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Dr Alexander Quayle  
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12 Alva Street  
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United Kingdom

19 April 2024

Dear Dr Quayle,

## **MARINE AND COASTAL ACCESS ACT 2009**

### **THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007**

#### **DECISION NOTICE – MARINE LICENCE TO CONSTRUCT, ALTER OR IMPROVE ANY WORKS IN THE UK MARINE LICENSING AREA FOR GREEN VOLT OFFSHORE WIND FARM OFFSHORE TRANSMISSION INFRASTRUCTURE, APPROXIMATELY 80 KILOMETRES OFF THE ABERDEENSHIRE COAST**

##### **1. Application and description of the Works**

- 1.1 On 20 January 2023, Green Volt Offshore Windfarm Ltd (Applicant Number SC698787) having its registered office at 12 Alva Street, Edinburgh, EH2 4QG, United Kingdom (“the Applicant”), submitted to the Scottish Ministers application (“the Application”) under Part 4 of the Marine and Coastal Access Act 2009 (“the 2009 Act”) for a marine licence (“the Buzzard Marine Licence”) to construct the offshore transmission works to the Buzzard platform (“the Works”) associated with the proposed Green Volt Offshore Wind Farm (“the Project”).
- 1.2 The Application was accompanied by an Environmental Impact Assessment (“EIA”) report (“EIA Report”) in accordance with The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2007 (“the 2007 MW Regulations”) and a Habitats Regulations Appraisal (“HRA”) in the form of a Report to Inform the Appropriate Assessment (“RIAA”) as required under the Conservation (Natural Habitats, & c.) Regulations 1994 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (collectively referred to as “the Habitats Regulations”). An Addendum of Additional Information to include impacts on ornithology, including population viability analysis (“PVA”), collision risk modelling (“CRM”), displacement and

apportioning, alongside a without prejudice HRA derogation case for the project was submitted by the Applicant on 20 October 2023.

- 1.3 The Scottish Ministers carried out two consultation exercises:
1. A consultation on the Application (“the Original Consultation”); and
  2. A consultation on the Addendum of Additional Information (“the Additional Information Consultation”).
- 1.4 In addition to the Application, the Applicant has also applied for a marine licence under the Marine (Scotland) Act 2010 and the 2009 Act in respect of construction and operation of the offshore transmission Works to landfall (“the OfTW Marine Licence”) and under the 2009 Act in respect of construction and operation of the offshore energy generating station (“the OWF Marine Licence”) associated with the Works. The Applicant has also applied for consent under section 36 of the Electricity Act 1989 (as amended) (“s.36 Consent”) to construct and operate an offshore generating station and associated transmission infrastructure. Separate decision notices will be issued in respect of these applications.
- 1.5 The Works comprise of an offshore transmission infrastructure to Buzzard including:
1. No more than two subsea offshore export cables to Buzzard, each cable measuring no more than 30 km in length;
  2. Associated scour and cable protection up to maximum volumes specified below for stone/rocks/gravel and concrete bags/mattresses;
- and, except to the extent modified by the foregoing, all as described in the Application and by the conditions imposed by the Licensing Authority.
- 1.6 The location and boundary of the Works are shown in **Figure 1 of Annex 1**.

**This decision notice contains the Scottish Ministers’ decision to grant regulatory approval for the Works detailed above, in accordance with regulation 23 and 24 of the 2007 MW Regulations.**

## 2. Summary of environmental information

- 2.1 The environmental information provided was an EIA Report<sup>1</sup> which assessed impacts on a range of receptors, as well as information to inform the HRA Report<sup>2</sup>.

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<sup>1</sup> <https://marine.gov.scot/data/offshore-environmental-impact-assessment-report-information-support-eia-application-green-volt>  
<https://marine.gov.scot/data/offshore-environmental-impact-assessment-report-volume-1-technical-chapters-green-volt-offshore>  
<https://marine.gov.scot/data/offshore-environmental-impact-assessment-report-volume-2-technical-appendices-green-volt>

<sup>2</sup> <https://marine.gov.scot/data/offshore-environmental-impact-assessment-report-report-inform-appropriate-assessment-green-volt>

- 2.2 On 15 November 2021, the Applicant submitted a scoping report<sup>3</sup> and a request for a scoping opinion in respect of the Works to the Scottish Ministers. Following consultation with statutory and other consultees, a scoping opinion<sup>4</sup> was issued by Scottish Ministers on 19 April 2022, advising on the scope of the impacts to be addressed and the methods of assessment to be used within the EIA Report. The EIA Report assessed the impact pathways identified in the scoping opinion and was prepared in accordance with the terms of the 2007 MW Regulations.
- 2.3 A summary of the environmental information provided in the EIA Report is given below.
- 2.4 Marine Geology, Oceanography and Physical Processes
- 2.4.1 The EIA Report considered the potential effects on marine geology, oceanography and physical processes during the construction, operation and maintenance, and decommissioning phases of the Works.
- 2.4.2 The impacts scoped in to the EIA Report to be assessed during the construction phase were identified as:
- damage to the seabed structure and form;
  - increase in suspended sediment concentration and deposition;
  - disturbance of seabed sediments, effects on wave, tidal and sediment regime; and,
  - changes to the water column.
- 2.4.3 The EIA Report concluded negligible adverse effects, not significant in EIA terms.
- 2.4.4 Negligible adverse effects from rock deposits or concrete mattresses on the seabed and wave and tidal sediment regime were identified during the operation and maintenance phase. Disturbance of seabed sediments due to catenary action of mooring lines on the wind farm site and due to scour around the foundations was also assessed to be of negligible adverse effect. No changes to the water column were identified during the operation and maintenance phase.
- 2.4.5 No significant adverse effects were identified during the decommissioning phase of the Works in relation to damage to the seabed structure and form or increased suspended sediment concentration or disturbance of seabed sediments during cable removal.
- 2.4.6 The EIA Report concluded that no cumulative or transboundary impacts in relation to marine geology, oceanography or physical processes were identified.

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<sup>3</sup> <https://marine.gov.scot/data/scoping-request-green-volt-floating-offshore-wind-farm-east-aberdeenshire-coast>

<sup>4</sup> <https://marine.gov.scot/data/scoping-opinion-green-volt-offshore-wind-farm-east-aberdeenshire-coast>

## 2.5 Marine Sediment and Water Quality

### 2.5.1 Potential impacts during the construction phase of the Works were identified in the EIA Report as:

- an increase in suspended sediment concentration due to installation of turbine substructures, inter-array cables, Offshore Substation Platform (“OSP”) foundations and landfall export cable installation,
- increased suspended solid concentrations due to works at the landfall site,
- the re-suspension of sediment-bound contaminants causing deterioration in water quality both offshore and along with export cable corridor

2.5.2 The EIA Report concluded that the overall effects from installation of WTG foundations, inter-array cables, OSP foundations and the export cable to landfall were of minor adverse significance. Deterioration of water quality due to sediment bound contaminants offshore and along the export cable corridor were assessed as being of negligible significance

2.5.3 The EIA Report identified an increase in suspended sediment concentrations due to moorings lines and erosion/scour and cable repairs and burial during the operation and maintenance phase of the Works and concluded that the impacts were of minor significance. Alteration of water column mixing associated from physical presence of wind farm structures and changes to surface wind speeds was also assessed as being of negligible adverse significance.

2.5.4 Potential impacts during the decommissioning phase of the Works were identified in the EIA Report as similar to those during the construction phase and concluded that the increase in suspended sediments was of minor adverse significance, and the effect of deterioration in water quality was of negligible significance.

2.5.5 The EIA Report concluded that no cumulative or transboundary impacts in relation to marine sediment and water quality were identified.

## 2.6 Benthic Ecology

2.6.1 Potential impacts during the construction and decommissioning phases of the Works were identified as physical disturbance and temporary habitat loss of seabed habitat; increase in suspended sediments and sediment re-deposition; potential re-mobilisation of contaminated sediment during intrusive works; potential impacts on the Southern Trench Nature Conservation Marine Protected Area (“ncMPA”); and potential introduction of Marine Invasive Non Native Species (“MINNS”).

2.6.2 Potential impacts during the operation and maintenance phase of the Works were identified as permanent habitat loss and introduction of hard substrate; impacts of scour on benthic communities arising from the mooring chains and anchors; Electro Magnetic Field (“EMF”); and potential introduction of MINNS.

- 2.6.3 The Applicant committed to embedded mitigation measures including not situating infrastructure on pockmarks, micro-siting cable routes to avoid impacts on Priority Marine Features and sensitive habitats or species or those of conservation importance, and the burial of cables where possible.
- 2.6.4 The EIA Report concluded that the impacts across all phases of the Works are of minor significance.
- 2.6.5 The EIA Report also concluded that potential cumulative impacts would not be significant.
- 2.7 Fish and Shellfish Ecology
- 2.7.1 The EIA Report considered several types of fish and shellfish that are commercially important and occur within the offshore area of the Works, and further highlighted that some of these species also play important ecological roles as key links in food webs.
- 2.7.2 The EIA Report identified that species with low mobility and close association with the seabed are potentially vulnerable to localised effects associated with the Works including physical disturbance and habitat loss; increased suspended sediments and sediment re-deposition; and re-mobilisation of contaminated sediments and sediment redistribution.
- 2.7.3 Shellfish that live on or in the seabed were further highlighted as those of particular sensitivity. The EIA Report however concluded that the effects are not significant, given the temporally and spatially limited extent of the aforementioned impacts during all phases of the Works and also taking into account the distribution of shellfish populations.
- 2.7.4 Effects on the spawning grounds of sandeel and herring, which spawn in close association with the seabed, were also assessed as not significant. This is due to the limited spatial impacts associated with the Works and the fact that construction activities will only occur for a limited time in any one location and that spawning grounds extend widely beyond the range of impact.
- 2.7.5 The EIA Report modelled worst case noise levels during all phases of the Works. Piling is only under consideration to be used for the installation of the OSP resulting in significantly less underwater noise than a fixed-foundation wind farm. Therefore, the EIA Report determined that effects from noise were not significant for the fish and shellfish species assessed.
- 2.7.6 The EIA Report highlighted that EMF around export cables during operation has the potential to cause behavioural impacts on electrosensitive species. Modelling was undertaken for the EMF around the export cables during operation and taking into account the mitigation effect of burying cables, no significant EMF effects were predicted.
- 2.7.7 The introduction of new hard substrate through the installation of infrastructure was considered in the EIA Report with regards to the potential to cause change in biological communities in the offshore area of the Works. The EIA Report concluded that these effects are not significant due to the limited extent of hard substrate introduced.

- 2.7.8 The EIA Report concluded that the potential for the Works to affect designated sites via impacts to fish from those sites travelling through the Works are not significant. Given the limited duration and range of impacts identified for the Works, the EIA Report concluded no significant cumulative effects with the Salamander Floating Windfarm and Acorn Carbon Capture Storage Site during all phases of the Works.
- 2.8 Marine Mammal Ecology
- 2.8.1 The EIA Report assessed the effects of the Works on marine mammals, taking into account proposed mitigation to reduce effects from underwater noise, injury and disturbance during construction, operation and decommissioning activities.
- 2.8.2 The species considered in the assessment were harbour porpoise, bottlenose dolphin, white-beaked dolphin, Atlantic white-sided dolphin, Risso's dolphin, minke whale, humpback whale, grey seal and harbour seal.
- 2.8.3 The EIA Report concluded that the risk of physical injury for all species is not significant, with adequate mitigation for geophysical surveys, Unexploded Ordnance ("UXO") clearance and piling. The EIA Report also concluded that there would be no significant disturbance of marine mammal populations, including bottlenose dolphin of the Moray Firth Special Area of Conservation ("SAC") and minke whale of the Southern Trench ncMPA.
- 2.8.4 The potential effect of increased collision risk of marine mammals with vessels during the construction and operation and maintenance phases was assessed as not significant with mitigation in place, including following the Scottish Marine Wildlife Watching Code.
- 2.8.5 Impacts on marine mammals from EMF, changes of prey resources and barrier effects from physical presence of the Works were assessed as not significant.
- 2.8.6 The potential impacts during decommissioning of the Works were assessed and anticipated to be similar or less than the worst case for the construction phase and therefore assessed as not significant.
- 2.8.7 The EIA Report concluded that the overall cumulative effect for disturbance to marine mammals from underwater noise is not significant for all marine mammals, with the exception of the grey seal where there was potential for significant disturbance. However, the EIA Report explained that the scenario used for the cumulative assessment is likely to be over precautionary and a worst case estimate of the marine mammals that could be at risk of disturbance. The EIA Report considered that the contribution of the Works to cumulative underwater noise is small, and the significance of this effect would be the same with or without the Works.
- 2.8.8 The EIA Report concluded that the potential cumulative barrier effects due to underwater noise or physical presence, increased collision risk with vessels, entanglement and any change in prey resources are not significant.

- 2.8.9 For the Works alone and in-combination with other projects and activities, the EIA Report assessed the impacts as not significant. The EIA Report also concluded that there are no significant transboundary effects.
- 2.9 Offshore and Intertidal Ornithology
- 2.9.1 The EIA Report assessed the impacts on ornithology receptors during each phase of the Works. The Applicant committed to mitigation measures to reduce the impacts on ornithology receptors including the site selection distance from breeding colonies and, should the North Connect Parallel landfall option be chosen, Horizontal Directional Drilling (“HDD”) works will be undertaken outside the breeding season to avoid disturbance of cliff nesting birds in the Buchan Ness to Collieston Coast SPA.
- 2.10 Potential impacts during the construction phase of the Works were identified as temporary disturbance and displacement for the array area of gannet, guillemot, razorbill, puffin, and kittiwake; as well as temporary disturbance and displacement from offshore export cable and landfall construction activities to all ornithological receptors. Indirect effects via changes in prey habitat or availability of all ornithological receptors were also identified.
- 2.10.1 The EIA Report assessed all impacts as negligible and therefore not significant, save for temporary disturbance and displacement for the array area of guillemot, which was assessed as minor and therefore also not significant.
- 2.10.2 Additional potential impacts during the operation and maintenance phase of the Works were identified as entanglement with mooring lines, barrier effects for all ornithology receptors, as well as collision risk with the array for gannet, kittiwake, herring gull, and great black-backed gull. Combined operational displacement and collision risk was also identified for gannet and kittiwake with impacts of aviation and navigation lighting from the array area on all ornithological receptors.
- 2.10.3 The EIA Report assessed all impacts as not significant: disturbance and displacement for the array area for guillemot was classed as minor, collision risk for gannet and kittiwake as minor, and combined operational displacement and collision risk for gannet and kittiwake was classed as minor. Barrier effects and the impacts of lighting were negligible to minor, and all other impacts were concluded to be of negligible significance.
- 2.10.4 For the decommissioning phase of the Works, the EIA Report concluded that the impact temporary disturbance and displacement for the array area was assessed negligible to minor and therefore not significant. The impact of temporary disturbance and displacement of the offshore export cable corridors and cable landfall and indirect effects were assessed as negligible and not significant.
- 2.10.5 The EIA Report classed all cumulative impacts as minor and therefore not significant once proposed mitigation measures were taken into account.
- 2.10.6 The EIA Report also identified no significant transboundary effects and concluded that effects upon the populations of birds within potentially affected SPAs as not significant.

## 2.11 Commercial Fisheries

- 2.11.1 The EIA Report assessed potential effects on all fisheries due to construction activities as not significant in EIA terms. The EIA Report identified that there may be temporary reduced access to fishing grounds or temporary exclusion from discrete areas, which may also lead to the displacement of fisheries into other areas. Moreover, gear clearance may be required in certain areas for creel fisheries. The Applicant has committed to implementing mitigation measures to manage potential impacts of construction activities on all commercial fisheries, including issue of notices to mariners, bulletins and navigational warnings as well as appointing a Fisheries Liaison Officer (“FLO”) to facilitate communications.
- 2.11.2 Once the Works are operational, the worst case scenario presented in the EIA Report assumed that fishing vessels operating mobile gear will be excluded from fishing activity in the wind farm site, but that fishing may continue along the export cable corridor at the fishers’ discretion. The effect is assessed to be not significant in EIA terms due to the range of available *Nephrops* grounds and the lower importance of other demersal fisheries.
- 2.11.3 The impact of any fishing restrictions on creel and scallop dredge fisheries is assessed as negligible, as any restrictions will be limited to exclusions associated with maintenance works on the inshore sections of the landfall export cable corridor. The EIA Report noted that the scallop dredge fishery will also be excluded from any areas where external cable protection is used.
- 2.11.4 The EIA Report stated that all fisheries active in the vicinity of the offshore Works area potentially could be impacted by gear snagging. However, the Applicant has committed to a number of mitigation measures to reduce these potential impacts. Moreover, post-installation assessments will be undertaken, and the results shared with the fishing industry, to identify areas where remedial protection is required.
- 2.11.5 The EIA Report considered that impacts of decommissioning are broadly the same as the reversal of the construction process and are therefore assessed as not significant in EIA terms. Impacts for the operational phase will apply for offshore export cables only if some cable infrastructure is required to be left in situ to avoid disturbing the seabed.
- 2.11.6 No significant cumulative effects were identified in the EIA Report for commercial fisheries receptors as a result of reduction in access to, or exclusion from, established fishing grounds during the phase of Salamander Floating Wind Farm, Moray West Wind Farm, NorthConnect Interconnector and Eastern Green Link 2 transmission link projects. During the operation phase, negligible impact only was identified for the demersal whitefish and pelagic herring trawling fisheries.

## 2.12 Shipping and Navigation

- 2.12.1 The EIA Report assessed the potential impacts of the Works on shipping and navigation during each phase of the Works based on a 10 nautical miles (“nm”) buffer around the wind farm site which was informed by the Navigational Risk Assessment.



- 2.12.2 All potential impacts were assessed as broadly acceptable and not significant in EIA terms, except in relation to vessel to structure allision risk for each phase of the Works and in relation to under keel clearance of third party vessels during the operation and maintenance phase, which were assessed as tolerable with mitigation. The mitigation proposed by the Applicant included compliance with international regulations including COLREGS, the Convention of the International Regulations for Preventing Collisions at Sea and SOLAS, the International Convention for the Safety of Life at Sea, and the implementation of additional mitigation including appropriate lighting and marking, aids to navigation, as well as vessel plotting and the provision of guidance.
- 2.12.3 The cumulative impact assessment considered other current and offshore wind and carbon capture projects within 50 nm of the Works. The EIA concluded that all impacts were broadly acceptable and not significant in EIA terms except in relation to vessel to structure allision, which was assessed as tolerable with the implementation of mitigation and therefore not significant.
- 2.13 Offshore Archaeology and Cultural Heritage
- 2.13.1 The EIA Report assessed the potential impacts on archaeological and cultural heritage assets during each phase of the Works within the study area. The study area is defined as the wind farm site, the Buzzard export cable corridor, the landfall export cable corridor and the NorthConnect Parallel and St Fergus South landfalls and the intertidal zone up to MHWS.
- 2.13.2 The EIA Report highlighted the potential impacts on undiscovered heritage assets during the construction, operation and maintenance phases of the Works and concluded that with the implementation of mitigation, including adherence to a Written Scheme of Investigation (“WSI”) and Protocol for Archaeological Discoveries (“PAD”), residual effects are anticipated to be no higher than of minor adverse significance.
- 2.13.3 The EIA Report assessed the impact during the decommissioning phase based on the worst case scenario of offshore cables being left in situ along with scour and cable protection. The EIA Report concluded that there is potential for major adverse effects upon in situ heritage sites and minor adverse effects for isolated discoveries not disturbed during construction. With the implementation of a PAD, the EIA Report concluded that residual impacts will be no higher than of minor adverse significance.
- 2.13.4 Direct impacts on all known heritage assets as a result of the Works were assessed as avoidable with the implementation of a WSI.
- 2.13.5 The cumulative impact assessment outlined that unavoidable direct impacts may occur if undiscovered archaeological material is present within the footprint of any plans, projects and activities resulting in high magnitude impacts where appropriate mitigation is not implemented. The EIA concluded that where mitigation is implemented to reduce or offset direct impacts, the effect will be reduced to minor adverse significance at a project level.
- 2.14 Aviation and Radar

- 2.14.1 The EIA Report identified that the WTGs are the only source of impact on aviation and radar and that the key receptors are military and civil radar and airspace used by helicopters servicing the North Sea oil and gas platforms. The affected receptors were identified as:
- a single military air defence radar located approximately 4 km south of Peterhead;
  - two civil en-route radars located approximately 9 km southwest of Fraserburgh and 6 km north of Aberdeen respectively;
  - Aberdeen Airport; and
  - Helicopter Main Routes from Aberdeen over the North Sea.
- 2.14.2 The EIA Report identified significant impacts to military and civilian radar and Air Traffic Control radar (“ATC”) for Aberdeen airport during the operational phase of the Works. The EIA identified mitigation measures which would reduce the impacts to not significant by upgrading the current radar systems for both receptors.
- 2.14.3 The EIA Report concluded no significant impacts during construction and decommissioning as WTG blades will not be rotating and therefore will not generate radar impacts of concern. However, the Applicant committed to issuing notifications to the National Air Traffic Service and helicopter operators via Notice to Air Missions to mitigate any temporary obstruction to helicopter main routes when towing turbines.
- 2.14.4 Additionally, the Applicant committed in the EIA Report to observing guidelines from the Maritime and Coastguard Agency to mitigate Search and Rescue (“SAR”) risks when designing the wind farm site and to manage SAR risks within the Emergency Response Co-operation Plan. In addition, the EIA Report acknowledges the requirement for appropriate lighting of the WTGs.
- 2.14.5 No cumulative impacts were identified due to the closest wind farm, Hywind Scotland Pilot Park, being a small wind farm Works 55 km away from the Works.
- 2.15 Infrastructure and Other Marine Users
- 2.15.1 The EIA Report considered the potential disturbance to existing offshore wind farms, operational and decommissioning activities of oil and gas Works, marine disposal sites and existing subsea electrical cables and pipelines during each phase of the Works.
- 2.15.2 The EIA Report concluded that the Works have the potential to interfere with activities at other wind farm projects within the during the construction and operational and maintenance phases. The EIA Report concluded that through the embedded mitigation, including site management plans, notifications of planned activities, lighting and marking, marine co-ordination of all offshore wind farm activities, and ongoing consultation and cable crossing agreements, impacts will be of minor adverse significance.
- 2.15.3 The EIA Report identified that access to other to existing oil and gas infrastructure may be disrupted during the construction phase and in the event that export cable require repair during the operation and maintenance

phase. The EIA Report concluded that with embedded mitigation the effects will be of negligible to minor adverse significance. Disturbance of marine disposal sites from increased vessel traffic was also identified during the operation and maintenance phases but with the implementation of embedded mitigation measures, the resulting significance was assessed as negligible.

2.15.4 The potential impact of the operational phase of the Works on existing subsea cables and pipelines was assessed to be of medium significant however with embedded mitigation, the EIA Report concluded a resulting significance of minor adverse effects.

2.15.5 Disturbance of marine infrastructure was assessed during the decommissioning and the EIA Report concluded that the effects will be negligible to minor with no additional mitigation required.

2.15.6 The EIA Report assessed the potential cumulative impact of the Works on infrastructure and other marine users is non-significant or able to be mitigated through consultation with the relevant parties for each phase of the Works. No transboundary impacts were identified during any phase of the Works.

## 2.16 Climate Change

2.16.1 The EIA Report outlined the Green House Gas (“GHG”) assessment to predict the contribution of the offshore aspects of the Works to national and regional GHG emissions in Scotland and the UK. The GHG assessment compared the ‘net effect’ of the Works to provide a comparison of the effects should the Works not be constructed.

2.16.2 In order to determine the Works’s contribution to GHG emissions, the EIA Report considered: the amount of energy generated by the Works in its lifetime in relation to its total GHG emissions (“GHG intensity”); the net reduction in GHGs as a result of the Works; and the time it would take for electricity generated by fossil fuels to be displaced (“the GHG payback period”).

2.16.3 The Works’s GHG intensity was determined to be 15.3 grams of carbon dioxide per kilowatt hour. The GHG savings were predicted to be -38,649,717 tonnes CO<sup>2</sup> equivalent over the lifetime of the Works, in comparison to the same amount of energy being produced by natural gas. The EIA Report concluded that the GHG payback period of the Works are 1.44 years from the Works becoming fully operational.

2.16.4 The EIA Report concluded that the overall significance of the Works’s effect of GHG emissions and climate change is beneficial.

## 2.17 Socioeconomics, Tourism and Recreation

2.17.1 The EIA Report considered the potential for the Works to generate direct, indirect and induced employment to promote investment and supply chains at local, regional and national scale. The procurement strategy adopted by the Applicant aims to maximise local content. In addition, supply chain events will be held to enable local businesses to engage with the Works. The EIA Report outlined that construction work is likely to be undertaken at a port or harbour in Scotland and installation will draw on existing oil and gas expertise

in the Aberdeenshire region. The EIA Report therefore concluded that the opportunities for creation of employment and supply chain engagement will be realised as a positive impact.

2.17.2 The EIA Report concluded that there will be no significant increase in demand for local private services or goods, or interference with planned infrastructure improvements in the local area. Additionally there will be no impact on local accommodation availability as construction activities will predominantly occur in a region of Scotland with existing port facilities and workers will live aboard service vessels during operations and maintenance.

2.17.3 The EIA Report identified the potential for a significant cumulative economic benefit to occur, if the construction periods of Salamander Floating Windfarm and Acorn Carbon Capture and Storage Site overlap with the Works.

2.17.4 With regards to recreation and tourism, the EIA Report highlighted a number of coastal recreational users including surfers, yachting, scuba diving, sea angling, cliff climbing, golfing, stand-up paddleboarding, swimming, wind surfing, kayaking and snorkelling, which are largely constrained to within 12 nm. The EIA Report concluded that there would be no pathway for effects from the wind farm site, but the greatest scope of effects comes from cable laying and landfall activities during the construction phase. The EIA Report further stated that effects caused by cable laying were not significant due to the limited area affected and the temporary duration, and regardless of the final landfall location, landfall activities would not have a significant effect on coastal users as HDD will be used.

2.17.5 The EIA Report summarised that the potential for additional cumulative effects from other projects is limited and not significant.

## 2.18 Transboundary and Cumulative Impacts

2.18.1 The EIA Report presents a summary of the Transboundary Impact Assessment (“TIA”) and Cumulative Impact Assessment (“CIA”) for the offshore aspects of the Works. Each technical assessment chapter additionally provides its own CIA in relation to that receptor.

2.18.2 Transboundary Effects were defined in the EIA Report as effects upon the receiving environment of European Economic Area states, whether from the Works alone, or cumulatively with other Workss. The EIA Report assessed cumulative effects through consideration of the extent of influences of changes or effects upon receptors arising from the Works alone and cumulatively with other planned projects.

2.18.3 The EIA Report considered that marine mammals, offshore and intertidal ornithology, commercial fisheries and shipping and navigation pose the greatest potential for significant cumulative effects. However, the TIA and CIA determined that the Works would have no significant transboundary effects and no significant cumulative effects, with effects from shipping and navigation considered to be tolerable with mitigation or broadly acceptable.

## 3. Consultation

- 3.1 In accordance with the 2007 EW Regulations, on 20 January 2023, the Applicant submitted an EIA Report describing the Works and providing an analysis of its environmental effects. On 20 October 2023, the Applicant submitted an Addendum of Additional Information to provide further details on ornithology, including updated PVA, collision risk modelling, displacement and apportioning, alongside a derogation case.
- 3.2 Advertisement of the Application and the Addendum of Additional Information was made in the local and national press and on the Applicant website. The notices were placed in the public domain and the opportunity was given to those wishing to make representations.
- 3.3 The dates of the consultation exercise are given below. The regulatory requirements regarding consultation and public engagement have been met and the responses received taken into consideration. Where matters have not been fully resolved, conditions have been included to ensure appropriate action is taken.

Document	Date Received	Dates of consultation	Publication
EIA Report and Application	20 January 2023	03 February 2023 to 04 April 2023  03 February 2023 to 03 June 2023 (for local planning authorities)	Buchan Observer (14 February 2023 and 21 February 2023)  Aberdeen Press & Journal (15 February 2023 and 22 February 2023)  Edinburgh Gazette (14 February 2023 and 21 February 2023)  Daily Record (15 February 2023 and 22 February 2023)  Lloyds List (15 February 2023 and 22 February 2023)  Fishing News (16 February 2023 and 23 February 2023)  Applicant Website February 2023  Relevant documents are located under the "Section 36 and Marine Licence Applications" option at the following address:

			<p><a href="https://greenvoltoffshorewind.com">Documents - Green Volt Windfarm (greenvoltoffshorewind.com)</a></p> <p>Marine Directorate Website: <a href="#">Marine Licence - Green Volt Offshore Windfarm - Generating Station - East of Aberdeenshire Coast - 00010230   Marine Scotland Information</a></p>
Addendum of Additional Information	20 October 2023	03 November 2023 to 29 January 2024	<p>Buchan Observer (6 November 2023 and 13 November 2023)</p> <p>Aberdeen Press &amp; Journal (6 November 2023 and 13 November 2023)</p> <p>Edinburgh Gazette (6 November 2023 and 13 November 2023)</p> <p>Daily Record (6 November 2023 and 13 November 2023)</p> <p>Lloyds List (6 November 2023 and 13 November 2023)</p> <p>Fishing News (6 November 2023 and 13 November 2023)</p> <p>Applicant Website November 2023</p> <p>Relevant documents are located under the “Offshore Application additional information” option at the address linked to above.</p>

#### 4. Summary of statutory consultee consultation

4.1 Under the 2007 MW Regulations, the statutory consultees are as follows:

- NatureScot (operating name of Scottish Natural Heritage);
- Scottish Environment Protection Agency (“SEPA”); and
- Historic Environment Scotland (“HES”),

- 4.2 The planning authorities whom the Scottish Ministers considered appropriate to consult in respect of the Works are Aberdeenshire Council, Aberdeen City Council and Angus Council.
- 4.3 In addition, the Maritime and Coastguard Agency (“MCA”) and Northern Lighthouse Board (“NLB”) are statutory consultees in relation to marine licence applications under the Marine Licensing (Consultees) (Scotland) Order 2011.
- 4.4 Aberdeenshire Council
- 4.4.1 Aberdeenshire Council had no comment to make on the Additional Information Consultation.
- 4.4.2 With regards to the Original Consultation, Aberdeenshire Council noted that on the basis HDD methods are to be used to bring the cable to shore, there were no significant concerns regarding potential impacts upon ecological, ornithological or recreational assets, however this would be fully confirmed upon review of the onshore EIA Report.
- 4.4.3 From an archaeology perspective, Aberdeenshire Council had no concerns of the proposed offshore works related to the Application.
- 4.4.4 Given the distance between the Works and landfall, Aberdeenshire Council concluded it was unlikely for any adverse impact as a result of the Works to be experienced by Aberdeenshire either individually or on a cumulative basis. Aberdeenshire Council therefore had no objection to the Application.
- 4.5 Aberdeen City Council
- 4.5.1 Aberdeen City Council responded to the Original Consultation and the Additional Information consultation and was of the opinion that there were no significant impacts of concern for the council to consider.
- 4.5.2 Aberdeen City Council recommended that the impact of cable landfall and all associated onshore works were considered within the scope of the EIA associated with the project. MD-LOT notes that the onshore EIA Report was submitted to Aberdeenshire Council in August 2023 and will consider the onshore aspects of the Green Volt project.
- 4.6 Angus Council
- 4.6.1 Angus Council had no objection to the Application and confirmed it had no new or further comments to make on the Additional Information Consultation.
- 4.7 HES
- 4.7.1 HES had no objection to the Application and was content that there will not be significant impacts on its historical environment interests and made no comment on the Additional Information Consultation.
- 4.7.2 HES was content that a sufficient level of detail was provided in the Application, and was content that the proposed mitigation measures to be implemented around potential cultural heritage asset located within the

Northwestern area of the windfarm site, considered likely to be the German cargo vessel *Ernst Friesecke* which was lost in the vicinity of this position in 1972. HES was also content that the mitigation measures outlined for unknown heritage assets are appropriate and proportionate.

- 4.7.3 HES referenced its previous response to the scoping for the Works where it noted that the Works would require the preparation of a project specific WSI with a PAD.
- 4.7.4 A condition has been attached to the Buzzard Marine Licence to require that the Applicant prepares, consults on and adheres to a WSI and PAD.
- 4.8 MCA
  - 4.8.1 The MCA was content with the navigation risk assessment undertaken in accordance with guidance MGN 654 and was satisfied that appropriate vessel traffic data had been collected and that the hazard log was a reasonable and proportionate assessment of risks.
  - 4.8.2 The MCA noted that the Application included references to out-dated guidance, specifically MGN 371 and MGN 543, and advised the Applicant to refer to the most current guidance. The Applicant advised that it will comply with the appropriate guidance and requirements at the time of offshore construction commencing.
  - 4.8.3 The MCA noted that there may be additional benefit referring to more recent helicopter trials and documents written by the MCA in 2019 alongside some of the older studies carried out regarding navigation, communication, and position fixing equipment. The Applicant agreed with the MCA in a meeting of 18 May 2023 that no further action is required on this point.
  - 4.8.4 The MCA noted it was content with the cumulative impacts identified regarding commercial fisheries and shipping and navigation at this stage.
  - 4.8.5 The MCA noted the requirement for Third-Party Verification of the mooring arrangements for all floating devices before construction to provide assurance against loss of station.
  - 4.8.6 The MCA commented on embedded mitigation in regards to the cable burial risk assessment and navigation safety. The MCA stated that any damage, destruction, decay or exposure of cables must be appropriately notified to stakeholders and the Applicant should develop proposals for monitoring offshore cables and cable protection during the operational lifetime of the Works. Appropriate notifications to mariners and stakeholders should be issued at prior to the commencement of any works and post construction monitoring of vessel traffic should be undertaken for three consecutive years following completion of the project.
  - 4.8.7 The MCA requested further consultation on final turbine layout design, marking and lighting arrangements and cable protection works as well as emergence response arrangements. The MCA made a number of recommendations regarding marking and lighting of turbines and requirements for hydrographic surveys. The MCA also noted that where cable



protection is used, a maximum of 5% reduction in surrounding depth reference to Chart Datum would be acceptable.

- 4.8.8 The MCA also highlighted the potential for High Voltage Direct Current (“HVDC”) transmission infrastructure to impact on ships’ compasses from EMF field generation and the requirement for a pre-construction deviation study and the need to consult on further mitigation. The Applicant confirmed on 22 September 2023 that High Voltage Alternating Current will be used rather than HVDC.
- 4.8.9 The MCA also advised that the Applicant’s contractors and subcontractors must have the required certification for all vessel operations, and early engagement with the local Marine Office should be undertaken where necessary to ensure there are no issues concerning survey and inspections, towage, and safety requirements. Furthermore, a load line exemption for the turbine platforms will be required before any towage to the site and the Applicant must ensure any ballast water requirements are addressed.
- 4.8.10 Provided all maritime safety legislation is adhered to and the concerns raised in its response are addressed, the MCA had no objection to the Application.
- 4.8.11 Conditions have been added to the Buzzard Marine Licence to address the concerns highlighted by the MCA including the requirement to prepare, consult on and adhere to the CaP, Construction Programme (“CoP”), Construction Method Statement (“CMS”), Development Specification and Layout Plan (“DSLPL”), Navigational Safety Plan (“NSP”) and Lighting and Marking Plan (“LMP”). The relevant conditions above will also be added to the consent as required as well as conditions to ensure that all maritime and safety legislation is adhered to.
- 4.9 NatureScot
  - 4.9.1 Physical Processes
    - 4.9.1.1 NatureScot initially advised that direct physical impacts of installing cables on the seabed are capable of affecting, other than insignificantly, the moraine element of the quaternary feature of the Southern Trench ncMPA. NatureScot advised there is no potential impact on the submarine mass movement feature of the Southern Trench ncMPA.
    - 4.9.1.2 The Applicant provided an updated diagram in relation to the proposed export cable corridor route on 22 September 2023 which showed no overlap between the export cable corridor and moraines mapped in the Southern Trench ncMPA. In its updated advice of 28 November 2023, NatureScot advised that as there are no moraine elements present in the export cable corridor, it agreed with the assessment of negligible sensitivity on the seabed. However, in light of the updated diagram, NatureScot advised that the physical impacts of the cable installation are capable of affecting other than insignificantly the subglacial tunnel valley element of the quaternary feature. Further information regarding the impact of the cable installation on the Southern Trench ncMPA can be found in Annex D: Marine Protected Area Assessment.

- 4.9.1.3 NatureScot highlighted that the assessment of the effect of rock deposits or concrete mattresses on the wave, tidal and sediment regimes, in the EIA Report does not demonstrate the conclusion of negligible impact. However, as the cable route is at least 7km from the nearest designated feature sensitive to these effects, NatureScot agreed that the overall significance of the effect is negligible.
- 4.9.1.4 NatureScot noted that as the cable works at landfall will now be carried out using HDD only, any re-exposure at or near the HDD exit requiring installation of any new armour, would not have significant impacts.
- 4.9.1.5 NatureScot agreed with the EIA Report conclusion that the impact of damage to seabed structure and form during construction from pre-sweeping of bedforms within the cable corridor is of negligible sensitivity. However, NatureScot noted that the conclusion relies on the assumption that the bedforms are mobile and will re-form. NatureScot stated that if any other topic receptor depend on the bedforms, it would conclude a potentially significant magnitude of effect of the effect of pre-sweeping.
- 4.9.1.6 Advice from MD-SEDD (detailed in paragraph 7.3.2) confirmed that that displacement during pre-sweeping in this area would be similar to natural disturbance and that micro-siting of the cable route to avoid sensitive features should mitigate any impacts.
- 4.9.1.7 The requirement to prepare and adhere to a CaP. has been added to the s.36 consent and marine licences to address the concerns raised by NatureScot.

#### 4.9.2 Benthic Ecology

- 4.9.2.1 NatureScot highlighted inconsistencies between the description of surveys and the survey reports detailed in the EIA Report including the number of benthic grab samples, the lack of sampling in the inshore area and also questioned why samples from a sediment survey carried out in April 2022 are not included in the EIA Report.
- 4.9.2.2 NatureScot highlighted that gaps in sampling in the inshore portion of the cable route, reduced its ability to assess the impacts of cable laying activities in this area. However, NatureScot advised that, despite inconsistencies, the results give a good indication of the seabed in all other areas.
- 4.9.2.3 NatureScot stated that it is not clear from the EIA Report whether the *Sabellaria spinulosa* reef reported in the NorthConnect survey is also likely to be present in the Green Volt export cable corridor and whether the cable will route around this. The Applicant advised that the reef identified during the NorthConnect survey will be avoided by the export cable route and that micro-siting will be implemented as mitigation to avoid any further areas of *Sabellaria* reef.
- 4.9.2.4 NatureScot agreed with the EIA Report conclusion of minor significance for all impacts on benthic ecology for all stages of the Works. However, given the lack of knowledge of effects of EMF on most benthic species, NatureScot advised that the sensitivity of benthic features should be updated to medium, which would better reflect the current lack of knowledge but still result in a minor significance.

- 4.9.2.5 The Applicant confirmed that pre-lay surveys will be conducted to confirm baseline assumptions and micro-site around sensitive habitats. In its response of 24 January 2024, NatureScot requested that all pre-lay surveys be shared with it and MD-LOT and that any mitigation be agreed prior to construction.
- 4.9.2.6 NatureScot advised that the decommissioning should follow the current Scottish Government guidance and that further discussion and assessment will be required when the full decommissioning programme is devised.
- 4.9.2.7 NatureScot agreed that transboundary impacts are highly unlikely and was content that the 30 km zone of influence used to assess cumulative impacts is reasonable but advised that further consideration should be given to oil and gas decommissioning plans. The Applicant stated that the EIA Report outlined that oil and gas decommissioning plans were either too distant or did not overlap with the Works to present a pathway for cumulative effects. Due to the low magnitude and short-lived nature of impacts, and distance of the nearby oil and gas fields, the Applicant did not screen in oil and gas decommissioning programmes for the cumulative impact assessment.
- 4.9.2.8 NatureScot advised that a cumulative assessment of all possible impacts should be carried out, including the predicted area of scour protection and rock placement, as well as the predicted area permanently lost to WTGs and OSP foundations. The Applicant considered it was likely that the overall combined magnitude of these would be negligible relative to the wider environment as the overall area of physical disturbance would be small and localised and did not consider that there was value to be gained in undertaking a numeric assessment. NatureScot agreed with the justification provided stating that the issue regarding multiple cables coming to landfall near Peterhead is a wider strategic issue rather than an issue for the Applicant alone to address.
- 4.9.2.9 NatureScot generally agreed with the embedded mitigation proposed in the EIA Report, but advised an additional mitigation measure of micro-siting the cable route to avoid any sensitive habitats if these are detected before or during construction. Moreover, it advised a minimum cable burial depth of 1 m, as opposed to the 0.6 m proposed by the Applicant. The Applicant stated that micro-siting will be considered if sensitive habitats are present and there are feasible options for avoidance. Regarding the cable burial depth, the Applicant proposes to use armoured cables which, it states, reduce both the electric and magnetic fields and stated it will commit to a target depth of lowering of 1 m, with a minimum of 0.6 m. The requirement to prepare and adhere to a CaP. has been added to the s.36 consent and marine licences to address the concerns raised by NatureScot.
- 4.9.2.10 NatureScot agreed with the decision to scope out the Turbot Bank ncMPA from further assessment, given its distance from the Works.
- 4.9.2.11 The export cable corridor for the Works passes through the Southern Trench ncMPA, which is designated for burrowed mud, fronts, and shelf deeps (not exclusively). NatureScot emphasised that the assessment on potential impacts on the Southern Trench ncMPA was carried out using EIA assessment methodology and that the assessment did not take into account

the conservation objectives for the site or the correct tests. Nevertheless, NatureScot advised that the Works are not capable of affecting the fronts or shelf deep features of the Southern Trench ncMPA. Moreover, the Works are capable of affecting, but insignificantly, the burrowed mud feature of the ncMPA, due to the activities having localised impacts and being recoverable over time, in addition to the fact that the key area for the burrowed mud feature is the northern part of the ncMPA.

#### 4.9.3 Fish and Shellfish Ecology

4.9.3.1 NatureScot stated that the EIA Report contains a good level of detail on background information, potential impacts, the assessment process and conclusions for all stages of the Works for fish and shellfish receptors.

4.9.3.2 The EIA Report concludes that there will be minor adverse effects during cable laying on marine species including sandeel, herring eggs and cod (during spawning). NatureScot supported this conclusion. NatureScot also agreed that the impacts on *Nephrops* will not be significant from a fish ecology perspective and stated that herring spawning grounds and sandeels are unlikely to be near the immediate area of the Works and therefore not likely to be impacted.

4.9.3.3 NatureScot considers that the Works, both alone and cumulatively, is unlikely to have significant adverse effects on diadromous fish when considered from an EIA context. However, it advised that the Applicant (and other offshore wind developers) should contribute to research and other initiatives and strategies, including the Wild Salmon Strategy Implementation Plan, developed for diadromous fish interests. The Applicant welcomed research initiatives around diadromous fish and stated that it would welcome discussions on how it can support these.

4.9.3.4 On HRA aspects, sites designated for freshwater pearl mussel have been considered as part of their lifecycle is dependent on diadromous fish and there is therefore potential for them to be indirectly impacted by the Works. NatureScot notes that there is limited knowledge of distribution and behaviour of diadromous fish species in the marine environment to enable connectivity or apportionment back to natal SAC sites, therefore NatureScot stated it cannot advise on diadromous fish species through the HRA process. NatureScot drew attention to the Scottish Marine Energy Research Programm (“ScotMER”) evidence map process for diadromous fish, which confirms evidence gaps and provides a mechanism to address these gaps and uncertainties.

4.9.3.5 NatureScot noted that for the impact of increased suspended sediments and sediment re-disposition during construction, the suspended sediment load does not appear to be modelled. Based on the assumption that any increased in water column sediment loading and deposition resulting from the Works will be localised in location and short in duration, and that herring eggs are likely to be outside the Works area, NatureScot agreed with the conclusion of no significant effect.

4.9.3.6 NatureScot agreed with the approach to underwater noise modelling as presented for fish in the EIA Report.

- 4.9.3.7 NatureScot noted that the Marine Management Organisation (2014) case study used as evidence that elasmobranch species have not been affected by EMF during operation of an offshore wind farm was not based on a floating Works and therefore is not directly comparable. It also noted while that dynamic cables associated with a floating offshore wind farm could potentially affect elasmobranch species, currently there is no research on this topic and any impacts are unknown. If consent is granted for the Works, NatureScot would welcome further discussions on this point as part of potential monitoring requirements.
- 4.9.3.8 With regards to mitigation, NatureScot re-emphasised its advice that the minimum burial depth for cables should be 1 m. It was unable to offer any suggested mitigation measures regarding dynamic cables due to the current lack of research mentioned above. NatureScot supported the Applicant's commitment to implement piling soft starts and ramp up measures. As part of the Piling Strategy and CaP, NatureScot stated it would expect consideration to be given to diadromous fish interests, including final details of the export cable route and key migration periods, duration and construction methods. It also stated that the CMS for the wind farm itself should consider habitat disturbance and loss and sediment release. Finally, for the wind farm and the export cable, NatureScot stated that the consideration of reducing/monitoring EMF effects should be included as part of the CaP.
- 4.9.3.9 NatureScot recommended that eDNA sampling and monitoring should take place and the Applicant stated that it would consider if there are appropriate eDNA research programmes that it can contribute to at the time of developing the Project Environmental Monitoring Plan ("PEMP").
- 4.9.4 Marine Mammals
- 4.9.4.1 The Applicant proposes to use suction piling and drag anchors for the floating WTGs to reduce the impacts from noise during construction. NatureScot commented that this is a novel technology which introduces uncertainty on how to assess potential impacts, including EMF effects and secondary entanglement to marine mammals. In its response of 24 January 2024, NatureScot requested that the MMMP include details of how EMF from dynamic cabling will be measured by the Applicant and how the effects on species will be monitored.
- 4.9.4.2 NatureScot was content with the mitigation measures surrounding entanglement and supported regular checks of mooring lines and reporting throughout the operations and maintenance phase of the project. NatureScot requested checks be carried out at greater than annual frequency in the first year and/or alternative means to check for gear entanglement.
- 4.9.4.3 NatureScot agreed with the use of the Scottish Marine Wildlife Watching Code to minimise potential disturbance during the cable installation, however advised that this should also be followed within and beyond 3 km from the coast and recommended the use of three marine mammal observers throughout each stage of the Works.
- 4.9.4.4 Due to the potential for a large number of projects to make landfall around Peterhead, NatureScot suggested that a strategic approach across wind farm developers to coordinate and reduce geophysical survey efforts to minimise

impacts on minke whales and bottlenose dolphins. The Applicant advised that it is part of the Peterhead Developer Group that discusses how developers can collaborate on geophysical surveys in the region.

- 4.9.4.5 In terms of underwater noise, NatureScot agreed with the conclusion that construction noise is not significant and agreed with the conclusion of minor adverse effect from piling with mitigation in place. NatureScot made a number of recommendations for the Applicant to consider in relation to underwater noise when applying for European Protected Species licences and developing the MMMP. NatureScot also provided advice in relation to the risk assessment and mitigation for UXO clearance which the Applicant will consider when applying for a UXO clearance marine licence.
- 4.9.4.6 NatureScot requested clarification on a discrepancy regarding the 'moderate adverse – significant' effect of cumulative disturbance from underwater noise during piling and construction for grey seal. In its response of 24 January 2024, NatureScot confirmed that it was content with the clarification provided by the Applicant on this point.
- 4.9.4.7 NatureScot noted that the assessment of potential impacts on the minke whale protected feature of the Southern Trench ncMPA was incorrectly carried out using EIA methodology however, based on the information provided, concluded that the proposed activities are capable of disturbing the minke whale feature of the Southern Trench ncMPA, but that these effects are insignificant and no further assessment is required.
- 4.9.4.8 Regarding the bottlenose dolphin qualifying interest of the Moray Firth SAC, NatureScot stated that there is potential to disrupt bottlenose dolphin passage in their transit area around the East Coast from activities during the export cable installation in the near shore however agreed that mitigation could be included in a Cable Plan.
- 4.9.4.9 NatureScot questioned the use of the Coastal East Scotland Management Unit for bottlenose dolphin due to the distance of the array area offshore and disagreed with its use for any activities taking place in the offshore array area but should be considered for inshore cable route activities. The Applicant acknowledged comments from NatureScot and advised that this would be taken into account in the assessment for any EPS licences required. On HRA aspects, NatureScot agreed with the conclusion reached on no adverse effect on site integrity ("AEoSI") for the Moray Firth SAC.
- 4.9.4.10 NatureScot noted that the Works are unlikely to contribute significantly to the overall cumulative impact assessment.

#### 4.9.5 Ornithology

- 4.9.5.1 During the Original Consultation, NatureScot raised several concerns with the Application and assessment carried out by the Applicant.
- 4.9.5.2 With regards to PVA, NatureScot stated that not all predicted impacts for species and designated sites have been run through PVA. NatureScot disagreed with the threshold of 1% increase in the baseline mortality rate of the SPA population used by the Applicant as a trigger for use of PVA. NatureScot advises that a 0.02 percentage point change in

productivity/survival is what should trigger this. NatureScot advised that, contrary to its guidance, the Applicant did not present the output of the Counterfactual for Population Size as part of the final assessment. NatureScot also advised that the results of the PVA should be run for both 25 and 35 years to aid comparability with other Works and to reflect the proposed operational period. MD-LOT requested this be updated as part of the additional information.

- 4.9.5.3 In terms of the in-combination assessment, NatureScot stated that it was likely that, in-combination with Berwick Bank, for any of the SPAs/species where it concluded AEOI for Berwick Bank (either alone or in-combination) and where the Works are likely to cause additional impact, it would consider a conclusion of AEOI for the Works in-combination. However, NatureScot was unable to reach any definitive conclusions to provide advice on in-combination assessment due to the limitations of the assessment undertaken by the Applicant. A derogation case for the relevant SPAs/species was requested as part of the additional information.
- 4.9.5.4 On CRM, NatureScot advised the use of 14.9 metres per second as the flight speed for gannet where the Applicant used 13.33. Additionally, NatureScot raised concerns over the standard deviation calculations used for density estimates for CRM. Clarifications on this point, including citation and rationale, were requested as part of the additional information, as well as updates to reflect the advised flight speed for gannet.
- 4.9.5.5 On displacement, NatureScot stated that the conclusions reached were based on the Applicant's displacement and mortality rates, not those advised by NatureScot. The Applicant used a 1% threshold on mortality to consider impacts where NatureScot advises a 0.02% threshold. An updated displacement assessment in line with the aforementioned points was requested as part of the additional information.
- 4.9.5.6 NatureScot requested clarity on the apportioning for each SPA and non-SPA colonies and wanted confirmation of the year of the data used to ensure consistency. This was included as part of the additional information request.
- 4.9.5.7 NatureScot maintained its approach with regards to combining collision impacts with distributional response impacts for species that are susceptible to both. However, it stated that it would review its guidance on this aspect once work being undertaken by Natural England in this regard was published.
- 4.9.5.8 In terms of highly pathogenic avian influenza ("HPAI"), NatureScot stated that while a number of seabird species have been significantly affected, the full magnitude of the impacts has not yet been realised. NatureScot stated that this had implications not only for the baseline reference population but also for the context within which impacts from the Works are considered.
- 4.9.5.9 With regards to connectivity, NatureScot welcomed that the connectivity for guillemot and razorbill was updated during the breeding season based on directional data from the digital aerial surveys and tracking data. NatureScot advised that gannet is not a named assemblage feature for the Troup, Pennan and Lion's Heads SPA and therefore advised that gannet should be considered through EIA for this site. NatureScot was content with the considerations and conclusions reached for European storm petrel.

- 4.9.5.10 Regarding screening out of species with no records or low numbers, NatureScot agreed with the updated screening after completion of 24 months of digital aerial surveys. NatureScot also agreed with the conclusions reached on red-throated divers and great skua.
- 4.9.5.11 NatureScot considered that the key entanglement issue for birds is ghost fishing gear being entangled with mooring lines. Further information around this is included in the 'Marine Mammals' section above.
- 4.9.5.12 NatureScot noted that the NorthConnect Parallel landfall option makes landfall within the Buchan Ness to Collieston Coast SPA. The Applicant has committed to not undertaking work at the seaward HDD emergence during the breeding season to avoid disturbing breeding seabirds within the SPA. A condition, as requested by NatureScot, has been added to the OFTW marine licence to ensure this is secured.
- 4.9.5.13 Finally, as part of the Original Consultation response, NatureScot agreed with the conclusions reached for all non-seabird migratory species that there will be no AEOsI to any species from any SPA/Ramsar site.
- 4.9.5.14 As part of the Additional Information Consultation, NatureScot confirmed that its previous concerns had been adequately addressed by the additional information.
- 4.9.5.15 NatureScot agreed that for the Works alone, there will be no AEOsI for any SPAs and features assessed.
- 4.9.5.16 For the following features and SPAs, NatureScot concluded AEOsI in-combination with other projects:
- Buchan Ness to Collieston Coast SPA, kittiwake (both with and without Berwick Bank);
  - East Caithness Cliffs SPA, razorbill and kittiwake (both with and without Berwick Bank);
  - East Caithness Cliffs SPA, guillemot (without Berwick Bank);
  - Forth Islands SPA, gannet (both with and without Berwick Bank);
  - Fowlsheugh SPA, kittiwake (both with and without Berwick Bank);
  - Fowlsheugh SPA, guillemot (with Berwick Bank and potential AEOsI without);
  - Troup, Pennan and Lion's Head SPA, kittiwake (both with and without Berwick Bank).
- 4.9.5.17 For the following features and SPAs, NatureScot was unable to conclude no AEOsI in-combination with other projects. However, it considered that the Works's contribution to the in-combination impacts is small and as such does not make a tangible contribution to the impacts:
- Forth Islands SPA, kittiwake and puffin (both with and without Berwick Bank);
  - Fowlsheugh SPA, razorbill (both with and without Berwick Bank);
  - North Caithness Cliffs SPA, kittiwake (both with and without Berwick Bank);



- St Abbs Head to Fast Castle SPA, kittiwake (both with and without Berwick Bank);
- West Westray SPA, kittiwake (both with and without Berwick Bank).

4.9.5.18 Specifically on the standard deviation calculations requested as part of the additional information, NatureScot considered that the 'Range rule' has been used by the Applicant which is not what NatureScot expected, and it has less confidence in the variation as a result of this method. Nevertheless, NatureScot was prepared to accept its use in this instance.

4.9.5.19 With regards to the without prejudice derogation case provided as part of the additional information, NatureScot stated that there was considerable doubt on the practical implementation of any of the shortlisted compensation measures identified, with no real detail provided by the Applicant. NatureScot considered that further additional work will be required to ensure the implementation of compensation measures if they are required. Further information on this can be found in Appendix B: Appropriate Assessment and Appendix F: Derogation Case.

#### 4.9.6 Habitats

4.9.6.1 In the Report to Inform Appropriate Assessment, no likely significant effect ("LSE") was identified on the vegetated sea cliffs qualifying feature of the Buchan Ness to Collieston SAC due to the use of HDD at the landfall, no in-combination effects were identified, and the site was screened out for further assessment. NatureScot agreed with this approach.

4.9.7 Conditions have been attached to the s.36 consent to address the concerns highlighted by NatureScot including the requirement to prepare, consult on and adhere to the CaP, PEMP and PS and to submit a Detailed Seabird Compensation Plan for approval by the Scottish Ministers.

#### 4.10 Natural England

4.10.1.1 With regards to the Original Consultation, Natural England noted that its advice on ornithological modelling differs to that of NatureScot. However, while it did not agree with the methods in the impact assessment, Natural England confirmed that it does not expect the Applicant to undertake a separate assessment based on its advice. MD-LOT expects the Applicant to note the below points from Natural England but follow the advice provided by NatureScot.

4.10.1.2 Natural England confirmed that the Works would have no adverse effect on site integrity for English protected sites and species but wished to draw attention to a few differences in its approach to ornithological modelling. Natural England restricted its comments to the potential impacts at English Special Protected Areas ("SPAs"). However, Natural England noted that impacts at English SPAs need to be considered in the context of the wider network of designated sites.

4.10.1.3 Natural England advised that all adult birds should be assumed to be breeding birds within the impact assessment, rather than excluding some adult birds on the basis of them being classed as sabbatical based on assumptions about the percentage of non-breeding adults in each population.

Natural England noted that the inclusion of excluded sabbatical birds within the impact assessment would likely increase the predicted impacts for kittiwake, guillemot, razorbill, gannet, and puffin. The Applicant noted Natural England's approach for consideration of sabbatical birds, however in this instance followed the approach taken in recent applications for offshore wind farms in Scottish waters. MD-LOT agrees with the approach taken by the Applicant and confirms that no further actions are required on this point.

4.10.1.4 The Applicant apportioned birds to age classes according to stable age structure calculated from population models for many species and seasons. Natural England does not support this approach to age apportioning, and instead advised that, where possible, site-specific ageing data should be used to age-apportion birds. Natural England advised that all 'adult type' birds be apportioned as adults where such site-specific data is not available. The Applicant noted Natural England's approach for apportioning birds to age classes, however in this instance has followed NatureScot's advice and the approach taken for recent applications for offshore wind farms in Scottish waters. MD-LOT agrees with the Applicant's approach and confirms that no further actions are required on this point.

4.10.1.5 Due to the recent and possibly ongoing impacts of HPAI, Natural England noted that there is uncertainty regarding population trends of kittiwake, guillemot, razorbill, gannet and puffin. Natural England notes that these qualifying interests of protected sites have been significantly impacted by HPAI since the Works's surveys were undertaken, and that there is limited understanding of how current and future breeding seasons will be further impacted by HPAI. Natural England additionally noted that there is a need for a precautionary approach when interpreting PVA outputs in the context of predicted population trends. The Applicant noted Natural England's comments on HPAI and commented that further information on the implications for any species or designated sites is not yet available. The Applicant also noted that the digital aerial survey data for the Works were collected before the spread of HPAI in Scottish seabirds and therefore the assessments remain valid, as these compare a baseline for the Works with colony and population estimates that both pre-date the epidemic.

4.10.1.6 Provided the Works are carried out in accordance with the Application and that standard mitigation measures are followed within Joint Nature Conservation Committee ("JNCC") guidelines "Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise (2010)", Natural England confirmed that the Works will not have a significant effect on marine mammals of English SACs. Natural England also confirmed that, providing the Works are carried out in line with the Application, the Works will not have a significant effect on fish of English SACs.

4.10.1.7 Natural England had no comments to make on the Additional Information Consultation.

4.11 NLB

4.11.1 The NLB had no objection to the application. The NLB explained that as only an indicative layout and construction programme was provided in the Application, the Applicant is required to submit a LMP for approval, covering

all stages of the Works, prior to the commencement of construction works. The NLB advised that the Applicant should continue to engage with the it regarding navigational safety with particular reference to the lighting and marking requirements. The Applicant confirmed that it will continue to engage with the NLB at key project milestones.

The NLB had no comment to provide regarding the Additional Information Consultation

4.11.2 A condition attached to the Buzzard Marine Licence requires a LMP is submitted by the Applicant to the Scottish Ministers for approval prior to commencement of construction works.

4.12 SEPA

4.12.1 SEPA had no site-specific comments to make on the Application and referred to the “SEPA standing advice for the Department for Business, Energy and Strategy and Marine Scotland on marine consultations’, with the following points considered during determination.

4.12.2 SEPA’s standing advice highlighted the presence of Marine Non-Native Species (“MNNS”) as a risk for water body degradation, with the introduction of MNNS shown to occur when construction equipment is moved from one area to another. SEPA therefore advised that the Applicant propose mitigation measures to minimise the risk to MNNS throughout all stages of the Works.

4.12.3 Additionally, to prevent pollution and preserve marine ecology interests, SEPA highlighted the requirement to ensure good working practice is implemented and steps taken to prevent marine pollution or disturb sensitive species.

4.12.4 During the decommissioning of the Works, SEPA require the devices and support infrastructure be removed from the seabed where possible and deposited at an appropriate onshore location. The seabed and shoreline must be restored to the original pre-construction condition, or as close to the original condition as reasonably practical.

4.12.5 Conditions requiring the Applicant to submit a Decommissioning Programme for approval by the Scottish Ministers and to prepare, consult and adhere to an Environmental Management Plan (“EMP”), including a Marine Pollution Contingency Plan, has been attached to the Buzzard Marine Licence.

4.12.6 SEPA confirmed it therefore had no formal response to make on the Additional Information Consultation

## 5. **Summary of non-statutory consultee responses**

5.1 Aberdeen International Airport

5.1.1 Aberdeen International Airport had no comments to make on the Original Consultation and did not provide a response on the Additional Information Consultation.

5.2 British Telecommunications (“BT”)

- 5.2.1 During the Original Consultation, BT stated that the Works should not cause interference to its current and presently planned radio network. BT did not provide a response on the Additional Information Consultation.
- 5.3 Caledonia Offshore Wind Farm (“Caledonia”)
  - 5.3.1 Caledonia provided a response to the Additional Information Consultation primarily related to the onshore aspects of the Works. Aberdeenshire Council, as the planning authority, will consider onshore aspects of the Works.
  - 5.3.2 Caledonia additionally raised concerns around the submission of the offshore application ahead of the publication of the Sectoral Marine Plan and ahead of having an Option to Lease Agreement with Crown Estate Scotland.
  - 5.3.2 With regards to the without prejudice derogation case submitted as part of the Addendum of Additional Information, Caledonia stated that the current evidence on the grid connection does not support the Applicant’s claims in terms of capacity and timing of delivery of the project. The Applicant stated that the Works will initially have an export capacity of the 300MW that it has secured a grid connection for, however it will also directly power oil and gas platforms and therefore does not require the ability to export all its generating capacity to shore.
  - 5.3.3 The Scottish Ministers have considered the position on a non-statutory Sectoral Marine Plan for INTOG projects and the proposal for the Works to export electricity and have concluded that the Works can be considered in the updated Sectoral Marine Plan (incorporating INTOG projects). An update on the timescales for updated Sectoral Marine Plan has been published on the Scottish Government’s website.
- 5.4 Dee District Salmon Fishery Board (“DSFB”)
  - 5.4.1 Dee DSFB provided a response on the Original Consultation stating it would welcome further consultation should a marine licence be granted.
  - 5.4.2 Dee DSFB agreed that there is potential for the Works site to be used by adult salmon and salmon post smolts from the River Dee SAC. Dee DSFB concluded that there is potential for smolt migration pathways to be impacted by the Works as they migrate from the River Dee SAC to the Norwegian Sea.
  - 5.4.3 Dee DFSB highlighted what they termed as errors in the EIA Report in regards to presenting only the outward migration of smolts during March to June, and not accounting for inward migration of adult salmon, which could occur at any point during the year. The Applicant acknowledged the errors and clarified that the EIA Report refers to the outward migration of smolts only, whereas adult salmon may return to their natal rivers throughout the year.
  - 5.4.4 Dee DSFB raised concerns around the potential impacts of EMF from suspended cables due to the unshielded cable between the WTG and the seabed. Dee DSFB therefore did not consider that EMF impacts are of

negligible significance. The Applicant stated that suspended inter-array cables will be shielded according to best practice to minimise electric fields.

- 5.4.5 Regarding EMF effects on migratory fish, Dee DSFB stated that the mitigation referred to is only relevant to buried cables and not those suspended below the WTGs and requested that the Applicant provides further information on this point or develops mitigation to ensure that no impact to migration is possible from the Works due to EMFs. Additionally, Dee DSFB stated that while it is correct that salmon will use olfactory cues during the latter stages of migration, due to the location of the Works 75 km offshore, it is unlikely that these cues alone will be the primary navigational aid, as suggested in the EIA Report. The Applicant clarified that the statement refers to the final inshore stages of adult salmon migration where olfactory cues are considered to be of great importance in identification and location of natal river systems.
- 5.4.6 DSFB requested that the Applicant contributes to monitoring which could address evidence gaps identified in the ScotMER evidence map in relation to diadromous fish.
- 5.4.7 The Applicant provided further clarification on the literature around EMF effects on salmon and how this relates to EMF produced by the Works and stated that it proposes to use Alternating Current (“AC”) in its inter-array cables and export cable to landfall, which will not meaningfully add to or subtract from the Earth’s natural Direct Current magnetic field and therefore will not affect migration behaviour that relies on this. The Applicant added that there is currently no evidence to suggest that AC magnetic fields have potential to affect migratory salmon behaviour therefore the magnitude of impact was assessed as negligible rather than no effect to reflect the limited literature available on this .
- 5.4.8 A condition requiring the Applicant to prepare, consult on and adhere to a PEMP, to include the impacts of EMF on diadromous fish species, has been included on the s.36 consent and marine licences to address the concerns raised by the Dee DSFB.
- 5.5 Hywind Offshore Wind Farm (“Hywind”)
- 5.5.1 Hywind provided a response on the Original Consultation only.
- 5.5.2 Hywind considered that it and the Works can co-exist and that it does not have an in-principle objection to the Application.
- 5.5.3 Hywind highlighted the potential cable crossing and close proximity of the southern alternative offshore export cable route to Hywind. Hywind requested engagement from the Applicant with regards to potential crossings and construction works and any potential overlap in survey and construction activities.
- 5.5.4 If the Hywind export cables are to be crossed by the Works, Hywind has requested that a crossing agreement be put in place.
- 5.6 Joint Nature Conservation Committee (“JNCC”)

- 5.6.1 During the Original Consultation, JNCC corresponded with NatureScot and any feedback it had is included in the NatureScot response.
- 5.6.2 JNCC did not provide comments on the Additional Information Consultation.
- 5.7 Ministry of Defence (“MOD”)
  - 5.7.1 The MOD objected to the Works on the basis that it would have a significant and detrimental impact on the effective operation and capability of the air defence radar deployed at Remote Radar Head (“RRH”) Buchan. The MOD also raised concerns around the potential for the Works to create a physical obstruction to air traffic movements and noted that the Works falls within Low Flying Area 14 in which aircrafts may conduct low level flight training.
  - 5.7.2 The MOD noted that until a suitable mitigation scheme has been submitted, assessed, and accepted, it objects to the Works. In the event that a suitable mitigation scheme to maintain aviation safety is accepted, the MOD requested that conditions be added to the consent that require installation of aviation safety lighting, and that sufficient data is submitted to ensure that structures can be accurately charted.
  - 5.7.3 The MOD responded to the Additional Information Consultation and confirmed that it continues to maintain its objection and that it is considering a mitigation proposal from the Applicant to address the impact on the air defence radar at RRH Buchan.
  - 5.7.4 The MOD highlighted that export cable corridors for the Works cross highly surveyed routes and requested it be consulted on final export cable routes and be notified when these works are concluded.
  - 5.7.5 On 14 February 2024 the MOD provided a letter to MD-LOT confirming that it had accepted the Applicant’s technical proposal to mitigate the effects of the Works and would be prepared to withdraw its objection subject to appropriate conditions for Ministry of Defence surveillance operations and aviation safety being added to the consent.
  - 5.7.6 Conditions have been added to the Buzzard Marine Licence requiring that the Applicant prepare, consult and submit for approval to the Scottish Ministers an Air Defence Radar Mitigation Scheme (as agreed with the MOD), a LMP and a DSLP.
- 5.8 National Air Traffic Services (“NATS”)
  - 5.8.1 NATS responded to the Original Consultation confirming that it objected to the proposal on the grounds that the Works are likely to generate false primary plots and also a reduction in the probability of Alanshill and Perwinnes RADAR to detect real aircraft. NATS also advised that the Works are likely to have considerable adverse impacts on air traffic control at both Prestwick and Aberdeen. However, NATS stated that no impact is anticipated on NATS’ navigational aids and radio communications infrastructure.
  - 5.8.2 NATS did not provide a response to the Additional Information Consultation however confirmed by email to MD-LOT on 9 February 2024 that while it had not yet identified suitable mitigation and maintained its objection to the Works,

it would be supportive of the Primary Radar Mitigation Scheme condition to be added to the associated consent and that this would be sufficient to protect its operation.

5.8.3 A condition requiring the Applicant to prepare and submit a Primary Radar Mitigation Scheme (“PRMS”) for approval by the Scottish Ministers has been added to the Buzzard Marine Licence to address the concerns raised by NATS.

5.9 Network Rail

5.9.1 Network Rail responded to the Original Consultation directly to the Applicant and confirmed that it had no concerns regarding impacts on railway infrastructure from the Works. Network Rail did not provide a response to the Additional Information Consultation.

5.10 NorthConnect

5.10.1 During the Original Consultation, NorthConnect stated that it had no objections to the Application. NorthConnect recognised that one of the proposed export cable route options runs parallel to the NorthConnect cable corridor, however, it did not see any conflict arising as long as the Applicant continue to communicate and work in a constructive manner with NorthConnect.

5.11 North Sea Transition Authority (“NSTA”)

5.11.1 NSTA noted that the Application crosses over with areas offered in the 33<sup>rd</sup> Offshore Oil and Gas Licensing Round, the results of which were announced on 30 October 2023.

5.11.2 NSTA noted that if the oil and gas licences were to cross over with the Works, then clauses would be attached to its petroleum licences to have due regard for other sea users. NSTA confirmed that there was no action on the Applicant regarding this at this time, but raised awareness of the potential for future seismic survey activity and highlighted the need for the Applicant to maintain engagement with petroleum licensees should licence crossovers occur in future.

5.12 Ofcom

5.12.1 Ofcom had no comments to make on the Application.

5.13 Peterhead Local Fishermen’s Organisation

5.13.1 During the Original Consultation, the Peterhead Local Fishermen’s Organisation stated that there are at least four surveys taking place at the same time in Peterhead. The Applicant confirmed it is aware of the planned surveys and will continue to collaborate through the Peterhead Developers Group to reduce impacts on fishermen.

5.14 Royal Society for the Protection of Birds Scotland (“RSPB Scotland”)

- 5.14.1 RSPB Scotland provided a response to both the Original Consultation and the Additional Information Consultation and objects to the Works.
- 5.14.2 During the Original Consultation, RSPB Scotland raised several concerns with the methodology presented in the EIA Report. These included inadequate consideration of the potential impacts on European storm-petrels, missing PVA outputs and misuse of PVA output metrics and a lack of inclusion of Berwick Bank OWF in the cumulative assessment. RSPB Scotland concluded that the predicted mortality impacts are so severe that there would be an AEOSI for the kittiwake population of the Buchan Ness to Collieston Coast SPA, the kittiwake and guillemot populations of the East Caithness Cliffs SPA and the kittiwake population of the Troup, Pennan and Lion's Heads SPA. RSPB Scotland raised several concerns with the Applicant's methodology and therefore was unable to reach a conclusion on the significance of impacts in-combination with other projects for the following sites and species:
- Buchan Ness to Collieston Coast SPA, guillemot;
  - Troup, Pennan and Lion's Heads SPA, guillemot and gannet;
  - North Caithness Cliffs SPA, guillemot;
  - Forth Islands SPA, gannet;
  - Hermaness, Saxa Vord and Valla Field SPA, gannet;
  - Mousa SPA, European storm petrel; and
  - Sule Skerry and Sule Stack SPA, European storm petrel.
- 5.14.3 RSPB Scotland also highlighted the recent outbreak of HPAI and the need to consider the impact of this in any assessments undertaken.
- 5.14.4 During the Additional Information Consultation, RSPB Scotland stated that it disagreed with the Applicant's position that variable natural mortality makes additional mortality associated with the Works acceptable. RSPB Scotland stated that seabirds are relatively long-lived, take longer to reach breeding age than most other birds and have just one or two young per year so seabird populations are sensitive to small increases in adult mortality.
- 5.14.5 RSPB Scotland acknowledged that the additional information presented by the Applicant provided a more comprehensive picture than the original application, with improved structuring that aided review. However, RSPB Scotland found issues with the labelling of tables in the PVA section which do not make clear whether collision has been included. It also acknowledged that it had been unable to fully interrogate model methods, inputs, and outputs so assumed the models have been carried out using the correct parameters and that the word 'collision' has been omitted from the PVA results table descriptions.
- 5.14.6 RSPB Scotland considered that in isolation the Works does not pose unacceptable impacts to seabirds. However, it raised concerns regarding the impacts in combination with other Works, particularly with regards to puffin, kittiwake, gannet, and guillemot. Due to the scale of these predicted impacts in combination, RSPB Scotland maintained its objection to the Works.
- 5.14.7 RSPB Scotland concluded that, in combination with other projects, AEoSI cannot be ruled out for the following sites and species:



- Forth Islands SPA, puffin and kittiwake;
- St Abb's Head to Fast Castle SPA, kittiwake (particularly if Berwick Bank is also consented);
- East Caithness Cliffs SPA, kittiwake and guillemot;
- Fowlsheugh SPA, kittiwake and guillemot;
- West Westray SPA, kittiwake;
- Buchan Ness to Collieston Coast SPA, kittiwake;
- Troup, Pennan and Lion's Heads SPA, kittiwake;
- Hermaness, Saxa Vord and Valla Field SPA, gannet.

5.14.8 The RSPB Scotland response has been considered by MD-LOT in the Appropriate Assessment at Annex B.

5.15 Royal Yachting Association ("RYA")

5.15.1 RYA had no comments to make on the Application during the both the Original and the Additional Information Consultations.

5.16 Salamander Offshore Wind Farm ("Salamander")

5.16.1 During the Original Consultation, Salamander stated that the wind farm is located approximately 33 km to the northeast of the proposed Salamander offshore wind farm and that the export cable corridor passes less than 1km from the boundary of the Salamander array area. Salamander also observed that the landfall option to the south of Peterhead would require a crossing of export cables between the Works and Salamander and that the option to the north of Peterhead overlaps with the proposed Salamander export cable corridor and landfall. Salamander stated that it is working with the Applicant to minimise disruption to sea users, including survey activities.

5.16.2 The Applicant confirmed it will continue to engage directly with Salamander to identify opportunities for collaboration on offshore surveys to minimise impacts on other sea user.

5.17 Sport Scotland

5.17.1 Sport Scotland had no comments to make on the Application during the Original Consultation and did not provide a response to the Additional Information Consultation.

5.18 Scottish and Southern Electricity Networks Transmission ("SSEN Transmission")

5.18.1 During the Original Consultation, SSEN Transmission noted that a final decision on the landfall location for the export cables associated with the Application was yet to be made. As part of SSEN Transmission's responsibilities to deliver and maintain critical national transmission infrastructure within and connecting the north of Scotland, it is currently developing several subsea cable projects which interact with both proposed landfall options.

- 5.18.2 SSEN Transmission requested that present and future cables, both power and telecommunications, are given due consideration and that provision is maintained for these to cross export cable corridors and the generation site.
- 5.18.3 SSEN Transmission also requested that ongoing discussion and consultation is maintained with the Applicant, and, where necessary, that proximity and crossing agreements are developed.
- 5.18.4 SSEN Transmission did not provide a response to the Additional Information Consultation.
- 5.19 Scottish Fishermen’s Federation (“SFF”) and North and East Coast Regional Inshore Fishery Group (“NECRIFG”)
- 5.19.1 The SFF responded to both the Original Consultation and the Additional Information Consultation. Both responses included representations from the NECRIFG.
- 5.19.2 In its response to the Original Consultation, the SFF objected to the Application stating that it contradicts the fisheries policies of Scotland’s National Marine Plan (“NMP”) and disagreed with the assumptions in the Application that the commercial fishing industry has adapted to the wind farm industry.
- 5.19.3 The SFF raised concerns regarding the space allocated to offshore wind in the marine environment and the lack of a clear policy framework to avoid conflict around the sharing of marine space. The SFF also stated there is a lack of evidence regarding the benefits of the Works on socio-economics, tourism and recreation and the benefits on GHG emissions.
- 5.19.4 The SFF stated that the impacts assessed in the EIA Report does not account for losses to the commercial fishing industry and that detail in the Application does not follow the Fishing Liaison with Offshore Wind and Wet Renewables (“FLOWW”) guidance on cooperation agreements. The SFF also raised significant concerns regarding cable route selection, seabed preparation activities and cable burial, as well as the potential for large deposits of permanent cable rock protection over cables, and adherence to best practice by contracted vessels.
- 5.19.5 The SFF referred to concerns raised previously regarding the safety of fishing vessels from turbine moorings and cables, as well as the impacts of EMF on fish and crustaceans, and commented that this had not been fully addressed in the EIA Report.
- 5.19.6 The SFF objected to the application unless a Fisheries Mitigation and Management Strategy (“FMMS”), Vessel Management Plan (“VMP”) and decommissioning plans are agreed before any consent is granted, and regarding the assessment of no mitigation required for the effects of underwater noise on grey seals. With reference to MINNS, the SFF objected to the proposal to deal with these on site and sought a consent condition to have the Applicant attend to Marine Invasive Non Native Species before vessels arrive in Territorial Waters or where this is not possible, outlining penalties for allowing this to happen. The SFF also objected to the conclusion

that possible impacts to marine geology, oceanography and physical processes required no mitigation.

- 5.19.7 The SFF put forward its view that the construction of offshore wind farms to decarbonise oil and gas assets is not in the public interest and that the alternative of powering the oil and gas assets directly from excess electricity from the National Grid is via a power cable from shore will emit considerably less carbon and reduce constraint payments to offshore wind developers.
- 5.19.8 The Applicant stated it is committed to adhering to FLOWW Best Practice Guidance and will offer evidence-based cooperation payments to eligible fisheries where appropriate and stated that the Application is in line with the NMP. The Applicant also noted that it had designed the Works to mitigate the potential impacts on the fishing industry, including changing the boundary to avoid a *Nephrops* fishery, and that it aligns with the delivery plan for Scotland's Fisheries Management Strategy and aims to facilitate positive interactions that further coexistence by safeguarding fishing opportunities wherever possible.
- 5.19.9 In regards to potential losses to commercial fisheries, the Applicant noted that the area assessed by the SFF is far larger than the Works site and referenced conclusions in the EIA Report showing that the majority of fishing activity in that area takes place outside the wind farm site. The Applicant stated its commitment to the Works of a local supply chain and considers that the Works will play an important role in meeting Scotland's net zero ambitions and the UK Carbon Budgets. The Applicant also confirmed the EIA conclusions on the impacts of grey seal with NatureScot.
- 5.19.10 The Applicant noted the concerns of the SFF and, should consent be granted, agreed to consult the SFF on any FMMS, and VMP and consider impacts and appropriate mitigation in the Decommissioning Programme.
- 5.19.11 MD-SEDD advised that there may still be overlap with *Nephrops* fishing grounds in the southeast corner of the windfarm and recommended that pre-construction, construction and post-construction monitoring be carried out for the main fleets affected by the Works, namely demersal trawls in the array area and dredges across the export cable area.
- 5.19.1 As part of the Additional Information Consultation, the SFF reiterated that its previous response remains valid and raised several points on the potential compensation measures identified by the Applicant.
- 5.19.2 The SFF objected to a number of compensation measures in the without prejudice derogation case, however none of these measures have been taken forward to the short list of compensatory measures considered by the Applicant.
- 5.19.3 Conditions requiring the Applicant to prepare, consult on and adhere to a been added to DSLP, DP, and EMP. A condition requiring a Fisheries Liaison Officer ("FLO") to establish and maintain effective communications between the Applicant, its contractors and sub-contractors, and fishermen and other users of the sea during construction of the Works, will also be added to the s.36 consent and marine licences.

- 5.19.4 To address the SFF concerns in relation to impacts on affected commercial fisheries in both socio-economic and environmental sustainability terms, and in line with NMP FISHERIES 2 policy, a condition requiring the Applicant to prepare, consult on and adhere to a FMMS, has been added to the s.36 consent.
- 5.20 Scottish Water
- 5.20.1 Scottish Water confirmed 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 which may be affected by the Application. Scottish Water confirmed it had no objection to the Application.
- 5.21 Thistle Wind Partners
- 5.21.1 Thistle Wind Partners is the developer of the Ayre and Bowdun ScotWind sites. During the Original Consultation, Thistle Wind Partners noted that although several other ScotWind Workss are included in a wind farm long list in Table 12.45 of the EIA Report for ornithology, these are excluded from the cumulative effects assessment, which this appears to be contrary to the scoping opinion.
- 5.21.2 Thistle Wind Partners wished to establish that the approach taken by the Scottish Ministers is consistent across applications and that there is adequate consideration of broader cumulative matters.
- 5.21.3 While a summary report of offshore and onshore EIAs for the generating station and associated transmission infrastructure is available, Thistle Wind Partners noted that the onshore application details are not complete. Thistle Wind Partners raised concerns regarding uncertainty and a resultant lack of clarity as to the cumulative effects of the Application with other INTOG and ScotWind projects, particularly at landfall and in advance of the Holistic Network Design Follow-up Exercise outcomes.
- 5.21.4 The Applicant responded that the ScotWind Workss listed in the EIA report were not included in the in combination assessment because no quantitative information on seabird effects was available. The Applicant confirmed that the onshore application has been submitted to Aberdeenshire Council and that it will continue to engage with Thistle Wind Partners.
- 5.21.5 Thistle Wind Partners did not provide a response to the Additional Information Consultation.
- 5.22 UK Chamber of Shipping
- 5.22.1 During the Original Consultation, the UK Chamber of Shipping stated it had been in regular contact with the Applicant throughout the planning process. The UK Chamber of Shipping was satisfied with the navigational risk and commercial shipping aspects of the Application.
- 5.22.2 The UK Chamber of Shipping also wished to make a general comments that the use of a brownfield site for offshore wind production is a positive one that should be supported from a commercial shipping perspective.

- 5.22.3 The UK Chamber of Shipping confirmed a nil return for the Additional Information Consultation.
- 5.23 University of St Andrews
- 5.23.1 The University of St Andrews responded to the Original Consultation and provided comments on Technical Appendix 12.4, provided with the application, in which the Applicant compared outputs from the design-based method of modelling abundance estimates for guillemot in the Green Volt study area with the MRSea model based approach. The University of St Andrews agreed with the Applicant's conclusion that there are minimal differences between the two methods when using the highest abundances in displacement analysis but that during months of low abundance, the model based approach would be preferable because the design based method overestimates abundance. However, the University of St Andrews was unable to conclude if this approach would make a difference to the outputs for species of a generally lower abundance.
- 5.23.2 The University of St Andrews raised concerns that the analysis presented in the appendix did not adequately account for the displacement, collision risk and spatial distribution of guillemot or include any form of uncertainty, questioned the reasons why survey areas were split into 1 km segments instead of smaller segments, and was unclear why kernel maps were presented. The University of St Andrews suggested that including environmental covariates may help model some of the variability in the data and highlighted the possibility to model the spatial distribution using spatial coordinates alone. The Applicant agreed in this instance the months of data modelled using MRSea would rely on spatial distribution using spatial coordinates alone but noted environmental covariates were either unavailable for the area or did not vary much across the study area used for modelling.
- 5.23.3 The Applicant responded that segment size choice was selected to reduce the number of zero counts within the data set and also the computational time involved with having more segments and that it presented kernel maps as a qualitative visualisation of the distribution of birds over the Works area, rather than comparing these to MRSea outputs in a quantitative manner.
- 5.23.4 The University of St Andrews noted a number of comments regarding the results presented in the appendix, highlighting the conclusions for the low raw count months do not seem to match the results presented, and where the MRSea model approach may provide better estimates of abundance. The University of St Andrews argued that model based estimates are better where the data is patchy but was unable to conclude whether this was sufficient evidence to not use the design based method. The University of St Andrews also highlighted that the months where data is patchy is not used in the displacement assessment shows no practical difference between the two methods, but that this may not be the case for other species. The Applicant noted that comments provided and agreed that there are only differences between methods for months with patchy low abundance data, but questioned the benefit of modelling very low abundance data especially when the only covariates available for input to the model are limited to spatial coordinates.

5.23.5 The Scottish Ministers have considered the comments raised by the University of St Andrews and are satisfied that the assessment undertaken allows for the consideration of the effects of the Works and to enable NatureScot to make its conclusions on ornithological impacts.

## 6. **Representations from other organisations and members of the public**

6.1 No representations were received from other organisations or members of the public.

## 7. **Advice from third parties**

7.1 Marine Directorate – Licensing Operations Team (“MD-LOT”), previously known as Marine Scotland – Licensing Operations Team sought advice from the Marine Analytical Unit (“MAU”), Marine Directorate - Science, Evidence, Data and Digital (“MD-SEDD”), previously known as Marine Scotland Science, and Transport Scotland on the Application.

### 7.2 MAU

#### 7.2.1 Socio economics

7.2.1.1 As part of the Original Consultation, the MAU advised that the socio-economic chapter was not clear about how conclusions were reached and asked if the Applicant could provide a detailed technical annex with detailed methodology. Technical Appendix 19.1: Socio-economic Report was later provided by the Applicant and in December 2023 the MAU provided comments on this (“the December 2023 response”).

7.2.1.2 During the Original Consultation, the MAU noted that the study area focused on the Aberdeen City, Aberdeenshire and Buchan areas but that the ports that will be used during the construction and operations and maintenance phase may be in the Moray Firth. The MAU also noted that no primary data had been collected for the landfall locations of Buchanhaven and Boddam and that the EIA Report states that, due to the minimal data available for those areas, the Socio Economic Impact Assessment (“SEIA”) focuses on the Aberdeenshire and Aberdeen City areas. Despite the uncertainty around ports and contracts with suppliers, the MAU stated that impacts on employment have not been presented as scenarios or with details of any margin for error.

7.2.1.3 The MAU considered that a good baseline had been presented by the Applicant in the SEIA as well as a study of the local and regional supply chain.

7.2.1.4 In terms of methodology, the MAU noted that no methodology was included in the SEIA regarding the estimate provided for local, regional and UK level Gross Value Added (“GVA”) estimates and the MAU requested that this also be presented in a technical appendix. Additionally, the MAU considered that insufficient detail has been provided regarding the methodology for estimating direct employment impacts from each phase of the Works or regarding the types of jobs, comparison to existing jobs. The MAU also stated that it was unclear whether the estimated GVA added from the Works related to direct, direct and indirect, or direct, indirect and induced GVA. The MAU

was unable to judge the credibility of estimates without detail on the methodology and key assumptions used to estimate this.

- 7.2.1.5 In regards to supply chain impacts, the MAU considered that this section provided very limited information for each phase of the Works and primarily referenced the estimates made in the 'direct employment' section. The MAU stated that there is very little information provided on expected indirect or induced GVA impact, for example, no quantitative analysis has been provided by the Applicant. The MAU considered that the construction phase of the Works section referred mainly to indirect and induced employment generation rather than indirect and induced GVA. As a result, the MAU felt it was difficult to see how the Applicant had reached the conclusion of moderate beneficial effect given the lack of detail provided. If the Applicant was uncertain on the exact location of expenditure, the MAU stated that a range of realistic potential procurement scenarios could have been provided.
- 7.2.1.6 With regards to social impacts, the MAU noted that potential social impacts were defined very narrowly within the EIA Report and that knock-on effects of impacts or changes were not explored. The MAU stated that socio-cultural impacts, distributional effects and impacts on other services were also not explored and that it did not agree that these were not relevant to offshore wind Works. The SEIA mentioned Peterhead Lido beach, which is approximately mid-way between the two landfall options being considered for the export cable for the Works, but it was not clear to the MAU whether any impacts to the beach were anticipated. The Applicant later advised that impacts on the beach are not anticipated. In the interests of transparency, the MAU suggested that the impact assessment could clarify that a social impact study has not been undertaken due to uncertainty at this stage of the Works, but that this does not necessarily mean that Works will have no positive or negative social impacts.
- 7.2.1.7 Regarding stakeholder engagement, the MAU noted the absence of community-based organisations in the Applicant's description of community engagement, and additionally noted that no Community Liaison Officer had been assigned to affected communities. The MAU considered that overall community engagement carried out seemed high level and designed to inform communities about the Works instead of facilitating community discussions and gathering views on how to manage potential impacts.
- 7.2.1.8 In its December 2023 response, the MAU welcomed the clarity provided in the Technical Appendix regarding methodologies used in the assessment and the use of a broad range of data sources in the baseline section and highlighted that while several of the datasets have more recent data available, it was understood that this was down to availability of the data at the time of writing.
- 7.2.1.9 In terms of social impacts, the Applicant stated that these are directly linked to ports and that the ports to be used for the Works are currently unknown. However, the MAU stated that these limitations were overcome by the Applicant's use of a novel approach of utilising logic chains to assess potential social impacts, with the potential for this to be supplemented with more in-depth local community engagement. The Applicant will also consider forming a socio-economic working group when a port has been selected.

7.2.1.10 Nevertheless, the MAU raised concerns regarding some assessment methodologies used, such as the use of external literature and anecdotal evidence in the place of primary social research, and advised this may result in a poorer quality assessment. The MAU considered that this absence of primary social research should be justified by the Applicant and encouraged the Applicant to continue efforts to engage with local communities post-consent to ensure that positive impacts are maximised and negative impacts are suitably mitigated.

7.2.1.11 The Applicant responded that it will consider attendance at community council meetings and suitable community events and publish a project newsletter to share information on the progress of the Works. The Applicant also stated it will consider the suggestion to create a socio-economic working group to enable members of the local community to comment on the Works and provide input on how to maximise and/or minimise the socio-economic impacts of the Works.

### 7.3 MD-SEDD

#### 7.3.1 Commercial Fisheries

7.3.1.1 MD-SEDD provided advice as part of the Original Consultation only and noted that it was content with the list of impact pathways considered in the EIA Report.

7.3.1.2 MD-SEDD also noted that tension leg platforms would be its preferred foundation option where this is technically feasible, as it minimises the spatial footprint of the moorings and thereby reduces potential conflict with commercial fisheries.

7.3.1.3 The proposed boundary of the wind farm has been adjusted to remove the southeast corner in response to concerns raised by the fishing industry over spatial conflict with an important *Nephrops* fishing ground. MD-SEDD welcomed this adjustment as it helps mitigate the impacts on the fishery.

7.3.1.4 MD-SEDD was also content that the Applicant will consider overtrawl surveys along the export cable route where appropriate and noted that there will be 9 cable crossings with rock protection which may be suitable areas for such surveys to take place.

7.3.1.5 MD-LOT requested further advice from MD-SEDD regarding the SFF and the Applicant's assessment of the potential financial losses to the commercial fishing industry. MD-SEDD agreed with the Applicant that the area assessed for losses is significantly larger than the Works area. However MD-SEDD advised that as there is still some overlap of the windfarm area and the *Nephrops* fishing ground on the southeast corner of the Works and noted that the value of *Nephrops* fishing in this area is similar to larger neighbouring areas. MD-SEDD recommended that pre-construction and post-construction monitoring be carried out for the fleets affected by the Works. A condition requiring the Applicant to prepare, submit and a FMMS, which will include commercial fisheries monitoring, has been attached to the s.36 consent.

#### 7.3.2 Benthic Ecology



- 7.3.2.1 MD-LOT requested advice from MD-SEDD regarding whether the EIA Report includes consideration of the assessment of any species that may be reliant on bedforms in Chapter 9 and whether any other receptors are reliant on bedforms.
- 7.3.2.2 MD-SEDD agreed that the *Sabellaria spinulosa* aggregations discussed in the EIA Report would not be considered Annex I biogenic reef. MD-SEDD agreed with NatureScot that the micro-siting of the cable route should extend to any sensitive habitats.
- 7.3.2.3 Based on this, MD-SEDD concluded that the magnitude of impact sufficiently reflects the uncertainty in bedform type and agreed that displacement during pre-sweeping in this area would be similar to natural disturbance.
- 7.3.2.4 MD-SEDD agreed with NatureScot that the area around Peterhead is busy with cable activities and the associated impacts of these on the seabed. MD-SEDD stated that both the spatial and temporal occurrence of activities should be taken into account in a more detailed cumulative impact assessment. As noted in paragraph 7.3.1.5, above, the issue regarding multiple cables coming to landfall near Peterhead is a wider strategic issue rather than an issue for the Applicant alone to address. However a condition has been added to the offshore transmission marine licence requiring that the Applicant to prepare, consult and submit for approval an export cable plan prior to its construction from the wind farm area to landfall.

#### 7.4 Transport Scotland

- 7.4.1 During the Original Consultation, Transport Scotland noted that the EIA Report for onshore infrastructure was yet to be submitted. The Applicant's consultant confirmed to Transport Scotland that all materials for the marine works will be transported to the Works site by sea, so there will be no increased traffic on the trunk road network associated with the offshore works.
- 7.4.2 Transport Scotland was therefore satisfied that any potential impact on the trunk road network will be identified in the onshore EIA Report and had no comment to make on the Application. As part of the Additional Information Consultation, Transport Scotland confirmed it had no further comments to make.

#### 7.5 Summary

- 7.5.1 The Scottish Ministers have considered the advice provided in reaching their decision.

### 8. **Public Inquiry ("PI")**

- 8.1 The Scottish Ministers did not require a PI to be held.

### 9. **The Scottish Ministers Considerations**

- 9.1 Determination of Marine Licence Applications

In determining the applications for marine licences (including the terms on which they are granted and what conditions, if any, are to be attached to them) the Scottish Ministers have had regard to:

- the need to protect the environment, protect human health, prevent interference with legitimate uses of the sea and such other matters as the Scottish Ministers consider relevant;
- the effects of any use intended to be made of the works when constructed; and
- representations received from persons with an interest in the outcome of the applications.

## 9.2 Environmental Matters

9.2.1 The Scottish Ministers are satisfied that an environmental impact assessment has been carried out. Environmental information including the EIA Report has been produced and the applicable procedures regarding publicity and consultation laid down in regulations have been followed. The environmental impacts of the Works have been assessed and the Scottish Ministers have taken the environmental information into account when reaching their decision.

9.2.2 The Scottish Ministers have considered fully and carefully the Application, EIA Report, Additional Information and all relevant representations from consultees, and advice from MD-SEDD, MAU and Transport Scotland.

## 9.3 Main Determinative Issues

9.3.1 The Scottish Ministers, having taken account of all relevant information, consider that the main determining issues are:

- The extent to which the Works accords with and is supported by Scottish Government policy and the terms of the National Marine Plan (“NMP”) and relevant local Works plans;
- Renewable energy generation and associated policy benefits;
- Economic impacts; and
- The main effects of the Works on the environment, which are in summary impacts on:
  - Marine mammals and seabirds and European sites and European offshore marine sites;
  - Physical processes and the Southern Trench ncMPA;
  - Commercial fisheries; and

## 9.4 Scottish Government Policy Context

9.4.1 The NMP, formally adopted in 2015 and reviewed in Spring 2018, provides a comprehensive statutory planning framework for all activities out to 200nm. The Scottish Ministers must take authorisation and enforcement decisions which affect the marine environment in accordance with the NMP.

9.4.2 Of particular relevance to this proposal are:

- Chapter 4 policies ‘GEN 1-21’, which guide all Works proposals;
- Chapter 6 Sea Fisheries, policies ‘FISHERIES 1-3 and 5’;
- Chapter 8 Wild Salmon and Diadromous fish, policy ‘WILD FISH 1’
- Chapter 11 Offshore Wind and Marine Renewable Energy, policies ‘RENEWABLES 1, 3-10’;
- Chapter 12 Recreation and Tourism, policies ‘REC & TOURISM 2 and 6’;
- Chapter 13 Shipping, Ports, Harbours and Ferries, policies ‘TRANSPORT 1 and 6’;
- Chapter 14 Submarine Cables, policies ‘CABLES 1-4’;
- Chapter 15 Defence, policy ‘DEFENCE 1’.

- 9.4.3 Climate Change (Scotland) Act 2019 commits Scotland to reach net zero emissions of all GHGs by 2045, ahead of the UK target of 2050. These targets are consistent with an ambitious Scottish contribution to the goals of the 2015 United Nations Paris Agreement on climate change, to limit global average temperature increases to 1.5 degrees Celsius.
- 9.4.4 The Works will contribute to the direct reduction of emissions from energy generation in Scotland and further advance the technology understanding of offshore energy. Accordingly, the Works are consistent with the emissions reduction requirements of the Climate Change (Scotland) Act 2009,
- 9.4.5 Offshore wind is seen as an integral element in Scotland’s contribution towards action on climate change. Our Offshore Wind Policy Statement sets out the Scottish Government’s ambitions for offshore wind in Scotland, including an ambition to achieve 8-11 gigawatt of offshore wind in Scotland by 2030. Officials recognise that this ambition needs to be reviewed in light of the market ambition expressed in response to the ScotWind and INTOG leasing rounds and are currently consulting on setting a further offshore wind deployment ambition, including establishing a 2045 ambition for offshore wind in Scotland through the draft Energy Strategy and Just Transition Plan.
- 9.4.6 Scotland’s National Planning Framework 4 (“NPF4”) was adopted on 13 February 2023. It sets out a long-term spatial plan including regional priorities and 18 national Workss, as well as a full suite of 33 national planning policies. NPF4 replaces NPF3 and Scottish Planning Policy.
- 9.4.7 On adoption of NPF4, the provisions in the Planning (Scotland) Act 2019 commenced making NPF4 part of the statutory Works plan. NPF4 sets out the Scottish Government proposals for future consideration of planning matters and as such it may be taken into account by planning authorities on a case-by-case basis.
- 9.4.8 NPF4 signals a turning point for planning, placing climate and nature at the centre of the planning system and making clear Scottish Government support for all forms of renewable, low-carbon and zero emission technologies, including transmission and distribution infrastructure. This includes onshore infrastructure that supports offshore renewable Works. Potential impacts on communities, nature and other receptors remain important considerations in the decision-making process. All applications are already, and will continue to be, subject to full site-specific assessments.

9.4.9 MD-LOT had had regard to NPF4 when assessing the Application. MD-LOT considers that the Works accords with NPF4 as it supports renewable electricity generation and transmission, providing employment, improving security of electricity supply and helping to reduce emissions through decarbonisation of oil and gas assets. Furthermore the Works supports Policy 11 by contributing to the expansion of renewable energy generation.

## 10. **Impacts of the Works on the environment**

10.1 Impacts on marine mammals, seabirds, diadromous fish and shellfish, and European sites and European offshore marine sites.

10.1.1 The Habitats Regulations require the Scottish Ministers to consider whether the Works would be likely to have a significant effect on a European site (either alone or in-combination with other plans or projects), as defined in the Habitats Regulations.

10.1.2 NatureScot was of the view that the Works would have LSE on one or more qualifying interests of the Moray Firth SAC, Buchan Ness to Collieston Coast SPA, Calf of Eday SPA, Cape Wrath SPA, Copinsay SPA, Coquet Island SPA, East Caithness Cliffs SPA, Fair Isle SPA, Farne Islands SPA, Fetlar SPA, Flamborough and Filey Coast SPA, Forth Islands SPA, Foula SPA, Fowlsheugh SPA, Handa SPA, Hermaness, Saxa Vord and Valla Field SPA, Hoy SPA, Marwick Head SPA, North Caithness Cliffs SPA, North Rona and Sula Sgeir SPA, Noss SPA, Rousay SPA, St Abbs Head to Fast Castle SPA, St Kilda SPA, Sule Skerry and Sule Stack SPA, Sumburgh Head SPA, Troup, Pennan and Lion's Heads SPA and West Westray SPA. Therefore, the Scottish Ministers as the "competent authority" were required to carry out an Appropriate Assessment ("AA"). Full details of the assessment can be found in Annex B: Appropriate Assessment.

10.1.3 Having had regard to the representations made by NatureScot, it can be ascertained that the Works will not adversely affect the integrity of the Moray Firth SAC providing the Applicant adheres to the conditions set out in the AA. Further, considering the reasons for which the site was designated and the associated conservation objectives, the Scottish Ministers are content that the Works will not on its own or in combination with other projects, adversely affect the integrity of the Moray Firth SAC.

10.1.4 For seabird species of the above listed SPAs, the main impacts of the Works come from displacement and collision risk. Natural England advised that in relation to European sites it is responsible for, there would be no AEoSI. However, NatureScot advised that the Works could have AEoSI for qualifying interests of a number of designated sites in Scotland (see Section 4.9.5). RSPB Scotland also objected to the Works on the basis that it would have AEoSI on a number of SPAs listed in section 5.14 above.

10.1.5 The Scottish Ministers considered the representations from NatureScot, Natural England and RSPB Scotland in the AA, alongside the conservation objectives for the sites and concluded that the Works in combination with other plans or projects would have AEoSI on:

- Kittiwake at Buchan Ness to Collieston Coast SPA;
- Kittiwake, razorbill and guillemot at East Caithness Cliffs SPA;

- Gannet at Forth Islands SPA;
- Kittiwake at Fowlsheugh SPA; and
- Kittiwake at Troup, Pennan and Lion's Heads SPA.

10.1.6 Further, the Scottish Ministers were unable to conclude beyond reasonable scientific doubt that there will be no AEoSI from the Works in combination with other plans or projects for the following features and SPAs:

- Guillemot at Fowlsheugh SPA; and
- Puffin at Forth Islands SPA.

10.1.7 The AA has considered the impact of the Works in combination with other windfarms, including Berwick Bank. Applications have been received for the Berwick Bank offshore windfarm consisting of 307 WTGs, 47.6 km from the coast of East Lothian. A determination has not yet been made on the applications for Berwick Bank however, the AA has concluded that it will have an AEoSI for a number of qualifying interests of SPAs, or the AA is unable to conclude that Berwick Bank offshore wind farm will not have an AEoSI. Berwick Bank can therefore only be consented if a derogation case is agreed, including compensatory measures to offset its impacts on those species/sites where the AA cannot conclude that there will be no AEoSI. This means that if Berwick Bank is consented, the effects from Berwick Bank on these species/sites will be compensated for and on this basis they were not considered in the in-combination assessment for the Works. Berwick Bank was considered in the in-combination assessment for those species/sites where it has LSE but no AEOSI.

10.1.8 Given that the AA for the Works identified adverse effects at the sites listed above, the Scottish Ministers proceeded to consider the derogations provisions in the Habitats Regulations. The Scottish Ministers are satisfied that there are no alternative solutions to the Works in order to meet its objectives and that the Works must be carried out for imperative reasons of overriding public interest, notwithstanding a negative assessment of the implications for a European site. Further, the Scottish Ministers consider that the compensatory measures proposed by the Applicant, which comprise drainage management, disturbance reduction and tree mallow removal measures, can be secured by the inclusion of a suitable condition in the consent requiring the delivery of measures in advance of commencing the Works. The Scottish Ministers further consider that the compensatory measures are sufficient to ensure that the overall coherence of the UK site network is protected. Full details of the Scottish Ministers considerations and the proposed compensatory measures, can be found in Annex F: Derogation Case.

10.1.9 The Scottish Ministers consider that, having taken into account the information provided by the Applicant and the responses of the consultative bodies, there are no concerns (other than those addressed through the Derogation Case included at Annex E) in relation to the impact of the Works alone or in combination with other plans and projects on marine mammals and European sites which would require a marine licence to be withheld.

10.2 Impacts on features of the Southern Trench ncMPA

- 10.2.1 Under Section 83 of the 2010 Act, the Scottish Ministers as the “public authority” have to be satisfied that the Works are not capable of hindering the achievement of the conservation objectives of an ncMPA before any a marine licence can be granted.
- 10.2.2 The export cable corridor for the Works are located partially within the Southern Trench ncMPA. NatureScot was of the view that the Works are capable of affecting, other than insignificantly, the subglacial tunnel valley element of the quaternary feature of the Southern Trench ncMPA. Therefore, the Scottish Ministers, as the “public authority” were required to carry out a MPA assessment. Full details of the assessment can be found at Appendix D: Marine Protected Area Assessment.
- 10.2.3 NatureScot stated that the subglacial tunnel valley element of the quaternary feature could be affected by the potential direct physical impacts as a result of the export cable installation for the Works. NatureScot advised that the width of the corridor affected by the export cable installation would be three orders of magnitude smaller and at right angles to the tunnel valley. Based on the fact that most or all of the excavation for the export cable installation would be through post-glacial sediment that drapes the valley landform and the surface of the drape would be partly or wholly re-formed after cable burial. NatureScot advised that the extent, component elements and integrity and structure of the tunnel valley would be maintained. In addition, where cables are proposed to be surface-laid with protection, the landform surfaces would remain sufficiently unobscured for the purposes of determining whether the extent, component elements and integrity of the tunnel valley would be maintained.
- 10.2.4 In line with the view of NatureScot that the Works are capable of affecting, other than insignificantly, the subglacial tunnel valley qualifying interest of the Southern Trench MPA, the Scottish Ministers carried out an MPA assessment. Having had regard to the representations made by NatureScot, it can be ascertained that the Works will not result in a significant risk of hindering the achievement of the conservation objectives of the Southern Trench MPA.
- 10.2.5 The Scottish Ministers consider that, having taken into account the information provided by the Applicant and the responses of the consultative bodies, there are no concerns in relation to the impact of the Works on the Quaternary of Scotland feature of the Southern Trench ncMPA which would require a marine licence to be withheld.
- 10.3 Impacts on commercial fisheries
- 10.3.1 Effects on commercial fisheries were identified in the EIA Report as being of negligible or minor significance by the Applicant during all phases of the Works.
- 10.3.2 The SFF objected to the Application and raised several concerns about aspects of the EIA Report in relation to the space allocated to offshore wind and sharing of marine space, financial losses to the commercial fishing industry as well as the Applicant’s commitment to following the FLOWW guidance in relation to co-operation agreements. The SFF also objected to the application unless a number of post consent plans were agreed prior

to consent being granted and raised concerns regarding the impact of cable route selection and the rock deposits as well as the management of vessels during construction.

- 10.3.3 The SFF holds the view that there are alternatives to the Works in relation to the decarbonisation of oil and gas assets and that there is a lack of evidence regarding the socio-economic benefits of the Works.
- 10.3.4 Conditions requiring the Applicant to prepare, consult and adhere to a FMMS, which will include commercial fisheries monitoring, has been attached to the marine licence to mitigate these concerns.
- 10.3.5 The Scottish Ministers have taken account of the terms of the NMP in relation to the SFF's concerns. To mitigate concerns, the SFF will be consulted on post consent plans attached to the s.36 and marine licences that the Applicant will be required to prepare, consult and adhere to, including a CoP, CMS, DSLP, VMP NSP, PEMP and Cable Plans, which will include a Cable Burial Risk Assessment where appropriate.
- 10.3.6 The Scottish Ministers consider that, having taken into account the information provided by the Applicant, the responses of the consultative bodies, and having regard to the conditions attached to the s.36 consent, there are no outstanding concerns in relation to the impact of the Works on commercial fisheries which would require a marine licence to be withheld.
- 10.4 Impacts on aviation and defence
  - 10.4.1 The MOD highlighted that the Works are located within Low Flying Area 14 within which aircraft may operate as low as 76.2 m. The WTGs have a maximum height of 264 m above LAT and therefore the Works have the ability to impact low flying aircraft in this area. To mitigate the impact, the MOD requested conditions be attached to the consent to ensure the Works are fitted with aviation safety lighting in accordance with the Air Navigation Order 2016 and to ensure that sufficient data is submitted to accurately chart the Works to allow deconfliction. MD-LOT notes that the Air Navigation Order 2016 does not apply to the Works as it is not situated within UK territorial waters. However, the Applicant will be required to agree aviation lighting with the Scottish Ministers, in consultation with the MOD, prior to construction commencing.
  - 10.4.2 The MOD also objected to the Works on the basis that it would have a significant and detrimental impact on the effective operation and capability of the air defence radar deployed at RRH Buchan. The MOD stated that WTGs have been proven to have detrimental effects on the operation of radar, including the desensitisation of radar in the vicinity of the WTGs and the creation of 'false' aircraft returns.
  - 10.4.3 The MOD provided a letter to MD-LOT confirming that it had accepted the Applicant's technical proposal to mitigate the effects of the Works and would be prepared to raise its objection subject to appropriate conditions for Ministry of Defence surveillance operations and aviation safety being added to the consent.

- 10.4.4 To mitigate the concerns raised by the MOD, conditions have been added to the Buzzard Marine Licence requiring that the Applicant prepare, consult and submit for approval to the Scottish Ministers an ATC Radar Mitigation Scheme, a LMP and a DSLP.
- 10.4.5 NATS objected to the proposal on the grounds that the Works are likely to generate false primary plots and also a reduction in the probability of Alanshill and Perwinnes RADAR to detect real aircraft. NATS also advised that the Works are likely to have considerable adverse impacts on air traffic control at both Prestwick and Aberdeen.
- 10.4.6 NATS confirmed by email to MD-LOT that while it maintained its objection to the Works, it would be supportive of the Primary Radar Mitigation Scheme consent condition and that this would be sufficient to protect its operation.
- 10.4.7 A condition requiring the Applicant to prepare and submit a Primary Radar Mitigation Scheme (“PRMS”) for approval by the Scottish Ministers has been added to the associated s.36 consent to address the concerns raised by NATS.
- 10.4.8 The Scottish Ministers consider that, having taken into account the information provided by the Applicant, the responses of the consultative bodies and having regard to the conditions attached to the Buzzard Marine Licence, there are no outstanding concerns in relation to the impact of the Works on aviation and defence which would require a marine licence to be withheld.
- 10.5 Economic benefits
- 10.5.1 National policy and strategies, such as NPF4, the Draft Energy Strategy and Just Transition Plan, and The Scottish Energy Strategy: The Future of Energy in Scotland (Scottish Government, 2017), support the role of renewable energy Works in achieving socioeconomic benefits and supporting the growth of the low carbon economy. The EIA Report stated that the Works would support the Scottish Government’s commitments to reaching net zero emissions of all GHG by 2045.
- 10.5.2 The Applicant assessed the impact on tourism as a result of the Works within the Socioeconomics, Recreation and Tourism chapter of the EIA Report. Following the MAU response to the EIA Application, the Applicant also provided Technical Appendix 19.1: Socio-Economic Report. The novel approach of utilising logic chains to assess potential social impacts was noted by MAU who additionally suggested that this methodology could be supplemented by more in-depth engagement with local communities. MAU stated it was good to see a wide range of data sources consulted in the baseline section, however raised concerns with some of the other assessment methodologies used and suggested that the absence of primary social research should be justified by the Applicant.
- 10.5.3 The Applicant estimated that the total economic impact of the Works and construction impact would be £176-284 million Gross Value Added (“GVA”) and 1,630-3,150 years of employment in Scotland, and £284-411 million GVA and 3,950-5,740 years of employment in the UK. The Applicant anticipated that there will be a range of port-specific impacts, with an estimated £528



million of capital expenditure going towards ports. It is estimated that £216-376 million will be spent in Scotland, requiring peak employment of 700-1,220 jobs, with the largest opportunity associated with building the floating WTG foundations.

10.5.4 The Applicant estimated that the Works will have an annual operations and maintenance expenditure of £40 million per annum across its 35 year operational lifetime. It was projected that this could support an average annual economic impact of £16-19 million GVA and 210-240 jobs in Scotland, and £23-34 million GVA and 310-410 jobs in the UK.

10.5.5 The Scottish Ministers consider that there is sufficient information regarding the socioeconomic impacts of the Works to inform their decision.

10.6 Renewable energy generation and associated policy benefits

10.6.1 The Works will contribute to Scotland and the UK's renewable energy targets and provide wider benefits to the floating offshore wind sector.

10.6.2 The Works will provide wider benefits to the offshore wind industry as reflected within the Scotland's Offshore Wind Policy Statement, in which offshore wind is seen as an integral element in Scotland's contribution towards action on climate change, including the ambition to achieve 8-11 GW of offshore wind in Scotland by 2030.

10.6.3 The Works will also contribute to the UK Government's North Sea Transition Deal, decarbonisation of oil and gas assets whereby the Oil and Gas sector and government will work together over the long-term to deliver the skills, innovation and new infrastructure required to decarbonise North Sea Oil and Gas production. The Works will contribute to targets under the Deal to reduce Green House Gas emissions from upstream oil and gas activities through Supply Decarbonisation.

## 11. **The Scottish Ministers' Determination and Reasoned Conclusion**

11.1 The Scottish Ministers are satisfied that an EIA has been carried out, and that the applicable procedures regarding publicity and consultation in respect of the Application have been followed.

11.2 The Scottish Ministers have weighed the impacts of the Works, and the degree to which these can be mitigated, against the economic and renewable energy benefits which would be realised. The Scottish Ministers have undertaken this exercise in the context of national and local policies.

11.3 The Scottish Ministers have considered the extent to which the Works accords with and is supported by Scottish Government policy, the terms of the NPF4, the NMP, local Works plans and the environmental impacts of the Works, in particular: impacts on marine mammals, seabirds, (including impacts on European sites and European offshore marine sites), impacts on physical processes and the Southern Trench ncMPA, impacts on commercial fisheries, and impacts on aviation and defence. The Scottish Ministers have

also considered the socio-economic and the renewable energy benefits of the Works.

- 11.4 The Scottish Ministers are satisfied that the environmental issues have been appropriately addressed by way of the design of the Works and through mitigation measures, and that the issues which remain are, on balance, outweighed by the benefits of the Works. In particular the Scottish Ministers are satisfied that the Works will not hinder the achievement of the conservation objectives of the Southern Trench ncMPA and a derogation case has been completed under the Habitats Regulations.
- 11.5 In their consideration of the environmental impacts of the Works, the Scottish Ministers have identified conditions to be attached to the Buzzard Marine Licence to reduce and monitor environmental impacts (these conditions are outlined in the draft marine licence at the end of this document). These includes a requirement for post-consent monitoring of birds, a CMS, an Environmental Management Plan (“EMP”), OMP, a PMP, a LMP, and a VMP and a requirement to submit a Detailed Seabird Compensation Plan in writing for approval by the Scottish Ministers.
- 11.6 A condition requiring the appointment of an Environmental Clerk of Works (“ECoW”) and defining the terms of the ECoWs appointment has been attached to the s.36 consent. The ECoW will be required to monitor and report on compliance with all consent conditions and to monitor the construction of the Works in accordance with plans and the terms of the Application, the s.36 consent and all relevant regulations and legislation. The ECoW will also be required to provide quality assurance on the final draft versions of any plans and programmes required under the Buzzard Marine Licence.
- 11.7 The Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that this reasoned conclusion, as required under the 2007 MW Regulations, is valid.
- 11.8 The embedded mitigation and any additional mitigation identified in the EIA Report has been incorporated into the conditions of this Buzzard Marine Licence. The conditions also capture monitoring measures required under Regulation 22 of the 2007 MW Regulations.
- 11.9 Copies of this letter have been sent to the public bodies consulted on the Application, including consultee planning authorities, NatureScot, SEPA and HES. This letter has also been published on the [Marine Scotland Information](#) website. The Secretary of State has been notified regarding the outcome of the derogation case.
- 11.10 The Scottish Ministers’ decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for regulatory approval. The rules relating to the judicial review process can be found on the [Scottish Courts and Tribunals](#) website. Your local Citizens’ Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely,

**Zoe Crutchfield**

A member of staff of the Scottish Ministers

19 April 2024

## Annex 1 – DESCRIPTION OF THE WORKS

The Works comprise the offshore transmission infrastructure to Buzzard including:

1. No more than two subsea offshore export cables to Buzzard, each cable measuring no more than 30 km in length;
2. Associated scour and cable protection up to maximum volumes specified below for stone/rocks/gravel and concrete bags/mattresses;

and, except to the extent modified by the foregoing, all as described in the Application and the conditions imposed by the Licensing Authority.

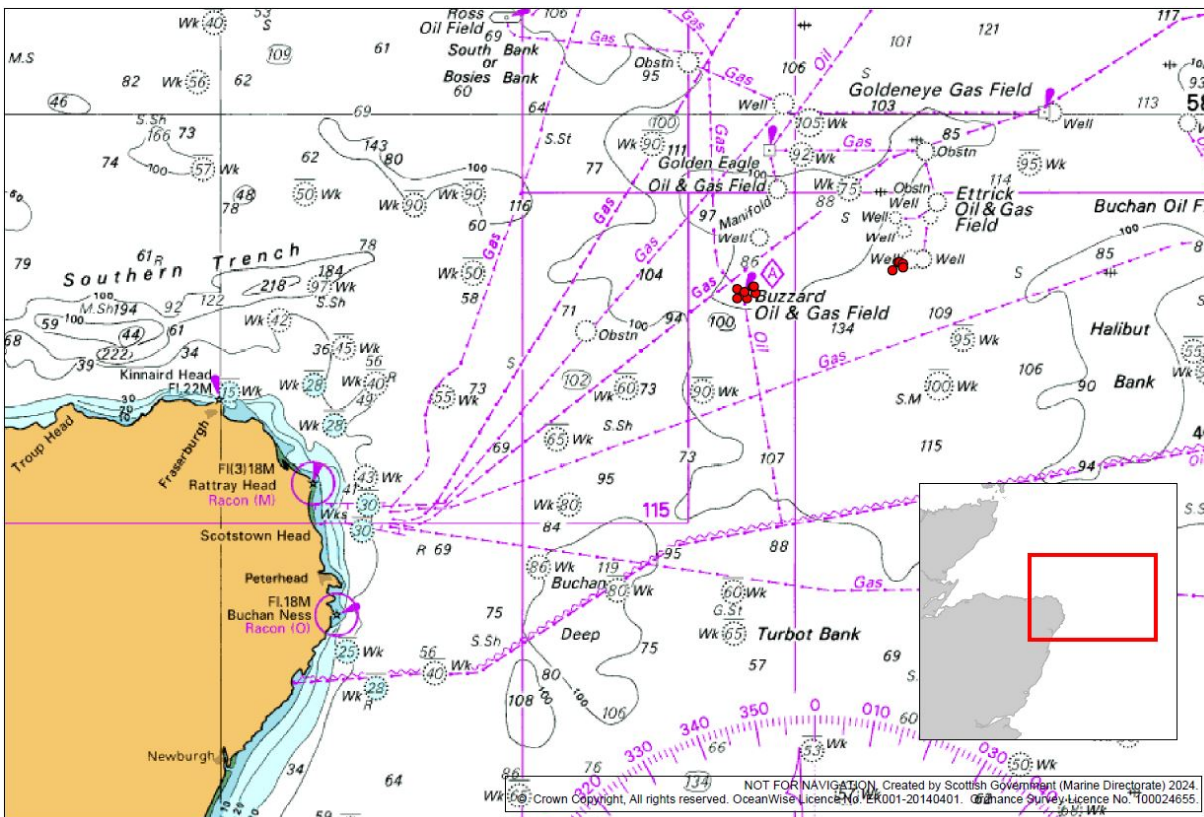


Figure 1 - Works location

**ANNE 2 – MARINE LICENCE**

**MARINE AND COASTAL ACCESS ACT 2009, PART 4 MARINE LICENSING**

**LICENCE TO CONSTRUCT, ALTER OR IMPROVE WORKS IN THE SCOTTISH MARINE AREA**

Licence Number: **MS-00010231**

The Scottish Ministers (hereinafter referred to as "the Licensing Authority") hereby grant a marine licence authorising:

**Green Volt Offshore Windfarm Ltd**  
**12 Alva Street**  
**Edinburgh**  
**EH2 4QG**

to construct, alter or improve works as described in Part 2. The licence is subject to the conditions set out, or referred to, in Part 3.

The licence is valid from **19 April, 2024** until the Works have been decommissioned in accordance with an approved Decommissioning Programme prior to this date and for which a separate marine licence is required.

Signed: .....

Debbie England

For and on behalf of the Licensing Authority

Date of issue: 19 April, 2024

## **1. PART 1 - GENERAL**

### **1.1 Interpretation**

In the licence, terms are Section 115 of the Marine and Coast Access Act 2009 unless otherwise stated, and,

“2009 Act” means the Marine and Coastal Access Act 2009;

“Addendum of Additional Information” means the additional information requested from the Applicant, submitted on 20 October 2023;

“Application” means the Environmental Impact Assessment Report, Report to Inform Appropriate Assessment and supporting documents submitted by the Licensee on 20 January 2023 to construct an offshore generating station and transmission works, it also includes the Addendum of Additional Information submitted on 20 October 2023;

“Commencement of the Licensed Activity” means the means the date on which the first vehicle or vessel arrives on the site to begin carrying on any activities in connection with the Licensed Activity;

“Completion of the Licensed Activity” means the date on which the Works have been installed in full or the Licensed Activity has been deemed complete by the Licensing Authority, whichever occurs first;

“CAA” means the Civil Aviation Authority;

“CaP” means Cable Plan;

“CBRA” means Cable Burial Risk Assessment;

“CMS” means Construction Method Statement;

“CoP” means Construction Programme;

“CRM” means collision risk modelling;

“DP” means Decommissioning Programme;

“ECoW” means Environmental Clerk of Works;

“EMF” means Electromagnetic Fields;

“EMP” means Environmental Management Plan;

“FLO” means Fisheries Liaison Officer;

“FMMS” means Fisheries Management and Mitigation Strategy;

“GIS” means Geographic Information System;

“HES” means Historic Environment Scotland;

“IALA” means International Association of Marine Aids to Navigation and Lighthouse Authorities;

“Licensed Activity” means any activity or activities listed in section 66 of the 2009 Act which is, or are authorised under the licence;

“Licensee” means Green Volt Offshore Windfarm Ltd (Company Number SC698787), having its registered office at 12 Alva Street, Edinburgh, EH2 4QG, United Kingdom;

“LMP” means Lighting and Marking Plan;

“MCA” means the Maritime and Coastguard Agency;

“Mean High Water Springs” means any area submerged at mean high water spring tide;

“MGN” means Marine Guidance Note;

“MMO” means Marine Mammal Observer;

“MOD” means the Ministry of Defence;

“MPCP” means Marine Pollution Contingency Plan;  
 “NATS” means National Air Traffic Service Safeguarding;  
 “NLB” means the Northern Lighthouse Board;  
 “Noise Registry” means the marine noise registry developed by the Department for Environment, Food and Rural Affairs and the Joint Nature Conservation Committee to record human activities in UK seas that produce loud low to medium frequency (10 Hz-10 kHz) impulsive noise;  
 “NSP” means Navigational Safety Plan;  
 “OMP” means Operation and Maintenance Programme;  
 “PAD” means Protocol for Archaeological Discoveries;  
 “PAM” means passive acoustic monitoring;  
 “PEMP” means Project Environmental Monitoring Programme;  
 “PRMS” means Primary Radar Mitigation Scheme;  
 “RSPB” means the Royal Society for the Protection of Birds Scotland;  
 “RYA” means the Royal Yachting Association Scotland;  
 “SAR” means Search and Rescue;  
 “ScotMER” means Scottish Marine Energy Research Programme;  
 “Section 105 notice” means a notice issued under Section 105 of the Energy Act 2004 requiring the submission of a decommissioning programme served by the Licensing Authority on behalf of the Scottish Ministers;  
 “SFF” means the Scottish Fishermen’s Federation;  
 “SLVIA” means Seascape, Landscape and Visual Impact Assessment;  
 “UKHO” means United Kingdom Hydrographic Office;  
 “VMP” means Vessel Management Plan;  
 “Works” means the offshore wind farm transmission infrastructure, as described in Part 2 of the Licence; and  
 “WSI” means Written Scheme of Investigation.

All geographical co-ordinates contained within the licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless otherwise stated.

## 1.2 Contacts

All correspondence or communications relating to the licence should be addressed to:

Marine Directorate - Licensing Operations Team  
 375 Victoria Road  
 Aberdeen  
 AB11 9DB  
 Email: MD.MarineRenewables@gov.scot

## 1.3 Other authorisations and consents

The Licensee is deemed to have satisfied itself that there are no barriers or restrictions, legal or otherwise, to the carrying on of the Licensed Activities in connection with the licensed activity. The issuing of the licence does not absolve the Licensee from obtaining such other authorisations and consents, which may be required under statute.



## 1.4 Variation, suspension, revocation and transfer

Under section 72(1) of the 2009 Act the Licensing Authority may by notice vary, suspend or revoke the licence, if it appears to the Licensing Authority that there has been a breach of any of its provisions or for any such other reason that appears to be relevant to the Licensing Authority under section 71(2) or (3) of the 2009 Act.

Under section 71(7) of the 2009 Act, on an application made by the Licensee, the Licensing Authority may transfer the licence from the Licensee to another person.

## 1.5 Breach of requirement for, or conditions of, licence

Under section 85 of the 2009 Act, it is an offence to carry on a licensable marine activity without a marine licence and it is also an offence to fail to comply with any condition of a marine licence.

## 1.6 Defences: actions taken in an emergency

Under section 86 of the 2009 Act, it is a defence for a person charged with an offence under section 85(1) of the 2009 Act in relation to any activity to prove that:

the activity was carried out for the purpose of saving life, or for the purpose of securing the safety of a vessel, aircraft or marine structure, and that the person took steps within a reasonable time to inform the Licensing Authority of the matters set out in section 86(2) of the 2009 Act.

## 1.7 Offences relating to information

Under section 85 of the 2009 Act, it is an offence for a person to make a statement which is false or misleading in a material way, knowing the statement to be false or misleading or being reckless as to whether the statement is false or misleading, or to intentionally fail to disclose any material information for the purpose of procuring the issue, variation or transfer of a marine licence or for the purpose of complying with, or purporting to comply with, any obligation imposed by either Part 4 of the 2009 Act or the provisions of the licence.

## 1.8 Appeals

Under Regulation 3(1) of the Marine Licensing Appeals (Scotland) Regulations 2011 a person who has applied for a marine licence may by summary application appeal to against a decision taken by the Licensing Authority under section 71(1)(b) or (c) or (5) of the Act.

## **2. PART 2 – PARTICULARS**

### **2.1 Location of the Licensed Activity**

Green Volt offshore export cable to Buzzard, being the area bound by joining the following points:

57° 50.604' N 00° 39.532' W  
 57° 50.376' N 00° 39.561' W  
 57° 50.203' N 00° 40.792' W  
 57° 48.746' N 00° 56.915' W  
 57° 48.409' N 00° 57.958' W  
 57° 48.417' N 00° 59.098' W  
 57° 49.001' N 00° 59.082' W  
 57° 48.818' N 00° 58.243' W  
 57° 49.134' N 00° 57.272' W  
 57° 49.163' N 00° 57.129' W  
 57° 50.700' N 00° 40.119' W  
 57° 50.717' N 00° 39.928' W

As shown in Annex One.

### **2.2 Description of the Licensed Activity**

The Works comprise the offshore transmission infrastructure to Buzzard including:

1. No more than two subsea offshore export cables to Buzzard, each cable measuring no more than 30 km in length;
2. Associated scour and cable protection up to maximum volumes specified below for stone/rocks/gravel and concrete bags/mattresses;

and, except to the extent modified by the foregoing, all as described in the Application and by the conditions imposed by the Licensing Authority.

### **2.3 Descriptions of the materials to be used during the Licensed Activity**

The licence authorises the deposit of the undernoted substances and objects and the use of the undernoted construction materials required in connection with the Licensed Activity, subject to the indicative amounts as specified below:

#### Construction Materials

Stone/rock/gravel - 39,450 cubic metres ("m<sup>3</sup>")

Concrete mattresses - 90 mattresses - 6.0 metres ("m") x 3.0 m x 0.3 m - 486 m<sup>3</sup> total volume

Cable - 60,000 m - 60 kilometres total length

## 2.4 Contractor and Vessel Details

To be confirmed.

### **3. PART 3 – CONDITIONS**

#### **3.1 General Conditions**

3.1.1 The Licensee must only construct the Works in accordance with this licence, the Application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.2 The Licensee must maintain the Works in accordance with the licence, the application and any plans or programmes approved by the Licensing Authority unless otherwise authorised by the Licensing Authority.

3.1.3 The Licensee must ensure that the Licensed Activity is only carried out at the location of the Licensed Activity specified in Part 2 of the licence.

3.1.4 Only the materials listed in Part 2 of the licence may be used during the execution of the Licensed Activity.

3.1.5 All conditions attached to the licence bind any person who for the time being owns, occupies or enjoys any use of the Works, whether or not the licence has been transferred to that person.

3.1.6 All materials used during the execution of the Works must be inert and must not contain toxic elements which may be harmful to the marine environment, the living resources which it supports or human health.

3.1.7 The Licensee must ensure that the Works does not encroach on any recognised anchorage, either charted or noted in nautical publications, within the licensed area as described in Part 2 of the Licence.

3.1.8 In the event of any breach of health and safety or environmental obligations relating to the Licensed Activity during the period of the licence, the Licensee must provide written notification of the nature and timing of the incident to the Licensing Authority within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Licensing Authority within a period of time to be agreed by the Licensing Authority.

3.1.9 The Licensee must remove the materials from below the level of Mean High Water Springs, or make such alterations as directed by the Licensing Authority, at timescales to be determined by the Licensing Authority at any time it is considered necessary or advisable for the safety of navigation, and not replace those materials without further approval by the Licensing Authority. The Licensee shall be liable for any expense incurred.

3.1.10 If governmental assistance is required (including UK governmental assistance or the assistance of any UK devolved government) to deal with any emergency arising from:

- a) the failure to mark and light the Works as required by the licence;
- b) the maintenance of the Works; or
- c) the drifting or wreck of the Works, to include broadcast of navigational warnings

then the Licensee is liable for any expenses incurred in securing such assistance.

3.1.11 The Licensee must notify the Licensing Authority in writing of any leakage of fluorinated greenhouse gasses within 24 hours.

3.1.12 The Licensee must seek prior written approval from the Licensing Authority for any chemicals in an open system which are to be utilised in the construction, operation and maintenance of the Licensed Activity. Requests for approval must be submitted in writing to the Licensing Authority no later than one month prior to its intended use or such other period as agreed by the Licensing Authority. The Licensee must ensure that no chemicals are used in an open system without the prior written approval of the Licensing Authority.

If the proposed chemical is on the Offshore Chemical Notification Scheme list, the approval request must include the chemical name, volume or quantity to be used, the Offshore Chemical Notification Scheme list grouping or rank and the proposed frequency of use.

If the proposed chemical is not on the Offshore Chemical Notification Scheme list, the approval request must include details of chemical to be used, including safety data sheet, depth and current at the location of the Licensed Activity, quantities or volumes and the proposed frequency of use.

The Licensee must notify the Licensing Authority of the types of chemicals to be used in a closed containment system prior to use.

The Licensee should take all practicable steps to avoid leakages from a closed containment system into the UK marine licensing area. Any such leakages must be reported to the Licensing Authority as soon as practicable.

The Licensee must ensure suitable bunding and storage facilities are in place to prevent the release of fuel oils and lubricating fluids associated with the Licensed Activity and associated equipment into the marine environment.

3.1.13 The Licensee must submit all reports and notifications to the Licensing Authority, in writing, as are required under the licence within the time periods specified in the licence. Where there may be a delay in the submission of the reports or notifications to the Licensing Authority, the Licensee must advise the Licensing Authority of this fact as soon as is practicable and no later than the time by which those reports or notifications ought to have been submitted to the Licensing Authority under the terms of the licence.

The reports must include executive summaries, assessments and conclusions and any data will, subject to any rules permitting non-disclosure, be made publicly available by the Licensing Authority or by any such party appointed at its discretion.

Reports prepared pursuant to another consent or licence relating to the Works by the Licensee or by a third party may also be used to satisfy the requirements of the licence.

Such reports will include, but not be limited to a Transport Audit Report, the Noise Registry, MMO records and all appropriate reports stipulated within the PEMP.

3.1.14 The Licensee must submit plans and the details and specifications of all studies and surveys that are required to be undertaken under the licence in relation to the Licensed Activity, in writing, to the Licensing Authority for its written

approval. Commencement of the studies or surveys and implementation of plans must not occur until the Licensing Authority has given its written approval to the Licensee.

Plans or the specification of studies and surveys prepared pursuant to another consent or licence relating to the Licensed Activity by the Licensee or by a third party may also be used to satisfy the requirements of the licence.

Any updates or amendments made to the approved plans must be submitted, in writing, to the Licensing Authority for its prior written approval. The Licensed Activity must be carried on in accordance with the approved plans.

3.1.15 The Licensee must operate and maintain the Works in accordance with an approved Operation and Maintenance Programme (“OMP”) (see condition 3.2.9). The Licensee must notify the Licensing Authority at least three calendar months, or such other period as agreed by the Licensing Authority in advance, of any maintenance of the Licensed Activity not included in the OMP and involving licensable marine activities not covered under the licence.

3.1.16 In the event of the Licensed Activity being discontinued the materials used under the authority of the licence shall be removed to the satisfaction of the Licensing Authority.

3.1.17 The Licensee must ensure that the Works are maintained at all times in good repair.

3.1.18 No activity authorised under the licence may take place until a Decommissioning Programme (“DP”), as described in any section 105 notice served by the appropriate Minister, has been approved under section 106 of the Energy Act 2004 by the appropriate Minister.

3.1.19 The Licensee must ensure that any debris or waste materials arising during the course of the Licensed Activity are removed for disposal at an approved location above the tidal level of Mean High Water Springs.

3.1.20 The Licensee must ensure that copies of the licence are available for inspection by any authorised marine enforcement officer at:

- a) the premises of the Licensee;
- b) the premises of any agent acting on behalf of the Licensee; and
- c) the site of the Licensed Activity.

3.1.21 Any person authorised by the Licensing Authority must be permitted to inspect the Works at any reasonable time. The Licensee must, on being given reasonable notice by the Licensing Authority (of at least 72 hours), provide transportation to and from the site for any persons authorised by the Licensing Authority to inspect the site of the Works. The Licensee shall be liable for any expense incurred.

3.1.22 Where any damage, destruction or decay is caused to the Works, the Licensee must notify the Licensing Authority, Maritime and Coastguard Agency (“MCA”), Northern Lighthouse Board (“NLB”), Kingfisher Information Services of Seafish and the UK Hydrographic Officer, in writing, of such damage, destruction or decay as soon as reasonably practicable but no later than 24 hours after becoming aware of any such damage, destruction or decay. The Licensee must carry out any remedial action as required by the Licensing Authority, following consultation with the MCA, NLB or any such advisors as required by the Licensing Authority.

3.1.23 The Licensee must ensure that all personnel adhere to the Scottish Marine Wildlife Watching Code where appropriate during the Licensed Activity.

### 3.2 Prior to the commencement of the Licensed Activity

3.2.1 The Licensee must, prior to and no less than one calendar month before the Commencement of the Licensed Activity, notify the Licensing Authority, in writing, of the proposed date of the Commencement of the Licensed Activity authorised under the licence.

3.2.2 The Licensee must ensure that, at least five days prior to its engagement in the Licensed Activity, the name and function of any vessel (including the master's name, vessel type, vessel international maritime organisation number and vessel owner or operating company), agent, contractor or subcontractor appointed to engage in the Licensed Activity are fully detailed in the contractor and vessel reports ("the Reports") which the Licensee must make available on its website: <https://greenvoltoffshorewind.com/>

Any changes to the supplied details must be uploaded to the Reports and the Licensing Authority must be notified, in writing, prior to any vessel, agent, contractor or sub-contractor which has not yet been notified to the Licensing Authority engaging in the Licensed Activity.

Only those vessels, agents, contractors or sub-contractors detailed in the Reports are permitted to carry out any part of the Licensed Activity. Any vessels involved in drilling and deposit of drilling arisings must be notified to the Licensing Authority.

The Licensee must satisfy itself that any masters of vessels or vehicle operators, agents, contractors or sub-contractors are aware of the extent of the Licensed Activities and the conditions of the licence.

All masters of vessels or vehicle operators, agents, contractors and sub-contractors permitted to engage in the Licensed Activity must abide by the conditions of the licence.

The Licensee must give a copy of the licence, and any subsequent variations made to the licence in accordance with section 72 of the 2009 Act, to the masters of any vessels, vehicle operators, agents, contractors or sub-contractors permitted to engage in the Licensed Activity and must ensure that the licence and any such variations are read and understood by those persons.

3.2.3 The Licensee must, no later than 14 days prior to Commencement of the Licensed Activity, notify the UK Hydrographic Office ("UKHO") at [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk), of the Licensed Activity. The notification must include the start and end date of the Licensed Activity, a description of the Works, positions of the area of the Works (WGS84, and details of any marking arrangements. A copy of the notification must be sent to the Licensing Authority within five working days of the notification being sent.

The Licensee must ensure that local mariners and fishermen's organisations are made fully aware of the Works through a local notification. This must be issued at least 14 days before the Commencement of the Licensed Activity. A copy of this notification must be sent to the Licensing Authority within 24 hours of issue.

The Licensee must, no later than seven days prior to the Commencement of the Licensed Activity, notify Zone4@hmcg.gov.uk and renewables@hmcg.gov.uk of the proposed Licensed Activity. A copy of the notification must be sent to the Licensing Authority within five working days of the notification being sent.

The Licensee must ensure that details of the Licensed Activities are promulgated in the Kingfisher Fortnightly Bulletin, no later than seven days prior to the Commencement of the Licensed Activity to inform the Sea Fish Industry of the vessel routes, the timings and location of the Licensed Activity and of the relevant operations.

The Licensee must give a copy of the licence, and any subsequent variations made to the licence in accordance with section 72 of the 2009 Act, to the masters of any vessels, vehicle operators, agents, contractors or sub-contractors permitted to engage in the Licensed Activity and must ensure that the licence and any such variations are read and understood by those persons.

### **Construction Programme**

3.2.4 The Company must, no later than six months prior to the Commencement of the Licensed Activity, submit a Construction Programme (“CoP”), in writing, to the Licensing Authority for its written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, Maritime and Coastguard Agency (“MCA”), Northern Lighthouse Board (“NLB”), and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The CoP must set out:

- a) The proposed date for Commencement of the Licensed Activity;
- b) The proposed timings for mobilisation of plant and delivery of materials, including details of onshore lay-down areas;
- c) The proposed timings and sequencing of construction work for all elements of the Works;
- d) Contingency planning for poor weather or other unforeseen delays; and
- e) The scheduled date for Final Commissioning of the Works.

The final CoP must be sent to Aberdeenshire Council, Aberdeen City Council and Angus Council for information only.

### **Construction Method Statement**

3.2.5 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity submit a Construction Method Statement (“CMS”), in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, MCA, NLB, and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The CMS must include, but not be limited to:

- a) Details of the commencement dates, duration and phasing for the key elements of construction, the working areas, the construction procedures and good working practices for installing the Works;



- b) Details of the roles and responsibilities, chain of command and contact details of company personnel, any contractors or sub-contractors involved during the construction of the Works; and
- c) Details of how the construction related mitigation steps proposed in the Application are to be delivered.

The CMS must adhere to the construction methods assessed in the Application. The CMS also must, so far as is reasonably practicable, be consistent with the DS, the EMP, the VMP, the NSP, the CaP and the LMP.

The final CMS must be sent to Aberdeenshire Council, Aberdeen City Council and Angus Council for information only.

### **Development Specification and Layout Plan**

3.2.6 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a Development Specification and Layout Plan ("DSLPL"), in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with the MCA, NLB, NatureScot, the Ministry of Defence ("MOD"), Civil Aviation Authority ("CAA"), Scottish Fishermen's Federation ("SFF"), Aberdeenshire Council, Aberdeen City Council, Angus Council, Historic Environment Scotland and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The DSLPL must include, but not be limited to the following:

- a) A plan showing the location of the export cables including information on seabed conditions, bathymetry and any key constraints recorded on the site;
- b) The length and proposed arrangements on or above the seabed of all export cables; and
- c) Information on any cable protection, including type and location.

### **Environmental Management Plan**

3.2.7 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit an Environmental Management Plan ("EMP"), in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with NatureScot and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The EMP must provide the overarching framework for on-site environmental management during the phases of Works as follows:

- a) All construction as required to be undertaken for the Final Commissioning of the Works; and
- b) The operational lifespan of the Works from the Final Commissioning of the Works until the cessation of electricity generation (environmental management during decommissioning is addressed by the DP provided for by condition 3.1.18).

In this condition, the term "lifespan" means the entire period that the licence remains in force.

The EMP must be in accordance with the Application insofar as it related to environmental management measures. The EMP must set out the roles, responsibilities and chain of command for the Licensee personnel any contractors or sub-contractors in respect of environmental management for the protection of environmental interests during the

construction and operation of the Works. It must address, but not be limited to, the following overarching requirements for environmental management during construction:

- a) Mitigation measures to prevent significant adverse impacts to environmental interests, as identified in the Application and pre-consent and pre-construction monitoring or data collection, and include reference to relevant parts of the CMS (refer to condition 3.2.5);
- b) MPCP;
- c) Management measures to prevent the introduction of invasive non-native marine species;
- d) A site waste management plan (dealing with all aspects of waste produced during the construction period), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment. Wherever possible the waste hierarchy of reduce, reuse and recycle should be encouraged; and
- e) The reporting mechanisms that will be used to provide the Licensing Authority and relevant stakeholders with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed.

The EMP must be regularly reviewed by the Licensee at intervals agreed by the Licensing Authority. Reviews must include, but not be limited to, the reviews of updated information on construction methods and operations of the Works and updated working practices.

The EMP must be informed, so far as is reasonably practicable, by the baseline monitoring or data collection undertaken as part of the Application and the PEMP.

### Vessel Management Plan

3.2.8 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a Vessel Management Plan ("VMP") in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, MCA, SFF and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The VMP must include, but not be limited to, the following details:

- a) The number, types and specification of vessels required;
- b) How vessel management will be coordinated, particularly during construction, but also during operation; and
- c) Location of working port(s), the routes of passage, the frequency with which vessels will be required to transit between port(s) and the site and indicative vessel transit corridors proposed to be used during construction of the Works.

The confirmed individual vessel details must be notified to the Licensing Authority in writing no later than 14 days prior to the Commencement of the Licensed Activity, and thereafter, any changes to the details supplied must be notified to the Licensing Authority, as soon as practicable, prior to any such change being implemented in the construction of the Works.

The VMP should refer to the Scottish Marine Wildlife Watching Code and Guide to Best Practice for Watching Marine Wildlife for guidance on how vessels should behave around aggregations of birds on the water.

The VMP must, so far as is reasonably practicable, be consistent with the CMS, the EMP, the PEMP, the NSP, and the LMP.

### **Operation and Maintenance Programme**

3.2.9 The Licensee must, no later than three months prior to the Final Commissioning of the Works, submit an OMP, in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with NatureScot and any such other advisors or organisations as may be required at the discretion of the Licensing Authority.

The OMP must set out the procedures and good working practices for operations and the maintenance of the WTG's, substructures, and inter-array cable network of the Works. Environmental sensitivities which may affect the timing of the operation and maintenance activities must be considered in the OMP.

The OMP must, so far as is reasonably practicable, be consistent with the EMP, the PEMP, the VMP, the NSP, the CaP and the LMP.

### **Navigational Safety Plan**

3.2.10 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a Navigational Safety Plan ("NSP"), in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with MCA, NLB, RYA, SFF and any other navigational advisors or organisations as may be required at the discretion of the Licensing Authority.

The NSP must include, but not be limited to, the following issues:

- a) Navigational safety measures;
- b) Construction safety zones;
- c) Notice(s) to mariners and radio navigation warnings;
- d) Anchoring areas;
- e) Temporary construction lighting and marking;
- f) Buoyage;
- g) Post-construction monitoring; and
- h) Hydrographic surveys.

The Licensee must confirm that they have taken into account and adequately addressed all of the recommendations of the MCA in the current Marine Guidance Note ("MGN") 654, and its annexes that may be appropriate to the Development, or any other relevant document which may supersede this guidance prior to approval of the NSP.

### **Export Cable Plan**

3.2.11 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit an Export Cable Plan ("CaP"), in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted. Such approval may only be granted following consultation by

the Licensing Authority with NatureScot, MCA, SFF and any such other advisors or organisations as may be required at the discretion of the Licensing Authority. The CaP must be in accordance with the Application.

The CaP must include, but not be limited to, the following:

- a) The vessel types, location, duration and cable laying techniques for the export cables;
- b) The finalised location of the export cable route;
- c) The results of monitoring or data collection work (including geophysical, geotechnical and benthic surveys) which will help inform inter array cable routing;
- d) Technical specification of the cables, including a desk based assessment of attenuation of electromagnetic field strengths and shielding;
- e) A CBRA, to ascertain burial depths and where necessary alternative protection measures;
- f) Methods to be used to mitigate the effects of EMF;
- g) Methodologies and timetable for post-construction and operational surveys (including inspection, over trawl, post-lay) for the cables through its operational life; and
- h) Measures to address and report to the Licensing Authority any exposure of cables or risk to users of the sea from cables.

Should High Voltage Direct Current (HVDC) transmission infrastructure be used, the CaP must include a pre-construction compass deviation study to ascertain the effect of EMF on ships compasses. The Licensing Authority will accept a three-degree deviation for 95% of the cable route and no more than 5% deviation for the remaining 5%. Any greater deviation must be agreed in writing by the Licensing Authority, in consultation with the MCA, and may be subject to additional mitigation measures and reporting requirements.

Any licensed cable protection works must ensure existing and future safe navigation is not compromised. The Licensing Authority will accept a maximum of 5% reduction in surrounding depth referenced to Chart Datum. Any greater reduction in depth must be agreed in writing by the Licensing Authority.

### **Project Environmental Monitoring Plan**

3.2.12 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity, submit a Project Environmental Monitoring Plan ("PEMP"), in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with NatureScot, RSPB Scotland, SFF and any other environmental advisors or organisations as required at the discretion of the Licensing Authority. The PEMP must be in accordance with the Application as it relates to environmental monitoring.

The PEMP must set out measures by which the Licensee must monitor the environmental impacts of the Works, which may include the use of eDNA techniques. Monitoring is required throughout the lifespan of the Works where this is deemed necessary by the Licensing Authority. Lifespan in this context includes pre-construction, construction, operational and decommissioning phases.

The Licensing Authority must approve all initial methodologies for the monitoring, in writing and, where appropriate, in consultation with NatureScot and any other environmental advisors or organisations as required at the discretion of the Licensing Authority.

Monitoring must be done in such a way so as to ensure that the data which is collected allows useful and valid comparisons between different phases of the Works. Monitoring may also serve the purpose of verifying key predictions in the Application. In the event that further potential adverse environmental effects are identified, for which no predictions were made in the Application, the Licensing Authority may require the Licensee to undertake additional monitoring.

The PEMP must cover, but not be limited to, the following matters:

Pre-construction, construction (if considered appropriate by the Licensing Authority) and post-construction monitoring or data collection as relevant in terms of the Application, and any subsequent monitoring or data collection for:

- a) Birds;
- b) Fish and shellfish;
- c) Diadromous Fish;
- d) Marine mammals; and
- e) Benthic Communities.

The Licensee's contribution to data collection or monitoring of wider strategic relevance, as identified and agreed by the Licensing Authority.

In relation to EMF, the Licensee must monitor and provide a report on the EMF produced by the works to the Licensing Authority. The Licensee must agree the methodologies and timescales for monitoring with the Licensing Authority prior to the Commencement of the Licensed Activity. Any agreement must be adhered to unless otherwise agreed and approved by the Licensing Authority.

Due consideration must be given to the Scottish Marine Energy Research ("ScotMER") programme, or any successor programme formed to facilitate these research interests.

Any pre-consent monitoring or data collection carried out by the Licensee to address any of the above issues may be used in part to discharge this condition subject to the written approval of the Licensing Authority.

The Licensing Authority may require the Licensee to amend the PEMP and submit such an amended PEMP, in writing, to the Licensing Authority, for its written approval. Such approval may only be granted following consultation with NatureScot and any other environmental advisers, or such other advisors as may be required at the discretion of the Licensing Authority.

The Licensee must submit written reports and associated raw and processed data of such monitoring or data collection to the Licensing Authority at timescales to be determined by them. Consideration should be given to data storage, analysis and reporting and be to Marine Environmental Data and Information Network standards.

Subject to any legal restrictions regarding the treatment of the information, the Licensing Authority, or any such other party appointed at the Licensing Authority's discretion, may make the results publicly available.

The Licensing Authority may agree, in writing, that monitoring may be reduced or ceased before the end of the lifespan of the Development.

Should any advisory groups be established for advice from stakeholders, the Licensee must participate as directed by the Licensing Authority.

### **Fisheries Management and Mitigation Strategy**

3.2.13 The Licensee must submit a Fisheries Management and Mitigation Strategy (“FMMS”), in writing, to the Licensing Authority for its written approval no later than six months prior to the Commencement of the Licensed Activity. Full engagement with local fishing interests and other interests as appropriate must be involved in the preparation of the FMMS. All efforts must be made to agree the FMMS with those interests prior to submission. The Licensed Activity cannot take place until approval is granted. Such approval may only be granted following consultation by the Licensing Authority with SFF and any other advisors or organisations as required at the discretion of the Licensing Authority.

The FMMS must include:

- a) a strategy for communicating with fishers;
- b) an assessment of the impact of the Licensed Activity on the affected commercial fisheries, both in socio-economic terms and in terms of environmental sustainability;
- c) a description of measures to mitigate adverse effects on commercial fisheries; and
- d) a description of the monitoring of the effect of the Licensed Activity on commercial fisheries and of the effectiveness of mitigation.

The outcome of the monitoring of the effectiveness of the mitigation measures may be used to adapt the FMMS subject to the approval of the Licensing Authority.

The Licensee must implement the approved FMMS.

Should any relevant stakeholder groups be established, the Licensee must participate as directed by the Licensing Authority.

### **Environmental Clerk of Works**

3.2.14 Prior to the Commencement of the Licensed Activity, the Licensee must at its own expense, and with the approval of the Licensing Authority in consultation with NatureScot, appoint an independent Environmental Clerk of Works (“ECoW”). The ECoW must be appointed in time to review and approve the draft version of the first plan or programme submitted under this marine licence to Licensing Authority, in sufficient time for any pre-construction monitoring requirements, and remain in post until a date agreed by the Licensing Authority. The terms of appointment must also be approved by the Licensing Authority in consultation with NatureScot.

The terms of the appointment must include, but not be limited to:

- a) Quality assurance of final draft versions of all plans and programmes required under this marine licence;

- b) Responsible for the monitoring and reporting of compliance with the marine licence conditions and the environmental mitigation measures for all wind farm infrastructure;
- c) Provision of on-going advice and guidance to the Licensee in relation to achieving compliance with the marine licence conditions, including but not limited to the conditions relating to and the implementation of the CMS, the EMP, the PEMP, the CaP and the VMP;
- d) Provision of reports on point b & c above to the Licensing Authority at timescales to be determined by the Licensing Authority;
- e) Induction and toolbox talks to onsite construction teams on environmental policy and procedures, including temporary stops and keeping a record of these;
- f) Monitoring that the Works is being constructed in accordance with the plans and this marine licence, the Application and in compliance with all relevant regulations and legislation;
- g) Reviewing and reporting incidents/near misses and reporting any changes in procedures as a result to the Licensing Authority; and
- h) Agreement of a communication strategy with the Licensing Authority.

### **Fisheries Liaison Officer**

3.2.15 Prior to the Commencement of the Licensed Activity, a Fisheries Liaison Officer (“FLO”), must be appointed by the Licensee and approved, in writing, by the Licensing Authority following consultation with the SFF and any other advisors or organisations as required at the discretion of the Licensing Authority. The FLO must be appointed by the Licensee for the period from Commencement of the Licensed Activity until the Final Commissioning of the Works. The identity and credentials of the FLO must be included in the EMP (referred to in condition 3.2.9). The FLO must establish and maintain effective communications between the Licensee, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the Works, and ensure compliance with best practice guidelines whilst doing so.

The responsibilities of the FLO must include, but not be limited to:

- a) Establishing and maintaining effective communications between the Licensee, any contractors or sub-contractors, fishermen and other users of the sea concerning the overall Works and any amendments to the CMS and site environmental procedures;
- b) The provision of information relating to the safe operation of fishing activity on the site of the Works; and
- c) Ensuring that information is made available and circulated in a timely manner to minimise interference with fishing operations and other users of the sea.

### **Written Scheme of Investigation and Protocol for Archaeological Discoveries**

3.2.16 The Licensee must, no later than six months prior to the Commencement of the Licensed Activity submit a Protocol for Archaeological Discoveries (“PAD”) and Written Scheme of Investigation (“WSI”) which sets out what the Licensee must do on discovering any marine archaeology during the construction, operation, maintenance and monitoring of the Works, in writing, to the Licensing Authority for its written approval. Commencement of the Licensed Activity cannot take place until such approval is granted.

Such approval may be given only following consultation by the Licensing Authority with Historic Environment Scotland and any such advisors as may be required at the discretion of the Licensing Authority. The Reporting Protocol must be implemented in full, at all times, by the Licensee.

The Licensee must send the approved PAD and WSI to Aberdeenshire Council, Aberdeen City Council and Angus Council for information only.

### Marine Mammal Observer

3.2.17 Prior to the Commencement of the Licensed Activity, the Licensee must appoint an MMO. When appointed, the MMO must, as a minimum, maintain a record of any sightings of marine mammals and maintain a record of the action taken to avoid any disturbance being caused to marine mammals during noisy activities.

### Detailed Seabird Compensation Plan

3.2.18 The Licensee must submit a Detailed Seabird Compensation Plan in writing to the Licensing Authority for its written approval at least six months prior to implementing the compensatory measures. Implementation of the compensatory measures cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with NatureScot and any such other advisors or organisations as may be required at the discretion of the Licensing Authority, which may include a compensatory measures steering group.

The Detailed Seabird Compensation Plan must be in accordance with the Outline Seabird Compensation Plan submitted on 16 April 2024, unless otherwise directed by the Licensing Authority, and demonstrate that the compensatory measures will compensate for any adverse effects on kittiwake at Buchan Ness to Collieston Coast SPA; kittiwake, razorbill and guillemot at East Caithness Cliffs SPA; gannet and puffin at Forth Islands SPA; kittiwake and guillemot at Fowlsheugh SPA; kittiwake at Troup, Pennan and Lion's Heads SPA, as identified in the Appropriate Assessment for the Licensed Activity. The Detailed Seabird Compensation Plan must include, but not be limited to, the following:

- a) a timetable of implementation and maintenance of the compensatory measures;
- b) the location of the compensatory measures;
- c) a description of the characteristics of the proposed compensatory measures;
- d) the predicted outcomes of each compensatory measure, including timescales of when those outcomes will be achieved;
- e) details of monitoring and reporting of the effectiveness of the compensatory measures including -
  - i. survey methods;
  - ii. survey programmes;
  - iii. success criteria;
  - iv. timescales for monitoring reports to be submitted to the Licensing Authority;
  - v. reporting of meeting success criteria, and
  - vi. measures to adapt, and where necessary increase, compensatory measures and the criteria used to trigger any adaptation of compensatory measures.

The Licensee must implement the measures set out in the approved Detailed Seabird Compensation Plan.

The Licensed Activity shall only be commenced where the Licensing Authority has concluded that the success criteria have been met and that the compensatory measures taken are effective and confirmed this in writing following its consideration of monitoring and reporting information provided by the Licensee.



Any requests for amendments to the approved Detailed Seabird Compensation Plan must be submitted, in writing, to the Licensing Authority for its written approval. Such approval may only be granted following consultation by the Licensing Authority with NatureScot and any such other advisors or organisations as may be required at the discretion of the Licensing Authority, which may include a compensatory measures steering group.

The Licensee must make such alterations to the approved Detailed Seabird Compensation Plan as directed by the Licensing Authority and submit the updated Detailed Seabird Compensation Plan to the Licensing Authority for approval within such a period as directed in writing by the Licensing Authority.

The Licensee must notify the Licensing Authority and NatureScot of the completion of any compensatory measures set out in the Detailed Seabird Compensation Plan.

### 3.3 During the Licensed Activity

3.3.1 Only those persons acting on behalf of, and authorised by, the agent or the Licensee shall undertake the Licensed Activity.

3.3.2 The Licensee must ensure the best method of practice is used to minimise re-suspension of sediment during the Licensed Activity.

3.3.3 The Licensee must ensure appropriate steps are taken to minimise damage to the seabed by the Licensed Activity.

3.3.4 The Licensee must submit to the Licensing Authority a detailed Transport Audit Report for each calendar month during the construction phase of the Works. The Transport Audit Report must be submitted within 14 days of the end of each calendar month.

The Transport Audit Report must include the nature and quantity of all substances and objects deposited and materials used in construction (as described in Part 2/3) in that calendar month. Alterations and updates can be made in the following month's Transport Audit Report. Where appropriate, nil returns must be provided.

If the Licensee becomes aware of any materials on the Transport Audit Report that are missing, or becomes aware that an accidental deposit has occurred, the Licensee must notify the Licensing Authority as soon as practicable. The Licensee must undertake such survey as directed by the Licensing Authority to locate the substances, objects and materials. If the Licensing Authority is of the view that any accidental deposits have occurred and should be removed, then the materials must be removed by the Licensee as soon as is practicable and at the Licensee's expense.

3.3.5 The Licensee must ensure that a copy of the licence is given to each contractor and sub-contractor employed to undertake the Licensed Activity.

3.3.6 The Licensee must notify the UKHO of the progress of the construction of the Works to facilitate the promulgation of maritime safety information and updating of admiralty charts and publications through the national Notice to Mariners system.

The Licensee must ensure that progress of the Licensed Activity is promulgated regularly in the Kingfisher Fortnightly Bulletin.

3.3.7 In case of exposure of buried cables on or above the seabed, the Licensee must within three days following identification of a potential cable exposure, notify mariners and inform Kingfisher Information Service and local fishing representatives of the location and extent of exposure. Copies of all notices must be provided to the Licensing Authority, MCA, NLB, and the UKHO within five days.

### 3.4 Upon Completion of the Licensed Activity

3.4.1 The Licensee must send notification to the Source Data Receipt team, UK Hydrographic Office, (email: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk)) no later than 10 working days after the Completion of the Licensed Activity. The information provided must include: latitude and longitude co-ordinates in WGS84 of the Works, as installed, on and/or above the seabed, any changes to engineering drawings, post dredge surveys, and details of new or changed aids to navigation where applicable. A copy of the notification must be sent to the Licensing Authority within five working days of the notification being sent.

The Licensee must, following installation, notify the Kingfisher Information Service Offshore Renewables and Cable Awareness and the International Cable Protection Committee of the 'as laid' cable corridor and a 500m zone either side of it as a hazardous area for anchoring.

The Licensee must ensure the seabed is returned to the original profile, or as close as reasonably practicable, following the Completion of the Licensed Activity. The Licensee must complete post-installation hydrographic surveys of the site of the Works or subsections thereof, and periodic hydrographic surveys thereafter, to the IHO Order 1a survey standard as per the MCA's MGN 654 and supplementary updates. The data and a corresponding report of the survey findings must be supplied to the UK Hydrographic Office on completion of these surveys, with notification to the MCA hydrography manager and the Licensing Authority.

The Licensee must ensure that local mariners, fishermen's organisations and HM Coastguard, in this case the National Maritime Coastguard Centre, are made fully aware of the Completion of the Licensed Activity.

The Licensee must ensure that the Completion of the Licensed Activity is promulgated in the soonest Kingfisher Fortnightly Bulletin following Completion of the Licensed Activity to inform the commercial fishing industry.

The Licensee must ensure that the WTGs are actively monitored throughout the lifetime of the Works. The Licensee must ensure that a contingency plan is in place to respond to any reported catastrophic failures which may result in any WTG(s), or part(s) thereof, breaking loose and becoming a buoyant hazard. This contingency plan should include the transmission of local radio navigation warnings.

The Licensee must not exhibit, alter or discontinue navigational lighting of the Licensed Activity without the statutory sanction of the Commissioners of Northern Lighthouses.

3.4.2 The Licensee must take all reasonable, appropriate and practicable steps at the end of the operational life of the Licensed Activity to restore the site of the Works to its original pre-construction condition, or to as close to its original

condition as is reasonably practicable, in accordance with the PEMP and the DP and to the satisfaction of the Licensing Authority.

Should the Licensed Activity be discontinued prior to expiry date of this marine licence, the Licensee must inform the Licensing Authority in writing of the discontinuation of the Licensed Activity. A separate marine licence will be required for the removal of the Works.

3.4.3 The Licensee must notify the Licensing Authority, in writing, of the date of the Completion of the Licensed Activity, no more than one calendar month following the Completion of the Licensed Activity.

3.4.4 The Licensee must, no later than one calendar month following the Completion of the Licensed Activity submit a report, in writing, to the Licensing Authority stating the date of completion, and all materials used in construction under the authority of the licence.

3.4.5 The Licensee must ensure the seabed is returned to the original profile, or as close as reasonably practicable, following the Completion of the Licensed Activity.

3.4.6 The Licensee must undertake and submit to the Licensing Authority, within eight weeks of the Completion of the Licensed Activity, an assessment of any risks posed by the final sub-sea cable route, burial depths and un-trenched areas where mechanical and any other protection measures were used within the cable route, to the satisfaction of the Licensing Authority, the purpose of which is to ensure that the safety of navigation and other legitimate users of the sea is not compromised. Where the assessment identifies risks, the Licensee must submit a plan for addressing these to the Licensing Authority and ensure that the plan is fully implemented, subject to the approval of the Licensing Authority.

3.4.7 The Licensee must provide the Licensing Authority with the MMO records no later than two months following Completion of the Licensed Activity.

## NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed activity. The issue of the licence does not absolve the licensee from obtaining such authorisations, consents etc which may be required under any other legislation.
2. In the event that the licensee wishes any of the particulars set down in the Schedule to be altered, the licensing authority must be immediately notified of the alterations. It should be noted that changes can invalidate a licence, and that an application for a new licence may be necessary.

## **ANNEX 3 - DEFINITIONS AND GLOSSARY OF TERMS – In this decision notice and in Annex 1**

“Addendum of Additional Information” means the additional information requested from the Applicant, submitted on 20 October 2023;

“ADRM Scheme” means Air Defence Radar Mitigation Scheme;

“Application” means the Environmental Impact Assessment Report, Report to Inform Appropriate Assessment and supporting documents submitted by the Applicant on 20 January 2023 to construct an offshore generating station and transmission Works, it also includes the Addendum of Additional Information submitted on 20 October 2023;

“AEoSI” means adverse effect on site integrity;

“Commencement of the Works” means the date on which the first construction activity occurs in accordance with the EIA Report submitted by the Applicant on 20 January 2023;

“Applicant” means Green Volt Offshore Windfarm Ltd (Applicant Number SC698787), having its registered office at 12 Alva Street, Edinburgh, EH2 4QG, United Kingdom;

“CRM” means collision risk modelling;

“EIA” means Environmental Impact Assessment;

“EIA Report” means Environmental Impact Assessment Report;

“EMF” means Electromagnetic Field;

“GVA” means Gross Added Value;

“HPAI” means Highly Pathogenic Avian Influenza;

“HRA” means Habitats Regulations Appraisal;

“IALA” means International Association of Marine Aids to Navigation and Lighthouse Authorities;

“km” means kilometres;

“LAT” means Lowest Astronomical Tide;

“LSE” means Likely Significant Effect;

“m” means metres;

“MGN” means Marine Guidance Note;

“MINNS” means Marine Invasive Non-Native Species;

“MNNS” means Marine Non-Native Species;

“MMO” means Marine Management Organisation;

“ncMPA” means Nature Conservation Marine Protected Area;

“MW” means megawatt;

“PI” means Public Inquiry;

“PVA” means Population Viability Assessment;

“s.36” means Section 36 of the Electricity Act 1989;

“s.36A” means Section 36A of the Electricity Act 1989;

“SAC” means Special Area of Conservation;

“SAR” means Search and Rescue;

“ScotMER” means Scottish Marine Energy Research Programme;

“SPA” means Special Protected Area;

“UXO” means Unexploded Ordnance;

“WTG” means Wind Turbine Generator.

### **Organisations and Companies**

“BT” means British Telecommunications;

“CAA” means the Civil Aviation Authority;

“DSFB” means District Salmon Fishery Board

“HES” means Historic Environment Scotland;

“MAU” means Marine Directorate – Marine Analytical Unit;

“MCA” means the Maritime and Coastguard Agency;

“MD-LOT” means Marine Directorate – Licensing Operations Team (previously known as “MS-LOT”, Marine Scotland – Licensing Operations Team);  
“MD-SEDD” means Marine Directorate – Science, Evidence, Data and Digital (previously known as “MSS” which means Marine Scotland Science);  
“MOD” means the Ministry of Defence;  
“NATS” means National Air Traffic Service Safeguarding;  
“NLB” means the Northern Lighthouse Board;  
“RSPB” means the Royal Society for the Protection of Birds Scotland;  
“RYA” means the Royal Yachting Association Scotland;  
“SFF” means the Scottish Fishermen’s Federation;  
“UKHO” means United Kingdom Hydrographic Office.

### **Plans, programmes, statements and schemes**

“CaP” means Cable Plan;  
“CBRA” means Cable Burial Risk Assessment;  
“CMS” means Construction Method Statement;  
“CoP” means Construction Programme;  
“DP” means Decommissioning Programme;  
“DS” means the Design Statement;  
“DSL P” means Works Specification and Layout Plan;  
“ECoW” means Environmental Clerk of Works;  
“EMP” means Environmental Management Plan;  
“FLO” means Fisheries Liaison Officer;  
“FMMS” means Fisheries Management and Mitigation Strategy;  
“LMP” means Lighting and Marking Plan;  
“MPCP” means Marine Pollution Contingency Plan;  
“NPF4” means Scotland’s National Planning Framework 4;  
“NSP” means Navigational Safety Plan;  
“OMP” means Operation and Maintenance Programme;  
“PAD” means Protocol for Archaeological Discoveries;  
“PAM” means Passive Acoustic Monitoring;  
“PEMP” means Works Environmental Monitoring Programme;  
“PRMS” means Primary Radar Mitigation Scheme;  
“PS” means Piling Strategy;  
“VMP” means Vessel Management Plan, and;  
“WSI” means Written Scheme of Investigation.

### **Legislation**

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“the Habitats Regulations” means the Conservation of Offshore Habitats and Species Regulations 2017;

“the 2007 MW Regulations” means the Marine Works (Environmental Impact Assessment) Regulations 2017.