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BERWICK BANK WIND FARM

Benjamin Taylor

From: Logie, Andrew [Redacted]
Sent: 14 July 2026 11:41
To: Jennifer Goodheir
Cc: Benjamin Taylor; Rebecca Ross; Emma Lees; MD Marine Renewables
Subject: RE: 00012342, 00012343, 00012344, 00012345 - Morven Offshore Wind Limited – Morven North Offshore Wind Array and Morven South Offshore Wind Array – EIA Section 36 Consent and Marine Licence Applications - Consultation – Response Required by 16 J...

Dear Jennifer,

Thank you consulting the Berwick Bank Offshore Wind project on the Morven Offshore Wind Limited S.36 applications. We have no comments on the application, however note reference to a potential Point of Connection (POC) at Branxton in East Lothian, which will be subject to a separate marine licence application. Due to potential interactions with offshore cable routes and landfall locations between Berwick Bank and Morven, I would be grateful if MD-LOT could ensure Berwick Bank Offshore Wind Ltd and/or SSE Renewables are included on the consultee list for any future marine licence application relating to Morven's export cables.

Best regards,
Andrew

Andrew Logie || Consents Manager (Offshore) – Berwick Bank Wind Farm
SSE Renewables
1 Waterloo Street, Glasgow, G2 6AY

E: [Redacted]
M: [Redacted]

sserenewables.com

BT

Benjamin Taylor

From:	radionetworkprotection@bt.com
Sent:	17 June 2026 11:40
To:	MD Marine Renewables
Subject:	00012342, 00012343, 00012344, 00012345 - Morven Offshore Wind Limited – Morven North Offshore Wind Array and Morven South Offshore Wind Array – EIA Section 36 Consent and Marine Licence Applications - Consultation –. WID14372
Categories:	Saved in eRDM
Objective:	-1

General

OUR REF; WID14372

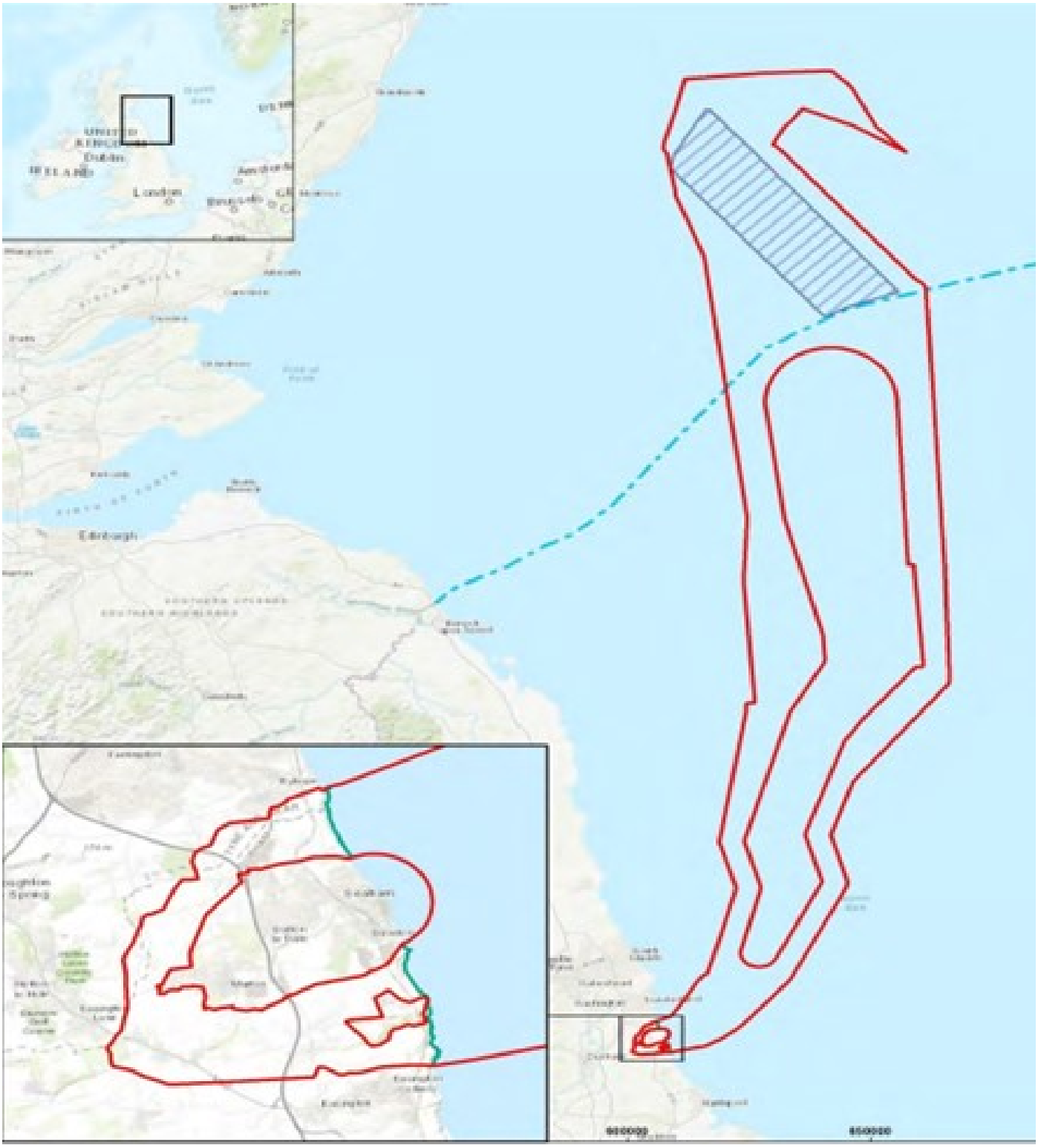
Good morning

Thank you for your e-mail dated 03/06/26

We have studied this proposal using the scoping boundary below with respect to EMC and related problems to BT point-to-point microwave radio links.

The conclusion is that this proposal should not cause interference to BT's current and presently planned radio network.

Regards
Chris



General

From: MD.MarineRenewables@gov.scot <MD.MarineRenewables@gov.scot>
Sent: 03 June 2026 14:43
Cc: [Redacted]
MD.MarineRenewables@gov.scot
Subject: 00012342, 00012343, 00012344, 00012345 - Morven Offshore Wind Limited – Morven North Offshore Wind Array and Morven South Offshore Wind Array – EIA Section 36 Consent and Marine Licence Applications - Consultation – Response Required by 16 July 2026

Dear Sir/Madam,

DEE DISTRICT SALMON FISHERY BOARD

Dee District Salmon Fishery Board

Jennifer Goodheir
Casework Officer, Marine Directorate
Licensing Operations Team (MD - LOT)
Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

By email to MD.MarineRenewables@gov.scot
16th July 2026

Dear MD Team,

Morven Offshore Wind Limited – Morven North Offshore Wind Array and Morven South Offshore Wind Array – EIA Section 36 Consent and Marine Licence Applications - Consultation Response Request.

On behalf of the Dee District Salmon Fishery Board (Dee DSFB), we welcome the opportunity to respond to the above applications.

In summary, the Dee DSFB asks that consent and licensing decisions require a precautionary, evidence-led approach, including strategic monitoring, coordinated research and proportionate developer contributions to the protection and recovery of Atlantic salmon and other diadromous fish.

Designations & Conservation Status — Atlantic Salmon

As a statutory body responsible for protecting Atlantic salmon and sea trout stocks within its district, the Dee DSFB must ensure that proposed developments do not give rise to significant adverse impacts on these species.

The River Dee is designated as a Special Area of Conservation under the EC Habitats Directive 92/43/EEC for Atlantic salmon, the principal qualifying species for this designation.

The International Union for Conservation of Nature's latest Red List of Threatened Species (December 2023) reclassified Atlantic salmon in Great Britain from "Least Concern" to "Endangered", reflecting a 30–50% decline in British populations since 2006 and a projected 50–80% decline between 2010 and 2025. The Scottish Government's Wild Salmon Strategy calls on government agencies and the private sector to prioritise the protection and recovery of Scotland's wild Atlantic salmon populations.

Atlantic salmon and several other diadromous fish species are also recognised as Priority Marine Features and UK Biodiversity Action Plan priority species.

Designations & Conservation Status — Other Species

The Dee District also supports trout, eels, brook lamprey, river lamprey and sea lamprey.

Sea trout, present across rivers in the Dee District, are a UK Biodiversity Action Plan priority species.

All lamprey species are protected under the EC Habitats Directive; river and sea lamprey are also listed as UK Biodiversity Action Plan priority species.

European eels are a UK Biodiversity Action Plan priority species, are listed as Critically Endangered on the IUCN Red List and are protected under CITES.

Decision-Relevant Comments

The Morven North and Morven South offshore wind arrays are proposed approximately 61 km and 86 km off the Aberdeenshire coast respectively, covering seabed areas of approximately 511 km² and 347 km². Given their location, scale and potential overlap with diadromous fish migration routes, the Dee DSFB considers that the EIA's conclusions on Atlantic salmon and related species should be treated with caution where they rely on limited evidence.

Where evidence of potential harm to protected species is inconclusive, decision makers should apply the precautionary principle within an overall risk-based approach. The Dee DSFB therefore asks that evidence gaps are addressed before final consent decisions are made or, where that is not possible, that appropriate monitoring and adaptive mitigation requirements are secured through consent and licence conditions.

Evidence gaps and monitoring requirements

1. There remains a significant lack of current evidence on how diadromous fish use the marine environment, and insufficient ambition and resource to understand the potential impacts of offshore development on these species.
2. The Dee DSFB remains keen to work constructively with developers, the Marine Directorate, Fisheries Management Scotland and NatureScot to identify appropriate monitoring and research programmes. These programmes should enable the acknowledged risks of marine development to be assessed more effectively, including movement, abundance, swimming depth, feeding behaviour and impact pathways for diadromous fish. This evidence should inform any mitigation measures and the conditions under which they should be applied. Given the scale of development in the North Sea, developers should be required to collaborate and contribute to strategic monitoring that provides greater certainty for all parties.

Cumulative impact and mitigation

The cumulative impact of Morven North and Morven South, together with existing and future offshore developments in the North Sea, may be substantial. Current understanding is insufficient to support confident conclusions about mitigation at the licensing stage, so strategic monitoring, data sharing and adaptive management should be treated as core requirements rather than optional enhancements.

Recommended consent and licence conditions

3. A stronger and more coordinated evidence base is needed to support environmental decision-making and reconcile offshore development with the protection and enhancement of important marine ecosystems and species. The Dee DSFB recommends that consent and licence conditions require robust research into salmonid migration, marine stressors, movement, abundance, swimming depth, feeding behaviour and impact pathways for Atlantic salmon and other diadromous fish.
4. Atlantic salmon are iconic, endangered and of significant ecological, cultural and economic value to Scotland. The Dee DSFB requests that the Scottish Government require large-scale marine developments to contribute financially to the protection and recovery of Atlantic salmon across both its marine and freshwater life stages, including through a collective nature recovery fund or equivalent strategic mechanism.

If you require any further information, please do not hesitate to contact me.

Yours sincerely

[Redacted]

River Operations Manager, Dee District Salmon Fishery Board

FMS

Fisheries Management Scotland

[Redacted]
[Redacted]

Licensing Operations Team
Marine Directorate
By e-mail

4 August 2026

Dear Sir/Madam

MD-00012342, MD-00012343, MD-00012344, MD-00012345 - Morven North Offshore Wind Array and Morven South Offshore Wind Array

Fisheries Management Scotland is the representative body for Scotland's District Salmon Fishery Boards, the River Tweed Commission and charitable Rivers and Fisheries Trusts. Our members work to conserve Scotland's valuable and iconic wild salmon and freshwater fish and fisheries and the aquatic environment on which they depend.

It is now well-recognised that populations of Atlantic salmon have rapidly deteriorated across their native range. In the latest species reassessment by the IUCN Red List of Threatened Species, released in December 2023 (and contrary to table Table 12-20), Atlantic salmon have been reclassified from 'Least Concern' to 'Endangered' in Great Britain (as a result of a 30-50% decline in British populations since 2006 and 50-80% projected between 2010-2025), and from 'Least Concern' to 'Near Threatened' in terms of global populations (as a result of global populations declines of 23% since 2006).

We note, and support, the recent position that the Marine Directorate have taken - "*MSS do not consider it appropriate for an EIA/HRA to conclude there is no or negligible impact just because no evidence exists of the impact. MSS advise that impacts to diadromous fish must be adequately investigated, rather than relying on a lack of evidence to claim there is no impact*".

Unfortunately, the developer appears to have adopted the approach which the Marine Directive has cautioned against. For example, the approach to visual impacts set out in table 9.8 is completely inadequate in our view.

There is considerable uncertainty around the potential for impacts of offshore wind farms on Atlantic salmon, with limited evidence to support claims of lack of impacts. Given the significant decline in wild Atlantic salmon populations in recent years we are strongly of the view that a precautionary approach in assessments is required.

We provide the following comments regarding Chapter 9 of the EIA report. In common with the majority of EIA assessments that we have reviewed regarding marine renewable development we have significant outstanding concerns about the approach adopted and the conclusions that have been reached.

In particular we highlight the following concerns:

As highlighted above, table 9.8. sets out a very weak justification for scoping shadow flicker out of the assessment. We also note that the focus on shadow flicker, as opposed to the potentially greater effect of direct visual effects from moving blades, ignores an important aspect of the potential impact. The same issue arose from the quoted study (Dodd and Briers, 2021). NatureScot has formally conceded that shadow flicker from moving turbine blades (and also the direct visual effects of moving blades) may adversely affect salmonids in freshwater habitat. Since exactly the same physical principles apply in the marine environment, surface-orientated fish like salmonids are likely to be exposed to equivalent adverse effects. We do not agree that this effect should be scoped out and we would again point out the position that MSS do not consider it appropriate for an EIA/HRA to conclude there is no or negligible impact just because no evidence exists of the impact.

Similarly, we do not believe that it is appropriate to scope out the impact of predator aggregation on migrating salmonids. Section 9.11.6.6 and 9.11.6.14 recognise that predators are likely to accumulate within the development area and that diadromous fish could be impacted. The basis for scoping this impact out appears to be that migrating fish will not spend much time in the vicinity of the development. The EIA fails to recognise more recent work undertaken by the Marine Directorate and presented at ScotMER which demonstrates that post smolts do not always move swiftly through coastal waters, presumably taking time to forage when feeding opportunities arise. Offshore wind development sites have the potential to introduce a considerable number of 'predation hotspots' the cumulative effect of which has not been assessed. Such predation impacts are not necessarily a function of the time spent within the development. Post smolt and adult migration pathways represent a critical life stage when these fish are particularly vulnerable. We still have significant concerns about the potential for predation of salmon post smolts, sea trout and returning adult salmon due to aggregation of fish, marine mammals and predatory birds in the vicinity of the development, and we consider that the developer has failed to demonstrate no adverse effect on site integrity of the relevant Atlantic salmon SACs, and impacts on other relevant rivers.

We recognise that predation impacts relating to aggregation of predatory fish or marine mammals are challenging to assess and manage at the development site, but we would like to see recognition of this potential impact and funding for appropriate mitigation measures should the developed be consented. In particular, we would draw the attention of MD-LOT and the developer to recent work by the Sea Mammal Research Unit to test a 'detect and deter' system designed to prevent seals from entering rivers to predate on salmonids, most recently on the River Dee. We consider that investment in such systems, and associated infrastructure, by the developer, would be a potential means of mitigating predation impacts on salmonids and we would welcome further discussion on this point.

We would emphasise that to date, and as detailed above, there remains considerable uncertainty around evidence of impacts on salmon and other diadromous species. We therefore expect to see proposals for strategic research **and** mitigation and we are hugely disappointed by the dismissive nature of the developers documentation. With regard to research, in our view a focus on understanding the potential impact pathways for wild salmonids is vitally important. In the case of mitigation, this should be focussed, in line with international advice via NASCO, on projects which improve freshwater conditions and increase the number of healthy wild salmon and sea trout smolts leaving Scotland's rivers.

It should be emphasised that we have no wish to prevent or delay any proposed development unnecessarily and we remain keen to work constructively with the developers and the Marine Directorate to identify appropriate monitoring programmes which will allow us to be able to assess the acknowledged risks of this development, and other proposed developments in a more appropriate manner. There is a clear and urgent need to fund, plan and start strategic research on the movement, abundance, swimming depth, feeding behaviour and impact pathways relevant to diadromous fish. Such research would clearly feed into the potential mitigation measures that might be deemed appropriate, and the conditions under which such mitigation should be enacted. All developers should be required to work together to fund strategic monitoring, in order to allow more certainty for all involved.

In the light of the ongoing failure to understand, quantify and address concerns relating to impacts on diadromous fish, we object to these proposals as currently set out. The developer has failed to demonstrate that there will be no adverse effect on SAC integrity and therefore we do not consider that this development can proceed. Whilst we don't believe that any individual offshore windfarm can meet the criteria for imperative reasons of overriding public interest, if Scottish Ministers determine that a legal robust case can be made for the development to proceed, we believe that clear, demonstrable compensation must be put in place which is directly relevant to diadromous fish arising from relevant SAC rivers. However, should the developer commit to contributing to strategic research to address these information gaps, as a specific condition of consent, develop meaningful

mitigation specifically tailored to the needs of wild salmonids and commit to supporting projects relevant to the conservation and restoration of diadromous fish populations, we may be in a position to lift our objection.

Yours faithfully,

[Redacted]

[Redacted]

CEO, Fisheries Management Scotland

FORTH PORTS

Benjamin Taylor

From: Carol Potter [Redacted]
Sent: 05 June 2026 13:53
To: MD Marine Renewables
Cc: Benjamin Taylor; Rebecca Ross; Emma Lees; Jennifer Goodheir; Carol Forman
Subject: FW: 00012342, 00012343, 00012344, 00012345 - Morven Offshore Wind Limited – Morven North Offshore Wind Array and Morven South Offshore Wind Array – EIA Section 36 Consent and Marine Licence Applications - Consultation – Response Required by 16 July 2026

Categories: Saved in eRDM
Objective: -1

Hi Jennifer

As per below, no comments from our Marine team.

Kind Regards
Carol

Carol Potter | PA to the Chief Legal and Property Officer | Forth Ports Limited

Head Office | 1 Prince of Wales Dock | Edinburgh | EH6 7DX

T: 0131 555 8709 | Mob: [Redacted] | https://forthports.co.uk

Hi Carol,

No comments from me; both the windfarm and landfall site are out with our area.

Thanks
Scott

Scott Cameron | Senior Harbour Master

Forth Ports Limited | Forth & Tay Navigation, South Shore Road, Grangemouth, FK3 8TQ

Phone: 01324 498 587 | Mobile: [Redacted] | Email: [Redacted]

JRC

Benjamin Taylor

From: Joint Radio Company <enquiries@jrc.co.uk>
Sent: 08 June 2026 12:19
To: Jennifer Goodheir
Cc: MD Marine Renewables
Subject: Re: Morven North EIA and Morven South EIA - Other Sea Users Assessment - Communications Infrastructure

Categories: Saved in eRDM
Objective: -1

If any details of this proposal change, particularly the position or scale of any turbine(s), this clearance will be void and re-evaluation of the proposal will be necessary.

Dear Jennifer

Planning Ref: **00012342, 00012343; 00012344, 00012345**

Name/Location: **Morven Offshore Wind Limited – Morven North Offshore Wind Array; Morven South Offshore Wind Array**

Site Centres: Approx. 61km (M.North) & 86km (M.South) off Aberdeenshire Coast

Max. No. of Turbines:
Morven North: 96
Morven South: 95

Max. Tip Height: 363m above LAT*.
Max. Rotor Radius: 160m

** Lowest Astronomical Tide*

This proposal is **cleared - subject to 50m Micrositing -** with respect to radio link infrastructure operated by the local energy networks.

JRC analyses proposals for wind farms (and other developments) on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy (or other) development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm (or other development) change, particularly the disposition or scale of any turbine(s) or structure(s), it will be necessary to re-evaluate the proposal.

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, developers are advised to seek re-coordination prior to considering any design changes.

Regards

Wind Farm Team

Friars House
Manor House Drive
Coventry CV1 2TE
United Kingdom

Office: 02476 932 185

JRC Ltd. is a Joint Venture between the Energy Networks Association (on behalf of the UK Energy Industries) and National Grid.
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About The JRC | Joint Radio Company | JRC

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MOD

Defence Infrastructure Organisation

Wendy Talbot
Assistant Safeguarding Manager
Ministry of Defence
Safeguarding
Defence Infrastructure Organisation
St George's House
DMS Whittington
Lichfield, Staffordshire
WS14 9PY
United Kingdom

Application Ref: 00012342 / 00012343 / 00012344 / 00012345

E-mail: DIO-Safeguarding-Wind@mod.gov.uk

Our Reference: DIO10049075

Jennifer Goodheir
Scottish Government
Marine Directorate - Licensing Operations Team
5 Atlantic Quay
150 Broomielaw
GLASGOW
G2 8LU

15 September 2026

Dear Jennifer

ELECTRICITY ACT 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
The Electricity (Applications for Consent) Regulations 1990
MARINE AND COASTAL ACCESS ACT 2009
The Marine Works (Environmental Impact Assessment) Regulations 2007

00012342, 00012343 – Morven Offshore Wind Limited – Morven North Offshore Wind Array – approximately 61 km off the Aberdeenshire coast

00012344, 00012345 – Morven Offshore Wind Limited – Morven South Offshore Wind Array – approximately 86 km off the Aberdeenshire coast

This letter updates the Ministry of Defence (MOD) safeguarding position with regard to the proposed Morven North and Morven South Offshore Wind Farms following receipt of requested information on 3 August 2026. A previous letter dated 16 July 2026, setting out the MOD position was provided to the Scottish Government Marine Directorate.

The information that DIO Safeguarding had requested was for confirmation of co-ordinates for both Morven North and Morven South Offshore Wind Array Area Design Envelopes were requested in BNG 6 digit Easting/Northing format required to complete technical assessment, and to allow operational assessment of the proposed development. This updated MOD response is based on those completed full technical and operational assessments using the information provided on 3 August 2026.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

Morwen North Offshore Wind Array would be comprised of:

- up to 96 wind turbines (each with a maximum blade tip height of 363m above Lowest Astronomical Tide (LAT), a maximum hub height of 203m LAT and a maximum rotor diameter of 320m) and associated support structures and foundations;
- up to five Offshore Substation Platforms (OSP) and associated support structures and foundations;
    - up to four High Voltage Alternating Current (HVAC) collector substation platforms;
    - up to one High Voltage Direct Current (HVDC) convertor substation (this could be a single platform or two platforms linked by a bridge);
- scour protection for wind turbine and OSP foundations; and
- a network of inter-array cabling linking the individual wind turbines to each other and to the OSPs, plus interconnector cables connecting OSPs to each other (approximately 424km of inter-array cabling and 484km of interconnector cabling).

Morwen South Offshore Wind Array would be comprised of:

- up to 95 wind turbines (each with a maximum blade tip height of 363m above Lowest Astronomical Tide (LAT), a maximum hub height of 203m LAT and a maximum rotor diameter of 320m) and associated support structures and foundations;
- up to five OSPs and associated support structures and foundations
    - up to four High Voltage Alternating Current (HVAC) collector substation platforms;
    - up to one High Voltage Direct Current (HVDC) convertor substation (this could be a single platform or two platforms linked by a bridge);
- scour protection for wind turbine and OSP foundations; and
- a network of inter-array cabling linking the individual wind turbines to each other and to the OSPs, plus interconnector cables connecting OSPs to each other (approximately 420km of inter-array cabling and 264km of interconnector cabling).

Air Defence Radar

The applicant's submitted Environmental Impact Assessment Report (EIAR) (MVCNS-J1201-RPS-10148 dated May 2026), specifically Volume 3 Annex 15.1: Aviation (Military and Civil) Shared Technical Report, acknowledges at 4.3.1 that both the Morwen North Offshore Wind Array and the Morwen South Offshore Wind Array would be visible to and detectable by MOD Air Defence radars at Remote Radar Head (RRH) Buchan and RRH Brizlee Wood.

Wind turbines have been shown to have detrimental effects on the operation of AD radar. These include the desensitisation of the radar in the vicinity of wind turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the locality of the turbines would be reduced, hence turbine proliferation within a specific locality can result in unacceptable degradation of the radar's operational integrity. This would reduce the RAF's ability to detect and manage aircraft in United Kingdom sovereign airspace, thereby preventing it from effectively performing its primary function of Air Defence of the United Kingdom.

Whilst the applicant has acknowledged that both the Morwen North Offshore Wind Array and the Morwen South Offshore Wind Array would adversely impact the operation and capability of AD radars at RRH Buchan and RRH Brizlee Wood, no mitigation proposals have been submitted for assessment.

On the basis of the information available, the MOD must **object** to this proposal due to the impact it will have on the operation and capability of the AD radars at both RRH Buchan and RRH Brizlee Wood.

Military Low Flying

The potential for the development to create physical obstructions to military low flying activities is also acknowledged within Volume 3 Annex 15.1: Aviation (Military and Civil) Shared Technical Report at 4.3.4.

The applicant notes that the MOD will request that aviation obstruction lighting is fitted to any turbine that might be installed/erected within either the Morwen North Offshore Wind Array or the Morwen South Offshore Wind Array.

Should the applicant be able to overcome MOD objections, requirements for the submission, approval, and implementation of an Aviation Lighting Scheme, and that require the submission of sufficient information to ensure the development can be accurately charted.

Military Practice and Exercise Areas (PEXAs)

The location of the Windfarm Development Area (WDA) in regard to military PEXAs known as D613A, D613B, D613C and D613D is noted within Volume 3 Annex 15.1: Aviation (Military and Civil) Shared Technical Report at 4.3.3. Within these blocks of airspace (D613 A / B / C / D) the training activities undertaken may include High Energy Manoeuvres, the use of unmanned aircraft systems, and Ordnance, Munitions, and Explosives.

The applicant identifies that at approximately 10,000ft the lower vertical base height of aerial activity within the D613 PEXAs is well above the maximum height of the proposed WTGs for both the Morven North and Morven South Offshore Wind Farms and, therefore, no obstruction impact is predicted. The MOD sees no reason not to agree with this conclusion.

Highly Surveyed Routes

The MOD has highly surveyed routes within the locality of the development area which may be relevant to the installation of wind turbines, export cables & associated infrastructure. These routes are retained by the MOD to support national defence requirements and are not defined in the public domain. Highly surveyed routes must not be obstructed or impeded by offshore developments such as wind turbines. The MOD has completed an assessment and has identified no concerns with the proposed development contained within the WDA.

Summary

For the avoidance of any doubt, MOD **objects** to the proposal on the grounds of the unacceptable impact that the development would have on:

- air defence radar systems sited at RRH Buchan and RRH Brizlee Wood.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely

[Redacted]

Wendy Talbot
Assistant Safeguarding Manager

NATS

Benjamin Taylor

From: NATS Safeguarding <NATSSafeguarding@nats.co.uk>
Sent: 05 June 2026 10:50
To: MD Marine Renewables
Subject: RE: 00012342, 00012343, 00012344, 00012345 - Morven Offshore Wind Limited – Morven North Offshore Wind Array and Morven South Offshore Wind Array – EIA Section 36 Consent and Marine Licence Applications [SG35855]
Attachments: SG35855 Morven Offshore Wind Array Project - TOPA Issue 2.pdf

Categories: Saved in eRDM
Objective: -1

Our Ref: SG35855

Dear Sir/Madam

We refer to the application above. The proposed development has been examined by our technical safeguarding teams and conflicts with our safeguarding criteria.

Accordingly, NATS (En Route) plc objects to the proposal. The reasons for NATS's objection are outlined in the attached report TOPA SG35855.

We would like to take this opportunity to draw your attention to the legal obligation of local authorities to consult NATS before granting planning permission. The obligation to consult arises in respect of certain applications that would affect a technical site operated by or on behalf of NATS (such sites being identified by safeguarding plans that are issued to local planning authorities).

In the event that any recommendations made by NATS are not accepted, local authorities are obliged to follow the relevant directions within Planning Circular 2 2003 - Scottish Planning Series: Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003 or Annex 1 - The Town And Country Planning (Safeguarded Aerodromes, Technical Sites And Military Explosives Storage Areas) Direction 2002.

These directions require that the planning authority notify both NATS and the Civil Aviation Authority ("CAA") of their intention. As this further notification is intended to allow the CAA to consider whether further scrutiny is required, the notification should be provided prior to any granting of permission.

It should also be noted that the failure to consult NATS, or to take into account NATS's comments when determining a planning application, could cause serious safety risks for air traffic.

Should you have any queries, please contact us using the details below.

Yours faithfully

NATS Safeguarding
E: natssafeguarding@nats.co.uk
4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk

Prepared by:
NATS Safeguarding Office

Technical and Operational Assessment (TOPA)

For Morven Offshore Wind Array Project

NATS ref: SG35855

Scottish Government ref: SCOP-0028

Issue 2

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Publication History

Issue	Month/Year	Change Requests and summary
1	August 2023	Scoping Request
2	June 2026	Application

Document Use

External use: Yes

Referenced Documents

1. Background

1.1. En-route Consultation

NATS en-route plc is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. To undertake this responsibility it has a comprehensive infrastructure of RADAR's, communication systems and navigational aids throughout the UK, all of which could be compromised by the establishment of a wind farm.

In this respect NATS is responsible for safeguarding this infrastructure to ensure its integrity to provide the required services to Air Traffic Control (ATC).

In order to discharge this responsibility NATS is a statutory consultee for all wind farm applications, and as such assesses the potential impact of every proposed development in the UK.

The technical assessment sections of this document define the assessments carried out against the development proposed in section 3.

2. Scope

This report provides NATS En-Route plc's view on the proposed application in respect of the impact upon its own operations and in respect of the application details contained within this report.

Where an impact is also anticipated on users of a shared asset (e.g. a NATS RADAR used by airports or other customers), additional relevant information may be included for information only. While an endeavour is made to give an insight in respect of any impact on other aviation stakeholders, it should be noted that this is outside of NATS' statutory obligations and that any engagement in respect of planning objections or mitigation should be had with the relevant stakeholder, although NATS as the asset owner may assist where possible.

3. Application Details

Scottish Government submitted a request for a NATS technical and operational assessment (TOPA) for the development at Morven Offshore Wind Array Project. Turbines of up to 363m are proposed within the Boundary Points as detailed in Table 1 and shown in the diagrams contained in Appendix B.

Boundary Point	Lat	Long	East	North
1	56.4876	-0.4754	493983	733870
2	56.4557	-0.6543	483035	730098
3	56.4368	-0.7235	478813	727911
4	56.7769	-1.2218	447655	765304
5	56.8083	-1.2135	448125	768808
6	56.9137	-1.0891	455561	780638

Table 1 – Boundary Points

4. Assessments Required

The proposed development falls within the assessment area of the following systems:

En-route Surv	Lat	Long	nm	km	Az (deg)	Type
Alanshill Radar	57.6431	-2.1655	56.1	104.0	144.9	CMB
Great Dun Fell Radar	54.6841	-2.4509	120.7	223.5	23.8	CMB
Lowther Hill Radar	55.3778	-3.7530	119.6	221.6	50.4	CMB
Perwinnes Radar	57.2123	-2.1309	38.6	71.4	128.6	CMB
En-route Nav	**Lat**	**Long**	**nm**	**km**	**Az (deg)**	**Type**
None						
En-route AGA	**Lat**	**Long**	**nm**	**km**	**Az (deg)**	**Type**
None						

Table 2 – Impacted Infrastructure

4.1. En-route RADAR Technical Assessment

4.1.1. Predicted Impact on Perwinnes RADAR

Using the theory as described in Appendix A and development specific propagation profile it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated.

4.1.2. En-route operational assessment of RADAR impact

Where an assessment reveals a technical impact on a specific NATS' RADAR, the users of that RADAR are consulted to ascertain whether the anticipated impact is acceptable to their operations or not.

Unit or role	Comment
Prestwick Centre ATC	Unacceptable
Aberdeen ATC	Unacceptable
Military ATC	Unacceptable

Note: The technical impact, as detailed above, has also been passed to non-NATS users of the affected RADAR, this may have included other planning consultees such as the MOD or other airports. Should these users consider the impact to be unacceptable it is expected that they will contact the planning authority directly to raise their concerns.

4.2. En-route Navigational Aid Assessment

4.2.1. Predicted Impact on Navigation Aids

No impact is anticipated on NATS' navigation aids.

4.3. En-route Radio Communication Assessment

4.3.1. Predicted Impact on the Radio Communications Infrastructure

No impact is anticipated on NATS' radio communications infrastructure.

5. Conclusions

5.1. En-route Consultation

The proposed development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, this has been deemed to be unacceptable.

Appendix A – Background RADAR Theory

Primary RADAR False Plots

When RADAR transmits a pulse of energy with a power of P_t the power density, P, at a range of r is given by the equation:

$$P = \frac{G_t P_t}{4\pi r^2}$$

Where G_t is the gain of the RADAR's antenna in the direction in question.

If an object at this point in space has a RADAR cross section of σ, this can be treated as if the object re-radiates the pulse with a gain of σ and therefore the power density of the reflected signal at the RADAR is given by the equation:

$$P_a = \frac{\sigma P}{4\pi r^2} = \frac{\sigma G_t P_t}{(4\pi)^2 r^4}$$

The RADAR's ability to collect this power and feed it to its receiver is a function of its antenna's effective area, A_e, and is given by the equation:

$$P_r = P_a A_e = \frac{P_a G_r \lambda^2}{4\pi} = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4}$$

Where G_t is the RADAR antenna's receive gain in the direction of the object and λ is the RADAR's wavelength.

In a real world environment this equation must be augmented to include losses due to a variety of factors both internal to the RADAR system as well as external losses due to terrain and atmospheric absorption.

For simplicity these losses are generally combined in a single variable L.

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4 L}$$

Secondary RADAR Reflections

When modelling the impact on SSR the probability that an indirect signal reflected from a wind turbine has the signal strength to be confused for a real interrogation or reply can determined from a similar equation:

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r_t^2 r_r^2 L}$$

Where r_t and r_r are the range from RADAR-to-turbine and turbine-to-aircraft respectively. This equation can be rearranged to give the radius from the turbine within which an aircraft must be for reflections to become a problem.

$$r_r = \sqrt{\frac{\lambda^2}{(4\pi)^3}} \sqrt{\frac{\sigma G_t G_r P_t}{r_t^2 P_r L}}$$

Shadowing

When turbines lie directly between a RADAR and an aircraft not only do they have the potential to absorb or deflect, enough power such that the signal is of insufficient level to be detected on arrival.

It is also possible that azimuth determination, whether this done via sliding window or monopulse, can be distorted giving rise to inaccurate position reporting.

Terrain and Propagation Modelling

All terrain and propagation modelling is carried out by a software tool called ICS Telecom (version 11.1.7). All calculations of propagation losses are carried out with ICS Telecom configured to use the ITU-R 526 propagation model.

Appendix B – Diagrams

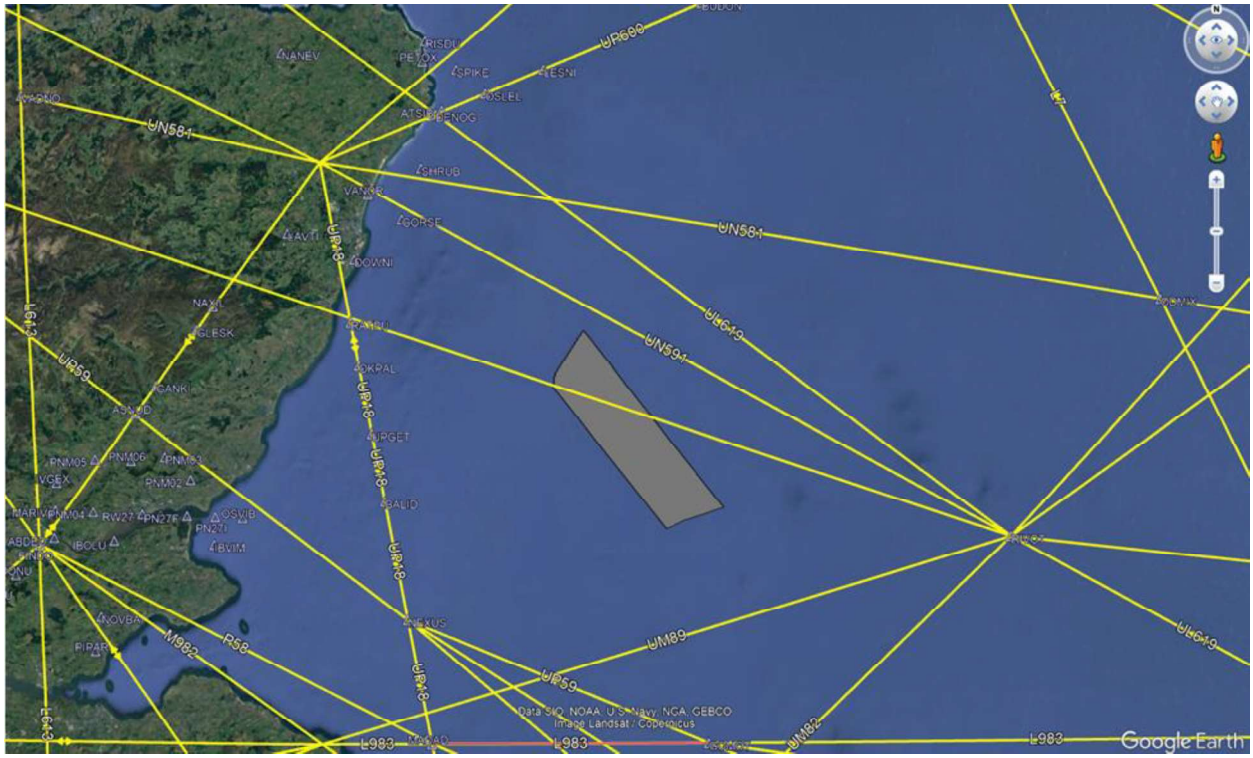

Figure 1: Proposed development location shown on an airways chart

9 June 2026

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Casework Officer
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Dear Ms Goodheir

00012342, 00012343 – Morven Offshore Wind Limited – Morven North Offshore Wind Array – approximately 61 km off the Aberdeenshire coast

00012344, 00012345 – Morven Offshore Wind Limited – Morven South Offshore Wind Array – approximately 86 km off the Aberdeenshire coast

RYA Scotland has no objection to the granting of section 36 consents and marine licences for these two sites.

Yours sincerely,
[Redacted]

Dr G. Russell FCIEEM(retd) FRMetS

Planning and Environment Officer, RYA Scotland

SFF

SCOTTISH FISHERMEN'S FEDERATION

Our Ref: OB 00012342, 00012343, 00012344, 00012345 - Morven North and South OWFs EIA/0026/001

Your Ref: 00012342, 00012343, 00012344, 00012345 - Morven Offshore Wind Limited – Morven North Offshore Wind Array and Morven South Offshore Wind Array – EIA Section 36 Consent and Marine Licence Applications

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30th July 2026

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SFF Response 00012342, 00012343, 00012344, 00012345 - Morven Offshore Wind Limited – Morven North Offshore Wind Array and Morven South Offshore Wind Array – EIA Section 36 Consent and Marine Licence Applications

The Scottish Fishermen's Federation (SFF) welcomes the opportunity to respond to the statutory consultation issued by the Marine Directorate Licensing Operations Team in respect of the applications submitted by Morven Offshore Wind Limited for:

- Morven North Offshore Wind Array (Section 36 consent application and Marine Licence applications 00012342 and 00012343) and
- Morven South Offshore Wind Array (Section 36 consent application and Marine Licence applications 00012344 and 00012345).

SFF notes that Morven North and Morven South originate from the wider Morven development, which was subsequently divided into two separate projects. SFF further notes that Morven Offshore Wind Limited has submitted a substantial volume of shared Environmental Impact Assessment and supporting documentation across both application sets. Accordingly, SFF has reviewed the documentation submitted for both Morven North and Morven South, including both shared and projects specific application documents.

Given the common projects history, the overlap in assessment documentation, the shared commercial fisheries receptors, and the fact that the Marine Directorate has undertaken a single statutory consultation covering both developments, SFF has provided a single consolidated response addressing both Morven North and Morven South. Unless otherwise stated, the comments contained within this response apply equally to both projects. Where comments relate specifically to one project, this is identified within the relevant section of the response.

The SFF represents the 450 plus fishing vessels through its constituent associations, including the Anglo Scottish Fishermen's Association (ASFA), Fife Fishermen's Association, Fishing Vessel Agents and Owners Association, Mallaig & North West Fishermen's Association (MNWFA), Orkney Fisheries Association (OFA),

Scottish Pelagic Fishermen's Association (SPFA), the Scottish White Fish Producer's Association (SWFPA) and Shetland Fishermen's Association (SFA).

SFF's comments focus primarily on the assessment of commercial fisheries effects and the interaction of the proposed developments with existing fishing activity.

Summary Position

SFF recognises the contribution offshore wind development can make towards Scotland's climate and energy objectives. However, development must proceed in a manner consistent with marine planning policy and the long-term sustainability of commercial fishing as an existing and legitimate use of the sea.

Having reviewed the Environmental Impact Assessment (EIAR) documentation and supporting information submitted for both Morven North and Morven South, SFF considers that the assessment of commercial fisheries is generally comprehensive and technically competent. However, several important assumptions, uncertainties and cross-chapter consistency issues remain which warrant further consideration. In particular, SFF considers that four key themes emerge from the assessment.

Firstly, the assessment identifies Moderate Adverse cumulative effects for certain fishing sectors. These represent the most significant commercial fisheries conclusions identified within the EIAR and acknowledge the potential for significant cumulative effects arising from offshore wind development and increasing competition for marine space.

Secondly, many fisheries conclusions rely upon assumptions regarding future coexistence, displacement and adaptation. In particular, the assessment assumes that fishing activity can resume within the development areas during operation and that affected fisheries can successfully adapt to changing patterns of marine space use. Further explanation would be beneficial regarding the evidence supporting these assumptions and their practical implications for different fishing sectors.

Thirdly, it is not always clear how the cumulative fisheries effects identified within Chapter 12 have been reflected within the wider EIAR. Whilst Chapter 12 identifies Moderate Adverse cumulative effects for certain sectors, the socioeconomic, human health and inter-related effects chapters reach comparatively limited consequence conclusions, with Chapter 21 concluding that the interaction of multiple fisheries pressures remains Minor Adverse and not significant. Further explanation would assist in understanding how these assessments have been reconciled.

Fourthly, the assessment contains extensive commitments relating to infrastructure monitoring and adaptive management, including monitoring of cable burial, cable protection and scour development. However, comparatively limited information is provided regarding how assumptions relating to fisheries displacement, adaptation, fishing activity and operational coexistence will be monitored and validated over the operational life of the projects.

The assessment also acknowledges uncertainties relating to cable burial performance, cable protection requirements, scour development and long-term seabed conditions. These uncertainties are important because a number of fisheries conclusions rely upon assumptions regarding future seabed conditions and continued access to fishing grounds.

As a result, SFF considers that further clarification would be beneficial regarding the practical implications of cumulative fisheries effects, long-term coexistence, displacement, adaptation and fisheries monitoring before the conclusions of predominantly nonsignificant effect can be fully relied upon. In particular, further explanation would assist in understanding how the significant cumulative fisheries effects identified within Chapter 12 have been reflected across the wider EIAR and how key fisheries assumptions will be validated throughout the operational life of the projects.

Policy and Legislative Context[1]

SFF notes that Chapter 2 provides a comprehensive overview of the strong policy support for offshore wind development, energy security and decarbonisation. SFF does not dispute the importance of offshore wind in contributing towards Scotland's climate and energy objectives nor the substantial policy support for offshore renewable energy development identified throughout the chapter. However, the marine planning framework is not solely concerned with renewable energy deployment. Chapter 2 identifies that the National Marine Plan also contains strategic objectives directed towards achieving a sustainable marine economy, ensuring a strong, healthy and just society, and using sound science responsibly. The Plan also includes sectoral objectives for offshore wind development, including coordinated government and industrywide monitoring.

The chapter further identifies the draft high level objectives contained within the National Marine Plan 2 (NMP2) Planning Position Statement, including:

- safeguarding opportunities for marine economic sectors to operate;
- reducing conflict for marine space through multi use of Scotland's seas;
- supporting sustainable marine food production;
- enhancing resilient coastal and island communities;
- enabling evidence based decision making; and
- contributing to monitoring and evaluation of implementation.

SFF notes that these objectives are directly relevant to several themes identified elsewhere within the application, including cumulative displacement, increasing competition for marine space, assumptions regarding future operational coexistence and the long-term sustainability of commercial fishing activity.

While Chapter 2 provides a comprehensive overview of renewable energy policy support and the need for offshore wind development, it provides comparatively limited discussion of how wider marine planning objectives relating to coexistence with existing marine sectors are reflected in the assessment findings presented elsewhere within the EIAR. In particular, where Chapter 12 identifies Moderate Adverse cumulative effects for certain UK demersal otter trawl, demersal seine and dredge fisheries, it is not readily apparent how these conclusions have been considered in the context of marine planning objectives relating to safeguarding existing marine sectors, supporting sustainable marine food production and reducing conflict for marine space.

SFF further notes that marine planning policy is founded upon principles of sustainable and integrated use of the marine environment. The continued operation of established marine sectors, including commercial fishing, therefore forms an important component of the policy framework described within Chapter 2. This is particularly relevant where the assessment identifies cumulative fisheries effects associated with the increasing concentration of offshore development within Scottish waters.

SFF also notes that both the National Marine Plan and emerging NMP2 framework place emphasis on coordinated monitoring, evaluation and evidence based decision making. These objectives are relevant given the extensive monitoring commitments proposed elsewhere in the application for infrastructure-related uncertainties, including cable burial, cable protection and scour monitoring, whilst comparatively limited information is provided regarding how assumptions relating to fisheries displacement, adaptation and long-term coexistence outcomes will be monitored and validated over time.

SFF considers that further explanation would be beneficial regarding how the Moderate Adverse cumulative fisheries effects identified within Chapter 12 have been weighed against the wider marine planning objectives identified within Chapter 2, and how the assessment has demonstrated that opportunities for

[1] Morven Offshore Wind Limited (2026) Morven North Offshore Wind Farm, Offshore EIA Report, Volume 1, Chapter 2: Policy and Legislation (Document Ref. MVCNS-J1201-RPS-10010, May 2026).; Morven Offshore Wind Limited (2026) Morven South Offshore Wind Farm, Offshore EIA Report, Volume 1, Chapter 2: Policy and Legislation (Document Ref. MVCNS-J1201-RPS-10090, May 2026).

commercial fishing can continue to be safeguarded and coexist alongside large scale offshore renewable energy development.

Project Description[2]

SFF notes the substantial scale of the proposed developments, including large offshore development areas, extensive subsea cable infrastructure and associated seabed interaction measures. The project descriptions for both Morven North and Morven South identify a range of embedded mitigation and management measures, including cable burial, cable protection and fisheries liaison commitments. The respective Project Design Envelopes (PDEs) also allow for cable protection, cable crossings, scour protection and a range of foundation options where required.

SFF notes that several fisheries conclusions presented elsewhere in the applications are dependent upon the long-term performance of these measures and assumptions regarding future coexistence between commercial fishing and offshore wind infrastructure. In particular, conclusions relating to operational fishing activity and coexistence appear closely linked to assumptions regarding the effectiveness of cable burial and the extent to which cable protection, scour protection and other seabed infrastructure will ultimately be required.

The chapters also confirm that substantial flexibility remains within the Project Design Envelopes (PDEs), with aspects of the final layout, foundation selection, infrastructure design, cable installation methodology and seabed protection requirements to be refined through subsequent design stages. The robustness of fisheries conclusions is therefore dependent upon the assessments appropriately reflecting realistic worst case scenarios for commercial fishing activity, including potential interactions with cable protection, scour protection, cable crossings and operational infrastructure across the full range of design scenarios permitted within the PDE.

SFF further notes that the PDEs allow for potentially substantial scour protection requirements depending on the final foundation solutions selected. As a result, future seabed conditions within the development areas remain partly dependent upon design choices that have not yet been finalised. SFF notes that several fisheries conclusions elsewhere in the applications rely upon assumptions regarding future fishing activity, operational coexistence and infrastructure performance, the validity of which may be influenced by the eventual extent and distribution of scour protection, cable protection and other seabed infrastructure.

SFF further notes that the project descriptions anticipate ongoing operational intervention and monitoring, including cable inspections, cable repair, cable reburial, replacement and maintenance of cable protection, and scour monitoring and maintenance over the lifetime of the developments. This demonstrates that cable burial, cable exposure and seabed protection measures are not treated as permanently resolved matters but may require intervention throughout the operational life of the projects. The need for such measures reflects an acknowledged degree of uncertainty regarding future seabed conditions and infrastructure performance. Further explanation would therefore be beneficial regarding how these uncertainties have been reflected in assumptions relating to long-term fishing activity, access to fishing grounds and operational coexistence.

The scale and operational lifespan of the developments further emphasise the importance of understanding cumulative interactions with existing and future offshore developments and their implications for commercial fishing activity over time. This is particularly relevant where Chapter 12 identifies significant cumulative effects for certain fishing sectors and where the proposed fisheries monitoring arrangements are primarily framed around regional and collaborative initiatives rather than validation of project specific fisheries outcomes.

[2] Morven Offshore Wind Limited (2026) Morven North Offshore Wind Farm, Offshore EIA Report, Volume 1, Chapter 3: Project Description (Document Ref. MVCNS-J1201-RPS-10011, May 2026).; Morven Offshore Wind Limited (2026) Morven South Offshore Wind Farm, Offshore EIA Report, Volume 1, Chapter 3: Project Description (Document Ref. MVCNS-J1201-RPS-10091, May 2026).

Consideration of Alternatives[3]

SFF notes that commercial fisheries were considered during the site selection process and were included as part of the constraints led assessment undertaken during projects development. Commercial fisheries formed part of the Applicant's consentability and risk assessment process and were considered alongside other environmental, technical and socioeconomic constraints through a combination of desktop review, publicly available fisheries datasets, ICES landings information and overlap analysis. The chapter also acknowledges that potential impacts on commercial fishing were identified within the Sectoral Marine Plan process as an important consideration requiring projects level assessment.

However, Chapter 4 demonstrates that fisheries considerations were balanced alongside a wide range of engineering, consenting, commercial and grid connection factors during site selection and projects refinement. Whilst fisheries were included within the assessment process, there is limited evidence that fisheries considerations materially influenced site selection when compared with engineering feasibility, wind resource, grid connection requirements and wider projects delivery considerations.

The chapter confirms that commercial fisheries and physical processes were reviewed during the division of the original Morven Site into Morven North and Morven South. However, environmental considerations appear to have had limited influence on the eventual location of the dividing boundary, with engineering constraints, boulder distribution, layout optimisation and wind yield considerations appearing to be the principal drivers of the final split. The assessment therefore demonstrates that fisheries impacts have largely been managed through assessment and mitigation rather than through avoidance at the site selection stage. The effectiveness of several mitigation measures and coexistence assumptions is subsequently considered elsewhere in the EIAR and remains dependent upon future implementation, monitoring and validation.

The chapter also recognises that the wider East Region already contains a growing number of operational, consented and proposed offshore wind developments and acknowledges the importance of cumulative assessment. This provides important context for later chapters, where cumulative displacement and increasing competition for marine space emerge as key considerations for commercial fisheries. The chapter also notes that the Sectoral Marine Plan identified the East Region as an area where commercial shipping, fishing and other marine sectors may experience impacts requiring projects level assessment.

SFF further notes that uncertainty regarding the final transmission strategy has influenced the overall consenting approach for the Morven Programme. While Offshore Array Transmission Infrastructure forms part of the current application, wider grid connection infrastructure associated with the Morven Programme will be progressed through separate consent processes. Consideration of fisheries interactions associated with the complete transmission solution will therefore continue through subsequent applications and assessments. As a result, some uncertainty remains regarding the longer-term cumulative implications of the overall Morven Programme for commercial fishing activity until the wider transmission proposals are brought forward and assessed.

The chapter also indicates that current decommissioning assumptions may involve certain infrastructure, including monopiles or pin piles, scour protection and cable protection, remaining wholly or partially in situ where removal would result in greater environmental effects. SFF notes that long-term seabed conditions and future interactions between residual infrastructure and commercial fishing activity will therefore depend upon decommissioning decisions taken at the end of the projects life, which remain subject to future assessment and regulatory approval. From a fisheries perspective, the potential retention of infrastructure raises important considerations regarding long-term seabed accessibility, residual snagging risks and the eventual restoration of seabed functionality for commercial fishing activity.

[3] Morven Offshore Wind Limited (2026) Morven North Offshore Wind Farm, Offshore EIA Report, Volume 1, Chapter 4: Site Selection and Consideration of Alternatives (Document Ref. MVCNS-J1201-RPS-10012, May 2026).; Morven Offshore Wind Limited (2026) Morven South Offshore Wind Farm, Offshore EIA Report, Volume 1, Chapter 4: Site Selection and Consideration of Alternatives (Document Ref. MVCNS-J1201-RPS-10092, May 2026).

Consultation[4]

SFF notes the extensive consultation undertaken with commercial fisheries stakeholders in relation to both Morven North and Morven South, including fisheries representative organisations, fishing industry participants and regional fisheries bodies. The chapters and supporting consultation records demonstrate ongoing engagement throughout projects development, including fisheries specific workshops, baseline data collection, consultation on assessment methodologies and consultation on the Fisheries Mitigation, Monitoring and Communication Plan (FMMCP).

The consultation record demonstrates that fisheries stakeholders were provided with multiple opportunities to contribute to the development of the assessments and mitigation proposals. This included participation by SFF, SWFPA, SPFA and N&EC RIFG in fisheries workshops, technical meetings, baseline data collection exercises and consultation on the draft FMMCP. The Applicant also established ongoing engagement mechanisms through fisheries liaison arrangements and participation in the ScotWind East Region Commercial Fisheries Working Group.

Issues consistently raised throughout the consultation process included fishing activity within and around the project areas, cable installation and protection, cumulative offshore development, displacement, loss of and access to fishing grounds, increasing competition for marine space, vessel interactions and the long-term coexistence of commercial fishing and offshore wind infrastructure. Consultation records also demonstrate a recurring preference amongst fisheries stakeholders for cable burial where practicable, together with concerns regarding the potential implications of cable protection and increasing subsea infrastructure density. These matters remain directly relevant to the fisheries assessment and associated mitigation proposals.

SFF notes that concerns relating to cumulative loss of sea space, increasing offshore development, future fishing activity and displacement pressures were raised repeatedly throughout the consultation process. The consultation record also demonstrates that a number of fisheries stakeholders highlighted the importance of ensuring that assessments appropriately reflect fishing activity identified through industry datasets and stakeholder engagement.

The consultation record further demonstrates a significant reliance on future engagement, fisheries liaison and implementation of the FMMCP as mechanisms for managing commercial fisheries interactions. Whilst SFF welcomes ongoing engagement and collaborative working, consultation and future liaison should not be regarded as evidence that fisheries concerns have been resolved or that assumptions regarding coexistence, displacement and adaptation have been validated.

SFF notes that these issues remain directly relevant to the conclusions presented elsewhere within the EIARs, particularly in relation to cumulative effects, displacement, operational coexistence and the effectiveness of future mitigation and monitoring measures. The principal consideration is therefore not the extent of consultation undertaken, but whether the concerns, datasets and mitigation measures discussed during consultation have been adequately reflected in the subsequent assessments and their conclusions. SFF notes that a number of issues raised consistently throughout consultation, including displacement, cumulative effects, operational coexistence and fisheries interactions with offshore infrastructure, remain relevant to the conclusions presented elsewhere in the EIAR and continue to be the subject of concern.

[4] Morven Offshore Wind Limited (2026) Morven North Offshore Wind Farm, Offshore EIA Report, Volume 1, Chapter 5: Consultation (Document Ref. MVCNS-J1201-RPS-10013, May 2026).; Morven Offshore Wind Limited (2026) Morven South Offshore Wind Farm, Offshore EIA Report, Volume 1, Chapter 5: Consultation (Document Ref. MVCNS-J1201-RPS-10093, May 2026).; Morven Offshore Wind Limited (2026) Offshore EIA Report, Volume 3, Annex 5.1: Consultation

EIA Methodology[5]

SFF notes that the assessments for both Morven North and Morven South follow an established EIA framework consistent with recognised industry guidance and standard EIA practice. However, the robustness of the resulting conclusions is dependent upon the assumptions and professional judgements applied within that framework. Many of the conclusions presented later within the EIARs are dependent upon assumptions regarding future fishing behaviour, displacement and adaptation of fishing activity, coexistence with offshore infrastructure and the effectiveness of proposed mitigation measures.

While the methodology is described as evidence based, several fisheries conclusions presented elsewhere within the EIARs appear to rely upon assumptions regarding adaptation, displacement and future operational coexistence, rather than evidence demonstrating the extent to which such outcomes can be achieved without adverse consequence. This is particularly relevant where future fishing patterns, cumulative offshore wind development and long-term seabed conditions remain uncertain.

SFF also notes that the methodology allows professional judgement to play an important role in the determination of final significance conclusions. While this is standard EIA practice, it places particular importance on the justification provided where impacts affecting commercial fisheries are classified as minor adverse despite acknowledged displacement, loss of access or cumulative pressures. The methodology confirms that professional judgement may be applied where significance ranges span assessment thresholds and a final significance conclusion is required.

The methodology also relies upon the identification of Maximum Design Scenarios (MDS) from within the Project Design Envelopes (PDEs). For commercial fisheries, the robustness of subsequent conclusions is dependent upon those scenarios appropriately reflecting realistic worst-case conditions for fishing activity, including potential interactions with cable protection, scour protection, seabed infrastructure and operational restrictions across the full range of development scenarios permitted within the PDE.

SFF further notes that the cumulative assessment methodology relies upon screening criteria based on effect receptor pathways, conceptual overlap, physical overlap, temporal overlap and data confidence. Whilst this approach is widely used within EIA and the Commercial Fisheries Cumulative Study Area has been defined broadly at a North Sea scale, with scallop dredging considered at a UK wide scale, commercial fisheries effects may arise through regional displacement and redistribution of fishing effort across a wider geographic area than that captured by direct spatial overlap alone. Whilst SFF recognises the need for proportionate screening, fisheries displacement effects may not always be confined to areas of direct physical overlap and may arise through behavioural responses to multiple developments operating across a wider region. The application of cumulative screening criteria is therefore particularly important where fishing vessels may respond to multiple offshore developments and associated transmission infrastructure operating across the wider North Sea.

SFF also notes that cumulative assessment is dependent upon the availability of sufficient information regarding other plans and projects, with projects subject to low data confidence being screened out of assessment. While this is necessary to support a robust and evidence based assessment, it may introduce additional uncertainty where future offshore developments capable of influencing fishing activity remain at an early stage of development and detailed projects information is not yet available. This is particularly relevant given the ongoing expansion of offshore wind and transmission infrastructure (e.g. EGL projects) across the North Sea, where cumulative displacement effects and increasing spatial competition may emerge before sufficient projects specific information is available to support detailed assessment. The application of

[5] Morven Offshore Wind Limited (2026) Morven North Offshore Wind Farm, Offshore EIA Report, Volume 1, Chapter 6: EIA Methodology (Document Ref. MVCNS-J1201-RPS-10014, May 2026).; Morven Offshore Wind Limited (2026) Morven South Offshore Wind Farm, Offshore EIA Report, Volume 1, Chapter 6: EIA Methodology (Document Ref. MVCNS-J1201-RPS-10094, May 2026).; Morven Offshore Wind Limited (2026) Offshore EIA Report, Volume 3, Annex 6.1: Cumulative Effects Screening; Morven Offshore Wind Limited (2026) Offshore EIA Report, Volume 3, Annex 6.3: EIA Commitments Register

cumulative screening criteria is therefore an important consideration when reviewing conclusions relating to cumulative fisheries effects.

Annex 6.3 confirms that a range of infrastructure related monitoring and management commitments are proposed, including cable burial monitoring, cable protection monitoring, scour monitoring, operational asset inspections, fisheries liaison arrangements and implementation of the Fisheries Mitigation, Monitoring and Communication Plan (FMMCP). Whilst these commitments are welcomed, a number of the detailed measures intended to support fisheries coexistence, monitoring and adaptive management are deferred to post-consent plans and procedures. SFF also notes that the commitments register places considerable emphasis on strategic and regional monitoring initiatives, whilst the extent to which projects specific assumptions regarding fisheries displacement, adaptation and operational coexistence will be monitored and validated remains less clear. The effectiveness of these measures in validating assessment assumptions and informing any future adaptive management cannot therefore be fully evaluated at this stage and remains an important consideration when reviewing the conclusions presented elsewhere within the EIARs.

Physical Processes[6]

SFF notes that the assessment of physical processes is supported by extensive modelling, technical analysis and consultation. However, the chapter and associated technical documentation recognise that future seabed conditions and infrastructure performance remain subject to ongoing verification and adaptive management, particularly in relation to:

- cable burial performance
- cable exposure
- scour development
- secondary scour processes
- future cable protection requirements.

The Applicant therefore proposes a range of management and monitoring measures through the Scour Protection Management Plan, Cable Plan, Cable Burial Risk Assessment and Operation and Maintenance Plan, including routine inspections of cable burial, cable protection and scour protection throughout the operational phase of the projects. The chapter confirms that cable burial is the preferred approach, with minimum burial depths of 0.5 m targeted where achievable and cable protection proposed where burial cannot be achieved. This further reinforces the importance of cable burial performance and future cable protection requirements in supporting assumptions regarding operational coexistence with commercial fishing activity.

SFF notes that these measures demonstrate that future seabed conditions, infrastructure performance and cable protection requirements remain subject to uncertainty over the operational life of the projects. This appears difficult to reconcile with the degree of confidence applied elsewhere in the application regarding long-term fishing access, seabed accessibility and operational coexistence with commercial fishing activity. If uncertainties regarding cable condition, cable burial and cable protection are sufficient to require ongoing inspection, maintenance and adaptive management throughout the projects lifetime, further explanation would be beneficial regarding how these uncertainties have been reflected within the assessment of future fishing activity.

Annex 7.1 confirms that aspects of the projects design, including cable protection requirements, cable crossing arrangements and seabed interactions, are based on Maximum Design Scenarios, representative layouts, conservative modelling assumptions and adaptive management approaches, with some elements to be refined through post-consent design processes and ongoing monitoring. SFF considers that this

[6] Morven Offshore Wind Limited (2026) Morven North Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 7: Physical Processes (Document Ref. MVCNS-J1201-RPS-10015, May 2026).; Morven Offshore Wind Limited (2026) Morven South Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 7: Physical Processes (Document Ref. MVCNS-J1201-RPS-10095, May 2026).; Morven Offshore Wind Limited (2026) Offshore EIA Report, Volume 3, Annex 7.1: Physical Processes Shared Technical Report

uncertainty should be clearly reflected in conclusions relating to future fishing access, operational coexistence and assumptions concerning the long-term interaction between fishing activity and offshore infrastructure.

Annex 6.3 confirms that fisheries mitigation, monitoring and liaison measures are proposed through the Fisheries Mitigation, Monitoring and Communication Plan. However, compared with the detailed commitments relating to cable burial, cable protection and scour management, limited information is currently provided regarding how fisheries displacement, fishing activity patterns, access to fishing grounds or coexistence outcomes will be monitored and used to validate assessment assumptions over the operational life of the projects. This is particularly relevant where assumptions regarding future fishing access are dependent upon infrastructure performance and management measures that will continue to be refined through post-consent monitoring and adaptive management processes.

Fish and Shellfish Ecology[7]

SFF does not consider the fish and shellfish ecology assessment to be deficient. However, the chapter identifies a number of continuing scientific uncertainties relating to:

- electromagnetic fields (EMF)
- migratory fish behaviour
- cumulative offshore wind effects
- future ecological change.

Despite acknowledging these uncertainties, the assessment concludes that no significant effects are predicted and does not propose projects specific post-consent monitoring of fish and shellfish receptors, relying instead on existing evidence, industry research, baseline survey information and wider strategic initiatives to address remaining knowledge gaps. Consultees including NatureScot and Fisheries Management Scotland highlighted evidence gaps relating to migratory fish, ecosystem interactions and monitoring requirements during consultation. However, the Applicant concluded that no fish and shellfish monitoring was required because no significant effects were predicted.

The assessment is supported by a substantial baseline evidence base set out in Annex 9.1. However, the baseline characterisation relies heavily upon desktop information, regional datasets, habitat suitability assessments, eDNA sampling and inferred presence of migratory species. Dedicated site specific fish surveys were not undertaken. As a consequence, a number of conclusions rely on assumptions regarding fish mobility, avoidance behaviour, displacement and recolonisation following disturbance. The assessment of migratory fish species similarly relies substantially upon literature, regional datasets and inferred species occurrence rather than direct observation within the development area.

Annex 9.1 also highlights limitations associated with eDNA interpretation, habitat suitability mapping and the use of indirect survey techniques. Whilst these approaches are widely used and considered appropriate for the purposes of baseline characterisation, they introduce an element of uncertainty regarding species occurrence, habitat use and the spatial distribution of sensitive receptors. SFF notes that these uncertainties are acknowledged within the application but are not accompanied by proposals for projects specific validation monitoring.

The assessment identifies sandeel and herring as important and sensitive ecological receptors within the study area. Both species are recognised as Important Ecological Features within Annex 9.1 and play an important ecological role within the wider marine ecosystem. Annex 9.1 confirms that suitable sandeel habitat occurs across parts of the Morven area and that sandeel were detected through eDNA sampling.

[7] Morven Offshore Wind Limited (2026) Morven North Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 9: Fish and Shellfish Ecology (Document Ref. MVCNS-J1201-RPS-10017, May 2026).; Morven Offshore Wind Limited (2026) Morven South Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 9: Fish and Shellfish Ecology (Document Ref. MVCNS-J1201-RPS-10097, May 2026).; Morven Offshore Wind Limited (2026) Offshore EIA Report, Volume 3, Annex 9.1: Fish and Shellfish Ecology Shared Technical Report

Sandeel are also relevant to the nearby Turbot Bank MPA, where they form a protected feature. Despite this, all impacts on sandeel are ultimately assessed as minor adverse and not significant in EIA terms.

SFF notes that the assessment acknowledges continuing uncertainty regarding EMF interactions with migratory fish species and relies substantially on cable burial assumptions, wider industry evidence and published research rather than projects specific monitoring to support its conclusions. The assessment assumes a target cable burial depth of 1 m, with a minimum burial depth of 0.5 m and cable protection where burial cannot be achieved. EMF conclusions are therefore closely linked to assumptions regarding successful cable burial, ongoing cable performance and long-term infrastructure management.

While this approach is consistent with current industry practice, it reinforces a wider theme observed elsewhere in the application whereby acknowledged uncertainty does not consistently translate into projects specific monitoring or validation of assessment assumptions. This is particularly relevant where conclusions regarding fish behaviour, EMF interactions, species adaptation and cumulative offshore wind effects are based on modelling assumptions, published evidence and professional judgement rather than direct projects specific monitoring.

Commercial Fisheries[8]

Chapter 12 remains the key fisheries chapter within the application. The assessment identifies a series of recognised fisheries impacts including:

- loss or restriction of fishing grounds
- displacement
- increased fishing pressure elsewhere
- gear interaction risks
- snagging hazards
- increased steaming requirements.

SFF notes that the assessment identifies Moderate Adverse cumulative effects for UK demersal otter trawl, demersal seine and dredge fisheries. This is one of the most significant conclusions contained within the EIA, as Moderate Adverse represents the threshold at which impacts are considered significant within the assessment methodology. It therefore represents an acknowledgement that cumulative offshore development has the potential to create meaningful effects on particular fisheries. However, throughout the application the implications of these conclusions do not always appear to be consistently reflected.

The assessment also relies heavily upon the assumption that fishing activity will resume during operation of the wind farm. The significance of many operational effects is dependent upon this assumption. The Maximum Design Scenario explicitly assumes that fishing activity will resume within Morven South during the operational phase. However, the assessment provides relatively limited evidence regarding the extent to which different fleet sectors and gear types are expected to resume fishing activity within the development area, particularly where interactions with cable protection, cable crossings, scour protection and other seabed infrastructure may occur.

The Maximum Design Scenario permits a range of cable protection methods and infrastructure configurations, including cable protection, cable crossings and associated seabed infrastructure where cable burial is not achievable. Whilst the Applicant identifies cable burial as the preferred approach, the detailed extent and nature of future cable protection remains dependent upon future design work and Cable Burial Risk Assessment outcomes. Consequently, conclusions regarding future operational coexistence are dependent upon infrastructure outcomes that are not yet fully defined.

[8] Morven Offshore Wind Limited (2026) Morven North Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 12: Commercial Fisheries (Document Ref. MVCNS-J1201-RPS-10020, May 2026).; Morven Offshore Wind Limited (2026) Morven South Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 12: Commercial Fisheries (Document Ref. MVCNS-J1201-RPS-10100, May 2026).; Morven Offshore Wind Limited (2026) Offshore EIA Report, Volume 3, Annex 12.1: Commercial Fisheries Shared Technical Report

The assessment acknowledges displacement, increased fishing pressure and competition for space, but provides limited quantitative evidence regarding how displaced effort may be accommodated elsewhere without consequence. The assessment methodology also attributes medium sensitivity to several affected fleet sectors on the basis that alternative fishing grounds remain available and that fishing activity can adapt over time. Whilst some fleet sectors may demonstrate operational flexibility, further explanation would be beneficial regarding how the availability of alternative grounds has been considered alongside increasing offshore wind development, transmission infrastructure, fisheries management measures and other constraints on available fishing space.

The assessment is supported by a substantial baseline evidence base and extensive stakeholder engagement. However, Chapter 12 confirms that no site specific surveys were undertaken for commercial fisheries and that the baseline relies upon landings statistics, VMS data, AIS data, FiSMaDiM datasets, consultation responses and vessel plotter information where available. SFF recognises the value of these datasets but notes that they are subject to recognised limitations relating to spatial resolution, vessel coverage and the representation of fishing effort. Chapter 12 also acknowledges limitations in the availability of recent spatially resolved landings statistics for non-UK fleets, with ICES rectangle level data no longer available beyond 2017. This introduces additional uncertainty when characterising more recent patterns of international fishing activity within the study area. As a consequence, the assessment remains dependent upon the interpretation of historical activity patterns and assumptions regarding future fishing behaviour.

Annex 12.1 and the future baseline discussion within Chapter 12 recognise that future fishing activity may be influenced by changing stock distributions, market drivers, fisheries management measures, climate related change, environmental restrictions, quota changes and wider offshore development. These factors introduce uncertainty regarding future fleet behaviour and further emphasise the importance of understanding how key assessment assumptions will be tested and validated over time.

SFF also notes that issues relating to displacement, loss of fishing grounds, cumulative offshore development, operational coexistence and infrastructure interactions were raised consistently throughout stakeholder engagement. These matters remain central to the significance conclusions presented within Chapter 12 and warrant continued consideration when reviewing assumptions relating to adaptation and future fishing behaviour.

Whilst the application includes fisheries mitigation, liaison and monitoring commitments through the Fisheries Mitigation Monitoring and Communication Plan, the assessment concludes that no projects specific commercial fisheries monitoring is required to validate impact predictions. Instead, monitoring is expected to be delivered primarily through strategic and regionally coordinated arrangements. Given the acknowledged uncertainty regarding future fishing patterns, market conditions, fisheries management measures, cumulative offshore development, displacement effects and operational coexistence assumptions, further explanation would be beneficial regarding how projects specific assessment conclusions will be reviewed, tested and validated throughout the operational life of the projects. SFF notes that a number of these arrangements are dependent upon collaboration between multiple developers and other parties, and further explanation would be beneficial regarding how the effectiveness of such measures will be ensured where participation, governance arrangements and delivery mechanisms are not solely within the control of the Morven Programme.

Shipping and Navigation[9]

[9] Morven Offshore Wind Limited (2026) Morven North Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 13: Shipping and Navigation (Document Ref. MVCNS-J1201-RPS-10021, May 2026).; Morven Offshore Wind Limited (2026) Morven South Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 13: Shipping and Navigation (Document Ref. MVCNS-J1201-RPS-10101, May 2026).; Morven Offshore Wind Limited (2026) Offshore EIA Report, Volume 3, Annex 13.1: Shipping and Navigation Shared Navigational Risk Assessment; Morven Offshore Wind Limited

The navigation assessment provides useful context regarding fisheries effects. The chapter explicitly recognises that vessel displacement and changes to vessel routing may alter interactions between commercial vessels, fishing vessels and other marine users. The assessment notes that route deviations associated with the projects may increase encounters between commercial shipping and fishing activity in some areas, although sufficient sea room is considered to remain available. This supports wider concerns regarding cumulative spatial squeeze and increasing competition for marine space. The assessment is also based on a Projects Design Envelope and Maximum Design Scenarios, meaning that future vessel routing behaviour is necessarily modelled using assumptions regarding how vessels may respond to the completed development.

The chapter also assesses risks associated with fishing gear interactions, anchor interactions and subsea infrastructure and, in common with other parts of the application, relies upon cable burial, cable protection, Cable Burial Risk Assessment processes, hydrographic surveys and associated monitoring measures to manage those risks. The assessment identifies anchor and fishing gear interactions with subsea cables as specific operational risk pathways and relies upon ongoing cable monitoring and adaptive management measures to maintain acceptable risk levels. Through life safety management measures are also proposed, including cable monitoring and hydrographic surveys.

The assessment further acknowledges uncertainty regarding future vessel activity, including commercial fishing vessel activity, over the operational lifetime of the projects. The chapter notes that long-term predictions of future fishing vessel activity are inherently uncertain and adopts precautionary growth assumptions to account for this uncertainty. This is consistent with wider assumptions elsewhere in the application regarding future fishing patterns, displacement and marine space use.

SFF notes that concerns regarding navigational squeeze, cumulative offshore development, vessel displacement and the maintenance of adequate sea room were raised repeatedly throughout the navigational consultation process by a range of stakeholders, including the MCA and UK Chamber of Shipping. The MCA also identified the cumulative picture as a particularly important aspect of the assessment and raised concerns regarding future navigational squeeze arising from wider offshore development. These issues are closely related to wider fisheries concerns regarding displacement, spatial squeeze and competition for marine space and provide additional context when considering assumptions relating to future coexistence and adaptation. Fishing vessel traffic was also specifically identified during consultation as an important component of the assessment. Future increases in offshore wind related vessel activity were similarly recognised during consultation, including concerns raised by SFF regarding increasing vessel traffic associated with regional offshore wind development.

Annex 13.2 further identifies widespread route deviations, reduced routeing optionality, constrained sea room and navigation squeeze associated with cumulative offshore development within the East Region. Whilst fishing vessels are not assessed within that study, the findings provide additional evidence that cumulative offshore wind, transmission and INTOG development is increasingly influencing patterns of marine space use across the wider region. These findings provide additional context when considering cumulative fisheries displacement and wider competition for marine space.

SFF notes that extensive monitoring and management commitments are proposed for infrastructure related risks, including cable burial, cable protection and cable performance, whereas relatively limited information is provided regarding how assumptions relating to future fishing behaviour, displacement and coexistence outcomes will be monitored and validated over time. The chapter concludes that no additional shipping and navigation monitoring is required beyond the proposed embedded mitigation measures and ongoing stakeholder liaison.

(2026) Offshore EIA Report, Volume 3, Annex 13.2: East Region Developers Group Cumulative Baseline for Shipping and Navigation

This reinforces a wider theme observed elsewhere in the application whereby acknowledged uncertainty relating to infrastructure performance is addressed through monitoring and adaptive management, whilst relatively limited information is provided regarding how assumptions relating to future fishing behaviour, displacement and coexistence outcomes will be validated over time.

Other Sea Users and Communications[10]

SFF notes that the assessment appropriately identifies the increasing intensity of marine space use within the North Sea, including the presence of existing and planned offshore wind developments, subsea cables and other marine infrastructure. Chapter 16 reinforces the broader context within which cumulative offshore development is occurring and supports the need to consider long-term interactions between offshore wind, fisheries and other marine sectors.

The assessment also highlights the continued growth of offshore energy and transmission infrastructure, including existing and proposed offshore wind developments and major subsea cable projects. The future baseline assessment recognises that offshore wind development and offshore cable infrastructure are expected to increase over time, resulting in progressive change within the wider offshore environment. This is relevant to wider considerations regarding cumulative seabed use, marine spatial pressure and coexistence with commercial fishing activity.

SFF notes that Chapter 16 identifies a substantial number of existing, consented and proposed offshore wind farms and transmission projects within the wider region, including Morven North, Ossian, Berwick Bank, Bellrock, Bowdun and several Eastern Green Link projects. Whilst these developments are considered in relation to other sea users and communications, they also provide additional context regarding the increasing density of offshore generation and transmission infrastructure across the North Sea.

Whilst no material fisheries specific concerns have been identified within this chapter, it reinforces wider application themes relating to cumulative marine spatial pressure, future offshore development and the assumption that affected marine users will successfully adapt to changing patterns of sea use. The assessment is largely informed by desktop information, consultation responses and assumptions regarding future development patterns and marine activity, reflecting the inherent uncertainty associated with long-term forecasts of offshore space use.

The assessment also repeatedly concludes that effects on recreational users will be limited because alternative routes, alternative locations and sufficient sea room remain available. Whilst SFF recognises that commercial fisheries are assessed separately within Chapter 12, similar assumptions regarding the availability of alternative space and the ability of users to adapt to changing conditions are evident elsewhere within the application. As offshore wind, transmission infrastructure and other marine uses continue to expand, the availability of genuinely unconstrained alternative space becomes an increasingly important consideration.

Consistent with other parts of the application, future growth in offshore activity and infrastructure is recognised, including further offshore wind development and additional subsea transmission infrastructure. The chapter nevertheless concludes that no monitoring is required to test the predictions made within the assessment, despite acknowledging ongoing change within the wider offshore environment and the progressive expansion of offshore infrastructure over time.

[10] Morven Offshore Wind Limited (2026) Morven North Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 16: Other Sea Users and Communications (Document Ref. MVCNS-J1201-RPS-10024, May 2026).; Morven Offshore Wind Limited (2026) Morven South Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 16: Other Sea Users and Communications (Document Ref. MVCNS-J1201-RPS-10104, May 2026).;

Socioeconomics[11]

Chapter 17 identifies generally limited socioeconomic consequences arising from fisheries impacts. However, these conclusions appear largely dependent upon the significance conclusions already reached within Chapter 12. The assessment indicates that where significant effects on commercial fisheries are identified, socioeconomic consequences will be considered, and where no significant effects are identified no further assessment is undertaken.

SFF notes that Chapter 12 identifies Moderate Adverse cumulative effects for certain fishing sectors and that Moderate effects are considered significant within the EIA methodology. However, Chapter 17 appears to give limited consideration to the potential socioeconomic implications of these conclusions and ultimately concludes that no significant socioeconomic consequences are anticipated in relation to commercial fisheries. Further explanation would therefore be beneficial regarding how the cumulative fisheries effects identified in Chapter 12 have been translated into the socioeconomic assessment conclusions.

The assessment also provides limited discussion of how cumulative fisheries effects may influence fishing businesses, fishing communities, fleet profitability, displacement costs, crew retention, employment or wider seafood supply chain impacts over time. Whilst the chapter includes detailed consideration of employment, Gross Value Added (GVA), supply chains and economic growth associated with offshore wind development, there is comparatively limited consideration of the potential economic consequences associated with fisheries displacement, loss of access to fishing grounds and cumulative pressure on fishing businesses.

Annex 17.1 provides detailed quantification of the anticipated economic benefits of the projects, including Gross Value Added (GVA), employment and supply chain effects at Scottish, UK and local levels. The Shared Economics Technical Report also provides detailed assessment of construction, operation and maintenance, decommissioning and cumulative economic benefits associated with the wider Morven Programme and associated grid connection projects.

However, equivalent analysis is not presented in relation to the potential socioeconomic consequences of cumulative fisheries impacts identified elsewhere in the application. In particular, Annex 17.1 does not provide equivalent quantification of fisheries displacement costs, impacts on fishing business viability, fishing dependent communities, seafood supply chains, processors or the potential economic consequences arising from the Moderate Adverse cumulative fisheries effects identified in Chapter 12.

Further explanation would therefore be beneficial regarding how the cumulative fisheries effects identified within Chapter 12 have been reflected within the socioeconomic assessment and how the potential consequences for fishing dependent businesses and communities have been considered.

Annex 17.1 includes detailed consideration of economic concepts such as displacement, leakage, deadweight and substitution when assessing projects benefits. However, equivalent consideration is not presented in relation to potential economic displacement arising from commercial fisheries effects identified elsewhere in the application.

SFF also notes that the chapter's assessment methodology places considerable emphasis on the adaptability of economic receptors and their ability to absorb change over time. Similar assumptions regarding adaptation and resilience are evident elsewhere in the application in relation to commercial fisheries. Given the cumulative offshore wind, transmission infrastructure and fisheries management pressures identified elsewhere within the EIAR, further explanation would be beneficial regarding how assumptions relating to

[11] Morven Offshore Wind Limited (2026) Morven North Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 17: Socio-Economics (Document Ref. MVCNS-J1201-RPS-10025, May 2026).; Morven Offshore Wind Limited (2026) Morven South Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 17: Socio-Economics (Document Ref. MVCNS-J1201-RPS-10105, May 2026).; Morven Offshore Wind Limited (2026) Offshore EIA Report, Volume 3, Annex 17.1: Socio-Economics Shared Economics Technical Report

adaptation and the availability of alternative opportunities have been reflected in the assessment of fisheries related socioeconomic effects.

The chapter includes monitoring and reporting commitments relating to the delivery of economic benefits, including supply chain expenditure and community engagement measures. However, no equivalent socioeconomic monitoring is proposed in relation to commercial fisheries. Given the acknowledged uncertainty surrounding future fishing activity, displacement and cumulative offshore development elsewhere in the application, further explanation would be beneficial regarding how any fisheries related socioeconomic outcomes would be identified, monitored or reviewed over time.

Major Accidents and Disasters[12]

Chapter 19 explicitly recognises snagging risk and fisheries interaction as potential accident pathways throughout the projects lifecycle, both in relation to impacts on projects infrastructure and potential impacts on commercial fishing vessels operating in the area. The assessment identifies fishing gear interaction with subsea infrastructure as a specific hazard pathway and recognises the potential for severe damage to, or loss of, fishing equipment and personal injury in the absence of appropriate mitigation and management measures.

The chapter also relies heavily upon:

- cable burial
- cable monitoring and protection measures
- scour protection monitoring
- fisheries liaison
- Fisheries Mitigation, Monitoring and Communication Plan (FMMCP) commitments
- wider fisheries management measures identified within Chapter 12.

SFF notes that the acceptability of fisheries related accident conclusions is therefore dependent upon the successful implementation of ongoing monitoring, management and liaison measures throughout the lifetime of the projects. The chapter further confirms that cable burial is the preferred means of cable protection, supported by Cable Burial Risk Assessment processes, ongoing monitoring and remedial management where required. These commitments again demonstrate the extent to which conclusions regarding coexistence are dependent upon the future performance and management of offshore infrastructure.

The chapter also acknowledges uncertainty regarding future fisheries activity and recognises that fishing patterns may change over time as a result of wider factors including fisheries management measures, offshore development, market conditions and environmental change. In addition, the baseline notes that AIS data only captures fishing vessels of 15 m and above and does not distinguish between fishing activity and vessel transits, reflecting wider limitations associated with characterising future fishing activity.

The FMMCP commitment described within Chapter 19 includes an approach to monitoring fisheries activity and participation in the development of a regionally coordinated approach to commercial fisheries monitoring through engagement with the East Region Commercial Fisheries Working Group and other relevant parties. The chapter also commits to ongoing fisheries liaison through a Company Fisheries Liaison Officer and wider fisheries engagement mechanisms.

However, the relationship between these commitments and conclusions elsewhere in the application that projects specific commercial fisheries monitoring is not required is not entirely clear. Further clarification would therefore be beneficial regarding the scope of fisheries monitoring proposed through the FMMCP,

[12] Morven Offshore Wind Limited (2026) Morven North Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 19: Major Accidents and Disasters (Document Ref. MVCNS-J1201-RPS-10027, May 2026).; Morven Offshore Wind Limited (2026) Morven South Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 19: Major Accidents and Disasters (Document Ref. MVCNS-J1201-RPS-10107, May 2026).

how this monitoring would operate in practice, and how it relates to conclusions elsewhere in the application regarding the need for projects specific commercial fisheries monitoring.

More generally, Chapter 19 reinforces a wider theme observed elsewhere in the application whereby infrastructure related uncertainties are addressed through detailed monitoring, inspection and adaptive management commitments, whilst relatively limited information is provided regarding how assumptions relating to fisheries displacement, adaptation and long-term coexistence outcomes will be validated over time.

Human Health[13]

Chapter 20 considers fisheries primarily through employment and income pathways. The assessment explicitly recognises that adverse economic implications associated with commercial fisheries may influence health and wellbeing through changes in employment, income and economic activity. Whilst the chapter acknowledges that restricted access to fishing grounds, displacement and changes in fishing activity may influence determinants of health, the assessment largely relies upon the conclusions of the fisheries and socioeconomics chapters to determine the significance of those effects.

The assessment concludes that fisheries related health effects are minor adverse and not significant, including within the cumulative assessment. These conclusions are closely linked to the significance conclusions reached elsewhere in the application regarding commercial fisheries and socioeconomic effects. As a result, any uncertainties relating to displacement, access restrictions, adaptation, operational coexistence and cumulative fisheries effects are carried forward into the human health assessment.

SFF notes that the assessment primarily considers employment and income as the pathways through which fisheries effects may influence health. Other wider social and community determinants, including community identity, resilience and social participation, have been scoped out of the assessment. As a result, the assessment provides relatively limited discussion of the broader social dimensions associated with commercial fishing activity and fishing dependent communities.

The assessment also identifies a range of potentially vulnerable populations, including economically disadvantaged communities and populations experiencing poorer health outcomes. SFF notes that economic impacts associated with commercial fisheries may not be experienced evenly across different communities and that the resilience of affected fishing dependent communities may vary considerably.

Further explanation would be beneficial regarding how cumulative fisheries impacts identified within Chapter 12 have been reflected within the human health assessment and how the relationship between fisheries impacts, socioeconomic outcomes and population health has been considered. In particular, clarification would be beneficial regarding how the conclusion that fisheries related health effects are Minor Adverse and not significant aligns with the Moderate Adverse cumulative fisheries effects identified for certain fishing sectors within Chapter 12.

The chapter does not propose projects specific human health monitoring and instead relies on existing socio-economic monitoring arrangements and wider strategic evidence gathering. This reinforces a wider theme observed elsewhere in the application whereby conclusions relating to displacement, adaptation and coexistence are dependent upon assumptions regarding future outcomes, whilst relatively limited information is provided regarding how those assumptions will be validated over time.

[13] Morven Offshore Wind Limited (2026) Morven North Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 20: Human Health (Document Ref. MVCNS-J1201-RPS-10028, May 2026).; Morven Offshore Wind Limited (2026) Morven South Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 20: Human Health (Document Ref. MVCNS-J1201-RPS-10108, May 2026).

Inter-Related Effects[14]

Chapter 21 acknowledges several fisheries impact pathways including:

- displacement;
- loss or restriction of access to fishing grounds;
- disturbance of commercially important fish and shellfish resources;
- vessel interactions;
- increased steaming requirements; and
- snagging risk.

The chapter concludes that inter-related effects do not exceed those already identified in the individual assessments. SFF notes that this conclusion is heavily dependent upon the judgments already applied in the underlying technical chapters. In particular, the assessment assumes that fishing activity can resume within the development area during operation and concludes that the combined effects of displacement, restricted access, increased fishing pressure, additional steaming and gear conflict do not result in impacts greater than those identified individually. The chapter therefore reinforces the importance of the assumptions adopted regarding displacement, adaptation and operational coexistence, as these underpin the conclusion that inter-related fisheries effects do not exceed those identified elsewhere in the application.

SFF notes that the inter-related effects assessment is largely dependent upon the significance conclusions reached within the underlying technical chapters. As a result, conclusions regarding inter-related fisheries effects are intrinsically linked to the assumptions and judgments applied elsewhere in the application regarding displacement, adaptation, operational coexistence and cumulative effects. The chapter repeatedly concludes that inter-related effects are not anticipated to result in effects of greater significance than those already assessed in isolation, further emphasising the importance of the underlying assumptions and assessment judgments.

The chapter specifically acknowledges that a reduction in access to fishing grounds may lead to displacement of fishing activity and associated increases in fishing pressure and gear conflict on adjacent grounds. These pathways represent key fisheries concerns identified elsewhere in the application. However, the assessment concludes that, even when these effects are considered together, the resulting inter-related effect would remain Minor Adverse and not significant in EIA terms. Further explanation would therefore be beneficial regarding how the potential interaction between displacement, increased fishing pressure, gear conflict, additional steaming requirements and operational inefficiencies has been evaluated and why these effects are not expected to reinforce one another to a greater degree.

SFF further notes that Chapter 12 identifies Moderate Adverse cumulative effects for certain fishing sectors. Whilst cumulative and inter-related assessments are distinct exercises, clarification would be beneficial regarding how the conclusion that inter-related fisheries effects remain Minor Adverse aligns with the significant cumulative fisheries effects identified elsewhere in the application. In particular, further explanation would be beneficial regarding the extent to which cumulative displacement pressures, restricted access, increased fishing pressure and operational coexistence assumptions have informed the inter-related effects conclusions.

The chapter also recognises pathways linking fisheries effects to socioeconomic, human health and major accidents and disasters assessments, further emphasising the importance of understanding how cumulative fisheries impacts identified elsewhere in the application are reflected within those assessments. In particular, the chapter identifies socio-economic effects resulting from changes to commercial fisheries and

[14] Morven Offshore Wind Limited (2026) Morven North Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 21: Inter-related and Ecosystem Effects (Document Ref. MVCNS-J1201-RPS-10029, May 2026).; Morven Offshore Wind Limited (2026) Morven South Offshore Wind Farm, Offshore EIA Report, Volume 2, Chapter 21: Inter-related and Ecosystem Effects (Document Ref. MVCNS-J1201-RPS-10109, May 2026).

human health effects resulting from changes to employment and income arising from loss of, or restricted access to, fishing grounds.

Monitoring and Adaptive Management
A recurring theme throughout the application is the recognition of uncertainty alongside commitments to infrastructure monitoring and adaptive management.
The application proposes monitoring of:

- cable burial
- cable exposure
- scour development
- cable protection
- infrastructure condition.

In addition, fisheries liaison, mitigation and monitoring commitments are referenced through the Fisheries Mitigation, Monitoring and Communication Plan. However, the application provides comparatively limited information regarding how:

- fisheries activity will be reviewed over time
- displacement effects will be identified and assessed
- operational coexistence assumptions will be validated
- interactions between displaced fishing activity and other fishing fleets will be monitored
- wider fisheries assessment assumptions will be tested against actual outcomes.

SFF notes that a large number of conclusions throughout the EIAR depend upon assumptions regarding future fishing behaviour, adaptation, displacement and coexistence. Whilst the application contains extensive monitoring commitments for infrastructure related risks and references fisheries activity monitoring through the Fisheries Mitigation, Monitoring and Communication Plan, further clarification would be beneficial regarding the scope of those commitments and how they will be used to validate key fisheries assessment assumptions over the operational life of the projects.

Cumulative Effects
The cumulative assessment identifies Moderate Adverse cumulative effects for certain commercial fishing sectors. These findings are among the most significant conclusions within the fisheries assessment and represent an acknowledgement that cumulative offshore development has the potential to create meaningful effects on particular fisheries. However, the implications of these conclusions do not appear to be reflected consistently throughout the wider application. In particular, further explanation would be beneficial regarding how the cumulative fisheries effects identified within Chapter 12 have been reflected within:

- the socioeconomic assessment
- the human health assessment
- the inter-related effects assessment.

The application also acknowledges increasing offshore development, changing patterns of marine space use and wider pressures on available fishing grounds arising from offshore wind development, fisheries management measures and other marine users.

SFF considers that cumulative displacement, regional spatial squeeze and increasing competition for marine space remain among the most important issues arising from the application. Given the significance assigned to cumulative fisheries effects for certain sectors, further explanation would be beneficial regarding how these wider cumulative pressures have been considered when assessing long-term fisheries adaptation, coexistence and resilience.

Fisheries Mitigation Monitoring and Communication Plan[15]

The Fisheries Mitigation Monitoring and Communication Plan (FMMCP) is a key component of the Applicant's proposed fisheries mitigation strategy and underpins a number of the conclusions reached within the commercial fisheries assessment. SFF notes that the FMMCP establishes a framework for fisheries liaison, stakeholder engagement, communication, mitigation and monitoring throughout the construction, operation and decommissioning phases of the Projects.

The plan includes commitments relating to fisheries liaison officers, communication procedures, cable burial and protection information, gear interaction procedures, cooperation agreements for affected static gear fisheries and participation in regional fisheries working groups.

SFF welcomes the commitment to ongoing engagement with fisheries stakeholders and recognises the importance of maintaining effective communication throughout the projects lifecycle. The plan contains a range of practical measures relating to fisheries liaison, communication, gear interaction procedures, cable information requirements and ongoing stakeholder engagement which may assist in managing interactions between commercial fishing and offshore wind activities.

The FMMCP also includes commitments relating to commercial fisheries monitoring. These are primarily focused on the development of a strategic and regionally coordinated approach to understanding cumulative fisheries effects, working with other developers and relevant stakeholders through regional forums including the East Region Commercial Fisheries Working Group.

SFF notes that the monitoring provisions are primarily intended to contribute towards a strategic understanding of cumulative fisheries effects at a regional level rather than to provide projects specific validation of fisheries impacts arising from Morven North and Morven South. Whilst SFF recognises the value of coordinated regional monitoring, a number of the conclusions within Chapter 12 rely upon assumptions regarding operational coexistence, displacement and adaptation by fishing vessels within and around the development areas. The extent to which regionally coordinated monitoring alone will be capable of validating those projects specific assumptions is therefore not entirely clear.

The FMMCP further indicates that monitoring outputs may inform future iterations of the plan, but that the detailed scope, methodology and governance of monitoring remain to be determined. As a result, it is presently difficult to assess how monitoring outputs would be used to evaluate assumptions relating to displacement, adaptation and operational coexistence at the projects level.

The monitoring proposals are largely framed within a regional and collaborative context rather than as projects specific monitoring of fisheries activity associated with the Projects. The FMMCP states that the scope, methodology, duration, data sources, governance and reporting arrangements for future monitoring will be developed through collaborative regional processes and agreed at a later stage. The Applicant indicates that the Projects are not themselves the principal driver for commercial fisheries monitoring and that future monitoring arrangements, methodologies and reporting frameworks remain to be developed through collaborative regional processes.

SFF notes that many of the conclusions presented within Chapter 12 rely upon assumptions regarding:

- future fishing activity within the development areas
- operational coexistence between fishing vessels and offshore wind infrastructure
- displacement and redistribution of fishing effort
- infrastructure performance, including cable burial and cable protection
- the effectiveness of mitigation measures.

[15] Morven Offshore Wind Limited (2026) Volume 4, Annex 3: Fisheries Mitigation, Monitoring and Communication Plan (Version 1) May 2026.

SFF also notes that the FMMCP's cooperation agreement provisions are principally directed towards static gear fisheries. The Applicant's position is that mobile gear fleets are generally able to adapt to temporary construction activity through liaison and advance notification, and that cooperation agreements are not anticipated to be required for mobile gear fisheries. Consultation undertaken on the draft FMMCP records that SFF requested that compensation mechanisms should not be limited to static gear fisheries where demonstrable impacts on mobile gear fisheries arise. However, the Applicant has retained the position that cooperation agreements remain principally focused on static gear fisheries.

SFF notes that concerns regarding cumulative effects, projects specific fisheries monitoring, future fishing activity, displacement pressures and mobile gear impacts were raised during consultation on the draft FMMCP. Whilst a number of amendments were made to the Plan following consultation, including clarification regarding cable burial targets, OFLO deployment and dropped object notifications, the Applicant has retained a predominantly regional approach to commercial fisheries monitoring and continues to consider cooperation agreements principally as a measure applicable to static gear fisheries. These matters therefore remain relevant considerations when assessing the robustness of the proposed fisheries mitigation and monitoring framework.

Given the importance placed elsewhere in the application upon assumptions relating to adaptation, displacement and operational coexistence, further explanation would be beneficial regarding how the effectiveness of those assumptions will be evaluated should impacts on mobile gear fisheries arise in practice. Concerns regarding cumulative effects, displacement, future fishing activity, projects specific monitoring and mobile gear impacts therefore remain relevant considerations when reviewing the robustness of the proposed monitoring and mitigation framework.

SFF therefore considers that further clarity would be beneficial regarding:

- how fisheries activity within and around the Morven North and Morven South development areas will be monitored
- how displacement and redistribution of fishing effort will be assessed
- how operational coexistence assumptions will be reviewed against observed outcomes
- how monitoring outputs will be reported and incorporated into fisheries management and mitigation measures
- how unforeseen impacts on mobile gear fisheries would be identified and addressed
- the extent to which regional monitoring arrangements will be capable of validating assumptions specific to the Projects.

Given the importance placed upon the FMMCP throughout the application, SFF considers that the effectiveness of the plan will be an important factor in determining whether the fisheries assessment assumptions remain valid throughout the operational life of the Projects. Whilst the FMMCP establishes a comprehensive framework for communication, liaison, mitigation and monitoring, many of the conclusions elsewhere within the EIAR remain dependent upon assumptions regarding coexistence, displacement and adaptation by commercial fishing vessels. The extent to which those assumptions can be validated through the predominantly regional monitoring framework currently proposed remains an important consideration when assessing the long-term fisheries implications of the Projects.

Habitats Regulations Assessment[16]

SFF notes that the Habitats Regulations Assessment and associated Derogation Case are primarily concerned with effects on protected habitats and species and the integrity of designated sites.

The compensatory measures proposed under the HRA relate principally to ornithological receptors and are intended to maintain the coherence of the national site network in accordance with the Habitats Regulations. The principal measures comprise seabird compensation initiatives, including invasive predator eradication

[16] Morven Offshore Wind Limited (2026) HRA Volume 3, Chapter 1: Derogation Case; Chapter 2: Compensation and Evidence Plan; Chapter 3: Outline Compensation Implementation, Monitoring and Adaptive Management Plan; Chapter 4: Compensation: EIA of Compensation Measures; Chapter 5: Compensation: HRA of Compensation Measures

and other ornithological compensation measures. These measures do not address or mitigate effects on commercial fisheries.

Accordingly, the compensatory measures proposed through the HRA should not be taken into account when considering impacts on commercial fisheries identified within the EIAR. Commercial fisheries effects, including displacement, loss of access to fishing grounds, operational coexistence and cumulative spatial pressures, remain matters to be assessed through the EIAR and associated fisheries mitigation framework.

SFF notes that fisheries management measures, fisheries closures and fisheries bycatch reduction measures were considered during the development of compensation options. However, these measures were not retained as projects led compensation measures and are not relied upon within the compensation package proposed for Morven North. The HRA documentation also indicates that a project led compensation measure for gannet remains under development, with further details to be provided during the determination process due to commercial sensitivity considerations. Whilst SFF does not seek to comment on the suitability of any ornithological compensation proposal, the absence of detail regarding this measure means that the final compensatory package has not yet been fully defined. SFF considers it important to make clear that it would not support any compensatory measure that would impose additional restrictions, fisheries closures, bycatch reduction requirements or other operational constraints on commercial fishing activity, or otherwise result in adverse consequences for the fishing industry. Fisheries related measure remain identified only as potential strategic options that could be considered through wider collaborative, government led or Marine Recovery Fund mechanisms. As such, they do not alter the conclusions reached elsewhere in the application regarding commercial fisheries effects.

SFF further notes that the Derogation Case relies upon the anticipated delivery of substantial additional offshore wind capacity in support of national energy security and decarbonisation objectives. This reinforces the importance of understanding the cumulative implications of offshore wind development for commercial fisheries, including displacement, regional spatial squeeze and increasing competition for marine space. As offshore wind development continues to expand across Scottish waters, cumulative interactions with commercial fisheries remain an important consideration alongside the wider public interest case advanced in support of the projects.

Decommissioning

The assessment acknowledges that some infrastructure may remain in situ at decommissioning, subject to future regulatory requirements, environmental considerations and the outcome of future decommissioning planning processes.

SFF notes that decisions regarding the long-term management of offshore wind infrastructure have important implications for future fishing activity, navigational safety and access to fishing grounds. Given the fixed-bottom nature of the Proposed Development, the eventual treatment of foundations, scour protection, cable protection and subsea cables will be an important consideration for commercial fisheries.

Whilst detailed decommissioning programmes will be prepared at a later stage, there remains uncertainty regarding the extent to which infrastructure may ultimately be removed, retained or remediated. As a result, limited information is currently available regarding the long-term restoration of seabed functionality following decommissioning.

SFF notes that where infrastructure is retained in situ following decommissioning, there is potential for long-term seabed obstruction, continued snagging risk and ongoing constraints on certain fishing activities. In particular, the retention of foundations, scour protection, cable protection or other seabed infrastructure may have implications for future fishing operations where full restoration of seabed conditions is not achieved.

Recent offshore wind experience elsewhere in the UK has demonstrated that decommissioning costs, liabilities and technical requirements may remain uncertain over the lifetime of a projects, particularly where future regulatory requirements, removal methodologies and associated costs evolve over time. Given the scale and anticipated operational lifespan of the Proposed Development, SFF considers that future decommissioning planning should have regard to the long-term restoration of seabed functionality for commercial fishing and should seek to avoid, minimise and remediate residual fisheries constraints arising from retained infrastructure. SFF also supports continued innovation and development of decommissioning technologies that maximise infrastructure removal and facilitate the long-term restoration of seabed functionality for commercial fishing.

SFF also notes the importance of robust, secured and appropriately indexed financial provisions to ensure that decommissioning obligations remain deliverable throughout the operational life of the projects. Given that the final extent of infrastructure removal will be determined through future decommissioning planning processes, SFF considers it important that adequate financial security arrangements are maintained to ensure that decommissioning obligations can be fulfilled and that residual liabilities are not transferred to other marine users, including the fishing industry.

Conclusion

SFF acknowledges the extensive assessment work undertaken in support of the Morven North and Morven South applications. However, a number of matters arising from the fisheries assessment warrant further scrutiny, particularly where conclusions rely on assumptions regarding displacement, adaptation, operational coexistence and cumulative effects, as discussed throughout this response.

In particular, SFF considers that further clarification would be beneficial regarding:

- the implications of Moderate Adverse cumulative effects identified for certain fleet sectors
- the evidence supporting assumptions that fishing activity will resume during operation
- the consequences of cumulative displacement, regional spatial squeeze and increased competition for marine space
- the relationship between the Moderate Adverse cumulative fisheries effects identified in Chapter 12 and the comparatively limited socioeconomic, human health and inter-related effects identified elsewhere in the EIARs
- the implications of continuing uncertainty regarding cable burial, cable protection and future seabed conditions
- how cumulative fisheries effects identified within Chapter 12 have been reflected within the socioeconomic, human health and inter-related effects assessments
- the scope, purpose and implementation of fisheries monitoring commitments within the Fisheries Mitigation, Monitoring and Communication Plan and how these relate to conclusions elsewhere in the applications that projects specific commercial fisheries monitoring is not required.
- the proposed project led gannet compensatory measure, which remains under development, and assurance that any future compensatory measures will not introduce additional restrictions or constraints on commercial fishing activity

Collectively, these issues do not necessarily indicate deficiencies within the EIA process itself. Rather, they highlight areas where the robustness of assessment conclusions is dependent upon assumptions regarding future fishing behaviour, displacement, adaptation and operational coexistence, together with the extent to which those assumptions can be tested and validated in practice.

While the applications contain extensive commitments relating to infrastructure monitoring and adaptive management, comparatively limited information is currently provided regarding how fisheries related assumptions will be monitored and reviewed over time. Further explanation of these matters would assist in understanding the long-term interaction between Morven North, Morven South and commercial fisheries and should be given careful consideration before determination of the applications.

SFF therefore requests that Scottish Ministers satisfy themselves that these matters have been adequately addressed and that the assumptions underpinning the fisheries assessment are sufficiently robust before determining the applications.

For and on behalf of the Scottish Fishermen's Federation

[Redacted]

[Redacted]
Offshore Consents Assessments Manager
Scottish Fishermen's Federation

HIAL

Benjamin Taylor

From: Safeguarding <Safeguarding@hial.co.uk>
Sent: 14 July 2026 11:48
To: MD Marine Renewables
Cc: Safeguarding
Subject: 00012342, 00012343, 00012344, 00012345 - Morven Offshore Wind Limited – Morven North Offshore Wind Array and Morven South Offshore Wind Array – EIA Section 36 Consent and Marine Licence Applications - Consultation – Response Required by 16 July 2026

OFFICIAL

Your reference: 00012342, 00012343, 00012344, 00012345 - Morven Offshore Wind Limited

Dear Sir/Madam,

Proposal: To construct and operate the Morven North Offshore Wind Array and Morven South Offshore Wind Array.

Location: Morven North Offshore Wind Array – approximately 61 km off the Aberdeenshire coast

Morven South Offshore Wind Array – approximately 86 km off the Aberdeenshire coast

Highlands and Islands Airports Limited has been consulted on the above proposed development, received by this office on **3/6/2026.**

This proposal is located out-with our safeguarding criteria / area. As such we have no comment to make and need not be consulted further regarding Morven North and Morven South Offshore Wind Arrays.

For the avoidance of doubt, the advice contained within this response relates solely to the Morven North and Morven South (E1,E2 and E3), dated June 2026.

Should any changes be made to the location of this proposed development, HIAL, as a statutory consultee, requests that it is consulted prior to the determination of the application or the granting of any consent.

Kind regards,

Andy Brown

Safeguarding Team
Highlands and Islands Airports Limited
safeguarding@hial.co.uk

Safeguarding
Highlands and Islands Airports Ltd
Inverness Airport Dalcross IV2 7JB
www.hial.co.uk

Our Values

NATURAL ENGLAND

Date: 13 Aug 2026
Our ref: 550100
Your ref: 00012342, 00012343, 00012344 & 00012345

Licensing Operations Team
Marine Directorate
Scottish Government
Marine Laboratory
Aberdeen
AB11 9DB

Tyneside House,
Skinnerburn Road,
Newcastle-upon-Tyne,
NE4 7RA

0300 – 060 3900

Via email only

Dear [redacted]

MD-00012342, 00012343, 00012344, 00012345 - Morven Offshore Wind Farm - EIA Section 36 Consent and Marine Licence Application

Thank you for seeking our advice on Morven OWF in your consultation which we received on 03/6/2026. We very much appreciate the extension you granted us for our response.

ELECTRICITY ACT 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
The Electricity (Applications for Consent) Regulations 1990

MARINE (SCOTLAND) ACT 2010
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

MARINE AND COASTAL ACCESS ACT 2009
The Marine Works (Environmental Impact Assessment) Regulations 2007

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The advice contained within this letter is provided by Natural England, which is the statutory nature conservation body within English territorial waters (0-12 nautical miles). As the application is located outside English territorial waters then the advice from NatureScot, the statutory nature conservation body in offshore Scottish waters should be sought.

Due to our remit, our advice on this consultation is restricted to species within England and to protected species from English designated sites which may be impacted by the proposed wind farm. Natural England have therefore limited our review to impacts on English Special Protection Areas (SPAs), specifically the Farne Islands SPA, Coquet Island SPA, and the Flamborough and Filey Coast (FFC) SPA. Natural England have also restricted comments to the species most impacted, specifically kittiwake, guillemot, razorbill, gannet, and puffin.

We have based our comments on the predicted impacts outlined in

- 'Offshore Ornithology Impact Estimates Using Natural England Approaches' for Morven North and Morven South (Vol 3, Annex 5.2)

as well as the methodologies outlined in the

- 'Offshore Ornithology' (Vol 2, Chapter 11)
- 'Baseline Characterisation' (Vol 3, Annex 11.1)
- 'Collision Risk Modelling' (Vol 3, Annex 11.2)
- 'Displacement Modelling' (Vol 3, Annex 11.4)
- 'RIAA: Apportioning' (Vol 2, Annex 3.1)
- 'RIAA: SPA and Ramsar Site Assessments' (Vol 2, Chapter 3) for both projects
- 'Compensation and evidence plan' (Vol 3, Chapter 2) for Morven North

The PVA modelling has not been reviewed.

Natural England appreciates the provision of the predicted impacts on English SPAs according to Natural England's approach, noting that these have largely been well represented, with only a few exceptions mentioned in the comments below.

Summary of advice

<u>Conclusions on Adverse Effects on Site Integrity</u>
Natural England do not agree with all of the conclusions of the Applicant's Report to Inform Appropriate Assessment (RIAA). Natural England advise adverse effects on site integrity (AEoSI) cannot be ruled out for more species than the RIAA currently concludes.

Farne Islands SPA

- Guillemot – cannot rule out AEoSI in-combination.

Flamborough and Filey Coast SPA

- Kittiwake – cannot rule out AEoSI in-combination
- Guillemot – cannot rule out AEoSI in-combination.
- Razorbill – cannot rule out AEoSI in-combination.
- Seabird assemblage – cannot rule out AEoSI in-combination.

<u>Assessment methodologies</u>
NatureScot's advice on ornithological impact assessment methodologies differs from that provided by Natural England in some respects. Natural England do not expect Applicants in Scottish waters to undertake a separate impact assessment for all seabird receptors based on Natural England's advice. We do however seek additional assessments in line with our advice where an appropriate assessment (or our advice) has identified adverse effects or been unable to rule them out on English SPA features. However, we do note Marine Directorate's position that the provision or use of additional 'English methodologies' assessments within Marine Directorate's HRA in such circumstances is not appropriate. We thank the applicant for providing the "Offshore Ornithology Impact Estimates Using Natural England Approaches" document.

The Conservation of Habitats and Species Regulations 2017 (as amended) and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)

Farne Islands SPA and Flamborough and Filey Coast SPA

Likely significant effect, appropriate assessment required
Natural England's advice is that this proposed development may contain (or require) measures intended to avoid or reduce the likely harmful effects on a European Site, which cannot be taken into account when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment (noting the recent *People Over Wind* Ruling by the Court of Justice of the European Union).

For this reason, we advise that on the basis of the information supplied that the application may have a likely significant effect on these sites. These measures therefore need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment, in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

These measures and any further mitigation measures can be considered during an appropriate assessment, to determine whether a plan or project will have an adverse effect on the integrity of the European site.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of the *People Over Wind* ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Natural England is of the view that it cannot be excluded, on the basis of the objective information supplied by the applicant, that the application will have significant effects on Farne Islands SPA and Flamborough and Filey Coast SPA. This is because there is a risk that it will affect the following features of the designated site(s):

- Farnes Islands SPA
    - Guillemot (*Uria aalge*)
- Flamborough and Filey Coast SPA
    - Kittiwake (*Rissa tridactyla*)
    - Guillemot (*Uria aalge*)
    - Razorbill (*Alca torda*)
    - Seabird assemblage

Under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England advises that the Marine Directorate should undertake an Appropriate Assessment of the implications of this proposal against the conservation objectives of the Farne Islands SPA and Flamborough and Filey Coast SPA. Appendix A of this letter contains our advice on the scope and content of this Appropriate Assessment with regards to English breeding seabird SPAs.

Berwickshire and North Northumberland Coast SAC, Southern North Sea SAC, River Tweed SAC, Coquet Island SPA, Lindisfarne SPA

We have considered the documents provided with the consultation request in our review, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal. We advise that, providing there are no substantial changes to the project design envelope, this project alone will not have an AEoSI on Berwickshire and North Northumberland Coast SAC, Southern North Sea SAC, River Tweed SAC, Coquet Island SPA and Lindisfarne SPA. We also agree that any addition to in-combination impacts with other projects will be *de-minimis* and as such are unlikely to significantly contribute to AEoSI for Berwickshire and North Northumberland Coast SAC, Southern North Sea SAC, River Tweed SAC, Coquet Island SPA, and Lindisfarne SPA in combination with the other Plans or Projects assessed.

Marine and Coastal Access Act 2009

The works, as set out in the information supplied by the applicant, are not sited within or near to a Marine Conservation Zone. Natural England have not identified a pathway by which impacts from the development would affect the interest features of any MCZ. We are therefore confident that the works will not hinder the conservation objectives of such a site.

Other Relevant Matters

We direct the applicant to our guidance on Environmental considerations for offshore wind and cable projects. We expect all English matters to be addressed by the applicant following that guidance.

Natural England recognises that ornithology advice from NatureScot differs slightly from that provided by Natural England. Natural England do not expect applicants in Scottish waters to undertake a separate impact assessment for all seabird receptors based on Natural England's advice. However, there may be instances where an additional assessment in line with our advice is needed to be able to adequately assess the effects on English SPA features. This would be where applicants identify an AEoSI or are unable to rule one out on an English SPA feature, either alone or in-combination; or where, following consultation, Natural England identifies an AEoSI or is unable to rule one out. We recognise that the Marine Directorate's Appropriate Assessment will be carried out using the Scottish methodology for modelling and impact calculation. However, we require the impacts to English sites to be calculated using the Natural England advised methodology. Should this methodology not be used within the Marine Directorate's Appropriate Assessment, we advise that the analysis using the Natural England method is carried out by the applicant and provided as a technical note. We thank the applicant for providing that note. This will enable us to provide advice to Defra on impacts to English SPAs and to be able to provide accurate advice on the sufficiency of the Applicant's Seabird Compensation Plan.

Please refer to Appendix A for Natural England's further comments on marine ornithology assessments.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would like to draw the attention of the applicant to our Discretionary Advice Service. The applicant may wish to engage with us to address our comments on their documents.

For any queries relating to the content of this letter please contact me using the details provided below. To provide the further information requested in this advice and for subsequent consultations, please email consultations@naturalengland.org.uk

Yours sincerely

[redacted]

Appendix A – Marine Ornithology Comments

1. **Note on review**

Given that the project is located in Scottish waters, the predicted impacts are mainly at Scottish SPAs. Natural England have therefore limited our review to impacts on English SPAs, specifically the Farne Islands SPA, and the Flamborough and Filey Coast (FFC) SPA. Natural England have also restricted comments to the species most impacted, specifically kittiwake, guillemot, razorbill, gannet, and puffin, plus assemblages.

The Applicant has presented predicted impacts on English SPAs if Natural England's recommended methods were applied to the assessment ('Offshore Ornithology Impact Estimates Using Natural England Approaches' for Morven North and Morven South (Vol 3, Annex 5.2)). Note that we do not expect OWFs in Scottish windfarms to use Natural England's methods in their formal Application. However, the technical note containing estimated predicted impacts on English SPAs were Natural England methods to be followed is extremely useful, to allow us to comment fully on these impacts and the likelihood of Adverse Effect on Integrity (AEoSI). We thank the applicant for providing that document.

2. **Screening and Apportioning: Guillemot and Razorbill foraging ranges**

Natural England note that the Applicant has used mean maximum foraging ranges for Guillemot and Razorbill that exclude higher values obtained from tracking data on Fair Isle. Natural England do not accept the exclusion of these values when calculating mean maximum foraging ranges and therefore advise that the mean maximum foraging ranges and standard deviations presented in Woodward et al (2019 and 2024) are used for these species. The mean maximum foraging ranges +1SD for Guillemot and Razorbill are therefore 153.7km and 164.6km, respectively.

We note that Morven North and Morven South are 111km and 103 km from the Farne Islands SPA, respectively. Therefore, both projects are well within the mean maximum foraging range + 1SD for both Guillemot and Razorbill breeding at the Farne Islands SPA. Guillemot is a designated feature of the Farne Islands SPA, so Farne Islands SPA Guillemot should therefore be screened in for impacts from both projects during the breeding season as well as the non-breeding season. We note that this would likely increase the predicted impacts of the projects on Guillemot at the Farne Islands SPA.

We also advise that the Woodward et al (2019 and 2024) mean maximum foraging ranges + 1SD for Guillemot and Razorbill be used in the apportioning process for assessing impacts of the projects on Guillemot and Razorbill breeding at the Farne Islands SPA.

3. **Screening and apportioning: Puffin at FFC SPA**

Natural England note that Morven North and Morven South are 260km and 243km from FFC SPA, respectively, which puts both projects within mean maximum foraging range +1SD (265.4km) for Puffin breeding at FFC SPA. Breeding Puffin as an assemblage feature of FFC SPA should therefore be screened in for impacts from both projects.

4. **Apportioning: Distance between colonies and array**

Natural England note that the distances between colonies and the arrays used in the apportioning process are as measured to the centre of the project array, as accepted by NatureScot. Natural England advise that this distance should be measured from the colony to the nearest edge of the array. We note that, if the Natural England approach were followed, breeding season impacts on English SPAs would likely be higher for both projects (i.e. for Kittiwake and Puffin at the Farnes, Coquet and FFC SPAs and for Guillemot and Razorbill at the Farnes SPA.

5. Displacement assessment: presentation of design-based abundance estimates

Natural England welcomes the provision of the predicted displacement impacts according to Natural England's approach for the projects. However, we note that the abundance estimates and resulting displacement impacts in the 'Offshore Ornithology Impact Estimates Using Natural England Approaches' documents are presented for the model-based abundance estimates only. We would advise that the abundance estimates and resulting displacement impact predictions are also presented for the design-based abundance estimates.

6. Displacement assessment: presentation of full displacement matrices

Natural England welcomes the provision of the predicted displacement impacts of the projects according to both ends of the Natural England's advised range of displacement and mortality rates. However, we note that the full displacement matrices for impacts apportioned to specific SPAs have not been provided. We would welcome inclusion of these, as it would allow us to assess the full range of predicted impacts at each SPA. Acknowledging that recent consent decisions have generally been based on impacts at a 70% displacement rate and 2% mortality rate, Natural England would particularly like these values to be included.

7. Displacement assessment: consideration of construction displacement

Natural England note that the Applicant has not included an assessment of displacement impacts for the construction or decommissioning phases for either project. Natural England would advise that displacement impacts be included for the construction and decommissioning phases of the projects, and that they be calculated by halving the predicted operational displacement impacts. We note that including these impacts would increase the impacts of the projects on displacement-affected species.

8. Colony population sizes and baseline mortality

Natural England note that the SPA colony population sizes used for several features are not those that we would advise. This potentially has implications for the calculation of baseline mortality rates and the predicted percentage increase in baseline mortality rates due to impacts. Given the timing of the baseline surveys (2021-2023), we would advise that the nearest population estimates to these dates be used, with a preference for the most recent.

Feature / site	Applicant population size	2022 count (Apparently Occupied Nests (AON))	2022 count (individuals) NE advised population size to be used
Kittiwake (FFC)	103070	44574	89148
Kittiwake (Farne Islands)	8804	4772	9544
Kittiwake (Coquet)	932	519	1038
Puffin (FFC)	8558		3080
Gannet (FFC)	26784	13125	26250

9. Likely implications of applying Natural England's advice to the assessment of impacts presented within the RIAAs on features of English SPAs

9.1 Kittiwake

Applying Natural England's advice on age apportioning and sabbatical rates would **increase** the predicted impacts of the project on kittiwake and therefore on kittiwake breeding at English SPAs. The Applicant used DAS age apportioning to estimate that 96.98% of birds recorded during surveys were adults. However, they then refined this to 92.19% using stable age structure methods. Natural England's advice would be to use the unrefined estimates from DAS, which slightly **increases** the proportion of adults and thus the predicted impacts. The Applicant has also removed 10% of birds from the assessment as sabbaticals. Natural England's advice would be that these birds should be included, which would **increase** the predicted impacts.

Applying Natural England's advice on calculating distances between the array and the SPA for apportioning purposes would also result in a slight **increase** to predicted impacts.

However, Natural England's advice on displacement would result in displacement impacts on kittiwake being removed from the assessment, which would **decrease** predicted impacts. Predicted displacement impacts on kittiwake have therefore been ignored in this review.

The Applicant's predicted impacts from collision on FFC kittiwake (designated feature) are of 1.63 birds annually. Given that this is greater than one bird annually, we consider that this equates to a meaningful contribution to in-combination impacts on FFC kittiwake, particularly given that these impacts would be **higher** if Natural England's advice were followed. Given that Natural England has previously advised AEoSI on kittiwake at FFC SPA (since Hornsea 3), we therefore advise that we cannot rule out AEoSI on FFC SPA due to impacts on kittiwake, in combination.

The Applicant's predicted impacts from collision on Farne Islands SPA kittiwake (breeding seabird assemblage feature) are of 0.5 birds annually. The Applicants have concluded that AEoSI cannot be ruled out in-combination for Farne Islands kittiwake in combination. While predicted impacts would be **higher** if Natural England's advice were followed, Natural England do not consider that the likely magnitude of the predicted impacts would lead to AEoSI on the breeding seabird assemblage feature at the Farne Islands SPA due to impacts on kittiwake.

The Applicant has not assessed impacts on Coquet Island SPA kittiwake (breeding seabird assemblage feature). While we consider that these impacts should have been included in the assessment, we do not consider that the likely magnitude of the predicted impacts would lead to AEoSI on the breeding seabird assemblage feature at Coquet Island SPA due to impacts on kittiwake.

9.2 Guillemot

The Applicant has not assessed impacts on breeding guillemot at FFC SPA or the Farne Islands SPA (the species is a designated feature at both SPAs). Farne Islands guillemot have been screened out of the assessment based on the use of reduced foraging ranges. If Natural England's advice on guillemot foraging ranges were followed, impacts on Farne Islands guillemot would be **screened into** the assessment during both the breeding and non-breeding seasons. FFC SPA guillemot have been screened out of the assessment based on the application of foraging range apportioning during the non-breeding season. If Natural England's advice were followed on non-breeding season apportioning, impacts on FFC SPA guillemot during the non-breeding season would be **screened into** the assessment.

Applying Natural England's advice on age apportioning and sabbatical rates would **increase** the predicted impacts of the project on guillemot. The Applicant has used the stable age structure method to estimate that 50% of birds recorded during surveys were adults. Natural England's advice would be to assume all birds are adults, which significantly **increases** (doubles) the proportion of adults and thus the predicted impacts. The Applicant has also removed 7% of birds from the assessment as sabbaticals. Natural England's advice would be that these birds should be included, which would also **increase** the predicted impacts.

While it has not been possible for us to calculate what the predicted impacts would be if our advice were

followed, Natural England consider that the predicted impacts on guillemot at both the Farne Islands SPA and FFC SPA would likely constitute a meaningful contribution to in-combination effects. Given that Natural England has previously advised AEoSI on guillemot at FFC SPA (since Hornsea 4) and the Farne Islands SPA (since Berwick Bank), we therefore advise that we cannot rule out AEoSI on either SPA due to impacts on guillemot, in combination.

9.3 Razorbill

Applying Natural England's advice on age apportioning and sabbatical rates would **increase** the predicted impacts of the project on razorbill. The Applicant has used the stable age structure method to estimate that 50% of birds recorded during surveys were adults. Natural England's advice would be to assume all birds are adults, which significantly **increases** (doubles) the proportion of adults and thus the predicted impacts. The Applicant has also removed 7% of birds from the assessment as sabbaticals. Natural England's advice would be that these birds should be included, which would also **increase** the predicted impacts.

The Applicant's predicted impacts on FFC razorbill (designated feature) are of 0.1 – 0.33 birds annually. Natural England note that applying our advice would result in these impacts being increased significantly and would likely constitute a meaningful contribution to in-combination effects. Given that Natural England has previously advised AEoSI on razorbill at FFC SPA (since Hornsea 4) we therefore advise that we cannot rule out AEoSI on FFC SPA due to impacts on razorbill, in combination.

9.4 Gannet

Applying Natural England's advice on age apportioning and sabbatical rates would **increase** the predicted impacts of the project on gannet and therefore on gannet breeding at FFC SPA. The Applicant used DAS age apportioning to estimate that 97.23% of birds recorded during surveys were adults. However, they then reduced this using stable age structure methods. Natural England's advice would be to use the unrefined estimates from DAS, which slightly **increases** the proportion of adults and thus the predicted impacts. The Applicant has also removed 10% of birds from the assessment as sabbaticals. Natural England's advice would be that these birds should be included, which would **increase** the predicted impacts.

Applying Natural England's advice on calculating distances between the array and the SPA for apportioning purposes would also result in a slight **increase** to predicted impacts.

The Applicant's predicted impacts from collision and displacement on FFC gannet (designated feature) are of 0.78 – 1.05 birds annually. While predicted impacts would be **higher** if Natural England's advice were followed, Natural England do not consider that the likely magnitude of the predicted impacts would lead to AEoSI on gannet at FFC SPA in-combination.

9.5 Puffin

Applying Natural England's advice on age apportioning and sabbatical rates would **increase** the predicted impacts of the project on puffin. The Applicant has used the stable age structure method to estimate that 46% of birds recorded during surveys were adults. Natural England's advice would be to assume all birds are adults, which significantly **increases** (almost doubles) the proportion of adults and thus the predicted impacts. The Applicant has also removed 7% of birds from the assessment as sabbaticals. Natural England's advice would be that these birds should be included, which would also **increase** the predicted impacts.

The Applicant has not assessed impacts on puffin in the non-breeding season. Natural England would advise that impacts on puffin during the non-breeding season **should be screened in** for English SPAs. This would also result in puffin at FFC SPA being screened in for impacts during the non-breeding season. However, we do not consider that the magnitude of the project's likely predicted impacts would lead to AEoSI on the FFC SPA breeding seabird assemblage feature due to impacts on puffin in-combination.

The Applicant's predicted impacts on Farne Islands puffin (named breeding seabird assemblage feature) are of 0.91 – 1.42 birds annually. Natural England note that applying our advice would result in these impacts being **increased** significantly. However, we do not consider that the magnitude of the project's likely predicted impacts would lead to AEoSI on the Farne Islands breeding seabird assemblage feature due to impacts on puffin in-combination.

The Applicant's predicted impacts on Coquet Island puffin (named breeding seabird assemblage feature) are of 0.36 – 0.56 birds annually. Natural England note that applying our advice would result in these impacts being **increased** significantly. However, we do not consider that the magnitude of the project's likely predicted impacts would lead to AEoSI on the Coquet Island breeding seabird assemblage feature due to impacts on puffin in-combination.

10. Summary of Natural England's AEoSI conclusions

Section 6.1.1.2 (of MVS and MVN RA, Volume 2, Chapter 3: Report to Inform Appropriate Assessment Part 3: SPA and Ramsar Site Assessment) shows there is a conclusion of no Adverse Effect on Integrity to any English site alone or in-combination.

If Natural England advice were to be followed when assessing impacts to English designated sites, we would expect conclusions to be drawn that the Morven projects would have Adverse Effect on Integrity to the following features.

- Farnes Islands SPA
    - Guillemot (*Uria aalge*)
- Flamborough and Filey Coast SPA
    - Kittiwake (*Rissa tridactyla*)
    - Guillemot (*Uria aalge*)
    - Razorbill (*Alca torda*)
    - Seabird assemblage

These Effects would be in-combination with other projects in the following scenarios
- Morven N and other projects excluding Morven S
- Morven S and other projects excluding Morven N
- Morven N and S and other projects

We would not expect AEoSI to other features of the Farne Islands SPA, Flamborough and Filey Coast SPA or any other English SPA either alone or in-combination.

11. Compensation

Natural England note that the compensation measures proposed by the Applicant for the projects are invasive mammal control / eradication (project-led), with potential for disturbance-reduction at colonies to be considered as a collaborative measure, and wider potential strategic measures including seagrass restoration and fisheries management / closures.

Natural England note that we cannot rule out AEoSI from the projects in-combination on FFC SPA guillemot and razorbill or on Farne Islands SPA guillemot, so we would advise that compensation measures include consideration of impacts on these features. Natural England are broadly supportive of invasive mammals control / eradication as a compensation measure for both guillemot and razorbill and we recognise that the measures and the sites proposed by the Applicant have potential to compensate for the predicted impacts of the projects on guillemot and razorbill at English SPAs. However, we note that the specific suitability and compensation potential of each site needs to be evaluated on a case-by-case basis, and that NatureScot are best placed to comment on these specifics with regards to Scottish sites and in the context of the compensation requirements due to impacts on Scottish SPAs.

Natural England note that we cannot rule out AEoSI from the projects in-combination on FFC SPA kittiwake, so we would advise that compensation measures include consideration of impacts on this feature. Natural England note that we consider the provision of offshore artificial nest sites (ANS) to be the most appropriate compensation measure for Kittiwake, but that this was not considered a suitable compensation measure by the Applicant for Kittiwake in Scotland. Further discussion between the Applicant and Natural England would therefore likely be required in order to establish an appropriate and proportionate compensation measure for FFC SPA Kittiwake.

Natural England note that we cannot rule out AEoSI from the projects in-combination on FFC SPA's seabird assemblage feature. However, we note that appropriate species-specific compensation for the above-mentioned species, once agreed, would also meet the required compensation for the seabird assemblage as a whole, therefore no specific compensation proposals relating to the seabird assemblage should be required.

The compensation plan was developed on the basis that there was no AEoSI to English site-features. As we are advising there will be a greater-than-assessed impact, we also advise that the compensation plan should be revised to increase the compensation provided, in order to make the plan sufficient for English impacts.

12. References

WOODWARD, I., THAXTER, C.B., OWEN, E., & COOK, A.S.C.P. 2019. Desk-based revision of seabird foraging ranges used for HRA screening. BTO research report, 724. BTO, Thetford.

WOODWARD, I.D., THAXTER, C.B., OWEN, E., BOLTON, M., WARD, R.M. & COOK, A.S., 2024. The value of seabird foraging ranges as a tool to investigate potential interactions with offshore wind farms. *Ocean & Coastal Management*, *254*, p.107192.

SCOTTISH WATER

Monday, 08 June 2026

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Marine Licensing
375 Victoria Road

Aberdeen

Dear Customer,

Morven South Offshore Wind, Array – 86 km off Aberdeenshire Coast, Aberdeenshire, AB24 1RZ
Planning Ref: 00012345
Our Ref: DSCAS-0156740-QJB
Proposal: Construction of Offshore Array Transmission Infrastructure -

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this proposal. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at

https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps:

All developments that propose a connection to the public water or waste water infrastructure are required to submit a Pre-Development Enquiry (PDE) Form via our Customer Portal prior to any formal technical application being submitted, allowing us to fully appraise the proposals

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr
Development Services Analyst
PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Supplementary Guidance

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - Site Investigation Services (UK) Ltd
    - Tel: 0333 123 1223
    - Email: sw@sisplan.co.uk
    - www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for

checking the water pressure in the area, then they should write to the Development Operations department at the above address.

- If a connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.

- Please find information on how to submit application to Scottish Water at our Customer Portal.

RSPB

RSPB SCOTLAND

Consenting and Licensing Casework Manager
Licensing Operations Team – Marine Directorate
Scottish Government
Victoria Quay
Edinburgh
EH6 6QQ

By email: MD.MarineRenewables@gov.scot

17 September 2026

Dear Sir/Madam

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND MARINE LICENCES UNDER PART 4 OF THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT AND OPERATE MORVEN SOUTH OFFSHORE WINDFARM APPROXIMATELY 61KM OFF THE ABERDEENSHIRE COAST

Thank you for consulting RSPB Scotland on the above application to construct and operate Morven South offshore windfarm (of up to 1.5GW of generating capacity), approximately 86 kilometres from the Aberdeenshire coast.

RSPB Scotland recognises that climate change is the greatest long-term threat to nature and people, and we fully support the need to develop more renewable energy, including offshore wind. However, any development, including offshore wind, must be carefully sited, designed and deployed to ensure that it does not result in unacceptable impacts on nature.

Population Modelling

It must be recognised by MD-LOT in their recommendation to Ministers that models are simplified versions of reality. They do not fully capture the nuances of our dynamic natural environment, the complex behaviours of seabirds or the interlinkages between the two. Models are not complete evaluations of the possible risks that windfarms pose to seabirds. Seabirds are relatively long-lived, tend to breed later and have fewer young than other birds and, as a result, their populations are sensitive to even the smallest increases in adult mortality. This fact, combined with the requirements of the Habitats Regulations, emphasises the requirement to take a precautionary approach when assessing all possible impacts of the proposed development.

RSPB Scotland
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EH12 9DH

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BirdLife INTERNATIONAL
The RSPB is part of BirdLife International, a network of passionate organisations, working together to save nature across the world.

Patron: His Majesty The King **President:** Dr Amir Khan **Director, RSPB Scotland:** Anne McCall.
The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654. Registered address: The Lodge, Potton Road, Sandy, Bedfordshire, SG19 2DL

The survival and productivity rates of seabirds can be impacted by offshore windfarms directly (i.e. through collision) and indirectly (e.g. displacement from foraging areas and additional energy expenditure required to avoid and due to additional flying distances to alternative foraging areas). They are also already under severe pressure. In Scotland, the number of breeding seabirds has declined by 49% since the 1980s, according to the Scottish biodiversity indicator[1], kittiwake and Puffin are red listed as Birds of Conservation Concern while Northern Gannet, Razorbill and Guillemot are amber listed, in 2026, they were assessed as moving away from the target to achieve Good Environmental Status[2].

Detailed comments in relation to Morven South Offshore Windfarm

RSPB Scotland has independently reviewed the conclusions of the Report to Inform Appropriate Assessment (RIAA) and the Shadow HRA. We note that the Applicant has concluded that an adverse effect could not be excluded for the following four SPAs when the effects of Morven North and Morven South were considered in combination with other projects:

Forth Islands SPA:

- Breeding Guillemot and breeding seabird assemblage (with regards to Guillemot).

St Abb's Head to Fast Castle SPA:

- Breeding Kittiwake, Razorbill and breeding seabird assemblage (with regards to Kittiwake and Razorbill).

Troup, Pennan and Lion's Heads SPA:

- Breeding Guillemot and breeding seabird assemblage (with regards to Guillemot).

Outer Firth of Forth and St Andrew's Bay Complex SPA:

- Breeding Kittiwake, Guillemot and breeding seabird assemblage (with regards to Kittiwake and Guillemot).

RSPB Scotland does not accept that this list captures the full extent of the in-combination effects on SPAs, for which an adverse effect of site integrity cannot be excluded. **RSPB Scotland object to the proposal** due adverse effects on the integrity of a number of internationally important SPAs and that in combination with Berwick Bank Offshore Windfarm sufficient opportunities do not exist to compensate for the adverse effects upon the integrity of the sites listed below for which we are unable to rule out Adverse Effect on Site Integrity (AEoSI).

RSPB Scotland does not accept that the list presented by the Applicant captures the full extent of the in-combination effects of the development. Applying the NatureScot guidance scenarios consistently across all 23 species-SPA combinations taken to Population Viability Analyses (PVA), the outputs of the Report to Inform Appropriate Assessment(RIAA) predict substantial reductions in projected 35-year population size at 18 of them, and RSPB Scotland cannot rule out AEoSI at the following SPAs:

Buchan Ness to Collieston Coast:

Scotland's Trends, Indicators and Official Statistics | NatureScot
https://jncc.gov.uk/our-work/official-statistic-on-seabird-breeding-population-changes/#results-scotland-abundance-and-productivity-changes-for-18-species

- Guillemot and Kittiwake

Forth Islands SPA:
- Guillemot, Gannet, Razorbill and Puffin

Fowlsheugh SPA:
- Guillemot and Razorbill

St Abb's Head to Fast Castle, and Troup SPA:
- Guillemot, Razorbill and Kittiwake

Troup, Pennan and Lion's Heads SPA:
- Razorbill

Flamborough and Filey Coast SPA
- Razorbill

It is unclear how the Applicant does not reach an AEoSI conclusion for two SPAs for which the PVA modelling indicates will have worse outcomes than other SPAs due to the proposed development in combination with other sites. For instance, Guillemot at St Abb's Head to Fast Castle SPA returns the poorest outputs of any of the five SPA Guillemot populations assessed. Yet, despite a worse outcome under both Nature Scot scenarios than either of the two for which an AEoSI is concluded, no AEoSI is concluded. The same situation arises for Razorbill at Forth Islands SPA.

<u>Morven North and South combined impacts</u>

The assessment carried out by the Applicant for the current proposal in relation to Morven North differs significantly from that which has been presented for Morven South and we are unable to understand the justification for this. Seven species and SPA combinations modelled for Morven North are absent here:

- Kittiwake at Farne Islands, Forth Islands, and North Caithness Cliffs SPAs;
- Gannet at Flamborough and Filey Coast, Noss, and St Kilda SPAs;
- and Razorbill at Troup, Pennan and Lion's Heads SPA.

Of these, the exclusion of features at the Forth Islands, Farne Islands and Flamborough and Filey Coast SPAs is of particular concern. Each has clear connectivity to Morven South(also at application stage), and each has been assessed by the same applicant for the neighbouring application, and we can see no basis on which they warrant assessment for Morven North but not for Morven South. The application's own figures indicate that the mortality threshold is reached at all three, yet the population modelling this should have triggered is not presented.

These predicted declines are of particular concern given the proximity to Berwick Bank proposed windfarm and the compounding pressures already facing these seabird populations, including the ongoing impacts of Highly Pathogenic Avian Influenza, the effects of climate change on prey availability and breeding success, the reduced availability of sandeel, and the unfavourable conservation status of many of the affected SPA features. A population already under pressure from these stressors has

substantially reduced resilience to absorb additional mortality. This is most acute for Kittiwake at St Abb's Head to Fast Castle SPA, where the projected population after 35 years with the proposed Morven South windfarm is 50.4% to 58.0% of what it would have been in the absence of development, For the SPA seabird populations identified above, it is RSPB Scotland's expert opinion that the scale of predicted in-combination impact places the long-term integrity of the SPA qualifying features at serious risk.

Exclusion of projects for which compensation has been secured

Berwick Bank Windfarm has been granted conditional consent, however the not yet-secured let alone delivered Habitat Regulations compensation, does not constitute sufficient grounds for discounting Berwick Bank's contribution from the in-combination assessment. A seabird compensation Plan is yet to be submitted for Berwick Bank and we do not believe that sufficient compensation is available, given the magnitude of predicted impacts on vulnerable seabird populations. We note that Scottish Ministers own scientific advisors, raised concerns around the effectiveness of measures being suggested as compensation for Berwick Bank.

We have serious concerns that in considering the in-combination effects for this proposal, the scenario presented in this application has assumed that there would be full and effective compensation for Berwick Bank Offshore Windfarm. We do not believe that there is any evidence that this level of compensation is available.

Proposed Compensation under the Habitat Regulations

If the competent authority concludes that there would be adverse impacts on the integrity of one or more European Site, then further tests need to be applied. In the event of there being no alternative solutions and the IROPI (Imperative Reasons of Overriding Pubic Interest) test being satisfied, the competent authority must secure the necessary compensation to ensure that the overall coherence of the UK Site Network is protected. European sites are amongst the most important sites for wildlife and as such it is right that maintaining them in favourable conservation status and protecting them from development carries a considerable weight in decision making.

It is important to highlight that any compensation proposed must be *additional* to the existing requirements set out in the Habitats Directive and the Birds Directive (Regulations 9 and 10, Habitats Regulations). These existing commitments require the Competent Authority to take such steps as it considers appropriate to secure the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds, having regard to the requirements of Article 2 of the Birds Directive. For offshore SPAs and SACs, Regulation 26, Offshore Habitats Regulations requires Competent Authorities to exercise their functions as far as possible to secure steps to avoid the disturbance of species and the deterioration of habitats or habitats of species within those sites.

RSPB Scotland notes the only proposed compensation put forward by the Applicant as part of the applications involves rat eradication on the Isle of Muck. A 'gannet measure' is also being developed but details have not been made available by the Applicant due to commercial sensitivities. However, RSPB Scotland is aware of this as the Applicant has been in contact with staff at RSPB Scotland relating to this measure. We have confirmed

directly with the Applicant that we do not consider this as an appropriate compensation measure for Gannet.

Commentary on, and analysis of, these proposed compensation measures is attached to this letter as an appendix (Appendix 2). In broad terms, we consider that the developer should utilise the strategic approach to compensation through the Marine Recovery Fund when this becomes available. However, if project-based measures are pursued, such as rat eradication, then a greater level of detail is required to demonstrate its efficacy and quantitative suitability as compensation under the Habitat Regulation test. To give an example where further clarification is required, the Applicant appears to rely on the UK Rodent Eradication Best Practice Toolkit from 2017, and it is unclear if the recent restrictions on the use of SGARs in open areas, not directly connected to a building, have been taken into consideration.

RSPB Scotland has very limited capacity to engage in project level compensation measures given the number of projects asking similar questions and seeking similar solutions at the same places. The Applicant must clarify and ensure that the proposed compensation measures are as effective ecologically, financially and legally, and are as close as possible to the affected sea bird colonies, thus ensuring the coherence the UK's Site Network.

Summary

RSPB Scotland **objects** to the application for the proposed development of Morven South Offshore windfarm. There is a lack of consistency between the designated sites assessed for Morven South and those assessed for Morven North and we cannot see the justification for this. A re-assessment needs to take place so that there is not a situation where impacts are being underplayed because a larger scheme has been divided into two assessment processes. We have significant concerns that the Applicant's assessment underestimates the number of SPA sites that would be affected but the proposal in combination with other North Sea wind farms and Berwick Bank Offshore Windfarm in particular. One of the key reasons for this is the Applicant's assumption that the predicted impacts on a number of seabird SPAs from Berwick Bank Offshore Windfarm are, or will be, compensated for. We do not believe that the scale of the losses from Berwick Bank can be compensated for, and this is situation is further compounded by in combination effects with other North Sea projects. We strongly disagree with an approach that assumes that they can be compensated for when no evidence has been presented that this is the case.

Should you require any further information or clarification, please do not hesitate to get in contact.

Yours sincerely

[Redacted]

Andrew Tait
Senior Conservation Planner, RSPB Scotland

Appendix 1 Ornithological assessment
Appendix 2 Commentary on compensation measures

Appendix 1
Morven South Offshore Windfarm Application
Detailed Response by the Royal Society for the Protection of Birds

1. Legislative and policy background

Introduction

1.1 This appendix sets out the steps for the habitat regulations with the legal steps that must be taken, together with the wider legal context and the policy landscape for offshore wind development. This is followed by a summary of the most relevant seabird colonies and their current status.

The Habitats Regulations

1.2 The Habitats Regulations seek to conserve particular habitats and species across the UK. The overall aim of these Regulations is to ensure the long-term survival of viable populations of the UK's most valuable and threatened species and habitats, throughout their natural range and to maintain and promote biodiversity.

1.3 These Directives have been transposed into UK legislation and, relevant to this application are:

1.3.1 The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) ("the 1994 Regulations") - applies on land in Scotland, and in Scottish inshore waters (the area of sea adjacent to Scotland from 0 to 12 nautical miles);

1.3.2 The Conservation of Habitats and Species Regulations 2017 - applies to specific reserved and devolved activities on land in Scotland, and in Scottish inshore waters, including for consents under sections 36 and 37 of the Electricity Act 1989; and

1.3.3 The Conservation of Offshore Marine Habitats and Species Regulations 2017 - applies to all UK offshore waters (the area of sea beyond 12 nautical miles).

1.4 The above legislation is referred to as "the Habitats Regulations" in this submission.

1.5 In Scotland, 162 Special Protection Areas (SPAs) have been classified. These have been specifically identified and protected due to supporting one or more rare, threatened, or vulnerable bird species as listed in Annex I of the Birds Directive or regularly occurring migratory species.

1.6 Although the UK has withdrawn from the EU, the aims and objectives (as set out in the Habitats and Birds Directives recitals/preambles) remains relevant and important as discussed below. SPAs are protected in Scotland and the rest of the UK, and the standard of protection and requirements has not changed.

1.7 There have however been some changes to terminology and process due to Brexit. Of relevance to this submission is that the EU-wide network of SPAs and SACs known as "Natura 2000" is now referred to as the "UK's National Site Network" and references in the Habitats Regulations to the "coherence of Natura 2000" must now be read as references to the coherence of the UK's National site network.

1.8 Using *the Conservation of Habitats and Species Regulations 2017* (since all Habitats Regulations have identical requirements), the Regulations set out the sequence of steps to be taken by the competent authority (here the Scottish Ministers) when considering authorisation for a project that may have an impact on a European site and its species before deciding to authorise that project. These are as follows:

- Step 1: consider whether the plan or project is directly connected with or necessary to the management of the SPA and its species (regulation 63(1)). If not –
- Step 2: consider, on a precautionary basis, whether the plan or project is likely to have a significant effect on the SPA and its species, either alone or in combination with other plans or projects (the Likely Significance Test) (regulation 63(1)).
- Step 3: if there is a likelihood of significant effect, make an appropriate assessment of the implications for the SPA and its species in view of its conservation objectives. There is no requirement or ability at this stage to consider extraneous (non-conservation e.g. economics, renewable targets, public safety etc) matters in the appropriate assessment (regulation 63(1)).
- Step 4: consider whether it can be ascertained that the project will not, alone or in combination with other plans or projects, adversely affect the integrity of the SPA and its species, having regard to the manner in which it is proposed to be carried out, and any conditions or restrictions subject to which that authorisation might be given (the Integrity Test) (regulation 63(6)).
- Step 5: In light of the conclusions of the assessment, the competent authority shall agree to the project only after having ascertained that it will not adversely affect the integrity of the SPA, alone or in combination with other plans or projects (regulation 63(5)).
- Step 6: only if the competent authority is satisfied that, there being no alternative solutions <u>and</u> the plan or project must be carried out for imperative reasons of overriding public interest (IROPI) which, subject to regulation 64(2), may be of a social or economic nature, they may agree to the plan or project notwithstanding a negative assessment of the implications for the European site (regulation 64(1)).
- Step 7: in the event of there being no alternative solutions and the IROPI test being satisfied, the Scottish Ministers must secure that any necessary compensatory measures are taken to ensure that the overall coherence of the UK's National Site Network is protected (regulation 68).

It is vital that the precautionary approach required by the Habitats Regulations is taken. This means if scientific data is incomplete or hard to get and it is not possible to complete a full evaluation of all possible or potential risks an activity/development may cause, account should be taken of all possible harm. Potential harm should not be dismissed due to the lack of scientific data. Importantly, the precautionary principle requires the Applicant to demonstrate with scientific certainty that something would not be harmful. The concept of something being overly precautionary dismisses the inherent uncertainty in modelling and overlooks the simplistic version of reality that the modelling captures.

1.9 It is important to add that the compensatory requirements identified above, in relation to both inshore area and the offshore marine area, are *additional* and any competent authority must exercise its functions so as to secure compliance with the under-pinning requirements of the

Habitats Directive and the Birds Directive namely, to take such steps as it considers appropriate to secure the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds, having regard to the requirements of Article 2 of the Birds Directive.[7] And for offshore SPAs regulation 26, Offshore Regulations requires competent authorities to exercise their functions, as far as possible, to secure steps to avoid the disturbance of species and the deterioration of habitats or habitats of species within those sites.

Appropriate assessment

1.10 Under case law, '*any plan or project not directly connected with or necessary to the management of the site is to be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects*' (see *Waddenzee*[1]).

1.11 Following that appropriate assessment, a project may only be granted consent if the competent authority is convinced that it will not have an adverse effect on the integrity of the European site(s) and their species of concern, having applied the precautionary principle and taken account of the conservation objectives for those sites and their habitats and species. *Waddenzee* confirms that where doubt remains as to the absence of adverse effects on the integrity of the site, approval should be refused, subject to the considerations of alternative solutions, imperative reasons of overriding public interest and the provision of compensatory measures as set out in regulations 64 & 68.

1.12 An appropriate assessment requires all aspects of the project which could affect the site, its species and its conservation objectives to be identified in the light of the best scientific knowledge in the field. The competent authority,

> *"taking account of the conclusions of the appropriate assessment of the implications…for the site concerned, in the light of the conservation objectives, are to authorise such activity only if they have made certain that it will not adversely affect the integrity of the site. That is the case where no reasonable scientific doubt remains as to the absence of such effects".*

1.13 Integrity of the SPA should be considered as the coherence of the site's ecological structure and function, across its whole area, or the habitats, complex of habitats and/or populations of species for which the site is classified. A site can be described as having a high degree of integrity where the inherent potential for meeting site conservation objectives is realised, the capacity for self-repair and self-renewal under dynamic conditions is maintained, and a minimum of external management support is required. When looking at the 'integrity of the site', it is therefore important to take into account a range of factors, including the possibility of effects manifesting themselves in the short, medium and long-term.

1.14 As is clear from the requirements of the Habitats and Offshore Regulations, the assessment of integrity is to be considered by reference to the impact of the project alone and in-combination with other plans and projects, taking account of the site(s) conservation objectives. As clearly set out in *Waddenzee*, para 61:

> *"**61** In view of the foregoing, the answer to the fourth question must be that, under Article 6(3) of the Habitats Directive, **an appropriate assessment of the implications for the***

[1] CJEU Case-127/02; [2004] ECR-7405 at [45]

site concerned of the plan or project implies that, prior to its approval, all the aspects of the plan or project which can, by themselves or in combination with other plans or projects, affect the site's conservation objectives must be identified in the light of the best scientific knowledge in the field. *The competent national authorities, taking account of the appropriate assessment of the implications of mechanical cockle fishing for the site concerned in the light of the site's conservation objectives, are to authorise such an activity only if they have made certain that it will not adversely affect the integrity of that site.* ***That is the case where no reasonable scientific doubt remains as to the absence of such effects****."* (emphasis added)

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

1.15 These EIA requirements state that consent cannot be granted for Environmental Impact Assessment (EIA) development unless the decision-maker has taken into account environmental information including an environmental statement which describes the significant effects, including cumulative effects, of the development on the environment. This will include effects on all wild bird species whether SPA species or not.

1.16 Offshore wind farms have the potential to impact on birds through collision with rotating blades, direct habitat loss, disturbance from construction activities, displacement during the operational phase (resulting in loss of foraging/roosting area) and impact on bird flight lines (i.e. barrier effect) and associated increased energy use by birds for commuting flights between roosting and foraging areas. These additional potential impacts must be taken into account.

The UK Marine Strategy Regulations and Good Environmental Status

1.17 Also of relevance to achieving sustainable development in our seas is the Marine Strategy Framework Directive[2]. This was developed in response to concerns that although existing legislation protected the sea from some specific impacts, it was sectoral and fragmented. To overcome this, the directive seeks to reduce impacts on marine waters regardless of where impacts occur by applying an ecosystem approach.

1.18 Applying an ecosystem approach is important. Our natural environment is complicated, and the outcome of an impact may manifest elsewhere. It also feeds into the concept of sustainable development and the vision for clean, healthy, safe, productive, and diverse seas; managed to meet the long-term needs of nature and people as set out Scotland's National Marine Plan.

1.19 The Marine Strategy Framework Directive was transposed into UK law by the Marine Strategy Regulations 2010. It requires the UK to put in place the necessary management measures to achieve 'Good Environmental Status' (GES) in UK seas by 2020. This involves protecting the marine environment, preventing its deterioration, and restoring it where practical alongside using marine resources sustainably. As with the Habitats Regulations, although the UK has withdrawn from the EU, the legislative requirement for GES remains in place.

1.20 Governments of the UK have collectively failed to meet 11 out of the 15 indicators of Good Environmental Status (GES) for our seas with the marine bird indicator moving away from target. For breeding seabirds, more species, especially surface feeders who depend on small fish at the surface (35% in the Greater North Sea), are now experiencing frequent, widespread breeding failures. The reduced availability of small fish is largely responsible for these declines and impacts on breeding success.

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[2] EU Council Directive 2008/56/EC

Policy position

1.21 In accordance with the requirements of the Marine (Scotland) Act 2010 when considering an application and making a recommendation to Ministers, MD-LOT must consider the extent to which the proposed activity accords with any marine plan for an area and the impact that it would have on the environment, human health, and other legitimate users of the sea as well as other matters considered relevant.

1.22 Scotland's National Marine Plan1 (NMP) (adopted 2015) sets out the strategic policies for sustainable development in both the Scotland inshore region (0 to 12 nautical miles) and within the Scottish Offshore region (12 to 200 nautical miles).

1.23 A core aim of marine planning, as set out by the NMP, is to manage human impact on the marine environment. The plan therefore seeks to put the marine environment at the heart of the planning process and adopt the principles of sustainable development. The environmental, social, and economic policies of the plan are intended to be complementary with one another as elements of sustainability.

1.24 Through policy GEN 9 (Natural Heritage), the NMP requires that development and use of the marine environment complies with legal requirements for protected areas and protected species, not result in significant impact on the national status of priority marine features and protect, and where appropriate, enhances the health of the marine area. It also encourages a strategic approach to mitigation of potential and cumulative impacts, stating these forms an integral part of marine planning and decision making.

1.25 Renewables specific policies within the NMP direct commercial scale development to the plan options areas (as identified in the Sectoral Marine Plan) and require applications to demonstrate compliance with the Environmental Impact Assessment (EIA) and Habitat Regulations Appraisal (HRA) legislative requirements.

1.26 Since the adoption of the NMP, Scottish Government has further recognised that net zero and energy goals will have impacts on the environment, specifically marine biodiversity, as well as other users of sea. In particular, the draft Energy Strategy and Just Transition Plan (2023), recognises the potential impacts on biodiversity arising from the major expansion in offshore wind. It contains a commitment to work in a way that recognises this reality and ensures appropriate protection of the natural environment as part of a joined-up approach to tacking the climate and nature crisis.

1.27 This follows the approach of the National Planning Framework 4 which, in policy 1, clearly sets the expectation that significant weight will be given to the global climate and nature crises when considering all development proposals. Although this document is not directly applicable to marine development, it is applicable to onshore elements and RSPB Scotland believe it is a relevant consideration, albeit one with limited weight, for development offshore.

Section summary

1.28 Taken together, there is a clear legal and policy requirement to protect the marine environment and deliver sustainable development. The UK Marine Strategy is clear in its aims of improving the state of the marine environment through taking a large scale, holistic approach. Therefore, proposals which further impact the ability of the UK to achieve GES should be considered carefully. The ability of an application to comply with the vital requirements of the Habitats Regulations which seek the long-term survival of viable populations of Europe's most

valuable and threatened species and habitats, must also be scrutinised and considered in the greatest detail.

2. Ornithological interest of the Application site

2.1 The UK is of outstanding international importance for its breeding seabirds and wintering marine birds. As with all Annex I and regularly migratory species, the UK has a particular responsibility under the Birds Directive to secure their conservation.

2.2 Seabirds are relatively long-lived, and as a result, their populations are sensitive to small increases in adult mortality. Their survival and productivity rates can be impacted by offshore windfarms directly (i.e. collision) and indirectly (e.g. displacement from foraging areas, additional energy expenditure, potential impacts on forage fish and wider ecosystem impacts such as changes in stratification).

2.3 The probability of seabirds being impacted by an application relates to whether they are likely to be in the area of the development, and their behaviour in the vicinity of the development. This will depend on a number of factors, including the application's proximity to seabird colonies, the species within those colonies, the species behaviours (including their foraging range, food preferences and flight behaviour), the attraction of the application array itself as a foraging area, and the attraction of areas beyond the application array for foraging (which would require birds to transition through the development array or detour around it).

Species of interest

2.4 The **key species of** interest **in relation to the application are** Black-legged Kittiwake (*Rissa tridactyla*), Northern Gannet (*Morus bassanus*), Common Guillemot (*Uria aalge*), Atlantic Puffin (*Fratercula artica*)

2.5 A summary of their population status within the Britain, Isle of Man and Channel Islands is provided in Table 1 below.

Species	**% World Population**	**UK Colony Trends 1986 to 2021**
Black-legged Kittiwake	5.3	Declining
Northern Gannet	59.1	Mostly increasing but a few declining colonies *(N.B. Gannets were badly impacted by HPAI in 2021-22)*
Guillemot	6.2	Some colonies increasing but many declining
Atlantic Puffin	3.3-3.9	Declining
Razorbill	12-24	Some colonies increasing but many declining

Table 1: Proportion of the world population of seabird species relevant to the Bellrock Offshore Windfarm. Population taken from Seabirds Count, 2023[14]

Northern Gannet

2.6 Northern Gannet are endemic to the North Atlantic although the majority breed in Britain and Ireland. They tend to breed on offshore islands and stacks. Gannets are typically long-lived seabirds, living to an average age of 17 years and not breeding until the age of 5 years. During the

breeding season, adults will take it in turn to incubate the single egg for approximately 42-46 days with the chick fledging unaccompanied by its parents after approximately 90 days. Some colonies, such as that on the Bass Rock in the Firth of Forth – the largest Gannetry in the world - are particularly large and conspicuous. Gannet can catch fish at depths of 20 metres but also feed from the surface on small shoaling fish such as sandeel.

2.7 During the breeding season Gannets are central-place foragers meaning they are constrained to return to the nest after foraging to maintain territories and raise their young. Foraging trip durations are dependent on colony size with birds from larger colonies making longer foraging trips (both in distance and duration).

2.8 Gannet were particularly badly impacted by Highly Pathogenic Avian Influenza (HPAI) during the 2022 breeding season with large numbers of deaths reported. On the Bass Rock a catastrophic breeding failure was reported which is likely to vastly impact their future population numbers and the robustness of those populations to additional mortality.

2.9 They are amber listed in the Birds of Conservation Concern.

2.10 Northern Gannet have been assessed as having a high vulnerability to collisions with rotating turbine blades (Furness *et al.,* 2013, Wade *et al.,* 2016), partly due to their flight altitude and manoeuvrability. Breeding Gannets tracked with GPS from Helgoland in the eastern North Sea travelled around and through operational wind farms.

2.11 There is a need to assess the possible impacts to Gannets throughout the year as behavioural constraints change; starting when they arrive back at the colony for the breeding season until they leave on migration, and then throughout the winter. During autumn and winter potential interaction with turbines will not be limited to birds from the closest breeding colony but birds from across the breeding range as they disperse and travel south.

2.12 There is consistent evidence of wind farm avoidance by non-breeding Gannets and Gannets on migration. But little is known about the behavioural responses of breeding Gannets to offshore turbines resulting from a lack of operational turbines within foraging range of breeding colonies.

Black-legged Kittiwake

2.13 Black-legged Kittiwake are members of the gull family. They tend to nest on vertical rocky-sea cliffs and during the breeding season feed on energy rich pelagic shoaling fish, such as sandeel, sprat and juvenile herring. Kittiwakes are surface feeders and are highly dependent on sandeels in the breeding season, as such they are particularly vulnerable to food shortage. During the breeding season Kittiwakes are central-place foragers meaning they are constrained to return to the nest after foraging to maintain territories and raise their young. When not in attendance at the nest or away on a foraging trip, Kittiwakes use the sea below the cliffs for maintenance behaviours such as loafing (spending time on the water to preen or rest, not related to feeding), preening and bathing. During the breeding season the highest densities of Kittiwakes at sea are within 1km of the colony.

2.14 Kittiwake are red listed in the Birds of Conservation Concern and on the OSPAR list of threatened and/or declining species and have been assessed by the IUCN as vulnerable to global extinction. They are particularly susceptible to collision risk but are also vulnerable to distributional changes as a result of the presence of turbines.

Common Guillemot

2.15 Common Guillemot are members of the auk family along with Puffin and Razorbill. They typically form highly dense colonies and lay a single egg (without a nest) on a cliff, narrow ledges, or other inaccessible areas. They tend to eat fish and crustaceans. Guillemots are typically long-lived seabirds, living to an average age of 23 years and not breeding until the age of 5 years. Breeding success is highest where birds are most tightly packed. Adults will incubate the egg for 28-37 days, fledging then taking place when the chick is ~3 weeks old. The chick will then complete its growth at sea accompanied by its male parent.

2.16 The response of Guillemots to offshore wind farms is mixed although there is a paucity of data for breeding birds. Non-breeding birds have been shown to avoid offshore wind farms, as have breeding birds in the southern North Sea, whereas in the Irish Sea, Guillemots have shown no changes in abundance post construction and at another site, increased in abundance. More recent work has suggested that there may be some habituation over time to the presence of wind farms.

2.17 While details are still emerging, the 2024 breeding season for Guillemot appears to be extremely poor, with large number of nest sites vacant, birds present but not laying eggs and high degree of breeding asynchronicity. The causes of this are likely to be multifactorial, and may include HPAI, high water temperatures and resultant poor body conditions. The long term, population scale consequences are unclear, but may be severe. As a result, an extremely high level of precaution should be applied in considering the impacts arising from any offshore development on this species.

2.18 They are amber listed in the Birds of Conservation Concern.

Puffin

2.19 Puffin are one of the most iconic seabird species around Scotland with their brightly coloured beaks during the breeding season. They tend to nest in burrows and so are susceptible to mammalian predators. There is some evidence their diet changes seasonally but during the breeding season, they typically feed on shoaling fish such as sandeel, sprat and herring which they catch by underwater pursuit.

2.20 They are vulnerable to displacement which can lead to a loss of feeding grounds and excess energy expenditure as they take less direct routes to reach alternative prey sources.

2.21 Puffin are red listed in the Birds of Conservation Concern and have been assessed by the IUCN as vulnerable to global extinction.

Razorbill

2.22 Razorbill tend to nest hidden from view on small ledges or in cracks on boulder-fields. They are typically long-lived seabirds, living to an average age of 13 years and nobreeding until the age of 4 years. During the breeding season, adults will incubate the single egg for approximately 32 days with the chick fledging after approximately 21 days. The chick will then complete its growth at sea accompanied by its male parent.

2.23 Razorbill are amber listed in the Birds of Conservation Concern

Proximity of seabird colonies

2.22 The application array location is close to several SPAs with qualifying features within foraging range of the application array area. This includes the East Caithness Cliffs SPA, North Caithness Cliffs SPA, Outer Firth of Forth and St Andrews Bay Complex SPA, the Forth Islands SPA, Fowlsheugh SPA and St Abb's Head to Fast Castle SPA.

2.23 As SPAs, these sites are subject to general duties to protect, conserve and restore the designated features of the site to meet their conservation objectives, to prevent deterioration of the site's habitats and to prevent significant disturbance to the sites. If an application might impact a qualifying feature, as set out in Chapter 1, assessment in accordance with the Habitats Regulations is required.

Detailed response

3.1 This section set outs RSPB Scotland's response to the ornithological assessment and predicted impacts upon relevant SPAs.

3.2 RSPB Scotland has reviewed the in-combination ornithological assessment presented in the Morven South RIAA. The applicant's own assessment concludes that an adverse effect on site integrity (AEoSI) cannot be ruled out for qualifying features at four Special Protection Areas (SPAs): Forth Islands; Outer Firth of Forth and St Andrew's Bay Complex; St Abb's Head to Fast Castle; and Troup, Pennan and Lion's Heads. Guillemot is the driving feature at Forth Islands and at Troup, Pennan and Lion's Heads, with razorbill and kittiwake at St Abb's Head to Fast Castle. An AEoSI is also concluded for the breeding seabird assemblage feature at each of these sites. The conclusion reached for the Outer Firth of Forth and St Andrew's Bay Complex is derived from features at other sites rather than assessed independently.

3.3 RSPB Scotland does not accept that this list captures the full extent of the in-combination effects of the development. Applying the NatureScot guidance scenarios consistently across all 23 species-SPA combinations taken to PVA, the RIAA's own outputs predict substantial reductions in projected 35-year population size at 18 of them, and RSPB Scotland reaches the conclusion that there are eight rather than four SPAs at which AEoSI cannot be ruled out. We cannot rule out AEoSI for kittiwake at Buchan Ness to Collieston Coast, East Caithness Cliffs, Flamborough and Filey Coast, Fowlsheugh, St Abb's Head to Fast Castle, and Troup, Pennan and Lion's Heads SPAs; for guillemot at Buchan Ness to Collieston Coast, Forth Islands, Fowlsheugh, St Abb's Head to Fast Castle, and Troup, Pennan and Lion's Heads SPAs; for razorbill at East Caithness Cliffs, Flamborough and Filey Coast, Forth Islands, Fowlsheugh, and St Abb's Head to Fast Castle SPAs; and for puffin and gannet at Forth Islands SPA. Twelve of these combinations are of concern under both the lower and upper guidance scenarios, including all five guillemot populations, and so are not an artefact of overly precautionary modelling assumptions.

3.4 It is unclear how the applicant does not reach an AEoSI conclusion for several SPAs that the PVA modelling indicates will have worse outcomes due to the development. Guillemot at St Abb's Head to Fast Castle SPA returns the poorest outputs of any of the five guillemot populations assessed. Yet, despite a worse outcome under both scenarios than either of the two for which an AEoSI is concluded, no AEoSI is declared. The same pattern arises for razorbill at Forth Islands SPA.

3.5 RSPB Scotland is also unable to reconcile the scope of this assessment with that undertaken for Morven North. Seven species and SPA combinations modelled for Morven North are absent here: kittiwake at Farne Islands, Forth Islands and North Caithness Cliffs SPAs; gannet at Flamborough and Filey Coast, Noss and St Kilda SPAs; and razorbill at Troup, Pennan and Lion's Heads SPA. Of these, the exclusion of features at the Forth Islands, Farne Islands and Flamborough and Filey Coast SPAs is of particular concern. Each has clear connectivity to Morven South and each has been assessed by the same applicant for the neighbouring application, and we can see no basis on which they warrant assessment for Morven North but not for Morven South. The application's own figures indicate that the mortality threshold is reached at all three, yet the population modelling this should have triggered is not presented.

3.6 RSPB Scotland is further concerned that the absence of impact has not been demonstrated at all species and SPA combinations, given that the development has been brought forward as two applications with the threshold applied to each separately. Where Morven South and Morven North each fall below the threshold, but their combined contribution does not, the combination is screened out of both and assessed in neither. To understand the full range of impacts, we ask the applicant to set out the contribution of Morven South and of Morven North side by side, so that it is clear where the two together exceed the 0.2 birds per annum threshold.

3.7 These predicted declines are of particular concern given the compounding pressures already facing these populations, including the ongoing impacts of Highly Pathogenic Avian Influenza, the effects of climate change on prey availability and breeding success, the reduced availability of sandeel, and the unfavourable conservation status of many of the affected SPA features. A population already under pressure from these stressors has substantially reduced resilience to absorb additional mortality. This is most acute for kittiwake at St Abb's Head to Fast Castle SPA, where the projected population after 35 years is 50.4% to 58.0% of what it would have been in the absence of development, a loss of between 42% and 50%. For the populations identified above, RSPB Scotland considers that the scale of predicted in-combination impact places the long-term integrity of the SPA features at serious risk, irrespective of the individual contribution of any single development.

3.8 We also note an apparent inconsistency between Table 2.4 and Table 3.1, where the applicant attributes the same mortality figure to the upper (Tables 3.1 to 3.5) and lower (Table 2.4) scenario. This affects four of the six project-alone guillemot PVAs and makes it difficult for us to comment on the applicant's assessment of project-alone impacts.

3.9 Until a revised assessment is provided covering the excluded combinations, RSPB Scotland is unable to reach a conclusion on those populations.

Table 1. Summary of Population Viability Analysis results for Special Protection Areas and species features identified during scoping. Median Counterfactual of Growth Rate (CGR) and Median Counterfactual of Population Size (CPS) estimated using NatureScot Upper Impact Scenario in combination with other plans and projects, including Berwick Bank over the 35-year operational lifetime of the project.

SPA	Species	CGR	CPS	Table
Buchan Ness to Collieston Coast	**Kittiwake**	**0.9937**	**0.8016**	**3.15**
	Guillemot	**0.9830**	**0.5489**	**3.16**
Coquet Island	Puffin	0.9984	0.9445	3.17
East Caithness Cliffs	**Kittiwake**	**0.9907**	**0.7213**	**3.18**
	Razorbill	**0.9933**	**0.7899**	**3.19**
Farne Islands	Puffin	0.9976	0.9194	3.20
Flamborough and Filey Coast	**Kittiwake**	**0.9938**	**0.7980**	**3.21**
	Razorbill	**0.9923**	**0.7624**	**3.22**
Forth Islands	**Guillemot**	**0.9821**	**0.5318**	**3.23**
	Razorbill	**0.9869**	**0.6297**	**3.24**
	Puffin	**0.9933**	**0.7917**	**3.25**
	Gannet	**0.9947**	**0.8306**	**3.26**
Foula	Puffin	0.9965	0.8836	3.27
Fowlsheugh	**Kittiwake**	**0.9925**	**0.7686**	**3.28**
	Guillemot	**0.9824**	**0.5375**	**3.29**
	Razorbill	**0.9892**	**0.6854**	**3.30**
Hermaness, Saxa Vord and Valla Field	Puffin	0.9990	0.9644	3.31
	Gannet	0.9981	0.9354	3.32
St Abb's Head to Fast Castle	**Kittiwake**	**0.9806**	**0.5043**	**3.33**
	Guillemot	**0.9811**	**0.5129**	**3.34**

	Razorbill	**0.9879**	**0.6536**	**3.35**
Troup, Pennan and Lion's Heads	**Kittiwake**	**0.9935**	**0.7943**	**3.36**
	Guillemot	**0.9851**	**0.5922**	**3.37**

Table 2. Summary of Population Viability Analysis results for Special Protection Areas and species features identified during scoping. Median Counterfactual of Growth Rate (CGR) and Median Counterfactual of Population Size (CPS) estimated using NatureScot Lower Impact Scenario in combination with other plans and projects, including Berwick Bank over the 35-year operational lifetime of the project.

SPA	Species	CGR	CPS	Table
Buchan Ness to Collieston Coast	**Kittiwake**	**0.9954**	**0.8516**	**3.15**
	Guillemot	**0.9920**	**0.7539**	**3.16**
Coquet Island	Puffin	0.9993	0.9760	3.17
East Caithness Cliffs	**Kittiwake**	**0.9934**	**0.7936**	**3.18**
	Razorbill	0.9970	0.8992	3.19
Farne Islands	Puffin	0.9991	0.9672	3.20
Flamborough and Filey Coast	**Kittiwake**	**0.9956**	**0.8539**	**3.21**
	Razorbill	0.9962	0.8737	3.22
Forth Islands	**Guillemot**	**0.9918**	**0.7498**	**3.23**
	Razorbill	**0.9932**	**0.7886**	**3.24**
	Puffin	0.9968	0.8932	3.25
	Gannet	0.9966	0.8864	3.26
Foula	Puffin	0.9988	0.9585	3.27
Fowlsheugh	**Kittiwake**	**0.9946**	**0.8259**	**3.28**
	Guillemot	**0.9914**	**0.7382**	**3.29**
	Razorbill	**0.9941**	**0.8137**	**3.30**
Hermaness, Saxa Vord and Valla Field	Puffin	0.9996	0.9883	3.31
	Gannet	0.9990	0.9673[1]	3.32
St Abb's Head to Fast Castle	**Kittiwake**	**0.9846**	**0.5801**	**3.33**
	Guillemot	**0.9910**	**0.7276**	**3.34**

	Razorbill	**0.9938**	**0.8017**	**3.35**
Troup, Pennan and Lion's Heads	**Kittiwake**	**0.9952**	**0.8435**	**3.36**
	Guillemot	**0.9930**	**0.7821**	**3.37**

1. This value differs from that presented in RIAA Part 3 Table 5.168 (CPS 0.963)

Summary of significant impacts – in combination with other offshore wind farms

3.10 RSPB Scotland has independently reviewed the population viability analysis (PVA) results for the 23 species and SPA combinations that the applicant took to PVA-level assessment. These are summarised in the paragraphs below and in Tables 1 and 2, using the NatureScot upper and lower mortality scenarios only, and are presented in-combination including the mortality contribution of Berwick Bank Offshore Wind Farm throughout, consistent with the position set out above.

3.11 The presentation of these combinations should not be taken as agreement that species and sites not listed here are free from significant impact. It reflects only that the applicant has not carried out a PVA for those combinations, so no conclusion can be reached from the assessment as submitted.

4. Species SPA Assessment

Black-legged Kittiwake

4.1 Buchan Ness to Collieston Coast SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change and collision mortality associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of kittiwake at the Buchan Ness to Collieston Coast SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9937 and 0.9954. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 80.16% and 85.16% of what it would have been in the absence of the development.

4.2 East Caithness Cliffs SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change and collision mortality associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of kittiwake at the East Caithness Cliffs SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9907 and 0.9934. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 72.13% and 79.36% of what it would have been in the absence of the development.

4.3 Flamborough and Filey Coast SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change and collision mortality associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to

result in the annual population growth rate of kittiwake at the Flamborough and Filey Coast SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9938 and 0.9956. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 79.80% and 85.39% of what it would have been in the absence of the development.

4.4 Fowlsheugh SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change and collision mortality associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of kittiwake at the Fowlsheugh SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9925 and 0.9946. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 76.86% and 82.59% of what it would have been in the absence of the development.

4.5 St Abb's Head to Fast Castle SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change and collision mortality associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of kittiwake at the St Abb's Head to Fast Castle SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9806 and 0.9846. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 50.43% and 58.01% of what it would have been in the absence of the development.

4.6 Troup, Pennan and Lion's Heads SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change and collision mortality associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of kittiwake at the Troup, Pennan and Lion's Heads SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9935 and 0.9952. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 79.43% and 84.35% of what it would have been in the absence of the development.

Guillemot

4.7 Buchan Ness to Collieston Coast SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of guillemot at the Buchan Ness to Collieston Coast SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9830 and 0.9920. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 54.89% and 75.39% of what it would have been in the absence of the development.

4.8 Forth Islands SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of guillemot at the Forth Islands SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9821 and 0.9918. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 53.18% and 74.98% of what it would have been in the absence of the development.

4.9 Fowlsheugh SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of guillemot at the Fowlsheugh SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9824 and 0.9914. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 53.75% and 73.82% of what it would have been in the absence of the development.

4.10 St Abb's Head to Fast Castle SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of guillemot at the St Abb's Head to Fast Castle SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9811 and 0.9910. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 51.29% and 72.76% of what it would have been in the absence of the development.

4.11 Troup, Pennan and Lion's Heads SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of guillemot at the Troup, Pennan and Lion's Heads SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9851 and 0.9930. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 59.22% and 78.21% of what it would have been in the absence of the development.

Razorbill

4.12 East Caithness Cliffs SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of razorbill at the East Caithness Cliffs SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9933 and 0.9970. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA

feature is expected to be between 78.99% and 89.92% of what it would have been in the absence of the development.

4.13 Flamborough and Filey Coast SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of razorbill at the Flamborough and Filey Coast SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9923 and 0.9962. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 76.24% and 87.37% of what it would have been in the absence of the development.

4.14 Forth Islands SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of razorbill at the Forth Islands SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9869 and 0.9932. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 62.97% and 78.86% of what it would have been in the absence of the development.

4.15 Fowlsheugh SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of razorbill at the Fowlsheugh SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9892 and 0.9941. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 68.54% and 81.37% of what it would have been in the absence of the development.

4.16 St Abb's Head to Fast Castle SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of razorbill at the St Abb's Head to Fast Castle SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9879 and 0.9938. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 65.36% and 80.17% of what it would have been in the absence of the development.

Atlantic Puffin

4.17 Coquet Island SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in

combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of puffin at the Coquet Island SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9984 and 0.9993. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 94.45% and 97.60% of what it would have been in the absence of the development.

4.18 Farne Islands SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of puffin at the Farne Islands SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9976 and 0.9991. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 91.94% and 96.72% of what it would have been in the absence of the development.

4.19 Forth Islands SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of puffin at the Forth Islands SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9933 and 0.9968. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 79.17% and 89.32% of what it would have been in the absence of the development.

4.20 Foula SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of puffin at the Foula SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9965 and 0.9988. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 88.36% and 95.85% of what it would have been in the absence of the development.

4.21 Hermaness, Saxa Vord and Valla Field SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of puffin at the Hermaness, Saxa Vord and Valla Field SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9990 and 0.9996. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 96.44% and 98.83% of what it would have been in the absence of the development.

Gannet

4.22 Forth Islands SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change and collision mortality associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of gannet at the Forth Islands SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9947 and 0.9966. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 83.06% and 88.64% of what it would have been in the absence of the development.

4.23 Hermaness, Saxa Vord and Valla Field SPA Within the range of likely mortalities derived using the methods advocated by NatureScot, Marine Directorate and RSPB Scotland during scoping, the impacts arising from distributional change and collision mortality associated with Morven South Offshore Wind Farm in combination with other wind farms including Berwick Bank are predicted to result in the annual population growth rate of gannet at the Hermaness, Saxa Vord and Valla Field SPA declining with a ratio of impacted to unimpacted population growth rate of between 0.9981 and 0.9990. This means that after the 35-year lifetime of Morven South Offshore Wind Farm, the population size of the SPA feature is expected to be between 93.54% and 96.73% of what it would have been in the absence of the development.

Appendix 2
RSPB Scotland commentary on the Applicant's proposed compensation measures for Morven South Offshore Wind Farm

1. RSPB Scotland approach to evaluating compensation measures

Introduction

1.1. According to the Ornithology Compensation Plan, the Applicant has identified the following short-listed measures for compensation:

1.2. Invasive mammal control (rat eradication Isle of Muck)

1.3. Gannet project-level compensation (at this point confidential)

1.4. It is vital that details and evidence are provided to enable confidence ecologically, financially and legally, in the compensation proposals and such information must be available for review by all Interested Parties. This appendix sets out the EC's guidance and RSPB's general approach to assessing compensation proposals and the level of detail we consider is required in order to evaluate compensation proposals as part of the Application's determination. We will then apply that guidance to the measures proposed by the Applicant and draw out some general comments. We have set it out under the following headings:

- RSPB Scotland's approach to assessing compensation proposals;
- Comments on measures proposed by the Applicant:
  - Lack of specific proposals and locations for compensation measures
  - Scale of compensation
  - Lead-in times for compensation
  - Lifetime of compensation in relation to damage
  - Environmental assessment of the proposed compensation measures.

2. RSPB Scotland's approach to assessing compensation proposals

2.1 Set out below are the key criteria and requirements from the EC guidance[1] on compensatory measures, along with additional commentary based on RSPB Scotland's experience of the principles that should be applied when assessing compensatory measures.

[1] EC (2018) Managing Natura 2000 sites – The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (21/11/18) C(2018) 7621 final

EC criteria	EC guidance summary (emphasis added)	RSPB Scotland additional commentary
Targeted	Measures should be the **most appropriate to the impact predicted** and **focused on objectives and targets addressing the Natura 2000 elements affected**. Must **refer to structural and functional aspects of site integrity and habitats/species affected**. **Must consist of ecological measures**: payments to individuals/funds are not appropriate.	Clear objectives and success criteria must be established for the compensation measures. Must address the ecological functions and processes required by impacted species/habitat. Requires shared understanding and agreement on what the impacts are i.e. need to agree nature, magnitude including that they will continue for as long as the project's impacts. This includes the time likely to be required for the SPAs to recover from those impacts in the case of proposals that are in place for a specified time period. This is in order to define objectives for compensation measures and to set out the success criteria to determine whether those objectives have been/are being achieved.
Effective	**Based on best scientific knowledge available alongside specific investigations for the location where the measures will be implemented**. Must be **feasible and operational in reinstating the conditions needed to ensure the overall coherence** of the Natura 2000 network. **Measures where no reasonable guarantee of success should not be considered**. The likely success of the compensation scheme should influence final approval of the plan or project in line with the prevention principle. The **most effective option, with the greatest chance of success, must be chosen**. **Detailed monitoring required** to ensure long-term effectiveness with remediation provisions if shown to be less effective.	Scientific evaluation of proposed measures must be carried out before consent is granted to avoid agreeing to measures that is/are not effective or technically feasible. This should include appropriate baseline survey and assessment. Compensation must address the impacted SPAs features to ensure overall coherence of the network for that feature is maintained. Substitution is not acceptable. Must be clearly defined timescales for delivery and measuring success (See success criteria under Targeted above). Monitoring must directly relate to the target species and the relevant ecological functions and processes. The compensation measures should be provided in perpetuity in line with obligations to ensure the overall coherence of the UK Site Network is maintained. Where it is not possible to devise compensatory measures to offset the adverse effects on site integrity, the project should not proceed.
Technical feasibility	**Design must follow scientific criteria and evaluation** in line with best scientific knowledge and take into account the specific requirements of the ecological features to be reinstated.	See **Effective** above.
Extent	Extent required **directly related to**:	Based on an assessment of the necessary ecological requirements to restore species' populations and the related habitat structure and functions identified in the compensation objectives. Determining the minimum

EC criteria	EC guidance summary (emphasis added)	RSPB Scotland additional commentary
	- the **quantitative and qualitative aspects inherent to the elements of integrity likely to be impaired** - **estimated effectiveness of the measure(s)** Therefore, ratios best set on a case-by-case basis. Ratios should generally be well above 1:1. Ratios of 1:1 or below only considered when shown measures will be fully effective in reinstating structure and functionality in a short period of time.	appropriate quantity will require an understanding of the quality of the compensation measures and how effective they will be in reinstating the required structures and functions. Any identified uncertainty in success should be factored in to increased ratios. Ratios need to be used where they make ecological sense and will help secure a successful outcome by providing more of something. Simply multiplying capacity to address uncertainty risks giving a false level of confidence. If there is no reasonable guarantee of success that measure should not be considered (see **Effective** under EC criteria).
Location	**Located in areas where they will be most effective** in maintaining overall coherence of the Natura 2000 network. Pre-conditions to be met include: - **must be within same range/ migration route/wintering areas for bird species** and **provide functions comparable those justifying selection of original site esp. geographical distribution**; - **must have/be able to develop the ecological structure and functions required by the relevant species** (or habitat) - **must not jeopardise integrity of any other Natura 2000 site**. Spatial search hierarchy starting as close as possible to the impacted Natura 2000 site and working out from there.	While the preference is for compensation measures as geographically close to the location of the damage, it is important to consider whether or not the compensation measures will be subject to pressures impacting their efficacy in that location e.g. prey availability, disturbance, and/or other impacts from the same or similar developments such as collision risk or displacement due to offshore wind farms. Therefore, compensation measures should be located so as to maximise proximity while minimising external pressures that may reduce likelihood of success. Compensation measures proposed to benefit SPA features must not result in damage to the integrity of any other SPA, SAC or Ramsar site and their features.
Timing	Case by case approach but **must provide continuity in the ecological processes essential to maintain the structure and functions that contribute to the Natura 2000 network coherence**. Requires **tight co-ordination between implementation of the plan or project and the compensation measures**. Factors to consider include: - **no irreversible damage to the site before compensation in place**	Compensation measures should be fully functional before any damage occurs to ensure the overall coherence of the UK Site Network is protected. This requires careful alignment of the timelines for implementing the plan or project and the compensation measures. Suggested time lags in delivering fully functional compensation will need to be carefully considered and can only be accepted where this will not compromise the continuity of essential ecological processes, Any effect of delay should be factored into the design and additional compensation measures provided (see also **Extent** above).

EC criteria	EC guidance summary (emphasis added)	RSPB Scotland additional commentary
	- **compensation operational at the time damage occurs**. If not possible, over-compensation required - **time lags only admissible if will not compromise objective of "no net loss" to coherence of Natura 2000 network**; - May be possible to scale down in time depending on whether the negative effects are expected to arise in short, medium or long term. **All technical, legal or financial provisions must be completed before plan or project implementation starts** to prevent unforeseen delays that compromise effective compensation measures.	
Long-term implementation	**Legal and financial security required for long-term implementation** and **for protection, monitoring and maintenance of sites to be secured before impacts occur.**	Legal rights to secure and implement the compensation measures must be in place prior to consent being granted. And robust financial guarantees are required to fund implementation, monitoring and any necessary remediation measures.

Table 1: Criteria for designing compensatory measures

3. Commentary on measures proposed

3.1 RSPB scotland note that a derogation is sought based on the inability of the RIAA to rule out likely significant effects upon the following SPA sites and the species:

Forth Islands SPA

1.5. Guillemot seabird assemblage (with regards to guillemot).

St Abb's Head to Fast Castle SPA:

1.6. Kittiwake, razorbill and seabird assemblage (with regards to kittiwake and razorbill).

Troup, Pennan and Lion's Heads SPA:

1.7. Guillemot and seabird assemblage (with regards to guillemot).

Outer Firth of Forth and St Andrew's Bay Complex SPA:

1.8. Kittiwake, Guillemot and breeding seabird assemblage (with regards to Kittiwake and Guillemot).

3.2 However, we have concerns around additional SPA's that in our view would be subject to AEoSI. These are highlighted in our letter and in Appendix 1.

3.3 Project-level compensation is proposed regarding the above species, except for Gannet, by means of a rat eradication project on the Isle of Muck. Whilst we welcome the fact that in this case some actual survey work, discussions with landowners and the local community have already taken place as

an initial step, we have additional concerns in relation to the location of the proposed invasive mammal control, its technical feasibility, its timing and the long-term implementation.

3.4 Ideally, it is preferable for compensation measures to be as geographically close to the location of the damage as possible. In this case, the proposed compensation site is a long way away, on the west coast of Scotland, and provides little benefit to those species that are directly affected by the project within the same range/migration route/wintering areas.

3.5 The Compensation Plan refers to 'UK Rodent Eradication Best Practice Toolkit (Thomas et al., 2017)'. However, since the publication of that document, the rules relating to the use of Second-Generation Anti-Coagulant Rodenticides (SGARs) in open areas not directly connected to a building have been tightened and it is unclear if the Applicant has taken those changes into consideration. We therefore consider that the Applicant needs to provide more detail to show how the work will be carried out and to establish the feasibility of the proposed compensation plan before it can be considered further.

3.6 To comply with extant guidance, the result of compensatory measures must normally be operational at the time at which the damage occurs on the SPAs. Whilst island eradication of predators (in this case rats) is a relatively tried and tested method of reducing the number of seabird casualties when at the nest site, it is a lengthy and uncertain process and, again, without further detail it is hard to see how the compensation measure will be implemented in a timely way to comply with guidance.

3.7 We understand that a 'gannet measure' is in the process of being developed but, as it stands, details are unavailable due to commercial sensitivities. However, RSPB Scotland has been approached about this measure, and we have confirmed to the developer that we do not consider it an appropriate means of compensation for Gannet.

3.8 Without further detail from the Applicant, it is not possible to provide substantive comment on the proposed project-level compensation. At some point in the future strategic compensation may provide a practical alternative but until then the onus is on the Applicant to satisfy both legislative and policy requirements by explaining how their compensation plan will satisfy the requirement to maintain the overall coherence of the national site network. RSPB Scotland would be grateful to see the additional detail from the Applicant and their workings in due course and the opportunity to provide further comment at that point.