

MS-LOT European Protected Species Case Handling Report

Licence Number: 00010676

Licensing Officer: [REDACTED]

Site	Moray West Wind Farm
Company	Moray Offshore Windfarm (West) Limited 5th Floor, Atria One 144 Morrison Street Edinburgh EH3 8EX United Kingdom
Applicant	[REDACTED]
Brief Description of Project	Unexploded Ordnance ("UXO") clearance activities
Associated Licences	Marine Licence No. 00010675

Species	harbour porpoise (<i>Phocoena phocoena</i>);bottlenose dolphin (<i>Tursiops truncatus</i>);minke whale (<i>Balaenoptera acutorostrata</i>);short beaked common dolphin (<i>Delphinus delphis</i>);white-beaked dolphin (<i>Lagenorhynchus albirostris</i>)
Inshore/Offshore	Inshore

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TEST 1	Purpose of licence
	Imperative reasons of overriding public interest (including those of a social or economic nature and beneficial consequences of primary importance for the environment)
Comments	
<p>The Scottish Government can only issue licenses under the Conservation (Natural Habitats, c.) Regulation 1994 (the 1994 Regs) for specific purposes. These purposes include: Regulation 44(2)(e) of the 1994 Regs preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.</p> <p>The licence application is for the temporary disturbance of European Protected Species ("EPS") during the removal of possible UXO encountered during construction, until the end of July 2025, when the commissioning of the Development will be completed. The process will be the same as that followed for the UXO identified during the previous UXO survey campaign, by low order deflagration, where EPS licences 00010033, 00010264, 00010360 were authorised for disturbance. A Marine Licence application for the removal of UXO has also been submitted, ref MS-00010675, alongside this EPS application. For this application no set number of confirmed UXOs has been provided as they are yet to be encountered, the applicant is applying to use a maximum number of 20 deflagration donor charges, with each donor charge having a maximum charge weight of 0.25kg. The applicant has outlined this fully in section 2.3.2.2, page 15 of the submitted Construction UXO Clearance European Protected Species – Risk Assessment, 8460005-DG0207-MWW-REP-000010, revision 3.</p> <p>The licensable purpose of the UXO clearance activity is essential to ensure the safe construction of the Moray West wind farm as UXO pose a hazard to construction, operation and maintenance activities as there is an increased risk of detonation occurring. The proposed approach to UXO clearance activities will utilise low order deflagration, which is a lower-impact alternative to explosive detonation and high-order detonation.</p> <p>The UXO clearance activity is part of the wider offshore wind farm development which contributes to the growth of offshore wind to reduce greenhouse gas emissions and achieve net zero in Scotland by 2045. Offshore wind development in Scotland is to ensure that 25% of the offshore wind industry is provided by local business. There is an overarching European, United Kingdom and Scottish policy requirement for sustainable energy supply from renewables. This need is the subject of national planning and energy policy. The proposed UXO clearance activities are required to ensure the safe construction of the Development.</p>	
Test 1 satisfied?	YES

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TEST 2	Satisfactory alternatives
Comments	
<ul style="list-style-type: none"> • Has the applicant demonstrated that reasonable effort has been made to consider alternatives that would achieve the same result but with less / no impact on EPS? • They should explain what alternatives were considered and justification for considering they are unsatisfactory. • They should always consider the ‘do-nothing’ alternative. • Possible alternatives may be equipment, methods, locations and timing <p>The applicant has demonstrated that reasonable effort has been made to consider alternatives and proposes to incorporate the ‘do nothing approach’ where safely possible.</p> <p>The applicant has explains there is an initial preference for leaving the UXO insitu and mico-siting construction work around it, which removes all impact on EPS within the vicinity of the Moray West development site. However, where this option is not safely possible, an appropriate clearance method will be selected. The method in order or their preference is</p> <ol style="list-style-type: none"> 1. relocation and leave in situ, or 2. low-order deflagration, as proposed in marine licence application MS-00010675. <p>High order detonation is not considered a suitable alternative to the low order deflagration method proposed. The applicant has explained that low-order methods aim to neutralise the UXO without detonation of the main charge and, therefore, the energy generated should relate to the detonation of the donor charge only. Consequently, for a given size of UXO, the potential for impacts to marine life from low-order disposal are considerably less than would be expected from a high-order disposal.</p>	
Test 2 satisfied?	YES

TEST 3	Favourable conservation status
Comments	
<p>NatureScot provided advice to MD-LOT on 14 February 2024 with further advice provided on 26 March 2024 following submission of amended information by the Developer.</p> <p>NatureScot advised that under The Conservation of Offshore Marine Habitats and Species Regulations 2017 an EPS licence for disturbance is not required as a result of the activities.</p> <p>NatureScot advised that under The Conservation (Natural Habitats, &c.) Regulations 1994 an EPS licence for disturbance is required.</p> <p>NatureScot acknowledged the proposed mitigation measures outlined in the Moray Offshore Windfarm (West) Limited European Species Risk Assessment document (EPS Risk Assessment (Document name: 8460005-DG0207-MWW-REP-000010; Revision: 3) and confirmed that provided these measures are secured there is no requirement for an EPS injury licence. The mitigation measures have been secured as a condition of this licence.</p> <p>NatureScot concluded that due to the scale of the activity the proposal is not capable of having an adverse impact on the Favourable Conservation Status of the EPS involved.</p>	
Test 3 satisfied?	YES

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Date application received: 14/12/2023

Consultation start date: 17/01/2024

Consultation end date: 14/02/2024

Notes

Date	Text	Created By
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Awaiting Information

Start date	End date	Duration (days)	Waiting for	Waiting on Information From
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Licence issue date: 05/04/2024

Date report due: 31/08/2025

Licence start date: 06/04/2024

Licence end date: 31/07/2025

National Marine Plan considerations:

The decision is in accordance with the National Marine Plan. No further action required

Comments: This proposal relates to the policies contained in Chapter 11 of the Scottish Government's National Marine Plan. This chapter sets out the government's objectives for the Offshore Wind and Marine Renewable Energy sector.

Reviewed and signed by:

Signed:



Date: 05/04/2024