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MarramWind Limited  
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Date: 5 November 2024

Dear Alexa MacKay and Victoria Munro,

**Habitat Regulations Appraisal Screening under The Conservation (Natural Habitats, &c.) Regulations 1994 and The Conservation of Offshore Marine Habitats and Species Regulations 2017.**

Thank you for the Habitat Regulations Appraisal (“HRA”) screening report received on 16 August 2024, in relation to the construction and operation of the proposed MarramWind Offshore Wind Farm (“the Proposed Development”). The Proposed Development will be located north-east of Rattray Head on the Aberdeenshire coast, approximately 75 kilometres (“km”) at its nearest point to shore with a proposed landfall location within an area between Sandford Bay and Scotstown.

Marine Directorate – Licensing Operations Team (“MD-LOT”) has consulted on the HRA screening report with Deveron District Salmon Fisheries Board (“DSFB”), Don DSFB, Fisheries Management Scotland (“FMS”), Natural England, NatureScot, Royal Society for the Protection of Birds Scotland (“RSPB Scotland”), Ugie DSFB, Whale and Dolphin Conservation and Ythan DSFB. Copies of the representations are attached (see Appendix 1). MD-LOT advises you to fully review and address these, however, highlight some key points below. In addition, MD-LOT advises that the HRA must fully align with the impact pathways identified for assessment in the scoping opinion adopted by the Scottish Ministers in relation to the Proposed Development dated 20 December 2023 (“the Scoping Opinion”).

Annex 1 Habitats

Identification of European sites that are designated for Annex 1 habitats is considered in Section 5.2 of the HRA screening report. Section 7.2.12 of the HRA screening report concludes that there is no Likely Significant Effect (“LSE”) due to the distance from the Proposed Development and the lack of identified impact pathways. MD-LOT, in line with the NatureScot representation, is content with this conclusion.

Diadromous fish

With regards to the qualifying features to be considered, MD-LOT acknowledges section 5.1 of the screening report and agrees that diadromous fish should be screened out from the HRA and instead must be considered through the Environmental Impact Assessment (“EIA”) Report for the Proposed Development. Furthermore, MD-LOT advises that the impacts on diadromous fish, as outlined in the FMS and Ugie DSFB representations, should be considered further as part of the EIA Report.

### Marine Mammals

With regards to the identification of European sites designated for marine mammals in Scottish waters, MD-LOT, in line with the NatureScot representation, agrees with the conclusions in Sections 7.2.2 and 7.3.2 of the HRA screening report which concludes LSE for the Moray Firth Special Area of Conservation (“SAC”) only.

For the avoidance of doubt, MD-LOT would expect to see entanglement considered as a potential impact pathway to relevant European sites designated for marine mammals within the HRA screening report. However, in line with the NatureScot representation, MD-LOT notes that the Moray Firth SAC is located 120km from the Proposed Development; therefore, it is unlikely that the bottlenose dolphin qualifying feature from this SAC would have connectivity to the Proposed Development’s array area where entanglement could occur.

Regarding impact pathways and determination of LSE, MD-LOT notes that no LSE from disturbance and displacement from increased underwater noise has been identified during the operational and decommissioning phases for the Moray Firth SAC. MD-LOT advises, in line with the NatureScot representation, that operational noise from turbines should be screened in, as well as operational noise from dynamic cables, for all phases of the Proposed Development including decommissioning.

### Ornithology

With regards to the identification of European sites designated for ornithology in Scottish waters, MD-LOT is broadly content with the conclusions of the HRA screening report. However, in line with the NatureScot representation, further information is required on what tracking data is being referenced in the HRA screening report to provide more detailed advice for kittiwake at St Abbs to Fast Castle Special Protected Area (“SPA”), and gannet at Sule Skerry and Sule Stack SPA.

MD-LOT highlights the NatureScot and Natural England representations, which do not support the screening out of the following designated sites; gannet at North Rona and Sula Sgeir SPA, great skua at St Kilda SPA, and guillemot at Flamborough and Filey Coast SPA. MD-LOT also advises that Manx shearwater is included within the report to inform the appropriate assessment.

MD-LOT refers to the representations made by NatureScot and RSPB Scotland which must be considered in full within the HRA. Specifically, NatureScot’s recommendation of using Woodward *et al.* (2019) foraging ranges for kittiwake, and the advice on the assessment of distributional responses of fulmar.

MD-LOT is content with the approach taken for screening seabirds in the non-breeding and migratory seasons and for screening migratory seabirds. MD-LOT notes potential

changes to the approach taken for migratory non-seabirds and that further engagement with relevant stakeholders is anticipated.

With regards to LSE, MD-LOT advises that the inconsistencies highlighted in the NatureScot representation concerning Table 4.6, Table 8.1, and tables in Appendix C of the HRA screening report must be fully addressed and taken forward within the HRA.

With regards to impact pathways, MD-LOT advises that the representation by NatureScot and RSPB Scotland must be fully considered and implemented within the HRA. Specifically, including vessel disturbance if applicable and the consideration of lighting on ornithological receptors as a potential impact pathway for species such as European storm petrel, Leach's storm petrel, and Manx shearwater in the HRA.

#### In-combination Assessment

MD-LOT broadly agrees with the approach to the in-combination assessment outlined within Section 7 of the HRA screening report. However, MD-LOT in line with the NatureScot representation, seeks clarification on what is meant by "*projects that will be screened out for in-combination assessment consideration may include UK offshore wind farms evaluated as having low data confidence on the basis that no construction or operational period is known*" noted in Section 7.4.4.3. MD-LOT requests MarramWind Ltd identify which projects this statement refers to.

Yours sincerely,

Toni-Marie McGinn  
Marine Directorate - Licensing Operations Team