



Marubeni



Appendix 5: Compensation: No Likely Significant Effects (LSE) Report

Derogation Case
2024

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CONTENTS

1. Introduction	3
1.1. Project Background	3
1.2. Purpose of this Document	3
1.3. Structure of this Document	3
2. Consultation	4
3. Proposed Compensation Measures	4
3.1. Introduction	4
4. Consideration of Alternative Compensation Measures	4
5. Habitats Regulations Appraisal Process	5
5.1. The Habitats Regulations assessment Process	5
5.2. Approach to Screening (HRA Stage 1)	5
5.2.1. Introduction	5
5.2.2. Identification of Potential Effects	5
5.2.3. Identification of sites and features for screening	5
6. Assessment for LSE	6
6.1. Mink Control in Scotland	6
6.2. Seabird Bycatch Reduction	7
7. Conclusions	8
8. References	9

TABLES

Table 3.1: Compensation measures summary	4
Table 5.1: Identification of potential effects	5
Table 6.1: Screening for LSE from the Mink Control compensation measure	6
Table 6.2: Screening for LSE for the Seabird Bycatch Reduction compensation measure	7

1. INTRODUCTION

1.1. PROJECT BACKGROUND

1. Ossian Offshore Wind Farm Limited (Ossian OWFL) (hereafter referred to as the 'Applicant') is proposing to develop Ossian Offshore Wind Farm (the Project), within the E1 East Plan Option (PO) Area as part of the ScotWind Leasing Round. The Project is a joint venture between Scottish and Southern Energy Renewables Limited (SSER), Copenhagen Infrastructure Partners (CIP) and Marubeni Corporation (the Applicant).
2. The Project will include offshore and onshore infrastructure including an offshore generating station (the Array), offshore export cables to landfall and onshore transmission cables leading to an onshore convertor station connecting to the electricity transmission network.
3. This application seeks permission from Scottish Ministers to construct and operate the Array. To do this the Applicant is seeking the following consents and licences:
 - a Section 36 consent under the Electricity Act 1989 for an offshore generating station in the Scottish offshore region (12 to 200 nm) where generating capacity exceeds 50 MW; and
 - Two Marine Licences under the Marine and Coastal Access Act 2009 (MCAA) (Scottish waters beyond 12 nm) for the following:
 - generating station (wind turbines, including their floating substructures and mooring and anchoring systems and inter-array cables); and
 - transmission infrastructure (OSPs and interconnector cables within the site boundary).
4. The proposed offshore export cable corridor(s) and proposed onshore cable corridor(s) (including all infrastructure such as onshore converter station(s) at the Proposed landfall location(s)) are not included within the application. This is because the proposed landfall location(s) have yet to be agreed and will be decided following the ongoing Offshore Transmission Network Review (OTNR) and National Grid Holistic Network Design Follow Up Exercise (HNDfUE) review.
 - Key components of the Array include:
 - wind turbines, including floating foundations and mooring, and anchoring systems;
 - inter-array cables;
 - interconnector cables; and
 - OSPs.
5. Mooring and anchoring systems will be used to fix up to 265 floating wind turbines. There will be up to 15 OSPs using piled jackets or suction caisson jackets foundations installed in the Array. Subsea inter-array cables will connect the wind turbines to each other and to the OSPs, while interconnector cables will connect the OSPs to each other.
6. At this stage the overall capacity for the Array is not defined. However, the exported capacity for the Array is expected to be 3.6 GW, although this relies on the number and capacity of the wind turbines installed within the parameters of the Project Design Envelope (PDE) defined for this assessment and as set out in volume 1, chapter 3 of the EIA Report (Ossian OWFL, 2024a).
7. A Report to Inform Appropriate Assessment (RIAA) accompanies the application for the Array (Ossian OWFL, 2024a). The RIAA assesses whether the Array could have an adverse effect, either alone, or in-combination with other plans or projects, on the integrity of any European site. European sites include Special Areas of Conservation (SACs), candidate SACs (cSACs), Sites of Community Importance (SCI), Special Protection Areas (SPAs) and, as a matter of policy (Scottish Government, 2020), possible SACs (pSACs), potential SPAs (pSPAs) and Ramsar Sites (listed under the Ramsar Convention on Wetlands of International Importance).

8. For SACs with designated features including diadromous fish and marine mammals, the RIAA concluded 'No adverse effect on the integrity of the site', either from the project alone or in-combination with other developments. For SPAs, the RIAA again concluded 'no adverse effect on the integrity of the site' for project-alone impacts. However, the RIAA concludes that a potential adverse effect cannot be ruled out, when considered in-combination with other plans and projects, at seven sites and for three qualifying species. This impact is a result of disturbance and displacement and/or collision during the operation and maintenance phase of the Array. The sites and features where 'adverse effects on the integrity of the site' cannot be ruled out are:
 - Fowlsheugh SPA;
 - Buchan Ness to Collieston Coast SPA;
 - East Caithness Cliffs SPA;
 - Flamborough and Filey Coast SPA;
 - Forth Islands SPA;
 - North Caithness Cliffs SPA;
 - Troup, Pennan and Lion's Head SPA.
9. As such, the Applicant has proposed a Derogation Case, which includes measures to compensate the adverse effects. The chosen package of compensation measures, comprise of the following:
 - Implementation of invasive species controls including mink in Scotland;
 - Seabird bycatch reduction in Portugal.
10. Full details, including the evidence underpinning each measure and the plan for delivery, is provided in the Ecological Evidence Report (Derogation Case, Appendix 1) and the Compensation Plan (Derogation Case, Appendix 2).

1.2. PURPOSE OF THIS DOCUMENT

11. This document presents an assessment under the Habitats Regulations of the compensation measures being developed as part of the Derogation Case for the Array. Whilst the proposed compensation measures themselves are relatively small-scale, the measures are being brought forward as a consequence of the Array's potential effects on the national site network. Any effects arising from the compensation measures are, on a precautionary basis, considered to be indirect or secondary to the effects of the Array, and for consideration under the Environmental Impact Assessment (EIA) and Habitats Regulations Appraisal (HRA) regulations which requires consideration of indirect effects. The purpose of this document is to assess the effects of the proposed compensation measures with respect to European sites to determine if any are likely to be significant pursuant to the requirements of the HRA regulations (Consideration of the effects of the compensation measures in the context of EIA is provided separately in the Compensation EIA (Derogation Case, appendix 4)). Full details on the policy and legislative background please see Policy and Legislation (volume 1, chapter 2) (Ossian OWFL, 2024a).

1.3. STRUCTURE OF THIS DOCUMENT

12. This document is set out as follows:
 - Consultation
 - Description of the proposed compensation measures and alternatives
 - A summary of the HRA process followed by an LSE Assessment for each compensation measure.
 - Conclusions

2. CONSULTATION

13. The Applicant has undertaken pre-submission consultation with relevant stakeholders and Statutory Nature Conservation Bodies (SNCBs) as part of the preparation of the Derogation Case (including, Marine Directorate – Licencing Operations Team (MD-LOT), NatureScot, and the RSPB). Further detail on this pre-submission consultation is presented in the Consultation Log which is found in Appendix 2, Annex 1 of the Derogation Case. Engagement will be ongoing with various stakeholders for the proposed compensation measures at various stages through the process, as detailed in the CIMP.

3. PROPOSED COMPENSATION MEASURES

3.1. INTRODUCTION

14. A summary of each of the compensation measures is outlined in Table 3.1 (full details are provided in the Compensation Plan and the Ecological Evidence Report). To minimise any potential effect on sensitive receptors each measure will be implemented in line with best practice standards. These standards represent commitments made by the Applicant and are captured within the Applicant’s CIMP.

Table 3.1: Compensation measures summary

Compensation Measure	Summary	Built in best practice standards
Invasive species controls including mink in Scotland	<p>American mink <i>Neovison vison</i> have been documented as a significant threat to seabird colonies in every part of their invasive range. Large scale impacts have been documented to razorbill and kittiwake.</p> <p>This measure has two objectives:</p> <p>Facilitate the continuation plus intensification of the Scottish Invasive Species Initiative’s (SISI) Mink Control Project (MCP) at key locations across Scotland; and</p> <p>Increase the coverage of the MCP to areas not currently within the control area.</p>	<p>Consideration of the timing and location of the Mink Control programme will be made to ensure that it will avoid/reduce interaction with sensitive EIA receptor groups. For example, the number of people involved and time on site will be kept to a minimum where sensitive species are known to be present.</p> <p>Rafts will either be new, cleaned or from the same river catchment to avoid any potential for non-native invasive species introduction.</p> <p>Live capture traps will be inspected regularly (daily) to ensure that any non-target species caught are released unharmed.</p>
Seabird Bycatch Reduction	<p>This measure will decrease bycatch mortality of gannet and razorbill in Portuguese waters through the application of bycatch reduction techniques. This will be implemented in partnership with the Portuguese Society for the Study of Birds (SPEA). The measure will involve vessel/gear modifications that deter, reduce attraction, or reduce the likelihood of a bird being hooked by a fishing line. In addition, modifications to fishing practices based on bird behaviour are also being considered. For example, this could involve fishers avoiding a bycatch hotspot for a certain seabird species during the months where bycatch has been recorded to be highest.</p>	<p>Consideration of the timing and location of control and monitoring equipment installation and removal activities will ensure that work is undertaken at the optimal time/location and that it will avoid/reduce disruption to fishing operations. Design of the control and monitoring methods will follow current good practise design to minimise impact on sensitive habitats, species.</p>

4. CONSIDERATION OF ALTERNATIVE COMPENSATION MEASURES

15. An important part of the development of the Derogation Case has been the consideration of potential options, selection and the subsequent refinement of compensatory measures and their delivery. Well informed decisions on the selection and consideration of alternatives are critical and the Applicant recognises the need to ensure consultees and stakeholders understand how such decisions have been made. The process undertaken by the Applicant for selection and consideration of alternative compensation measures is detailed within the Compensation Plan.

5. HABITATS REGULATIONS APPRAISAL PROCESS

5.1. THE HABITATS REGULATIONS ASSESSMENT PROCESS

16. The Habitats Regulations require that whenever a project that is not directly connected to, or necessary for the management of a European site, is likely to have a significant effect on the conservation objectives of the site (directly, indirectly, alone and/ or in-combination with other plans or projects), then an Appropriate Assessment (AA) must be undertaken by the Competent Authority (e.g. Regulation 63 of the Conservation of Offshore Marine Habitats and Species Regulations 2017). The AA must be carried out before consent or authorisation can be given for The Array.

5.2. APPROACH TO SCREENING (HRA STAGE 1)

5.2.1. INTRODUCTION

- 17. The first stage to the HRA process is Screening, to identify LSE from the compensation measures, alone and or in-combination, on European sites.
- 18. On a precautionary basis it is assumed that when LSE is identified alone, there is also an LSE in-combination.

5.2.2. IDENTIFICATION OF POTENTIAL EFFECTS

- 19. The potential effects identified for each compensation measure are detailed in Table 5.1.
- 20. These have been identified by drawing from previous experience and knowledge from practical conservation projects and in view of the assessment presented in the Compensation Measures EIA.

Table 5.1: Identification of potential effects

Receptor Type	Potential Effect
Mink Control in Scotland	
Offshore and intertidal ornithology	Potential for disturbance from human activity due to control and monitoring measures
Onshore Ecology	Impacts to onshore plants and animals other than the targeted mink species
Seabird Bycatch Reduction	
Fish and shellfish ecology	Adverse effect on fish and shellfish populations through increased predation from birds saved due to bycatch reduction measures
Marine mammals	Adverse effect on marine mammals through a decrease in prey resource (due to expected increase in seabirds)

5.2.3. IDENTIFICATION OF SITES AND FEATURES FOR SCREENING

Designated Features included in Screening

Mink Control

- 21. The potential effects of this measure are not limited to a defined and localised area but are spread out across Scotland. Due to the widespread and adaptive nature of mink control, all Scottish designated sites protecting ornithological features or terrestrial habitats, or species protected under the Habitats Directive are screened in.

Seabird Bycatch Reduction

- 22. The potential effects of this measure are not limited to a defined and localised area, but instead are spread out across Portuguese waters and numerous vessels. Due to the widespread nature of seabird bycatch measures, all designated sites in Portuguese waters protecting either marine mammals or fish and shellfish are screened in. The LSE assessment will not extend to Sites with Annex I features (designated benthic habitats) as there is no pathway for interaction between these features and the proposed compensation measures.

6. ASSESSMENT FOR LSE

6.1. MINK CONTROL IN SCOTLAND

23. The conclusions for LSE are presented in Table 6.1.

Table 6.1: Screening for LSE from the Mink Control compensation measure

Designated Sites	Receptor Types	Relevant Effect(s)	Assessment of LSE
All Scottish designated sites protecting ornithological features or terrestrial habitats, or species protected under the Habitats Directive.	Offshore and intertidal ornithology	Potential for disturbance from human activity due to control and monitoring measures	<p>The spatial extent of disturbance is anticipated to be small, limited to the immediate area around the monitoring rafts and live capture traps. The temporal extent is also anticipated to be small, with any disturbance caused being temporary (typically in terms of hours). When factoring in the small spatial and temporal extent and the built-in best practice standards (Table 3.1), it is considered that the identified potential effect has a magnitude that is too small to be considered a likely significant effect alone and in-combination with other plans and projects to the relevant receptors.</p> <p>Therefore, the conclusion is No LSE alone and in-combination.</p>
	Onshore ecology	Impacts to onshore plants and animals other than the targeted mink species	<p>The spatial extent of disturbance is anticipated to be small, limited to the immediate area around the monitoring rafts and live capture traps. The temporal extent is also anticipated to be small, with any disturbance caused being temporary (typically in terms of hours). When factoring in the small spatial and temporal extent and the built-in best practice standards (Table 3.1), it is considered that the identified potential effect has a magnitude that is too small to be considered a likely significant effect alone and in-combination with other plans and projects to the relevant receptors.</p> <p>Therefore, the conclusion is No LSE alone and in-combination.</p>

6.2. SEABIRD BYCATCH REDUCTION

24. The conclusions for LSE are presented in Table 6.2.

Table 6.2: Screening for LSE for the Seabird Bycatch Reduction compensation measure

Designated Sites	Receptor Types	Relevant Effect(s)	Assessment of LSE
All designated sites in Portuguese waters protecting either marine mammals or fish and shellfish.	Fish and shellfish	Adverse effect on fish and shellfish populations through increased predation from birds saved due to bycatch reduction measures	<p>There is a potential for increased predation on fish and shellfish from seabirds that are saved by bycatch reduction measures.</p> <p>While the proposed measure is expected to make a large contribution to reducing bycatch, the number of seabirds saved is not expected to significantly reduce fish and shellfish stock levels because predation would only increase to levels more normally experienced under natural ecological conditions (i.e. without bycatch). It is considered that the identified potential effect has a magnitude that is too small to be considered a likely significant effect alone and in-combination with other plans and projects to the relevant receptors.</p> <p>Therefore, the conclusion is No LSE alone and in-combination.</p>
	Marine mammals	Adverse effect on marine mammals through a decrease in prey resource (due to expected increase in seabirds)	<p>There is a potential for a decrease in prey resource for marine mammals due to increased predation from seabirds saved by bycatch reduction methods.</p> <p>While the proposed measure is expected to make a large contribution to reducing bycatch, the number of seabirds saved is not expected to significantly reduce the prey resource for marine mammals because predation would only increase to levels more normally experienced under natural ecological conditions (i.e. without bycatch). It is considered that the identified potential effect has a magnitude that is too small to be considered a significant effect alone and in-combination with other plans and projects to the relevant receptors.</p> <p>Therefore, the conclusion is No LSE alone and in-combination.</p>

7. CONCLUSIONS

25. The assessment presented above has found that invasive species controls including mink in Scotland and seabird bycatch reduction in Portugal are not likely to have a significant effect on any European Site alone or in-combination with other plans and projects. Therefore, an Appropriate Assessment is not required.

8. REFERENCES

Ossian OWFL (2024a). Ossian Array Environmental Impact Assessment Report.

Ossian OWFL (2024b). Ossian Array Report to Inform Appropriate Assessment.

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