District Salmon Fishery Board - Caithness

MacFarlane M (Marc)

From: Caithness DSFB <cdsfb@outlook.com>
Sent: 28 February 2022 21:22
To: MS Marine Renewables
Subject: RE: Pentland Floating Offshore Wind Farm - Habitats Regulations Appraisal Screening Report Consultation - Response Required by 14 March 2022

Dear Rebecca,

The Board notes the recent response of our neighbouring Northern District Salmon Fishery Board and fully endorses their comments.

Kind regards,
Meghan

Sent from Mail for Windows

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>
Sent: Monday, February 21, 2022 3:57:16 PM
Cc: Marc.MacFarlane@gov.scot <Marc.MacFarlane@gov.scot>
Subject: Pentland Floating Offshore Wind Farm - Habitats Regulations Appraisal Screening Report Consultation - Response Required by 14 March 2022

Dear Sir/Madam,

PENTLAND FLOATING OFFSHORE WIND FARM, FIRTH OF FORTH
HABITATS REGULATIONS APPRAISAL SCREENING REPORT

In respect of the proposed application for section 36 consent (under the Electricity Act 1989) and marine licences (under the Marine (Scotland) Act 2010), Highland Wind Limited has submitted a Habitats Regulations Appraisal ("HRA") Screening Report.

The HRA Screening Report provides information to enable the screening of the Pentland Floating Offshore Wind Farm with respect to its potential to have a likely significant effect on European sites of nature conservation importance.

The HRA Screening Report can be found attached.

We would appreciate any comments you may have on the HRA Screening Report and your opinion as to whether or not you are in agreement with the European sites identified.

Please submit your response electronically to ms.marinerenewables@gov.scot by **14 March 2022**. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of extensions to the consultation period. If you have no comments to make please submit a "nil return" response.

Kind regards,

Rebecca

Rebecca Bamlett (she/her)
Offshore Renewable Energy Projects Consenting Leader
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Covid-19: Marine Scotland - Licensing Operations Team (MS-LOT) is working from home and, as a result, determination of applications may take longer than our stated timelines. In addition, MS-LOT is unable to respond to phone enquiries. Please therefore communicate with MS-LOT via email. Email addresses are MS.MarineRenewables@gov.scot for marine renewables correspondence or MS.MarineLicensing@gov.scot for all licensing queries.

Frequently Asked Questions

District Salmon Fishery Board - Northern

MacFarlane M (Marc)

From: Alexa MacAuslan <ndsfbclerk@gmail.com>
Sent: 25 February 2022 14:48
To: MS Marine Renewables
Subject: Re: Pentland Floating Offshore Wind Farm - Habitats Regulations Appraisal Screening Report Consultation - Response Required by 14 March 2022
Attachments: Dounreay Offshore WF 250222.pdf

Dear Sirs
Please find attached a response from the Northern District Salmon Fishery Board in relation to the above Habitats Regulations Appraisal Screening Report.

Kind regards
Alexa

Alexa MacAuslan
Clerk
The Northern District Salmon Fishery Board

Tel: [Redacted]
email: ndsfbclerk@gmail.com
website: http://northern.dsfb.org.uk

On Mon, Feb 21, 2022 at 3:57 PM <MS.MarineRenewables@gov.scot> wrote:

> Dear Sir/Madam,
>
> **PENTLAND FLOATING OFFSHORE WIND FARM, FIRTH OF FORTH**
>
> **HABITATS REGULATIONS APPRAISAL SCREENING REPORT**
>
> In respect of the proposed application for section 36 consent (under the Electricity Act 1989) and marine licences (under the Marine (Scotland) Act 2010), Highland Wind Limited has submitted a Habitats Regulations Appraisal ("HRA") Screening Report.
>
> The HRA Screening Report provides information to enable the screening of the Pentland Floating Offshore Wind Farm with respect to its potential to have a likely significant effect on European sites of nature conservation importance.
>
> The HRA Screening Report can be found attached.

We would appreciate any comments you may have on the HRA Screening Report and your opinion as to whether or not you are in agreement with the European sites identified.

Please submit your response electronically to ms.marinerenewables@gov.scot by **14 March 2022**. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of extensions to the consultation period. If you have no comments to make please submit a "nil return" response.

Kind regards,

Rebecca

Rebecca Bamlett (she/her)
Offshore Renewable Energy Projects Consenting Leader

Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Covid-19: Marine Scotland - Licensing Operations Team (MS-LOT) is working from home and, as a result, determination of applications may take longer than our stated timelines. In addition, MS-LOT is unable to respond to phone enquiries. Please therefore communicate with MS-LOT via email. Email addresses are MS.MarineRenewables@gov.scot for marine renewables correspondence or MS.MarineLicensing@gov.scot for all licensing queries.

Frequently Asked Questions

The Northern District Salmon Fishery Board

The Firs, Berriedale, Caithness, KW7 6HD

Email: ndsfbclerk@gmail.com; Website: http://northern.dsfb.org.uk

25th February 2022

Email: ms.marinerenewables@gov.scot

Dear Sirs

Pentland Floating Offshore Wind Farm: Habitats Regulations Appraisal Screening Report

The NDSFB is reassured to note that the Scoping Report now includes consideration of the development's connectivity with salmon rivers in the Board's area and the potential for adverse effects on salmon (juveniles and adults) moving to and from these rivers to their ocean feeding grounds.

More generally, the proposed area of development straddles a major throughway for salmon originating from, or returning to, rivers across a much larger geographical area both to east and west. This is particularly the case due to the proposed development's proximity to the western edge of the Pentland Firth which is a notable pinch point on the salmon's migratory route. The Board is encouraged to note that the revised document now recognises that the potential effects of the proposed development on migratory salmonids, both juveniles and adults, extend far beyond the windfarm's immediate vicinity.

The Board also notes that the revised document now scopes-in in-combination effects with marine developments of other kinds – extant or planned.

However, the revised document is still deficient in two important respects.

Section 4.6 Potential Impacts. Page 25

Item 5 under Fish and Shellfish Ecology considers barrier effects on migratory fish from the presence of the floating platform and associated infrastructure, suggesting that there will be no effects in any of the installation, operation or decommissioning phases.

This position is not tenable and should be updated to consider the visual impact of moving turbine blades and the related, but separate, effect of turbine flicker, on epipelagic fishes such as salmon during the operational phase of development.

These effects have been recognised recently in the context of the proposed Tormsdale Windfarm which is currently being considered by the SG Energy Consents Unit. All the relevant scientific arguments have been rehearsed in detail in responses made by Caithness District Salmon Fishery Board both at the scoping stage (ECU 00001879) and in response to the application itself (ECU 00003335) and they need not be repeated here. The Tormsdale proposal is for an on-shore development but exactly the same scientific arguments apply to the offshore environment.

In summary, salmon may react adversely both to the direct visual impact of moving turbine blades and to shadow flicker cast by moving blades. Given the extreme height of the proposed turbines, their consequently large zone of individual visual effect, and the likelihood that the zones of individual turbines interact and combine, turbine arrays may constitute extensive spatial barriers to the migration of epipelagic fishes like salmon.

These arguments should be taken onboard in the context of the Pentland Offshore Floating Wind Farm development and the associated risks should be assessed.

Section 5.2 In-Combination Projects Page 55

Section 5.2 gives a wide-ranging list of marine project types that will be assessed for in-combination effects with the proposed development. However, tidal turbines and wave energy devices are notably absent from the list. The Meygen site in the Inner Sound, and the planned tidal turbine arrays at Brims Ness, Ness of Duncansby and Brough Ness should be included. They are all located within the Pentland Firth pinch point. They are all located in relatively close proximity to the Pentland Offshore Floating Wind Farm site. The arrays are therefore obvious candidates for in-combination effects and they should be assessed as such.

Kind regards,

Yours faithfully,

Mrs Alexa MacAuslan
Clerk, NDSFB

Marine Scotland Science

T: +44 (0)131 244 2500
E: MSS_Advice@gov.scot

Marc MacFarlane
Marine Scotland Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

1 April 2022

PENTLAND FLOATING OFFSHORE WIND FARM - HABITATS REGULATIONS APPRAISAL SCREENING REPORT CONSULTATION

Marine Scotland Science (MSS) have reviewed the relevant documentation and have provided the following comments.

Marine Ornithology

Marine Scotland Science (MSS) have reviewed the Nature Conservation Appraisal (NCA) Screening Report for Pentland Floating Offshore Wind Farm, the response returned from NatureScot (NS), dated 18 March 2022 and the response returned from the Royal Society for the Protection of Birds (RSPB) dated 21 March 2022.

With respect to HRA screening for ornithology, MSS note that it is unlikely the MS-commissioned strategic assessment of migratory species will be available to inform on this application and as such MSS support NS's conclusions of a qualitative assessment, highlighting the previous report (2014[1]) as guidance.

With respect to impact pathways, MSS seek to highlight the potential pathway of entanglement in secondary interactions with discarded fishing gear to diving birds for consideration in assessment.

MSS, together with NS, support the application of the Likely Significant Effect (LSE) test to be undertaken in advance of apportioning approaches. NatureScot articulate the main reasons for this in their response. MSS support the revision of the long-list by at-sea distances, where appropriate.

RSPB provide further comment on apportioning methodology and together with RSPB, MSS support the use of the MSS apportioning tool, where applicable. However, please note an email was received from Catriona Gall of HiDef on the 2 March 2022, regarding outstanding questions on approaches for assessment methodology. This email was circulated to individuals from LOT, RSPB, NS and MSS. The apportioning approach was documented as an outstanding issue (amongst other headings/ queries). A response to this email, following consultation with NatureScot was sought in a request on the 18 March 2022. MSS therefore do not comment here on further specifics of the apportioning raised by RSPB in this response, but provide comment in the 18 March request response here: 2022-18-03- Pentland Floating Offshore Wind Farm - Follow up queries from HiDef - REEA Response Letter to MS-LOT details - Objective ECM (scotland.gov.uk)

[1] Scottish Marine and Freshwater Science Volume 5 Number 12: Strategic assessment of collision risk of Scottish offshore wind farms to migrating birds - gov.scot (www.gov.scot)

MSS, with NS, also note the errors in Table 4.7 regarding species not named as SPA features. MSS agree with RSPB comments that, where available, updated counts for seabirds, available on the Seabird Monitoring Database should be used. RSPB highlight that an SPA for red-throated diver, '*Caithness and Sutherland peatlands SPA*' has not been included in the long list but does have connectivity to the proposed cable corridor.

MSS agree with RSPB that impacts to storm petrels and shearwaters should be considered qualitatively within the assessment, including discussion of their biology and ecology, for example as it may relate to detection and impact pathways.

Marine Mammals

MSS agree with the list of marine mammal species to be considered (as presented in Table 4.3) with the exception of white-beaked dolphin, as there are no protected sites for this species. MSS note NS's advice that common dolphin should also be considered, though as with white-beaked dolphin there are no protected sites for this species in Scottish waters.

MSS are content with the exclusion of all seal SACs except the three sites within the Orkney and North Coast seal management area, as advised by NS.

MSS broadly agree with the list of impact pathways presented in Table 4.6, however we consider that effects on water quality (i.e. turbidity) can be excluded, as this impact is primarily to the prey species of marine mammals, which is covered under its own impact pathway.

MSS are content with the approach to screening in designated sites for harbour porpoise, recommended by NS. Some SACs have been screened in for further assessment that are over 1000 km away from the project site, and MSS support the focussing of this list to include only sites where there is potential connectivity based on distance and impact pathway.

Marine fish ecology

For marine fish ecology, the NCA Screening Report identified the North-West Orkney Nature Conservation Marine Protected Area (NCMPA), designated for sandeels, as requiring further assessment as it is located less than 35 km from the offshore development. MSS note that the developer has correctly identified potential impacts to sandeel, however we agree with NS where they advise that the proposed development is not capable of affecting sandeels as the protected feature of the North-West Orkney NCMPA.

Diadromous fish

MSS agree with the developer and with NS that SACs designated for sea and river lamprey can be screened out for the lamprey Qualifying Interest.

There is a error in Table 4.1: "SACs with Atlantic salmon and sandeels (which prey on salmonids)", should read "SACs with Atlantic salmon and sandeels (which are prey for salmonids)"

There are 4 SACs for which salmon are listed as a Qualifying Interest missing from Table 4.5 and Table 4.7: these are Berriedale and Langwell Waters, Langavat, Endrick Water and North Harris.

MSS agree with NatureScot's advice that SACs with fresh water pearl mussel as a Qualifying Interest should be screened in.

In Table 4.6, "Fish aggregation around the floating structure and associated infrastructure" is correctly included as a potential impact. MSS suggest this should be expanded to "Fish and / or predator aggregation around the floating structure and associated infrastructure".

MSS agree with the approach to in-combination assessment

MSS understand that there are responses from the Northern and Caithness DSFBs which we may be asked to comment on.

Benthic Ecology

MSS have no further comments to add, but are supportive of those submitted by NS.

Hopefully these comments are helpful to you. If you wish to discuss any matters further then please contact the REEA Advice inbox at MSS_Advice@gov.scot

Yours sincerely,

Renewable Energy Environmental Advice group
Marine Scotland Science

T: +44 (0)131 244 2500
E: MSS_Advice@gov.scot

Marc MacFarlane
Marine Scotland Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

5 May 2022

PENTLAND OFFSHORE WIND FARM – HRA SCREENING FOLLOW-UP QUESTIONS

Marine Scotland Science (MSS) have considered the follow-up requests sent by MS-LOT on 26 April 2022.

Marine Ornithology

With respect to the first query: **'***In MSS' response from 01 April 2022, it is noted that "RSPB highlight that an SPA for red-throated diver, 'Caithness and Sutherland peatlands SPA' has not been included in the long list but does have connectivity to the proposed cable corridor". For the avoidance of doubt, could MSS please confirm whether or not it believes this should be addressed in the HRA Screening Opinion, per RSPB's request?***'**

MSS confirm that this should be addressed in the HRA screening opinion.

With respect to the second request: '*RSPB have also noted that, in its opinion, both in-combination and individual assessments should be carried out for wader and wildfowl species such as red-throated divers due to nearby terrestrial SPAs. Does MSS concur with this?***'**

MSS consider that it is appropriate for species such as red-throated diver to be assessed both alone and in-combination. Waders and wildfowl (and other migratory species/taxa) should be considered in a migration assessment alone and in-combination. Red-throated divers breed terrestrially but forage offshore in the breeding season and overwinter coastally (although their distribution can change from breeding season). The Caithness and Sutherland Peatlands SPA, with designated red-throated diver breeding population, has foraging distance connectivity with the proposed project, therefore it should be assessed alone and in-combination.

Advice on further assessment of terrestrial SPA species that could have connectivity with the project below Mean High Water Springs should be consulted upon with statutory nature conservation colleagues from NatureScot.

Diadromous fish

The Northern District Salmon Fishery Board (DSFB) response refers to the potential for visual effects from an array of wind turbines with rotating blades (direct visual impact of moving turbine blades and the related shadow flicker cast by moving blades) to be a spatial barrier to the migration of salmon. Fisheries Management Scotland (FMS) do not specifically mention visual effects in their response, but say that they are disappointed that possible barrier effects have not been scoped in.

The topic of shadow flicker insofar as it applies in fresh waters has recently been reviewed by Dodd and Briers (2021). Most of what they say is also likely to apply to the potential for direct visual impact. Dodd and Briers (2021) concluded that, '*While there is some information available about the response of Atlantic salmon to changes in light intensity (e.g., responses to strobe light or artificial light at night), there is no published information about the responses (biological or behavioural) of Atlantic salmon, or any fish species, to artificial light patterns of the characteristics associated with shadow flicker*'; and that, '*shadow flicker is unlikely to result in a change at the population level*'. They also recommended further research into the effects of shadow flicker/changes in light pattern/intensity on Atlantic salmon.

MSS would largely accept these conclusions as also applying to the salmon life-stages in the marine context, and endorse that information from further research would also be useful in a marine context.

However, on the basis of present information, MSS would not consider it to be a high priority need for marine renewables assessments, and the MSS position remains that barrier effects do not require assessment in the EIA Report for Pentland Floating Offshore Wind Farm.

Reference

Dodd, J.A. and Briers, R.A. (2021) The Impact of Shadow Flicker or Pulsating Shadow Effect, Caused by Wind Turbine Blades, on Atlantic Salmon (*Salmo salar*) CD2020_08. Scotland's Centre of Expertise for Waters (CREW).
https://www.crew.ac.uk/sites/www.crew.ac.uk/files/publication/CD2020_08%20Shadow%20Flicker%20-%20Main%20Report%20vFINAL%2020211202.pdf

Hopefully these comments are helpful to you. If you wish to discuss any matters further then please contact the REEA Advice inbox at MSS_Advice@gov.scot

Yours sincerely,

Renewable Energy Environmental Advice group
Marine Scotland Science

NatureScot

MacFarlane M (Marc)

From: Chris Eastham <Chris.Eastham@nature.scot>
Sent: 18 March 2022 13:55
To: Bamlett R (Rebecca)
Cc: MacFarlane M (Marc); MS Marine Renewables
Subject: 2022 03 18 - Pentland Floating Offshore Wind Farm - NCA screening report - NatureScot advice - AS SENT (A3684917)
Attachments: 2022 03 18 - Pentland Floating Offshore Wind Farm - NCA screening report - NatureScot advice - AS SENT (A3684917).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Rebecca,

Please find attached our advice on the Pentland Floating Offshore Wind Farm NCA screening report. Apologies for the delay.

Kind regards

Chris

2022 03 18 - Pentland Floating Offshore Wind Farm - NCA screening report - NatureScot advice - AS SENT
https://erdms.nature.scot/documents/A3684917/details

NatureScot is the operating name of Scottish Natural Heritage.

--

NatureScot
Scotland's Nature Agency
Buidheann Nàdair na h-Alba

Rebecca Bamlett
Marine Scotland – Licensing Operations Team
Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

18 March 2022

Our ref:
CNS/REN/OSWF/DEMONSTRATION SITES/Pentland Floating Offshore Wind Farm

Dear Rebecca

NATURESCOT ADVICE ON THE PENTLAND FLOATING OFFSHORE WIND FARM NATURE CONSERVATION APPRAISAL SCREENING REPORT

Thank you for your consultation on the 21st February 2022 for the Nature Conservation Appraisal (NCA) screening report for the Pentland Floating Offshore Wind Farm (PFOWF), and for agreeing to extend the response deadline.

The NCA screening report identifies nature conservation designated sites and their qualifying features that have potential connectivity to the PFOWF. The report includes designated sites (Special Protection Area (SPA)/ Special Area of Conservation (SAC) and Ramsar sites) that are assessed for Likely Significant Effects (LSE) under the Habitats Regulations, as well as other designated sites (Nature Conservation Marine Protected Areas (NCMPA)) that are assessed under the Marine (Scotland) Act 2010 for whether the offshore development is Capable of Affecting (CoA) on their conservation objectives. Other designated sites (Sites of Special Scientific Interest (SSSI) and Seal Haul-Out Sites) are also included and will be assessed under the EIA Regulations.

HRA screening advice

Ornithology

Migratory Collision Risk
We are aware that the MS commissioned project for migratory collision risk has not yet been completed. We therefore agree with using a qualitative narrative for this part of the assessment.

Determining likely significant effect (LSE)

We have raised concerns with the approach adopted in the NCA screening report for screening ornithological features, which we have previously raised (meeting on the 16th December 2021). Our main concern is the introduction of apportioning as part of screening for LSE. We consider this introduces an assessment of magnitude to this test. The purpose of screening is to identify those European sites for which an Appropriate Assessment is required. The HRA process requires that this comprises those sites and features where an LSE is expected to arise from the project. The approach taken within Scotland and elsewhere in the UK is that this is a coarse filter; LSE will be assumed to arise where there is the potential presence of an impact pathway. The screening process, therefore, examines potential connectivity between the activities assumed to occur through the development and the qualifying features of European site(s). We acknowledge this approach to screening is highly precautionary as no judgement is made about the likely magnitude of any impact arising from the project, just that a pathway for an impact to occur is assumed to exist. However, this is being applied UK-wide and follows European case law. The extent to which that connectivity will lead to an adverse effect on each site is then considered in more detail at a later stage of the HRA process. Our recommended approach to screening is that of defining the 'long-list' of SPAs and features that have connectivity (as defined by mean-max foraging range plus on standard deviation presented in Woodward *et al*. 2019; with exceptions for gannet, razorbill and guillemot). This long list can be revised by consideration of 'at-sea' distances as a biological sense-check for species that are known to fly around land.

Consistency in screening and provision of the long list is an important part of providing transparency in the assessment process. As we move forward with ScotWind this is increasingly important.

We also noticed that in the apportioning approach used there were several species that were incorrectly listed as SPA qualifying features but would need to be considered in apportioning as non-SPAs (e.g. puffin at East Caithness Cliffs and gannet at Troup Head).

Marine mammals

We advise that common dolphin are included in the list of marine mammal species requiring further consideration in the NCA screening report (see section 4.5.2). This species is recorded in the baseline surveys and regularly recorded on the west coast of Orkney.

Note in table 4.3, which refers to management units, that the numbers for bottlenose dolphin are out of date (the correct population estimate for the east coast management unit is 224 bottlenose dolphins, please see East of Scotland bottlenose dolphins: estimate of population size 2015-2019).

In table 4.4, the maximum recorded distances for seals have been used as a screening buffer. Based on telemetry data, we generally advise a screening buffer of 50 km for harbour seals and 20 km for grey seals. However, for this proposal, we advise that all seal SACs within the Orkney & north coast management unit are screened in, as there is evidence that harbour seals are foraging further away from haul outs. Therefore, Faray and Holm of Faray SAC, Sanday SAC and North Rona SAC should be screened in. Other seals SACs can be screened out.

Please be aware that the conservation objectives for the seal SACs are currently being revised in line with a programme for all European sites to have their conservation objectives updated. We are unable to advise when these maybe published but will keep you updated as far as we can.

For harbour porpoise, all of the North Sea SACs are included in the NCA screening report. Due to problems identifying a population or individuals using these SACs, it will be difficult to prove

connectivity or percentage of animals likely to be affected. We recommend that impact pathways (e.g. underwater noise), as well as distance, are used to focus on the qualifying features and SACs with a likely significant effect. The list in table 4.7 with 'further assessment required' identified, could be narrowed down to focus on qualifying features and SACs which have connectivity and there is an impact pathway.

Diadromous fish

The NCA screening report states that the rivers and river mouths designated for sea and river lamprey do not overlap with the PFOWF, and are therefore screened out due to no connectivity. Although there is very limited information on the distribution and behaviour of river and sea lamprey in marine waters, it is possible that migration routes for both species may overlap with the proposed development. However, considering the distance to the nearest SAC (107 km), it is unlikely that the proposal will have a significant effect and we agree they are screened out.

Atlantic salmon are a host species for freshwater pearl mussel (FWPM) during a critical parasitic phase of the mussels lifecycle, and so there is a need to consider indirect impacts upon this species to ensure population is not adversely affected. Therefore, we advise that SACs with FWPM as a qualifying feature are screened in. We agree with the Atlantic salmon SACs that are screened in.

NC MPAs

For NC MPAs, only potential impacts that affect features within the boundary of the site need to be considered. Due to the large distances between the proposal and NC MPAs, and consideration of the potential impact pathways, we advise that proposed development is not capable of affecting the protected features on the following sites: North-west Orkney NC MPA (sandeel), Southern Trench NC MPA (minke whale), North-east Lewis NC MPA (Risso's dolphin) and the Sea of the Hebrides NC MPA (basking shark and minke whale).

In-combination assessment

We agree with the approach to in-combination assessment. The assessment should also include other marine renewable projects such as tidal developments (e.g. MeyGen, EMEC Fall of Warness) and wave (EMEC Billia Croo).

We hope this advice is of assistance. If further information or advice is required please contact (chris.eastham@nature.scot, mobile: [Redacted]) in the first instance.

Yours sincerely,

Chris Eastham

Marine Sustainability Adviser

MacFarlane M (Marc)

From: Chris Eastham <Chris.Eastham@nature.scot>
Sent: 26 April 2022 15:53
To: MS Marine Renewables
Cc: Erica Knott; Bamlett R (Rebecca); Mckay J (John)
Subject: RE: 2022 03 18 - Pentland Floating Offshore Wind Farm - NCA screening report - NatureScot advice - AS SENT (A3684917)

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Saved in eRDM

Hi Marc,

Thanks for the email. We are content with this approach. We mentioned common dolphin to recognise they are regularly recorded on the west coast of Orkney. We are happy for common dolphin, and white-beaked dolphin which are also included in the list in section 4.4.2 of the NCA screening report, to be screened out.

Kind regards

Chris

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>
Sent: 26 April 2022 11:47
To: Chris Eastham <Chris.Eastham@nature.scot>
Cc: MS.MarineRenewables@gov.scot; Erica Knott <Erica.Knott@nature.scot>; Rebecca.Bamlett@gov.scot; John.Mckay@gov.scot
Subject: RE: 2022 03 18 - Pentland Floating Offshore Wind Farm - NCA screening report - NatureScot advice - AS SENT (A3684917)

Good afternoon Chris,

Thank you very much for submitting the response below. MS-LOT are putting the final touches on the Scoping Opinion document currently.

To assist in this I'm just getting in touch to seek clarity on a point. MS-LOT notes that NatureScot advised that common dolphins should be included in the list of marine mammal species for further consideration in the NCA Screening Report. However, there are no protected sites for this species in Scottish waters. Consequently, MS-LOT is considering screening out common dolphin. This position is also supported by MSS advice. At this stage, MS-LOT would just like to know if NatureScot has any concerns with this approach?

MS-LOT would also greatly appreciate if you could get back by 03 May 2022 as it is the current intention to issue this Scoping Opinion in the middle of next week.

Kind regards,
Marc

From: Chris Eastham <Chris.Eastham@nature.scot>
Sent: 18 March 2022 13:55
To: Bamlett R (Rebecca) <Rebecca.Bamlett@gov.scot>

Cc: MacFarlane M (Marc) <Marc.MacFarlane@gov.scot>; MS Marine Renewables <MS.MarineRenewables@gov.scot>
Subject: 2022 03 18 - Pentland Floating Offshore Wind Farm - NCA screening report - NatureScot advice - AS SENT (A3684917)

Hi Rebecca,

Please find attached our advice on the Pentland Floating Offshore Wind Farm NCA screening report. Apologies for the delay.

Kind regards

Chris

2022 03 18 - Pentland Floating Offshore Wind Farm - NCA screening report - NatureScot advice - AS SENT
https://erdms.nature.scot/documents/A3684917/details

NatureScot is the operating name of Scottish Natural Heritage.

--

Bamlett R (Rebecca)

From: Chris Eastham <Chris.Eastham@nature.scot>
Sent: 17 June 2022 12:45
To: Mckay J (John)
Cc: MacFarlane M (Marc); Bamlett R (Rebecca); MS Marine Renewables
Subject: RE: Pentland Floating Offshore Wind Farm - NCA screening report - Follow-up queries

Follow Up Flag: Follow up
Flag Status: Completed

Hi Rebecca & John,

Please see our advice below:

1 – Wildfowl and Wader Migration. We largely agree that the interpretation is correct, but we also note our in advice on onshore activities highlights that the Caithness Lochs SPA (and greylag and Greenland white-fronted geese) should be considered in more detail and the proposed update to the survey work will provide information to help inform the assessment of any potential impacts. It would also be helpful for the qualitative assessment (and interpretation of any strategic outputs) is made relevant to the assessment.

2 - Wildfowl and Wader terrestrial SPA species. We agree with the advice of MSS in particular that red-throated diver from Caithness and Sutherland Peatlands SPA should be considered. We would advise that for other terrestrial SPA species, they should be considered where they have been observed in the survey data and they are within foraging range of the development site.

Our previous onshore advice (see scoping response from 18 February 2021):

In summary, the main onshore sensitivities are:
– **Sandside Bay SSSI –** the onshore works area would lie adjacent to this SSSI, protected for its sand dune habitat. The scoping report states that there will be no overlap between the onshore works and the SSSI, so impacts appear unlikely. However, we note the location of some of the elements has not been finalised and we would still expect assessment of the potential impacts to the SSSI within the final report/EIAR.
– **North Caithness Cliffs SPA –** the onshore works area will lie adjacent to the marine extension area of this SPA and ~1km from the nearest land-based section of the SPA. Potential impacts from disturbance to SPA birds should be considered and the proposed update to survey work will help inform this.
– **Caithness Lochs SPA –** the onshore works area will lie within foraging range and suitable habitat for feeding geese associated with the SPA (greylag geese and Greenland white-fronted geese). It's good to see the SPA being considered in more detail with the scoping report and the proposed update to the survey work will provide information to inform assessment of any potential impacts.

– **Caithness & Sutherland Peatlands SPA –** the onshore works are lies within foraging range for some species associated with this SPA and updated survey work will help inform assessment of the potential impacts.

Hope this is helpful, and please let me know if you have any further queries.

Kind regards

Chris

Royal Society for the Protection of Birds

MacFarlane M (Marc)

From: Bea Ayling <Bea.Ayling@rspb.org.uk>
Sent: 21 March 2022 11:20
To: MS Marine Renewables
Cc: Catherine Kelham
Subject: RE: Pentland Floating Offshore Wind Farm - Habitats Regulations Appraisal Screening Report Consultation - Response Required by 14 March 2022
Attachments: PFOWF HRA Consultation - RSPB response.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Rebecca,

Please find attached RSPB Scotland's response to the HRA Screening report consultation for the PFOWF.

Please don't hesitate to contact me if you have any questions.

Kind regards,

Bea Ayling
Conservation Officer – North Highland

North Scotland Regional Office Etive House, Beechwood Park, Inverness, IV2 3BW
I am currently working from home
Mobile [Redacted]

My preferred pronouns are she/her/hers

rspb.org.uk

Let's give nature a home in Scotland

giving nature a home
rspb
Scotland

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>
Sent: 21 February 2022 15:57
Cc: Marc.MacFarlane@gov.scot

Subject: Pentland Floating Offshore Wind Farm - Habitats Regulations Appraisal Screening Report Consultation - Response Required by 14 March 2022

Dear Sir/Madam,

PENTLAND FLOATING OFFSHORE WIND FARM, FIRTH OF FORTH
HABITATS REGULATIONS APPRAISAL SCREENING REPORT

In respect of the proposed application for section 36 consent (under the Electricity Act 1989) and marine licences (under the Marine (Scotland) Act 2010), Highland Wind Limited has submitted a Habitats Regulations Appraisal ("HRA") Screening Report.

The HRA Screening Report provides information to enable the screening of the Pentland Floating Offshore Wind Farm with respect to its potential to have a likely significant effect on European sites of nature conservation importance.

The HRA Screening Report can be found attached.

We would appreciate any comments you may have on the HRA Screening Report and your opinion as to whether or not you are in agreement with the European sites identified.

Please submit your response electronically to ms.marinerenewables@gov.scot by **14 March 2022**. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of extensions to the consultation period. If you have no comments to make please submit a "nil return" response.

Kind regards,

Rebecca

Rebecca Bamlett (she/her)
Offshore Renewable Energy Projects Consenting Leader
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Covid-19: Marine Scotland - Licensing Operations Team (MS-LOT) is working from home and, as a result, determination of applications may take longer than our stated timelines. In addition, MS-LOT is unable to respond to phone enquiries. Please therefore communicate with MS-LOT via email. Email addresses are MS.MarineRenewables@gov.scot for marine renewables correspondence or MS.MarineLicensing@gov.scot for all licensing queries.

Frequently Asked Questions

RSPB Scotland

FAO Rebecca Bamlett
Marine Scotland
Email: ms.marinerenewables@gov.scot

Date: 21st March 2022

Dear Rebecca,

PENTLAND FLOATING OFFSHORE WIND FARM: HABITATS REGULATIONS APPRAISAL SCREENING REPORT

Thank you for consulting RSPB Scotland on the HRA Screening Report for the above proposed offshore windfarm.

We largely agree with the content in the report entitled "Pentland Floating Offshore Wind Farm - NCA Screening Report" but have a number of comments, outlined below.

1. *Apportioning*

We are content with the apportioning work undertaken, based on NatureScot guidance[1], for all species except guillemot, razorbill, shag, and kittiwake. This because a new tool[2] is now available for these species. In our scoping response, we recommended that this tool is used, which builds on the NS guidance methods.

We understand that an attempt was made to use the Marine Scotland apportioning tool, but it raised a number of queries which need to be resolved and this was recently discussed at a meeting between Marine Scotland, NatureScot, RSPB and HiDef on 22nd February 2022. Once these issues have been addressed, we would strongly recommend that this tool is used for guillemot, razorbill, shag and kittiwake.

We note that the Report states that "the 'most recent counts' obtained during the Seabirds Count census, 2015-2019" were used for apportioning. We welcome this but note that surveys for the census were completed in 2021, and 2020 and 2021 data is now available on the Seabird Monitoring Database. This data should be included if relevant to the species and sites being examined.

Tables for Arctic tern and red-throated diver are not presented in the SPA long-list nor the apportioning calculations *"as there are no SPAs within respective foraging range for each species"*. We would like to highlight that the subsea cable of the development within the 9km foraging range[3] for red-throated diver from the Caithness and Sutherland Peatlands SPA. This should be addressed within the HRA.

Lastly, it would have been useful to include a column showing the number of birds from each SPA on the development site in the apportioning calculation tables as per the NS interim guidance note. We request this is included in subsequent documents as appropriate.

[1] https://www.nature.scot/doc/interim-guidance-apportioning-impacts-marine-renewable-developments-breeding-seabird-populations

[2] https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2019/11/marine-scotland-topic-sheets-renewables/documents/statisitcal-tool-to-attribute-seabirds-at-sea-to-their-breeding-colonies-28-july-2020/statisitcal-tool-to-attribute-seabirds-at-sea-to-their-breeding-colonies-28-july-2020/govscot%3Adocument/Attribute%2Bseabirds%2Bat%2Bsea%2Bto%2Bbreeding%2Bcolonies.pdf

[3] Woodward, I., Thaxter, C.B., Owen, E., and Cook, A.S.C.P. 2019. Desk-based revision of seabird foraging ranges used for HRA screening. BTO research report number 724.

North Scotland Regional Office
North Scotland Regional Office
Etive House
Beechwood Park
Inverness
IV2 3BW

nsro@rspb.org.uk

Tel: 01463 715000
Facebook: Rspbhighlands
Twitter: @RSPBNorthScot
rspb.org.uk

2. *Petrels, shearwaters and fulmar*

We note that petrels and shearwaters did not make the long list of SPAs, *"as they are either not within foraging range or not recorded in significant numbers during survey work".*

However, we are concerned about collision risk to crepuscular and nocturnal Procellariiformes. There is strong evidence to suggest that storm petrels would be missed during aerial surveys due to this behaviour (Dr Aly McCluskie, pers. comms.). The Offshore Wind Strategic Monitoring and Research Forum (OWSMRF) have also identified the potential risk to this species from collision with wind turbines due to lack of research[4].

The proposed development site is within foraging range (within 330km as per Woodward et al 2019) of the nearest protected breeding colonies (Auskerry SPA and the Sule Skerry and Sule Stack SPA). However, the site also lies close to the coast. Although storm petrels will tend to avoid coastal areas during daylight, there is evidence of inshore foraging at night[5],[6], and movement close to the coast at night in locations that are distant from colonies[7]. Birds are regularly trapped in mist nets at night, far away from known breeding areas (Dr Mark Bolton, pers. comms). Research also suggests that lights on structures may attract juveniles and displace adults.

Nocturnal migrants are known to be more susceptible to attraction to artificial light (e.g., lighthouses) during foggy conditions. Between July and Sept immature birds will prospect breeding colonies across the whole of west and north Scotland. Ringing data shows that individuals travel very widely on a nightly basis – birds may be caught in locations several hundreds of km apart on successive nights, in locations far from any colony.

There is also unpublished evidence from the Mousa tracking work undertaken by Dr Mark Bolton that, during foggy conditions, birds become disorientated and are unable to follow a direct route to the colony from the offshore feeding areas. The tracks indicate that birds become disorientated, and when they reach a coastline, they follow the coast for tens of kilometres, to locate the colony (Mark Bolton, pers. comms). Under these conditions, there is potential for breeding adults to occur close to the coast, away from their colony, and to be susceptible to light attraction to a wind farm.

These individuals may be susceptible to collision with turbines at the site, especially if attracted to artificial light during foggy conditions.

Therefore, contextual data should be presented to inform a qualitative assessment of the potential impacts on these species. The HRA document should acknowledge this.

3. *Cumulative assessment*

The cumulative impact assessment needs to consider all operational and consented developments (including tidal and wave energy projects) with impacts on the same SPAs as the Pentland Floating Offshore project and a quantitative assessment produced. In addition, sites within the planning system and Scotwind will need to be taken into account and require qualitative analysis.

In addition, we note that wader and wildfowl species such as red-throated divers will receive a qualitative in-isolation assessment. We believe this should be both an individual and an in-combination assessment. The species are associated with nearby terrestrial SPAs (such as the Caithness and Sutherland Peatlands SPA) and were encountered by surveys during the breeding season as they are known to forage at sea whilst breeding. Onshore wind farm developments have the potential to cause cumulative collision and/or displacement and their effects should be considered.

---

[4] OWSMRF Meeting Minutes, 14th July 2021

[5] D'Elbee, J. and Hemery, G. 1998. Diet and foraging behaviour of the British Storm Petrel *Hydrobates pelagicus* in the Bay of Biscay during summer. *Ardea*, 86: 1–10.

[6] Thomas, Robert & Pollard, Alex & Medeiros, Renata. (2006). Evidence for intertidal foraging by European Storm Petrels Hydrobates pelagicus during migration. Atlantic Seabirds. 8. 87-94.

[7] BOLTON, M. (2021). GPS tracking reveals highly consistent use of restricted foraging areas by European Storm-petrels Hydrobates pelagicus breeding at the largest UK colony: Implications for conservation management. Bird Conservation International, 31(1), 35-52. doi:10.1017/S0959270920000374

4. *Other comments*

We welcome the intention to undertake a qualitative assessment of potential risk to wildfowl and waders on migration. However, the HRA Report states that a screening exercise for wildfowl and wader SPAs will not be undertaken as *"the matter cannot be dealt with at an individual project level, or by individual SPA."* It is unclear why this is the case. For example, the Caithness Lochs SPA, located to the south of the proposed development is designated for its wintering populations of Greenland white-fronted geese, whooper swan and greylag goose. Since there are no other Greenland white-fronted goose populations in the north of Scotland, any individuals or flocks of this species overflying the site on migration will very likely belong to this SPA population.

Lastly, section 4.5.2 Sites Designated for Marine Mammal and Other Megafauna Features should include orca as they are regularly observed off the coast in this area.

We hope you find these comments helpful. Should you wish to discuss of any of the above please do not hesitate to contact me.

Yours sincerely,
[Redacted]

Bea Ayling
Conservation Officer
bea.ayling@rspb.org.uk