

SCOTTISH MINISTERS' CONSIDERATION OF THE CASE FOR A
DEROGATION UNDER THE CONSERVATION (NATURAL HABITATS,
&C.) REGULATIONS 1994 AND THE CONSERVATION OF OFFSHORE
MARINE HABITATS AND SPECIES REGULATIONS 2017

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

SITE DETAILS: CALEDONIA SOUTH OFFSHORE WIND FARM, MORAY FIRTH,
APPROXIMATELY 45 KILOMETRES ("KM") FROM WICK AND 35KM FROM
BANFF.

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SECTION 1: INTRODUCTION

1 Requirement for Derogation

- 1.1 The Caledonia South Offshore Wind Farm (“OWF”) will be located in the Moray Firth, approximately 45 kilometres (“km”) from Wick and 35km from Banff and will have a generating capacity of approximately 900 to 1,100 megawatts (“MW”). It will consist of up to 78 bottom-fixed Wind Turbine Generators (“WTGs”), or up to 39 floating and 39 bottom-fixed WTGs, up to two offshore substation platforms, up to 78 inter-array cables with a total length of 365km and up to two high voltage alternating current export cables with a total length of up to 150km. The export cables will make landfall at Stake Ness on the Aberdeenshire coast. The Caledonia South OWF that is the subject of the present application is referred to in this document as “the Project”.
- 1.2 Caledonia Offshore Wind Farm Limited (“the Company”) was awarded an option agreement for the NE4 plan option area to develop the Project under the Crown Estate Scotland (“CES”) Scotwind leasing round (“ScotWind”) in January 2022. The Company has opted to develop its awarded plan option area as two separate projects and has therefore submitted two separate consent applications. This derogation assessment pertains to the application for the Project, and an application has been received for another separate OWF project located in the NE4 plan option area consisting of up to 77 fixed WTGs with a generating capacity of approximately 900 to 1,100 MW (“Caledonia North OWF”).
- 1.3 The Appropriate Assessment (“AA”) for the Project concluded there will be an adverse effect on site integrity (“AEOSI”) on the following features of the following designated sites in combination with other projects:
- Gannet at Forth Islands Special Protection Area (“SPA”) and Outer Firth of Forth and St Andrews Bay Complex (“OFFSAB”) SPA;
 - Great black-backed gull at Copinsay SPA;
 - Guillemot at East Caithness Cliffs SPA and Sule Skerry and Sule Stack SPA;
 - Kittiwake at Copinsay SPA, East Caithness Cliffs SPA, Rousay SPA Troup, Pennan and Lion’s Heads SPA, West Westray SPA and OFFSAB SPA;
 - Puffin at Forth Islands SPA, Hoy SPA, North Caithness Cliffs SPA and OFFSAB SPA;
 - Razorbill at East Caithness Cliffs SPA; and
 - Seabird assemblage for Copinsay SPA (kittiwake and great black-backed gull), East Caithness Cliffs SPA (kittiwake, guillemot and razorbill), Forth Islands SPA (gannet and puffin), Hoy SPA (puffin), North Caithness Cliffs SPA (puffin), Rousay SPA (kittiwake), Sule Skerry and Sule Stack (guillemot), Troup

Pennan and Lion's Heads SPA (kittiwake), West Westray SPA (kittiwake) and OFFSAB SPA (gannet, kittiwake and puffin).

- 1.4 Furthermore, the AA was unable to conclude beyond reasonable scientific doubt that there will be no AEOSI on the following features of the following designated sites in combination with other projects:
- Guillemot at Buchan Ness to Collieston Coast SPA and OFFSAB SPA;
 - Kittiwake at Buchan Ness to Collieston Coast SPA, Forth Islands SPA, Fowlsheugh SPA, North Caithness Cliffs SPA and St Abb's Head to Fast Castle SPA; and
 - Seabird assemblage for Buchan Ness to Collieston Coast SPA (kittiwake, guillemot), Fowlsheugh SPA (kittiwake) and St Abb's Head to Fast Castle SPA (kittiwake).
- 1.5 A copy of the AA can be found in Annex D: Appropriate Assessment.
- 1.6 Given that the AA identified adverse effects at the sites listed above, the Scottish Ministers, as the competent authority, can only agree to the Project if the requirements of the derogation provisions in the Conservation (Natural Habitats, &c.) Regulations 1994 ("the 1994 Regs") and Conservation of Offshore Marine Habitats and Species Regulations 2017 ("the 2017 Regs") (together, "the Habitats Regulations") are met. These provisions are set out at Regulations 49 and 53ZA of the 1994 Regs and Regulations 29 and 36A of the 2017 Regs, and the Scottish Ministers have considered the Project against the requirements of these provisions to determine whether the Project can be consented.
- 1.7 Regulation 49 of the 1994 Regs and Regulation 29 of the 2017 Regs state that the competent authority may agree to a project if: firstly, it is satisfied that there are no alternative solutions; secondly, the project must be carried out for imperative reasons of overriding public interest ("IROPI"), notwithstanding a negative assessment of the implications for a European site. Thirdly, sections 53ZA of the 1994 Regs and 36A of the 2017 Regs further require that where a project is agreed to in accordance with regulation 49 of the 1994 Regs and regulation 29 of the 2017 Regs, notwithstanding a negative assessment of the implications for a European site, the Scottish Ministers must secure that compensatory measures are taken that benefit the UK MPA network in a manner which is reasonably proportionate to the adverse effects or predicted adverse effects on the integrity of the European sites.¹

¹ "UK MPA network" means the network of protected sites. "Protected sites" means a site within the national site network which is wholly or partly in the UK marine area, an area designated under section 116 of the Marine and Coastal Access Act 2009 or section 13 of the Marine Act (Northern Ireland) 2014 or section 67(1)(a) of the Marine (Scotland) Act 2010, a Ramsar site wholly or partly in the UK marine area or an area notified as a site of special scientific interest under section 3(1) of the

These three derogation provisions must be considered by the Scottish Ministers sequentially.

1.8 The following sections document the Scottish Ministers' considerations in respect of each of these provisions, which have been assessed in the following sequential order:

- alternative solutions to the Project have been considered;
- consideration has been given to whether there are IROPI justifying the Project proceeding; and
- whether compensatory measures can be secured that benefit the UK MPA network in a manner which is reasonably proportionate to the adverse effects or predicted adverse effects on the integrity of the European sites.

1.9 Alongside the section 36 consent and marine licence applications, which the Company submitted in November 2024, there were a number of additional supporting documents which have been used to inform this derogation assessment. These include:

- Application Document 16: Caledonia South Habitats Regulations Appraisal Derogation Case ("Derogation Case");
- Application Document 16, Appendix 16-2: Caledonia South Compensation Long List and Short List ("Compensation Long List and Short List");
- Application Document 16, Appendix 16-3: Caledonia South Compensation Plan and Site Selection ("Initial Compensation Plan"); and
- Application Document 16, Appendix 16-4: Caledonia South Outline Implementation and Monitoring Plan ("Outline IMP").

1.10 These were consulted on in December 2024 and responses were received by NatureScot (27 March 2025), RSPB (2 April 2025) and Natural England (12 February 2025). Additional information was requested from the Company on 17 July 2025 and this was received on 3 October 2025. This additional package of information included the following documents which have also been considered in this derogation assessment:

- Volume 8, Appendix 29: Addendum to the Caledonia North and South Compensation Plans ("Compensation Plan Addendum");
- Volume 8, Appendix 30: Refined Outline Implementation and Monitoring Plan (IMP) ("Refined IMP"); and

Nature Conservation (Scotland) Act 2004 or section 28(1) of the Wildlife and Countryside Act 1981, wholly or partly in the UK marine area.

- [Redacted]

- 1.11 This additional information was sent to the same consultees as the initial application on 17 October 2025. Natural England responded on 5 November 2025 and NatureScot responded on 15 December (RSPB did not provide a response).
- 1.12 Following the additional information, the Company provided further information in January 2026. NatureScot, Natural England and RSPB Scotland were again consulted and provided responses on 25 February 2026, 25 February 2026 and 26 March 2026 respectively.
- 1.13 Following completion of the AA, on 12 June 2026 the Company submitted a 'Response to the Conclusions of the AA' ("Response to the AA"), which provided further consideration of its compensatory measures, specifically in relation to razorbill and great black-backed gull. This was consulted on and NatureScot provided comments on 19 June 2026.

SECTION 2: CONSIDERATION OF ALTERNATIVE SOLUTIONS

2 Project Objectives

- 2.1 This section of the derogation assessment identifies the objectives of the Project before considering how these objectives could be met by alternative solutions with a lesser impact on the UK MPA network.
- 2.2 The Company has outlined at section 4.3, table 4-1 of its Derogation Case a series of objectives for the Project as follows:
- Develop and deliver a large-scale OWF that efficiently utilises transmission infrastructure, to generate low carbon electricity to support Scottish and UK decarbonisation targets;
 - To export electricity to the GB grid to increase energy security;
 - Maximise generation capacity on appropriate and available Scottish seabed;
 - Deliver low carbon electricity at low cost to the consumer; and
 - To support the development of a local Scottish supply chain for future developments.
- 2.3 The Company has further provided an explanation of the rationale for each objective within table 4-1, which is based on the identified need and benefits of the Project. In summary the Company considers that the Project is needed as it will contribute to both Scottish and UK decarbonisation targets, as well as support energy security, increase energy supply, maximise generation capacity on Scottish seabed, contribute to low costs to consumers and local Scottish supply chains.
- 2.4 The Scottish Ministers consider that whilst the Company's stated objectives, as underpinned by the identified need for the Project, are valid to help frame the development of the Project, they are not all essential for the consideration of the alternative solutions.
- 2.5 The Scottish Ministers have considered the Company's stated objectives in the context of Scottish and UK policy frameworks. These include the Scottish Government's legislative commitments and policy framework, which set out key national ambitions for Scotland's energy future to achieve net zero emissions by 2045 to mitigate the effects of climate change. The development of offshore wind is driven by the urgent need to limit the magnitude and impacts of climate change. The earlier that steps towards decarbonisation are introduced the greater their contribution to limiting climate change will be. The need for urgent, additional and substantial increases in offshore wind capacity is a significant and constant theme in Scottish and UK policy.

- 2.6 The Scottish Ministers have, in particular, considered Part one of the Climate Change (Scotland) Act 2009, the Scottish Government's Offshore Wind Policy Statement (2020) and the Update to the 2020 Offshore Wind Policy Statement: Scotland's Offshore Wind Ambition (2026) ("updated OWPS").
- 2.7 The Scottish Ministers have also had due regard to the UK Government's Overarching National Policy Statement for energy (EN-1), first published in January 2024 and most recently updated in January 2026, and its National Policy Statement for renewable energy infrastructure (EN-3), first published in November 2023 and also most recently updated in January 2026. These policies provide a framework for delivering the UK's international commitments on climate change. The Scottish Ministers have taken particular account of EN-1's identification of nationally significant low carbon infrastructure (which includes offshore wind) as a critical national priority ("CNP") such that when considering derogations under the Habitat Regulations the starting point for CNP infrastructure should be the overarching need for energy security and decarbonising the power sector to combat climate change (EN-1 para 4.2.21). In addition, the Scottish Ministers have considered the UK Government's British Energy Security Strategy (2022) and the contribution which Scotland can make to reducing dependency on foreign fossil fuels and providing greater energy security for the UK.
- 2.8 The Scottish Ministers consider the following to be the appropriate and primary objectives of the Project and consider that the benefits from the Project to Scotland and/or the Company could alternatively be provided by any projects with these same objectives:
- i. To contribute to the delivery of up to 40 gigawatts ("GW") of low carbon electricity from new OWFs in Scottish waters in support of the urgent decarbonisation of the Scottish electricity supply by 2040, in addition to the already operational and consented capacity as of August 2025; and
 - ii. To export electricity to the electricity grid to support Scottish urgent commitments for offshore wind generation and security of supply.

3 Identification of Alternative Solutions

- 3.1 The Company has within section 4 of its Derogation Case, identified several alternatives to the Project and assessed their feasibility. The comparison considers the 'do nothing' option, alternative locations and alternative design and has provided further commentary and an updated assessment at section 4.5.2 and 4.5.3 of its Derogation Case.
- 3.2 The Scottish Ministers do not consider alternative forms of renewable technologies or onshore wind farms to be "alternatives" to offshore wind given the policy objectives identified for the Project. It follows that identification of reasonable

alternative solutions will consist of either a 'do nothing' approach, or consideration of an alternative project location, scale or design. Any alternative identified must be capable of meeting the identified policy objectives, be legally, technically and financially feasible, and have a lower impact on the designated sites.

3.3 The Scottish Ministers have not considered expediting the construction and operation of already consented wind farm projects, noting there are external factors as to whether a consented project will be constructed and become operational and at the scale it was consented for.

3.4 The Scottish Ministers have taken into consideration the policy on alternatives contained in the UK's EN-1, which provides that the need for energy security and decarbonisation of the power sector to combat climate change requires a significant number of deliverable locations for CNP Infrastructure, across the UK, and for each location to maximise its capacity. On this basis, EN-1 notes that "other potential plans or projects deliverable in different locations to meet the need for CNP Infrastructure is unlikely to be treated as an alternative solution" and "...the existence of another way of developing the proposed project which results in a significantly lower generation capacity is unlikely to meet the objectives and therefore be treated as an alternative solution" (EN-1 para 4.2.21).

3.5 Alternatives considered are:

- a) Do nothing;
- b) OWFs outwith Scottish waters²;
- c) OWFs within Scottish waters including;
 - i) Outside existing leasing round areas;
 - ii) Within existing leasing round areas;
 - iii) Within the plan option area in which the Project is located (NE4); and
- d) Alternative scale or designs for the Project.

4 Consideration of Alternative Solutions

4.1 Do Nothing

4.1.1 The Company considers a 'do nothing' scenario at section 4.4 of its Derogation Case and provides that not proceeding with the Project does not adequately respond to the urgent need for the large scale development of offshore wind. The Company are of the view that not proceeding with the Project would hinder decarbonisation and energy security targets. Furthermore, the Company considers it inappropriate to adopt a 'do nothing' approach within a climate emergency.

² The Scottish Ministers consider references to Scottish waters to include the Scottish inshore region (the area of the sea within 12 nautical miles of Scotland's baselines) under the Marine (Scotland) Act 2010 and in the Scottish offshore region (between 12 and 200 nautical miles).

4.1.2 The Scottish Ministers consider that not proceeding with the Project would remove the risk of impacts to the qualifying features of the designated sites detailed in [sections 1.3](#) and [1.4](#) of this derogation assessment; however, it would fail to meet the Scottish Ministers' identified Project objectives, including the contribution of the Project towards the delivery of Scotland's ambition of up to 40GW of new offshore wind capacity by 2040, in addition to the already operational and consented capacity as of August 2025. In particular, a 'do nothing' approach would result in the substantial loss of the development of up to 1.1GW of offshore wind capacity that the Project entails, despite the urgent need and clear policy for additional offshore wind capacity. Further, the approach would be inconsistent with the emissions reductions requirements of the Climate Change (Scotland) Act 2009 to mitigate the effects of climate change. In addition, the Scottish Ministers consider that taking a 'do nothing' approach would hinder meeting the ambitions set out in the British Energy Security Strategy (2022) to provide greater energy security for the UK.

4.1.3 As such, the Scottish Ministers do not consider the 'do nothing' approach to be a feasible alternative solution as it would fail to meet the aims of the Project as established by its need.

4.2 Offshore Wind Farms outwith Scottish waters

4.2.1 The Scottish Ministers consider that OWF projects located either outwith Scottish waters (i.e. within UK waters or in other countries) are not an alternative to the Project since this would not meet the identified objectives which are specific to Scottish waters with a view to achieving Scotland's offshore wind ambitions, net zero targets and security of energy supply.

4.2.2 The Scottish Ministers have not considered other existing TCE rounds, such as the extension round (2017), round 4 (2021), round 5 in the Celtic Sea or the Capacity Increase Programme because the associated leasing sites are located in English and Welsh waters and therefore do not represent feasible alternative locations to deliver the Project objectives, which are specific to Scottish decarbonisation targets and security of the Scottish electricity supply.

4.3 Offshore Wind Farms within Scottish waters

4.3.1 *Alternative locations – Outside existing lease round areas*

4.3.1.1 The Scottish Ministers consider that feasible alternative locations are limited to those sites currently identified by CES for leasing or exclusivity agreements. Sites that are not subject to a current CES leasing round, are not economically or legally viable alternative solutions to the Project.

- 4.3.1.2 Any future alternative location for the Project would depend on a new CES site leasing process; however, as detailed in the updated OWPS, no further offshore wind leasing rounds are planned in the near term. The Scottish Ministers are of the view that consideration of alternative locations as part of any future CES leasing round is speculative and is not a legally feasible alternative to the Project.
- 4.3.1.3 In addition, given there are no planned CES leasing rounds in the near future, the Scottish Ministers consider that any location which has not yet commenced a CES site selection exercise process will have long lead in times for site selection, environmental impact assessment, consenting, detailed design, procurement, consent compliance, and construction. On this basis, the Scottish Ministers consider that an alternative Scottish site outside an existing leasing round area would not significantly contribute to the urgent need for large scale development of offshore wind and therefore would not meet the Scottish Ministers' identified Project objectives.
- 4.3.1.4 The Scottish Ministers have also considered the repowering of existing OWFs as an alternative. Any repowering of a site would also require a new CES process and is therefore not a legally feasible alternative to the Project. In addition, the Scottish Ministers note that typically, OWFs have a life span of 20 to 35 years before planned decommissioning. Current operational wind farms will not reach their decommissioning stage for another decade with the exception of the Robin Rigg project for which the s.36 consent is due to expire in 2032. The Robin Rigg project is however only for up to 60 WTGs, with the generating capacity for each WTG being up to 3.6MW. The Scottish Ministers are of the view that the likely timelines and the uncertainty of projects associated with repowering, means that repowering would not provide the urgent additional capacity required. The Scottish Ministers consider that a substantial number of OWFs would need to be repowered to meet government decarbonisation targets. The Scottish Ministers are of the opinion that the option of repowering existing OWFs would fail to meet Project objectives and therefore do not consider repowering within existing locations to represent a viable alternative to the Project.
- 4.3.2 *Alternative locations – Within existing lease round areas*
- 4.3.2.1 The Scottish Ministers have considered the following CES and the Crown Estate ("TCE") leasing rounds which have completed and relate to sites within Scottish waters:-
- TCE leasing round 1 (2000), round 2 (2003) and round 3 (2010);
 - TCE extension rounds (2010); and
 - The Scottish Territorial Waters leasing round (2009).

- 4.3.2.2 The Scottish Ministers note that the projects leased under these rounds are already largely or fully developed and form part of the existing baseline of operational wind farm installed capacity, and as such are discounted as alternatives to the Project.
- 4.3.2.3 Berwick Bank OWF, is a project identified under TCE round 3 which has not yet been developed but was consented by Scottish Ministers on 31 July 2025. The Scottish Ministers do not consider this as an alternative to the Project, noting objective (i) relates to a target for new offshore wind capacity. This is reflected in the updated OWPS which highlights that the ambition of 40GW is in addition to the already operational and consented capacity as of August 2025. In relation to Berwick Bank OWF and the remaining TCE 2010 round 3 sites which have not yet been taken forward, it is the Scottish Ministers' position that the consenting of other OWFs does not lessen the scale or urgency of the need for further large scale offshore wind projects in pursuance of renewable energy and net zero government targets, as reflected by the Scottish Ministers' identified Project objectives.
- 4.3.2.4 The Scottish Ministers have considered the current ScotWind and Innovation and Targeted Oil and Gas Decarbonisation ("INTOG") leasing rounds below.

Scotwind Leasing Round

- 4.3.2.5 The Scottish Ministers recognise the need for urgent decarbonisation of the electricity supply and the significant role Scottish offshore wind projects can contribute to both Scottish and UK net zero targets. The Scottish Ministers are of the view that a significant volume of operational offshore wind is required as soon as possible to meet these targets but also to mitigate the magnitude and impacts of climate change. As such, the Scottish Ministers consider that all the Scotwind sites are required to meet objective (i) and therefore individual Scotwind projects are not alternatives to each other. This is supported by the updated OWPS (see [section 6.6](#) of this derogation assessment), which details the Scottish Government's ambition of up to 40GW of new offshore wind capacity by 2040, in addition to the already operational or consented capacity (as of August 2025).
- 4.3.2.6 The updated OWPS also confirms in setting this target that no further offshore wind leasing rounds are planned in the near term, which emphasises the importance of Scotwind (and INTOG) in achieving the net zero targets. Whilst the lease for the Scotwind CampionWind site has been relinquished, the Scottish Ministers do not consider this to be an alternative to the Project, noting the potential additional capacity the site offers is included in the 40GW target. Furthermore, the Company does not have a CES lease for the CampionWind site and therefore it is not a legally feasible alternative to the Project.
- 4.3.2.7 West of Orkney OWF is a Scotwind project granted consent by Scottish Ministers on 27 June 2025. The Scottish Ministers do not consider this as an alternative to

the Project noting objective (i) relates to a target for new offshore wind capacity. This is reflected in the updated OWPS which highlights that the ambition of 40GW is in addition to the already operational and consented capacity as of August 2025 and West of Orkney OWF is identified in the updated OWPS as an existing consented project.

- 4.3.2.8 As detailed in [section 1.2](#) of this derogation assessment, the Company has an option agreement for the NE4 plan option area and has opted to develop this as two separate projects. The Scottish Ministers do not however consider the development of Caledonia North OWF as an alternative to the Project as this would approximately half the potential generation capacity of the NE4 site, which would not be in accordance with the Project objectives. It is the Scottish Ministers' position that the consenting of other OWFs does not lessen the scale or urgency of the need for further large scale offshore wind projects in pursuance of renewable energy and net zero government targets and that individual Scotwind projects are not alternatives to each other.
- 4.3.2.9 The Company also has leases for another Scotwind site, namely Arven. The Arven site includes two separate seabed lease agreements with CES, one for a 1.8GW OWF and another for 500MW (known as Arven South). The two Arven sites were being jointly developed, however recently the Company has confirmed its intention to hand back the 500MW seabed lease agreement for Arven South to CES. The Scottish Ministers do not consider either of the Arven sites to be alternatives to the Project. The Scottish Ministers consider all the Scotwind sites are required to meet objective (i) and therefore individual Scotwind projects are not alternatives to each other.
- 4.3.2.10 The Scottish Ministers do not consider any of the individual Scotwind projects as an alternative solution to the Project. It is the Scottish Ministers' position that the consenting of other OWFs does not lessen the scale or urgency of the need for further large scale offshore wind projects in pursuance of renewable energy and net zero government targets, as reflected by the Scottish Ministers' Project objectives. The Scottish Ministers consider that the Project can provide a critical and significant contribution to the required additional operational offshore wind capacity.

INTOG Leasing Round

- 4.3.2.11 The CES offered exclusivity agreements to 13 INTOG projects for the purpose of either supplying low carbon electricity to oil and gas infrastructure ("TOG") or for small scale innovation projects (100MW or less) ("IN"). Of these 13 exclusivity agreements, 12 are being taken forward.

- 4.3.2.12 Green Volt OWF and Culzean (TOG projects), and Salamander OWF (IN project) have already been licensed by Scottish Ministers. The Scottish Ministers do not consider these as alternatives to the Project noting objective (i) relates to a target for new offshore wind capacity. This is reflected in the updated OWPS which highlights that the ambition of 40GW is in addition to the already operational and consented capacity as of August 2025 and details Green Volt OWF, Culzean and Salamander OWF as existing consented projects.
- 4.3.2.13 With regard to the remaining INTOG projects, the Scottish Ministers have considered all of these projects and note that they will collectively contribute to in and around 4.754GW of additional offshore wind capacity if licensed. In respect of the TOG projects, the CES exclusivity agreements include a provision obliging developers to make 'best endeavours' to connect with oil and gas platforms. It is anticipated that a proportion of the electricity generated by TOG projects may be provided to oil and gas installations and therefore not all the capacity they generate will be exported to the electricity grid. Notwithstanding this, it is the Scottish Ministers' position that a significant volume of operational offshore wind is required as soon as possible to meet both Scottish and UK targets but also to mitigate the magnitude and impacts of climate change. The Scottish Ministers do not consider the consenting of other OWFs lessens the scale or urgency of the need for further large scale offshore wind projects in pursuance of renewable energy and net zero government targets as reflected by the Scottish Ministers' Project objectives.
- 4.3.2.14 The Scottish Ministers therefore do not consider INTOG projects, either individually or collectively, as an alternative solution to the Project.

Conclusion

- 4.3.2.15 Having considered alternative offshore wind locations within existing leasing round areas, the Scottish Ministers are satisfied that there are no alternative viable projects located within Scottish waters either in isolation or cumulatively. In reaching this view, the Scottish Ministers have also taken account of the policy contained in EN-1 that projects for CNP infrastructure deliverable in alternative locations are unlikely to be suitable alternatives.

4.3.3 *Alternative locations – Within the NE4 plan option area*

- 4.3.3.1 In its consideration of alternative locations within the NE4 plan option area, the Company outlines in section 4.5.3 of its Derogation case and in Volume 1, Chapter 6: Site Selection and Alternatives, a comparison of the alternatives considered and reasons for the final design options. The Company highlights that it has undertaken a complex and iterative process considering multiple factors as part on its site selection process in order to identify the most suitable site location, including consideration of designated sites, environmental constraints and other known

existing constraints such as existing infrastructure. The Company notes that site selection has considered key factors such as water depth, initial ground conditions and early energy yield.

4.3.3.2 Taking account of the Company's position, the Scottish Ministers are of the view that there are no alternative viable locations to the Project within the NE4 plan option area that could meet the identified Project objectives. The Scottish Ministers have also had regard to the policy contained in EN-1 that CNP infrastructure projects deliverable in alternative locations are unlikely to be suitable alternatives.

4.3.4 *Alternative scale or designs for the Project*

4.3.4.1 The Company's Derogation Case explores alternative design solutions of the Project in section 4.5.3 which include the size of developable area, number and type of WTG's, increased air gap, and smaller rotors/swept area.

4.3.4.2 In respect of the size of the development array area, the Project footprint has been selected as it is located in the relatively shallower waters part of the NE4 site. The Company consider any reduction in the array area would limit the potential generating capacity of the Project, which would impact the financial feasibility of the Project and limits the opportunity for the site to contribute to the Scottish and UK Government targets.

4.3.4.3 In respect of a reduction in the number of WTG's, the Company refined its design envelope pre-application from 150 WTGs to 140 WTGs across the Project and Caledonia North OWF combined. With the Company proposing a maximum of 78 WTGs for the Project and a maximum of 77 WTGs for Caledonia North OWF. However, the total number of WTGs across both projects is not proposed to exceed 140 WTGs. the number proposed is to ensure generation can be optimised. The Company consider that a reduction beyond this would result in a loss of generating capacity and fail to support the Project objectives. Further, that a material reduction in the number of WTGs is not considered to be financially or technically feasible.

4.3.4.4 The water depths with the Project site have allowed for the Company to consider a potential mix of floating foundations alongside bottom fixed foundations. In respect of the bottom fixed foundations, the Company considered the potential use of gravity-based structures however these were discounted following technical review, as site conditions and water depths were unsuitable and would increase several environmental impacts. Feasible foundation options for the Project in relation to bottom-fixed designs have therefore been limited to: jacket with pin piles, jacket with suction caissons, and monopiles. The Company consider that any alternative WTG designs for bottom-fixed foundations would increase some environmental

impacts without meaningfully reducing ornithological impacts, and are therefore not considered a viable alternative.

- 4.3.4.5 With regard to the option of increasing the minimum lower tip height of the WTG, the Company provides that the minimum air gap of 35m has been selected, as a balance between bird collision risk (following consultation with NatureScot and RSPB) and engineering considerations. The Company do not consider increasing the air gap further to be technically feasible and is therefore not a viable alternative solution.
- 4.3.4.6 In respect to smaller rotors/swept area, the Company consider that smaller rotors for the same number of WTGs would reduce the Project's generating capacity, preventing the Project from meaningfully contributing to Scottish and UK energy targets or meeting its own objectives. Furthermore, smaller rotors to achieve the same OWF capacity would require a greater number of WTGs which would increase the magnitude of potential effects on ornithology receptors and would potentially require an increased wind farm site area, and therefore increase the ecological impact associated with the Project.
- 4.3.4.7 Taking account of the Company's assessment of alternative scales or design parameters for the Project, the Scottish Ministers agree that they do not present a viable alternative in light of the technical and financial challenges presented by the Company. The Scottish Ministers further consider that these alternative options could have the potential to reduce the capacity for low carbon electricity generation and therefore fail to achieve the identified Project objectives. Furthermore, the Scottish Ministers have considered the policy contained in EN-1 that the existence of another way of developing the proposed project which results in a significantly lower generation capacity is unlikely to be treated as an alternative solution.

4.4 Conclusion on Alternative Solutions

- 4.4.1 The Scottish Ministers have considered the information on alternatives submitted by the Company in the context of the objectives of the Project identified at [section 2.8](#) of this derogation assessment and are of the view that there are no less damaging alternatives to the Project that would satisfy the objectives and be technically, legally and financially viable. The Scottish Ministers therefore conclude that alternative solutions are not available and IROPI must be considered.

SECTION 3: IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST

5 Imperative Reasons of Overriding Public Interest

5.1 This section of the derogation assessment determines whether there are IROPI for the Project to proceed, subject to compensatory measures being implemented.

5.2 The parameters of IROPI are explored in guidance provided by Defra³ and the European Commission⁴, which identify the following principles:

- **Imperative:** Urgency and importance – there would usually be urgency to the objective(s) and it must be considered “indispensable” or “essential” (i.e., imperative). In practical terms, this can be evidenced where the objective falls within a framework for one or more of the following:
 - i) Actions or policies aiming to protect fundamental values for citizens’ life (health, safety, environment);
 - ii) Fundamental policies for the State and the Society; or
 - iii) Activities of an economic or social nature, fulfilling specific obligations of public service.
- **Public interest:** The interest must be a public rather than a solely private interest (although a private interest can coincide with delivery of a public objective);
- **Long-term:** The interest would generally be long-term. Short-term interests are unlikely to be regarded as overriding because the conservation objectives of protected sites are long term interests; and
- **Overriding:** The public interest of development must be greater than the public interest of conservation of the relevant protected site(s).

5.3 The IROPI provision under the Habitat Regulations identifies certain grounds for IROPI that may be advanced in favour of such a project. When the designated site hosts a priority natural habitat or species, reasons must include human health, public safety or beneficial consequences of primary importance to the environment, or any other IROPI. Otherwise, if the designated site does not host a priority natural habitat or species, IROPI may include reasons of a social or economic nature. As outlined at [section 1.3](#) and [1.4](#) of this derogation assessment, the affected features

³ Defra, NE, the Welsh Government and Natural Resources Wales (2021) ‘Habitats Regulations Assessment: protecting a European site’: Habitats regulations assessments: protecting a European site - GOV.UK

⁴ European Commission (2019), Directorate-General for Environment, Managing Natura 2000 sites – The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC, Publications Office, 2019: Managing Natura 2000 sites — The provisions of Article 6 of the Habitats Directive 92/43/EEC - Publications Office of the EU. While the UK is no longer an EU Member State and not subject to the oversight of the EU Commission, the guidance is still helpful in understanding the intention behind the drafting of the Habitats Directive as captured within our domestic legislation.

of the Buchan Ness to Collieston Coast SPA, Copinsay SPA, East Caithness Cliffs SPA, Forth Islands SPA, Fowlsheugh SPA, Hoy SPA, North Caithness Cliffs SPA, Rousay SPA, St Abb's Head to Fast Castle SPA, Sule Skerry and Sule Stack SPA, Troup, Pennan and Lion's Heads SPA, West Westray SPA and OFFSAB SPA from the Project are not priority species. The Company's IROPI submission within section 5.3 of its Derogation Case pertains to consideration of health, safety and beneficial environmental consequences of the Project, in addition to its economic and social benefit as it recognises that the Project will contribute towards:

- Combatting climate change and reducing risks from this on human health and the environment;
- Increasing energy security; and
- Supporting supply chain capacity, capabilities and skills development in Scotland.

5.4 In demonstrating IROPI, the Scottish Ministers must firstly be satisfied that the Project serves a public interest, and if so, the Scottish Ministers are required to weigh that public interest against the conservation interest which will be put at risk by the Project, therefore deciding whether the public interest overrides the potential harm to the integrity of the designated sites.

6 Description of public interest

6.1 The Scottish Ministers consider that the appropriate and primary objectives of the Project ([section 2.8](#)) are relevant to assessing and weighing IROPI for the Project.

6.2 In 2019 the Scottish Government declared a climate emergency, recognising the global and unprecedented impacts from climate change and the urgent response required. The principal and essential benefit of the Project is the important and significant contribution it will provide to limiting the extent of climate change in accordance with the objectives of the Paris Agreement. The consequences of not achieving those objectives would be severely deleterious to societies across the globe (including Scotland and the rest of the UK) to human health, to social and economic interests and to the environment.

6.3 The need to address climate change is the principal precept behind the Climate Change (Scotland) Act 2009. This legislation legally binds the Scottish Government to reach net zero in Scotland by 2045. In addition, at a UK level the Climate Change Act 2008 binds the UK to achieving 100% reduction in greenhouse gas emissions by 2050 compared to 1990 levels. In this regard, the Scottish Ministers consider that the Project will make an important material contribution to delivering on these statutory duties and thereby mitigating the effects of climate change. The Scottish Ministers recognise the urgent need to decarbonise the energy sector but also that this transition is in the long term public interest.

- 6.4 In addition, the Scottish Ministers recognise the importance of energy security and stability and the imperative need to reduce dependency on foreign fossil fuels. This is reflected in the British Energy Security Strategy (2022) which highlights the importance of ensuring security of energy supply and the impacts of Russia's invasion of Ukraine on UK energy security. The Court of Justice of the EU ("CJEU") has confirmed that ensuring the security of electricity supply constitutes IROPI and has held that security of energy supply in the EU is one of the fundamental objectives of EU policy in the field of energy. The CJEU stated "the objective of ensuring the security of electricity supply in a Member State at all times constitutes an imperative reason of overriding public interest."⁵. The Scottish Ministers recognise energy security as a long term continuous matter of national public interest.
- 6.5 The Scottish Government's programme for offshore wind is set out across a number of policy documents and establishes the critical role for offshore wind in the delivery of Scottish and UK net zero targets and increasing energy security.
- 6.6 The Scottish Government's Offshore Wind Policy Statement (2020) and update, Scotland's Offshore Wind Ambition (2026)**
- 6.6.1 The original statement, published in 2020, included an ambition to achieve up to 8 to 11GW of offshore wind in Scottish waters by 2030. This is the basis for the planning assumptions for the existing Sectoral Marine Plan for Offshore Wind Energy, which set out a spatial footprint for a maximum potential capacity of up to 10GW. The statement was updated in January 2026 to reset its offshore wind policy ambition to up to 40GW of new offshore wind capacity by 2040, in addition to the already operational or consented capacity (as of August 2025). This updated ambition supports key strategic benefits including energy security, economic growth, just transition, climate action and reaffirms its commitment to supporting the delivery of the existing project pipeline, including ScotWind and INTOG projects to a 2040 timescale.
- 6.7 The Draft Updated SMP for Offshore Wind Energy ("SMP-OWE") (2025)**
- 6.7.1 The Scottish Government's updated SMP-OWE is currently in draft form following the consultation stage from 30 May 2025 to 22 August 2025. It aims to take account of the significant ambition demonstrated by the ScotWind and INTOG leasing rounds, and the resultant pipeline of potential offshore wind development in Scottish waters thereby maximising their delivery over the next decade. As such, its proposed purpose is to provide a strategic spatial framework for offshore wind

⁵ Case C-411/17 Inter-Environnement Wallonie ASBL and Bond Beter Leefmilieu Vlaanderen ASBL v Conseil des ministres, ECLI:EU:C:2019:622.

development in Scotland, incorporating both ScotWind option areas and INTOG option and exclusivity agreement areas into one integrated planning framework. The independent analysis and responses to this consultation have been published and work is ongoing to finalise the Plan, with adoption expected during Summer 2026.

6.8 The CCC's Progress in reducing emissions in Scotland - Report to Parliament (2025)

- 6.8.1 In its most recent report monitoring Scotland's progress in reducing greenhouse gas emissions the CCC recognises that the positive progress is attributable to the rapid scale-up of wind and solar electricity generation (p.9). Within its consideration of Scotland's energy supply, the CCC notes that the deployment of offshore wind in Scotland is progressing with deployment in 2024 at around 1.1GW comprising more than half of the UK's offshore wind capacity (p.77). The report further highlights the updated OWPS and its target of 40GW by 2040, in addition to the already operational or consented capacity (as of August 2025), which would require the annual average deployment rate in Scotland to more than double from capacity reached in 2023 and 2024 (p.77).

6.9 The Climate Change (Scotland) Act 2009 (Scottish Carbon Budgets) Amendment Regulations 2025

- 6.9.1 To help ensure delivery of the net zero by 2045 target, Scotland has introduced a framework of carbon budgets. Each carbon budget covers a period of five years and sets a limit on the amount of greenhouse gases that can be emitted in Scotland. Ministers must take into account the most up-to-date advice from the CCC before setting carbon budget levels. The initial advice received from the CCC, in May 2025, noted that scaling up electric technologies, underpinned by low-carbon supply, was key to meeting all of Scotland's carbon budgets. In the CCC's pathway the total capacity of variable renewables in Scotland (including offshore wind) more than triples from 15GW in 2023 to 49GW by 2035, increasing to 66GW by 2045.

6.10 The Green Industrial Strategy (2024)

- 6.10.1 This strategy recognises Scotland's leading role in the energy transition to clean and renewable power and the economic benefits of this transition to net zero. One of the strategy's key focus areas is the need to maximise Scotland's established wind economy, which includes seizing opportunities across the offshore wind supply chain, from infrastructure to manufacturing and participating in global supply chains as well as expanding our domestic supply chain capacity. The strategy emphasises Scotland's strong pipeline of offshore wind projects and the investment opportunities it presents. It considers offshore wind to be *"the single most important immediate opportunity for attracting mobile capital to Scotland at scale and raising*

Scotland's wider investment profile". In addition, the strategy highlights a focus on building on the capabilities of Scotland's "first-mover advantage" in the development of floating offshore wind ("FOW") technology and design for the purpose of generating clean electricity. The strategy particularly emphasises Scotland's potential as an early mover in FOW and the benefits which this would have in terms of expanding the capacity of the domestic supply chain and presenting opportunities across the offshore wind sector.

6.11 Scotland's Energy Strategy Position Statement (2021)

- 6.11.1 This statement provides an update to the policies contained within the 2017 Scottish Energy Strategy and further emphasises the commitment of the Scottish Government in supporting the Scottish energy sector's path to net zero in pursuance of climate change targets.

6.12 The Scottish Energy Strategy (2017)

- 6.12.1 This strategy sets out Scotland's 2050 energy vision, recognising the need to decarbonise the whole energy system and deliver "secure, affordable, clean energy" in alignment with net zero ambitions. It recognises the strategic priority of renewables and low carbon solutions as part of the transition. This strategy also introduces the concept of "no regret" or "low regret" options and actions when pursuing its strategic priorities. This concept is also adopted in the UK Government's Net Zero Strategy (2021) and defined as actions which are cost effective and are likely to provide benefit in the future.

6.13 UK Government Policy

- 6.13.1 The global climate emergency and energy demand, ensures that UK-wide energy security and energy policy, although a reserved matter, is a crucial consideration for Scottish Ministers.

6.14 UK Government's Overarching National Policy Statement for Energy (known as EN-1) and UK Government's National Policy Statement for Renewable Energy Infrastructure (known as EN-3) (last updated 2026)

- 6.14.1 As mentioned above, EN-1 sets out UK Government policy on delivering major energy infrastructure. While a UK Government policy, it is a relevant consideration for Scottish Ministers when they are exercising their functions on licensing and consenting of offshore wind projects as energy policy is generally a matter reserved to UK Ministers. EN-1 notes that the provision of nationally significant low carbon infrastructure, which includes offshore wind, is a CNP for the UK Government and further that energy security and decarbonising the power sector to combat climate

change are “...capable of amounting to IROPI for HRAs [habitats regulations assessments]...for CNP Infrastructure” (EN-1 para 4.2.21).

- 6.14.2 EN-3 sets out that applications for offshore wind above 100MW in England will be considered as nationally significant infrastructure projects (“NSIPs”) and that because energy policy is generally a matter reserved to UK Ministers, this policy may be a relevant consideration in planning decisions in Wales and Scotland (section 1.4.5). EN-1 further notes that in recognition of the level and urgency of need for NSIPs that the Secretary of State will start with a presumption in favour of granting consent to these projects (section 4.1.3).

6.1 The CCC’s Progress in reducing emissions - Report to Parliament (2024 and 2025)

- 6.1.1 In its consideration of electricity supply within its progress reports on net zero, the CCC has emphasised the need to ensure that decarbonisation ambitions are delivered through the rapid scale up of low carbon electricity supply and its supporting infrastructure. The CCC has highlighted that the first UK target consistent with achieving its net zero target is 2030. As regards the deployment of renewable energy, the 2024 CCC report recognised that installation rates of offshore wind remain off track due to low levels of deployment in 2023, which present a continued risk to achievement of UK government renewables targets. It provided that achieving at least 50GW by 2030 would require more than 5GW of offshore wind to be added on average each year. In its most recent 2025 report however the CCC noted that the roll-out of offshore wind operational capacity appears to be on track based on the strong project pipeline.

6.2 British Energy Security Strategy (2022)

- 6.2.1 This strategy aims to respond to concerns over security, affordability and sustainability of the UK’s energy supply. In particular, it recognises the importance of ensuring greater energy security for the UK, which can be achieved through an electricity supply coming from domestic renewable energy sources, as opposed to volatile international fossil fuel markets. In the context of offshore wind, this strategy commits to fully decarbonising electricity generation by 2050. Given the current pipeline of possible offshore wind development across the UK it is clear that Scottish projects will be required to make a significant contribution to this ambition.

7 The Overriding Test

- 7.1 The AA completed for the Project was unable to conclude beyond reasonable scientific doubt that there would be no adverse effect on the qualifying features of the designated sites identified in [sections 1.3](#) and [1.4](#) (above) in combination with other projects. In demonstrating IROPI, the public interest of the Project must

therefore be weighed against these qualifying interests of the designated sites, which are protected by the Habitat Regulations.

- 7.2 In its consideration of the ‘overriding test,’ the Company considers in its Derogation Case that the Project would make a significant contribution to national and international decarbonisation targets providing short and long term human and environmental benefits. The Company considers that the core IROPI reasoning for the Project of human health, public safety and benefits of primary importance of the environment all outweigh the impacts identified within the Caledonia South RIAA. Given that the Project does not impact upon priority features, the Company has overdelivered on what is required in demonstrating that the Project meets this IROPI reasoning, as opposed to the lower standard of demonstrating IROPI of a social or economic nature where non-priority features are concerned
- 7.3 In light of the Scottish and UK legislative commitments and policy frameworks outlined above and the acute urgency to maintain and quicken the pace of delivery in tackling the climate crisis, the Scottish Ministers consider that the Project will make an important contribution to serving the national public interest. That contribution reflects the clear and urgent need for reducing carbon emissions as swiftly as possible; the requirement to develop renewable energy infrastructure to deliver on the identified Project objectives; and the current lack of alternatives. As a Project with the potential to generate a capacity of up to around 1.1GW, the Scottish Ministers recognise the scale of the Project and its valuable role in meeting near-term decarbonisation targets. Further, as discussed above, the Project will contribute to the updated OWPS target of 40GW by 2040. The Scottish Ministers also recognise the importance of a reliable, secure and stable energy supply in the UK, with reduced dependencies on imported oil and gas, which can be subject to geopolitical tensions and volatile international markets, as emphasised by the British Energy Security Strategy (2022). The Scottish Ministers therefore consider the Project will further serve the national public interest through its long term contribution to energy security as a domestic renewable energy source of electricity.
- 7.4 The Scottish Ministers are therefore of the view that there is an imperative reason which justifies the need for the Project and as such overrides the AEOSI of the designated sites and the conservation objectives at risk. In reaching this conclusion, the Scottish Ministers have considered the scale of the predicted adverse impacts on designated sites. Whilst taking this into account, the Scottish Ministers are however of the view that, the Project will make a key contribution towards the UK and Scottish targets for offshore wind energy (with associated benefits for climate change and energy security) and as such there is an overriding need and urgency for the Project. The Scottish Ministers note that the public interest inherent in tackling the climate crisis is also served by the fact that mitigation of the climate crisis will in turn alleviate the nature crisis, given that many of the pressures exerted by the nature crisis emanate from the climate crisis.

7.5 On this basis, and given the established lack of alternative solutions, the Scottish Ministers consider that the Project will serve the national public interest through its valuable contribution of generating and delivering significant additional capacity of low carbon electricity. The Scottish Ministers are therefore of the view that the Project will support and contribute towards Scottish Government's decarbonisation commitments in pursuance of its legally binding target for net zero by 2045 and further avoid compromising security of electricity supply in Scotland. The Scottish Ministers are therefore of the view that there is an imperative reason justifying the need for the Project, which overrides the AEOSI and the conservation objectives at risk.

8 Conclusion of Overriding Public Interest

8.1 The Scottish Ministers consider there to be an immediate need to increase energy supply from offshore renewables both for energy security reasons and as a key contribution towards mitigating against climate change. The Scottish Ministers have considered the likely magnitude and population implications of the adverse effects arising from the Project on the designated sites, however, are satisfied that there are IROPI for the Project to proceed, subject to adequate compensatory measures being implemented. In arriving at their decision, the Scottish Ministers have considered how the Project provides a public benefit which is essential and urgent and has been assessed as outweighing the harm to the integrity of the designated sites.

SECTION 4: COMPENSATORY MEASURES

9 Aims of Compensatory Measures

9.1 This section of the derogation assessment determines whether necessary compensatory measures can be secured to benefit the UK MPA network in a manner which is reasonably proportionate to the predicted adverse effects of the Project on the integrity of European sites.

9.2 The AA completed for the Project, concluded that the Project, in-combination with other UK North Sea wind farms would have an AEOSI for the following features in respect of the following sites:

- Gannet at Forth Islands SPA and OFFSAB SPA;
- Great black-backed gull at Copinsay SPA;
- Guillemot at East Caithness Cliffs SPA and Sule Skerry and Sule Stack SPA;
- Kittiwake at Copinsay SPA, East Caithness Cliffs SPA, Rousay SPA Troup, Pennan and Lion's Heads SPA, West Westray SPA and OFFSAB SPA;
- Puffin at Forth Islands SPA, Hoy SPA, North Caithness Cliffs SPA and OFFSAB SPA;
- Razorbill at East Caithness Cliffs SPA; and
- Seabird assemblage for Copinsay SPA (kittiwake and great black-backed gull), East Caithness Cliffs SPA (kittiwake, guillemot and razorbill), Forth Islands SPA (gannet and puffin), Hoy SPA (puffin), North Caithness Cliffs SPA (puffin), Rousay SPA (kittiwake), Sule Skerry and Sule Stack (guillemot), Troup Pennan and Lion's Heads SPA (kittiwake), West Westray SPA (kittiwake) and OFFSAB SPA (gannet, kittiwake and puffin).

9.3 Furthermore, the AA was unable to conclude beyond reasonable scientific doubt that there would be no AEOSI from the Project in combination with other UK North Sea wind farms for the following features in respect of the following sites:

- Guillemot at Buchan Ness to Collieston Coast SPA and OFFSAB SPA;
- Kittiwake at Buchan Ness to Collieston Coast SPA, Forth Islands SPA, Fowlsheugh SPA, North Caithness Cliffs SPA and St Abb's Head to Fast Castle SPA; and
- Seabird assemblage for Buchan Ness to Collieston Coast SPA (kittiwake, guillemot), Fowlsheugh SPA (kittiwake) and St Abb's Head to Fast Castle SPA (kittiwake).

9.4 The pathways of effect for the above seabird species were identified as displacement and/or collision risk which could impact the conservation objective to

maintain the population of the species as a viable component of the site. Full details of the impacts which require to be compensated for are included in Table 1 below:

Table 1: Mortality summary for species and sites where AEOSI was concluded, or Scottish Ministers were unable to conclude no AEOSI.
CPS=Counterfactual of Population Size.

Species	Site	CPS (concluded on Guidance Approach)	Mortality (birds per annum - upper value)	Conclusion
Gannet	Forth Islands	0.826	5.77	AEOSI
Great black-backed gull	Copinsay	0.137	0.04	AEOSI
Guillemot	Buchan Ness to Collieston Coast	0.881	12.07	Unable to conclude no AEOSI
Guillemot	East Caithness Cliffs	0.734	142.37	AEOSI
Guillemot	Sule Skerry and Sule Stack	0.686	2.47	AEOSI
Kittiwake	Buchan Ness to Collieston Coast	0.887	2.49	Unable to conclude no AEOSI
Kittiwake	Copinsay	0.747	0.06	AEOSI
Kittiwake	East Caithness Cliffs	0.778	11.42	AEOSI
Kittiwake	Forth Islands	0.872	0.34	Unable to conclude no AEOSI
Kittiwake	Fowlsheugh	0.870	1.73	Unable to conclude no AEOSI
Kittiwake	North Caithness Cliffs	0.900	1.56	Unable to conclude no AEOSI
Kittiwake	Rousay	0.531	0.06	AEOSI
Kittiwake	St Abb's Head to Fast Castle	0.884	0.25	Unable to conclude no AEOSI
Kittiwake	Troup, Pennan and Lion's Heads	0.820	8	AEOSI
Kittiwake	West Westray	0.800	0.44	AEOSI
Puffin	Forth Islands	0.834	11.98	AEOSI
Puffin	Hoy	0.812	0.2	AEOSI
Puffin	North Caithness Cliffs	0.655	0.75	AEOSI
Razorbill	East Caithness Cliffs	0.757	12.25	AEOSI

Note seabird assemblage features are not included in the table as the impact has been assessed and concluded on the main feature. Further, the OFFSAB SPA is also excluded because the impacted populations that are the qualifying features

of this site originate from colonies functionally linked to OFFSAB SPA. As such, the impact is recorded for those populations at their functionally linked SPA(s).

10 Details of Proposed Measures

10.1 Potential Measures Considered

- 10.1.1 In the Compensation Long List and Short List the Company narrated the approach it took to producing a longlist of potential compensatory measures and outlined how these were assessed for feasibility to produce the final shortlist.
- 10.1.2 Within its shortlist, the Company also considered conservation management funding as a potential mechanism to support its compensatory measures. This would be delivered through contributions to existing or future conservation programmes rather than direct implementation of site-based measures. The Company has identified a range of potential opportunities where conservation action could be funded to benefit seabirds but, at present, this is not actively being progressed as a standalone measure. However, the Company indicates that this approach may be developed further if suitable opportunities arise.
- 10.1.3 The original shortlist, set out in the Initial Compensation Plan and Outline IMP, also included a proposed measure on non-lethal avian predator control. Following representations made by NatureScot (dated 27 March 2025) and RSPB (dated 28 March 2025) the Company decided to not progress avian predator management, on the basis that those organisations do not support it as a potential compensatory measure. Concern was expressed that this measure could negatively impact other seabird species, many of which are also SPA qualifying species and/or Birds of Conservation Concern (UK Red List) and have policy frameworks supporting their own conservation.
- 10.1.4 Furthermore, in its Response to the AA, the Company reviewed its compensatory measures and concluded that some of these would also benefit razorbill and great black-backed gull. The Company identified which of the proposed measures would be applicable to these species and considered them sufficient to cover the impacts predicted (Table 1).
- 10.1.5 The Company has presented four main compensatory measures for seabird impacts predicted in the AA. These are:-
- Reduction of disturbance at breeding colonies to compensate for puffin, kittiwake, guillemot, gannet, great black-backed gull and razorbill;
 - Mammalian predator management and eradication to compensate for to puffin, kittiwake, guillemot, gannet and razorbill;
 - Bycatch reduction to compensate for guillemot and gannet; and

- Restoration or maintenance of breeding sites to compensate for puffin.

11 Measure 1: Reduction of disturbance at breeding colonies

11.1 Details of Proposed Measure

- 11.1.1 The first compensatory measure proposed by the Company is to reduce anthropogenic disturbance at breeding colonies. This would apply to kittiwake, gannet, guillemot, great black-backed gull, razorbill and puffin. The Company notes that the close proximity of people, pets and vehicles to seabird nesting sites can result in disturbance with a range of negative consequences. This can include temporary flushing or permanent abandonment of nesting sites, reduced time available for resource gathering and increased opportunities for nests to be targeted by predators.
- 11.1.2 The Company has noted that there are a range of actions which could be taken to reduce disturbance, including the introduction of wardens, signage, path diversions and path maintenance. The Company states that these would be relatively straightforward and quick to implement, once an appropriate site has been agreed.
- 11.1.3 Since consent was applied for the Company has identified potential opportunities for this compensatory measure to be deployed at the Isle of May and East Caithness Cliffs (see sections 11.1.5 to 11.1.9 for more details). It has carried out visits to both sites to assess the feasibility of implementing this measure in each location. However, the Company notes it has not yet been able to secure a meeting with the relevant site managers due to a lack of response and/or limited availability but it remains keen to continue to seek opportunities for discussion.
- 11.1.4 The Company states it has also reached out to numerous other potential sites for deployment of this measure but has so far received limited response. It remains open to progressing this measure at other locations, where contact with site managers can be successfully made and opportunities are identified. Final details regarding site selection for this measure will be confirmed within a Detailed Seabird Compensation Plan.

Isle of May

- 11.1.5 One of the potential locations the Company has identified for disturbance reduction measures is the Isle of May in the Firth of Forth. The Company undertook a visit to the site in June 2025 and noted several instances of visitors getting close to puffins and their burrows, particularly where individuals or groups remained stationary for extended periods. The Company observed bird behaviour which was suggestive of visitor-related disturbance, including birds in flight altering flight paths to avoid humans and nesting birds displaying behaviours potentially associated with stress.

In its Response to the AA, the Company outlined that the disturbance measure on the Isle of May could also be applicable to the great black-backed gull population breeding on the island, including discussion on funding additional ranger positions.

- 11.1.6 To help inform future management the Company has proposed conducting a site-wide tracking study, using electronic tags carried by visitors. The aim of this study would be to:-
- map preferred visitor routes around the island;
 - identify high footfall areas; and
 - gather data to guide site planning and disturbance mitigation.
- 11.1.7 Depending on the outcomes of the study, potential measures could include:-
- re-aligning pathways away from high-sensitivity nest sites;
 - installing non-intrusive viewing aids, such as periscopes or CCTV, allowing close observation without physical proximity; and
 - constructing bird-hides at strategic locations to shield visitors and reduce direct disturbance.

East Caithness Cliffs

- 11.1.8 Another potential location the Company has identified is East Caithness Cliffs. A habitat survey of the landward side of the area was conducted in June 2025, with the aim of identifying potential sites for seabird compensatory measures. The survey found limited opportunities for implementing measures across most of the SPA but did locate potential locations for interventions such as disturbance reduction, rabbit and vegetation management, and drainage improvements.
- 11.1.9 The Company notes that although the John O’Groats trail, which runs adjacent to the cliffs, generally has low levels of foot traffic there are a number of areas along it which attract high localised visitor numbers. One such area is the Whaligoe Steps, which feature steps carved into the cliff leading to an historic fishing harbour. The Company suggests this may be an appropriate area for disturbance management due to the high numbers of tourists who visit. In its Response to the AA the Company identified this measure as having the potential to provide compensation for great black-backed gull, however noted further data analysis would be necessary to establish if the shortlisted areas for management would benefit the gull population breeding there.
- 11.2 Evidence for the Issue
- 11.2.1 In section 6.3.5 of the Company’s Compensation Plan Addendum, the Company presents a range of references intended to support the assertion that reductions in human disturbance at seabird colonies will result in increased breeding success

and productivity. The evidence cited includes several empirical studies (e.g. Beale and Monaghan, 2004; 2005; Cairns, 1980; Watson et al, 2014) which demonstrate that human disturbance can negatively affect seabird behaviour, including flushing of birds from nest/colony, increased vigilance, reduced provisioning, and elevated stress, with potential consequences for reproductive success. However, the Scottish Ministers note that these studies are largely site and species specific, and while they establish a general relationship between disturbance and reduced productivity, they do not quantify the magnitude of productivity gains that may be achieved through disturbance reduction. Furthermore, much of the supporting literature is either dated or derived from ecological contexts that are not directly comparable to the cliff-nesting seabird species requiring compensation. Several references are drawn from broader taxa, non-colonial species, terrestrial environments, or non-UK contexts (e.g. Fuller et al, 2025; Pearce-Higgins et al, 2007; Burger, 1981; Short, 2020; Banks and Bryant, 2007; Soldatini et al, 2015; Ramli and Norazlimi, 2017), and therefore provide only limited support for the effectiveness of disturbance management measures in the relevant ecological setting.

- 11.2.2 The evidence also indicates that disturbance effects are highly variable across species, sites, and types of human activity, with outcomes influenced by factors such as visitor pressure, visitor behaviour, and spatial distribution. In some cases, species exhibit habituation to human presence (e.g. kittiwake at the Isle of May SPA; Harris & Wanless, 1995) suggesting that disturbance does not consistently translate to reduced productivity. In addition, limited species-specific evidence is presented for certain target species (e.g. razorbill), with assumptions made based on analogous species.
- 11.2.3 While the Company cites evidence that disturbance management measures (e.g. access management, signage, wardening) can be beneficial, the Scottish Ministers note that the supporting evidence base is limited. Batey (2013) identifies a lack of consistent monitoring and a relatively small number of studies demonstrating clear links between implemented measures and improved productivity. Although some studies report positive trends at managed sites, these outcomes are variable and not strongly linked to quantified reductions in disturbance or demonstrable increases in productivity.
- 11.2.4 Overall, while there is evidence that human disturbance can negatively affect seabird breeding behaviour and performance, the Company does not provide robust, site-specific evidence demonstrating that disturbance is currently a limiting factor at the colonies in question, nor that the proposed measures would deliver measurable and sufficient improvements in productivity to offset predicted impacts. Further evidence must therefore be provided as part of the Detailed Seabird Compensation Plan.

11.3 Assessment of Sufficiency of the Measure

11.3.1 Ecological Effectiveness

- 11.3.1.1 The Company has presented evidence indicating that human disturbance and other recreational activities can disturb breeding seabirds and affect their nest site use, which adversely affects productivity and chick survival. The measures proposed by the Company, largely including education, outreach and infrastructural improvements, are aligned with measures shown in the literature to reduce disturbance in a range of terrestrial and marine contexts. Such measures can influence human behaviour and reduce disturbance events, and the Scottish Ministers recognise that behaviour-based mitigation has the potential to deliver relatively rapid reductions in disturbance where compliance is achieved. However, the Scottish Ministers advise that the ecological effectiveness of these measures is highly contingent upon site-specific factors, including existing disturbance levels, species sensitivity, activity intensity, and the degree of uptake by site visitors.
- 11.3.1.2 The Scottish Ministers note that much of the evidence cited by the Company demonstrates changes in human behaviour rather than direct, quantifiable improvements in seabird breeding success or population-level outcomes. While reduced disturbance may reasonably be expected to benefit breeding seabirds, there remains uncertainty regarding the extent to which the proposed measures would deliver measurable increases in productivity or survival at the sites that the Company has identified as those where the measure will be implemented (Isle of May SPA and East Caithness Cliffs SPA). In particular, there is limited baseline information on current disturbance frequency at the Isle of May and East Caithness Cliffs, or on the contribution of recreational disturbance to overall breeding performance at the colonies present here. The Scottish Ministers also agree with NatureScot that it is unrealistic to use historical population peaks as a proxy for population recovery due to the multitude of pressures that seabirds face.
- 11.3.1.3 The Company proposes monitoring to assess changes in disturbance behaviour, seabird responses and breeding performance following implementation of the measures. The Scottish Ministers advise that such monitoring is essential to understanding ecological effectiveness and note that, should disturbance be a limiting factor at the Isle of May and East Caithness Cliffs, seabird behavioural responses to reduced disturbance are likely to be relatively rapid. However, any population-level responses would be expected to occur over a longer timeframe and may be difficult to attribute solely to the proposed measures due to confounding environmental pressures. The Scottish Ministers agree with NatureScot that once details have been finalised, the methodology which will be used to monitor visitor behaviour and footfall should be provided.

11.3.2 Compensation Figures Proposed by the Measure

- 11.3.2.1 The Company has used indicative comparisons of current populations to historical counts to provide worked examples evidencing how potential increases in nesting space availability can deliver compensation from the implementation of disturbance reduction measures. This is based on the Company's assumption that a proportion of the unused nesting habitat is not used due to disturbance effects. The Company acknowledges that the amount of available additional nesting space will be site-specific and dependent on the locations and nature of disturbance. This means that the predicted benefits will need to be refined through site visits as part of site-selection. When delivery sites have been secured, finalised predicted benefits and scale will be provided within the Detailed Seabird Compensation Plan.
- 11.3.2.2 To calculate the potential benefits from an increase in productivity, the Company demonstrates calculations to compare the current estimated number of fledglings to the potential number of fledglings under an increase in productivity after increasing nest site availability. The current number of annual estimated fledglings at each of the example colonies (pre-implementation) was calculated by multiplying the colony size by the productivity rate. Where possible, site-specific colony rates were used as a pre-implementation (i.e. baseline) level of productivity, and where not available the national average was used instead (Horswill and Robinson, 2015). To calculate the increase in fledglings from the implementation of the measure, colony size was multiplied by the estimated, "new" productivity rate (the increased rate following implementation of the measure). Subtracting the baseline outputs calculated from the initial colony size multiplied by productivity rate from the predicted outputs using the increased productivity rate determines the number of additional fledglings generated.
- 11.3.2.3 For kittiwake on the Isle of May, the Company states the number of apparently occupied nests in 2024 was 5,443, which had a productivity of 0.95 (Newell et al, 2025). By increasing the productivity to 1.00, the Company states this would deliver an additional 273 annual fledglings. The Company further states that an increase to 1.05 is not unrealistic as previous productivity over the past few years has been as high as 1.38 (Newell et al, 2025). Similarly, puffin productivity on the Isle of May is stated as being 0.77 (Newell, et al, 2025) with 52,104 (BTO, 2025) apparently occupied burrows. The Company states an increase of 0.05 in productivity would deliver an additional 2,605 annual fledglings. For great black-backed gull on the Isle of May, the Company indicated a breeding population of 111 apparently unoccupied nests (NatureScot 2026) and suggested survey methods that would allow areas of nesting birds to be identified for targeting, however no indication of benefit is presented in the Response to the AA.
- 11.3.2.4 Similar calculations were undertaken for guillemot and gannet using population data from West Westray SPA and Hermaness, Saxa Vord and Valla Field SPA, respectively. The suggested number of additional annual fledglings from a 0.1

(guillemot) and 0.16 (gannet) productivity increase would be 3,169 and 1,737, respectively. Razorbill are considered by the Company to be ecologically comparable to guillemot in terms of nesting and behaviour and susceptibility to disturbance, though no numbers are presented for the population level or indicative benefit of this measure to this species

- 11.3.2.5 The Scottish Ministers agree with NatureScot in its advice dated 15 December 2025 that the Company's estimated number of additional annual fledglings is likely to be an overestimate as there are multiple pressures acting on seabird populations, and conclude that a reduction in disturbance is unlikely to increase productivity to the degree as stated by the Company. The Scottish Ministers also do not agree with the calculations used for guillemot and gannet as the population data used for these calculations are from West Westray SPA and Hermaness, Saxa Vord and Valla Field SPA, and therefore do not match with the sites proposed for this measure (e.g. Isle of May SPA and East Caithness Cliffs SPA). Information on the relevance of this measure to the populations of razorbill and great black-backed gull at these sites should be elaborated on in the Detailed Seabird Compensation Plan. Subsequently, calculations should be updated once sites are confirmed. The Company should present in the Detailed Seabird Compensation Plan evidence-based, species and site-specific population calculations (not relying on unrealistic historical highs) and consider how disturbance effects are unequally distributed across the colony.

11.3.3 Spatial and Temporal Scale

- 11.3.3.1 The Company has undertaken preliminary site visits to the Isle of May SPA and East Caithness Cliffs SPA, which have been identified as potential sites for this measure to be implemented at. The Company is looking to continue to progress site investigations and discussions with the relevant site managers and other key stakeholders. The Company also plans on carrying out feasibility site visits and baseline monitoring during the first breeding season post consent, with implementation locations (and measure design) finalised shortly after (in-collaboration with site managers). In agreement with NatureScot, the Scottish Ministers advise that the Company must provide details to the locations of reference and implementation sites, once decided upon.
- 11.3.3.2 The Scottish Ministers consider that the spatial sufficiency of the proposed measure cannot be concluded on until further site-specific information is provided by the Company. In addition, the Scottish Ministers consider that not enough baseline evidence is provided linking seabird productivity declines at these sites to human disturbance. When sites and locations are finalised, the Scottish Ministers will require further evidence as part of the Detailed Seabird Compensation Plan.

- 11.3.3.3 The Company states the potential measures (e.g. closures, diversions, signage, outreach and education) put in place to reduce disturbance at colonies are straightforward to implement from both a technical and legal perspective. These can therefore be readily implemented as soon as site selection and any partnership agreements/contracts have been secured, allowing the measure to start delivering benefits immediately upon its implementation. The Scottish Ministers acknowledge that this measure intends to target an increase in seabird productivity, and therefore there is an inevitable ecological time delay between implementing the measure and additional fledged birds reaching breeding age.
- 11.3.3.4 The Company notes that these disturbance measures, once implemented and if maintained, could deliver ongoing benefits after the decommissioning of the Project, therefore providing a positive impact beyond the 35-year consent period, and providing further confidence that sufficient compensation can be delivered for the potential impacts incurred during the operational lifetime.
- 11.3.3.5 The Scottish Ministers note that this measure will not confer benefit to the target species in terms of increasing productivity and/or breeding population size until the amount of time has passed that is at least as long as the age to breeding, which is different for different species (typically between four and six years). The Scottish Ministers also note that although this measure could feasibly deliver benefits that exceeds the Project's lifetime, this would need continued management to maintain paths, signage, fencing etc.
- 11.3.4 **Additionality**
- 11.3.4.1 The Company has not provided specific information on additionality, and no details are given on whether similar disturbance reduction measures are currently being implemented at the proposed sites. NatureScot has also not provided comments on additionality for this measure. The Scottish Ministers are not aware of any existing activities that would duplicate the proposed actions and there is no evidence to suggest that equivalent measures are already in place at the Isle of May, East Caithness Cliffs, or other potential implementation sites. On this basis, the Scottish Ministers conclude that the measure is likely to be additional.
- 11.3.4.2 The Scottish Minister do note that a similar measure (cliff drainage management) has been proposed by Green Volt OWF at East Caithness Cliffs. As such, the Scottish Ministers advise that any measures implemented by the Company at East Caithness Cliffs must be demonstrably additional to those proposed by Green Volt OWF, to ensure that the measure contributes additional compensation.
- 11.3.5 **Monitoring and Adaptive Management**

- 11.3.5.1 The Company suggests a number of adaptive management and corrective measures which cover reviewing and amending path networks, repairs/replacements to signage and changes to educational campaigns.
 - 11.3.5.2 In agreement with NatureScot, the Scottish Ministers advise that the information presented makes sense and appears to be a comprehensive approach, provided that any additional construction work is undertaken with the same care as the original work. Further considerations on funding and ensuring enough personnel for wardening and/or educational campaigns should also be further developed.
 - 11.3.5.3 The Scottish Ministers advise that the adaptive management and monitoring approaches would be sufficient to secure compensation but that further detail and consideration of the implementation of these measures are required once sites and methods have been selected.
- 11.4 Assessment of the Feasibility of the Measure
- 11.4.1 Technical Feasibility
 - 11.4.1.1 The Company has identified the Isle of May and East Caithness Cliffs as potential locations for delivering disturbance-reduction measures. This was informed by desk-based screening and site visits in 2025. Both locations support important breeding populations of the target species and are subject to visitor pressure, including proximity of recreational activity to nesting habitats.
 - 11.4.1.2 The Scottish Ministers consider that these sites are suitable in principle for the deployment of disturbance-reduction measures such as visitor management, education, signage and path or access controls. However, site access, land ownership and management responsibilities have not yet been confirmed, and the Company has not yet secured formal engagement with site managers. The Scottish Ministers consider that this does not represent a technical barrier but will need to be resolved prior to implementation. Final confirmation of delivery sites and landowner agreements should be secured. The Company remains open to delivering the measure at alternative sites should engagement at the Isle of May or East Caithness Cliffs not be secured, which provides flexibility and reduces delivery risk.
 - 11.4.1.3 The Company proposes to continue progressing site investigations and stakeholder engagement during 2025, followed by feasibility visits, measure design finalisation and baseline monitoring prior to implementation. Whilst early implementation is proposed, ecological benefits from disturbance reduction are unlikely to be immediate and may lag behind implementation due to seabird life-history characteristics. This lag does not affect the technical feasibility of delivering the

measure. The Company has committed to adaptive management and the ability to scale the measure to additional sites if required.

- 11.4.1.4 The Company proposes baseline surveys, monitoring of visitor behaviour and disturbance indicators, and follow-up monitoring of nesting space use and productivity. The Scottish Ministers note that while attributing population-level outcomes to disturbance reduction will be challenging, this is a recognised limitation of such measures and does not constitute a technical barrier to implementation. The Company's proposal to refine predicted benefits following site selection and baseline data collection is considered appropriate from a technical standpoint, provided monitoring methods and roles are clearly defined.
- 11.4.1.5 NatureScot, in its advice of 15 December 2025, considered the Company's overarching monitoring approach and proposed corrective measures to be logical. However, NatureScot highlighted that the effectiveness and practicality of specific interventions will be highly site-dependent, noting that some measures (e.g. visitor tracking, CCTV or hides) may be feasible at managed sites such as the Isle of May but unsuitable at most cliff locations. NatureScot therefore advised that detailed, site-specific design is essential to confirm feasibility at each delivery location.
- 11.4.1.6 The Scottish Ministers advise the measure is technically feasible in principle, capable of being delivered at the proposed locations (subject to securing site access and landowner agreement), scalable, and capable of being monitored. However, further detail is required on final site selection, stakeholder agreements, implementation timelines and monitoring arrangements.
- 11.4.2 Financial Feasibility
 - 11.4.2.1 The Company has committed to funding the disturbance reduction measure, including site investigations, baseline monitoring, measure design, implementation and subsequent monitoring; however, the Company has not yet provided detailed cost estimates, secured funding mechanisms, or information on how funding would be structured and maintained. The Scottish Ministers are content that, although limited information is supplied on the financial costs of this measure, there are no clear financial barriers or areas of uncertainty evident in the proposal. All costs for compensatory measures will be borne by the Company and should the Company later decide this compensatory measure is not financially feasible, the Company will be required to submit details of an alternative compensatory measure within its Detailed Seabird Compensation Plan in agreement with the Scottish Ministers. The Scottish Ministers are content that this is a financially feasible option.
- 11.4.3 Legal Feasibility

- 11.4.3.1 No landowner or site-manager agreements are in place and statutory consents have not yet been addressed. NatureScot, in its advice of 15 December 2025, stated that without site-specific information, it cannot be ruled out whether Site of Special Scientific Interest (“SSSI”) consent is likely to be required or granted. SSSI consent from NatureScot under the Nature Conservation (Scotland) Act 2004 operation requiring consent (“ORC”) legislative process may need to be considered further in the Detailed Seabird Compensation Plan.
- 11.4.3.2 The Scottish Ministers are content that any onshore permitting requirements relating to the measure will be considered during the Detailed Seabird Compensation Plan stage. If SSSI consent is required and it is not possible to obtain this, the Company will be required to submit details of an alternative compensatory measure within its Detailed Seabird Compensation Plan in agreement with the Scottish Ministers as per conditions applied to the section 36 consent and marine licences. The Scottish Ministers are satisfied that the measure is legally feasible.
- 11.5 The Scottish Ministers Conclusion on the Proposed Measure
- 11.5.1 The Scottish Ministers consider that the Company has presented evidence demonstrating that human disturbance can negatively affect seabird breeding behaviour and performance, and that measures such as access management, signage, education and outreach have the potential to reduce disturbance where it is a contributory pressure. The Scottish Ministers recognise that such measures are supported in principle by the literature and, if effectively targeted and maintained, may deliver behavioural benefits at colonies subject to recreational pressure.
- 11.5.2 However, the Scottish Ministers note that the evidence provided is largely general and inferential, and so does not demonstrate that human disturbance is currently a key limiting factor for seabird productivity or population size at the proposed implementation sites (Isle of May and East Caithness Cliffs). In addition, the Company has not yet provided robust baseline data, confirmed site selection, or quantitative evidence to demonstrate that the proposed measures would deliver sufficient and measurable improvements in productivity to offset the impacts identified in the AA. The Scottish Ministers also note the inherent time lag between disturbance reduction and any population-level response, which introduces further uncertainty regarding the timing of compensatory benefit.
- 11.5.3 The Scottish Ministers consider that the measure is technically feasible in principle and capable of being delivered, subject to securing site access, landowner agreements, and finalised delivery and monitoring arrangements. While the Company has not provided detailed evidence on additionality, the Scottish Ministers are not aware of comparable disturbance-reduction measures currently being implemented at the proposed sites; however, any measures taken forward must be

demonstrably additional to existing or proposed actions, including those associated with other offshore wind developments in the area.

- 11.5.4 In conclusion, while the Scottish Ministers consider that reducing disturbance at seabird colonies can, in principle, benefit seabird populations, further site-specific evidence, confirmed locations, baseline data and refined monitoring and delivery proposals are required to demonstrate that the measure would be sufficient to deliver the required level of compensation.

12 Measure 2: Mammalian predator management and eradication

12.1 Details of Proposed Measure

- 12.1.1 The second compensatory measure the Company proposes is management and eradication of mammalian predators. In the Compensation Long List and Short List the Company highlights that predation by invasive non-native mammals, such as rats and feral cats, is seen as a key threat to breeding seabird colonies. It noted that there are a range of lethal and non-lethal predator control measures which could be deployed at breeding colonies to reduce nest predation with the aim of increasing breeding success.
- 12.1.2 The Company has not specified which measures it would look to utilise but suggests that lethal measures could involve the use of rodenticide or other poison bait, placed within bait boxes and non-lethal measures, such as exclusion fencing, could be used at appropriate sites against certain predators. The Company notes that predator eradication tend to be most effective on islands, whereas predator exclusion is more suitable at mainland colonies.
- 12.1.3 The Company has also not provided an indication of specific locations it would look to introduce these measures in. However, it narrates, in the Compensation Plan Addendum, that it has partnered with the Natural Trust for Scotland (“NTS”) and Muir Mhòr OWF Limited to develop a programme of predator control and biosecurity on NTS islands. The Company notes that NTS owns and manages seven of the 25 islands which are deemed a priority for predator control and is looking to expand its biosecurity and predator control efforts across multiple seabird islands.
- 12.1.4 The Company suggests that the collaborative programme with Muir Mhòr OWF Limited could provide the resources for NTS to realise this aim, as well as offering an opportunity to provide a pilot programme which could be scaled up to deliver strategic compensatory measures involving a larger group of developers, sites and target species. By delivering this measure through a collaborative programme, rather than acting alone, the Company believes that benefits can be maximised and scalability ensured. The Company states that it and Muir Mhòr OWF Limited are looking to commit to the programme for at least 35 years.

- 12.1.5 The sites for implementation of this measure are currently under consideration by NTS, and will be decided upon with both the Company and Muir Mhòr OWF Limited. It is intended that a Joint Implementation Plan, which is currently being drafted, will set out information on the scale of the measure and priority islands for implementation. The Scottish Ministers advise that this is included within the Detailed Seabird Compensation Plan.
- 12.1.6 The Company also states that it is in discussions with Muir Mhòr OWF Limited to provide funding for a full-time coordinator for the predator control programme. The role would provide focused capacity to ensure the planning and implementation of the measure is carried out as efficiently and swiftly as possible.
- 12.2 Evidence for the Issue
- 12.2.1 In section 6.4.4 of the Compensation Plan Addendum the Company cites studies demonstrating that mammalian predation can be a leading cause of breeding failure in several seabird species targeted for compensation, as well as potentially affecting non-target species. However, the Scottish Ministers note that the Company does not specify which mammalian predator(s) it will target in this measure but provides most evidence to rats being the most significant threat to seabirds, with limited discussion on other invasive mammals such as feral cats, and mink (Ratcliffe et al., 2010; Doherty et al., 2016).
- 12.2.2 While much of the evidence is drawn from a global context (Towns and Broome, 2003; Rayner et al., 2007), the Company includes a UK-relevant example from Lundy Island. The removal of brown and black rats (2002-2004) on Lundy led to guillemot and razorbill numbers increasing by 321% and 272%, respectively, while puffin numbers increased from 13 individuals in 2000 to an estimated 1,335 by 2024 (Ørsted, 2021). These increases were attributed to the recolonisation of previously unoccupied nesting habitats that had been vulnerable to predation. The study further suggests that neighbouring colonies may also have benefited (guillemot and razorbill at Skomer and Castlemartin Coast), indicating the potential for regional-scale gains from predator eradication.
- 12.2.3 The Company also highlights ongoing work by Biosecurity for Scotland (2025), which is supporting island managers and communities to implement biosecurity and predator control measures across 38 island SPAs in Scotland. Successful eradications at sites such as the Shiant Isles and Canna and Sanday are reported to have facilitated the recovery of species including Manx shearwater and European storm petrel. However, as noted by Furness et al (2024), the long-term success of such measures is highly dependent on sustained biosecurity, with brown rats having recolonised Handa Island following earlier eradication efforts. In addition, Stanbury et al (2017) identified a number of priority islands for invasive mammalian predator

eradication, including 22 sites in Scotland, further emphasising both the potential and the needs for carefully targeted, site-specific interventions.

- 12.2.4 Despite the examples presented by the Company on the impacts of mammalian predation on seabird populations worldwide and in the UK, the Scottish Ministers note that there is no direct evidence presented to support the assumption that mammalian predators are inhibiting population growth of, or causing population declines in, target species at candidate sites across Scotland, reducing confidence in the effectiveness of this measure. This represents a critical evidential gap, as the effectiveness of the proposed compensation is contingent on demonstrating that predator control will address a clearly defined and locally relevant limiting factor.

12.3 Additional evidence not considered

- 12.3.1 There is anecdotal evidence suggesting that 88% of rat eradication programmes have been successful, this is covering 820 attempts on 666 islands worldwide (Pennisi, 2024). In the UK, there have been multiple rat eradication projects that were not presented by the Company, some of which are outlined below.

Ailsa Craig – west Scotland (eradication 1991)

- **Puffin:** Extirpated mid-20th century due to rats according to a PhD thesis (Zonfrillo, 1997), recolonised post-eradication.

Canna (Inner Hebrides) – northwest Scotland (eradication 2005)

- **Guillemot:** Declined from 1,249 nests (2001) to 291 (2010), before increasing to 602 nests by 2019 (Swann et al. 2016). Therefore, some correlative evidence that the eradication may have improved guillemot population trend.
- **Kittiwake:** Population fluctuated but generally increasing. Initial decline around eradication but then a steady increase, reaching record numbers in 2019 (Goodwin, 2020). Indicating, some correlative evidence that the eradication may have improved kittiwake population trend.
- **Puffin:** Increased after eradication, particularly at Geugasgor. Record numbers recorded by National Trust for Scotland. Therefore, some correlative evidence that the eradication may have improved puffin population trend.

Handa – northwest Scotland (eradication 1997)

Rats were rediscovered 10 years post-eradication due to either a failed eradication or a reinvasion, this further complicates the interpretation of the results.

- **Guillemot:** Numbers declined after eradication and only began increasing slightly after 2007. Productivity declined sharply between 2006–2008 before recovering. Therefore, little evidence of influence of eradication in guillemot population or productivity trends (productivity data was available on Handa).
- **Kittiwake:** Declined after eradication, only increasing from 2009 onwards. Productivity dropped between 2006–2008 before recovering. Therefore, little

evidence of influence of eradication in kittiwake population or productivity trends.

- **Puffin:** Started to breed on the main island and populations initially increased, then declined until a sudden increase in 2020. Therefore, little evidence of influence of eradication in puffin population trend.
- **Other species:** The eradication was followed by an expansion in Arctic tern (*Sterna hirundo*) and common tern (*Sterna paradisaea*) populations. Prior to the eradication, only eight common tern and five Arctic tern pairs were nesting, with a maximum of eight tern chicks fledged (in 1990). In addition, in 2008 (when there were no rats), Arctic terns successfully fledged 37 chicks.

Puffin Island/Ynys Seiriol – north Wales (eradication 1998)

- **Guillemot:** Increasing before eradication and continued to do so post eradication. Greater increase compared to Great Orme (mainland site with potential rats), while Little Orme showed no increasing trend. Suggests that the greater guillemot population increase on Puffin Island may be related to the eradication.
- **Kittiwake:** Increasing pre-eradication but declined post-eradication. Decline also observed at Great Orme and Little Orme, suggesting wider population trends. Therefore, little evidence of influence of eradication in kittiwake population trend.
- **Puffin:** Small population declined to near-extirpation by 1999 (1 pair). Recovered post-eradication but not to pre-eradication levels. Recent counts (2022, 2024) show a decline to <10 individuals. Therefore, some correlative evidence of influence of eradication on puffin population trend.

In comparison to nearby Islands:

- Great Orme (rats potentially present) – slower guillemot increase than on Puffin Island, kittiwake declines seen.
- Little Orme – guillemot population fluctuated with no clear increase or decrease, kittiwake declined here.

Ramsey/Ynys Dewi – southwest Wales (eradication 1998)

- **Guillemot:** Increasing before eradication and continued to do so post eradication. Similar trend on nearby Skomer & Skokholm, where rats were not present. Suggests that population increase may be unrelated to eradication.
- **Kittiwake:** Declined post-eradication, with a slight increase around 2010. Similar decline seen on nearby Skomer, which lacked rats. Therefore, little evidence of influence of eradication in kittiwake population trend.
- **Puffin:** Numbers increased slightly but remain small. Despite attraction efforts, puffins are still largely absent as a breeding species. Little evidence of influence of eradication in puffin population trend.
- **Other species:** Manx shearwater and storm petrel populations have increased.

In comparison to nearby Islands:

- Skomer & Skokholm – guillemots increased similarly to Ramsey, and kittiwakes declined similarly to Ramsey, despite Skomer lacking rats.

Calf of Man – southwest Isle of Man (eradication 2012)

- **Guillemot:** Population fluctuated prior to eradication (674 in 1999, <100 in 2001, 2002, and 2009). Initially increased post-eradication but dropped to 25 in 2015 before a general upward trend. Therefore, little evidence in guillemot population trend of influence of eradication.
- **Kittiwake:** Very few pairs left before eradication (3 in 2012). Slight increase in 2013 (13 pairs), but by 2017 the colony was extirpated according to JNCC (JNCC, 2021). Therefore, little evidence in kittiwake population trend of influence of eradication.
- **Puffin:** Extirpated prior to eradication, but signs of recolonisation in 2021 due to attraction efforts (decoys & sound playback) (Manx National Heritage, 2021). Therefore, little evidence in puffin population trend of influence of eradication.

12.3.2 There are no clear examples of predator eradication affecting gannet colonies. However, gannets typically nest in areas inaccessible to mammalian predators (Montevecchi et al. 2019). Benefits of mammalian predator eradication have been demonstrated in burrow nesting species, for example, Manx shearwater and storm petrels increased in numbers post-eradication on the Isles of Scilly and Ramsey Island (Bell *et al.* 2019; RSPB England, 2021). Shag (*Gulosus aristotelis*) colonies have increased in size post-eradication on Canna (Goodwin, 2020) and Lundy (Davis and Jones, 2024), and that this species nests on ledges or in crevices.

12.3.3 The Scottish Ministers note that there is additional evidence demonstrating varying responses to the presence and control of other mammalian predators, such as mink (e.g. Burton & Fuller, 1999, Ferreras & Macdonald, 2001, Nordström 2003; Stien et al., 2023) and feral cats (e.g. Nogales et al., 2004; Campbell et al., 2011; Parkes et al., 2014). The Scottish Ministers have previously reviewed literature for various mammalian eradication approaches. The Company however does not specify which predator(s) the proposed measure will focus on. In the absence of this detail the Scottish Ministers have not undertaken a further or more detailed literature review.

12.3.4 The Scottish Ministers conclude that there is evidence demonstrating that mammalian predators can impact seabirds, and that predator control can benefit seabird populations directly and indirectly. However, the magnitude of the benefit can vary greatly between sites and species.

12.4 Assessment of Sufficiency of the Measure

12.4.1 Ecological Effectiveness

12.4.1.1 The Company has provided some, albeit limited, evidence of successful eradication efforts in the UK and as such, has demonstrated the need for mammalian predator

control at seabird colonies. The Scottish Ministers acknowledge that when present at accessible colonies, mammalian predators can and will predate seabirds, particularly eggs or chicks, and potentially in high numbers. Therefore, Scottish Ministers agree with NatureScot, which in its advice of 27 March 2025, advised that predator control in general “*has the potential to compensate for the impacts of offshore wind.*” The Scottish Ministers also agree with NatureScot that further information (e.g. specific locations, evidence for existing pressures, which mammalian predators will be targeted) is required to establish which colonies, and species, would benefit and the predicted effectiveness of the proposed measure. The Scottish Ministers highlight that there is a lack of evidence presented by the Company demonstrating that mammalian predators are impacting the target species at NTS sites and a lack of evidence for potential benefits to the target species following predator control.

- 12.4.1.2 The Scottish Ministers note that a recent RSPB feasibility report to Scottish Government (Tapia-Harris and Evans, 2024) assessed the ecological efficacy of mammalian predator eradication and/or management as a compensatory measure as “medium” (see section 12.5.1 for an assessment of technical feasibility). This report states that population level responses can be significant, but this will be site-, predator- and species-specific. Potential gains for individual species cannot be predicted with confidence, with the highest uncertainty where species are absent, and reestablishment is not guaranteed post-eradication.
- 12.4.1.3 The Company states that whilst kittiwake nest on steep cliffs so are less affected by mammalian predators, they remain vulnerable in “*accessible locations*” (Luxmoore et al., 2019; Furness, 2021). The Company notes that predation from mammals is a significant threat to seabird breeding success, specifying guillemot, razorbill, puffin, and herring gull (*Larus argentatus*). The Company highlights that predation has been identified as a leading cause of breeding failure, with studies showing that predator control, especially rat eradication, can lead to substantial population recovery.
- 12.4.1.4 The Scottish Ministers recognise that there is correlative evidence to suggest that mammalian predators such as rats (Hobson et al., 1999; Russell, 2011; Buxton et al., 2015), mink (Nordström et al., 2003; Banks et al., 2008), and feral cats (Nogales et al., 2004; Ratcliffe et al., 2009; Campbell et al., 2011; Parkes et al., 2014) have detrimental effects on burrow, crevice and ground nesting species. However, evidence to suggest persistent and demographically detrimental effects on cliff nesting species is lacking. The RSPB feasibility report (Tapia-Harris and Evans, 2024) highlights that there is high certainty that burrow-nesting (e.g. puffins, Manx shearwaters and storm petrels) and ground-nesting (e.g. terns and waders) species will benefit from predator control, but there is lower certainty for cliff-nesting species (e.g. guillemot, razorbill) and large gulls. The Scottish Ministers also note that studies have shown varying effects of mink control on seabirds, and that there is

limited evidence for mink predation on kittiwake. While mink predation on seabirds can be extensive, it can also take the form of isolated incidents that can be unpredictable in terms of magnitude and of timing of occurrence which adds uncertainty to effectiveness of the proposed measure.

- 12.4.1.5 The Scottish Ministers note that there is also the potential for unintended ecological consequences of predator control including the poisoning and trapping of non-targeted species. There is risk of secondary poisoning in scavenging species such as great skua Arctic skua (*Stercorarius parasiticus*) and large gulls (*Larus spp.*) depending on the selected site, alongside potential for incidental poisoning of wintering birds and other resident birds or mammals e.g. pygmy shrew (*Sorex minutus*) and Orkney vole (*Microtus arvalis orcadensis*). The Company states that the use of poison bait is not recommended, especially during the seabird breeding season (Glen et al., 2007). The Company notes that primary (direct) and secondary (indirect) poisoning of non-target species can occur and highlights that corvids and raptors are particularly sensitive to poisoning. As such, the Company suggests adaptations to bait stations (e.g. corvid-proof lids) to prevent access (Bell, 2004; Bell et al, 2011) alongside the diversionary feeding for white-tailed eagles (*Haliaeetus albicilla*), as was implemented on the Shiant Isles during an eradication programme. The Company states that seabirds are less likely to consume bait, but baiting outside the breeding season should occur to minimise risk. NatureScot, in its advice of 15 December 2025, directed the Company to the Best Practice manual⁶ for the use of anticoagulant rodenticides from *Biosecurity for Scotland*. The Scottish Ministers advise that the Company should consider this as part of the Detailed Seabird Compensation Plan.
- 12.4.1.6 The Scottish Ministers note that a key issue of predator control occurs when there are multiple predators, and control only targets one species (e.g. controlling cats may influence rat populations, while controlling rats may increase predation by cats of another species). Research by Rayner et al. (2007) found that the eradication of cats can sometimes increase rat predation of vulnerable species. The Scottish Ministers, therefore, advise that where both species are present eradication of both should occur to benefit seabirds and a full feasibility study is required once sites are selected for the measure.
- 12.4.1.7 The Scottish Ministers also highlight that there is evidence to suggest that control measures such as metal predator exclusion fences can negatively impact the survival of some seabirds such as shearwaters but also fence collisions can also impact non-seabird bird species through collision (Albores-Barajas et al., 2016). The Company acknowledges that the installation of predator exclusion fencing may disturb breeding birds and reduce productivity, so recognises that construction-related activities should occur in the non-breeding season to minimise disturbance.

⁶ <https://biosecurityforlife.org.uk/admin/resources/manual-use-of-rodenticide-bait.pdf>

The Scottish Ministers also advise that the Company should consider the impact of any fence to other flora and fauna, should this be a measure it carries forward. The Scottish Ministers note that no further detail or additional studies have been provided by the Company on unintended ecological consequences, for example to consider if there is a real threat of collision with proposed control measures or incidental poisoning during winter eradication periods.

- 12.4.1.8 The Scottish Ministers conclude, in agreement with NatureScot, that predator control in theory can be beneficial to seabirds. However, the evidence is primarily documented in literature for burrow-, crevice- and ground-nesting species, and is therefore most directly applicable to auks, primarily puffin, among the species considered by the Company. In addition, the Scottish Ministers consider that feral cat or mink control may only be effective when implemented with rat eradication.
- 12.4.1.9 As no evidence is provided for the impacts of specific predators on seabird populations at specific NTS sites, the Scottish Ministers cannot fully evaluate the sufficiency of the ecological effectiveness of the proposed measure in practice and require further site-specific information to determine whether predation is an influential pressure factor on target seabird populations. Further detail would increase confidence in the measure and reduce uncertainties in the efficacy of the proposed measure to adequately meet the required compensation levels.
- 12.4.1.10 The Scottish Ministers also consider that the potential for unintended ecological consequences cannot be assessed until site(s) for the proposed measure are chosen, as the vulnerability of non-target species cannot be assessed without determining whether there is any spatial or temporal overlap between the site of the proposed measure(s) and their distribution.
- 12.4.2 Compensation Figures Proposed by the Company
 - 12.4.2.1 The Company suggests that mammalian predation can lead to declines in seabird populations by reducing nest space as birds opt to nest in areas inaccessible to predators, and by reducing productivity.
 - 12.4.2.2 The Company has used comparisons of current populations to historical counts to provide worked examples evidencing how potential increases in nesting space availability can deliver compensation from the implementation of predator control measures. This is based on the Company's assumption that predation reduces productivity and habitat availability as a proportion of nesting habitat is not used due to the presence of mammalian predators. The Company acknowledges that there are numerous other ecological factors in addition to predation that affect seabird nest-site use and productivity and this ecological complexity makes the quantification of benefits challenging. The Company states that additional baseline data collection on predation pressures, breeding performance and (unused)

breeding habitats will aid improved understanding and more precise benefit estimates. When delivery sites have been secured, finalised predicted benefits and scale will be provided within the forthcoming Detailed Seabird Compensation Plan.

- 12.4.2.3 The Company states that as site selection is not currently finalised, West Westray and Fair Isle have been selected as example colonies from the initial short-listed sites (detailed in the Initial Compensation Plan) to demonstrate the potential benefits from the predator control measure. To calculate the potential benefits from an increase in available nesting space, the Company compares current and historical peak SPA population sizes for kittiwake, guillemot and puffin at West Westray SPA. However, no evidence is provided to evidence that these population trends are due to predation, or consideration of other drivers of population change, in addition no evidence is presented for impacts to razorbill. The Company states that as the gannet population at Fair Isle SPA has increased greatly over the past five decades, any calculation of benefits from a measure implemented for gannet at this colony would likely be based solely on increases in productivity.
- 12.4.2.4 To calculate the potential benefits from an increase in productivity, the Company compares the current productivity and estimated number of fledglings to the potential number of fledglings under an increase in productivity to the national average (Horswill and Robinson, 2015). The Company does this for gannet at Fair Isle SPA and guillemot at West Westray SPA. For kittiwake and puffin, the Company refers again to the productivity calculations performed for disturbance reduction at the Isle of May, and states that small increases in productivity can deliver the required compensation. The Company highlights that as implementation sites are currently under consideration, benefits for kittiwake (and other seabird species) can be calculated more precisely upon site selection. The Scottish Ministers consider that as the sites used by the Company for these calculations are not necessarily the final sites selected for this measure, these calculations may not carry any weight.
- 12.4.2.5 The current number of annual estimated fledglings at each of the example colonies (pre-implementation) was calculated by multiplying the colony size by the productivity rate. Where possible, site-specific colony rates were used as a pre-implementation (i.e. baseline) level of productivity, and where not available the national average was used instead (Horswill and Robinson, 2015). To calculate the increase in fledglings from the implementation of the measure, colony size was multiplied by the estimated, “new” productivity rate (the increased rate following implementation of the measure). Subtracting the baseline outputs calculated from the initial colony size multiplied by productivity rate from the predicted outputs using the increased productivity rate determines the number of additional fledglings generated.

- 12.4.2.6 The Scottish Ministers conclude that the Company's estimated number of additional annual fledglings is likely to be an overestimate as there are multiple pressures acting on seabird populations and that a reduction in mammalian predation is unlikely to increase productivity to the degree as stated by the Company. The Scottish Ministers also do not agree with the calculations used for guillemot and gannet as the population data used for these calculations are from West Westray and Fair Isle and since the Company has yet to finalise the implementation sites for this measure, these data are not currently aligned with the proposed locations.
- 12.4.2.7 The Scottish Ministers conclude that the Company needs to provide further detail within the Detailed Seabird Compensation Plan to demonstrate how the measure would be sufficient to deliver the required level of compensation for each species.

12.4.3 Spatial and Temporal Scale

- 12.4.3.1 In the Compensation Plan Addendum, the Company states that the NTS owns and manages seven of the 25 priority islands in the UK for predator control but does not specify any as the focus for the implementation of the predator control programme. The Company states that an initial short-list of sites is detailed in the Initial Compensation Plan. The Company states that the sites for implementation of this measure are currently under consideration by NTS and will be set out in a Joint Implementation Plan (being drafted by the Company, Muir Mhòr OWF Limited and NTS), which will contain further information on the scale of the measure and priority islands for implementation will be set out. The Scottish Ministers advise this is included in the Detailed Seabird Compensation Plan.
- 12.4.3.2 The Scottish Ministers note that the RSPB feasibility report (Tapia-Harris and Evans, 2024) states that most candidate sites are to the north and west of Scotland and there is more evidence to show higher success rates on uninhabited islands, followed by inhabited islands, than at mainland sites. NatureScot, in its response of 15 December 2025, advised that no detail is provided on site selection refinement, other than the site will be a NTS property. NatureScot noted that the Company has used West Westray and Fair Isle SPAs as stand-ins for site selection but highlighted the need for site visits and subsequent reporting to be undertaken for selected sites.
- 12.4.3.3 The Scottish Ministers consider that the spatial sufficiency of the proposed measure cannot be concluded on until further site-specific information is provided by the Company. In addition, the Scottish Ministers consider that not enough evidence is provided linking the seabird declines on these islands to mammalian predators. When sites are selected, further evidence will be required.
- 12.4.3.4 The Company has committed to funding the predator control measures throughout the lifetime of the proposed Project. In the Initial Compensation Plan the Company suggests that due to the scalability of the measure and the constant threat of

invasive mammalian predators, this measure could feasibly deliver benefits for the duration (and beyond) of the Project's lifetime (approximately 35 years). The Scottish Ministers note that the RSPB feasibility report (Tapia-Harris and Evans, 2024) highlights that it would take several years to initialise and plan successful eradication/management programmes and biosecurity would be required in perpetuity.

- 12.4.3.5 In the Refined IMP, the Company outlines an indicative proposed programme for the delivery of the proposed measure. The Company indicates that baseline data collection will take place over two years (2027-2028) whilst the predator management and biosecurity methodology is finalised. The implementation and monitoring of the proposed measure is indicated to start prior to operation of the Project in early 2028, one year into the baseline monitoring.
- 12.4.3.6 In the Initial Compensation Plan the Company recognises that there will be a lag in the time it takes for the benefits from any increases in productivity to be realised, citing Horswill and Robinson (2015). The Scottish Ministers acknowledge that the Company intends to implement the measure before the proposed Project becomes operational and advise that although benefits such as improved adult survival may be seen immediately after eradication, any benefits arising from increases in productivity are unlikely to be fully realised before impacts from the Project begin. This is as it can take between four to six years before additional breeding adults are delivered due to seabird ecology (depending on the species).
- 12.4.3.7 The Scottish Ministers conclude that although this measure can feasibly deliver benefits for the duration of the Project's lifetime, there will be a delay in the delivery of any benefits to seabird populations depending on the measure taken forward. At a minimum, it would take approximately three years for any island to be declared predator-free from eradication efforts (including pre-baiting monitoring, a winter of baiting, and two years of post-baiting monitoring). The Scottish Ministers acknowledge that some benefits of eradication may be realised from the initial baiting/trapping/exclusion as predator populations begin to decline, assuming they are present in the target areas.
- 12.4.3.8 The Scottish Ministers also note that the measure will not confer benefit to the target species in terms of recruitment of adults into the population until the amount of time has passed that is at least as long as the age to recruitment, which is different for different species (typically between three and five years). Further information about the method of predator control is required to determine the appropriate lead-in period.

12.4.3.9 The Scottish Ministers conclude that there is potential sufficiency in the temporal scale of the measure, however more detail is required in consideration of the points above.

12.4.4 Additionality

12.4.4.1 The Scottish Ministers note that the funding for the Biosecurity for LIFE biosecurity programme established on NTS-managed islands ceased in 2023, so it requires support for predator control to continue. The Company states that the NTS has expressed the desire to expand predator control on its seabird-nesting islands via the development of a new programme. The Company also highlights that *Biosecurity for Scotland* works alongside island managers, communities and others responsible for biosecurity checks and predator control measures across 38 island SPAs, including the Shiant Isles, Handa Island, Canna and Sanday, Isle of May, Rum, and St Kilda (Biosecurity for Life, 2025). The Scottish Ministers note that Handa Island and Isle of May remain under active biosecurity surveillance to prevent incursions, whilst Rum and St Kilda have ongoing monitoring due to historical and/or current potential predator presence (Biosecurity for Life, 2025).

12.4.4.2 The Scottish Ministers conclude that there are likely no additionality issues, provided the sites chosen for predator control do not have any ongoing eradication efforts.

12.4.5 Monitoring and Adaptive Management

Monitoring

12.4.5.1 In the Initial Compensation Plan the Company recognises that monitoring pre- and post-implementation is “*essential to confirm the complete removal as well as the implementation of biosecurity to remove the risk of incursion*”. The Company states that the success of the proposed measure would be determined by monitoring population size and productivity, alongside other relevant environmental variables.

12.4.5.2 In the Refined IMP, the Company highlights that the approach to monitoring development will be informed by Butler et al. (2024). The Company states that ‘SMART’ (specific, measurable, achievable, relevant, timely) indicators will be designed to monitor the implementation of the measure; success in achieving the objectives of the measure; changes which indicate failure (or anticipated failure) of the measure; and the likely source(s) of failure of the measure.

12.4.5.3 The Company states that monitoring will be undertaken throughout the lifetime of the Project to ensure that the selected sites remain predator free. The monitoring approach must should be set out within the Detailed Seabird Compensation Plan and follow NTS best practice. The Company notes that monitoring will likely consist

of wildlife camera monitoring; permanent biosecurity surveillance stations (e.g. wax stations); and field surveillance to detect predation signs (e.g. droppings, predated eggs). If signs of predator presence are identified, then a rapid incursion response would begin.

- 12.4.5.4 To monitor the success of the measure, the Company proposes to carry out baseline data collection (i.e. seabird colony size and productivity trends; predator presence, distribution and predation events) prior to the implementation of the proposed measure. The Company notes that the monitoring approach will be aligned with best practice and NTS experience and consider “*novel monitoring opportunities*” such as the use of drone surveys and that when existing data is available, this will be incorporated into the baseline data. The Company states that the methodology used for pre- and post-implementation monitoring will be the same but does not provide any further detail.
- 12.4.5.5 The Company highlights that the success of the measure will rely on a combination of the successful implementation of the control and biosecurity measures, the effect on predator presence, numbers and distribution, and subsequent impact on the target seabird species. The Company states that the methodology for monitoring success is to be decided upon with NTS and Muir Mhòr OWF Limited, but is anticipated to include:
- Number of invasive predators removed;
 - Geographic coverage of control measures; and
 - Seabird colony size and productivity trends (pre- and post-implementation).
- 12.4.5.6 It is also suggested that comparisons to other (reference) sites and comparisons to historic, regional or national averages in productivity and colony size can be used to investigate whether a lack of improvement in productivity rate and/or colony size is due to a failure in the compensatory measure, or linked to wider ecological pressures on the target species (e.g. food availability, weather conditions). The Company notes that whilst the success of the measure will be quantified as much as is considered feasible, an adaptive and/or qualitative approach to measuring the delivered benefits may be required. As such, the Company suggests using alternative sources of information (e.g. data from nearby sites, historical data, and estimates of likely re incursion rates in the absence of biosecurity) to estimate a measure of success.
- 12.4.5.7 The Scottish Ministers agree with NatureScot, which advised in its response of 15 December 2025 that it was content with the principles of the Company’s approach to baseline data collection and monitoring the success of this measure but expect further detail on the methodologies to be used to be provided in the Detailed Seabird Compensation Plan. NatureScot advised that if site-specific baseline or monitoring data cannot be directly collected, the use of alternative sources of data

(e.g. data from nearby sites, historical data and estimates of likely re-incursion rates in the absence of biosecurity) is acceptable. However, NatureScot highlighted that potential limitations and confounding factors should be considered when using alternative sources of data, such as differences in habitat type, species composition, and wider changes that may have occurred over the time period between historical data and the current day (e.g. changes in prey availability, climate change, mass mortality events and highly pathogenic avian influenza (“HPAI”) outbreaks etc).

- 12.4.5.8 The Scottish Ministers also agree with the RSPB feasibility report (Tapia-Harris and Evans, 2024) which highlights that any predator eradication or management must be supported by long-term biosecurity, involving regular monitoring at sites alongside conducting preventative measures to minimise risk of reinvasion and rapid response in the case of predator detection. The Company acknowledges that long-term monitoring and biosecurity measures are essential to protect sites from the risk of re-incursion. However, no further detail regarding the proposed methodology is provided.
- 12.4.5.9 The Scottish Ministers conclude that the information provided at this stage is acceptable in principle, but further methodological information is required to determine sufficiency of monitoring of the measure.

Adaptive management

- 12.4.5.10 In the Initial Compensation Plan, the Company states that adaptive management is essential in order to manage uncertainty in the delivery of appropriate compensation, to help reduce the risk of compensation not delivering the required outcomes, and to ensure the long-term resilience of the compensation delivery.
- 12.4.5.11 The Company states that if post-implementation monitoring reveals that the implemented compensatory measures are unsuccessful, or insufficiently effective at delivering the consented compensation objectives, a corrective process will be triggered. The Company notes that the specific adaptive management measure will be based on the issues identified during monitoring and will be decided upon in consultation with the compensation Steering Group. Potential adaptive management measures will be provided together with an outline of the “trigger points” at which the adaptive management process will be triggered, and the proposed framework and governance for the adaptive management process.
- 12.4.5.12 The Company lists the following examples of “appropriate adaptive management for mammalian predator control”:
- Expanding mammalian control to other locations;
 - Monitoring fences to identify potential damage;

- Improving fence design (e.g., addition of overhangs, buried barriers or electric fencing; and
- Increased/updated biosecurity measures.

The Company acknowledges the need for constant review and adjustment where needed especially considering environmental changes such as the effects of climate change and further outbreaks of HPAI.

12.4.5.13 In the Refined IMP, the Company states that corrective measures will be discussed and agreed with the Steering Group. In addition, the Company notes that adaptive management may also consist of expanding the delivery of other compensatory measures targeting the same species, highlighting that the partnership with NTS provides the opportunity to deliver a programme of seabird conservation also targeting beneficial activities other than predator management. Therefore, corrective actions can include the delivery of alternative seabird conservation actions in collaboration with NTS. The Company states that where identified, these will be presented in the Joint Implementation Plan. The Scottish Ministers advise this is included in the Detailed Seabird Compensation Plan

12.4.5.14 The Scottish Ministers agree with NatureScot, which advised in its response of 15 December 2025 that the examples of suboptimal monitoring outcomes and their respective potential corrective measures appear to be logical. However, the Scottish Ministers consider that there is a lack of detail provided regarding the trigger point for adaptive management (i.e. what constitutes the measure not being effective). The Scottish Ministers also note that the delayed response for any benefits to seabirds from the proposed measure to be fully realised poses issues when considering the trigger point for adaptive management. The Scottish Ministers conclude there is not enough information currently provided to establish the sufficiency of the adaptive management of the measure and therefore it must be fully addressed in the Detailed Seabird Compensation Plan.

12.5 Assessment of the Feasibility of the Measures

12.5.1 Technical Feasibility

12.5.1.1 In the Compensation Plan Addendum the Company states that it has reached a Memorandum of Understanding with NTS and Muir Mhòr OWF Limited to form a partnership to implement the proposed measures.

12.5.1.2 In the Refined IMP, the Company outlines that the site selection, joint Implementation Plan will be finalised in 2025-2026, and that the partnership agreements and contracts will be finalised in 2026. In addition, the Company states that monitoring plans and the predator management and biosecurity methodology will be finalised in 2026-2027 and 2027-2028, respectively. The Scottish Ministers

advise this detail should also be included within the Detailed Seabird Compensation Plan.

- 12.5.1.3 In the Initial Compensation Plan, the Company states that both lethal predator control (e.g., rodenticides in bait boxes; Zonfrillo, 2001) and non-lethal predator control (e.g., exclusion fencing; Dalrymple, 2023) have proven effective, with island eradication programmes showing the greatest success. In addition, the Company states that should poison bait be used, it should be deployed during the non-breeding season to avoid impacts to breeding seabirds. No further detail is provided regarding the Company's proposed method(s) of predator eradication.
- 12.5.1.4 The Company states that this measure could be delivered by the project alone, or through supporting a planned or existing initiative, and suggests that it is technically feasible as there is "*considerable precedent*" for carrying out rodent eradication and large mammal exclusion. The Company states there "*is a wealth of knowledge*" on appropriate techniques and equipment, alongside detailed best practice guidance, citing the UK Rodent Eradication Best Practice Toolkit (Thomas, 2017).
- 12.5.1.5 The Scottish Ministers consider that the proposed measure could be technically feasible as all interventions are expected to be carried out by experts on NTS-managed islands. The Scottish Ministers further note that the RSPB feasibility report (Tapia-Harris and Evans, 2024)^{Error! Bookmark not defined.} assessed the overall feasibility of mammalian predator eradication and/or management as a compensatory measure as "*high*", noting that biosecurity would be required in perpetuity to minimise risk of reinvasion and rapid response in the case of predator detection. However, a recent ban on the most widely used rodenticides (second-generation anti-coagulant rodenticides ("SGARs")) may affect the technical feasibility of future eradication projects. In addition, the Scottish Ministers note that species can vary in their sensitivity to toxins (Glen et al., 2007).
- 12.5.1.6 NatureScot, in its advice of 27 March 2025, highlighted the change in guidance on rodenticide use. Following a voluntary ban, the use of SGARs in open areas is now illegal. There are currently no acceptable alternatives to SGARs, and the best practice guidance is that no UK ground-based eradication should proceed without a SGAR product. However, NatureScot advise that a Critical Situation Permit could be applied for from the Health and Safety Executive which may allow for an exemption, but this process is in place for brown rat (*Rattus norvegicus*) only.
- 12.5.1.7 The Company acknowledges that long-term monitoring and biosecurity measures are essential to protect sites from the risk of re-incursion. However, no further detail regarding the proposed methodology is provided. The Scottish Ministers note that biosecurity involves quarantine or prevention measures, surveillance and the development of incursion response plans (Thomas et al., 2017), and early detection and rapid response to invasive species increases the chances of successful

predator control (Reaser et al., 2020; Ahmed et al., 2022). Other maintenance, dependent on the selected control method(s), will also be required (e.g. refilling or replacing baiting stations and the maintenance of physical structures like exclusion fences). The Scottish Ministers advise that continued maintenance and biosecurity is necessary given the ability of mammalian predators to re-incur areas (e.g. rodents and mustelids are able to swim several kilometres; see Stanbury et al., 2017).

- 12.5.1.8 The Scottish Ministers also note that the RSPB feasibility report (Tapia-Harris and Evans, 2024) highlights that at inhabited sites, support from resident communities is crucial. **Error! Bookmark not defined.** Predator control may have negative public perceptions which should be managed with appropriate outreach and engagement, and measures must be taken to ensure non-target species are not negatively impacted by predator control methods (e.g., use of poison bait). There may also be unintended ecological consequences, such as the potential for pesticide-resistance to develop which would affect the feasibility of the measure (see section 12.4.1). A key issue of predator control occurs when there are multiple predators (see section 12.4.1). The Scottish Ministers advise that a full feasibility study is required once sites are selected for the measure.
- 12.5.1.9 The Scottish Ministers agree with NatureScot that further detail is required, including a full feasibility study to be satisfied that predator eradication at the specific sites proposed would be deliverable. The Scottish Ministers consider that further information on methodologies and specific locations is also required to have confidence that the proposed measures are likely to compensate for the predicted impacts of the Project to seabirds.
- 12.5.1.10 The Scottish Ministers conclude that predator eradication and/or exclusion via fencing can be technically feasible, but a detailed method statement and feasibility study is required before conclusions can be confidently made for the proposed measure. The Scottish Ministers also advise that long-term biosecurity, maintenance and monitoring are required.
- 12.5.1.11 The Scottish Ministers agree that the NTS has the appropriate expertise for this measure to be technically feasible in this capacity with funding from the Company. However, approval from the NTS board on the proposed partnership is required to deliver this measure.
- 12.5.1.12 The Scottish Ministers recognise that NTS-managed islands were the focus of the Biosecurity for Life project. As such, the Scottish Ministers conclude that the proposed measure could be technically feasible, as the proposed predator control programme could continue the biosecurity initiative of this project. Further information is needed for a conclusion to be made for new locations.

12.5.2 Financial Feasibility

- 12.5.2.1 The RSPB feasibility report (Tapia-Harris and Evans, 2024) highlights that the costs of predator eradication attempts are significant, especially where initial attempts are unsuccessful. Long-term funding is also required to maintain biosecurity and for ongoing control or exclusion.
- 12.5.2.2 In the Initial Compensation Plan, the Company states that the cost of this measure is highly dependent on the location and scale of the control methods and their success. The Company acknowledges that it is likely to have a significant financial cost due to the cost of full eradication, biosecurity and the level of monitoring required both pre- and post-implementation.
- 12.5.2.3 In the Compensation Plan Addendum the Company states that NTS has expressed the desire to expand predator control on its seabird-nesting islands via the development of a new programme. The Company has committed to funding the predator control measures throughout the lifetime of the Project, providing the NTS with funding for a full-time position dedicated to the development of these measures on its islands. The Company states that details on the programme coordinator role and governance of the role will be provided.
- 12.5.2.4 The Scottish Ministers conclude that predator control measure in general is financially feasible as the Company is willing to finance the measure, however, the Scottish Ministers expect further details to be confirmed within the Detailed Seabird Compensation Plan.

12.5.3 Legal Feasibility

- 12.5.3.1 The Company states that there is extensive legal precedent for mammalian predator eradication across the UK, so the measure can be readily implemented, using current guidelines and best practice, as soon as site selection, legal permissions and contracts have been secured.
- 12.5.3.2 In the Initial Compensation Plan, the Company states that existing guidance, such as the UK Rodent Eradication Best Practice Toolkit (Thomas, 2017), and specialist eradication teams can be used to ensure all relevant legislation is adhered to. The Company acknowledges that licences would be required for the implementation of control measures, and landowner agreement would be needed.
- 12.5.3.3 NatureScot, in its response of 27 March 2025 and 15 December 2025, advised that to be legally feasible, landowner or land manager agreements will be required. NatureScot, in its advice of 15 December 2025, stated that without site-specific information, it cannot be ruled out whether SSSI consent is likely to be required or granted. SSSI consent from NatureScot under the Nature Conservation (Scotland)

Act 2004 ORC legislative process may need to be considered further in the Detailed Seabird Compensation Plan.

- 12.5.3.4 The Scottish Ministers are content that the onshore permitting requirements relating to the measure will be considered during the Detailed Seabird Compensation Plan stage. If SSSI consent is required and it is not possible to obtain this, the Company will be required to submit details of an alternative compensatory measure within its Detailed Seabird Compensation Plan in agreement with the Scottish Ministers as per conditions applied to the section 36 consent and marine licences. The Scottish Ministers are satisfied that the measure is legally feasible.
- 12.6 The Scottish Ministers Conclusion on the Proposed Measure
- 12.6.1 The Scottish Ministers conclude that the Company has presented the need for predator control at seabird colonies by demonstrating the direct and indirect impacts of mammalian predation of seabirds, alongside some examples of successful predator efforts in Scotland. The Scottish Ministers therefore agree with NatureScot that there is ecological merit in predator eradication at affected seabird colonies and it has the potential to compensate for the impacts of the Project throughout the duration of its lifetime.
- 12.6.2 However, at present, there is no direct evidence presented to support the assumption that mammalian predators are inhibiting population growth of, or causing population declines in, target species at NTS-managed sites, reducing confidence in the effectiveness of this measure. In addition, the Scottish Ministers note that the magnitude of the benefit can vary greatly between sites and species, with the evidence primarily documented in literature for burrow-, crevice- and ground-nesting species (i.e. auks, specifically puffin, of the target species).
- 12.6.3 The Scottish Ministers require further site-specific information to determine whether predation is an influential pressure factor on target seabird populations to increase confidence in the measure and reduce uncertainties in the efficacy of the proposed measure to meet the required compensation levels.
- 12.6.4 The information provided at this stage is also too high level to determine the sufficiency of monitoring and adaptive management of the measure, alongside the technical feasibility of the measure. The Scottish Ministers agree that the NTS has the appropriate expertise for this measure to be technically feasible, but a detailed method statement and feasibility study (including biosecurity measures) is required before conclusions can be confidently made for the proposed measure.
- 12.6.5 In conclusion, whilst the Scottish Ministers consider that predator control in general can benefit seabird populations, further detail is required to demonstrate how the measure would be sufficient to deliver required level of compensation.

13 Measure 3: Bycatch reduction

13.1 Details of Proposed Measure

- 13.1.1 Another measure which has been deemed suitable to be taken forward for consideration as a compensatory measure for gannet and guillemot is bycatch mitigation. The Company references the 2023 Scottish Government review into bycatch in Scottish longline fisheries⁷ which recommended further baseline monitoring and the trialling of bycatch reduction techniques in collaboration with industry. The Company is proposing that this compensatory measure would involve the trialling and implementation of bycatch reduction techniques to reduce seabird bycatch with the aim of increasing survival and population size.
- 13.1.2 The Company notes that it has the capacity to deliver a range of voluntary and collaborative actions to support the implementation of bycatch mitigation measures. In particular, it is carrying out studies and monitoring programmes to assess the scale and nature of seabird bycatch in relevant fisheries, including voluntary bycatch reporting and the use of electronic monitoring systems to record activities during gear setting and retrieval on vessels operating in the Moray Firth.
- 13.1.3 Between March and October 2024, the Company ran a self-reporting seabird bycatch study involving 10 fishing vessels (including static gear boats, trawlers and dredgers) working in the Moray Firth region. Data collected included seabird interactions with fishing vessels and/or gear, information on seabirds in the proximity of the fishing vessels when engaged in fishing, and measurements of fishing effort (number of days fished and number of gear deployments and retrievals per day). Another similar self-reporting study was carried out over the 2025 seabird breeding season. Across these two studies, hundreds of deployments and retrievals were monitored and, to date, no instances of seabird entanglement or bycatch have been self-reported.
- 13.1.4 In addition to this self-reporting study, video data collection of gear setting and retrieval on a subset of vessels was undertaken during 2025. The video recordings are being systematically reviewed for evidence of seabird interactions with fishing gear.
- 13.1.5 The Company states that, in collaboration with willing fishers, it could also trial and evaluate a suite of bycatch reduction technologies, such as bird-scaring lines, hook-shielding devices, line weighting, and visual deterrents (e.g., looming eye buoys). To encourage uptake, the Company may provide voluntary or paid incentives,

⁷ [Improving understanding of seabird bycatch in Scottish longline fisheries and exploring potential solutions](#)

including funding for equipment, training, or compensation for operational impacts associated with mitigation. The Company notes that building on its existing relationships and engaging with relevant stakeholders, including fishers, industry bodies, and non-governmental organisations, will be key to the success of this approach.

- 13.1.6 The Company notes, however, that it does not have the authority to make changes to national fishing regulations or practices. Measures such as compulsory gear modifications or closed areas fall within the remit of the Scottish Government and other relevant regulatory bodies. Similarly, any statutory requirements for bycatch mitigation would not be able to be implemented by the Company unless this was backed up by national policy or legislation. The Company notes that this means the measure would have to be designed to operate within the scope of voluntary collaboration and incentivised uptake by fishers. The Company notes that although this approach cannot guarantee universal adoption, it could enable meaningful and targeted action that can deliver measurable conservation benefits, particularly when focused on high-risk areas and fisheries.
- 13.1.7 The Company highlights that the information gathered from the self-reporting and video studies it has been conducting is being processed and will be used to inform subsequent data collection and refinement of the planned location(s), methodology and implementation of the bycatch measure. As such, appropriate mitigation methods and implementation locations are still under development. The Company states that it is looking to deliver benefits through mitigation trials and bycatch monitoring using electronic monitoring (supported by on-board observers where vessel size and fishing practices allow this). Although no specific interventions have been decided yet the Company notes that these will likely prioritise longline and static gear vessels as bycatch from trawls for the target species is thought to be low.
- 13.2 Evidence for the Issue
- 13.2.1 In section 6.5.2 of the Compensation Plan Addendum, the Company presents a number of references that indicate how widespread the incidental bycatch of seabirds is globally (e.g. Żydelis et al, 2013; Anderson et al, 2011; Miles et al, 2020; Ramírez et al, 2024; Dais et al, 2019). The Company specifically identifies gannet and guillemot as species which bycatch impact the most in UK waters (Northridge et al, 2020; Bradbury et al, 2017).
- 13.2.2 Guillemot are identified as being vulnerable to bycatch within mid-water trawl fisheries in UK waters, although at a low level and not considered to be of conservation concern, with the primary cause likely to be net entanglement. Anderson et al. (2022) notes how an effective mitigation measure for this type of fishery is likely limited and that given the low numbers involved, other fisheries may

warrant higher priority for bycatch reduction. Other fisheries include static nets such as gillnets, where there has been more reported evidence of auk bycatch in these fisheries operating off north-east Scotland (Žydelis et al, 2009; Northridge et al, 2020), and which account for the majority of data within the UK BMP (Bycatch Monitoring Programme) dataset.

- 13.2.3 The Company further identifies gannet as being particularly at risk from longline fisheries, with bycatch largely concentrated around north and west Scotland, especially within ICES division 6a, reflecting the distribution of fishing effort (Northridge et al, 2020; 2023). Available evidence indicates that longline fishery bycatch occurs regularly, with recorded incidents across UK waters and neighbouring ICES divisions, including the Greater North Sea and waters off Ireland. The Company further states that gannets have been observed feeding on fisheries discards and as such are attracted to active fishing vessels which increases their risk of bycatch (JNCC, 2021). It is also acknowledged that there are a few scattered records of gannet bycatch outside of Scottish waters, especially off the west and southwest coast of Ireland where 91 birds and 80 birds were caught in longline fisheries in 2016 and 2017, respectively (Northridge et al, 2020). These birds and areas could have potential network connectivity to colonies in Scotland.
- 13.2.4 However, the evidence base is characterised by very limited and uneven observer coverage, which introduces uncertainty into both the magnitude of bycatch and the spatial distribution of associated risk. Whilst there is the potential for high levels of bycatch for both species, the scale of monitoring is low in comparison to total fishing effort. Further research is necessary to build upon this evidence base for both gannet and guillemot bycatch. The Company has already begun to progress this evidence base through the running of a small pilot study and stakeholder engagement. Current work has included voluntary self-reporting trials on fishing vessels operating in the Moray Firth. Early pilot data from 2024, comprising multiple vessel types and extensive fishing activity, recorded no instances of seabird bycatch, with further data collection ongoing through 2025, and a refinement period planned for 2026.
- 13.2.5 A literature search undertaken by the Scottish Ministers confirms their agreement with the Company's position of gannet and guillemot bycatch being an issue in UK waters. Additional relevant evidence not presented by the Company includes Pierce et al. (2002). Pierce et al (2002) directly observed gannet bycatch in herring and Argentine fisheries trawls around Shetland. Estimated bycatch rates were approximately 33 birds per 100 hours fished in herring fisheries and 19 per 100 hours in Argentine fisheries, equating to several hundred birds annually. Even accounting for some live releases, overall mortality was estimated to be around 700 birds per year across both fisheries.
- 13.3 Assessment of Sufficiency of the Measure

13.3.1 Ecological Effectiveness

- 13.3.1.1 The Company has presented a body of evidence indicating that incidental seabird bycatch is a recognised pressure in marine systems globally, with particular relevance to gannet and guillemot in UK waters. The evidence highlights that bycatch risk is associated with specific fishing methods, notably longline fisheries for gannet and static net fisheries for guillemot.
- 13.3.1.2 The proposed measures, including the trialling of bycatch mitigation technologies (e.g. bird-scaring lines, hook-shielding devices, line weighting and visual deterrents) alongside monitoring and data collection, are consistent with approaches reported across literature to reduce seabird bycatch. Such measures have been shown to reduce seabird interactions and mortality when effectively implemented, although literature is limited. The Scottish Ministers recognise that targeting high-risk gear types and fisheries represents an ecologically appropriate approach, and that, where uptake is sufficient, this measure has the potential to deliver reductions in bycatch at a regional scale.
- 13.3.1.3 However, the Scottish Ministers note that the ecological effectiveness of this measure is highly dependent on the level of uptake, correct implementation, and the ability to target fisheries and locations where bycatch risk is greatest. The Company has identified that mitigation will be delivered on a voluntary and incentivised basis and therefore cannot guarantee consistent or widespread adoption. As such, there remains uncertainty as to the extent to which mitigation measures would be implemented at a scale sufficient to deliver meaningful reductions in bycatch.
- 13.3.1.4 The Scottish Ministers also note that the underlying evidence base is characterised by limited and uneven observer coverage, resulting in uncertainty in both the magnitude and spatial distribution of bycatch risk. While the Company has begun to address this through pilot studies and monitoring programmes, early results from the 2024 self-reporting study recorded no instances of seabird bycatch despite some substantial effort. While this may reflect low bycatch rates within the sampled fisheries, it may also indicate limitations in detection, sample size, or reporting accuracy. As such, the current evidence does not provide a robust baseline against which the effectiveness of mitigation measure can be assessed.
- 13.3.1.5 The Scottish Ministers further note that much of the evidence cited by the Company is derived from broader literature and general patterns of bycatch, rather than site or fishery specific data relevant to the proposed implementation areas. While this supports the plausibility of the proposed mechanism, it does not provide clear evidence of the scale of reduction that could be achieved in the Moray Firth or other targeted regions. In addition, the ongoing nature of the Company's data collection

and refinement process means that key aspects of the measure, including priority fisheries, locations, and mitigation approaches, are not yet fully defined.

- 13.3.1.6 The Scottish Ministers agree with NatureScot that further detail on the methodology, coverage, and outcomes of the pilot study is required to enable robust assessment of the measure's effectiveness at scale. In particular, greater clarity is needed on how monitoring data will be used to quantify bycatch risk, inform targeting of mitigation, and evaluate the success of implementation.
- 13.3.1.7 The Company proposes that the measure will continue to be refined through 2025 and 2026, with future implementation informed by stakeholder engagement and data collection. However, in the absence of a well-defined implementation strategy, confirmed target fisheries, and robust baseline data, the Scottish Ministers are of the view that there remains considerable uncertainty regarding the ecological effectiveness of the measure and the magnitude of benefit that could be delivered.
- 13.3.2 Compensation Figures Proposed by the Company
 - 13.3.2.1 The Company has not provided quantitative compensation estimates for the bycatch reduction measure at this stage. Instead, the assessment of benefits is presented qualitatively, with a clear acknowledgment that further monitoring and analysis are required to determine the scale of seabird bycatch. The Company highlights that current levels of monitoring are limited relative to overall fishing effort, resulting in a high degree of uncertainty in existing bycatch estimates. As such, both the baseline level of impact and the potential scale of benefit from mitigation remain uncertain.
 - 13.3.2.2 In the absence of quantitative compensation figures, it is not currently possible for the Scottish Ministers to determine the extent to which the proposed bycatch reduction measure would offset the predicted impacts of the Project. The reliance on future data collection and method refinement means that the scale, effectiveness, and net benefit of the measure remain uncertain. The Scottish Ministers advise that as part of the Detailed Seabird Compensation Plan, the Company should provide quantified estimates of expected bycatch reduction, linked to clearly defined baseline bycatch levels, once sufficient data has been collected. Without this information, the adequacy of the measure as compensation cannot be robustly evaluated.
- 13.3.3 Spatial and Temporal Scale
 - 13.3.3.1 The Company has undertaken a self-reporting seabird bycatch pilot study across ten fishing vessels operating in the Moray Firth during 2024 and 2025, alongside targeted video monitoring of gear setting and retrieval on a subset of vessels. These data are undergoing analysis, with findings intended to inform the refinement of the

bycatch mitigation measure, including the identification of appropriate fisheries, locations, and mitigation techniques. As such, the measure remains in a developmental stage, with no defined implementation timeline or confirmed delivery locations at present.

- 13.3.3.2 The Company indicates that further data collection, stakeholder engagement, and consultation with relevant parties (including fisheries consultants and industry initiatives such as Clean Catch) will be undertaken prior to finalising the measure design. Implementation is therefore expected to follow completion of data analysis and a subsequent feasibility assessment, although no clear timeframe has been provided for these stages. The Company also notes that, should opportunities within the Moray Firth be limited, alternative locations will be explored, introducing further uncertainty to the delivery timeline. The Company further states that, as the measure would be delivered at sea and not at a specific colony, it has the potential to benefit the biogeographic population and wider site network, rather than individual colony populations alone.
- 13.3.3.3 The Scottish Ministers consider that, while early data collection and industry engagement are positive steps, the temporal sufficiency of the measure cannot be determined at this stage due to the absence of a well-defined schedule for completion of analysis, identification of mitigation methods, and implementation. The Scottish Ministers agree with NatureScot's position that, given no seabird bycatch has yet been recorded in the pilot studies, confidence in the effectiveness and subsequent scaling of the measure will depend on the collection and analysis of further data. The Scottish Ministers also agree with NatureScot's recommendation to expand the pilot study, with a particular focus on longline and static gear vessels, and to continue engagement with relevant stakeholders to explore additional delivery locations.
- 13.3.3.4 While the potential benefits at the biogeographic population and site network scale is acknowledged, the Scottish Ministers agree with NatureScot that further clarity is required on how specific colonies will be identified as beneficiaries, including the use of established methods to assess connectivity (e.g. foraging ranges during the breeding season and Biological Defined Minimum Population Scale in the non-breeding season).
- 13.3.4 Additionality
 - 13.3.4.1 The Scottish Ministers note that the measure will build on ongoing pilot studies and proposes further expansion of monitoring and mitigation activities. NatureScot supports the potential expansion of the pilot study, including the suggestion of expanding it to the West of Scotland and the Company's intention to engage with initiatives such as Clean Catch UK and align data collection with the UK Bycatch Monitoring Programme. The Scottish Ministers agree that these steps would help

ensure the measure complements and enhances existing efforts. The Scottish Ministers advise that the Company must ensure that any activities funded or delivered provide additional benefit to those already being undertaken through existing programmes.

13.3.5 Monitoring and Adaptive Management

13.3.5.1 The Company proposes to monitor the effectiveness of bycatch mitigation using an experimental design with control and mitigation groups, including paired gear and/or vessels to ensure comparable conditions. Some adaptive management measures are provided, with further detail to be developed once mitigation methods are selected. Potential corrective measures include modifying mitigation techniques where issues arise and expanding the measure to additional vessels and/or areas. The Scottish Ministers agree with NatureScot that the use of control and mitigation groups is an appropriate and robust approach, and that the corrective measures are logical.

13.3.5.2 The Scottish Ministers conclude that the adaptive management and monitoring approaches would be sufficient to securing compensation but that further detail and consideration of the implementation of these measures are required once mitigation methods have been selected.

13.4 Assessment of the Feasibility of the Measures

13.4.1 Technical Feasibility

13.4.1.1 Limited evidence is currently presented in support of the technical feasibility of the measure, particularly in relation to the efficacy of the proposed bycatch reduction techniques, their practical implementation within UK fisheries, and the identification of appropriate target fisheries including locations where bycatch risk is greatest.

13.4.1.2 The Company states that a range of bycatch mitigation approaches (e.g. bird-scaring lines, hook-shielding devices, line weighting and visual deterrents) will be trialled and refined through ongoing pilot studies and stakeholder engagement. The Scottish Ministers note that, while these methods are established within the wider literature, the Company has not yet identified which specific mitigation measure will be implemented, nor provided evidence of their efficacy within the target fisheries relevant to the measure. As such, the Scottish Ministers conclude that the effectiveness of the proposed techniques, and their suitability for the fisheries under consideration, remains uncertain at this stage.

13.4.1.3 The Scottish Ministers also note that the measure is currently in a development phase, with pilot studies ongoing and no confirmed target fisheries, implementation locations, or delivery mechanisms. While early data collection in the Moray Firth

represents a positive step, the absence of recorded bycatch to date means that it has not yet demonstrated that the proposed areas represent “bycatch hotspots” or that mitigation efforts can be effectively targeted to deliver measurable reductions in mortality. Consequently, the Scottish Ministers consider that the technical feasibility of the measure cannot be fully assessed until further data are available to define both the scale and distribution of bycatch.

- 13.4.1.4 The Company indicates that implementation will be delivered through voluntary participation and incentivisation of fishers. The Scottish Ministers note that this introduces additional uncertainty regarding feasibility, as successful delivery will depend on achieving sufficient uptake, ensuring correct and consistent application of mitigation measures, and establishing appropriate mechanisms for engagement, coordination, and compliance across the fishing industry. Further detail is required on how participation will be secured, how mitigation measures will be deployed operationally, and how implementation will be managed and enforced.
- 13.4.1.5 The Company proposes to monitor effectiveness using control and mitigation groups including paired gear and/or vessels. The Scottish Ministers consider this to be an appropriate approach in principle, however, further detail is required on how monitoring will be implemented at scale, particularly given the challenges associated with detecting relatively rare bycatch events and ensuring robust data collection across a wide geographic area.
- 13.4.1.6 The Scottish Ministers note that the Company is continuing to refine the measure through data collection and stakeholder engagement with further development expected through 2025 and 2026. The Scottish Ministers agree with NatureScot that this ongoing work will be important in reducing uncertainty and informing the selection of mitigation methods target fisheries and implementation approaches.
- 13.4.1.7 The Scottish Ministers conclude that while the measure has the potential to be technically feasible, this is dependent on the outcomes of the ongoing pilot studies, the identification of effective mitigation techniques and the establishment of a clear implementation and monitoring framework. The Scottish Ministers conclude that the measure is technically feasible, subject to the resolution of uncertainties outlined above.
- 13.4.2 Financial Feasibility
 - 13.4.2.1 The Company indicates that funding may be provided through voluntary or paid incentives, including support for equipment, training, and operational impacts, alongside ongoing stakeholder engagement to support the uptake of the pilot study and measure.

- 13.4.2.2 The Scottish Ministers are content that, although limited information is supplied on the financial costs of this measure, there are no clear financial barriers evident in the proposal. All costs for compensatory measures will be borne by the Company and should the Company later decide this compensatory measure is not financially feasible, the Company will be required to submit details of an alternative compensatory measure within its Detailed Seabird Compensation Plan in agreement with the Scottish Ministers. The Scottish Ministers are content that this is a financially feasible option.
- 13.4.3 Legal Feasibility
- 13.4.3.1 The Scottish Ministers are content that the measure is potentially feasible; however expect further detail to be submitted as part of the Detailed Seabird Compensation Plan. This should include any partnership agreements with fishers and how participation in any trials or schemes will be agreed. If the Scottish Ministers are not subsequently content with the legal feasibility of this measure when considering the Detailed Seabird Compensation Plan, the Company will be required to submit details of an alternative compensatory measure within an updated Detailed Seabird Compensation Plan in agreement with the Scottish Ministers.
- 13.5 The Scottish Ministers Conclusion on the Proposed Measure
- 13.5.1 The Scottish Ministers consider that further detail on the method, coverage and outcomes of the pilot bycatch reduction study is required in order to accurately assess the measure for ecological effectiveness and sufficiency. Considerable uncertainty remains regarding the magnitude of benefit that could be delivered by the bycatch measure.
- 13.5.2 The Scottish Ministers conclude that the lack of information provided on mitigation methods, implementation plans and schedule for completion of analysis means the temporal and spatial sufficiency of the measure cannot be determined at this stage. Confidence in the effectiveness and scaling of the measure will depend on the collection of further data, given that no seabird bycatch has yet been recorded in the pilot study. Further, it is not currently possible to determine the extent to which the proposed bycatch reduction measure would offset the predicted impacts, due to the absence of quantitative compensation figures.
- 13.5.3 The Scottish Ministers consider that the adaptive management and monitoring approaches would be sufficient to secure compensation but that further detail and consideration of the implementation of these measures are required once mitigation methods have been selected.
- 13.5.4 The Scottish Ministers consider that the bycatch reduction measure is likely to be technically feasible, subject to resolutions of uncertainties such as which methods

will be implemented, whether the selected areas are ‘bycatch hotspots’ and if the efforts can be effectively targeted to deliver measurable reductions in mortality. Furthermore, that implementation will be delivered through voluntary participation and incentives provides additional uncertainties which require further detail in order to fully assess technical feasibility of the measure.

- 13.5.5 In conclusion, whilst Scottish Ministers consider that bycatch reduction in general can benefit seabird populations, further detail is required to demonstrate how the proposed measure would be sufficient to deliver the required level of compensation.

14 Measure 4: Restoration or maintenance of breeding sites

14.1 Details of Proposed Measure

- 14.1.1 The final measure that was deemed suitable to be taken forward for the Project is the restoration and maintenance of breeding sites. This would involve the removal of limiting factors to nesting space and quality, such as vegetation (both invasive and non-invasive) to create suitable breeding habitats for puffin. This measure could help to expand the carrying capacity of existing sites or allow recolonisation of abandoned sites.
- 14.1.2 The Company notes that restoration of breeding sites in some seabird species has been found to be especially effective when implemented alongside complimentary measures addressing other causes of species’ decline.
- 14.1.3 The Company states in the Compensation Plan Addendum, that it is currently in the process of refining site selection through engagement with site managers and the completion of initial site visits. Although a confirmed site has not yet been identified, the Company has identified potential opportunities at the Isle of May and the East Caithness Cliffs (see sections 14.1.6 to 14.1.9). The Company intends to continue to with investigations related to these sites and continue discussions with the relevant landowners and stakeholders. The Company will confirm final details regarding site selection in the forthcoming Detailed Seabird Compensation Plan.
- 14.1.4 Although this measure has been proposed as a compensation for puffin, site visits to the Isle of May and East Caithness Cliffs (set out below) identified a number of potential habitat improvement activities which may also benefit other breeding seabirds. The Company states that where site investigations identify opportunities to benefit species other than puffin, these will be set out within the Detailed Seabird Compensation Plan.

Isle of May

- 14.1.5 During site visits the Company noted signs of habitat degradation and erosion, particularly affecting puffin burrows. Visitors were observed straying off-path and, although no visitors were observed off-path directly over areas with puffin burrows during the site visit, evidence of previous off-path movement in sensitive areas was apparent, including bare earth patches, vegetation loss and collapsed burrows.
- 14.1.6 The Company states that these observations suggest that erosion and trampling are contributing to habitat loss and reduced nesting success at the site. To inform development of this measure the Company proposes a range of actions, including:-
- Mapping burrow collapse and habitat loss using site visits and historical data;
 - Review of path network to identify erosion-prone areas and improvement opportunities;
 - Literature review on the consequences of inaction regarding burrow collapse;
 - Analysis of puffin population trends and changes in habitat availability over time; and
 - Evaluation of puffin nest box designs and their effectiveness in supporting breeding success.
- 14.1.7 The Company intends to conduct these studies in collaboration with the site warden and NatureScot to ensure alignment with local conservation priorities and logistical feasibility. To address the issues observed at the site the Company is proposing a targeted package of erosion-reduction and habitat restoration measures, including:-
- Installing boardwalks over soft ground to preventing further erosion and protecting underlying burrow structures;
 - Path creation using stabilising materials, such as rock and gravel, or using ground stabilisation techniques to reinforce paths and reduce lateral erosion;
 - Installing puffin nest boxes to provide artificial nesting sites to compensate for lost or degraded burrows; and
 - Restoration of native ground cover restoration by replanting vegetation and implementing targeted watering to support habitat recovery and reduce soil loss.
- 14.1.8 The Company states that the aim of these measures would be to stabilise the landscape, protect existing burrows, and enhance breeding habitat availability.
- East Caithness Cliffs
- 14.1.9 During the site visit the Company observed a few small areas in the northern part of the SPA which could potentially benefit from drain blocking works. The Company acknowledges that the consented Green Volt OWF project has identified one area for such works but notes that there is another area further south of this, between

Corbiegoe and Sarclet, which could also benefit from drain blocking. The Company observed a number of active drains with the water running down the cliffs in an area which supports nesting fulmar and kittiwake. [Redacted]

Evidence for the Issue

- 14.2.1 In section 6.6 of the Compensation Plan Addendum, the Company presents evidence to support the restoration and maintenance of breeding habitat as a compensatory measure, primarily for puffin. The limited evidence indicates that habitat degradation, particularly through vegetation overgrowth (e.g. tree mallow), soil erosion, and trampling, can reduce the availability and quality of nesting habitat, especially for burrow-nesting species (Jones et al, 2011; Anderson, 2021). Site-specific observations (e.g. Isle of May SPA) identify burrow collapse, vegetation loss, and erosion associated with visitor pressure as potential constraints on nesting success. The Company has also identified a few small areas at East Caithness Cliffs which it states could benefit from drain blocking works which in turn could benefit nesting kittiwake and fulmar.
- 14.2.2 The Company also draws on historical population data to suggest that unused nesting capacity may exist at certain sites, inferring that habitat availability may be limiting the population's size. However, changes in population size are driven by multiple factors, including prey availability and survival, and the evidence presented does not demonstrate that nesting habitat is the primary limiting factor. In addition, literature is cited to demonstrate that invasive plant species can reduce nesting space and that their removal can lead to increases in seabird populations (van der Wal, 2006), although this may also introduce secondary ecological effects (e.g. increased avian predation or short-term erosion). Other positive wider ecological impacts are likely to include benefits to other seabird species, such as cormorants, and herring and lesser black-backed gulls, with productivity potentially increasing for these species following the removal of tree mallow and other cliff vegetation (van der Wal et al, 2006). The Company also suggests that the removal of invasive plant species can often help the recovery of native plant species which can then help to stabilise the soil, as seen on Craigleith with red fescue (*Festuca rubra*) (van der Wal, 2006; Anderson, 2021). However, the Scottish Ministers acknowledge, along with the Company, that whilst removal of invasive plants is beneficial in the long

term, it can increase soil exposure in the short term. As such, the Scottish Ministers agree with the Company that a management plan with staged removal would be necessary.

- 14.2.3 The Scottish Ministers note that site selection has not yet been finalised, and the evidence presented is largely inferential, relying on comparisons with historical population levels and qualitative site observations rather than direct evidence that habitat availability is currently limiting productivity or population growth at the proposed compensation sites. As such, while habitat degradation is identified as a potential pressure, the extent to which it is acting as a key constraint for the target species, and the scale of benefit achievable through restoration, remains uncertain.

14.3 Assessment of Sufficiency

14.3.1 Ecological Effectiveness

- 14.3.1.1 The Company has presented evidence indicating that habitat degradation, including vegetation overgrowth (e.g. tree mallow), soil erosion, and trampling, can reduce the availability and quality of nesting habitat for burrow-nesting seabirds such as puffin. The proposed measure, which includes vegetation management and habitat restoration, is consistent with approaches reported in the literature to improve nesting conditions at seabird colonies, albeit from very limited literature. Such interventions can increase burrow availability and stability which can expand the carrying capacity of an existing site or allow recolonisation of a site which has fallen out of use, thereby potentially supporting a higher occupancy and breeding success at a local scale. The Scottish Ministers recognise that habitat-based interventions have the potential to deliver ecological benefits where nesting habitat is degraded and limiting, and that, in some cases, improvement in habitat condition can lead to a relatively rapid increase in site use.

- 14.3.1.2 However, the Scottish Ministers note that the ecological effectiveness of these measures is highly dependent on whether nesting habitat is a key limiting factor at the relevant colonies. The evidence presented by the Company does not demonstrate that the habitat availability is currently constraining productivity or population size at the Isle of May or East Caithness Cliffs. Puffin population dynamics are influenced by multiple factors, including prey availability, adult survival, and wider environmental conditions. As such, there remains considerable uncertainty as to whether improving habitat condition would result in measurable increases in breeding success or productivity. The Scottish Ministers also note that the Company's reliance on historical population levels to infer unused nesting capacity does not provide robust evidence of current habitat limitation, given the range of pressures acting on seabird populations.

- 14.3.1.3 The Scottish Ministers further note that much of the evidence cited by the Company is inferential, drawing on general ecological principles, site observations and studies of invasive plant removal, rather than providing direct, site-specific evidence of constraints or quantified outcomes. While these sources support the plausibility of the proposed mechanism, they do not demonstrate the scale of site-specific benefits that could be achieved. In addition, the potential for secondary effects, such as increased erosion or predation following vegetation removal, introduces further uncertainty regarding net ecological outcomes.
- 14.3.1.4 The Company has also identified small sections of cliff face at East Caithness Cliffs where it states that, if dried out, kittiwake and fulmar would benefit from increased available nesting habitat. The Scottish Ministers, in agreement with NatureScot, note that it is possible that if the wet section were to be dried there may be scope for the kittiwake colony to extend into the newly dry section. However, as noted by NatureScot from site photographs, the numbers of kittiwake nesting on the dry section is not particularly dense, suggesting nesting space may not currently be limiting in this area. The Scottish Ministers agree with NatureScot that there is a paucity of empirical evidence on the effects of rainfall and run-off on cliff-nesting seabirds, and therefore the effectiveness of drainage as a management measure. While it is logically assumed that reducing run-off could improve nesting habitat suitability, this remains uncertain and will require robust monitoring to validate.
- 14.3.1.5 The Scottish Ministers agree with NatureScot that some of the measures mentioned were not sufficiently discussed by the Company within the evidence, namely indirect effects of erosion reduction and drainage management. There is also little discussion or evidence provided for the use of artificial puffin burrows and how the success of these would be monitored.
- 14.3.1.6 The Company proposes that site selection is still ongoing and identifies potential opportunities at locations such as the Isle of May SPA and East Caithness Cliffs SPA; however, in the absence of confirmed sites and baseline data on habitat condition, burrow availability, and breeding performance, the applicability and effectiveness of the measure cannot be robustly evaluated. The Scottish Ministers therefore consider that, while habitat restoration may deliver localised improvements in nesting conditions, there is insufficient evidence to conclude that it would result in measurable, population-level benefits at the scale required for compensation.
- 14.3.2 Compensation Figures Proposed by the Company
- 14.3.2.1 The Company has used indicative comparisons of current populations to historical counts to identify the level of potential available nesting habitat not currently being used by puffin on the Isle of May. The Company states that the amount of apparently occupied burrows peaked in 2003 with 69,300, and at the last count in

2024 there were estimated to be 52,104. According to the Company, this infers there to be potential nesting space for 17,196 pairs, far exceeding the identified level of additional nesting space needed to compensate for the Project's impacts.

14.3.2.2 Similarly, the Company states that the productivity rate for puffin at the Isle of May averaged at 0.77 in 2024, which is above the national average of 0.62 (Horswill and Robinson, 2015). Typically, the Isle of May long-term study has shown productivity to be frequently higher than 0.80, peaking as high as 0.93 in 1987 (Newell et al, 2025). The Company notes that there is therefore room for improvement with current productivity rates compared to historical levels.

14.3.2.3 The Scottish Ministers consider that the Company's estimated number of additional nesting spaces is likely to be an overestimate as there are multiple pressures acting on seabird populations and that an increase in nesting habitat is unlikely to increase productivity to the degree as stated by the Company. However, the Scottish Ministers, in agreement with NatureScot, acknowledge that there may be scope for this measure to contribute the necessary number of nests needed to compensate for the relatively small compensation requirements for puffin.

14.3.3 Spatial and Temporal Scale

14.3.3.1 The Company has undertaken preliminary site visits to the Isle of May and East Caithness Cliffs, which have been identified as potential sites for this measure to be implemented at. The Company is looking to continue to progress site investigations and discussions with the relevant site managers and other key stakeholders. The Company also plans on carrying out feasibility site visits and baseline monitoring during the first breeding season post consent, with implementation locations (and measure design) finalised shortly after (in-collaboration with site managers). The Scottish Ministers agree with NatureScot's request for the Company to provide details of the locations of reference and implementation sites once decided upon.

14.3.3.2 The Scottish Ministers cannot conclude on the spatial sufficiency of the proposed measure until further site-specific information is provided by the Company. In addition, the Scottish Ministers advise that not enough baseline evidence is provided linking seabird productivity declines at these sites to the lack of nesting habitat available through habitat degradation. When sites and locations are finalised, further evidence will be required.

14.3.3.3 The Company states that this measure is currently being developed alongside, and at the same locations as, the disturbance reduction measure, meaning that the implementation timeline and key points of agreement align with those presented for the disturbance reduction measure. Some of the proposed activities such as boardwalk creation over soft ground, path creation using rock, gravel and/or ground

stabilization and puffin nest box installation are fairly straightforward to implement from both a technical and legal perspective. These can therefore be readily implemented as soon as site selection and any partnership agreements/contracts have been secured, allowing the measure to start delivering benefits immediately upon its implementation and be maintained over the operational lifetime of the Project. The Company states that visits for vegetation removal will likely be required on a twice-yearly basis, particularly in the first five years to ensure new seedlings are removed quickly and ensuring the seedbank gets depleted and regrowth is minimised. The Scottish Ministers acknowledge that this measure intends to target an increase in nesting habitat available, with colonisation of new habitat potentially being relatively rapid. However, there is an inevitable ecological time delay between implementing the measure and additional fledged birds reaching breeding age.

14.3.3.4 The Scottish Ministers acknowledge that other measures suggested by the Company may be less rapidly implemented and will require multi-year activity to be carried out over several seasons, these measures being drainage management, native ground cover restoration and targeted watering. The Scottish Ministers note that continued maintenance and survey work would be necessary for the sustained success of these measures.

14.3.3.5 The Scottish Ministers conclude that this measure will not confer benefit to the target species in terms of increasing productivity and/or breeding population size until the amount of time has passed that is at least as long as the age to breeding, which is typically between four and six years for puffin. The Scottish Ministers also note that although this measure could feasibly deliver benefits that exceed the Project's lifetime, this would need continued management to maintain paths, boardwalks, artificial nesting boxes and drainage management etc.

14.3.4 Additionality

14.3.4.1 The Company states that site selection and measure design are ongoing and will be finalised post consent, and also indicates that delivery would be undertaken in collaboration with site managers and relevant stakeholders. While the measures are framed as compensation and may be delivered through conservation management funding, the Company does not set out how the proposed actions differ from existing or planned site management, nor what level of activity would occur in the absence of the Project.

14.3.4.2 The Scottish Ministers conclude that insufficient information has been provided to demonstrate that the proposed restoration or maintenance measures would be additional to existing conservation or site-management activities. In the absence of a clearly defined baseline scenario, the additionality of the proposed measure cannot be confirmed at this stage.

14.3.5 Monitoring and Adaptive Management

14.3.5.1 The Company suggests a number of adaptive management and corrective measures which cover use of barriers alongside surfaced paths, additional vegetation recovery (expanding sites or management techniques), soil stabilisation and decoys/playbacks to attract puffin uptake at artificial burrows. In agreement with NatureScot, the Scottish Ministers consider that the information presented makes sense and appears to be a comprehensive approach, provided that any additional construction required as a corrective measure should be assessed for potential unintended impacts and care should be taken to avoid impacts and disturbance to breeding birds and any other protected features.

14.3.5.2 The Scottish Ministers conclude that the adaptive management and monitoring approaches would be sufficient to securing compensation but that further detail and consideration of the implementation of these measures are required once sites and methods have been selected.

14.4 Assessment of the Feasibility of the Measure

14.5 Technical Feasibility

14.5.1 There is evidence that habitat restoration measures such as vegetation management, path stabilisation, and artificial burrow provision can be implemented at seabird colonies and these have been used in comparable contexts. These interventions are established conservation techniques and, in principle, are achievable from a technical and logistical perspective.

14.5.2 The Scottish Ministers consider that the proposed restoration and maintenance of breeding sites have the potential to be technically feasible. However, key elements of the measure remain uncertain, including the final selection of sites, the extent and condition of habitats requiring intervention, how access and permissions would be secured, and how specific activities such as drainage management and erosion control would be implemented in practice. The Scottish Ministers also note that the spatial extent of the measure has not yet been defined, and it is unclear whether sufficient areas of suitable habitat are available at the proposed locations to deliver the required scale of compensation.

14.5.3 The Scottish Ministers consider, that while the measure has the potential to be technically feasible, it is dependent on the provision of further site-specific information, including confirmed locations, detailed methodology and monitoring proposals. The Scottish Ministers agree with NatureScot that additional detail, including the refinement of site selection and implementation plans would help reduce uncertainty and facilitate greater confidence in the technical feasibility of the

measure. The Scottish Ministers conclude that the measure is technically feasible, subject to the resolution of uncertainties outlined above.

14.6 Financial Feasibility

14.6.1 The Company has not provided specific information on the funding arrangements for the restoration and maintenance of breeding sites measure other than stating that this measure will likely be achieved through funding contractors or additional site managers, which are both relatively low-cost. The Company further states that it will investigate whether any existing projects require additional resources (such as SOS Puffin; Scottish Seabird Centre).

14.6.2 The Scottish Ministers note that while many of the proposed interventions (e.g. vegetation management, path creation, artificial burrows, and ongoing maintenance) are relatively standard conservation activities, they are likely to require substantial financial commitment over multiple years, particularly where repeated vegetation control, monitoring and site maintenance is necessary. In addition, some elements (e.g. drainage management and erosion control) may involve more complex and potentially costly implementation.

14.6.3 The Scottish Ministers are content that, although limited information is supplied on the financial costs of this measure, there are no clear financial barriers evident in the proposal. All costs for compensatory measures will be borne by the Company and should the Company later decide this compensatory measure is not financially feasible, the Company will be required to submit details of an alternative compensatory measure within its Detailed Seabird Compensation Plan in agreement with the Scottish Ministers. The Scottish Ministers are content that this is a financially feasible option.

14.7 Legal Feasibility

14.7.1 The successful implementation of the measure will be dependent on securing agreements with relevant landowners, site managers, and stakeholders at the proposed locations (e.g. Isle of May SPA and East Caithness Cliffs SPA). In the absence of confirmed sites and agreements, there remains some uncertainty as to how access, responsibilities, and long-term management obligations would be finalised.

14.7.2 The Scottish Ministers are content that the measure is potentially feasible; however, expects further detail to be submitted as part of the Detailed Seabird Compensation Plan. If the Scottish Ministers are not subsequently content with the legal feasibility of this measure when considering the Detailed Seabird Compensation Plan, the Company will be required to submit details of an alternative compensatory measure

within an updated Detailed Seabird Compensation Plan in agreement with the Scottish Ministers.

14.8 The Scottish Ministers Conclusion on the Proposed Measure

- 14.8.1 The Scottish Ministers consider that the Company has presented evidence indicating that habitat degradation, including vegetation overgrowth, soil erosion, and trampling, can reduce the availability and quality of nesting habitat for burrow-nesting seabirds such as puffin. The Company also provides some (albeit limited) examples that habitat restoration initiatives can increase burrow availability and stability, potentially supporting a higher occupancy and breeding success at a local scale.
- 14.8.2 As such, the Scottish Ministers recognise that habitat-based interventions have the potential to deliver ecological benefits where nesting habitat is degraded and limiting, and in some cases, that improvement in habitat condition can lead to a relatively rapid increase in site use. Therefore, the Scottish Ministers consider that this proposed measure has the potential to compensate for the impacts of the Project. However, whether this benefit can be sustained throughout the duration of the Project's lifetime depends on whether nesting habitat is a key limiting factor at the relevant colonies and the ongoing maintenance of paths, boardwalks, artificial nesting boxes and drainage management etc.
- 14.8.3 The Scottish Ministers highlight that site selection for this proposed measure has not yet been finalised and the evidence presented is largely inferential. At present, there is no direct evidence presented to support the assumption that habitat degradation is inhibiting population growth of, or causing population declines in, target species at the proposed compensation sites, reducing confidence in the effectiveness of this measure. As such, the extent to which it is acting as a key constraint for the target species, and the scale of benefit achievable through restoration, remains uncertain.
- 14.8.4 The Scottish Ministers conclude further site-specific information is required to determine whether habitat degradation is an influential pressure factor on target seabird populations to increase confidence in the measure and reduce uncertainties in the efficacy of the proposed measure to meet the required compensation levels.
- 14.8.5 The Scottish Ministers advise that the measure is technically feasible but note that the Company has not yet been able to secure a meeting with the site managers of the potential implementation sites. The Scottish Ministers require further site-specific information, including confirmed locations, detailed methodology and monitoring proposals. In addition, the Scottish Ministers require further information

to demonstrate that the proposed restoration or maintenance measures are additional to existing conservation or site-management activities.

- 14.8.6 In conclusion, whilst the Scottish Ministers consider that habitat restoration and maintenance in general can benefit seabird populations, further detail is required to demonstrate the ecological efficacy and technical feasibility of the measure, including confirmed locations, baseline scenarios and detailed methodology and monitoring proposals. If provided, given the relatively small compensation requirements for puffin, this measure may be sufficient to deliver required level of compensation.

15 Conclusion and Securing of Compensatory Measures

- 15.1 The Scottish Ministers consider that the proposed compensatory measures, in principle, have the potential to deliver the required level of compensation, however further detail is required for each measure in order demonstrate that they are sufficient. The obligation for compensatory measures requires them to be in place before damage to the European site(s) occurs. In the case of the Project, the impacts identified in the AA occur at the point that the Project becomes operational. The Scottish Ministers therefore consider it appropriate to meet the requirement to put in place compensatory measures through a suspensive condition on the section 36 consent and marine licences. This condition will prohibit the commencement of the Project until a detailed compensation plan is submitted and approved by the Scottish Ministers. This will ensure that compensatory measures are formally secured as required by the Habitats Regulations before the Project can be lawfully built and operated.
- 15.2 The following condition will be added to the section 36 consent and marine licences to ensure that satisfactory and sufficient compensatory measures are approved by the Scottish Ministers before the commencement of the Project.
- 15.3 The wording of the below condition is as it will appear on the section 36 consent however the condition will also be added to the marine licences for the Project with appropriate changes to defined terms. Defined terms used in the condition below will have the meaning given to them in the section 36 consent, if granted.

Detailed Seabird Compensation Plan

- 1) No later than six months prior to the implementation of proposed compensatory measures (or such alternative timeframe, as approved in writing by the Scottish Ministers), the Company must submit a Detailed Seabird Compensation Plan in writing to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot and any such other advisors or organisations as may be required at the discretion of

the Scottish Ministers, which may include a compensatory measures steering group.

- 2) The Detailed Seabird Compensation Plan must be in accordance with the Refined Outline Implementation and Monitoring Plan dated 30 September 2025, unless otherwise agreed by the Scottish Ministers, and demonstrate that the compensatory measures will compensate for any adverse effects on the Special Protection Areas (“SPAs”) as identified and quantified in the Appropriate Assessment for the Project where conclusions of adverse effect on site integrity (“AEOSI”) or being unable to conclude no AEOSI have been drawn. The Detailed Seabird Compensation Plan must include, but not be limited to, the following:
 - a) a timetable of implementation and maintenance of the compensatory measures;
 - b) the location of the compensatory measures;
 - c) a description of the characteristics of the proposed compensatory measures;
 - d) the predicted outcomes of each compensatory measure, including timescales of when those outcomes will be achieved;
 - f) details of monitoring and reporting of the effectiveness of the compensatory measures including—
 - i) survey and monitoring methods;
 - ii) survey programmes;
 - iii) success criteria;
 - iv) timescales for monitoring reports to be submitted to the Scottish Ministers;
 - v) reporting of meeting success criteria, and
 - vi) measures to adapt, and where necessary increase, compensatory measures and the criteria used to trigger any adaptation of compensatory measures.
 - g) details on how the Company will comply with onshore permitting requirements, including SSSI consent (if applicable);
 - h) copies of any necessary legal agreements associated with the implementation of the compensatory measures.
- 3) The Company must implement the measures set out in the approved Detailed Seabird Compensation Plan in full.
- 4) Commencement of the Development cannot take place without written approval of the Detailed Seabird Compensation Plan by the Scottish Ministers. The Scottish Ministers' expectation is that the compensatory measures will be in place and delivering prior to the Commencement of the Development. The Scottish Ministers will notify the Developer of any compensatory measures timing requirements in writing and as part of their consideration of the submitted Detailed Seabird Compensation Plan. The Developer must not initiate Commencement of the

Development until the Scottish Ministers have confirmed, in writing, that they are content that all requirements have been fulfilled at that stage of the Development

- 5) Any requests for amendments to the approved Detailed Seabird Compensation Plan must be submitted, in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers, which may include a compensatory measures steering group.
- 6) The Company must make such alterations to the approved Detailed Seabird Compensation Plan as directed by the Scottish Ministers and submit the updated Detailed Seabird Compensation Plan to the Scottish Ministers for approval within such a period as directed in writing by the Scottish Ministers.
- 7) The Company must notify the Scottish Ministers and NatureScot of the completion of any compensatory measures set out in the Detailed Seabird Compensation Plan.

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