

FAO Ben Walker

Offshore Renewable Energy Projects
Marine Directorate Licensing Operations Team
Marine Laboratory
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AB11 9DB

West of Orkney Windfarm
32 Charlotte Square
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EH2 4ET

Ref: WO1-WOW-PER-ENV-LET-0001

3 October 2024

Dear Mr Walker,

Electricity Act 1989
The Electricity (Applications for Consent) Regulations 1990
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Marine and Coastal Access Act 2009
Marine (Scotland) Act 2010
The Marine Works (Environmental Impact Assessment) Regulations 2007
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Offshore Wind Power Limited, Submission of Additional Information in Relation to the Applications for Consent to Construct and Operate a Generating Station, West of Orkney Windfarm and associated offshore transmission infrastructure.

The Applicant, Offshore Wind Power Limited (OWPL), is a joint venture between Corio Generation, TotalEnergies and Renewable Infrastructure Development Group (RIDG).

In September 2023, OWPL submitted an application for consent under Section 36 of the Electricity Act 1989 (Section 36 Consent) for the construction and operation of an offshore generating station (the West of Orkney Windfarm) comprising up to 125 wind turbines, their foundations and associated inter-array cabling. That submission also included applications for Marine Licences under Part 4 of the Marine and Coastal Access Act 2009 and Part 4 of the Marine (Scotland) Act 2010 for the generating station and associated offshore transmission infrastructure.

The application was supported by an [Environmental Impact Assessment \(EIA\) Report](#) prepared in accordance with the relevant EIA Regulations. A [Report to Inform an Appropriate Assessment \(RIAA\)](#) and a [Without Prejudice Derogation Case](#), both of which were prepared in accordance with the Habitats Regulations and other supporting documents including an [Offshore Planning Statement](#) and [Pre-Application Consultation \(PAC\) Report](#) also accompanied the application. The Applicant also submitted an application for [Planning Permission in Principle](#)

(PPP) for the onshore infrastructure associated with the project to the Highland Council (THC) in November 2023. THC granted PPP on the 18th of June 2024.

The documents included with this letter have been prepared in response to formal requests from MD-LOT, on behalf of Scottish Ministers, dated 8th February 2024 and 8th April 2024, for the provision of additional information. The Additional Information provided comprises of 'additional information' under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and 'further information' under the Marine Works (Environmental Impact Assessment) Regulations 2007. It also includes a Report to inform an Appropriate Assessment and consideration of a derogation under the relevant Habitat Regulations.

The information presented in the application and this additional information demonstrates that the West of Orkney Windfarm would deliver substantial benefits for Scotland, securing clean energy to decarbonise the energy sector and increase security of supply, hence help in the meeting of national targets.

The Project will deliver a number of socio-economic benefits and since submitting our application, we have continued to work with local communities and businesses to ensure the potential benefits of the Project can be realised, this includes:

- Investing in innovation, by launching a £1m Research and Innovation programme to bring forward new technologies and methodologies in the Highlands and Islands that can advance the delivery of offshore wind.
- Investing in skills development, by leading a consortium of ScotWind developers to deliver a £1.2m STEM Outreach Programme with primary schools across the Highlands and Islands, through UHI.
- Investing in regional capability, by providing £125,000 to bring companies from Orkney, Caithness, Sutherland and Ross-shire through the ORE Catapult Fit4Offshore Renewables scheme.
- Investing in apprenticeships, by committing £50,000 to FutureSkills that will create new opportunities for businesses and young people in Caithness and north Sutherland.

Beyond this the Project is targeting 60% UK content over the project's 30-year lifetime, with 40% in Scotland. The north of Scotland regions will benefit significantly from this. We are also working closely with local communities on the design of a community benefits package.

OWPL would also secure and deliver substantial ecological benefits, to compensate for residual ecological effects and provide ecological resilience.

Taken together with the original application, the enclosed documents ensure that the Scottish Ministers have all necessary information required to determine the applications made by OWPL and that it is rational, reasonable and in the public interest to grant the Section 36 and Marine Licences.

Additional Information Request

The full request for additional information is presented in Annex A. The responses to the additional information request have been submitted in the following:

- [Addendum to the EIA](#);
- [Addendum to the Report to Inform the Appropriate Assessment \(RIAA\)](#); and
- [Addendums to the Derogation Case, Compensation Measures Plan and Compensation Implementation and Monitoring Plan](#).

A summary of the information submitted in response to the request for additional information and key conclusions presented in the above documents is provided below and a full list of documents submitted in response to the additional information request is detailed in Annex B.

Addendum to the EIA and HRA

Additional Information	Submission Overview
Introduction to the Offshore EIA Report Addendum	The Introduction to the Offshore EIA Report Addendum outlines the purpose of the Offshore EIA Report Addendum; the request for Additional Information, the Restricted Build Areas that have been identified during work to address the additional information request and the structure of the Offshore EIA Report Addendum.
Benthic Subtidal and Intertidal Ecology	<p>The Benthic Subtidal and Intertidal Ecology Additional Information includes the further analysis of specific benthic receptors relative to benthic ecology, namely Annex I reef, Priority Marine Feature (PMF) subtidal sands and gravels, PMF <i>Arctica islandica</i>, PMF tide swept coarse sands with burrowing bivalves, invasive non-native species (INNS) and the provision of further clarification on contingency rock protection quantities.</p> <p>The Additional Information for Annex I reef includes confirmation of values of Annex I reef in the national (Scottish and UK) context and on the presence of <i>Sabellaria spinulosa</i> aggregations not meeting reef classification criteria.</p> <p>The Additional Information provides revisions to the narrative around reef resilience and recoverability to account for potential changes in reef morphology with specific reference to sensitivities assessments included in MarLin and to the assessment including magnitude score for impacts to Annex I stony reef habitat, to better reflect the scale of boulder and bedform clearance. Finally in relation to Annex I reef, the benthic subtidal and intertidal ecology Additional Information provides a review of the justification provided for the magnitude scoring for impacts to Annex I stony reef.</p> <p>The Additional Information for PMF subtidal sands and gravels includes the presentation of the distribution of all observations of the PMF in a map and review of the justification provided for magnitude scoring for impact to offshore sands and gravels.</p> <p>For the PMF <i>Arctica Islandica</i>, the Additional Information presents confirmation on the number of juveniles, adults and shells observed in the survey.</p> <p>The Additional Information for PMF tide swept coarse sands with burrowing bivalves includes the presentation of the distribution of all observations of the PMF in a map and the provision of an assessment of impacts to PMF tide swept coarse sands with burrowing bivalves.</p> <p>In relation to INNS, the Additional Information includes a revision of the magnitude score from 'negligible' to 'low' for all receptors and commitments made with regard to appropriate INNS mitigation and monitoring.</p> <p>Finally, to address the request for clarification on contingency rock quantities, the Additional Information provides information to confirm the rock contingency requirements presented in the original EIA Report were not an underestimate. Further detail on the calculations to inform the impacts associated with Electromagnetic Fields (EMF) is also provided as requested.</p> <p>Throughout the Additional Information provided in relation to Benthic Subtidal and Intertidal Ecology, the conclusions drawn do not differ from the overall EIA significance conclusions from the original Benthic Subtidal and Intertidal Ecology impact assessment.</p>

Additional Information	Submission Overview
<p>Fish and Shellfish Ecology</p>	<p>The Fish and Shellfish Ecology Additional Information includes further analysis of specific receptors, namely common skate, sandeel and Atlantic salmon.</p> <p>The Additional Information for common skate includes the reanalysis of drop-down video footage for presence of common skate egg cases confirming the Project is not located in an important nursery area, an assessment of increased SSC and associated sediment deposition, an assessment of underwater noise effects on common skate eggs and an assessment on the national status of common skate.</p> <p>The Additional Information for sandeel provides a contextualisation of sandeel habitat across the offshore Project, an assessment of temporary habitat and species loss and disturbance, an assessment of temporary increases in suspended sediments and associated deposition, an assessment of underwater noise effects on sandeel eggs and larvae and an assessment on the national status and the North-West Orkney NCMPA in relation to sandeel.</p> <p>In relation to Atlantic salmon, the Additional Information includes consideration of emigration times and diurnal patterns of Atlantic salmon smolts for all sources of underwater noise.</p> <p>Further detail on the calculations to inform the impacts associated with Electromagnetic fields (EMF) have also been presented.</p> <p>Throughout the Additional Information provided in relation to Fish and Shellfish Ecology, the conclusions drawn do not differ from the overall EIA significance conclusions from the original Fish and Shellfish Ecology impact assessment.</p>
<p>Marine Mammals and Megafauna</p>	<p>The Marine Mammal and Megafauna Additional Information provides a revised assessment for underwater noise pressures to marine mammals regarding sensitivity and magnitude criteria.</p> <p>The Additional Information presents further analysis on cumulative effects of the offshore Project, using iPCoD modelling for harbour porpoise, minke whale and harbour and grey seal species.</p> <p>The Additional Information also includes a reaffirmation of the commitment to mitigation of predicted impacts to marine mammals, through the updated Outline Marine Mammal Mitigation Protocol (MMMP) and consideration of the implications to the European Protected Species (EPS) licencing.</p> <p>Throughout the Additional Information provided in relation to Marine Mammals and Megafauna, the conclusions drawn do not differ from the overall EIA significance conclusions from the original Marine Mammals and Megafauna impact assessment.</p>
<p>Commercial Fisheries</p>	<p>The Commercial Fisheries Additional Information provides further justification to explain how fishing is presumed to be able to resume in the development area post construction. The Additional Information also contains the inclusion of the spatial dataset 'Gridded fisheries data within Scottish waters for Scottish fishing vessels under 12 m overall length – annual averages 2017 to 2021'.</p> <p>Throughout the Additional Information provided in relation to Commercial Fisheries, the conclusions drawn do not differ from the overall EIA significance conclusions from the original Commercial Fisheries impact assessment.</p>

Additional Information	Submission Overview
Shipping and Navigation	<p>The Shipping and Navigation Additional Information presents additional mitigation in the form of Restricted Build Areas (RBAs), the identification of which were the subject of a Safety Case assessment and consultation with Maritime and Coastguard Agency (MCA) and UK Chamber of Shipping (UKCoS). Identification of these RBAs addressed the concerns raised in relation to the proximity of the Offshore Array Area to Sule Skerry to the north of the OAA and the IMO Routing Area to be Avoided to the east of the OAA. Proposed consent condition text with regards to the RBAs has been agreed with MCA and UKCoS.</p> <p>Throughout the Additional Information provided in relation to Shipping and Navigations, the overall conclusions drawn in terms of EIA significance are not significant.</p>
Traffic and Transport traffic and transport impacts	<p>The Traffic and Transport Additional Information presents an evaluation of the onshore impacts associated with the offshore Project setting out the indicative vehicle movements associated with the offshore Project. The assessment considers all potential port and airport facilities that might be utilised by the Project.</p> <p>Throughout the Additional Information provided in relation to Traffic and Transport, the overall conclusions drawn in terms of EIA significance are not significant.</p>
Marine Archaeology and Cultural Heritage	<p>The Marine Archaeology and Cultural Heritage Additional Information presents an assessment of the impacts on the setting of Sule Skerry Lighthouse including wirelines to illustrate potential impacts of the development on views from the lighthouse. No significant impacts are predicted. Some additional detail on the archaeology and cultural heritage baseline have been presented, at the request of Orkney Islands Council (OIC).</p> <p>Throughout the Additional Information provided in relation to Marine Archaeology and Cultural Heritage, the conclusions drawn do not differ from the overall EIA significance conclusions from the original Marine Archaeology and Cultural Heritage impact assessment.</p>
Offshore and Intertidal Ornithology EIA Addendum	<p>The Ornithology Additional Information presents a full reassessment for offshore ornithology based on an approach aligned with NatureScot guidance and Project specific advice (where this differs from guidance). This reassessment has been presented in the form of a revised EIA Report chapter for Offshore and Intertidal Ornithology, which takes precedence over the information provided in the original EIA report chapter (i.e., Chapter 13). A series of nine technical appendices support the EIA (and associated RIAA – see below), which wholly replace the original Supporting Study 12.</p> <p>The overall conclusions of the revised impact assessment are unchanged from those in the original assessment, in that no significant impacts are predicted on regional populations.</p>
Addendum to RIAA – Offshore and Intertidal Ornithology	<p>The Ornithology Additional Information presents a revised Report to Inform Appropriate Assessment (RIAA) for Offshore and Intertidal Ornithology, based on an approach aligned with NatureScot guidance and Project specific advice (where this differs from guidance).</p> <p>The Addendum to the RIAA for Offshore and Intertidal Ornithology replaces the ornithological sections of the original RIAA.</p> <p>A series of nine technical appendices support the Addendum to the RIAA (and associated EIA – see above), which wholly replace the original Supporting Study 12. As part of the revised</p>

Additional Information	Submission Overview
	<p>assessment, HRA Screening was reported in a standalone report (Technical Appendix 2 HRA Screening Technical Report).</p> <p>Screening identified over 230 Special Protection Areas (SPAs) for consideration on grounds of potential connectivity, including seabird breeding colonies, marine habitat designations and terrestrial sites</p> <p>Detailed quantitative assessment undertaken for 28 seabird colony SPAs for which Likely Significant Effect (LSE) for one or more feature could not be ruled out</p> <p>Impacts apportioned among SPAs using NatureScot agreed methods,</p> <p>Population consequences of Project alone and in-combination effects considered using Population Viability Analysis (PVA)</p> <p>For three SPA features (breeding seabird species) AEoSI could not be ruled out:</p> <p>Sule Skerry and Sule Stack SPA: Guillemot, Project alone and in-combination (<i>excludes Berwick Bank as no connectivity</i>)</p> <p>North Caithness Cliffs SPA: Kittiwake, in-combination (<i>with and without Berwick Bank</i>)</p> <p>East Caithness Cliffs SPA: Kittiwake, in-combination (<i>with and without Berwick Bank</i>)</p>
Addendum to RIAA – All Other Topics	<p>The Addendum to the RIAA – All Other Topics, indicates that based on work undertaken to inform the additional information request, there has been no change to the information presented in the original RIAA with regards to benthic, fish and shellfish and marine mammal (other than otter) receptors.</p> <p>Information to inform the Appropriate Assessment relating to potential impacts on otter in the nearshore area has been provided which indicates there will be no Adverse Effect on Site Integrity (AEoSI) as a result of cable landfall installation.</p>

Additional Information	Submission Overview
Addendum to the Derogation Case	<p>The Addendum to the Derogation Case is set out in four parts; Background Information, No Alternative Solutions, Imperative Reasons of Overriding Public Interest (IROPI) and Compensatory Measures. The Addendum to the Derogation Case outlines the relevant legislation in relation to HRA Derogation Provisions in Scotland and the UK, as well as providing a summary of the Project’s conclusions in respect of the potential for adverse effect on site integrity (AEoSI).</p> <p>The Addendum to the Derogation Case includes details on the guidance and planning precedent that has informed the development of the derogation case and demonstrates that the applicant has considered, in detail, all of the relevant information. The third section of the Derogation Case provides a summary of the need for the Project and the key role that the Project must play in delivering Scottish and UK targets, this section is supported by the Statement of Need.</p>

Additional Information	Submission Overview
	<p>Furthermore, the Addendum to the Derogation Case outlines the legal tests that must be considered under the Habitat Derogation provisions, consideration of the 'Do Nothing' scenario and a comprehensive assessment of possible alternative locations and a range of potential alternative designs to meet the Project objectives.</p> <p>The Addendum to the Derogation Case also sets out the IROPI case for the Project to proceed.</p> <p>Finally, possible compensatory measures are summarised, which can be secured and can be implemented should it be found that adverse effects on site integrity cannot be ruled out.</p>
<p>Addendum to the Compensation Measures Plan</p>	<p>The Addendum to the Compensation Measures Plan provides information to enable the Scottish Ministers to be satisfied that the compensatory measures proposed by the Applicant can be delivered in a timely manner and can be relied upon to secure the overall coherence of the national site network in light of any effects of the Project.</p> <p>The Addendum to the Compensation Measures Plan reviews potential compensation measures for the relevant species, provides the available evidence that implementing these measures (if required) will ensure the coherence of the national site network and provides a roadmap for how the chosen measure(s) will be delivered.</p> <p>The Addendum to Compensation Measures Plan outlines the in-principle compensation measures for guillemot and kittiwake and details how this can be achieved through two objectives; the construction of mammalian predator proof exclusion fence(s) and the eradication of brown rats and/or removal of feral cats as predators.</p> <p>While the Applicant concludes no AEoSI for all other sites, it is acknowledged that the Scottish Ministers may reach a different conclusion regarding impacts in-combination with other projects. Therefore, Addendum to the Compensation Measures is being proposed on a 'without prejudice' basis for the sites and features for which Scottish Ministers concluded AEoSI in their Appropriate Assessment for the Green Volt Windfarm, as the Scottish Ministers may be minded to conclude AEoSI as a result of the Project in-combination.</p>
<p>Addendum to the Compensation Implementation and Monitoring Plan</p>	<p>The Compensation Implementation and Monitoring Plan provides information on how the measures proposed by the Applicant can be implemented and monitored, if required by the Scottish Ministers. The Compensation Implementation and Monitoring Plan outlines the summary of the proposed compensation measures (predator proof fencing and invasive mammal eradication and removal) and without prejudice measures (reduction of disturbance) how the compensatory measures will be secured and implemented, the stages of the implementation mechanisms, the programme for delivery and potential adaptive management plans.</p>

Public Notices / Advertisements

Public notices advising that OWPL has submitted additional information in respect of the applications for Section 36 Consent and accompanying Marine Licences to the Marine Directorate and inviting the public to submit comments on the additional information have been placed in the following publications:

- Caithness Courier
- John O’Groat Journal
- The Orcadian
- The Herald
- The Press & Journal
- Fishing News
- Lloyd’s List
- Edinburgh Gazette

The adverts will advise the public how to participate in the consultation on the submitted Additional Information in accordance with The Marine Works (Environmental Impact Assessment) Regulations 2007, The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017, the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Electricity (Applications for Consent) Regulations 1990.

Hard copies of the additional information submission documents will be made available for the public to view in the following locations:

Location	Address	Opening Hours
Thurso Library	Davidson’s Lanes Thurso KW14 7AF	Monday and Wednesday – 10:00 am – 18:00 pm Tuesday and Friday – 10:00 am – 20:00 pm Thursday and Saturday – 10:00 am – 13:00 pm
Stromness Library	2-12 Victoria Street Stromness Orkney KW16 3AA	Monday to Friday – 10:00 am – 16:00 pm Saturday – 12:00 pm – 15:00 pm
Bettyhill Hotel	A836 Bettyhill KW14 7SP	Monday – Sunday 15:00 pm – 22:00 pm
Bettyhill Library	Naver Teleservice Centre Bettyhill KW14 7SS	Monday to Friday 9:00am – 12:30 pm

Location	Address	Opening Hours
The Highland Council Headquarters	Glenurquhart Road Inverness IV3 5NX	Monday – Friday – 09:00 am – 17:00 pm
Orkney Library & Archive	44 Junction Road Kirkwall, Orkney KW15 1AG	Monday – Thursday – 10:00 am – 18:00 pm Friday – Saturday – 10:00 am – 17:00 pm
Xodus Group	8 Garson Place Stromness KW16 3EE	Monday – Friday – 09:00 am – 17:00 pm
West of Orkney Windfarm	32 Charlotte Square Edinburgh EH2 4ET	Monday – Friday – 09:00 am – 17:00 pm

Once the additional information submission has been accepted by the Marine Directorate's Licencing Operations Team, the additional information will be published online at <https://www.westoforkney.com/>

Copies of the additional information may also be obtained from OWPL (Tel 0787 524 5015) at a charge of £350 for a hard copy and £10 for CD/USB stick (including post and packaging).

We look forward to hearing from you in relation to the formal acceptance of the Additional Information.

Yours faithfully,



Stuart McAuley

Project Director

Annex A: Additional Information Request

The following outlines the Additional Information Request received on the 8th of February 2024.

Historic Environment/ Marine Archaeology

MD-LOT requires that the following must be submitted based on the HES representation:

- An assessment of the setting of Sule Skerry Lighthouse and how it contributes to the cultural significance of the lighthouse;
- An assessment of how the proposed turbines would affect the contribution that important views make to an understanding, appreciation and experience of the lighthouse' cultural significance; and
- A wireline visualisation that illustrates potential impacts of the development on views from the lighthouse.

Traffic and Transport

MD-LOT requires the Applicant to provide confirmation that there will be no onshore traffic and transport impacts from the offshore works. If this is not the case, the following must be submitted based on the Transport Scotland advice:

- An assessment of the onshore effects of the construction, operation and maintenance and decommissioning of the offshore elements in relation to traffic and transport. This should be undertaken in line with the 2023 Institute of Environmental Management and Assessment (IEMA) Guidelines: Environmental Assessment of Traffic and Movement.
- Additionally, a supporting Abnormal Loads Assessment must be undertaken considering the full extent of the proposed abnormal loads route, should there be a requirement to move abnormal loads on the trunk road network.

Offshore and Intertidal Ornithology

MD-LOT requires that the following must be submitted based on the NatureScot representation:

- The ornithological assessment must be revisited, revised and resubmitted as a standalone, complete ornithology assessment in line with NatureScot guidance, as set out in the NatureScot representation.
- Should the Applicant seek to present an alternative approach in addition to the approach advised by NatureScot, MD-LOT advise that the content and layout of this should be discussed and agreed with NatureScot prior to inclusion.

Seascape, Landscape and Visual Impact Assessment

MD-LOT requires that the following must be submitted based on the NatureScot representation:

- Reassessment of seascape, landscape and visual interests is required as set out below.
 - The SLVIA must be based on a realistic worst-case scenario and where significant effects are identified, these are resolved as far as possible through adequate consideration of mitigation options as part of the application process and not post-consent;
 - Further information in the form of wirelines from Talmine Bay / Midtown and A836 above Coldbackie Bay to enable consideration on whether or not the integrity of the Kyle of Tongue National Scenic Area would be affected; and
 - Additional 360° wirelines from bays of Strathy, Armadale, Kirtomy, Swordly and Farr would also enable consideration on whether the effects on the North Coast, both individually and cumulatively, would raise issues of

National Interest as detailed in NatureScot's guidance (<https://www.nature.scot/doc/guidance-notice-no-019-identifying-natural-heritage-issues-national-interest-development-proposals>).

Marine Mammals and Megafauna

MD-LOT requires that the following must be submitted based on the NatureScot representation:

- Revision of the sensitivity scoring for minke whale for auditory injury and disturbance impacts;
- Revision of the sensitivity scoring for harbour porpoise for disturbance from non-piling activities;
- Revision of the cumulative assessment to consider all appropriate impacts and mitigation options to reduce predicted impacts;
- Justification as to why bottlenose dolphin has been screened out from the assessment of impacts across the offshore array area and export cable corridor;
- Revision of the sensitivity score (to underwater noise impacts) for harbour porpoise;
- MD-LOT agrees with NatureScot's advice regarding the stage that mitigation should be applied for considering impacts to EPS during the application stage and advise that its comments on this topic must be fully addressed. Firm commitments must be made in the EIA to any mitigation relied upon to reduce magnitude of impact; Revision of the sensitivity score used for UXO clearance to reflect the conservation value of cetaceans.
- Revision of the magnitude score for Permanent Threshold Shift ("PTS") from UXO clearance.
- Revision of the magnitude scoring for PTS from piling for harbour porpoise, seals and minke whale;
- Revision of sensitivity score for harbour porpoise for PTS piling to reflect their conservation value;
- Revision of the significance conclusion to account for the change in magnitude and sensitivity scores as described in NatureScot's representation;
- Revision of the magnitude scores for disturbance from piling;
- Revision of the sensitivity score for all species to reflect their conservation value and status;
- Revision of the significance conclusion to account for the change in magnitude and sensitivity scores as described in NatureScot's representation;
- Revision of the grey seal sensitivity for assessment of disturbance from pile driving;
- Clarification, and potential revision to the sensitivity scoring for all species for non-piling sources;
- Further consideration of how predicted mortality from collision with tidal stream developments can be incorporated into the assessment;
- Further justification, beyond the reliance of the single study reference to support the cumulative assessment conclusion for harbour porpoise;
- Revision of the cumulative assessment for minke whale;
- Revision of the cumulative assessment to include population modelling when considering impacts to seal species;
- In relation to Outline Plan 2: Marine Mammal Mitigation Protocol ("MMMP");
 - Clarification of the discrepancies between the MMMP and Supporting Study 11: Underwater Noise Modelling Report to ensure the values presented for piling durations and number of hammer blows etc, are accurate;
 - Further consideration of mitigation at application stage.

NatureScot has advised that assessment of impacts to otter under HRA and EPS licensing, including in nearshore waters and at the coast, should be captured within the onshore EIA Report. MD-LOT note that it was agreed in the HRA screening response (dated 22 November 2022) that impacts to otter could be screened out on the basis that impacts

within the sub-tidal zone would be assessed as part of the onshore HRA. If this is not taken forward in the onshore EIA/HRA then this should be considered within the offshore assessments as additional information.

Fish and Shellfish Ecology

MD-LOT requires that the following must be submitted based on the NatureScot representation:

- All drop down video footage should be re-analysed for the presence of common skate as well as any evidence of eggs, including any “historic” egg cases wedged between cables and boulders. Results from the eDNA survey should be used to compliment this. This scope of this analysis should be agreed in advance with NatureScot and agreement will be needed with MD-LOT and NatureScot as to whether further survey work is required;
- Depending on the results of this analysis, further assessment may be required, including consideration of the impact pathways discussed in the NatureScot representation, which may require revision of magnitude scores;
- Assessment may require consideration of potential implication for the national status of common skate and further consideration of mitigation and / or monitoring requirements may also be required;
- The presence of sandeels and suitable habitat across the offshore array area and export cable corridor to be appropriately contextualised to inform the assessment process;
- The assessment of impacts to sandeels / suitable habitat must include the following impact pathways; temporary increases in suspended sediment concentrations and associated sediment deposition via appropriate modelling, temporary habitat disturbance and loss;
- The assessment should also consider the potential for impacts to sandeel eggs and larvae from underwater noise;
- Assessment against the national status of sandeels may be required and results of modelling need to determine whether there is any route to impact for North-West Orkney North Coast Marine Protected Area;
- Consideration of mitigation and monitoring may also be required.

Benthic Subtidal and Intertidal Ecology

MD-LOT requires that the following must be submitted based on the NatureScot representation:

- Confirmation of values and references used to quantify impacts to Annex 1 reef in national and UK context;
- Revision of the narrative around resilience and recoverability to reflect anticipated changes in reef morphology associated with different development activities. This should include appropriate referencing to sensitivity assessments (eg. FeAST or MarLIN) for predominant EUNIS reef habitat classes present;
- Review of justification provided for the magnitude scoring for impacts to Annex 1 stony reef habitat and the offshore subtidal sands and gravels Priority Marine Feature (“PMF”) or a commitment to mitigation proposed;
- Offshore subtidal sands and gravels PMF distribution should be mapped on Figure 10-10;
- Clarification on what is inferred in Supporting Study 5, section 6.1.3 ie. that the *S. spinulosa* does not meet the criteria to be classed as a reef;
- Revision of assessment including magnitude score to better reflect the scale of boulder and bedform clearance which accounts for the uncertainty around recoverability (linked to Annex 1 reef comments above);
- Further consideration of contingency plans given there is a greater proportion of hard substrate in the offshore Project area, which may present issues for cable burial and have further implications for reef and sedimentary bedform habitats;
- Confirmation of how many juveniles, adults and empty ocean quahog shells were found during the benthic survey campaign and the parameter(s) used to distinguish juveniles;

- An assessment of potential impacts on the tide-swept coarse sands with burrowing bivalves PMF (Please note that the PMF includes examples of the community where it lies outside the typical depth range of the biotope- see footnote 8 at <https://www.nature.scot/doc/priority-marine-features-scotlands-seas-habitats> ;
- Records of the PMF should be mapped and included on Figure 10-10 (confined to 12nm territorial waters but records appear relevant to offshore array area and export cable corridor);
- Revision of magnitude score to “low” in relation to the increased risk of Invasive Non-Native Species (“INNS”);
- Commitment to appropriate mitigation and monitoring in relation to INNS as part of the application submission.

Commercial Fisheries

MD-LOT requires that the following must be submitted based on the MD-SEDD advice:

- Evidence is required to support the conclusion that engagement with the fishing industry concluded that it would be more meaningful to put resources into research projects into commercially important fish and shellfish species as opposed to commercial fisheries monitoring; and
- In relation to displacement, further justification is required to how fishing is presumed to be able to resume in the development post-construction;
- Inclusion of the spatial dataset ‘Gridded fisheries data within Scottish waters for Scottish fishing vessels under 12m overall length - annual averages 2017 to 2021’ (SpatialData.gov.scot) to both baseline data set, and commercial fisheries assessment.
- Clarification is required as to the term “guard vessel offset”.

Shipping and Navigation

Both the Maritime and Coastguard Agency (MCA) and UK Chamber of Shipping (UKCoS) have noted concerns in relation to the mitigation proposed particularly in respect of unacceptable risks identified as part of the Navigational Risk Assessment. MD-LOT advises that the applicant must consider and submit further proposed mitigation to reduce risk to address MCA and UKCoS concerns and advises further discussion in this regard with the MCA and UKCoS prior to submission of the additional information.

Shadow Derogation Case

NatureScot has advised on a number of overarching concerns in relation to the shadow derogation case which NatureScot advises need be addressed should Scottish Ministers require that compensation measures are necessary. MD-LOT therefore advises that the applicant gives consideration to updating its shadow derogation case in line with NatureScot advice.

The following outlines the request for Additional Information received on the 8th of April 2024.

Fish and Shellfish Ecology

MD-LOT requires that the following must be submitted based on the MD-SEDD advice. MD-LOT preference is that this is provided within the addendum currently being prepared relative to the additional information requested by MD-LOT on 8 February 2024

- Consideration must be given to emigration times of salmon smolts for Scotland (Malcolm et al 2015) and salmonid diurnal patterns (Lilly et al 2023) in relation to all potential sources of underwater noise.

Seascape, Landscape and Visual Impact Assessment

MD-LOT notes that West of Orkney is undertaking a reassessment of its SLVIA following the request for additional information of 8 February 2024 on the basis of the NatureScot representation. MD-LOT highlights that Orkney Islands Council has raised the following in relation to SLVIA and related Marine Archaeology and Cultural Heritage impacts:

- Lack of assessment of the Hoy and West Mainland National Scenic Area Special Landscape Quality “land and water in constantly changing combinations under the open sky”;
- Lack of assessment of effects on views from the east, down to and over Earls Palace Birsay
- Lack of assessment of effects on views on the approach to Brough of Birsay in respect of Wireline E Birsay Carpark and Point of Buckquoy

MD-LOT advises that the Applicant must ensure that the updated SLVIA addresses the concerns raised by Orkney Islands Council above.

Clarification should also be included in relation to Marine Archaeology and Cultural Heritage on the omission of SS Navarra (1940) PA, from the Supporting Study 15 Table 1.

Shadow Derogation Case

Orkney Islands Council has raised a number of concerns in relation to the suitability and feasibility of the proposed compensatory measures. Whilst updating the shadow derogations case in line with the NatureScot advice, MD-LOT further advise that consideration is also given to the Orkney Islands Council representation and direct the Applicant to its representation for further details.

Annex B: List of Documents Submitted to Address the Additional Information Request

West of Orkney Windfarm Application Documents

- Covering Letter;

Addendum to Offshore EIA Report (Excluding Offshore and Intertidal Ornithology)

- Introduction to the Offshore EIA Report Addendum;
- Benthic Subtidal and Intertidal Ecology;
- Fish and Shellfish Ecology;
- Marine Mammals and Megafauna;
- Commercial Fisheries;
- Shipping and Navigation;
- Traffic and Transport;
- Marine Archaeology and Cultural Heritage;
- Seascape, Landscape and Visual Impact Assessment;
 - Appendix B NS Visualisations; and
 - Appendix E THC Visualisations

Addendum to Offshore EIA Report and HRA – Offshore and Intertidal Ornithology

- Introduction to the Additional Ornithology EIA Information and HRA Addendum;
- Addendum to the Offshore EIA Report - Offshore Ornithology EIA Report Chapter;
- Addendum to the Report to Inform Appropriate Assessment: HRA Stage 2 – SPA Appropriate Assessment;
 - Appendix 1 – EIA and HRA: Baseline Site Characterisation Technical Report;
 - Annex 1A: Digital Video Aerial Surveys – 27 Month Report;
 - Annex 1B: Abundance Estimates Per Survey Recorded for all Birds (Sitting and Flying);
 - Annex 1C: Abundance Estimates Per Survey Recorded for all Flying Birds;
 - Annex 1D: Design-based Analysis Density Estimates from Each Survey of Sitting Birds;
 - Annex 1E: Design-based Analysis Density Estimates from Each Survey of all Birds (Sitting and Flying);
 - Annex 1F: Design-based Density Estimates from Each Survey Recorded of Flying Birds;
 - Annex 1G: Design-based Density Estimates from Each Survey Recorded of Sitting Birds;
 - Annex 1H: Design-based Mean Abundance Estimates from Each Calendar Month of All Birds (Sitting and Flying);
 - Annex 1I: Design-based Mean Abundance Estimates from Each Calendar Month of Flying Birds;
 - Annex 1J: Design-based Mean Abundance Estimates from Each Calendar Month of Sitting Birds;
 - Annex 1K: Design-based Mean Density Estimates from Each Calendar Month of all Birds (Sitting and Flying);

- Annex 1L: Design-based Mean Density Estimates from Each Calendar Month of Flying Birds;
- Annex 1M: Design-based Mean Density Estimates from Each Calendar Month of Sitting Birds;
- Annex 1N: Number of Birds Present in Transect Segments;
- Annex 1O: MRSea Model Summaries and Diagnostics;
- Annex 1P: Seabirds and Highly Pathogenic Avian Influenza: a review;
- Annex 1Q: Rarely Recorded Species Information;
- Annex 1R: Comparison of Design- and Model-based Abundance Estimates;
- Annex 1S: SPA and Regional Population Sizes;
- Appendix 2: HRA: HRA Screening Technical Report;
- Appendix 3: EIA and HRA: Collision Risk Modelling Technical Report;
 - Annex 3A: Survey Densities and Calendar Month Densities;
 - Annex 3B: CRM Input Parameters from NatureScot March 2024;
 - Annex 3C: Word Output Files from Caneco Shiny App;
 - Annex 3D: Bootstrapped Densities Inputs to CRM
- Appendix 4: EIA and HRA: Displacement Technical Report;
 - Annex 4A: SeabORD Analysis Final Report;
- Appendix 5: HRA: Apportioning Technical Report;
- Appendix 6: HRA: Calculation of Mortalities and Change in Survival Rate at SPA Population Scales for Project Alone and In-combination impacts;
- Appendix 7 – EIA: Calculation of Mortalities and Change in Survival Rate at Regional Population Scales for Project Alone and Cumulative Impacts
- Appendix 8 – HRA: PVA at SPA Population Scales for Project Alone and In-combination Impacts; and
- Appendix 9 – EIA: PVA at Regional Population Scales for Project Alone and Cumulative Impacts

Addendum to RIAA – All Topics (Excluding Ornithology)

- Addendum to Report to Inform Appropriate Assessment – All Other Topics

Addendum to Derogation Case

- Addendum to the Derogation Case;
- Addendum to the Compensation Measures Plan; and
- Addendum to the Compensation Implementation and Monitoring Plan