. The relationship with SPEA and Portuguese fishers, as well as the legal process that has been pursued, were clarified by NIRAS and the Ossian Consents Team. It was agreed that this will be added to the Compensation Plan.

23. NatureScot contributed comments that they would like to see it clarified what Ossian will be adding to SPEA's bycatch work. NatureScot also commented that they would like to see how specific birds are being apportioned back to Scottish SPAs, and asked about the geographical resolution of isotopic analyses. NatureScot inquired about why cameras would be removed from fishing vessels utilising bycatch reduction techniques after implementation.

24. In response, NIRAS explained that the evidence suggest that these are very likely to be Scottish gannets, though for razorbill it is less clear. Ossian are confident that the main beneficiary from this compensation measure will be gannet. NIRAS explained that the priority will be to address razorbill with the work on mink. In terms of isotope analysis, NIRAS noted there are a lot of razorbill in a store owned by Portuguese Universities SPEA is working with, and NIRAS is working with SPEA to increase understanding of isotopic signatures. With regards to the removal of cameras post-implementation, NIRAS explained that once bycatch numbers and the required bycatch mitigation techniques are established, Ossian would look to do monitoring to ensure implementation of the mitigation techniques is being adhered to. This would just require sample monitoring rather than intensely monitoring all fishermen. It was established that all of these clarifications would be included in the Compensation Plan.

25. NIRAS delivered a presentation outlining the feedback that was given by SPEA and mink expert Xavier Lambin on the Compensation Plan, as well as some adjustments that would be made as a result. Predominately, this included the combining Objectives A and C in the mink section. Otherwise, edits were small.

26. The post-submission plan was then presented to stakeholders. The outline CIMP (appendix 3) was explained as an outline document to be completed post-application. NatureScot noted that Ossian should be careful of the language used in this document, so the commitments being made are very clear.

27. MD-LOT and MD-SEDD said they will confirm if they would provide any written feedback. NatureScot provided feedback on 31 May 2024 that reflected the comments made in the Derogation Workshop 5, as well as several other comments for consideration. All feedback was incorporated into the final version of the Compensation Plan (appendix 2).



**Appendix 2,
Annex B:
Scottish Invasive Species
Initiative - Letter of Intent**



Katherine Leys
NatureScot
Elmwood Campus
Carslogie Road
Cupar
KY15 4JB

Date: 14/06/2024

Ossian Scottish Invasive Species Initiative Compensation Measure

Dear Kath,

Further to our conversation with you, Ossian Offshore Wind Farm Limited (OWFL) understands the following in relation to the proposal that Ossian OWFL supports the funding of the Scottish Invasive Species Initiative (SISI) as part of any compensation measure that may be required further to the proposed Ossian Offshore Wind Farm (Ossian):

- SISI's funding ends in March 2026
- There is no known source of funds for SISI beyond that date
- The SISI project expenditure currently equates to c. £1m/ annum
- SISI is a partnership project managed by NatureScot and currently funded by Scottish Government's Nature Restoration Fund
- The SISI project partners comprise of 12 fishery boards¹ and Aberdeen University as their academic partner
- SISI's geographic range covers Highland & Eastern Perthshire, Angus, Aberdeenshire, Moray, Inverness-shire, Ross-shire and West Sutherland

OWFL understands and acknowledges that NatureScot's role in confirming the arrangements proposed with SISI in its role as manager of the SISI project is completely separate and independent from its role as statutory nature conservation body on the applications for the Ossian project.

The proposal is that Ossian OWFL will:

- establish a mechanism across the life of the Ossian project to ensure the continuation of the existing SISI project and the intensification of the control within areas that are already covered by the existing control programme to a level necessary to provide the necessary compensation, as well as the other SISI measures currently undertaken; and
- where required for the purpose of adaptive management, provide the necessary funding to increase the coverage of the SISI project to areas not currently within the current control area, to a level necessary to provide the required compensation.

¹ Beauly Fishery Board, Ness District Salmon Fishery Board, Tayside District Salmon Fisheries Board, Esk Rivers and Fisheries Trust, The River Dee, Deveron Bogie and Isla Rivers Charitable Trust, Spey Fishery Board, Findhorn, Nairn & Lossie Rivers Trust, Ness & Beauly Fisheries Trust, Cromarty Fisheries, Skye & Lochalsh Rivers Trust and West Sutherland Fisheries Trust.

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SISI knows of no reason that would inhibit or be a barrier to delivery of the proposed Ossian OWFL proposal. Undertaking discussions around the proposal have been approved in principle by the SISI project partners.

OWFL and SISI will continue to engage with each other to:

- Agree the detail of the mechanism and funding from OWFL to ensure the continuation of SISI beyond March 2026 and for the duration of the operation of Ossian to the level required to deliver the required compensation;
- Agree an approach to ensure partnership organisations have continued resources to deliver the project in the long term, and to maintain and expand, where required, existing management and delivery infrastructure to the levels required to deliver the required compensation;
- Establish measures to continue the implementation of mink control within the current geographical extent and increase intensity of trapping effort within these areas;
- If required, increase the coverage of mink control to areas not currently within the current control area that are deemed important to nesting seabirds.

We would be grateful if you would confirm this fits with SISI's understanding, and SISI's agreement to continue working with Ossian OWFL to finalise the above outstanding matters, by signing below.

[Redacted signature area]

Fraser Malcolm
Senior Consents Manager
frm@cop.dk

Name: KATHERINE LEYS

[Redacted signature area]

Date: 18/06/2024

Dr. Katherine Leys
Head of Biodiversity and Geodiversity and Senior Responsible Owner for SISI
Katherine.Leys@nature.scot

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**Appendix 2,
Annex C:
Portuguese Society for the
Study of Birds - Letter of Intent**



Fraser Malcolm,
Ossian Offshore Windfarm Ltd.
Fourth Floor,
10 Bothwell Street,
Glasgow,
G2 6NT

Date: 26/06/2024

Dear Fraser Malcolm and Ossian OWFL,

I am writing on behalf of the Sociedade Portuguesa para o Estudo das Aves (SPEA) to express our support for the 'Bycatch Reduction' compensation measure proposed by Ossian OWFL. Fraser Carter from NIRAS has developed a working relationship with SPEA and we have worked together to progress this measure. SPEA, with NIRAS on behalf of Ossian OWFL, have jointly developed the approach to bycatch reduction as set out in the Compensation Plan. We therefore fully agree with its contents and believe it provides a comprehensive and effective strategy to address impacts of bycatch in Portuguese fishing fleets.

SPEA is the leading Non-Governmental Organisation (NGO) in Portugal dedicated to the study and conservation of birds and their habitats, working closely with the Portuguese government and regulatory bodies to influence policies that protect avian species. SPEA's relationship with BirdLife International enhances SPEA's impact through access to a global network of resources, knowledge, and advocacy platforms. This affiliation allows us to align local conservation efforts with broader, international objectives, facilitating more comprehensive and effective conservation strategies.

At present, Portugal has no national plan for the management of bycatch. Although the 2018 National Strategy for Nature Conservation and Biodiversity 2030 envisaged adopting a Portuguese National Plan of Action on Bycatch by 2022, no such plan has yet come forward in draft form or for consultation. There is no deadline in law for the delivery of this Action Plan, and once it comes forward, it will require ministerial approval. However, it is expected that a National Plan of Action will be produced, and by the end of 2024. SPEA are being consulted and are providing input into its development.

SPEA have monitored the accidental bycatch of significant numbers of seabirds in Portuguese waters since 2010, with gannet accounting for the vast majority of bycaught birds. More recently, monitoring has also highlighted razorbill as a bycatch issue in certain locations. SPEA have trialled a mechanism to reduce bycatch resulting in a 72% reduction of gannet recorded around a fishing vessel.¹ This reduction of birds around the vessel strongly suggests a reduction in bycatch, as fewer birds are able to access the net as it is hauled. Further testing on more vessels and over a longer duration will add to the body of evidence that supports implementation of bycatch controls. The testing of bycatch reduction measures will be carried out over the next few years to refine the technique and quantify the effectiveness of bycatch mitigation. Additional funding by Ossian OWFL over the operational period of the wind farm will enable monitoring, deployment of the technology as well as any further refinements

¹ Almeida, A., Alonso, H., Oliveira, N., Silva, E. and Andrade, J. (2023). Using a visual deterrent to reduce seabird interactions with gillnets. *Biological Conservation*, 285, 110236



to ensure the technology continues to effectively reduce bycatch. Ossian OWFL funding is required to deliver long term and sustained testing and implementation of these measures. The resulting bycatch mitigation will be considered compensation to offset impacts from the offshore wind farm on gannet and potentially razorbill.

SPEA has developed strong, positive relationships with fishers through more than 13 years of collaboration in establishing bycatch baselines and trialling mitigation (as exemplified in Oliveira et al. 2015²). Historically, fishers have signed letters of agreement with SPEA, and SPEA has compensated fishers for any impact on fish catch, gear damage, or additional operation time. SPEA and Ossian OWFL will develop agreements with fishers to secure participation in the programme, such agreements will include requirements on reporting of bycatch and any additional onboard monitoring requirements. These agreements will be developed by Ossian OWFL in partnership with SPEA, and overseen by SPEA who already have the direct relationship with the fishers.

SPEA has agreed with Ossian OWFL to develop and implement these measures over the lifetime of the Ossian Wind Farm (approximately 35 years). Prior to the implementation of the Ossian-funded bycatch reduction, SPEA will execute data collection to further refine mitigation techniques, undertake trials, and, with initial support from Ossian and NIRAS, further evidence connectivity to UK breeding colonies. SPEA commits to taking part in future compensation Steering Groups with Ossian OWFL and relevant stakeholders in Portugal and Scotland to facilitate development and delivery of the proposed compensation measures. SPEA will ensure, where required, all consents and permits are in place for the delivery of bycatch measures, and will work with Ossian OWFL to engage all relevant stakeholders (such as the Instituto da Conservação da Natureza e das Florestas, I. P. ('ICNF') (a body that pursues environmental and climate action policies, serving as the national authority for nature conservation and biodiversity including for the implementation of the Natura 2000 network in Portugal).

Currently, 60% of SPEA's bycatch work is funded by LIFE PanPuffinus, an EU project which ends in August 2025 and is specifically related to the work in Aveiro-Nazaré SPA. SPEA will work with Ossian OWFL to identify future funding requirements to extend the bycatch work beyond 2025 for the duration of the operation of Ossian Wind Farm to deliver the required compensation. SPEA are not aware of any restrictions on Ossian OWFL financing a portion of the required funds (to cover the level of bycatch required to compensate for the impacts of Ossian Wind Farm).

SPEA is aware of the connectivity between gannet migrating via or wintering in Portugal (where no gannet breed) and SPAs in Scotland where the majority of the world's gannet breed. SPEA will work with Ossian OWFL in the short term to further evidence this connectivity and apportionment from bycaught specimens as well as initiate a protocol to ensure bycatch reduction techniques (once implemented) are monitored for the duration of the operation of the Ossian Wind Farm.

SPEA is therefore fully supportive of collaborating with Ossian OWFL on the implementation of this compensation measure for the duration of the operation of the Ossian Wind Farm.

Yours sincerely,

Rui Borralho
Executive Director
Sociedade Portuguesa para o Estudo das Aves (SPEA)

² Oliveira, N., Henriques, A., Miodonski, J., Pereira, J., Marujo, D., Almeida, A. and Ramirez, I. (2015). Seabird bycatch in Portuguese mainland coastal fisheries: An assessment through on-board observations and fishermen interviews. *Global Ecology and Conservation*, 3, 51-61

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