



Marine Directorate Licensing Operations Team,
Marine Laboratory,
375 Victoria Road,
Aberdeen AB11 9DB

By email – [REDACTED]

19 October 2023

Dear [REDACTED],

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)

Green Volt Offshore Windfarm – Additional Information Request

On 6 June 2023 the Scottish Ministers requested supplementary information be submitted in relation to the Green Volt Offshore Windfarm Environmental Impact Assessment (EIA) application in line with regulation 21 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and regulation 19 of the Electricity Work (Environmental Impact Assessment) (Scotland) Regulations 2017, in order to ensure the completeness and quality of the EIA Report.

The additional information requested, on the basis of the NatureScot representation, was as follows:

Ornithology

- *Population Viability Analysis (“PVA”)*: The PVA should be re-run to include all predicted impacts for species and designated sites using specific values, rather than generic scenarios. MD-LOT advise that in re-running the PVA, a 0.02 percentage point change in productivity / survival should trigger PVA. The PVA must also include the output of Counterfactual for Population Size within the final assessment in line with the relevant NatureScot guidance. Finally, the PVA must be run for both 25 and 35 years to allow for comparability.
- *In Combination Assessment*: Due to in combination impacts with Berwick Bank, Nature Scot advised there is likely to be adverse effect on site integrity from Green Volt when considered with this development. It’s therefore necessary to consider a derogation case for the relevant SPAs / features.
- *Collision Risk Modelling*: The collision risk modelling must be updated for gannet using a flight speed of 14.9. Additionally, clarification (including citations and rationale) must be provided regarding the Standard Deviation calculations undertaken for density estimates used in the collision risk modelling.

- *Displacement*: The displacement assessment including conclusions must be updated and undertaken in line with NatureScot guidance note 8, including the displacement and mortality rates as advised by NatureScot. The threshold on mortality to consider impacts should be updated to 0.02% from the 1% currently used.
- *Apportioning*: Apportioning within Annex 2 of the report to inform appropriate assessment should be updated to provide the apportioning for each SPA and any non-SPA colonies. The applicant must provide clarity on apportioning totals used and the year of the data used for the totals, in line with the NatureScot request.

This submission includes a **Supplementary Ornithological Assessment** to provide the PVA, collision risk modelling, displacement and apportioning information requested. We would be grateful if MD-LOT (on behalf of the Scottish Ministers) can re-confirm that the information still remains directly relevant to reaching a reasoned conclusion on the significant effects of the works on the environment and is considered additional information under the above EIA regulations, following the review of the submitted information.

The request to consider a derogation case due to likely in combination impacts with Berwick Bank has been addressed through a **Without Prejudice HRA Derogation Case**. We have produced the derogation case in line with regulation 29 of **The Conservation of Offshore Marine Habitats and Species Regulations 2017** should the competent authority determine that the Project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) in line with regulation 28 of the regulations. Furthermore, we are also providing an **Offshore Ornithology Compensation Measures Report** to support the appropriate authority should they need to secure any necessary compensatory measures to ensure that the overall coherence of the site network under regulation 36 of the 2017 offshore habitats regulations.

The Applicant strongly maintains the position taken in the Report to Inform the Appropriate Assessment (RIAA) that the Project alone effects are so low that they are *de minimis* and can be considered to not have a material contribution to the levels of baseline mortality for any of the European sites assessed and therefore no potential for any contribution to any existing in-combination effect. However, in light of stakeholder consultation around the potential for in-combination AEol on relevant SPAs irrespective of this Project, the Applicant has decided to present a **Without-Prejudice HRA Derogation Case**, to be read alongside the **Offshore Ornithology Compensation Measures Report** to provide the competent authority with the full information that may reasonably be required for the application of the Habitats Regulations Assessment (HRA) process.

The e-mail of 6 June 2023 also highlights that some clarifications were requested by some consultees across a variety of receptors. Please note that these are being addressed under separate cover and independently of the additional information request.

Yours sincerely,

[REDACTED]
Consent Lead
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