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26 November 2012

Our Ref: 011/OW/MORLE – 8

Dear Mr Main

**MORAY OFFSHORE RENEWABLES LIMITED: MORL OFFSHORE WIND FARM – MSS  
COMMENTS ON THE APPLICATION FOR**

**THREE CONSENTS UNDER SECTION 36 OF THE ELECTRICITY ACT 1989, AND THREE  
MARINE LICENCES UNDER PART 4 OF THE MARINE AND COASTAL ACCESS ACT 2009 TO  
CONSTRUCT AND OPERATE THREE OFFSHORE WIND FARMS IN THE OUTER MORAY FIRTH**

**ONE MARINE LICENCE UNDER SECTION 20 OF THE MARINE (SCOTLAND) ACT 2010, AND  
UNDER SECTIONS 65 AND 66 OF THE MARINE AND COASTAL ACCESS ACT 2009 TO  
CONSTRUCT THE ASSOCIATED OFFSHORE TRANSMISSION WORKS IN THE OUTER MORAY  
FIRTH**

**MSS Advice**

Marine Scotland has reviewed the submitted Environmental Statement for the above application and has provided comments on Physical Environment, Benthic Ecology, Fish & Shellfish Ecology and Commercial Fisheries.

Under Fish & Shellfish Ecology and Commercial Fisheries MSS has only provided comments on Marine Fish Species, we are currently awaiting final comments from the Freshwater Fisheries Laboratory therefore until these are received, this is an interim response to allow MORL to progress their application.

Our advice is as follows.

It is of our opinion that the developer has not provided sufficient information in several areas of the ES to allow sufficient assessment of the potential impacts that may arise from this development. As a result we would look for these issues to be addressed before we could give MS LOT our final views on this project.

## Comments in relation to Project Description

The foundation designs considered include a gravity based system and a steel jacket system. Each will require different site preparation and installation methodologies. This will require different vessels to complete each of the stages. One of the primary concerns for assessing the potential impacts on the environment associated with these activities will depend on the timing, duration and frequency of the proposed works. Consequently understanding the weather window for the safe operation of the project vessels is essential for planning how the development will proceed and the time required to complete the project. This information appears to be omitted from the ES.

The weather window will dictate when certain works will be undertaken. The weather window may be further reduced resulting from mitigation to avoid sensitive times of the year for a particular receptor. In doing so this has the potential to reduce the project work for each year, extending the net time required to complete the project. Consequently, in order to assess the potential impacts of the development, the duration and frequency of the proposed works needs to be known. Some receptors may be more susceptible to impact from recurring exposure to an activity for short periods of time over a number of years, while other receptors will be more susceptible to prolonged exposure to an activity for longer periods of time over a shorter number of years.

To define the weather window for the proposed development we would suggest contact is made with a number of vessel suppliers for confirmation of the safe working weather thresholds for the vessels being considered for each of the foundation/installation options. We phoned Boskalis Westminster Dredging Ltd and they were very accommodating providing information and advice about their vessels and how to maximise the time available. We also contacted the Met Office who confirmed that they offered a bespoke service to companies wanting to estimate the weather window for marine operations in UK waters. This includes wave height, direction, period and similar parameters for wind and currents. This information is routinely used by the offshore oil and gas industry for exploration and production operations. The combination of the vessel threshold limits and the estimated weather conditions below the threshold limits would provide the basis for project managing the proposed development. This would provide clarity on the sequence of activities to be undertaken during the installation of the devices. The ES indicates that a sequential series of activities will be completed during the deployment of the foundations for each device. In the case of gravity based systems several vessels will be involved, consequently the process will be limited by the vessel with the most restrictive weather window. With the information provided by vessel suppliers and the Met Office, a realistic Gantt chart or charts can then be produced to demonstrate the “worst-case” scenarios for those receptors that are susceptible to different activity exposures. This will ensure that in subsequent phases of the engineering design process, the development will be within the scope of the assessed effects and in keeping with the Rochdale Envelope approach. This in turn will provide advisers with a better context for assessing the potential impacts that may arise from the proposed development. Also our understanding of the potential for in combination impacts that may arise from concurrent projects is significantly restricted without knowing the realistic timing of the different stages for the development.

Given the potential scale of the associated works with the gravity based system and their integral nature to the main infrastructure for the proposed development, why have they not been incorporated into the environmental statement? Point 4 of Annex IV of the EIA Directive specifies that the information to be supplied by the developer includes “a description of the likely significant effects of the proposed project on the environment resulting from the use of natural resources”. In such cases the European Commission suggests where the associated works are deemed to be an integral part of the main project the associated works should only be approved following the EIA process for the project as a whole. The whole project cumulative impacts assessment does not take into consideration the associated works involved in this development. Information pertinent to the use of natural resources is missing from the ES with respect to the source of the ballast material, site preparation gravel, scour protection and the disposal of dredged sediment.

Attached in Annexe 1 is a list of specific comments to help give direction to the developer as to where additional information would be required.

## Comments in relation to Physical Processes

The Environmental Statement (ES), with regards to physical and coastal processes, is extremely comprehensive considering a large number of possible receptors and a comprehensive selection of physical processes affecting these receptors. The ES was, however, somewhat structurally complex and hard to follow. It is understood why the ES was split into sections on transmission infrastructure, offshore generating station etc., cumulative assessment, but there did seem to be a lot of repetition.

The technical appendices were detailed, rigours, and the methodologies adopted are sensible. It appeared that advice given during previous stages of the consultation process was taken onboard.

The scouring around the base of the foundations is considered likely to be one of the major impacts of the wind farm.

The ES presents the results from a plume dispersal simulation (particle tracking model) as evidence in support for the installation activities having an effect of minor significance on the suspended sediment concentrations. This approach is considered to be valid and proportionate with respect to the installation activities. No consideration was given, however, to the fate of suspended sediment resulting from the scour around the turbine foundations during operation.

The potential levels of scour are well assessed in the ES, but the results presented are in terms of the eventual scour pit dimensions and the impact this has on Smith Bank. There is no apparent consideration of the eventual fate of scoured material which would most likely be redistributed over the site itself. Whilst this is not considered to be a highly significant issue, it would be advisable to request some information regarding the volume and grain size(s) of sediment resuspended as a result of the scour, and the time scales associated with this. These could then be compared to the levels of suspended sediment predicted to occur during installation.

Another possible level of assessment could be to apply a similar plume dispersal methodology, as used to model the suspended sediments resulting from installation. These are not anticipated to be major pieces of work, but the results would certainly help clarify things and make it somewhat easier to make an assessment. Finally, it is recognised that the scour pretention measures being suggested will reduce the potential for scour, and resuspension of sediment, and also potentially make an assessment of sediment resuspension hard (due to uncertainty in the scour protection measures being used).

It is recommended that a short assessment of the levels of suspended sediment resulting from scour be done. This does not represent a strong or fundamental objection, but such clarifications would clear things up. The assessments recommended above are not necessarily the only ones that could be done so some freedom should be given to the developer in how they go about this assessment. For example, the developer may be able to provide sufficient conceptual evidence. In response to issue

The ES examines the frequency of sediment mobility on the Smith Bank receptor (Technical Appendix 3.4 C, Section 4.3.2) and concludes that there is no change in the form or function of the receptor, and therefore that the impact is of negligible significance. The ES goes on to argue that because the main change in currents and waves are on Smith Bank, there is no need for further examination of sediment mobility at the coastal receptors such as designated coastal habitats. It is not necessarily as clear cut as this. For example the coastal receptors have different grain sizes to those found on Smith Bank, and they are therefore potentially more susceptible to changes in the wave and tidal regime than Smith Bank. Having highlighted this as an area of uncertainty, the work done within the ES is considered to be appropriate and proportional for this development.

## Comments in relation to Benthic Ecology

### Volume 1: Non-Tech Summary

Benthic Ecology (page 39) – Marine Scotland Science (MSS) still do not agree that the effects of construction on the benthos can be considered minor, especially if gravity bases are going to be used. Seabed preparation will be a major event in our opinion. This whole section on benthic ecology appears to underplay potential benthic effects.

### Volume 3: 7.1

7.1.3.1. It's not clear in the scientific literature whether benthic invertebrates are "generally insensitive" to EMF and heat effects. Not much work has been done on these topics so we cannot support the authors' claim that there will be no significant effects from EMF and heat. Also, if gravity bases are to be used, how much seabed preparation is to be carried out? Any dredging for instance would have permanent and major impacts on the seabed and its ecology. We would recommend that the developer provides evidence to support the claim that benthic invertebrates are generally insensitive to EMF and heat effects.

In ES Volume 1 Non-Tech Summary, in Table 7.1-2 and chapters 7.1.6.2, 7.1.6.7 (in ES Volume 3, Chapter 7) and Chapter 10.1.5.12 in ES Volume Chapter 10, the impact of seabed preparation for the siting of gravity based turbines is discussed and rated as to how severe the changes will be on seabed ecology. As we stated we believe that the developer is understating the potential effects of the dredging/preparation operations - these are major, permanent impacts and should therefore be rated as such. The area of seabed affected is huge, in the region of 6,600m<sup>2</sup> per turbine with up to 339 turbines. Deposition of suspended sediments from these operations is also extremely large even if they are localised - up to 5.1m above normal seabed on some positions. There is no mention of how their dredging work will be carried out, how they plan to transport dredged material and what plans they have for disposing of this material. Given all this, our opinion is that the developer has not adequately assessed these impacts and my recommendation is that more information is required for all these processes to clarify their impact assessments. Until more information is forthcoming we cannot fully consider the effects on seabed ecology or suggest any mitigation measures.

Trenching operations are also rated as being low impact procedures. Again we disagree. This will be a major event impacting benthic ecology. The developers do not consider the disruption of chemical processes in the sediments affected. Again, more information is required and we suggest that some time is spent considering sedimentary processes and benthic recolonisation in general.

7.1.6.4. Rapid infilling of jetted or ploughed trenches doesn't mean that these trenches will be rapidly re-colonised. These areas will take time to repopulate. Backfilling will disrupt the sediment/substrate structure causing mixing of layers. Aerobic/anaerobic interface and chemical processes will be disrupted although we would expect these structures and processes to re-establish over time (possibly years?). This is not a low magnitude impact.

7.1.6.5. Re-colonisation by import of larvae will occur but only when larvae are available in the water column.

As above, our opinion again is that the developer needs to provide more information on benthic larval settlement and on species mobility into abiotic sediments for example. Until more information is forthcoming we cannot fully consider the effects on seabed ecology or suggest any mitigation measures.

Attached in Annex 2 is a list of specific comments to help give direction to the developer as to where additional information would be required

## Comments in relation to Fish and Shellfish Ecology

In general the developer has provided a robust assessment of the key impacts associated with these receptors (marine fish, shellfish and commercial fisheries). However there are a few issues which have not been addressed and these should be amended. Along with these are instances where the developer may just need to provide additional data to clarify an assessment. Additionally we have provided suggestions for possible mitigation options which could be brought forward post consent to help alleviate some of the impacts presented.

### Volume 3: 7.2: 7.2.6

#### Noise and cod (post consent survey)

Due to the assessment that noise poses a moderate – major negative impact to cod we would recommend that the developer carry out survey work to gather further baseline information with regards to locations of spawning within the vicinity of the wind farm. This wouldn't need to be carried out pre-consent but we would look for this work to be carried out pre construction so that it may be possible to carry out post construction/post 1-2 year operation surveys for comparison to test the impact assessments made in the ES.

#### Noise and herring (mitigation option)

The Orkney/Shetland stock has not recovered like the other North Sea herring stocks, as a result any potential impact on this stock is of concern. The noise contours from the northerly piling sites do penetrate into the perceived spawning areas for the Orkney/Shetland herring stock. It may be possible that noise mitigation for other species (marine mammals) would provide adequate protection to herring spawning as well. This could take the form of noise dampening, seasonal closure or carrying out activities in the southern end of the sites during peak spawning.

### Volume 5: Table 12.1-8 (additional data or amendment to ES)

From what has been presented in the mitigation and monitoring sections of chapters 7.2 and 10.2 it is unclear how soft start piling alone could minimize the impact to cod and herring to minor. It has not been indicated what 'other measures' may be proposed so it is difficult to agree with the statements made in this table. Either the developer should provide the additional data to support the statements made or this statement should be amended within the ES.

### Volume 5: Section 6: CIA – Fish and Shellfish Ecology

**14.2 (mitigation option)** – The developer should seek to work with the BOWL project to try and ensure piling/noisy activities in the most northerly locations are kept to as short a period as possible, where possible they should try and avoid carrying out piling/noisy activities in these most northerly areas during key spawning periods (August – September) for herring.

## Comments in relation to Commercial Fisheries

### Volume 3: 8.1

**8.1.4.3 (Amendment of ES)** – The developer has contradicted its self with the comments made in 8.1.2.2 when describing the exclusions that would be expected during construction. This should be clarified. Will fishing be restricted by the cable laying during construction?

**8.1.5.17 (provision of additional data)** – We would seek that the developer provide additional data which would support the assessment that the Moray Firth is of low importance on the national scale. We find this conclusion conflicts with our understanding of the area and with the data presented in figure 6.3 of technical appendix 5.1. Indicating that ICES rectangle 45E7 has on average the 3<sup>rd</sup> most valuable landings within the national study area presented.

### Volume 4: 11.1

Developer has adequately assessed the key impacts.

## **Volume 5: 12.1 Scour (missing information to make assessment –amend ES)**

There appears to be an omission of information regarding scour protection solutions for the portions of cables that will be in areas susceptible to scour. We are of the opinion that this would need to be described before an adequate assessment of the risk to fishing vessels can be fully described. Other than burial to 1m, what measures does the developer intend to use in these areas?

### **(Mitigation for poor assessment of CIA due to lack of available information)**

Additionally to the comments provided above on commercial fisheries, we would recommend the developer consider the application of a fisheries working group. This would include both fishing associations and local fisheries that utilise the area and provide a forum for discussions of potential conflicts, issues and mitigation etc. It would also be useful if the other developments that are planned for the Moray Firth were involved, and in turn, a line of communication be kept open for the development group in the Firth of Forth to help with cumulative issues on the wider east coast. This is particularly relevant as the cumulative impacts have been weakly assessed in section 15.1. These groups would provide the conduit for information from these other developments to be assessed more accurately and to help alleviate concerns from the industry.

## Annex 1.

In relation to the gravity base system (GBS) being considered for the installation of the turbines, the following questions and comments are areas that the developer has not provided sufficient information.

Why has spacing in table 2.2-1 been left empty?

What is the proposed ballast for the GBS?

What is the worst case volume of ballast required for GBS?

Please confirm how the foundation designs are influenced by the turbine size.

How has the extraction of gravel infill for each turbine been factored into the decision making process in the ES?

How has the movement of vessels associated with the GBS option been factored into the decision making process in the ES?

How has the disposal of the dredge material from the preparation of the GBS been factored into the decision making process in the ES?

How do the carbon emissions and energy expenditure for the installation of the GBS compare with the installation of jacket structures?

Please provide additional information about the upper threshold weather limit for the proposed dredging operations/transportation in readiness for the installation of each GBS.

How do the weather threshold limits compare with predicted/ historical Met Office data for the proposed development areas?

How much weather downtime has been factored into the gant chart (plate 2.2-3)?

How was the estimate of 35,000m<sup>3</sup> of dredging for GBS preparation derived?

Does 35,000m<sup>3</sup> represent a worst case volume? What would be the consequences of an increase volume of dredge material from each site? How would this then impact on the gant chart shown in plate 2.2-3?

How will the efficiency of suction hopper dredging vary for the different sediment types likely to be encountered?

Please confirm what the developer will do if the side cast sediment is partially or completely lost during a tidal cycle. Where will the sediment come from in order to bury the cable? Has licensing (and necessary analysis) been considered for the extraction/deposition of marine sediment for this job?

## Annex 2.

### Volume 2: 4.2

#### 4.2.2 Consultation

Table 4.2-1 (Page 4-12). Marine Scotland, point 6 - they have not answered the question "what is meant by epibenthic community assessment"

Page 4-13. Does the section headed "Marine Scotland (MS)" really mean Marine Scotland Science?

Marine Scotland (MS) Point 2. They miss the point in their reply here. These communities do not exist in the development area at present. Any change in the benthic community is therefore local. The MS comment attempts to illustrate that significant changes will occur; these changes are not introductions of unexpected species.

Marine Scotland (MS) Point 4 - how do they propose to handle this major impact?

Marine Scotland (MS) Point 7 - not addressed

Page 4-15

4.2.4.3. Paragraph 1 *Lumbrineris gracilis*? Give full name here. Also, *Hyas coarctatus* is not a member of the "sessile epibenthic community"

4.2.5.1. Was approval on methodology given by Marine Scotland, MSS or MS-LOT?

4.2.5.10. What statistical analysis was carried out? Give details here.

4.2.5.16. Was the assessment and liaison with MS, MSS or MS-LOT?

4.2.5.22. Again, who do they mean by Marine Scotland?

7.1.6.8. Sediments in dredger hopper - where are they proposing to dispose of these sediments? Onshore or offshore? Water borne SSC's are a temporary impact but once deposited they have a more long term effect.

7.1.6.12. The SS.SCS.CCS biotope will be affected by dredging operations.

7.1.6.16. The possible impact of the drill cuttings cannot be regarded as temporary as they will remain on the seabed unless removed. The magnitude of this effect should be increased. Is there any information on what the cuttings comprise?

7.1.6.18. See 7.1.6.16 above.

7.1.6.22. How can seabed preparation operations be reversed?

7.1.6.28. No mention of the possible build-up of dead shells at the bases of the turbine columns over time. These deposits will have an effect on local sediments and biota.

### Volume 4: 10.1

See all comments above on perceived construction impacts.

10.1.2.3. "General insensitivity of invertebrates" Little data on these effects exist at present so this statement cannot be supported. (See OSPAR papers for example).

10.1.5.12. Trenching/ /dragging will damage and remove the feature, not "may" damage.

10.1.5.13. Damage to the SpnMeg biotopes should be raised from minor as this is a significant impact.

10.1.5.16. The deposited sands and gravels will not be the same as the ambient as all or most of the fines associated with these substrates will be lost.

10.1.5.19. The epifauna attached to vertical or sloping rock will be impacted by coating effects of settling suspended solids. This is probably a minor impact however.

10.1.5.20. How long will burial last? Once deposited they would assume that the sediments would remain in place for longer than 32 days. This is possibly an effect greater than "minor"

10.1.5.46. Given the lack of data available on these effects, the assessment cannot be rated as "not significant" Minor at least?

10.1.61. "In collaboration with the nature conservation agencies and MSS" Include MSS?

10.1.62. Are there any estimates or data on the damage possibly caused to the reef habitats by laying and removing the installation aids?



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14 December 2012

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FIRTH**

**MSS Advice**

Marine Scotland Science has reviewed the submitted Environmental Statement for the above application and have provided comments with relation to Diadromous fish and associated commercial fisheries. Our comments are as follows

**Diadromous Fish**

**Likelihood that diadromous fish will be in or close to the proposed development area**

MSS are satisfied that the statement adequately covers what information is available as the main diadromous species which will potentially be present are salmon, sea trout and eels. The information provided is sufficiently detailed and fit for purpose, although there are minor errors. Some of these are listed below in Annex 1.

The statement correctly notes that there is a great deal of uncertainty about the detailed migration routes (and in the case of sea trout the sea feeding areas) of salmon, sea trout and eels. This uncertainty is dealt with by assuming that all adult salmon and sea trout, both adult and smolt, connected with Moray Firth Rivers, will enter the development area. This will overstate the situation with regard to fish connected with Moray Firth Rivers. However, it would also seem likely that some

fish from rivers out with the Moray Firth area will also enter the development area and these are not allowed for.

### **Potential impacts of the preparation and construction work, and operation, on diadromous fish**

MSS are content that the statement adequately covers the details of the preparation and construction work, and operations which are relevant to diadromous fish

The statement also reviews and addresses the potential impacts. These are correctly identified – sediment and noise during construction, EMF during operation – and generally sufficiently well reviewed.

The likely effects of the construction phase on diadromous fish have been assessed to be of minor significance. An exception to this is construction noise, which is identified as having potential to result in significant effects (above minor) on salmon and sea trout. The statement correctly notes that any eel larvae will have limited ability to move out of areas with high levels of noise.

The statement did not identify any significant effects (above minor) on diadromous fish for the operational phase.

Cable burial would be used to reduce exposure of fish to EMF. Where burial is not feasible, cable protection would be used. The immediate landfall of the cable connection is remote from major salmon and sea trout Rivers which is good. However it is noted that it is generally close to shore that cables will be laid on the sea bed with some graded rock placement. Fish may therefore be subjected to stronger fields in these areas; shallow water will also reduce the opportunities for diadromous fish to avoid the fields, and diadromous fish including sea trout and returning adult salmon which may migrate along the coast are likely to be using these areas at least at times. The Water of Philorth which also enters Fraserburgh Bay close to the land fall does have sea trout and some salmon.

MSS have noted that the statement does not emphasise the uncertainties in the impact assessment sufficiently. The statement notes the ongoing MS EMF work, although the release date they give of 2012 is premature.

However MSS previously noted that given the substantial uncertainty associated with potential impacts on fish migration and consequences for individual rivers, that the developer / MS LOT, may wish to consider the need to monitor fish movement through the area and / or the health of salmon populations. Nothing has happened in respect of this although the developer notes that it is committed, in consultation with Marine Scotland and the relevant fisheries stakeholders, to undertake additional survey work and monitoring with the objective of increasing the confidence in this impact assessment and identifying whether mitigation is required and, if so, to define feasible measures in order to reduce the significance of the likely effects. This needs to be progressed.

### **Commercial fisheries**

#### **Occurrence of diadromous fish fisheries in or close to the development area**

MSS are satisfied that the Environmental Statement adequately covers what information is available as there are no diadromous fish fisheries in the development area. There are river rod and line and coastal net fisheries associated with many of the rivers which drain into the Moray Firth. The information provided is again sufficiently detailed and fit for purpose, although there are minor errors, some of which are listed below in Annex 1. There are no eel fisheries in or close to the development area.

## **Mitigation measures and monitoring proposals**

Soft start piling will be used with the aim that mobile species are not exposed to the highest noise levels during construction. The need for monitoring / survey work to increase assessment confidence and / or mitigation measures where required is noted in the statement.

Consideration should also be given as to whether it will be possible to provide additional cable protection in shallow water in the future, should any local fish monitoring or improved information on the effects of EMF on fish behaviour indicate the need for this. Monitoring of actual as opposed to modelled underwater sound levels during construction would be useful to allow consideration of modification of construction arrangements. Although sea trout and returning adult salmon could be in the vicinity of the operations at any time of year, this is not the case with salmon smolts departing from the rivers, and if there is any flexibility in the construction programme, consideration could be given by LOT to reducing pile driving during peak smolt migration times.

MSS are happy that the preparation and construction work, mitigation measures and monitoring proposals comply with any guidance, standards or legislation laid down to protect diadromous fish

## **Operational Noise**

MSS notes the developer has not considered operational noise in the context of behavioural response from salmonids specifically with reference to breaking waves on turbine structures and mechanical noise from the rotation of the turbine. MSS is aware that there is considerable uncertainty about both the movements of diadromous fish in the development area and any possible behavioural responses of diadromous fish to operational noise. Because of the lack of available information, MSS is not looking for the developer to attach additional information but wishes MS-LOT and the developer to note the possibility of operational noise affecting the behaviour of diadromous fish.

## **Potential impacts of the preparation and construction work, and operation, on diadromous fish fisheries, other than through impacts on population levels**

MSS are satisfied that the statement adequately reviews the potential impacts as the statement notes that changes to the behaviour of the species in the offshore marine environment arising from the construction / decommissioning and operation of the three proposed wind farm sites could affect coastal and in-river salmon and sea trout fisheries.

## **Designated Sites**

MSS have noted that the statement suggests that the project by itself would not warrant an Appropriate Assessment, but together with other projects and activities it might with respect to disturbance to migrating salmon by underwater piling noise having the potential to affect salmon SACs

## **Possibility of cumulative impacts**

MSS previously noted that given the substantial uncertainty associated with potential impacts on fish migration and consequences for individual rivers, which the developer / MS LOT, may wish to consider the need to monitor fish movement through the area and / or the health of salmon populations. Nothing has happened in respect of this other than to note the comments. Such monitoring activities could be in collaboration with other developers / other parties and I am aware that some consideration is currently being given to this. I would also note that there should be consideration of possible cumulative impacts with developments such as the proposed BOWL development and developments within known salmon migratory routes, including for example those in the Pentland Firth.

**Summary of main recommendations.**

MSS recommends that the main priorities at this stage regarding diadromous fish and diadromous fish fisheries are to develop plans for monitoring diadromous fish in the vicinity of the development and to ensure that suitable mitigation measures can be applied proportionate to any impacts detected during monitoring. There will be a need to keep this under review as development progresses.

Hopefully these comments are helpful to you. If you wish to discuss any matters further contact the MSS Renewables in-box [MS\\_Renewables@scotland.gsi.gov.uk](mailto:MS_Renewables@scotland.gsi.gov.uk).

Yours sincerely

Paul Stainer  
Marine Scotland Science

## Annex 1

Technical Appendix 4.3B

2.2.1. “Rod and Line” and “Catch and Release” should be something like “Rod and Line (retained)” and “Rod and Line (released)”. Also same error in Fig 5.1-17 and 5.1-19

The text implies that there is some distinction between SAC Rivers depending on whether salmon or other species interest is a primary or secondary reason for selection. This is not really relevant as both situations are treated identically.

There are some errors in the sections on fisheries administration and regulations.  
Some of the legislation mentioned in the text no longer exists as it has been incorporated into the 2003 Consolidation Act.

### **Summary**

1. Clarification of a number of points are required to determine whether the conclusions reached by the BOWL, MORL and the SNCB's on the significance of predicted effects upon SPA populations are sound.
2. A preliminary assessment of PVA outputs presented by BOWL, MORL and the SNCBs indicates that the species of concern remain GBBGU and HERGU and also potentially PUFFI and RAZOR (but see comments on PVAs below).
3. A list of recommended actions that would allow the issues identified to be resolved are presented in Table 3.

### **Collision Models**

4. Whilst arguments are presented by BOWL and MORL for increasing avoidance rates above 98% for Option 1 in the standard Band model, no arguments are presented for increasing avoidance rates in the extended model Option 3. Therefore until evidence suggests otherwise, an avoidance rate of 98% should be used in the extended Band 2012 model's Option 3 for estimating collisions.
5. It is apparent from the Excel CRM spreadsheets used by BOWL and MORL that the collision rates estimated using Option 1 and Option 2 of Band 2012 differ considerably for the majority of species, suggesting that flight height distributions differ between the site data and those presented in Cooke et al 2012. Comparison of site-specific data with Cook et al alongside discussion of potential reasons for these differences would help to justify the use of Cook et al 2012 data.
6. The Band 2012 collision model does not assume a uniform blade width. Rather, the blades taper towards their tips and the overestimate in collisions described by MORL (page 16, "Collision risk modelling – mean blade width") is not correct.
7. As identified by the SNCBs, differences exist between the BOWL and MORL CRMs in the level of nocturnal activity and flapping versus gliding flight action. Combining outputs to inform a CIA is problematic unless a 'common currency' is adopted. The recommended input parameters provided by SNH and JNCC allow a 'common currency' to be achieved.
8. SNH and JNCC have recalculated collision rates and used a standard method for accounting for individuals that are not part of the breeding SPA population. This approach appears to have resulted in reductions in the number of SPA birds predicted to collide, although the calculations undertaken by the SNCBs are not clearly presented in their advice.

### **Displacement Models**

9. Both MORL and BOWL have used the mean peak estimates of birds in the displacement assessment. This is likely to result in overestimates of at sea abundances due to the inclusion of passage birds from more northerly breeding areas, birds from the wider area undertaking post/ failed breeding dispersal, or non-breeding birds from the wider area prospecting at breeding colonies during the latter part of the breeding season. Displacement effects are therefore likely to be overstated.

10. Both MORL and BOWL have included birds in flight and on the water in displacement assessments. This will overestimate abundance and for some species this overestimate is likely to be significant. However, it would not be appropriate to use only birds on the water to assess displacement effects as birds in flight of some species e.g. GANNE, KITTI may be actively foraging and therefore susceptible to displacement. Whilst MORL have previously included only birds “using the water” in displacement assessments, no definition of this term for any species has been provided, nor has any information been provided to suggest that objective and repeatable at sea assessments of whether birds in flight are transiting or “using the water” is possible.
11. BOWL have included an adjustment for turnover of individuals at sea during the breeding season to estimate the number of individuals potentially displaced.
12. MORL have argued that the use of mean seasonal peak abundance results in a significant overestimate of abundance and that a further adjustment to account for turnover is unnecessary.
13. Uncertainty exists over the level of displacement from windfarms, with information from a limited number of studies available. BOWL and MORL have presented slightly different displacement rates for the species of interest. However, a precautionary estimate of the proportion of birds potentially displaced has been identified by SNH and JNCC in their advice and should be used for as ‘common currency’ for cumulative impact assessments (Table 1).

**Table 1:** Proportion of birds at sea displaced

Species	Proportion Displaced
Fulmar	0.5
Gannet	0.6
Kittiwake	0.4
Guillemot	0.6
Razorbill	0.6
Puffin	0.6

14. Significant uncertainty also exists over the likely effects of displacement upon individuals. BOWL and MORL have presented assessments that assume that 100% of displaced birds (and therefore the pair) will fail to breed successfully. This is likely to be unrealistically high and lead to an over estimate of the effects of displacement. The results from the MSS research project on displacement effects being undertaken by CEH are due very shortly (mid August 2013), and these should be used to inform the magnitude of any displacement effects.

### **Population Viability Analysis (PVA)**

15. The model outputs presented by BOWL and MORL are largely as requested by JNCC, SNH and MSS with the exception of the number and size of tabulated increments of effects and the starting populations assumed.
16. The BOWL PVA probability outputs are presented for a relatively small number of collision rate values and relatively large increments, making exploration of change in probability of decline difficult. Whilst the tabulated probability outputs presented by MORL include a larger number of scenarios and therefore potential effects than BOWL, the resolution of the potential range of effects makes the tabulated outputs difficult to use.

17. The tabulated probability outputs for e.g. GBBGU PVAs should be presented in increments of single birds up to 20, and then larger increments to the maximum value predicted. For HERGU, increments of e.g. 10 birds should be presented up to 100 after which increments of 20 birds to the maximum value predicted. Where probabilities of a population decline reach 1.00, no further increments in collision should be presented.
18. The starting populations used in the PVAs differ between BOWL and MORL but the reasons for this and the implications for interpreting the results are unclear.
19. Demographic rates included in the PVAs differ between BOWL and MORL. As the true demographic rates are unknown for the sites and species concerned, developers have selected the rates that they believe are most appropriate. The differences in demographic rates used by the two developers are not seen as a problem by MSS as the 'right' demographic rates are not known.
20. As SNH and JNCC indicate, the PVAs are based on demographic rates that are not spatially or temporally specific to the colonies. Due to the limited number of studies undertaken, having current demographic data from the colony of interest will be the exception rather than the rule. However, consideration should be given to this lack of site-specific data when interpreting the outputs from population models.
21. Confirmation is required from MORL and BOWL on whether they have presented the probabilities that the population at the end of the modelled period will be lower than the starting population, or have presented probabilities that the population will fall below the starting population at any point during the modelled period.
22. BOWL and MORL indicate in paragraph 111 and Section 7.5 respectively that the ECC SPA population of GBBGU will continue to grow until additional annual mortality exceeds 70-75 birds. Assuming a starting population of 175 pairs this seems unrealistic, as does the estimated growth rate of c. 1.10.
23. Whilst it is clear that the probability of a decline in a population will be heavily influenced by the demographic rates and estimated population growth rate in the model, it is less clear how sensitive the *change* in probability of decline will be. An analysis of the sensitivity to demographic rates of the change in probability of decline produced by the PVAs should be carried out. It is advised that productivity and adult survival be manipulated to produce growth rates of 0.98, 1.00 and 1.02 for GBBGU, HERGU and GUILLE at ECC. This will provide evidence on whether the change in probabilities of decline (and any assessment of acceptable levels of change that depends upon them) are sensitive to demographic rates. Until this is carried out MSS advise that the dismissal of the PVA outputs for use in any- assessment would be premature.

#### **Potential Biological Removal (PBR)**

24. In their advice dated 8 July 2013, SNH and JNCC provide preliminary PBR values for key SPAs and suggest that these outputs may be more appropriate for determining acceptable levels of change than the PVA outputs. As discussed above, MSS advise that discarding PVA outputs at this stage is premature. We also advise that care is required in selecting the most appropriate values for inclusion in a PBR, and in the application of outputs to discrete populations.



25. As acknowledged in the SNCB advice, the  $R_{\max}$  values used in the PBR are based on the growth rates estimated by the PVAs. These may be an underestimate of maximum potential growth rates and if this is the case, the PBR value will be too low.
26. As identified by BOWL and acknowledged by JNCC and SNH, breeding populations may include significant numbers of adults that do not breed each year. For example, in GBBGU this was estimated to increase the number of adults in the SPA population by 30%. For a population of 175 pairs, rather than 350 individuals (175 pairs \*2), the population size would be 30% greater (466 individuals). The incorporation of a correction factor to account for non-breeding adults within the SPA populations would result in an increase in the PBR. Care must be taken to ensure that double counting of non-breeding adult birds e.g. via the SNH CRM calculations does not occur.
27. The  $f$  value used by SNH/JNCC for some SPA populations has been set at 0.1 (based on Dillingham pers comm.) but it is unclear how this value has been reached and whether it is justified. A doubling of  $f$  values results in a doubling of PBR values and so the setting of appropriate  $f$  values is crucial.
28. It is unclear how the PBR outputs presented by SNH and JNCC can be used in determining the significance of displacement of birds where the primary effect is expected to be a reduction in productivity rather than adult mortality.

### **Assessment of Magnitude of Predicted Effects**

29. MSS recommend that where possible the use of more than one tool to determine acceptable levels of change to SPA populations is used. Assuming appropriate  $N_{\min}$ ,  $R_{\max}$  and  $f$  values are identified and used, PBR and associated 'harvest rates' may provide a valuable 'sense check' for PVA outputs.
30. A method using IPCC likelihood criteria is currently being developed by MSS for use in determining acceptable levels of change (Bennet, in prep). The Assessing Biological Change (ABC) method also allows uncertainty in the modelled growth rates to be accounted for.
31. Whilst at present it is not possible to apply the ABC method to the tables of outputs presented by BOWL due to the large increments in additional mortality, it can be applied to the MORL PVA outputs (Table 2). However, the values presented are for illustrative purposes only and do not represent MSS advice on acceptable levels of change.
32. Assuming that changes in probability of decline are not sensitive to unrealistic demographic rates, a preliminary application of the ABC method suggests that GBBGU, HERGU and PUFFI at ECC SPA are of potential concern.
33. The conclusions of the preliminary assessment using ABC differs from the advice presented by the SNCBs in that a larger magnitude of effect may be acceptable for GBBGU and HERGU (though the predicted effects presented by BOWL and MORL would remain a significant concern). It also indicates that displacement effects on GUILLE and RAZOR at ECC, and PUFFI at NCC are unlikely to have significant effects upon the SPA populations.
34. As discussed above, it is unclear how sensitive the change in probabilities of population decline (or any assessment based on them) may be to the demographic rates used and this needs to be clarified as a matter of urgency.

35. At present it is difficult to envisage an assessment of levels of change concluding that the magnitude of impacts on GBBGU predicted by the worst case scenarios of BOWL and MORL would be acceptable. However, additional work is required to tease apart the true magnitude of predicted effects and understand the implications on the SPA populations (Table 3).

**Table 2:** MORL baseline probabilities of decline and 'acceptable' increases in probabilities of decline following application of the ABC method, and comparison with PBR values and predicted magnitudes of effects presented by SNH/ JNCC is their joint advice dated 8 July 2013.

Species	Collision or Displacement Effects	Baseline P of decline	MORL estimated growth rate	Evidence of SPA population decline?	'Forced' baseline P of decline	Increase in P of decline	P of decline limit	Estimated additional effect*	SNCB Values			
									PBR	Predicted Effects		
										MORL	BOWL	SUM
GBBGU	Collision	0.052	1.107	Y	0.925 "Very Likely"	0.0375	0.0375	~6	2	7.5	15	22.5
HERGU	Collision	0.739	1.0344	Y	0.925 "Very Likely"	0.0375	0.7765	~30	43	27	42	69
PUFFI - ECC	Displacement	0.006	1.0796	Y	0.5 "About as likely as"	0.25	0.256	~110	2-7	136	80	216
PUFFI - NCC	Displacement	0.023	1.0796	Y	0.5 "About as likely as"	0.25	0.273	>1500	4-12	492	323	815
GUILLE- ECC	Displacement	0.161	1.0575	Y	0.925 "Very Likely"	0.0375	0.1985	>3500	563-1687	3209	2118	5327
GUILLE- NCC	Displacement	0.16	1.0575	Y	0.925 "Very Likely"	0.0375	0.1975	>3000	248-745	200	132	332
RAZOR- ECC	Displacement	0.003	1.0801	Y	0.85 "Likely"	0.075	0.078	>800	111-334	776	357	1133
RAZOR- NCC	Displacement	0.003	1.0801	Y	0.85 "Likely"	0.075	0.078	~350	15-46	15	7	22
KITTI- ECC	Collision	0.993	0.9827	Y	N/A Refflected in PVA	0.0035	0.9965	>100	467-1400	70	21	91
KITTI- NCC	Collision	0.993	0.9827	Y	N/A Refflected in PVA	0.0035	0.9965	>100	117-352	70	21	91

**N.B.** \*Change in probability of decline may be sensitive to demographic rates used and the estimated additional effect values presented are for **illustrative purposes only**.

**Table 3:** Recommended next steps

Task	Dev.	SNCB	MSS	Other
Provision of displacement and collision effects in a 'common currency' to allow CIA. Use approach used by SNH/JNCC in advice 8/7/13 as starting point.				
Provision of detail on CRM calculations and apportioning methods used by SNCBs				
Provision of tabulated PVA outputs at finer resolution so that full range of potential effects can be explored.				
Quantify magnitude of potential overestimate of displaced birds through the use of mean seasonal peak and birds in flight and on the water (this has been presented by MORL).				
Incorporate CEH modelled displacement effects into displacement assessment and compare results with those where 100% breeding failure assumed.				
Clarify starting populations used and implications for PVA outputs and the interpretation of results.				
Assessment of sensitivity of <i>change</i> in P of decline to demographic rates used in PVAs. Alter productivity and adult survival rates to produce growth rates of 0.98, 1.00 and 1.02 for GBBGU, HERGU and PUFFI at a single SPA.				
Apply ABC method to SPA populations using BOWL & MORL outputs.				
Undertake external expert review of BOWL and MORL PVA methods and conclusions reached.				
Review & sensitivity analysis of ABC method.				
Re-apply ABC method following review of PVAs & sensitivity of change in P to demographic rates.				
Identify appropriate $R_{max}$ values for PBRs relevant populations.				
Identify most appropriate $f$ values for PBR.				
Offshore foraging distances from breeding colonies of GBBGU and HERGU.				
Are boat-based density estimates of gulls artificially inflated due to attraction to vessels (as per SOSS gannet PVA).				
Provide information on gull collision rates at terrestrial wind farms in Caithness.				
Exploration of survey data from the breeding season. Any evidence that GBBGU and HERGU in project areas were not from ECC SPA?				

**MSS interim advice to MS-LOT on Common Currency spread sheets provided by BOWL and MORL, and advice received from JNCC and SNH on 28 August 2013**

**Jared Wilson  
September 4 2013**

The common currency spread sheets provided by BOWL and MORL have proven to be extremely helpful. They provide a concise and clear synthesis of the approaches taken by the developers and the potential implications of any differences on the magnitude of predicted effects. They also have the potential to identify where a novel approach identified by one developer could be adopted by the other.

The common currency tables have also clarified to the SNCBs and MSS how predicted effects have been apportioned to SPA and non-SPA populations.

A number of approaches taken by the developers do not adhere to advice provided by JNCC and SNH (see memo dated 28 August 2013) and the MSS advice below deals predominantly with these differences.

**1. Nocturnal Activity**

BOWL propose reducing the level of nocturnal activity in GBBGU and HERGU from the SNCB advice of 3 (50%) to 2 (25%), whilst MORL propose 1.5 (12.5%) during the breeding season and 2 for the non-breeding season. The nocturnal activity values produced by Furness & Wade (2012) were based on observations of attendance at fishing vessels at night (Garthe & Huppopp, 1996). Gull attraction to fishing vessels has been widely reported (Hudson and Furness, 1988; Skov and Durinck, 2001) and indeed was the basis of the Garthe & Huppopp study. One of the conclusions of this study was that ship lighting was far more significant for nocturnal gull activity than moonlight. There is therefore considerable uncertainty over whether observations of nocturnal activity at fishing vessels are representative of nocturnal activity in the wider environment, and whether they should be converted into percentage values in the manner of the Band Collision Risk Model (Band 2012). This uncertainty is reflected in the comments attributed to Bob Furness in the SNCB advice of 28 August 2013.

The SNCB advice (and the Camphuysen pers. comm provided) are unclear about whether diurnal, diel, or nocturnal activity are being discussed. Garthe & Huppopp (1996) found a reduction in the number of gulls attending fishing vessels during hours of darkness (but see point above regarding attraction of gulls to fishing vessels and whether it is therefore representative of the wider environment). Analysis of lesser black backed gull tag data from East Anglia indicated that when birds were away from the colony and offshore at night, 90% of their time was spent sitting on the water (APEM, 2013). Similar patterns of extensive periods of time offshore being spent resting on the water have been observed elsewhere (Shamoun-Barnes et al 2011).

It therefore appears that 1) the nocturnal activity values for gulls are principally based on observations from fishing vessels which are unlikely to be representative of nocturnal activity in the wider environment 2) there appears to be no basis for the conversion of nocturnal activity values into percentages and 3) evidence exists for a substantial proportion of time spent offshore (and not attending fishing vessels) at night being spent on the water. MSS therefore advise that the nocturnal activity level of 3 (50%) for gulls should be reduced to a still precautionary value of 2 (25%) during the breeding season and the non-breeding season for use in the Band Collision Risk Model.

*This would result in no change to the collision estimates presented by BOWL (but see below) and a small increase in predicted collision estimate of 2.4 during the breeding season presented by MORL (but see below).*

## **2. Gull attraction to Boats**

JNCC and SNH are correct in highlighting the difficulties in attempting to convert abundance estimates derived using different survey platforms. However, the studies cited in their advice of 28 August 2013 aimed to compare abundance estimates produced using different analysis methods and/or aerial survey methods and whilst land based vantage point data were included in one of the studies, none included boat based surveys. The relevance of these studies to the arguments presented by both BOWL and MORL that at sea abundance estimates were inflated due to attraction of gulls to survey vessels is therefore unclear.

As discussed above, gulls and other opportunistic seabird species often utilise discards from fishing activities, with large number of gulls and other species often occurring in close proximity to fishing vessels (Furness et al, 1988; Garthe & Huppopp, 1996; etc). There is also evidence that a range of seabird species are attracted to survey vessels, presumably due to the perception of foraging opportunities, and that abundance estimates can be artificially inflated (Hyrenbach, 2001; Clarke et al 2003; Spear et al 2004; Borberg et al, 2006). It has been estimated that vessel attraction occurs over distances of c. 10 km (Skow & Durinck, 2001; Heinemann, 1981). The SOSS gannet PVA project required that a conservatism rate of 7 was applied to at sea abundance estimates to ensure that boat based and aerial survey data could be combined for analysis (SOSS, 2012). Whilst the mechanism for the observed differences is unclear (see papers cited by the SNCBs in their advice of August 28 2013), it seems likely that attraction to survey vessels was one of the drivers. Attraction of birds towards the observation platform would undermine one of the principal assumptions of absolute abundance estimation.

The argument presented by BOWL and MORL that the boat based abundance estimates for GBBGU and HERGU are artificially inflated due to attraction to the survey vessels does therefore have merit. The comparison of boat and aerial survey estimates presented by BOWL and by MORL suggests that attraction to survey vessels similar to those discussed above is occurring. Whilst the magnitude of the any overestimate is based on limited data it is highly likely to occur and MSS therefore recommend that a precautionary correction value of 2.0 rather than the

value of c. 4 proposed by the developers be applied to GBBGU and HERGU abundance estimates.

*This would have the effect of doubling the number of GBBGU and HERGU predicted to collide as presented by the developers (but halving the numbers that would result if no correction factor was applied).*

### **3. Apportioning methods**

#### **3.1 SPA/ non SPA**

Whilst the apportioning methods used by BOWL and MORL differ considerably, there is uncertainty at present over which method is the most appropriate. MSS therefore advise that currently we do not see any reason why the apportioning values presented by the developers should not be combined for use in a cumulative assessment.

*This would result in no change to the apportioning values presented by the developers.*

#### **3.2 Proportion of adult gulls**

Both MORL and BOWL have indicated to MS LOT why the calculation requested in the SNCB advice of 28 August 2013 is not necessary and MSS are content with the calculation not having been undertaken.

*This would result in no change to the values presented by the developers.*

#### **3.3 Accounting for sabbatical gulls**

MSS agree with the approach taken by BOWL and MORL and accepted by the SNCBs.

*This would result in no change to the values presented by the developers.*

### **4. Displacement calculations**

#### **4.1 Mean peak vs mean**

The auk breeding season used for the assessment is from April to July and so now excludes August peak in abundance observed for puffin which artificially inflated the abundance estimate. Based on survey results presented by the developers, the breeding season peak in auk (guillemot, razorbill and puffin) abundance occurs during April and May, coinciding with either the pre-laying or incubation stage of the three auk species. Due to the potential for laying and incubating birds being particularly vulnerable to reduced foraging opportunity or increases in time away from the nest, as well as the difficulty in properly addressing turnover, MSS advice that the mean seasonal peak value be used rather than mean.

*The use of mean seasonal peak rather than the mean value proposed by the developers would result in an in birds potentially displaced by c. 50% compared to those presented by BOWL and MORL.*

#### 4.2 All birds vs birds on the water

As per previous and SNCB MSS advice, all birds rather than birds on the water should be included in the assessment of displacement due to difficulties differentiating between birds transiting through the area and those utilising the sea. This approach may also provide a surrogate for barrier effects.

*The use of all birds rather than birds on the water or 'using the water' would increase the number of birds potentially displaced presented by BOWL and MORL by c. 10%.*

#### 4.3 Turnover adjustment

MSS agree with the SNCBs that at present there is no method available to account for turnover of individuals and MSS therefore advise that the turnover adjustment applied by BOWL be removed.

*This would result in no change to MORL displacement values but a reduction to the BOWL displacement values of c. 50%. This reduction would also be reflected in the cumulative assessment.*

#### 4.4 Proportion displaced

Setting the proportion of birds displaced at 50% appears reasonable. However, the proportion of birds displaced is highly likely to be effected by the turbine spacing.

*This would result in no change to the values presented by the developers.*

#### 4.5 Proportion failing to breed successfully

The proportion of displaced birds failing to breed successfully will be strongly influenced by the results of the CEH Displacement project.

## **5. Summary of implications of applying MSS advice**

The estimated magnitude of effects predicted using the approaches taken by the developers as well as those based on SNCB advice and MSS advice are presented for displacement (Table 1) and collision (Table 2) effects.

### 5.1 Displacement effects

The advice provided by the SNCBs and MSS would result in a slight decrease in the number of guillemot potentially displaced presented by BOWL and MORL (from 3550 to 2494), an increase in razorbill (from 650 to 787), and an increase in puffin at ECC (51 to 88) and NCC (16 to 32). However, this currently assumes that 100% of



displaced birds will fail to breed successfully. The CEH displacement project will help identify the proportion of displaced birds that may fail to breed, and the potential population level implications of this. At present, based on advice provided by MSS (and the SNCBs) displacement of puffin at NCC cliffs SPA is not of concern.

## 5.2 Collision effects

As discussed above, a number of issues with the approaches taken to estimate number of collisions have been raised by the SNCB's in their advice. Whilst MSS advise that some of the arguments presented by BOWL and MORL are valid, we do not agree that evidence currently exists for the proposed magnitudes of adjustment to account for attraction to survey vessels or reduction in nocturnal activity to 1.5.

Application of the MSS advice discussed above would result in the number of GBBGU predicted to collide increasing from 8.6 and 2.7 at BOWL and MORL respectively to 17.3 and c. 5.7 (N. B. this latter value does not currently account for increasing nocturnal activity in the summer from 1.5 to 2). Similarly the number of HERGU collisions would increase from 14.0 and 7.2 for BOWL and MORL respectively to 27.2 and c. 15.6 (N. B. this latter value does not account for increasing nocturnal activity in the summer from 1.5 to 2). Application of the SNCB advice would approximately quadruple the values presented by the developers.

However, regardless of whether MSS or SNCB advice is followed, the resultant collision estimates indicate that the number of GBBGU (and potentially HERGU) predicted to collide are too large to be able to demonstrate no significant effect on the ECC SPA population.

It should be noted that MORL have provided a calculation that is required to adjust the number of collisions for use against the MORL PVA outputs. The calculation provided by MORL has been applied to collision estimates from both the MORL and BOWL and these values are presented in Table 2. Whilst no such adjustment is required for the BOWL PVA, the values for use with the BOWL PVA outputs are also presented for completeness (Table 2).

**Table 1. Summary of Displacement Effects\***

<b>Based on developer submission</b>	
GU ECC BOWL	2540
GU ECC MORL	1010
<b>GU ECC</b>	<b>3550</b>
RZ ECC BOWL	338
RZ ECC MORL	311
<b>RZ ECC</b>	<b>650</b>
PU ECC BOWL	31
PU ECC MORL	20
<b>PU ECC</b>	<b>51</b>
PU NCC BOWL	16
PU NCC MORL	0
<b>PU NCC</b>	<b>16</b>
<b>Based on SNCB advice</b>	
GU ECC BOWL	1772
GU ECC MORL	1721
<b>GU ECC</b>	<b>3494</b>
RZ ECC BOWL	293
RZ ECC MORL	495
<b>RZ ECC</b>	<b>787</b>
PU ECC BOWL	63
PU ECC MORL	25
<b>PU ECC</b>	<b>88</b>
PU NCC BOWL	44
PU NCC MORL	0
<b>PU NCC</b>	<b>44</b>
<b>Based on MSS advice</b>	
GU ECC BOWL	1172
GU ECC MORL	1721
<b>GU ECC</b>	<b>3494</b>
RZ ECC BOWL	293
RZ ECC MORL	495
<b>RZ ECC</b>	<b>787</b>
PU ECC BOWL	63
PU ECC MORL	25
<b>PU ECC</b>	<b>88</b>
PU NCC BOWL	32
PU NCC MORL	0
<b>PU NCC</b>	<b>32</b>

\* Totals currently assume 100% of displaced birds fail to breed successfully. This will be revised down on receipt of CEH displacement project outputs.

**Table 2: Summary of Displacement Collision Effects\***

Based on developer submission	Site Collisions	Total Collisions	Values for use with BOWL PVA	Values for use with MORL PVA
BOWL GBBGU	8.6	11.3	8.6	5.6
MORL GBBGU	2.7		2.7	1.7
BOWL HERGU	14.0	21.2	14.0	9.1
MORL HERGU	7.2		7.2	3.3
Based on SNCB advice				
BOWL GBBGU	34.6	46.0	34.6	22.5
MORL GBBGU	11.4		11.4	7.4
BOWL HERGU	54.4	85.5	54.4	35.4
MORL HERGU	31.1		31.1	14.1
Based on MSS advice				
BOWL GBBGU	17.3	23.0	17.3	11.2
MORL GBBGU	5.7		5.7	3.7
BOWL HERGU	27.2	42.8	27.2	17.7
MORL HERGU	15.6		15.6	7.1

\* Note that this does not currently account for increasing nocturnal activity for MORL during the breeding season from 1.5 to 2.

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## MSS advice to MS-LOT: BOWL and MORL Ornithological note from JNCC and SNH dated 29 October 2013

Jared Wilson  
31 October 2013

### IMPACT THRESHOLDS

MSS note that the advice provided by SNH and JNCC appears to be based predominantly on the use of PBR, with the population model outputs used alongside percentage change in baseline survival or productivity as supporting information only.

MSS have based their advice on the population model outputs provided by BOWL and MORL, taking into account the potential issues associated with using these models to predict into an uncertain future, particularly where available demographic rates may not be contemporary to the present situation. The ABC method has been used to identify acceptable levels of change, and these have been compared against available metrics including the f-value required to obtain similar values using PBR, and comparison with percentage change in baseline survival/ productivity. Whilst MSS do not believe in this case that PBR etc. provide an appropriate method for establishing acceptable levels of change, they do provide an opportunity for 'sense checking' threshold values.

Whilst no method for assessing the significance of predicted effects is without its issues, MSS advise that the population model outputs with the precautionary application of the ABC method (alongside sense checking against available metrics) provides the best available information for undertaking the assessment.

### COLLISION RISK

#### Great black-backed gull

For greater black-backed gull at East Caithness Cliffs SPA, **MSS advise no adverse effect on site integrity if cumulative mortality is approximately 10 birds per annum.** This is based on:

- Application of the ABC method to the BOWL and MORL population model outputs assuming a precautionary likelihood of a population decline in the absence of additional mortality of “Likely” (*threshold of 15 and 13 respectively<sup>1</sup>*). MSS advise that the use of “Very Likely” in the SNCB note of 29 October 2013 is overly precautionary.
- Acknowledgement that whilst density dependent effects would increase the resilience of the population to additional adult mortality, the evidence supporting such a relationship is limited.

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<sup>1</sup> Note that these values are not directly transferable between population models due to slight differences in approach taken by the two developers.

- The view that a PBR f-value of 0.5 is appropriate for the population concerned as evidence suggests that it is at or perhaps just above its carrying capacity (*threshold of 10*). MSS advise that the application of an f-value of 0.3 in the SNCB note of 29 October 2013 has not been justified and is overly precautionary.
- The apparent stabilisation of the population around a new carrying capacity driven by changes to the wider environment (e.g. reduction in fishery waste).

#### Herring gull

MSS agree with the conclusion reached by SNH and JNCC.

### DISPLACEMENT EFFECTS

The PBR approach has been developed for adult mortality. In an attempt to use the approach with productivity i.e. displacement effects, the SNCBs have used an approach that converts chick mortality into 'equivalent' adult mortality values. MSS advise that it is very unclear whether the resulting values are meaningful both in terms of the values produced and the subsequent application of the PBR threshold.

#### Guillemot

MSS agree with the conclusion reached by SNH and JNCC.

#### Razorbill

MSS agree with the conclusion reached by SNH and JNCC.

#### Puffin

For puffin at East Caithness Cliffs SPA, MSS advise that **no adverse effect on site integrity will occur based on the current number of birds estimated to be displaced**. This is based on:

- The highly precautionary manner in which displacement effects have been over estimated:
  - It has been assumed that 100% of displaced birds fail to breed successfully.
  - The assumption that each displaced bird represents a discrete pair (i.e. 1 displaced bird = 1 failed pair and 500 displaced birds= 500 failed pairs).
  - The near doubling in turbine spacing resulting from BOWL's move from WCS to MLS has not been accounted for in the proportion of birds being displaced or the percentage of pairs failing to breed successfully.
  - Habituation of birds to the presence of wind turbines during the 25 year life of the wind farms has not been considered.

- Evidence to suggest that the displacement rate of 60% applied to the auk species is too high.
- Birds on the water and in flight have assumed to be displaced and therefore fail to breed successfully.
- The mean seasonal peak rather than the mean abundance estimates have been used.
- Application of the ABC method to the BOWL and MORL population model outputs assuming a likelihood of a population decline in the absence of any additional displacement effects of “Likely” (*thresholds of 30 and 105 respectively*).
- The BOWL population model’s assumption (based on SNCB advice) that each displaced individual equates to a pair that fails to breed successfully is overly precautionary (this is reflected in the lower ABC threshold value).
- Exclusion of PBR in the assessment of productivity effects.
- Examination of percentage change in productivity resulting from displacement effects as estimated using the highly precautionary approach identified above.

For puffin at North Caithness Cliffs SPA, MSS agree with the conclusion reached by SNH and JNCC.

## Note of Conference Call between Marine Scotland Science, SNH and JNCC

22 November 2013

JNCC: Karen Hall, Sophy Allen  
SNH: Erica Knott, Catriona Gall, Alex Robbins  
MSS: Jared Wilson  
MS-LOT: Gayle Holland, Robert Main

### Moray Firth common currency and threshold units.

#### Summary

The meeting concluded that the thresholds derived from ABC and PBR in fact relate to different components of the population (ABC – all birds; PBR – adult birds only). As a result, once estimates are adjusted to relate to breeding adults the collision mortality from the Beatrice and MORL wind farm proposals do not exceed the thresholds of additional adult mortality set through PBR for the great black-backed gull (GBBGU) population of the East Caithness Cliffs (ECC) SPA .

#### Note

At the RSAG meeting held 24 October, all parties had used the collision mortality estimates presented in row 36 of the common currency spread sheet (attached below) to inform discussion and resulting advice. The estimates in row 36 are for the total number of birds of all age classes from ECC SPA that are predicted to collide.

MSS identified a GBBGU threshold of **13 (MORL)** and **15 (BOWL)** birds, applying the ABC method to the respective population model outputs, using the 'likely' category (advice dated 31 October). For MORL, the collision mortality estimates presented in row 39: 4.03 for MORL and 5.60 for BOWL and a cumulative total of **9.63**, have been adjusted so that they can be compared against the threshold (**13**) and appropriate metrics derived from applying ABC to the MORL population model. The BOWL PVA threshold of **15** is for 'all birds' and can be directly compared against the estimated collision mortalities in row 36: 6.20 GBBGU mortalities for MORL, 8.62 for BOWL and a cumulative total of **14.82** (see row 45). The MORL PVA threshold of 13 equates to an 'all birds' value of approximately 20.

SNH & JNCC identified a GBBU threshold of up to **6** birds, derived from PBR (advice dated 29 October). We have now confirmed that this threshold relates to adult birds, excluding sabbaticals. Therefore the relevant collision estimates to compare against this threshold (i.e. for breeding adults only) are presented in row 23 below for the breeding season (1.80 GBBGU adult mortalities for MORL and 1.96 for BOWL), and rows 34 (MORL) and 32 (BOWL) for the non breeding season (GBBGU adult mortalities of 0.14 and 0.05 respectively). This gives a cumulative total of (breeding) adult collision mortalities of **3.95**.

**We therefore agreed that these estimates of GBBGU collision mortality for MORL and BOWL would not result in adverse effect on site integrity when considered against the relevant thresholds, using comparable metrics.**

However, SNH & JNCC noted that the estimated mortalities are approaching the threshold values (ABC or PBR) and that a precautionary approach may be warranted



as there are so many areas of uncertainty in the underlying data and impact assessment process (see SNCB letters dated 8 July, memo of 28 August and advice note of 29 October 2013). Note also, that further to common currency discussions between MSS, SNCBs and the developers, it has been agreed that a breeding period of May – August be used for GBBGU, on which the SNCB and MSS advice is based (and that the spread sheet below refers to).

This issue regarding comparability of metrics applies equally to herring gull. We have already confirmed, however, that there are no outstanding concerns in respect of this species (as noted in the SNCB advice of 29 October and MSS advice of 31 October).

It was also agreed that there were no implications from the confirmation of PBR values referring to adults only for the advice previously provided by the SNCBs on displacement effects.

1		GBBGU, ECC		GBBGU, ECC		HERGU, ECC		HERGU, ECC	
2	<b>CRM</b>	<b>MORL</b>		<b>BOWL</b>		<b>MORL</b>		<b>BOWL</b>	
3	<b>Bird Parameters</b>								
4	Bird Length	0.71		0.71		0.61		0.61	
5	Wing span	1.575		1.575		1.44		1.44	
6	Flight speed	13.7		13.7		12.8		12.8	
7	Noct Activity	2		2		2		2	
8	Flap/Glide	Flapping		Flapping		Flapping		Flapping	
9	Option 1, 2, 3	3		3		3		3	
10	Breeding season	May-Aug		May-Aug		May-Aug		May-Aug	
11	Avoidance Rate	98%		98%		98%		98%	
12	<b>Windfarm scenario</b>	S3.6, M&T 5MW		MLS		S3.6, M&T 5MW		MLS	
13	Annual Collisions	105.2		109.3		136.1		182.09	
14	Breeding Season Collisions	22.6		25.43		20.4		12.72	
15	Non breeding season Collisions	82.6		83.87		115.7		169.37	
16									
17	<b>Collision Apportioning (summer)</b>	morl	Running Tot	bowl	Running Tot	morl	Running Tot	bowl	Running Tot
18	CRM collisions (breeding season)	22.6	22.56	25.43	25.43	20.4	20.40	12.72	12.72
19	Boat-based bias	2	11.28	2	12.72	2	10.20	2	6.36
20	Prop from SPA	0.5	5.64	0.633	8.05	0.375	3.83	0.851	5.41
21	Prop immature birds	0.51	2.88	0.625	5.03	0.43	1.64	0.625	3.38
22	Prop adults	0.49	2.76	0.375	3.02	0.57	2.18	0.375	1.32
23	exclude sabatical adults	0.35	1.80	0.35	1.96	0.35	1.42	0.35	0.46
24	Sub-Total SPA birds (breeding season)	5.64		8.0		3.83		5.41	
25									
26	<b>Collision Apportioning (winter)</b>	morl	Running Tot	bowl	Running Tot	morl	Running Tot	bowl	Running Tot
27	CRM collisions (non-breeding season)		82.63	83.87	83.87		115.70	169.37	169.37
28	Boat-based bias	2	41.32	2	41.94	2	57.85	2	84.69
29	Prop from SPA	0.0136	0.56	0.0136	0.57	0.375	36.16	0.139	11.77
30	Prop immature birds	0.51	0.29	0.625	0.36	0.43	15.55	0.43	5.06
31	Prop adults	0.49	0.28	0.375	0.14	0.57	20.61	0.57	4.36
32	exclude sabatical adults	0.35	0.18	0.35	0.05	0.35	13.40	0.35	1.53
33	remove winter influx adults	1	0.18	1		0.2	2.68	1	
34	remove winter influx immatures	0.5	0.14	0		0.5	7.77	0	
35	Sub-Total SPA birds (breeding season)	0.56		0.57		11.90		11.77	
36	<b>Total (SPA birds, all age classes)</b>	<b>6.20</b>		<b>8.62</b>		<b>15.72</b>		<b>17.18</b>	
37									
38	<b>For use with BOWL PVA outputs</b>		<b>6.20</b>		<b>8.62</b>		<b>15.72</b>		<b>17.18</b>
39	<b>For use with MORL PVA outputs</b>		<b>4.03</b>		<b>5.60</b>		<b>7.19</b>		<b>11.17</b>
40									
43	<b>SUMMARY</b>								
44		<b>Project total (all SPA birds, all age classes)</b>	<b>Cummulative total (all SPA birds, all age classes)</b>	Project total (adults excluding sabbaticals)	cummulative total (adults excluding sabbaticals)	Comparison with PBR values (assuming PBR calculations are based on adult breeding birds excluding sabbaticals) should be made with cumulative values in grey cells			
45	<b>BOWL (MLS) GBBGU</b>	<b>8.62</b>	<b>14.82</b>	2.01	3.95				
46	<b>MORL GBBGU</b>	<b>6.20</b>		1.94					
47	<b>BOWL (MLS) HERGU</b>	<b>17.18</b>	<b>32.90</b>	1.99	11.18				
48	<b>MORL HERGU</b>	<b>15.72</b>		9.19					

# Development of ornithological advice to LOT since 8 July 2013

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This document summarises the key discussions held between MSS and the SNCBs since the receipt of the SNCB ornithology advice for BOWL and MORL on 8 July 2013, and how these fed into advice provided. This was an iterative process driven by the adoption of a 'common currency' approach by the SNCBs, MSS and the Moray Firth wind farm developers.

## *Thresholds of acceptable change*

As per MSS advice provided to MS-LOT on 29 October 2013, MSS used the precautionary application of the ABC method to both the BOWL and MORL population models to set thresholds of change for GBBGU, HERGU, PUFFI, GUILL and RAZOR. The SNCBs applied PBR to produce thresholds of acceptable change as per their advice of 8 July 2013 and 29 October 2013.

## *Collision Effects*

Based on the SNCB advice of 8 July 2013, collision risk to great black-backed gull and herring gull at East Caithness Cliffs were of concern. A number of outstanding issues relating to collision effects were identified in the SNCB advice and these were addressed during the common currency discussions between MORL, BOWL, SNH, JNCC and MSS that occurred during August 2013 and are summarised in the MSS advice to LOT dated 4 September 2013. At a meeting between MSS, SNH and JNCC held on 15 October 2013 it was agreed that the approach advised by MSS on 4 September 2013 should be adopted to inform the advice to MS-LOT on collision effects.

The rationale behind the approaches used in the displacement common currency table are summarised below.

### ***Bird parameters***

There was agreement on the bird parameters (wingspan, flight speed etc.) used in the collision risk models.

### ***Nocturnal activity***

Differences in opinion between the SNCBs and BOWL and MORL existed in the degree of nocturnal activity exhibited by the two gull species. The approach taken in this assessment is that set out and justified in the MSS advice of 4 September 2013, with nocturnal activity levels of 2 used.

### ***Extended Band Model (Option 3)***

As per the RSAG meeting on 5 September 2013, this assessment is based on the use of the extended version of the Band collision risk model (Option 3). Comparison of outputs from Options 1 and 3 was undertaken to identify whether substantial differences in values and therefore flight heights between the site data and the pooled data in Cook et al 2012 existed. There were no reasons to suspect that site specific drivers would cause flight heights to differ to the sites included in Cook et al 2012, and it was accepted that pooling robustness was likely to result in the Cook et al being robust to errors (but not systematic bias) in flight

height estimation. Any systematic bias in flight height estimates either from site specific or Cook et al data would be carried through the CRM calculations, regardless of the option used.

#### ***Breeding season***

The breeding seasons for GBBGU and HERGU of May-August used in the common currency are those used in the ES submitted by BOWL and MORL. The use of May- August for BOWL and MORL is accepted by the SNCBs as per the note of the meeting held on 22 November 2013.

#### ***Avoidance rate***

As per the RSAG meeting on 5 September 2013, this assessment is based on the use of an avoidance rate of 98% and the extended version of the Band collision risk model (option 3). Arguments presented by the developers for increasing avoidance rates for use with the standard Band model (i.e. Options 1 and 2) were considered but at present MSS felt that due to uncertainty surrounding avoidance rates, particularly in relation to the adoption of the extended Band model, that the avoidance rates should not be revised.

#### ***Wind farm scenario***

Advice was based on the WCS presented by BOWL and MORL. Subsequent amendments to the design envelopes have not therefore been captured by SNCB advice to LOT. Changes to turbine parameters can be captured by revising CRMs to feed into the 'common currency' table. The MSS advice to LOT accounts for the decision by BOWL to move from their Worst Case Scenario to Most Likely Scenario i.e. a smaller number of larger turbines with increased spacing between turbines. .

#### ***Boat based bias***

For this assessment a correction factor of 2 is used to account for gull attraction to survey vessels. This halves the original estimate and is seen as precautionary. The justification for this is included in the MSS advice to LOT on 2 September 2013.

#### ***Apportioning to breeding colony***

BOWL applied an apportioning tool similar to that being developed by SNH to assign effects to colonies whilst MORL used bird flight data. These methods both have merit and have been used in the assessment. Both developers assigned effects to SPA and non-SPA colonies.

#### ***Exclude sabbatical birds***

Both developers included 'sabbatical' birds i.e. adult birds within the population that did not breed each year.

#### ***Winter influx birds***

Large numbers of birds from northern Europe and Russia move into the area for the winter period and this was accounted for by both developers. A proportion of collisions during the non-breeding season were therefore assigned to this influx population.

In their advice of 29 October 2013 the SNCBs advised no adverse effect on HERGU and adverse effect upon GBBGU at ECC due to collision effects. MSS stated in their advice of 31 October 2013 that no adverse effect on GBBGU at ECC would result. Following discussions held on 22 November 2013 clarifying the metrics used in the ABC and PBR thresholds and their relation to the values presented in the common currency table, the SNCBs concluded no adverse effect on GBBGU at ECC.

MSS and SNCB both advise **no adverse effect** upon GBBGU and HERGU.

## ***Displacement Effects***

Based on the SNCB advice of 8 July 2013, species and SPAs of concern due to potential displacement effects were common guillemot at ECC, razorbill at ECC and Atlantic puffin at both ECC and NCC. The SNCB advice identified a number of outstanding issues relating to assessment methods used to quantify displacement effects and these were addressed during the common currency discussions between MORL, BOWL, SNH, JNCC and MSS that occurred during August 2013 and are summarised in the MSS advice to LOT dated 4 September 2013. At a meeting between MSS, SNH and JNCC held on 15 October 2013 it was agreed that the approach advised by MSS on 4 September 2013 should be adopted to inform advice to LOT on displacement effects on GUILL, RAZOR and PUFFI.

The rationale behind the approaches used in the displacement common currency table are summarised below.

### ***Breeding season***

Whilst no differences between the developers and SNCBs in breeding season were identified, it became apparent that for PUFFI the inclusion of August within the breeding season was not appropriate due to cessation of provisioning of chick by adults prior to August and the influx of non breeding individuals to breeding colonies during August. This increase in numbers was apparent from the at sea abundance estimates during August and this month was excluded from the breeding season for PUFFU.

### ***Mean seasonal peak***

Both developers used the mean abundance estimates in their assessments of displacement effects rather than the mean seasonal peak previously advised by the SNCB's. Whilst the latter is likely to overestimate abundance, it provides a precautionary estimate that may account for issues of turnover (see below). The mean seasonal peak abundance estimates were therefore used.

### ***All birds or birds on the water***

The SNCBs advised that all birds should be used in the displacement assessment, whilst BOWL and MORL considered that birds on the water or birds using the water would be more appropriate. Due to difficulties in objectively assigning birds in flight to 'using the water' or transiting, the precautionary values of all birds have been used in assessing displacement effects.

### ***Turnover***

It was agreed that there is currently no accepted method for accounting for turnover of individuals at sea in the assessments. Instead, the precautionary mean seasonal peak and all birds are used.

### ***Proportion displaced***

The displacement values of 60% have been used for guillemot, razorbill and puffin which is higher than the 50% in the SNCB advice 28 August 2013 but consistent with their advice of 8 July 2013. The displacement rate has not been adjusted to account for the significant increase in turbine spacing associated with BOWL moving from WCS to MLS, nor of the effects of habituation to the presence of turbines that is expected to occur over the lifetime of the wind farm. These levels of displacement are therefore viewed by MSS as precautionary.

### ***Proportion SPA***

BOWL applied an apportioning tool similar to that being developed by SNH to assign effects to colonies whilst MORL used data on bird flight direction gathered during surveys of the site. These methods both have merit and have been used in the assessment.

***Proportion of birds that fail to breed successfully***

This has been assumed to be 100%, and each displaced bird has been assumed to represent a distinct pair. This is an absolute worst case scenario and extremely precautionary.

**SNCBs advice** on 29 October 2013 concluded no adverse effect on GUILL, RAZOR, and PUFFI at NCC but **adverse effect upon PUFFI at ECC** due to displacement effects.

**MSS advice** on 31 October 2013 concluded **no adverse effect on PUFFI at ECC**. As stated in the advice of 31 October 2013 MSS advise no adverse effects due to:

- The highly precautionary manner in which displacement effects have been over estimated:
  - It has been assumed that 100% of displaced birds fail to breed successfully.
  - The assumption that each displaced bird represents a discrete pair (i.e. 1 displaced bird = 1 failed pair and 500 displaced birds= 500 failed pairs).
  - MORL's assumption that 100% of birds observed at sea are adults when in fact approximately 30% are likely to be of non breeding age.
  - The near doubling in turbine spacing resulting from BOWL's move from WCS to MLS has not been accounted for in the proportion of birds being displaced or the percentage of pairs failing to breed successfully.
  - Habituation of birds to the presence of wind turbines during the 25 year life of the wind farms has not been considered.
  - Evidence to suggest that the displacement rate of 60% applied to the auk species is too high.
  - Birds on the water and in flight have assumed to be displaced and therefore fail to breed successfully.
  - The mean seasonal peak rather than the mean abundance estimates have been used.
- Application of the ABC method to the BOWL and MORL population model outputs assuming a likelihood of a population decline in the absence of any additional displacement effects of "Likely" (*thresholds of 30 and 105 respectively*).
- The BOWL population model's assumption (based on SNCB advice) that each displaced individual equates to a pair that fails to breed successfully is overly precautionary (this is reflected in the lower ABC threshold value).
- Exclusion of PBR in the assessment of productivity effects.
- Examination of percentage change in productivity resulting from displacement effects as estimated using the highly precautionary approach identified above.

**Marine Scotland Science**  
**Advice to MS-LOT on MORL and BOWL**  
**Marine Mammals**

This is the first written advice on marine mammals provided by Marine Scotland Science (MSS) to MS-LOT on the MORL and BOWL developments, although we have been involved in discussions regarding these developments and have provided verbal advice. We have seen the advice received by MS-LOT from SNH and JNCC (the SNCBs) and have been involved in subsequent discussions with them and MS-LOT regarding this. Below we outline the content of these discussions as well as where we agree or do not agree with advice provided by SNH and JNCC on the individual projects and cumulatively. Additionally, we refer MS-LOT to the advice we provided on the cumulative impacts from the Inner Moray Firth port developments to bottlenose dolphins (provided on 7<sup>th</sup> November 2013).

**BOTTLENOSE DOLPHIN (*Tursiops truncatus*)**

The SNCBs advise that the management unit for bottlenose dolphins that should be considered is Coastal East Scotland (CES). This is often confused with the Moray Firth SAC, which is designated for bottlenose dolphins, but is confined spatially to the inner Moray Firth. However, we consider that all bottlenose dolphins within the CES belong to the SAC population because a high proportion of the animals that use the Tay area (for example) have also been seen within the SAC itself. The reference population estimate for this management unit is between 162 and 253 animals (95% highest posterior density intervals - HPDI), with a median of 195 individuals (Cheney et al., 2013). This is taken from photo identification data collected in 2006. Estimates have been produced for subsequent years, but the 2006 estimate is used because it incorporates more data collection, due to increased funding provide as part of a Scottish Government and SNH funded project (Thompson et al. 2011).

MORL and BOWL carried out cumulative assessments of the impact of wind farm construction on the bottlenose dolphin population, under various different construction scenarios. The assumption was made that animals that suffer Permanent Threshold Shift (PTS - a permanent change in hearing ability at a particular frequency), had a 25% increased mortality risk, while animals subject to noise levels sufficient to cause disturbance would fail to breed in that year (due to reduced feeding opportunity). The magnitude of these effects on mortality and breeding success is based on expert opinion and is untested, but is likely to represent a high degree of precaution. For example, we know that bottlenose dolphins inhabit and forage within areas with a high level of disturbance, such as Aberdeen harbour (e.g. Stockin et al., 2006), which indicates that noise levels sufficient to cause disturbance may be tolerated where food is available and therefore may not influence foraging success.

In fact, noise propagation modelling in the ESs showed that no bottlenose dolphins were predicted to receive noise levels sufficient to induce PTS under any of the modelled scenarios. This is largely due to the distance between the wind farm sites and the southern coast of the Moray Firth, where bottlenose dolphins are more likely to occur. There is therefore no predicted effect on survival of bottlenose dolphins

from the MORL and BOWL developments, since there is no PTS predicted. There may be effects on their breeding success, as a result of disturbance.

Population viability analysis (PVA) incorporating the numbers of calves not added to the population due to effects of disturbance on breeding success showed that the population may decline somewhat during construction, but is then predicted to recover to baseline levels within the expected lifetime of the wind farms (25 years). No assessment was undertaken at a closer time point than this. However, the reduction in numbers of animals lies within the 95% HPDI for the population estimate, so it is unlikely that such changes could be detected at a population level. MSS agree with the SNCB advice that there will be no adverse impact to the population, or significant effect to the Moray Firth SAC from the MORL and BOWL developments.

Noise propagation modelling indicates that bottlenose dolphins may receive noise levels sufficient to cause disturbance in some areas of their range. MSS therefore advise that an EPS licence will be required for bottlenose dolphins. However, evidence from the PVA modelling indicates that there will no impact on the favourable conservation status of the population.

#### ***In combination effects***

The potential for in combination effects with port developments in the inner Moray Firth was suggested in the MORL and BOWL ESs, but not taken any further because at the time of their submission, there were too few details about what work would be undertaken at the ports. Three proposals are now at different stages in the planning system; at Nigg (Global Energy Nigg), Ardersier (Port of Ardersier Limited) and Invergordon (the Cromarty Firth Port Authority).

Modelling was undertaken to inform understanding of the potential cumulative effects on the bottlenose dolphins associated with the Moray Firth SAC of the construction of these three port developments, the increase in vessel traffic that may ensue from the upgrading works and the pile driving at the BOWL and MORL sites in the Moray Firth. The modelling gave two main outputs of the population effects; one based on the effects to the subset of the CES population which regularly uses the SAC and one on the effects to the whole CES population. The advice of the SNCBs and MSS has always been that effects from development should be assessed against the CES population. When this reference population is used, although there is an immediate decline in the population, more than 50% of the model outcomes return to baseline by the time piling at MORL and BOWL ends (five or six years depending on scenarios). This can be interpreted as the median population outcome from the simulation modelling being at least equal to the starting population size. MSS therefore advise that the MORL, BOWL, Nigg, Ardersier and Invergordon developments in combination will not have an adverse effect on the integrity of the Moray Firth SAC.

MSS also advise that this model is highly precautionary, with a noise dose-response curve that is unlikely to hold in reality, since it indicates displacement of bottlenose dolphins at noise levels that have been measured as background in key foraging areas.



## **HARBOUR PORPOISE (*Phocoena phocoena*)**

The appropriate management unit for harbour porpoise is the North Sea. This area is estimated to contain 227,298 animals, with 95% confidence intervals ranging from 176,360 to 292,948 animals (Hammond et al., 2013). There is currently one candidate SAC for harbour porpoise, off the coast of Northern Ireland; the Skerries and Causeway cSAC. There is no evidence of connectivity between the Moray Firth and this cSAC, and it occurs within the West Scotland management unit. MSS therefore advise that an HRA is not required.

Significant disturbance is predicted to occur at ranges of around 10-15 km, so we advise that an EPS licence would be required. Evidence from studies of harbour porpoise responses to seismic surveys in the Moray Firth suggests that animals were displaced by noise effects within 10 km, equivalent to noise levels of between 165 and 172 dB re 1  $\mu$ Pa (peak to peak) and between 145 and 151 dB re 1  $\mu$ Pa<sup>2</sup> s<sup>-1</sup> (SEL). Displaced animals returned within a few hours, but the duration of displacement declined over the survey period (10 days in this case), indicating an increasing tolerance of noise (Thompson (P.M.) et al. 2013a).

Cumulative assessments of the number of animals exposed to noise levels sufficient to cause PTS have been undertaken by the developers, which include construction works at both the MORL and BOWL sites. In these assessments, the reference population that has been used is the sum of animals modelled to be in 4x4 km cells across the whole Moray Firth. This sums to 6,120 porpoises. None of the modelled scenarios predict PTS in more than 0.6% of this regional population, and when tested against the management unit population estimate of 227,298 animals, this percentage will be very much lower. MSS therefore advise that the MORL and BOWL developments will not have a significant adverse effect on the North Sea, or Moray Firth harbour porpoise population.

## **MINKE WHALE (*Balaenoptera acutorostrata*)**

The management unit for minke whale is British and Irish waters. This area is estimated to contain 23,163 animals, with 95% confidence intervals ranging from 13,772 to 38,958 (Hammond et al., 2013, Macleod et al., 2009). There are no SACs for minke whales in UK waters, so no HRA is necessary. Predicted ranges of physical and auditory injury will be mitigated through implementation of the JNCC piling guidelines.

The developers will need to apply for an EPS licence because noise from pile driving will disturb minke whales. MSS agree with the SNCB advice that the disturbance from piling will not affect the favourable conservation status of the minke whale population. However, disturbance of individual animals is likely to occur, both inside and outside of Scottish Territorial Waters, from both developments, necessitating an EPS licence.

WDC have made reference to their concerns regarding the effect of pile driving noise on minke whales within the search area for MPAs. A search location has been

defined in the southern Moray Firth, which might include minke whales but no MPA boundaries exist and it has not yet been determined that the site will be taken forward as an MPA. MSS therefore advise that at this time it is not appropriate to consider effects to minke whales in this area in the context of effects to a protected site (such as would be undertaken for an HRA).

### **HARBOUR SEAL (*Phoca vitulina*)**

The management unit for harbour seals is the Moray Firth Seal Management Area. The most recent SCOS report states that the count of animals in 2011 in the inner Moray Firth was 674 (SCOS, 2012). The trend for this population has been a decline in the past decade, but the counts since 2007 indicate that it may now have stabilised.

Likely significant effect was identified by the SNCBs for the Dornoch Firth and Morrich More SAC in relation to construction works at the MORL and BOWL sites. The population effects were assessed through the seal assessment framework developed by Thompson (P.M.) et al. (2013b), and were presented in the ESs for both MORL and BOWL. They demonstrated that for both projects alone and cumulatively, there would be an effect on the population of harbour seals within the Moray Firth seal management area, during the construction period, but that this would recover following the end of construction. Advice from the SNCBs on this basis stated that there would be no adverse impact on SAC site integrity.

#### ***In combination effects***

The potential for in combination effects with port developments in the inner Moray Firth was suggested in the MORL ES, but not taken any further because at the time of their submission, there were too few details about what work would be undertaken. Three proposals are now at different stages in the planning system; at Nigg (Global Energy Nigg), Ardersier (Port of Ardersier Limited) and Invergordon (the Cromarty Firth Port Authority). The developments at Ardersier and Nigg are at the limit of the range at which we would consider them likely to have a significant effect on the Dornoch Firth and Morrich More SAC. The Ardersier development has applied only to use vibropiling. MSS therefore advise that the impact on harbour seals from construction noise at Ardersier is not significant. The Appropriate Assessment for the Nigg development concluded that there would be no adverse effect from that development to the site integrity of the Dornoch Firth and Morrich More SAC.

Further discussions have been underway regarding the potential for corkscrew injuries to harbour seals from construction and operation of the port at Ardersier. There is currently not enough information to allow a quantitative assessment of the likely numbers of animals affected, because the mechanism by which these injuries occur is not known. Discussions surrounding Ardersier have centred on increased monitoring to detect whether seals using that area are in fact killed through these corkscrew injuries. There have been a small number of reports of corkscrew seals in the inner Moray Firth, but the area is not considered to be a hotspot for this currently (Thompson, D. et al., 2013).

## **GREY SEAL (*Halichoerus grypus*)**

The SNCB advice does not consider grey seals with respect to either MORL or BOWL. The relevant management unit for grey seals is the Moray Firth, with respect to seal licensing. The minimum population size for these purposes is 2900 animals (see <http://scotland.gov.uk/Resource/0042/00428606.doc>). SCOS does not report on grey seals in the Moray Firth because no breeding colonies have been identified.

MSS advice is that there are no SACs for grey seals within the range that we would normally consider for this species (100 km). We are aware that grey seals travel large distances when foraging, but there is no clear connectivity between the development areas and any SAC. MSS therefore advise that HRA for grey seals is not necessary. Additionally, we agree with the developers that the numbers of grey seals that may be affected by the development do not pose a risk to their population status. Grey seal numbers in Scotland are increasing and the PBR values for all areas are large and the recovery factor used for determining the PBR is 1 (see document above), which is the highest value it can take, indicating scientific confidence that the population is robust.

## **Monitoring and Mitigation**

The SNCBs have made reference to the requirement for monitoring and mitigation plans to be submitted post consent, should this be granted. MSS support this and would look to developing strategies that would minimise the impacts of disturbance to all marine mammal species.

### *Mitigation*

At a minimum we would expect the JNCC piling guidelines (or measures of equivalent capacity to mitigate) to be followed. Correctly applied, this will mitigate physical and auditory injury to marine mammals. We would expect that plans would be drawn up to manage construction impacts, such as piling and vessel movements to minimise the potential effects to marine mammals. This should include techniques to reduce the noise level at source where these are practical, in order to reduce the range at which animals may be disturbed.

### *Monitoring*

We would also request that the developers carry out monitoring to validate the predictions made in their ESs regarding levels of disturbance and their effect on populations of marine mammals. We note that MORL and BOWL have been consulting with the University of Aberdeen on a marine mammal monitoring plan that would fulfil this, and would provide useful evidence to inform future rounds of wind farm development.

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