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Marine Scotland - Licensing Operations Team Scoping Opinion

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED)

SCOPING OPINION FOR THE PROPOSED MARINE LICENCE APPLICATION FOR MORAY WEST OFFSHORE TRANSMISSION INFRASTRUCTURE

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Note regarding changes to the Environmental Impact Assessment Directive

On the 16 May 2017, The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 came into force, transposing the requirements of the 2014 amendment (2014/52/EU) to the Environmental Impact Assessment ("EIA") Directive. These regulations were subsequently amended by The Environmental Impact Assessment (Miscellaneous Amendments) (Scotland) Regulations 2017 which came into force on 30 June 2017 and introduced minor changes.

The Marine Works (EIA) (Scotland) Regulation 2017 revoke The Marine Works (EIA) Regulations 2007 (as amended) for Scotland (i.e. the Scottish marine area out to 12 nautical miles). Past 12 nautical miles ("nm") in waters adjacent to Scotland, the Marine Works (EIA) Regulation 2007 (as amended) are applicable. These regulations are hereinafter referred to together as "the EIA Regulations". The Marine Works (EIA) Regulation 2007 were amended by The Marine Works (EIA) (Amendment) Regulations 2017 on the 16 May 2017 which also transposed the requirements of the 2014 amendments to the EIA Directive.

As Moray Offshore Windfarm (West) Limited submitted their Scoping Report on 24 May 2017 the 2017 EIA Regulations therefore now apply.

0 Executive Summary

This is the scoping opinion adopted by the Scottish Ministers as to the scope and level of detail of information to be provided in the Environmental Impact Assessment Report ("EIA report") for the proposed Moray West Offshore Transmission Infrastructure ("OfTI").

This document sets out the Scottish Ministers' opinion on the basis of the information provided in Moray Offshore Windfarm (West) Limited's ("Moray West") Scoping Report, dated 24 May 2017. This scoping opinion can only reflect the proposal as currently described by Moray West in the Scoping Report. The matters addressed by Moray West in the Scoping Report have been carefully considered and use has been made of professional judgment (based on expert advice from stakeholders and Marine Scotland's in-house expertise) and experience in order to adopt this opinion. It should be noted that when it comes to considering the Environmental Impact Assessment report ("EIA report"), the Scottish Ministers will take account of relevant legislation and guidelines (as appropriate). The Scottish Ministers will not be precluded from requiring additional information if it is considered necessary in connection with the EIA report submitted with the application for a Marine Licence (s).

This scoping opinion is valid for 12 months from the date of issue. If an application is not received within 12 months, then Moray West must contact the Scottish Ministers to determine whether this scoping opinion requires updating.

The Scottish Ministers have consulted on the Scoping Report and the responses received have been taken into account in adopting this scoping opinion. The Scottish Ministers are satisfied that the descriptions identified in Moray West's request for a scoping opinion encompass those matters identified in Regulation 14 of The Marine Works (EIA) (Scotland) Regulations 2017 (as amended) and Regulation 13 and Schedule 4 of The Marine Works (EIA) Regulations 2007 (as amended).

The Scottish Ministers draw Moray West's attention to the general points and those made in respect of the specialist topics in this scoping opinion.

The main potential issues identified are:

- Increases in suspended sediment through construction activities and effects on sensitive receptors;
- Disturbance of acoustically sensitive receptors through construction and operation;
- Scoping out of effects too early in the assessment process; and
- The implementation of the 2017 EIA Regulations.

Matters are not scoped out unless specifically addressed and justified by Moray West and confirmed as being scoped out by the Scottish Ministers. Table 1 details topics proposed to be scoped out within the Scoping Report and provides the Scottish Ministers' advice on this. Detailed information is provided in the specialist topic sections.

Table 1 Effects proposed by Moray West to be scoped out of the EIA report with the Scottish Ministers summarized scoping opinion.

Topics presented in the Scoping Report	**Potential effect proposed to be scoped out by Moray West**	**The Scottish Ministers' decision**
Physical processes and water quality	Changes to water quality from sediment disturbance	The Scottish Ministers disagree that these effects can be scoped out of the assessment if the cable makes landfall at Cullen Bay. The potential changes to water quality from sediment disturbance should be scoped into the EIA under these circumstances.
	• Changes to water quality from chemical release • Changes to water quality from contaminated sediment	The Scottish Ministers disagree that these effects can be scoped out at this stage of the assessment cycle. Mitigation measures will need to be secured in relation to these effects through the EIA process.
Benthic and intertidal ecology	• Accidental release of chemicals from infrastructure installation processes from vessels • Electromagnetic effects • Seabed sediment heating from subsea cables	
Fish and Shellfish	• Operational noise from electrical equipment on Offshore Substation Platform ("OSP") (s), vessels and maintenance activities. • Seabed sediment heating from subsea cables (interconnector and export cables). • Electromagnetic Fields ("EMF") from subsea cables (interconnector and export cables).	

Marine Mammals	• Displacement as a result of operational noise • EMF from Interconnector and Export Cables	The Scottish Ministers agree that no further assessment of these effects is required as part of the EIA.
Ornithology	• Barrier effects • Collision risk	The Scottish Ministers agree that no further assessment of these effects is required as part of the EIA.
Shipping and Navigation	Electromagnetic interference with vessel navigational equipment	The Scottish Ministers agree that this effect is scoped out of further assessment. Additional studies are proposed by stakeholders with a navigational remit and requires due consideration.
Military and Civil Aviation	• Degradation of National Air Traffic Services (En-Route) PLC ("NERL") Allanshill Primary Surveillance Radar ("PSR"), Lossiemouth PSR, Air Surveillance and Control Systems Buchan Air Defence Radar ("ADR"). • Effects on Wick operations at Wick Airport • Effects on operation of Helicopter Main Route ("HMR") X-Ray • Effects on operations at offshore installations • Increase in Minimum Safe altitude	The Scottish Ministers agree that these effects should be scoped out, however, due consideration should be given to the vulnerability of the works to risks of major accident and/or disasters.
Other Human Activities	• Effects on disposal, dredging and dumping activity • Effect on telecommunications	The Scottish Ministers agree that these effects should be scoped out of further assessment.

1 Introduction

1.1 Background to this scoping opinion

1.1.1 In reference to your email/letter of 24 May 2017 requesting a scoping opinion from the Scottish Ministers, under Regulation 14 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) and Regulation 13 and Schedule 4 of the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (hereinafter referred to together as "the EIA Regulations"). Your request was accompanied by a Scoping Report containing a plan sufficient to identify the site which is the subject of the proposed regulated activities. A brief description of the nature and purpose of the proposal and of its possible effects on the environment was also provided. The Scoping Report was accepted by the Scottish Ministers on 02 June 2017.

1.2 The requirement for Environmental Impact Assessment

1.2.1 Under the EIA Regulations the Scottish Ministers must not grant a Marine Licence (s) for an EIA project unless an EIA has been carried out in respect of that project and in carrying out such assessment the Scottish Ministers must take the environmental information into account. The works described in your Scoping Report fall under Schedule 2, paragraph 3 (j) of The Marine Works (EIA) (Scotland) Regulations 2017 (as amended) and Schedule 2, paragraph 21 of The Marine Works (EIA) Regulations 2007 (as amended). An EIA is required owing to the proposals exceeding the stated thresholds in these regulations.

1.2.2 The outcomes of the EIA will result in the preparation of an EIA Report to support the applications, under Part 4 of the Marine (Scotland) Act 2010, and Part 4 of the Marine and Coastal Access Act 2009. In determining an application for a Marine Licence (s) the Scottish Ministers must have regard to the need to protect the environment, protect human health, prevent interference with legitimate users of the sea and such other matters as the Scottish Ministers consider relevant.

1.2.3 The intention to produce a single EIA report that captures the outcomes of the EIA for both the Moray West Offshore Wind Farm and the associated Offshore Transmission infrastructure is highlighted in the Scoping Report. The Moray West Offshore Wind Farm has sought a scoping opinion under the 2011 EIA Directive criteria and the scoping opinion contained here within is provided under the 2014 EIA Directive criteria. Due consideration is required to the structure of the EIA report to allow the Scottish Ministers to

make a clear determination under the appropriate criteria without confusion.

1.2.4 Moray West is required to give consideration to the UK Marine Policy Statement, Scotland's National Marine Plan ("NMP"), Scottish Planning Policy, other relevant Policy and National Policy Planning Guidance, Planning Advice Notes, the relevant planning authority's Development Plans and any relevant supplementary guidance.

1.3 The content of the scoping opinion

1.3.1 With regard to your request for a scoping opinion on the proposed content of the required EIA report, the Scottish Ministers have considered the documentation provided to date and consulted with the appropriate consultation bodies and with Marine Scotland Science (see Appendix I and II) in reaching their scoping opinion in accordance with the EIA Regulations.

1.3.2 Please note that the EIA process is vital in generating an understanding of the biological, chemical and physical processes operating in and around the proposed site and those that may be impacted by the proposed activities. References made within the scoping opinion with regard to the significance of impacts should not prejudice the outcome of the EIA process. It is therefore expected that these processes will be fully assessed in the EIA report unless scoped out.

1.4 Consent conditions

1.4.1 Where possible the Scottish Ministers recommend that Moray West and relevant stakeholders have discussions, prior to submission of any application, to resolve any issues. Time could be saved post consent if agreements could be reached and agreed by both parties as this could result in a condition not being needed. This could apply to, for example, the Fisheries Management and Mitigation Plan.

2 Description of development

2.1 Background to the development

2.1.1 The Scoping Report describes the Moray West OfTI associated with the Moray West Offshore Windfarm. The Moray West Offshore Windfarm is proposed approximately 22 km off the Caithness coast in the outer Moray Firth (see Figure 1) and has been subject to a separate scoping exercise and scoping opinion. The OfTI will act to collect the electricity generated from the Wind Turbine Generators and distribute it to the onshore national

electricity transmission system and would only ever be developed in conjunction with the Moray West Offshore Windfarm.

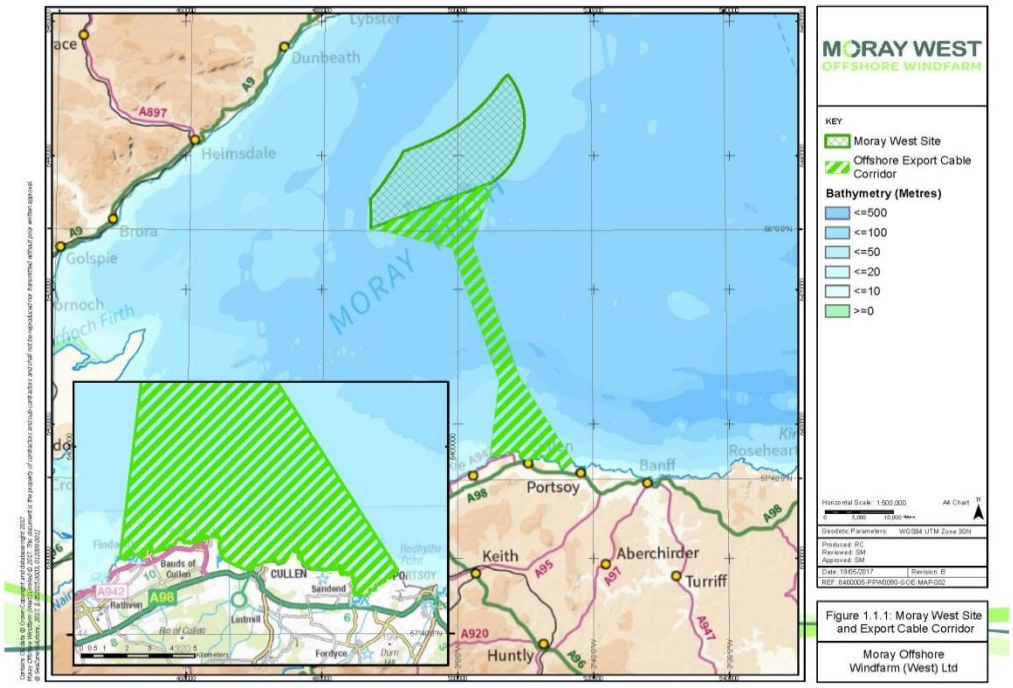

Figure 1 Location of the proposed Moray West Site and Export Cable Corridor (as reproduced from Moray West Offshore Transmission Infrastructure Scoping Report)

2.2 Description of the Development

2.2.1 The OfTI comprises of the following components:

- One or two Offshore Substation Platform(s) ("OSP")(s);
- An interconnector cable running between the two OSP(s) (if two OSPs are installed); and
- Offshore export cables running from OSP(s) to landfall.

2.2.2 The OfTI Scoping Report proposes that an EIA will be prepared for the Moray West Offshore Windfarm, OfTI and the relevant part of the Moray West Onshore Transmission Infrastructure ("OnTI") in a single EIA report.

2.2.3 A separate scoping exercise will be presented to the relevant Local Planning Authority for the connection from the landfall site to the onshore national transmission system, the OnTI.

2.2.4 The OfTI is proposed to cross the limits of the Scottish marine area as determined under section 126(2) of the Scotland Act 1998 (c.46). Consideration of Marine Works (EIA) (Scotland) Regulations 2017 (as amended) will be required for proposal in the Scottish marine area (within 12

nm). In waters adjacent to Scotland (outside of the Scottish Marine area and the 12 nm limit) consideration will be required of the Marine Works (EIA) Regulations 2007 (as amended). As more than one set of regulations apply the most stringent requirements should be adhered to in terms of, for example, consultation timelines and public notice requirements.

3 Aim of this Scoping Opinion

3.1 Scoping process

3.1.1 Scoping is a key phase of the EIA process, providing an opportunity for the applicant to identify those potentially significant environmental effects that should be considered for further assessment in the EIA report. This includes the scope of impacts to be addressed and the method of assessment to be used. The scoping process also allows consultees to have early input into the EIA process, to specify their concerns and to supply information that could be pertinent to the EIA process. In association with any comments herein, full regard has been given to the information contained within the Scoping Report submitted.

3.1.2 The Scottish Ministers have also used this opportunity to provide advice in relation to the licensing requirements in addition to the EIA requirements (see Appendix III).

4 Consultation

4.1 The consultation process

4.1.1 On receipt of the scoping opinion request documentation, the Scottish Ministers, in accordance with the EIA Regulations, initiated a 30-day consultation, which commenced on 02 June 2017. The following bodies were consulted, those marked in **bold** provided a response, those marked in *italics* sent nil return or stated that they had no comments:

- **Aberdeenshire Council "AC"**
- **Beatrice Offshore Windfarm Ltd "BOWL"**
- *British Telecom Radio Network Protection Telecom "BT"*
- Canoe Scotland
- Civil Aviation Authority "CAA"
- Cromarty Firth Port Authority "CFPA"
- Defence Infrastructure Organisation "DiO"
- Fisheries Management Scotland "FMS"
- **Historic Environment Scotland "HES"**
- Inshore fisheries "IF"

- Joint Nature Conservation Committee "JNCC"
- Joint Radio Company "JRC"
- Marine Safety Forum "MSF"
- Marine Scotland Compliance (Buckie) "MSC (Buck)"
- Marine Scotland Compliance (Fraserburgh) "MSC (Fras)"
- Marine Scotland Compliance (Scrabster) "MSC (Scrab)"
- Marine Scotland Compliance (Ullapool) "MSC (Ull)"
- **Maritime & Coastguard Agency "MCA"**
- Defence Infrastructure Organisation "DIO"
- **Moray Council "MC"**
- Moray Firth Partnership
- National Air Traffic Services "NATS"
- North & East Coast Inshore Fisheries Group "N&ECIFG"
- **Northern Lighthouse Board "NLB"**
- **Royal Society for the Protection of Birds Scotland "RSPB"**
- **Royal Yachting Association Scotland "RYAS"**
- **Scottish Environmental Protection Agency "SEPA"**
- Scottish Government Planning "SG Planning
- **Scottish Fishermen's Federation "SFF"**
- Scottish Fishermen's Organisation "SFO"
- **Scottish Natural Heritage "SNH"**
- Scottish Surfing Federation "SSF"
- Scottish Wildlife Trust "SWT"
- Sports Scotland "SS"
- Surfers Against Sewage "SAS"
- The Crown Estate "TCE"
- **The Highland Council "THC"**
- **Transport Scotland "TS"**
- Transport Scotland Ports and Harbours "P&H"
- **UK Chamber of Shipping "CoS"**
- **Visit Scotland "VS"**
- **Whale and Dolphin Conservation "WDC"**

4.2 The responses received

4.2.1 A total of 16 responses were received. Advice was also sought from Marine Scotland Science ("MSS") and their response is attached in Appendix II. The purpose of the consultation was to obtain advice and guidance from each consultee or advisor as to which potential effects should be scoped in or out of the EIA.

4.2.2 The Scottish Ministers are satisfied that the requirements for consultation have been met in accordance with the EIA Regulations. Section 6 highlights issues which are of particular importance with regards to the EIA report. Full

consultation responses are attached in Appendix I and each should be read in full for detailed requirements from individual consultees. The Scottish Ministers expect all consultee concerns to be addressed in the EIA report unless an agreed justification can be provided to why this should not be the case.

5 Contents of the EIA report

5.1 Requirements of the EIA Regulations

5.1.1 An EIA report must be prepared in accordance with Regulation 6 and Schedule 4 of Marine Works (EIA) (Scotland) Regulations 2017 (as amended) and Regulation 12 and Schedule 3 of The Marine Works (EIA) Regulations 2007 (as amended).

5.1.2 The EIA Regulations require that the EIA report is prepared by competent experts and must be accompanied by a statement from Moray West outlining the relevant expertise or qualifications of those experts.

5.1.3 The EIA report must be based on the scoping opinion and must include the information that may be reasonably required for reaching a reasoned conclusion, which is up to date, on the significant effects of the regulated activities on the environment, taking into account current knowledge and methods of assessment.

5.1.4 Procedures should be coordinated for projects which are subject to assessment under Directive 92/43/EEC ("the Habitats Directive") or under Directive 2009/147/EC ("the Wild Birds Directive") and Directive 2014/52/EU ("the EIA Directive").

5.1.5 The EIA must be based on the environmental factors outlined in relevant EIA Regulations noting the requirements of both sets of applicable regulations. These factors are updated by the new EIA regulations; note that biodiversity was previously referred to as flora and fauna and population previously referred to human beings. Consideration is also required of the new factor, where relevant, '*the impact of the works on climate and the vulnerability of the works to climate change'*. The EIA report is required to document how this and all the other requirements have been met.

5.1.6 The requirements for considering alternatives within the EIA report are to include "an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects" Schedule 4 paragraph 2 of Marine Works (EIA) (Scotland) Regulations 2017 (as amended).

5.1.7 EU guidance on EIA identifies the following qualities of a good EIA report::

- Includes a clear structure with a logical sequence, for example describing existing baseline conditions, predicted impacts (nature, extent and magnitude), scope for mitigation, agreed mitigation measures, significance of unavoidable/residual impacts for each environmental topic.
- Includes a table of contents at the beginning of the document.
- Includes a clear description of the regulated activities' consent procedure and how EIA fits within it.
- Reads as a single document with appropriate cross-referencing.
- Is concise, comprehensive and objective.
- Is written in an impartial manner without bias.
- Includes a full description of the proposals.
- Makes effective use of diagrams, illustrations, photographs and other graphics to support the text.
- Uses consistent terminology with a glossary.
- References all information sources used.
- Has a clear explanation of complex issues.
- Contains a good description of the methods used for the studies of each environmental topic.
- Covers each environmental topic in a way which is proportionate to its importance.
- Provides evidence of good consultations.
- Includes a clear discussion of alternatives.
- Makes a commitment to mitigation (with a programme) and to monitoring.
- Has a Non-Technical Summary ("NTS") which does not contain technical jargon

5.1.8 Further guidance can be found at
http://ec.europa.eu/environment/eia/eia-support.htm

5.1.9 The Scottish Ministers are aware that the Commission is currently working on guidance to reflect the 2014 amendment to the Directive. This guidance can be found using the above link when published.

5.2 Non-Technical Summary ("NTS")

5.2.1 The EIA report must contain an NTS which should be concise and written in a manner that is appealing to read and easily understood. The NTS should highlight key points set out in the EIA report and must include (at least) the following:

- a description of the proposal comprising information on the site, design, size and other relevant features of the proposal;
- a description of the likely significant effects of the proposal on the environment;
- a description of the features of the proposal and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- a description of the reasonable alternatives studied by Moray West, which are relevant to the development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposal on the environment; and
- a summary of the information provided under paragraphs 1 to 9 of Schedule 4 of The Marine Works (EIA)(Scotland) Regulations 2017 (as amended) and paragraphs 1 to 8 of Schedule 3 of the Marine Works (EIA) Regulations 2007 (as amended)

5.3 Mitigation

5.3.1 Within the EIA report it is important that all mitigating measures are:

- clearly stated;
- accurate;
- assessed for their environmental effects;
- assessed for their effectiveness;
- fully described with regards to their implementation and monitoring, and;
- described in relation to any consents or conditions

5.3.2 The EIA report should contain a mitigation table providing details of all proposed mitigation discussed in the various chapters. Moray West should refer to Appendix I for consultee comments on specific baseline assessment and mitigation.

5.3.3 Where potential environmental impacts have been fully investigated, but found to be of little or no significance, it is sufficient to validate that part of the assessment by stating in the EIA report:

- the work has been undertaken;
- what this has shown i.e. what impact if any has been identified, and
- why it is not significant?

5.4 Design Envelope

5.4.1 Where flexibility in the design envelope is required, this must be defined within the EIA report and the reasons for requiring such flexibility clearly stated. Moray West must also describe the criteria for selecting the worst case, and the most likely, scenario, and the impacts arising from these. The Scottish Ministers will determine the application based on the worst-case scenario. The EIA will reduce the degree of design flexibility required and that the detail will be further refined in a Construction Method Statement ("CMS") to be submitted to the Scottish Ministers, for their approval, before works commence. Please note, however, the information provided in section 10 regarding multi-stage regulatory consent. The CMS will freeze the design of the project and will be reviewed by the Scottish Ministers to ensure that the worst-case scenario described in the EIA report is not exceeded.

5.5 EIA Scope

5.5.1 Matters are not scoped out unless specifically addressed and justified by Moray West and confirmed as being scoped out by the Scottish Ministers. The matters scoped out should be documented and an appropriate justification noted in the EIA report.

6 Interests to be Considered Within the EIA report

6.1 Introduction

6.1.1 The Scoping Report has considered the environment under the following headings and topics;

- Physical Processes and Water Quality;
- Benthic and Intertidal Ecology;
- Fish and Shellfish;
- Marine Mammals;
- Ornithology;
- Commercial Fisheries;
- Shipping and Navigation;
- Military and Civil Aviation;
- Landscape, Seascape and Visual Impact;
- Archaeology and Cultural Heritage;
- Socioeconomic, Tourism and Recreation;
- Other Human Activities; and
- Other Material Issues (additional heading provided by the Scottish Ministers).

6.1.2 The Scoping Report commented on cumulative impacts in each of the above sections. A separate section has been provided in this scoping opinion to address cumulative impacts.

6.1.3 These topics are addressed in turn below. Each section also contains a summary of main points raised by consultees and the Scottish Ministers' opinion on whether the EIA topics should be scoped in or out of further assessment. The consultation responses are contained in Appendix I and Moray West is advised to consider these responses carefully and use the advice and guidance contained within them to inform the EIA report.

6.1.4 The Scottish Ministers are broadly satisfied that the topics identified in the Scoping Report encompass those matters identified in Schedule 4 and Schedule 3 of the EIA Regulations. However, Moray West should provide guidance to how the environmental factors outlined in the EIA Regulations are specifically addressed in the EIA report. Notwithstanding this, the Scottish Ministers consider that the EIA report should sufficiently address the assessment of topics noted below. These are presented as detailed in the Scoping Report.

6.1.5 The Scoping Report presents a series of tables summarising the potential effects and indicates at which stage of the development lifecycle the effect is anticipated. Where an effect is anticipated, this is recorded as 'yes' in the table and where no effect is anticipated 'no' is recorded. The final column of the table indicates whether the effect should be scoped out of EIA assessment (noted as yes) or not (noted as no). The Scottish Ministers have considered these tables and where there is a discrepancy between this summary and the view of the Scottish Ministers and stakeholders the table is replicated. Areas of agreement between Scottish Ministers and Moray West on the potential effect are noted in green and disagreement in red in these tables. A summary of the reasoning for this disagreement is given below each table in Sections 6.2 to 6.4. Where the Scottish Ministers and stakeholders agree with the effects and scope of a topic in the Scoping Report only a narrative is provided.

6.2 Physical Processes and Water Quality

6.2.1 Moray West's summary of the potential effects on physical processes and water quality over the development lifecycle and whether or not the effect should be scoped out of the assessment together with the Scottish Ministers' view are presented in Table 2. The rationale for the Scottish Ministers' views, drawing on the consultation exercise, are noted below the table.

6.2.2 In review of the consultation responses, the Scottish Ministers note the following and request that due consideration is provided by Moray West:

- The applicability of the existing survey data is questioned by SNH and a detailed justification is sought in its use in respect to reviewing 'potentially susceptible sedimentary features'. If it is not possible to justify this approach, then the EIA report should be informed by a new bathymetric survey of the development area which is integrated with benthic survey observations.
- SNH note the potential effect 'disturbance of coastal morphology at the landfall site' does not currently consider the potential for adverse impacts to the hard-rock interest of the Cullen to Stake Ness Coast SSSI. Due consideration is required of the potential effect to the national designation.
- SNH request more clarity on the applicability of the modelling undertaken for Moray East and BOWL to Moray West OfTI in respect to hydrodynamics and sediment transport. SNH have requested a detailed comparison should be presented in support of the final proposed methodologies and recommend that further detailed technical discussions are held.

Table 2 The applicant's summary of the potential effects on physical process and water quality over the development lifecycle (in columns 1 to 3) and whether or not the effect should be scoped out of the assessment (column 4) . Where Scottish Ministers agree, the cell is marked green and where Scottish Ministers disagree, the cell is marked red and a commentary is provided below the table.

Column Number	1	2	3	4
Potential Effect	Construction	Operation	Decommissioning	Scoped out
Increase in suspended sediment concentration as a result of OSP installation activities	Yes	No	Yes	No
Increase in suspended sediment concentrations as a result of export cable installation activities	Yes	No	Yes	No
Disturbance of coastal morphology at the landfall site	Yes	No	Yes	No
Changes to hydrodynamic (wave and tidal) conditions due to the presence of the OSP foundations	No	Yes	No	No
Scour effects due to the presence of the export cables	No	Yes	No	No
Scour effects due to the	No	Yes	No	No

cable protection measures				
Changes to water quality from sediment disturbance	Yes – except for Cullen Bay Bathing Waters	Yes – except for Cullen Bay Bathing Waters	Yes – except for Cullen Bay Bathing Waters	Yes – except for Cullen Bay Bathing Waters
Changes to water quality from chemical release	Yes	Yes	Yes	Yes
Changes to water quality from contaminated sediment	Yes	Yes	Yes	Yes

6.2.3 The Scottish Ministers are in agreement with the rationale put forward in the Scoping Report in relation to 'changes to water quality from sediment disturbance'. However, it is considered that this has been misrepresented in Table 5.1.1 of the Scoping Report as reproduced in Table 2. Potential effects are reported as "Yes – except for Cullen Bay" whereas "No -except for Cullen Bay" would more accurately reflect the narrative and the Scottish Ministers' view. The effect should be scoped in if it is proposed that the cable makes landfall at Cullen Bay.

6.2.4 Moray West have proposed that "changes to water quality from chemical release" can be scoped out at this stage of the assessment. The Scottish Ministers do not agree with this position. The effect should be taken forward to the EIA report where appropriate mitigation measures can be secured. This view is supported by consultation comments from SNH and SEPA. SEPA refers Moray West in their consultation response to pollution prevention guidelines and notes that the EIA process should "systematically identify all aspects of site work that might impact upon the environment, potential pollution risks associated with the proposals and identify the principles of preventative measures and mitigation".

6.2.5 Moray West have further proposed to scope out "changes to water quality from contaminated sediment", however, SNH identified in their consultation response on benthic ecology the requirement to consider the potential for buried contaminant to be released by the works. The Scottish Ministers, therefore, do not agree that "changes to water quality from contaminated sediment" should be scoped out of any further assessment. Evidence should be presented to support the notion that there is 'no significant contamination present within the sediment' as referenced in Section 5.1.4.1 of the Scoping Report.

6.3 Benthic and Intertidal Ecology

6.3.1 Moray West's summary of the potential effects on benthic and intertidal

ecology over the development lifecycle and whether or not the effect should be scoped out of the assessment together with the Scottish Ministers' view are presented in Table 3. The rationale for the Scottish Ministers' views, drawing on the consultation exercise, are noted below the table.

6.3.2 In review of the consultation responses, the Scottish Ministers note the following and request that due consideration is provided by Moray West:

- Comments provided by SNH on benthic ecology are general and will be updated on review of the technical survey report.
- MSS references the potential presence of the anemone *Arachnanthus sarsi* and indicate that data on the animal's distribution and abundance would be useful.
- Smothering effects on benthic species from increased water column suspended sediments as a result of construction activities, particularly dredge activities to prepare the seabed for gravity base structures and cable burial requires consideration in the EIA report.
- SNH have identified the need to consider buried contaminants that may be released.
- Habitat loss should be estimated for the worst-case scenario and potential changes in benthic communities reported.
- Indirect effects on other receptors through changes to benthic communities should be reported.

Table 3 The applicant's summary of the potential effects on benthic and intertidal ecology over the development lifecycle (in column 1 to 3) and whether or not the effect should be scoped out of the assessment (column 4). Where Scottish Ministers agree, the cell is marked green and where Scottish Ministers disagree, the cell is marked red and a commentary is provided below the table.

Column Number	1	2	3	4
Potential Effect	Construction	Operation	Decommissioning	Scoped out
Habitat loss / habitat disturbance	Yes	Yes	Yes	No
Increased suspended sediments/sediment deposition	Yes	No	Yes	No
Noise and Vibration	Yes	No	Yes	No
Accidental release of chemicals from infrastructure installation processes or from vessels	Yes	Yes	Yes	Yes
Scouring of benthic habitats at OSP foundations and cable protection	No	Yes	No	No
Creation of new substrate and habitat	No	Yes	No	No
Change in hydrology	No	Yes	Yes	No

EMF	No	Yes	No	Yes
Seabed sediment heating from subsea cables	No	Yes	No	Yes
Risk of introduction of Marine Invasive Non-Native Species ("MINNS")	Yes	Yes	Yes	No

6.3.3 Moray West propose in the Scoping Report to scope out "Accidental release of chemicals from infrastructure installation processes or from vessels". The Scottish Ministers do not agree this can be scoped out at this stage of the assessment. The effect should be taken forward to the EIA report where appropriate mitigation measures can be secured. This view is supported by comments from SNH and SEPA as noted above in Section 6.2.4.

6.3.4 Moray West have further proposed to scope out "Electromagnetic effects during operation" and "seabed sediment heating from subsea cables during operation" The Scottish Ministers do not agree that these effects can be scoped out at this stage of the assessment. They are required to be taken forward to the EIA report where appropriate mitigation measures can be secured. This view is supported by comments from SNH and MSS. SNH further added that knowledge of benthic communities' is required to provide a comprehensive assessment.

6.4 Fish and Shellfish

6.4.1 Moray West's summary of the potential effects on fish and shellfish over the development lifecycle and whether or not the effect should be scoped out of the assessment together with the Scottish Ministers' view are presented in Table 4. The rationale for the Scottish Ministers' views, drawing on the consultation exercise, are noted below the table.

6.4.2 In review of the consultation responses, the Scottish Ministers note the following and request that due consideration is provided by Moray West:

- SNH advise that potential impacts to migratory fish and freshwater pearl mussels are considered through the EIA rather than a Habitats Regulations Assessment ("HRA").
- MSS comment that the points covered in their advice for the wind farm Scoping Opinion should be mirrored for the OfTI. These include:
    - Updating information on the distribution of the various life stages of diadromous fish species
    - Consideration of further research and monitoring relating to diadromous fish and how this can contribute to the National Research and Monitoring Strategy for Diadromous Fish

    - Consideration of the long range movements of salmon and how the development may have the potential to impact on salmon populations associated with rivers substantial distances from the development site
- Smothering effects on less mobile fish and shellfish species as well as the eggs of species which spawn in the area from increased water column suspended sediments as a result of construction activities, particularly dredge activities to prepare the seabed for gravity base structures and cable burial, requires consideration in the EIA report. Advice from MSS and comments from SFF require that further consideration on this effect on scallops and nephrops is provided. To address this issue a recommended approach is outlined in Section 6.4.3 below.
- SNH have identified the need to consider buried contaminants that may be released.
- Habitat loss should be considered for fish and shellfish and the effects of potential changes in benthic communities reported.
- MSS and SNH have also highlighted that consideration of potential effects of noise should not solely focus on the sound pressure component as acoustic particle motion is reported to be a primary mechanism of disturbance to sensitive receptors. SNH acknowledge that understanding of this is at a very early stage. To address this issue a recommended approach is outlined in Section 6.4.5 below.

6.4.3 For fish and shellfish ecology further work to assess the impact of sediment on scallops and nephrops is recommended. MS-LOT would suggest that the following two pieces of work are undertaken:

- A review of literature on effects of suspended sediments to scallops and nephrops (including different life stages); and
- Physical process modelling of likely spatial extent of suspended sediments from activities of concern.

6.4.4 These could be used to provide a comparison with the spatial extent of the scallop and nephrops fisheries, identified from commercial fisheries data (e.g. VMS data as described by Kafas et al (2012)[1] and found online at Kafas et al (2013)[2]. This would allow an understanding of the spatial extent

[1] Kafas, A., Jones, G., Watret, R., Davies, I., Scott, B., 2012. Representation of the use of marine space by commercial fisheries in marine spatial planning. ICES CM I:23.

[2] Kafas, A., Jones, G., Watret, R., Davies, I., Scott, B., 2013.2009 - 2013 amalgamated VMS intensity layers, GIS Data. Marine Scotland, Scottish Government. doi: 10.7489/1706-1

of effects, if any, to scallops and nephrops and provide a context within which to consider them in the EIA report.

6.4.5 The effects from particle motion, and extent of these effects is currently an area for further development, and there are various initiatives being progressed. MSS considers that the currently available evidence suggests that particle motion could be an important mechanism of effect on fishes and invertebrates. As the 2017 EIA Regulations require the Scottish Ministers to come to a reasoned conclusion on the significant effects on the environment of the development, based on up to date information, this information needs to be taken into account. MSS suggests that Moray West takes the following approach:

- Provide an overview of currently available information on particle motion within the vicinity of noise producing construction and operational activities, including, for example, pile driving, dredging and explosions – both within the water column and the sea bed. This should include consideration of the likely distances at which elevated levels of particle motion may be detected.
- Provide an overview of the published information on sensitive species and potential physiological and behavioural effects of particle motion.
- Give consideration to the potential effects of particle motion on species known to occur around the development site, making use of information on species distribution previously collected and any new information that is now available. Particular attention should be given to potential effects on species of commercial or conservation concern.
- Provide information on opportunities that the Revised Development may present to investigate effects of particle motion on fish and invertebrates.

6.4.6 The Scottish Ministers agree that the potential impact of particle motion should be assessed and suggests that Moray West follows the approach outlined by MSS. Moray West should note that this advice is also relevant to the assessment of the wind farm.

6.4.7 References which may be useful in respect to the effect of particle motion on fish are provided for reference in Appendix V (not necessarily a comprehensive listing).

Table 4. The applicant's summary of the potential effects on fish and shellfish over the development lifecycle (in columns 1 to 3) and whether or not the effect should be scoped out of the assessment (column 4). Where Scottish Ministers agree, the cell is marked green and where Scottish Ministers disagree, the cell is marked red and a commentary is provided below the table.

Column number	1	2	3	4
Potential Effect	Construction	Operation	Decommissioning	Scoped out
Habitat loss / disturbance (particularly spawning and nursery areas) due to installation / maintenance of OSP(s), interconnector cables, export cables and associated protection works.	Yes	Yes	Yes	No
Increase in sediment concentration/smothering due to the installation of OSP(s), interconnector cables, export cables and associated protection works.	Yes	No	Yes	No
Pile driving creating noise and vibration due to Installation of OSP foundations and noise emissions from cable laying.	Yes	No	No	No
Changes to tides, current speeds due to the presence of OSP foundations and subsea cabling with scour protection.	No	Yes	No	Yes
Creation of new substrate materials due to the presence of OSP foundations and subsea cabling with scour protection.	No	Yes	No	No
Operational noise from electrical equipment on OSP(s), vessels and underwater maintenance activities.	No	Yes	No	Yes
Seabed sediment heating from subsea cables (interconnector and export cables).	No	Yes	No	Yes
EMF from subsea cables (interconnector and export cables).	No	Yes	No	Yes

6.4.8 Moray West proposed to scope out operational noise from electrical equipment on the OSP, vessels and underwater maintenance. The Scottish Ministers do not agree that this effect can be scoped out of the assessment. SNH noted in their consultation response to consider this potential impact further at the EIA assessment stage.

6.4.9 Moray West further proposed to scope out electromagnetic effects and seabed sediment heating. The Scottish Ministers do not agree that can be scoped out of the assessment. These effects are required to be taken forward to the EIA report where appropriate mitigation measures can be secured. This view is supported by comments from SNH who reflect this view indicating that the impact pathways are included and assessed in the EIA report. MSS agree there should be consideration of the effect of electromagnetic fields on salmon and sea trout.

6.5 Marine Mammals

6.5.1 The Scottish Ministers agree that the cetacean and pinnipeds species noted in the Scoping Report require consideration and note SNH's direction, to which of these species requires assessment also for a Special Area of Conservation ("SAC"). SNH also highlight minke whale in relation to the Southern Trench area which is being looked at as a potential MPA.

6.5.2 Moray West's proposed noise assessment is required to cover all of the species noted in SNH's consultation response and appropriate cross referencing between the benthic ecology and fish and shellfish sections of the EIA report will ensure that indirect effects are considered.

6.5.3 The Scottish Ministers agree with the effects highlighted in the Scoping Report and the proposal to scope them in and out of the EIA assessment accordingly. The consultation responses received also reflect this view. Moray West should review these responses for further information and in particular the European Protected Species ("EPS") licensing requirements.

6.5.4 Cumulative impacts on marine mammals are specifically referenced by SNH in their consultation response. Careful consideration will be required of the developments noted and the comprehensive list of plans, projects and activities reference in Section 3.5 of the Scoping Report should be agreed prior to undertaking the EIA report.

6.6 Ornithology

6.6.1 The Scottish Ministers refer Moray West to consultation comments provided

by SNH and RSPB on the species relevant to the assessment of the impacts.

6.6.2 The Scottish Ministers agree with the effects highlighted in the Scoping Report and the proposal to scope them in and out of the EIA assessment accordingly. Potential disturbance to waterfowl and waders is considered by SNH as a key ornithological impact and both RSPB and SNH noted the indirect impact on seabirds from potential impact to their prey species. SNH further highlighted the consideration of offshore substation lighting requirements in respect of seabirds would be welcome.

6.6.3 The Scottish Ministers note the requirements as stipulated in the EIA Regulations to consider biodiversity, and in particular species and habitats protected under the Habitats Directive and Wild Birds Directive. This is particularly relevant to the assessment of marine mammals and ornithological interests.

6.7 Commercial Fisheries

6.7.1 The Scottish Minister highlights SFF's consultation response in which it is noted that the shortest and most direct route to landfall is unacceptable to the fishing industry, gravity base structures are likely to result in the worst impact on fishing and decommissioning of assets by leaving them in place is not considered by SFF to be a normal starting point for discussions. Further, SFF's consultation responses references limited data sources being quoted for scallops which should be addressed by Moray West.

6.7.2 The Scottish Ministers advise Moray West to consider the detail of SFF's response and work with SFF, other relevant stakeholders and the Scottish Ministers to agree measures that reduce the impact to the fishing grounds. The Scottish Ministers note that, where possible, agreeing e.g. the Fisheries Management and Mitigation Plan prior to submitting the application will save time post consent.

6.7.3 The Scottish Ministers, in consultation with stakeholders, agree with the potential effects highlighted in the Scoping Report and the scoping of the EIA assessment. However, Moray West are required to clarify the potential for the increased suspended sediment in the water column during operation as noted by SFF and the approach noted above in Section 6.4.3. Moray West should note in SFF's response a requirement for appropriate cross referencing between the benthic ecology and fish and shellfish assessments, in consideration of effects on habitats and (it is assumed) commercial fisheries. The Scottish Ministers further request that due consideration is

provided to the commentary on scallops and nephrops contained in SFF's response.

6.8 Shipping and Navigation

6.8.1 Consultation with relevant navigational stakeholders on the proposed contents of the EIA, as outlined in the Scoping Report, has seen agreement on the effects and proposed scope. Moray West is directed to consultation responses from MCA, NLB, CoS and RYA Scotland. Moray West should note the requirements outlined by the MCA for additional studies and consideration to be given to search and rescue requirements.

6.8.2 The Scottish Ministers recommend Moray West has further discussions with the MCA regarding the content and scope of the Navigational Risk Assessment and take account of the comments already provided for the 'generating infrastructure' as noted in the MCA's consultation response.

6.9 Military and Civil Aviation

6.9.1 The Scottish Ministers have not received consultation responses from the DIO, NATS or the CAA. The Scottish Ministers are in agreement with Moray West that potential effects listed in the Scoping Report in relation to this topic are scoped out. However, due consideration should be applied to the EIA Regulations and the requirements to consider the vulnerability of the works to risks of major accidents and/or disasters. The Scottish Ministers consider the potential mitigation measures listed in the Scoping Report to frame appropriate steps to offset risk but thought will need to be given to how these are communicated and secured through the EIA report.

6.10 Landscape, Seascape and Visual

6.10.1 The Scottish Ministers are in agreement with the consultation responses from SNH, MC and AC on the proposed scope of the SLVIA to support the EIA report. AC noted the generalised nature of the development plans and their advice is subject to change as the scheme's details are finalised. As such the Scottish Ministers support the intention outlined in the Scoping Report, to discuss changes in the scheme's details with relevant stakeholders and would request that these consultations are documented through the EIA report.

6.10.2 Moray West is guided to AC's consultation response for further details on the views/receptors to be assessed, guidance etc. and the requirements of the cumulative impact assessment. MC's consultation response notes a

requirement to detail the extent of nautical or aviation lighting on the platforms.

6.10.3 The Scottish Ministers note AC's requirement to consider oil/gas platforms in the assessment and due consideration should be given to the status of assets and decommissioning schedules (where applicable), seeking confirmation from the decommissioning bodies, where necessary, prior to scoping them out the assessment.

6.11 Archaeology and Cultural Heritage

6.11.1 Stakeholders with a remit for archaeology and cultural heritage agree that effects scoped into the EIA, as noted in the Scoping Report, are appropriate. Moray West is to note the commentary provided by HES on the provision of geophysical data and setting impacts on terrestrial assets. Clarification should be provided to HES on these matters through the EIA assessment process.

6.12 Socioeconomic, Tourism and Recreation

6.12.1 The Scottish Ministers agree with the potential effects that have been scoped in or out as noted in the Scoping Report. The Scottish Ministers draw Moray West's attention to a Marine Scotland publication on licensing guidance for socio-economic applications with a particular case study focus on offshore wind that will be available soon as this may be helpful.

6.13 Other Human Activities

6.13.1 The Scottish Ministers agree with the majority of potential effects that have been scoped in or out as noted in the Scoping Report. The Scottish Ministers note that the nearest marine disposal site, noted in the Scoping Report is at Buckie, 2km from the cable corridor. This requires further consideration to be provided. The Scottish Ministers note that if disposal activities are to coincide with construction there is a potential cumulative impact that will require careful consideration.

6.13.2 Moray West is directed to the consultation response from Beatrice Offshore Windfarm Limited in which it is noted that the MORL OfTI cable corridor intersects BOWL's 'Designated Area'. The response notes a requirement to acknowledge this area as a potential constraint on the development plans along with early engagement on proximity and crossing agreements.

6.14 Other Material Issues

6.14.1 The EIA report should provide information relating to the preferred route options for delivering equipment etc. via the trunk road network. The EIA should also address access issues, particularly those impacting upon the trunk road network where appropriate. TS's consultation response provides reference to guidelines to evaluate whether further assessment is required.

6.15 Cumulative Impacts

6.15.1 Section 3.5 of the Scoping Report notes that a comprehensive list of plans, projects and activities will be created and agreed with the Scottish Ministers from the development categories outlined, prior to the EIA commencing. It is also noted that the assessment will be undertaken with due regard to stated guidance. The Scottish Ministers agree with this approach and highlight the importance of seeking agreement of the relevant plans, projects and activities to be included with both MS-LOT and the relevant planning authorities prior to the EIA commencing.

7 Marine Planning

7.1 Background

7.1.1 Offshore Renewable Energy development should be in accordance with the UK Marine Policy Statement and Scotland's National Marine Plan ("NMP").

7.1.2 **The UK Marine Policy Statement 2011** – The UK Administrations share a common vision of having clean, healthy, safe, productive and biologically diverse oceans and seas. Joint adoption of a UK-wide Marine Policy Statement provides a consistent high-level policy context for the development of marine plans across the UK to achieve this vision. It also sets out the interrelationship between marine and terrestrial planning regimes. It requires that when the Scottish Ministers make decisions that affect, or might affect, the marine area they must do so in accordance with the Statement.

7.1.3 **Scotland's NMP 2015** – Developed in accordance with the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 (as amended), the NMP provides a comprehensive statutory planning framework for all activities out to 200 nautical miles. This includes policies for the sustainable management of a wide range of marine industries. The Scottish Ministers must make authorization and enforcement decisions, or any other decision that affects the marine environment, in accordance with the NMP.

The NMP sets out a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of the Plan.

8 Land Use Planning

8.1 Background

8.1.1 The Scottish Government's planning policies are set out in the National Planning Framework, Scottish Planning Policy, Designing Places and Circulars.

8.1.2 The National Planning Framework is the Scottish Government's Strategy for Scotland's long term spatial development.

8.1.3 Scottish Planning Policy ("SPP") is a statement of Scottish Government policy on land use planning and contains:

- The Scottish Government's view of the purpose of planning,the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- The Scottish Government's expectations of the intended outcomes of the planning system.

8.1.4 Other land use planning documents which may be relevant to this proposal include:

- Aberdeenshire Local Development Plan 2016
- Planning Advice Note ("PAN") 2/2011: Archaeology – Planning Process and Scheduled Monument Procedures
- PAN 50: Controlling the Environmental Effects of Surface Mineral Workings
- PAN 51: Planning, Environmental Protection and Regulation
- PAN 1/2011: Planning and Noise
- PAN 2/2011: Planning and Archaeology
- PAN 1/2013: Environmental Impact Assessment
- PAN 60: Planning for Natural Heritage
- PAN 62: Radio Telecommunications
- PAN 68: Design Statements

- PAN 75: Planning for Transport
- PAN 79: Water and Drainage
- Marine Guidance Note ("MGN") 543 (and MGN 372) and MCA Methodology for Assessing the Marine Navigation Safety & Emergency Response Risks of Offshore Renewable Energy Installations (OREI)
- Moray Local Development Plan
- Moray Offshore Renewables – Buckie Harbour Development Plan
- Moray Structure Plan
- Moray Wind Energy Policy Guidance
- Online Planning Advice on Flood Risk, http://www.gov.scot/Resource/0047/00479774.pdf
- Highland Renewable Energy Strategy and Planning Guidelines
- Highland Coastal Development Strategy
- Highland-wide Local Development Plan
- Scottish Planning Policy ("SPP")
- SNH Visual Representation of Wind Farm Guidance (2017)
- National Planning Framework 3

9 General EIA report Issues

9.1 Gaelic Language

9.1.1 Where proposals are located in areas where Gaelic is spoken, applicants are encouraged to adopt best practice by publicising the project details in both English and Gaelic.

9.2 Application and EIA report

9.2.1 A gap analysis template is attached at Appendix IV to record the environmental concerns identified during the scoping process. This template should be completed and used to inform the preparation of the EIA report. Please note that the EIA report must contain all of the information specified in the scoping opinion. On submission of the application and supporting EIA report, the Scottish Ministers, via a gatecheck process, will review the template in conjunction with the EIA report to ensure this has been completed. The gatecheck will also include an EIA audit. If information requested at scoping stage has not been provided in the EIA report then Moray West will be asked to provide that information before the application will be accepted.

9.2.2 Please note all aspects of this scoping opinion should be considered when preparing a formal application to reduce the need to submit additional information in support of the application. The consultee comments presented

in this opinion are designed to offer an opportunity to consider all material issues relating to the development proposals.

9.2.3 The exact nature of the work that is needed to inform the EIA may vary depending on the design choices. The EIA must address this uncertainty so that there is a clear explanation of the potential impact of each of the different scenarios. It should be noted that any changes produced after the EIA report is submitted may require further environmental assessment and public consultation.

9.2.4 In assessing the quality and suitability of applications, the Scottish Ministers will use the gap analysis and this scoping opinion in the assessment of the application. In addition to scoping, applications are required to go through a gate check process. See Appendix III for further information on this. In the event of a submitted application not containing essential information, the Scottish Ministers reserve the right not to accept the application. Applicants are advised not to publicise applications in the local or national press, until their application has been accepted by the Scottish Ministers.

10 Multi-Stage Regulatory Consent

10.1.1 The Marine Works (EIA) (Scotland) Regulations 2017 (as amended) contain provisions regulating the assessment of environmental impacts. A multi-stage consent process arises where a consent procedure comprises more than one stage, one stage involving a principal decision and one or more other stages involving an implementing decision(s) within the parameters set by the principal decision. While the effects which a project may have on the environment must be identified and assessed at the time of the procedure relating to the principal decision if those effects are not identified or identifiable at the time of the principle decision, assessment must be undertaken at the subsequent stage.

10.1.2 The definition in The Marine Works (EIA) (Scotland) Regulations 2017 (as amended) is as follows: “application for multi-stage regulatory approval means an application for approval, consent or agreement required by a condition included in a regulatory approval where (in terms of the condition) that approval, consent or agreement must be obtained from the Scottish Ministers before all or part of the works permitted by the regulatory approval may be begun”.

10.1.3 A Marine Licence, if granted, by the Scottish Ministers for the regulated activities of the Moray West OfTI is likely to have several conditions attached requiring approvals etc. which fall under this definition, for example the

approval of a Construction Method Statement.

10.1.4 When making an application for multi-stage consent Moray West must satisfy the Scottish Ministers that no significant effects have been identified in addition to those already assessed in the EIA report. In doing so, Moray West must account for current (meaning at the time of the multi-stage application) knowledge and methods of assessment which address the likely significant effects of the regulated activities on the environment so to enable the Scottish Ministers to reach a reasoned conclusion which is up to date.

10.1.5 If during the consideration of information provided in support of an application for multi-stage consent the Scottish Ministers consider that the regulated activities may have significant environmental effects which have not previously been identified in the EIA report (perhaps due to revised construction methods or updated survey information), then information on such effects and their impacts will be required. This information to be dealt with as additional information under the EIA Regulations, and procedures for consultation, public participation, public notice and decision notice of additional information will apply.

11 Judicial review

11.1.1 All decisions may be subject to judicial review. A judicial review statement would be made available to the public under these circumstances.

Signed

Tracy McCollin

30 August 2017

Authorised by the Scottish Ministers to sign on that behalf.

Appendix I: Consultee Responses

Aberdeenshire Council

I refer to your request for a consultation response for the above EIA Scoping request received on 2 June 2017.

Having reviewed the EIA Scoping Report and its contents, I can advise that the primary areas of interest for Aberdeenshire Council relate to Archaeology and Cultural Heritage, Biological Environment and Landscape, Seascape and Visual Impacts. Having reviewed the Scoping Report and consulted with relevant internal colleagues, I can confirm that Aberdeenshire Council are broadly content and satisfied with the scope and approach taken towards the preparation of the EIA Report. With regard to specific topics, I can advise that:

- Archaeology and Cultural Heritage: Aberdeenshire Council Archaeology Service agree with the identified potential effects as detailed in Table 7.5.3 on archaeological and cultural heritage assets, and for these three elements to be scoped in for further assessment within the EIA. There are no further considerations of potential or known impacts on archaeology and cultural heritage that require further assessment. There are no further recommendations for mitigation requirements or assessments other than those identified within Section 7.5.6 “Potential Mitigation Measures”.
- Biological Environment: The proposed range of surveys contained within the Scoping Report appears comprehensive and there are no comments to make on the issues that have been retained or scoped out of the EIA process.
- Landscape, Seascape and Visual: The scope and nature of the SLVIA including Baseline Data Sources, inclusion of BOWL as an operational development as well as the range of viewpoints initially selected are generally considered to be appropriate, with some additional comments. I would draw attention to Table 7.4.1 and would advise that the Aberdeenshire Local Development Plan 2012 has now been superseded by the Aberdeenshire Local Development Plan 2017 and so details and associated reference points throughout this chapter should be updated accordingly. Aberdeenshire Council’s Environment Planner for Landscape has also advised that graphical based information should be provided within any finalised EIA Report illustrating the visual impacts of the infrastructure proposed (fully cross referenced with the wider development), including ZTV, panoramic and photomontage images in line with relevant guidance. It is also requested that flexibility is allowed for in terms of viewpoint selection to account for the evolution of the scheme and changing requirements which may arise as the project parameters become better defined. Further specific information on the visual extent of the Offshore Substation Platforms would be welcomed at this stage in order to help inform the wider assessment process and viewpoint

selection stages, to this end further discussion as outlined in paragraph 7.4.1 is considered to be appropriate and necessary. Cumulative Impact Assessments may also require to take account of other large scale seascape infrastructure such as oil/gas platforms or similar along with other wind energy schemes. Clarification should also be sought on the status of the Beatrice Demonstrator Turbines and timelines for their removal.

There are no additional matters aside from those raised above which we would highlight as being necessary for inclusion within the EIA Report and we are in agreement with the conclusions of the report in terms of matters to be "scoped in" in terms of Aberdeenshire Council's interests.

Full internal consultation comments will be forwarded as an appendix to this formal response.

Aberdeenshire Council – Appendix – Archaeology

Thank you for consulting me with regard to the above Scoping Opinion request and how it relates to impacts on archaeology. Having reviewed the documentation, including Chapter 7.5 'Archaeology and Cultural Heritage' of the submitted Scoping Report, I can make the following comments:

1) I agree with the identified potential effects as detailed in Table 7.5.3 on archaeological and cultural heritage assets, and for these three elements to be scoped in for further assessment within the EIA.
2) There are no further considerations of potential or known impacts on archaeology and cultural heritage from my perspective that require further assessment.
3) I have no further recommendations for mitigation requirements or assessments other than those identified within Section 7.5.6 'Potential Mitigation Measures'.

Taking all of the above into consideration I can confirm that I have no additional requirements for the Scoping Request, and that those already scoped in for further assessment are appropriate.

Aberdeenshire Council – Appendix – Environment

Having looked through the scoping report the proposed range of surveys appears comprehensive and I have no comments to make on the issues that have been retained or scoped out of the EIA process.

Aberdeenshire Council – Appendix – Landscape

Introduction:

These comments are written primarily in relation to Section 7.4, the Seascape/Landscape and Visual section of the Moray Offshore Windfarm (West) Ltd, Moray West Offshore Transmission Infrastructure most up to date Scoping Report.

The scheme this scoping process is understood to be for is a proposed one or two offshore substation platforms from which an undersea cable line will be established running to a coastal site located between Cullen Bay and Sandend Bay.

In addition to the agreed view points of the SLVIA assessment of the main offshore MORL wind energy development, within which the proposed offshore substation platforms will be located in, the applicant identifies that an additional viewpoint will be identified to be located between Findochty and Portsoy to illustrate the location of where the Offshore Transmission Infrastructure cable line approaches landfall.

In term of the information supplied for an application for Offshore Transmission Infrastructure, a Landscape, Seascape and Visual Impact Assessment should be carried out independently of previous or other Seascape, Landscape and Visual Impact Assessment work carried out for any other element of the MORL project in terms of the assessment process and related visualisations etc.

The EIA process in principle is intended to be fundamental to the detailed scheme layout and designing process and on that basis the SLVIA should contribute from the outset to the decision making process for locating and specifying scheme infrastructure etc. to test and minimise any predicted adverse impact on the seascape/landscape visual resource and affected environment.

In terms of information provided by the applicant for the proposed elements of the offshore transmission infrastructure, at this stage information is currently more general than specific. One or two offshore substation platforms are referred to with the cable line intended to come ashore somewhere between Cullen and Sandend. This consultation response is based on this level of scheme information. Advice relating to the scoping request for seascape/landscape and visual impact issues and the above proposed scheme may alter in future depending on the finalised specification of the offshore substation platforms, their scale , finishes and locations as well as the exact cable route, and particularly where and how it’s intended to bring it ashore.

Seascape/Landscape and Visual Impact Assessment:

For a full planning application ES, the applicant needs to carry out a seascape landscape and visual impact assessment which should be produced in accordance with the Guidelines for Landscape and Visual Impact Assessment (third edition), and the most up to date guidance on (seascape) landscape and visual impact assessment of wind farms from SNH, and any other relevant organisation.

In the seascape/landscape and visual impact assessment section of an environmental statement, information should be primarily graphic with decisions on the locations of appropriate viewpoints and receptors based on ZTV mapped information created in relation to the offshore substation platforms etc.

In terms of viewpoint selection, it is important that a degree of flexibility remains with identifying particular receptors. Certain views/receptors only become apparent as being important, as the applicant further specifies the details of the scheme and the determination process of the application proceeds. Because of the location of this proposed development and the possible extent of potential landscape and visual affects, in relation to a number of potentially sensitive visual receptors, and other implemented and potential wind energy developments in the SLVIA study area, it is important that all parties to a future application take a flexible approach to producing further landscape and visual impact assessment information, should that be identified as required during an application for consent determining process.

In terms of design best practice the character of the offshore substation platforms should be designed to be similar to that of the main wind energy development and also positively assimilate into the valued seascape and the landscape character context of the setting of the proposed development.

Cumulative impact:

The applicant needs to fully address the issue of cumulative visual impact as part of a seascape landscape and visual impact assessment particularly in relation to the location and design of the offshore substation platforms. All consented and built wind energy developments in the agreed study area of the offshore substation platforms should be fully taken into consideration in this process, as well as any wind energy proposals at planning and application stage in the agreed SLVIA study area. A cumulative seascape/landscape visual impact assessment should also take into consideration any other large scale fixed artificial infrastructure(s) that could/can be seen in combination with the planned substation platforms such as oil/gas platforms.

In terms of the cumulative seascape/landscape visual impact assessment process

the visual relationship with onshore as well as off shore wind energy developments should also be taken into consideration.
The cumulative seascape/landscape and visual impact assessment should be primarily graphic based, with ZTV information, panoramas, photomontages and wireline models. An assessment of cumulative visual and landscape affects should be supplied. Where possible viewpoints used for other wind energy developments, which can be seen in combination with the proposed development site, should be adopted. The cumulative impact assessment should be carried out in accordance with SNH Cumulative Effect of Windfarms Guidance and other relevant guidance and best practice. The required extent and detail of the cumulative assessment, including of the cumulative assessment base plan should be confirmed with SNH.

Conclusion:

For this stage in the scoping process of the Seascape, Landscape and Visual Impact element of an EIA, ZTV information should be provided of the predicted visual extent of the proposed offshore substation platforms to identify the potential visual affects of these structures, and allow an informed decision to be made on the identification of viewpoints/visual receptors for the seascape/landscape visual impact assessment element of an EIA at this stage. Even if the final specification for such platforms is yet to be finalised the work could begin using standard/average dimensions with resulting information qualified to indicate the resulting ZTV is based on interim, not finalised information.

In terms of providing a reasonably comprehensible Environmental Statement for this element of the scheme, it is recommended that the applicant produce a single up to date comprehensive volume to cover this specific part of the project that fully cross references with other parts of the MORL project.

Beatrice Offshore Windfarm Ltd

BOWL have reviewed the Moray West OfTI scoping report and provide the following comments in response.

Subsea Cables and Pipelines

It should be noted that on 31 March 2016 and 1 April 2016, BOWL and The Crown Estate Commissioners signed a sea bed lease for the sub-station site at the Beatrice offshore wind farm. The lease allows for the installation of two export cables within the export cable route corridor (referred to in the lease as the ‘Designated Area’). The Moray West offshore export cable corridor, indicated in green diagonal striped

on Figure 7.2.1: Navigational Features, in the scoping report appears to intersect with the BOWL Designated Area. The lease requires The Crown Estate to obtain BOWL's consent (which shall not be unreasonably withheld or delayed) before a lease, licence, or consent can be granted for the construction of any works within the Designated Area.

BOWL request that MORL acknowledged the BOWL Designated Area as a potential constraint on any plans submitted as part of a consent application. Furthermore BOWL encourages early engagement regarding any proximity and crossing agreements.

Timescales and consideration of BOWL development

How the Beatrice offshore wind farm is considered in an environmental assessment is crucial and should be given careful consideration. By the time the Moray West OfTI consent application is submitted BOWL will have constructed a significant amount of the Beatrice offshore wind farm and at the likely point of consent will have substantially completed the wind farm, see the Moray West OfTI anticipated development timescales in the table below (extract from figure 2.2.1). BOWL anticipates that the Beatrice offshore wind farm will be fully commissioned by Q2 2019. With this in mind it would appear appropriate to treat the Beatrice offshore wind farm as part of the baseline for the Moray West OfTI environmental assessment. As a minimum, the use of Consent Plans that BOWL have submitted as part of their discharge of conditions should be considered as they will provide a more up to date picture of BOWL's development than the BOWL Environmental Statement.

Activity	**Proposed Date**
Moray West OfTI consent application submitted	Q1 2018
Consent granted	Q4 2018
Financial close	Q3 2020
FEED	Q4 2018 – Q3 2020
Foundation and substructure installation (includes the WTG foundations & substructures)	Q3 2022 – Q3 2023
OSP installation	Q2 2023 – Q3 2023
Export cable installation	Q3 2023 – Q1 2024
1st Generation	Q1 2024
Full generation	Q4 2024

Environmental surveys and data use

MORL propose utilising some environmental data already available and undertaking some additional surveys. As with the export cable interactions early engagement

with BOWL is recommended to ensure that the full benefit of work already completed or being undertaken can be cost effectively and methodologically best developed. A list of proposed use of BOWL data by MORL is provided in Annex 1 to this letter.

BOWL would welcome the opportunity to further discuss some of the interactions and points raised with MORL to ensure that benefits for offshore wind in the Moray Firth are maximised.

Annex 1 – BOWL Data Use

The Moray West OfTI scoping report references use of BOWL data in the areas set out in the table below.

Section	BOWL Data Reference
5.1 Physical Processes and Water Quality	1. CMACS (2012). Beatrice Offshore Wind Farm Cable Route Benthic Technical Report. Report to BOWL February 2012.
6.1 Benthic and Intertidal Ecology	1. Pre-construction Benthic Sampling and DDV Survey – Scope of Works 2. CMACS (2012). Beatrice Offshore Wind Farm Cable Route Benthic Technical Report. Report to BOWL February 2012.
6.2 Biological Environment Fish and Shellfish Ecology	1. Pre-construction Baseline Sandeel Survey – Technical Report. March 2014. 2. Pre-construction Baseline Herring Larval Survey – Technical Report. December 2014. 3. Pre-construction Baseline Cod Spawning Survey – Technical Report. March 2015. 4. Pre-construction Baseline Herring Larval Survey – Technical Report. January 2016. 5. Brown and May Marine Ltd. (2011). Fish and Shellfish Ecology Technical Report.

Historic Environment Scotland

Thank you for your consultation which we received on 02 June 2017 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes (GDLs), inventory battlefields and historic marine protected areas

(HMPAs). In this case, our advice also includes matters relating to marine archaeology outwith the scope of the terrestrial planning system.

The relevant local authorities' archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

Proposed Development

I understand that the proposed development comprises the Offshore Transmission Infrastructure (OfTI) for the Moray West offshore wind farm. The OfTI will consist of either 1 or 2 Offshore Substation Platforms (OSPs), an interconnector cable running between the OSPs (if more than 1 is required), offshore export HVAC cables and works at the landfall site.

The current consultation relates to the OfTI. A consultation for the wind farm infrastructure itself has already been scoped and a separate scoping consultation is currently being undertaken for the Onshore Transmission Infrastructure.

Scope of assessment

We note that the Environmental Impact Assessment for the OfTI intends to use the Design Envelope or Rochdale Envelope approach to assess the worst case/ most adverse scenario for the potential range of options proposed for this aspect of the development. We are content that this is an appropriate approach to the assessment.

Marine Assets

There are no HMPAs in the vicinity of the site or in the wider area. However, we welcome that the assessment will consider direct disturbance, contamination and loss to historic environment assets and de-stabilisation of sites through changed sedimentary regimes.

We welcome the identification of the charted wrecks, reported losses and other sites of potential archaeological value within the OfTI area that have been identified at this stage. We consider the identified methodologies for these potential impacts to be adequate. We consider that the mitigation measures proposed are likely to be adequate taking into account the information below.

The scoping report identifies that further geophysical survey, to provide data for the area of the wind farm site not already covered and the export cable route, will be undertaken post-consent. Best practice would allow for the surveys to be completed prior to a design being finalised and consent being granted and this would ensure that any potential assets of national importance are avoided. By proposing to undertake further survey work post-consent, there is a risk to the project of reaching an impasse where you can neither excavate nor avoid a significant historic environment asset, rendering your cable route or site unusable.

Terrestrial Assets

Given that the exact locations of the offshore export cable landing point has not yet been identified it is not yet clear whether there will be any direct impacts on terrestrial assets within our remit. The potential for direct impacts should therefore be considered within the assessment.

We welcome that the potential impacts to the setting of terrestrial assets within our remit will be identified and that a ZTV analysis will be used to identify assets for assessment. We also welcome that our up to date Managing Change guidance note on Setting has been referenced and we strongly recommend its use in any setting impact assessment.

We consider the identified methodologies for these potential impacts to be adequate, however, we note that the baseline data for this section of the report refers only to marine archaeological receptors and there is no mention of any baseline data for terrestrial historic environment assets which may receive setting impacts. While we are content that there may be some crossover with the SLVIA section of the assessment, given that only Inventory GDLs are identified in the baseline data for that section it will be important to ensure that all setting impacts are addressed properly and that no historic environment assets are missed out of the assessment. Up to date information on all designated historic environment assets can be accessed from our website here.

We hope this is helpful. Please contact us if you have any questions about this response.

Maritime & Coastguard Agency

Thank you for your email dated 2 June 2017 requesting our response on the proposed marine licence for the above project. I have now had an opportunity to review the scoping report provided by Moray Offshore Windfarm (West) Limited for the transmission infrastructure (1 or 2 Offshore Substation Platforms and export cable route) and I would comment as follows:

The intended approach to the assessment of the potential effects outlined in Section 7.2.7.2 is acceptable. A Navigational Risk Assessment will need to be submitted in accordance with MGN 543 (and MGN 372) and the MCA Methodology for Assessing the Marine Navigation Safety & Emergency Response Risks of Offshore Renewable Energy Installations (OREI). We would be content for this to be combined with the NRA for the generating infrastructure, however if they are to be separated the use of the proposed additional 28 days traffic data remains acceptable.

Particular attention should be paid to cabling routes and where appropriate burial

depth for which a Burial Protection Index study should be completed and, subject to the traffic volumes, an anchor penetration study may be necessary. If cable protection are required e.g. rock bags, concrete mattresses, the MCA would be willing to accept a 5% reduction in surrounding depths referenced to Chart Datum. If it is assessed that depths are likely to be reduced by more than 5% we would welcome discussions with the applicant.

Although layout plans will be decided at a much later stage, due consideration must be given for straight lines of orientation that allow a continuous passage of vessels and/or SAR helicopters through the site. The proposed Offshore Substation Platform(s) must be located in line with the turbine row or column.

Consideration will need to be given to the implications of the site size and location on SAR resources and Emergency Response Co-operation Plans (ERCOP) for both construction and operation phases.

It should not be assumed Safety Zones will be automatically applied. These are subject to successful applications made to BEIS.

I hope you find this information useful.

Moray Council

I refer to the above request and would confirm that Moray Council are content with the content of the Scoping Report subject to the following clarification.

In terms of the impact on seascape/landscape and related visual impact assessment, whilst noting the scale of the proposed Offshore Substation Platforms, it is presumed that appropriate photomontages will be prepared in support of the EIA Report from the Moray coastline. The Report should also make clear the extent of any nautical or aviation lighting requirement on the platforms and how they might be observed from the coast.

Northern Lighthouse Board

Thank you for your correspondence dated 02 June 2017 requesting a response to the submission by **Moray Offshore Wind Farm (West) Limited** in which they seek confirmation that Northern Lighthouse Board is satisfied with the topics covered in preparation of an Environmental Impact Assessment submission for the revised development layout and associated infrastructure at the Moray (West) OWF.

We would advise that the Northern Lighthouse Board are content with the topics to be included in the EIA and those sections requiring updated data. NLB are likewise content with the extension of operational life to 50 years at this site.

Royal Society for the Protection of Birds Scotland

RSPB Scotland welcomes this opportunity to comment on the scoping report for the above noted proposed offshore transmission infrastructure.

As indicated in the scoping report there exist a number of Special Protection Areas (SPAs), including the Moray Firth proposed SPA, in addition to nationally designated sites. A robust Environmental Impact Assessment and Habitats Regulations Appraisal must comprehensively assess the projects impacts (direct and indirect) on the internationally important numbers of seabirds, sea ducks, divers and other water birds found in this region.

We recommend the assessment specifically focuses on the impacts to relevant habitats, their structure, function and the supporting processes of these habitats that may result from the construction phase, including the trenching of cable infrastructure. This will include considering the implications of these impacts on the ability of the habitats, both within and beyond the protected areas, to support the qualifying species. To do this, both the type and extent of impact and the distribution, extent and condition of the supporting habitat should be presented.

We are keen to offer our support where clarification or further discussion is required.

Royal Yachting Association Scotland

I have read the relevant parts of the scoping report on behalf of RYA Scotland. For recreational vessels, the presence of offshore substation platforms should not increase any risk associated with wind turbine generators. Cable laying operations are covered by the International Rules for the Prevention of Collisions at Sea with which all recreational sailors are expected to be familiar. Cable landfalls rarely cause issues for recreational craft although we would expect to be consulted were no anchoring zones be proposed in waters less than 10 m deep.

Comments made in relation to the Moray East scoping document are thus equally applicable here.

Table 7.2.1 should also include the revised UK Coastal Atlas of Recreational Boating which is now based on AIS transmissions as about 20% of recreational craft transmit

such signals and experience has shown that the routes of these vessels are representative of those of all recreational craft except close inshore and any other places where small local boats may go.

I welcome the commitment in section 7.2.6 to send information about the scheme for inclusion in the Clyde Cruising Club Sailing Directions. However, the scheme lies on the boundary between existing Sailing Directions and a new volume based on the old Forth Yacht Clubs Association pilot handbook which is currently in preparation. I have contacted the publishers seeking clarification but some decisions have still to be made. I will be happy to forward relevant information to whoever will be including this area of sea. Note that the Sailing Directions books only include details of renewable schemes where there is a danger to navigation or indeed where the structures can assist navigation.

The best source of information on recreational activity mentioned in Table 7.6.1 is the Scottish Marine Recreation and Tourism Survey carried out in 2015 (http://www.gov.scot/Topics/marine/seamanagement/national/RecandTourism).

Scottish Environmental Protection Agency

Thank you for your email consultation to SEPA dated 2 June 2017 requesting a scoping opinion for the above development proposal.

Advice for Marine Scotland

1.1 We note that this Scoping Opinion is for the offshore transmission infrastructure only of the Moray Offshore Windfarm (West). We confirm we have also received a Scoping Report for the Onshore Transmission Infrastructure and will comment on this separately.

1.2 We note it is currently the applicant's intention to produce a single Environmental Report (ER) to capture the outcomes of the Environmental Impact Assessment (EIA) for both the Moray West Offshore Wind Farm and the associated Offshore Transmission Infrastructure and that a separate ER will be produced for the associated Onshore Transmission Infrastructure in support of a planning application to the relevant Planning Authority.

1.3 However, as there is a geographical overlap between the various consenting regimes (i.e. the area between Mean Low Water (MLW) and Mean High Water (MHW), we would encourage the applicant to consider producing a single ES, which covers all aspects of the proposed development. This will enable a full assessment of the potential effects of the development as a whole within this overlap, rather than assessing certain details of the development individually. We would welcome the possibility of Marine Scotland taking the lead in coordinating/overseeing the

submission of all documents and encourage the applicant to submit all supporting documents required for the planning application at the same time as the Marine Licence application.

1.4 As we only now comment on proposals for works above MLWS which fall under the appropriate Town and Country Planning (Scotland) Act, please refer to our standing advice on marine consultations within guidance document SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations.

1.5 If, after consulting this guidance, you consider that a particular part of this proposal is novel or raises a particular environmental issue relevant to our interests which is not addressed by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of your consultation request.

1.6 The Scoping Report invites consultees to consider four questions:

Are there any baseline data sources available that could be used to inform the Environmental Impact Assessment?

We note and welcome that our Water Body data collated in support of the Water Framework Directive has been referenced in the report. This data is available on the Scottish Environment. A summary table of the 'overall status' and an indication of whether there has been 'change' or 'no change' in status in the last year is provided for each water body in the search results, below the spotfire map. Classification results are updated annually (following any necessary verification requiring to be completed post-publication).If the applicant requires further information for a water body which has undergone a change in status in the last year they can request verification of the change by emailing the RBMP Unit (rbmp@sepa.org.uk.) entitling your email "Urgent request for data verification"

Have all potential effects resulting from the Offshore Transmission Infrastructure been identified for each of the Environmental Impact Assessment topics within this Scoping Report?

In relation to our interests we agree with the effects that have been scoped in and out. In particular we welcome the potential effect of the possible introduction of marine non-native species being identified.

Do you agree with the effects to be scoped in, and out, of the Environmental Impact Assessment?

In relation to our interests we agree with the effects that have been scoped in and out.

For those effects scoped in, do you agree that the methods described are sufficient to inform a robust impact assessment?

In relation to our interests we agree that the methods described are sufficient to inform a robust impact assessment.

One of SEPA's key interests in relation to major developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration. We advise that the applicant should, through the EIA process, to systematically identify all aspects of site work that might impact upon the environment, potential pollution risks associated with the proposals and identify the principles of preventative measures and mitigation. This will establish a robust environmental management process for the development. A draft Schedule of Mitigation should be produced as part of this process. This should cover all the environmental sensitivities, pollution prevention and mitigation measures identified to avoid or minimise environmental effects. Please refer to the Pollution prevention guidelines.

An Environmental Management Plan is a key management tool to implement the Schedule of Mitigation and welcome the fact that one will be produced prior to construction. We recommend that the principles of this document are set out in the ES outlining how the draft Schedule of Mitigation will be implemented. This document should form the basis of the more detailed site specific Environmental Management Plan which, along with detailed method statements, may be required by condition.

Regulatory advice for the applicant

1.7 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulations team in your local SEPA office at: 28 Perimeter Road, Pinefield, Elgin, IV30 6AF Tel: 01343 547663

Scottish Fishermen's Federation

The Scottish Fishermen's Federation (SFF) is pleased to respond to this application on behalf of The 500 plus fishing vessels in membership of its nine constituent associations:- the Anglo Scottish Fishermen's Association, the Clyde Fishermen's Association, the Fife Fishermen's Association, the Fishing Vessel Agents and Owners Association (Scotland) Ltd, the Mallaig and North-West Fishermen's Association, the Orkney Fisheries Association, the Scottish Pelagic Fishermen's Association Ltd, the Scottish White Fish Producers Association Ltd and the Shetland Fishermen's Association.

The first comment the SFF feels necessary to make is that given the acknowledgement in 1.2.1 that the project is all about creating value for EDPR's stakeholders and shareholders. This must not be at the expense of the original stakeholders in the marine environment, FISHERMEN. It is unfortunate that the

chapter continues on to justify itself by quoting from Scotland's National Marine Plan without noting General Planning principles 1,4 and 17.

In chapter 2 the stark statement that "the offshore export cable with take the shortest and most direct route to landfall" is unacceptable to the fishing industry, the route must be engineered to provide the least impact on fishing grounds.

In terms of the options for OSP foundations and substructures it is quite clear that the GBS is likely to have the worst impact on fishing during operation and be the most problematic when it comes to decommissioning and SFF would welcome these being ruled out, but the other options will also have negative impacts on the seabed they are installed on.

Regarding the interconnector cables in 2.2.2.3 the SFF preference is burial, and recent studies on protection are clear that protection by rock does not need the same depth as burial, other options must consider the area they are to be used in before deciding which to use. The same comments refer to the expert cable.

Comments following on here, are relevant to 3 sections (Benthos, Fish and Shellfish and commercial fisheries, as necessary). Regarding chapter 6.1 on Benthos, the SFF would certainly expect Habitat loss/disturbance, the increase in sediments (suspended and deposited), scarring effects and creation of substrate/habitats to be assessed for both OSP and OCTI.

The SFF would take issue with the statement on decommissioning "leaving all in place" as not what is required, for SFF the normal starting point for this discussion is to return the seabed to its original state.

The SFF notes that in the data sources listed for the Fish and Shellfish scoping, despite scallops being a major species in the area there is no specific data source listed. Surveys have been done for sand eels, herring and cod, but none for scallops and nephrops, which omission must be addressed in the scoping report.

As with the previous chapter the SFF would expect habitat loss/disturbance and creation scoped in, both suspended and deposited sediments and scarring effects both during installation and operation.

The historical baseline for scallops needs to be as long as feasible since the fishery is very cyclical and any given snapshot could miss the peaks of the fishery, which could be anything from 5 – 10 years apart.

The SFF would agree with the chart 7.1.3 listing the impacts to be scoped in, but believe the project is already down playing most of them and needs to give serious consideration to the issue of loss of access and displacement of fishing. The recent Crown Estate report on these phenomena in the Irish Sea shows that fishing still had not resumed 2 years after construction of a windfarm. Embedded mitigation for all these factors is only the start of the story and assessment should also include the effects of construction vessel movements outside the site on the local fishing vessels.

The SFF would expect the project to validate its data baseline with a cross-section of industry, for which the membership of the Commercial Fisheries Working Group would be ideal. As scallop fishing is a widely dispersed, mobile nomadic activity the cumulative impact of all relevant projects across UK waters needs to be considered.

Scottish Natural Heritage

Thank you for your consultation of the 02 June 2017 requesting our advice on the natural heritage interests to be addressed in the Environmental Impact Assessment (EIA) report for the Moray West Offshore Transmission Infrastructure (OfTI) proposal for the Moray West Ltd Offshore Wind farm.

Habitats Regulations Appraisal

We note the intention (1.5.2.2) to consult separately on the Habitats Regulations Appraisal (HRA) screening report and as such the Scoping report intentionally makes only limited reference to Habitats Regulations and Offshore Habitats Regulations requirements. This appears to be duplication in effort as it would be more helpful to consider these aspects in conjunction with the EIA scoping stage. We provide advice on the likely short list of SPA and SAC sites and their qualifying features and narrative on the relevant potential effect to be considered. We would encourage all parties to consider a more efficient co-ordinated approach to EIA and HRA requirements.

Scoping out of potential effects

We understand the desire to scope out certain potential effects; however, we suggest that in many instances this is, in our view, too premature. A potential impact pathway can only be scoped out where there is no effect or where mitigation is not required to reduce the significance of the potential effect. Where mitigation is required to reduce an effect to an acceptable level, then to our mind this needs to be carried through from Scoping to Application stage. The EIA report needs to outline the assessment of effects and to present (confirm) the mitigation to be adopted to avoid or reduce effects, which can then inform any consent conditions should the development be consented.

SNH Advice

Our advice relates to the natural heritage interests to be addressed in the Moray West Offshore Transmission Infrastructure Environmental Impact Assessment Report. We provide advice on the following aspects in **Appendix A:**

1. Hydrodynamic Processes & Coastal Geomorphology
2. Benthic Ecology
3. Fish and Shellfish of Conservation Concern
4. Marine Mammals
5. Ornithology
6. Landscape, Seascape and Visual Impact Assessment

We hope these comments are helpful. If further information or advice is required please contact me in the first instance: karen.taylor@snh.gov.uk or 01546 603611.

APPENDIX A

MORAY WEST OFFSHORE TRANSMISSIONS INFRASTRUCTURE: SNH ADVICE

1. Hydrodynamic Processes & Coastal Geomorphology

The Scoping report indicates assessment will be informed by previous surveys of the export corridors for the Moray East and BOWL developments (There is also the Caithness Moray SHET Transmission Project that may be able to provide information). However, it's not clear how 'potentially susceptible sedimentary features' will be 'reviewed' (Table 5.1.2) / assessed without recording detailed bathymetry of the area of transmission infrastructure. We request that the developer explores whether existing survey data is applicable / informative to this project, taking account of achievable survey resolution and provides a more detailed justification for this approach. If it is not possible to justify the above approach, then we recommend that the EIA report should be informed by new bathymetric survey of the development area, to at least the same resolution as the previous surveys, and appropriately integrated with the benthic survey observations.

We agree with the potential effects scoped in and the proposed assessment methods, subject to the following points:

- There is potential for landfall works to adversely impact the nationally important hard-rock (Dalradian) interest of Cullen to Stake Ness Coast SSSI, through physical damage and/or by obscuring outcrops (except in relatively small areas of sandy bays where this interest does not exist). The greatest potential impact would be through trenching in hard rock areas, although this seems unlikely given the availability of sandy bays. These issues are not currently considered in Table 5.1.2 - "Disturbance of coastal morphology at the landfall site". We recommend these impact pathways should form a separate category of potential effects to be assessed.

- Further clarity is needed on the assessment of potential effects on hydrodynamics and sediment transport. The proposal to apply previous modelling done for Moray East and/or BOWL depends on whether "there is sufficient similarity in the environmental setting and nature of proposed activities" (5.1.7.2). A detailed comparison in this regard should be presented "in support of the final proposed methodologies" (page 50, last paragraph).

  We recommend the following approach: further detailed technical discussions on these methods well in advance of EIA report preparation. It is essential that sufficient detail is presented and understood on how previous modelling would be applied, or on the alternative "complementary quantitative analytical methods".

- Regarding assessment of "Disturbance of coastal morphology at the landfall site", we support the reference in Table 5.1.2 to previous assessments of similar relevant activities. We have useful experience in this regard having provided support to the BOWL and SHET projects to achieve landfalls through the nationally important coastal geomorphology of Spey Bay SSSI and are happy to provide further information as required, both on the pre planning, but also in terms of our understanding through monitoring of these works**.**

- We refer Moray West to the National Coastal Change Assessment which provides Scotland-wide historical analysis of sea-level and coastal changes - www.dynamiccoast.com. This resource can help inform future projections of future coastal change. This is highly relevant to the intention that the landfall installation "must remain suitably protected" throughout its design life (5.1.4.1), in the context of predicted sea-level rise and changing coastal sediment supply.

Minor clarification is needed on the landfall corridor, as although the text (e.g. 2.2.2.5) indicates that the western end is Portknockie, Fig 1.1.1 appears to show it as Findochty.

2. Benthic Ecology

We previously provided advice on the benthic survey scope of works proposed for April 2017, but have not as yet had sight of the final technical survey report. We are mindful that provision of this information will help inform the approach to assessment including the identification of any mitigation measures and so emphasise that our advice is general at this stage. Upon receipt of the technical survey report we will be able to provide more comprehensive advice should this be required.

We agree with the potential effects identified in section 6.1.3.1 and offer the following

additional comments:

- **Smothering effects / suspended sediment:** the applicant should consider the potential for benthic species to be smothered by sediment released from cable-laying, trench-digging and/or installation of the substation platforms. The potential for any buried contaminants to be released from such work should also be considered.

- **Habitat loss** will need to be estimated, using a worst case scenario for each option being considered, so that comparisons can be made.

- **Habitat change:** the applicant needs to consider any reef effects or changes in benthic communities arising from any scour protection used for the export cable or the offshore substation foundation(s).

- **Electromagnetic effects**: the applicant will also need to consider the potential impacts on benthic communities from any thermal load (seabed sediment heating) or electro-magnetic fields (EMF) arising from the cables during operation. We do not agree that this impact pathway should be scoped out at this stage. The reduction of these effects is linked to the potential mitigation measure identified (6.1.6) and knowledge of benthic communities interests along the cable corridor route and landfall area – we consider that this issue is being scoped out too early.

- **Release of chemical release**; as per EMF above, we do not agreed with the scoping out of this potential impact at this stage given the reliance on mitigation.

- **Indirect effects:** the applicant will also need to consider the indirect effects on other receptors (i.e. marine mammals and seabirds) if prey species could be impacted by the offshore cable works. This assessment will depend on the benthic species and communities present along the cable corridor route and landfall area. We note the inclusion of reduction in prey availability in Table 6.3.5 (Marine Mammals).

The scoping report provides a preliminary appraisal on the baseline environmental including consideration of Annex 1 habitats and Priority Marine Features[3], BAP habitats and species and the OSPAR list of threatened species and habitats. We welcome the approach to include the proposed Southern Trench MPA[4].

[3] http://www.snh.gov.uk/protecting-scotlands-nature/priority-marine-features/priority-marine-features/
[4] http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/national-designations/marine-protected-areas-%28mpa%29/scottish-mpa-network-advice/

3. Fish & Shellfish

As previously discussed (see cover letter and section 3 above) we understand the desire to scope out EMF and seabed sediment heating impacts to fish and shellfish species, however we recommend both these impact pathways are included and assessed in the EIA report.

We note that 6.2.3 (existing environment) includes narrative on the SAC rivers that may need consideration with respect to Atlantic salmon, freshwater pearl mussel and sea lamprey features. We no longer advise it is possible to undertake site-specific HRA for migratory Atlantic salmon or other migratory fish because we cannot apportion impacts correctly to SACs. There is a lack of information on SAC populations to inform decisions on site integrity. As our knowledge improves and assessment methods develop this position may change. Potential impacts to migratory fish and therefore as a consequence freshwater pearl mussel (FWPM) should be considered under EIA rather than HRA.

We note that the following impacts will need consideration in respect of marine fish and shellfish including Atlantic salmon and FWPM

- **Smothering effects / suspended sediment:** the applicant should consider potential smothering from sediment release in respect of less mobile fish and shellfish species as well as for the eggs of species which spawn in the area. Clarification on the location and footprint of the export cables route and the timing / seasonality of operations can help in the assessment of these potential effects. The potential for any **buried contaminants** to be released from suspended sediment should also be considered.

- **Habitat loss:** benthic interests are discussed above, however, the applicant should also consider the extent of habitat loss in respect of marine fish and shellfish.

- Habitat change: the applicant needs to consider any reef effects or creation of habitat arising from any scour protection used for the export cable or OSP(s).

- **Changes to tides and current speeds:** we agree this can be scoped out at this stage.

- **Electromagnetic effects**: the response of fish and shellfish to electromagnetic fields (EMF)
  .
- **Operational noise from OSP equipment, vessels and underwater maintenance**: we note the inconsistency in approach in considering the

potential effect of underwater noise originating from operating OSP equipment, vessel and underwater maintenance. Table 6.2.3 proposes to scope out these effects whereas 6.2.7.2 (subsea noise assessment) includes consideration of operation and maintenance phase. We therefore suggest these effects are scoped into the EIA report for further consideration.

- **Particle motion:** we highlight that there is growing awareness of this potential impact, but consider that this is at very early scientific understanding to undertake a detailed assessment.

4. Marine Mammals

There is extensive information available on marine mammals in the Moray Firth, as captured in 6.3.2 (baseline data) and 6.3.3 (Existing environment). Table 6.3.2 sets out the range of marine mammals recorded in the Moray Firth and Table 6.3.3 considers those likely to forage within range of OfTI components. We refer you to our previous advice covering the scope of the Moray West Offshore wind farm development footprint (letter dated 05 July 2016) for information on relevant management units and reference populations required for consideration under EIA. In addition, where assessment is also required for an SAC or pMPA interest feature, we offer the following comments:

- **Bottlenose dolphin** (Moray Firth SAC): we highlight the importance of the south coast of the Moray Firth for bottlenose dolphin originating from the Moray Firth SAC and travelling down the East coast, with frequent records within 3km of the coast.

- **Harbour seal** (Dornoch Firth and Morrich More SAC): We confirm only Dornoch Firth and Morrich More SACs require consideration.

- **Grey seal:** Impact to this species should be considered under EIA only.

- **Harbour porpoise**: we do not agree with scoping in harbour porpoise with respect to the Southern North Sea cSAC. This species should be considered under EIA only.

- **Minke Whale** (Southern Trench pMPA): the cable corridor route and landfall overlap with the Southern Trench MPA proposal which includes minke whale as an interest. In addition to the data sources listed in the Scoping report, we recommend contacting the Cetacean Research and Rescue Unit[5] who have done a lot of work on minke whale in the area as well as Whale & Dolphin

[5] Cetacean Research and Rescue Unit: www.crru.org.uk/

Conservation[6].

Each of the cetaceans listed in Table 6.3.2 is a European Protected Species (EPS) and our scoping advice on the Moray West offshore wind farm provides advice in this regard (see letter dated 05 July 2016) which will also be applicable to this proposal. The risk of disturbance particularly in the coastal waters of the southern Moray Firth where bottlenose dolphin and minke whale are most frequent suggests an EPS licence may be required. Information should be provided to help inform considerations of any subsequent EPS licence application.

We agree with the scope of impacts to be considered for marine mammals as discussed in the Table 6.3.4 and offer the following additional comments:

- We agree that the probable risk to marine mammals from **operational noise or electromagnetic fields** is low and are content that these effects are scoped out at this stage.

- **Disturbance / displacement as a result of construction / operational noise:** particularly relevant for the installation of the offshore substation platform(s), depending on foundation type, and the placement of scour protection if needed for the OSP(s) or along the cable route. As discussed above, the southern Moray coast is important for marine mammals, so particular care will be needed for working in these coastal waters. We welcome the inclusion of the marine mammals in the subsea noise assessment as proposed in 6.2.7 and recommend this cover all of the five species listed above. We recommend that directional drilling (HDD) is considered for the cable landfall and connection to the offshore export cables.

- **Indirect effects resulting from impacts on prey species:** this issue can be informed by the results from benthic survey work together with the fish and shellfish ecology assessment. We are satisfied that this aspect can be considered via desk-based appraisal as proposed in the scoping report.

We also highlight the likelihood that cumulative impacts on marine mammals will need to be addressed for these proposed transmission works. There is a range of development consented, or proposed, that may impact on marine mammals in the Moray Firth including the Beatrice and Moray East offshore wind farms, their associated transmission works, the Caithness / Moray subsea cable link and a range of harbour developments – as well as other development proposals further afield.

We would welcome further discussion of possible cumulative impacts at the appropriate time, probably best co-ordinated by Marine Scotland via the proposed

[6] Whale & Dolphin Conservation: http://uk.whales.org/

regional advisory group.

As previously advised (05 July 2016) we reiterate our support of the approaches that have been developed by Moray Offshore as part of the MFOWDG. This includes the harbour seal assessment framework, and application of the iPCoD approach (population consequences of disturbance) to bottlenose dolphin. Moreover, extensive discussions have been held by the MFRAG marine mammal sub group regarding potential mitigation and monitoring methods in relation to underwater noise disturbance (as a result of pile driving). These discussions and recent outputs including the piling strategy for the Moray East offshore wind farm will continue to be of value to this proposal going forward.

5. Ornithology

As for marine mammals above, there is growing information available on ornithological interests in the Moray Firth, as captured in 6.4.2 (baseline data) and 6.4.3 (existing environment). Tables 6.4.1, 6.4.2 and 6.4.3 set out the range of seabird species recorded in the Moray Firth including within the Moray West wind farm development footprint. Table 6.4.3 considers those likely to forage within range of OfTI components however limited commentary is provided in 6.4.3 as to why some species within individual SPAs are considered relevant and why some are not or in some instances some qualifiers are omitted.

Moreover, this table includes three SSSIs none of which overlap with the landfall search area – we remind the applicant of the site-based protection afforded to the notified features of SSSI which does not include the connectivity component inherent in the assessment of SPA qualifying species.

We anticipate full commentary within the HRA screening report as to the development of the short list of sites and species for appraisal. In the meantime we refer you to our previous advice covering the scope of the Moray West Offshore Windfarm development footprint (letter dated 05 July 2016) as a useful starting point.

Moray Firth proposed SPA[7] – this pSPA is located in the inner Moray Firth and is proposed for wintering diver and seaduck interests, as well as for European shag. While there is no connectivity between the Moray West wind farm development footprint, the cable corridor route and landfall search area do overlap. The species of interest have a coastal distribution and are recorded in greatest numbers within the proposed SPA.

We agree with the scope of impacts to be considered for ornithological interests as

[7] http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/proposed-marine-spas/moray-firth/

discussed in the Table 6.4.5 including the scoping out of barrier effects and collision risk. We offer the following additional comments:

- Potential **disturbance** to waterfowl and waders is, in our view, the key ornithological impact to be assessed with respect to the construction of the export cable and landfall. We do not identify any requirement for boat-based or aerial survey work in respect of seabird species along the cable route, although review of the data that Moray Offshore has already collected for the wind farms may be informative. Timing of installation is likely to be a key mitigation measure particularly in respect of wintering interests of the Moray Forth pSPA. Displacement from the OSPs is likely to be localised to a small area, but should also be assessed.

- We consider that desk-based appraisal is sufficient to consider potential disturbance or indirect impacts on seabird species arising from the export cable works. Consideration of any indirect impacts on seabirds from potential impacts to their prey species can be informed by the results from benthic survey work.

- We would also welcome consideration of offshore substation lighting requirements in respect of seabirds.

6. Landscape, Seascape and Visual Impact Assessment

As noted in 7.4 Landscape, seascape and visual there was a comprehensive seascape, landscape and visual impact (SLVI) assessment provided in the ES supporting the Section 36 and marine licence applications for the MORL Round 3 wind farms.

We welcome the proposal to assess the landscape and visual impacts of the offshore substation platforms such that that their location and design is considered as part of the overall design process for Moray West wind farm.

The Highland Council

The Council has no comment to make on the Marine Licence Applications for the OfTI for either East or West as it does not impact on directly on our shores.

Transport Scotland

With reference to your recent correspondence on the above development, we acknowledge receipt of the Offshore Transmission Infrastructure Scoping Report prepared by GoBe Consultants Ltd (GoBe) in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Trunk Road and Bus Operations (TRBO). Based on the review undertaken, we would provide the following comments.

We understand that the Scoping Report (SR) has been prepared in support of the Moray West Offshore Transmission Infrastructure (OfTI) application. This application is associated with the Moray West Offshore Wind Farm located in the Outer Moray Firth approximately 22 km from the Caithness coastline. It is noted that the Scoping Report assumes that the Moray West OfTI would only ever be developed in conjunction with the Moray West Offshore Wind Farm. It is also noted that final connection to the onshore national electricity transmission system will be made via the Moray West Onshore Transmission Infrastructure (OnTI), which will comprise onshore export cables running from the landfall point to an onshore substation. The proposed OnTI will be subject to a separate scoping exercise and a separate EIA process.

OfTI Components

The OfTI will comprise up to two Offshore Substation Platforms (OSPs), an interconnector cable (if two OSPs are required) and offshore export cables from the OSP(s) to landfall. The SR indicates that it is anticipated that the topsides of the OSP(s) will be assembled as a single unit onshore and delivered to site before being lifted and secured to the installed foundation and substructure.

Construction Phase

We note that at present only limited information is available regarding the construction process, with the major parameters not yet defined in detail. In particular, the manufacturing bases and ports to be used for the construction phase are yet to be agreed. The SR indicates, however, that the principal stages of manufacturing will be as follows:

- Manufacture of components (including foundations, cables and OSP topsides);
- Transport of components to the Moray West OfTI Site;
- Storage and assembly of components as required at the port location(s) to be used during construction;

- Marine transportation of components to the Moray West OfTI Site for installation; and
- Movement of construction vessels to the Moray West OfTI Site.

While it is accepted that limited construction information is available, we would advise that, if any abnormal loads are required to be transported on the Trunk Road network, a report will require to be provided to assess the route to site in terms of its suitability for the transportation of these abnormal loads.

In addition, it is noted that dredging, drilling and spoil disposal may be required during the installation but we assume that there will be no need for any material to be transported via the trunk road network. The Environmental Statement should confirm that this is the case and should detail any HGV movements that will be required via the trunk road network associated with any of the construction activities.

We do not anticipate that there will be large volumes of traffic via the trunk road associated with the construction stage. However, we would note that potential trunk road related environmental impacts (associated with increased traffic) such as driver delay, severance, pedestrian amenity, safety etc should be considered and assessed where appropriate (i.e. where Institute of Environmental Management and Assessment (IEMA) Guidelines for further assessment are breached). These specify that road links should be taken forward for assessment if:

- Traffic flows will increase by more than 30%, or
- The number of HGVs will increase by more than 30%, or
- Traffic flows will increase by 10% or more in sensitive areas.

I trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact Alan DeVenny at SYSTRA's Glasgow Office on 0141 226 6923.

UK Chamber of Shipping

With shipping and safety of navigation in mind, the requirements of MGN 542 (M+F) should be followed. The AIS and vessel tracking data mentioned is dated and 7 years old in some cases. This needs to be refreshed to ensure the level of risk remains valid.

Whale and Dolphin Conservation

Thank you for including WDC in this consultation. Overall, we are happy with the potential effects on marine mammals that have been scoped-in and the methods proposed to review these effects for the MORL (West) Offshore Transmission Infrastructure Scoping Opinion.

Appendix II: Advice from Marine Scotland Science

Marine Scotland Science has reviewed the submitted document and has provided the following comments.

Commercial Fisheries

Section 7.1.2 of the report states that " ICES rectangles are the smallest spatial unit available for the collation of fisheries data and will therefore be used to describe fishing activity throughout the report. [...] Consultation is of particular importance as smaller vessels are underrepresented in many of the available datasets". This is only true for catches information, not for effort patters. VMS data (as listed in table 7.1.1) are available to the developers. Similarly, ScotMap data layers can assist the developers with the smaller vessels, but currently not listed in their sources of information.

Table 7.1.2 could be accompanied by a map of the rectangles in the future to aid reader's understanding

Section 7.1.4 omits FLOWW Best practice guidance references

A list of all the projects in consideration in section 7.1.5 is needed to ensure consistency in the projects identified as part of the cumulative impacts assessments in the Forth & Tay region where relevant

Section 7.1.6 refers to the use of guard vessels as a mitigation option. No explicit reference is made to the potential of local fishing vessels acting as guard vessels in order to offer alternative employment opportunities for the impacted fleet. Furthermore, cable protection measures should also be an item for discussion with the local fishing fleet.

Table 7.1.4, row on " Loss of or restricted access to traditional fishing grounds" suggests that the surveys to be undertaken only include stakeholder consultation. Consultation should be complementary to baseline characterisation from ICES and VMS data as described earlier in the commercial fisheries section.

Benthic Ecology

MSS is generally happy with the information provided on benthic ecology for the Moray East OfTI plan described in the documents.

The major point for concern is the continued proposal to employ gravity base structures as foundations for the two OSP installations. These would require

considerable seabed modification of an area estimated at <190m dredge affected diameter per OSP with associated increases in water column suspended solids (SS) load followed by potenetial smothering of some areas. Information on increases in SS levels, direction of plume drift and on smothering levels would be useful here.

Concerns regarding the burying of export and interconnect cables are relevant. Both jetting and/or ploughing will also increase SS loads with some smothering effects.

The proposal to micro-site all cabling and the OSP structures to avoid impacting sensitive habitats and species in the area is to be welcomed however, further to this, the presence of the anemone *Arachnanthus sarsi* is of some interest and data on the animal's distribution and abundance would be useful.

Socio Economics

MSS has no comments on socio economics

Marine Fish Ecology

Thank you for sight of the scoping report for the Moray West Offshore Transmission Infrastructure. MSS has reviewed this in relation to marine fish ecology and is largely content with the proposed approach. The following comments are provided:

MSS welcomes the use of existing fish survey data for informing the baseline characterisation. The scoping report highlights a number of relevant studies such as those undertaken by MORL East and BOWL, the use of which MSS finds appropriate. As such, MSS is content with the statement on page 75 that "it is not proposed to undertake any site-specific baseline fish surveys".

MSS also welcome the desk review of fish sensitivity maps and suggest here that it may be useful to incorporate recent publications on the spawning areas of cod (González-Irusta & Wright 2015), haddock (González-Irusta & Wright 2016) and whiting (González-Irusta & Wright 2017). These publications may provide a level of spatial definition to the indicative maps provided within the referenced Coull *et al* (1998) literature.

MSS is broadly content with the approach for the assessment of potential effects on fish and shellfish ecology, as outlined in table 6.2.4. With regard to smothering effects, MSS note that previous advice was provided to MS-LOT regarding potential assessment for effects of sediment on scallops within the area. It may be useful to provide this here. MSS also note here that the approach relating to potential effects arising from noise does not specify whether this relates solely to the underwater sound pressure component; we understand that particle motion is the primary

mechanism by which some species of fish detect the impacts of noise from pile driving.

As a note, there is a reference to the BOWL herring surveys on page 69 that concludes that no seasonal restrictions were required during piling as herring did not spawn on the wind farm site. Whilst it was indeed considered that it was unlikely a significant spawning event had taken place at the wind farm site, it was considered that it was unlikely that the 'zone of influence', as identified by sound modelling, was unlikely to have an effect on spawning herring, given that back calculations identified larva were likely to have been spawned out with the potential impact area.

References

González-Irusta, J. M., & Wright, P. J. (2015). Spawning grounds of Atlantic cod (Gadus morhua) in the North Sea. ICES Journal of Marine Science, 73(2), 304-315.

González-Irusta, J. M., & Wright, P. J. (2016). Spawning grounds of haddock (Melanogrammus aeglefinus) in the North Sea and West of Scotland. Fisheries Research, 183, 180-191.

González-Irusta, J. M., & Wright, P. J. (2017). Spawning grounds of whiting (Merlangius merlangus). Fisheries Research, 195, 141-151.

Appendix III: Licensing Process

Consent Timescale and Application Quality

In December 2007, the Scottish Ministers announced an aspirational target to process new section 36 applications within a 9 month period, provided a Public Local Inquiry ("PLI") is not held. This scoping opinion is specifically designed to improve the quality of advice provided to applicants and thus reduce the risk of additional information being requested and subject to further publicity and consultation cycles.

Application

The application letter must detail how many licences are being sought, what marine licensable activities are proposed and what legislation the application is being made under.

Applicants are required to submit two hard copies of the EIA report together with an electronic copy in a user-friendly PDF format which will be placed on the Scottish Government website. If requested to do so Moray West must send to the Scottish Ministers such further hard copies of the EIA report as requested. applicants may be asked to issue the EIA report directly to consultees and in which case consultee address lists should be obtained from the Scottish Ministers.

Scottish Natural Heritage ("SNH") has produced a Service Level Statement ("SLS") for renewable energy consultation. This statement provides information regarding the level of input that can be expected from SNH at various stages of the EIA process. Annex A of the SLS details a list of references, which should be fully considered as part of the EIA process. A copy of the SLS and other vital information can be found on the renewable energy section of their website – www.snh.org.uk.

Requirement for Public Pre-Application Consultation ("PAC")

From 6th April 2014, applications received for certain activities are subject to a public pre-application consultation requirement. Activities affected will be large projects with the potential for significant impacts on the environment, local communities and other legitimate uses of the sea. This requirement allows local communities, environmental groups and other interested parties to comment on a proposed development in its early stages and before an application for a Marine Licence is submitted.

The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013 can be accessed via

http://www.legislation.gov.uk/ssi/2013/286/made

Guidance on marine licensable activities subject to Pre-application Consultation can

be obtained at:

http://www.gov.scot/Topics/marine/Licensing/marine/guidance/preappconsult

The licensing authority reserves the right not to accept an application in the absence of an acceptable PAC report.

Ordnance Survey ("OS") Mapping Records

Applicants are requested at application stage to submit a detailed OS plan showing the site boundary and location of all deposits and onshore supporting infrastructure in a format compatible with The Scottish Government's Spatial Data Management Environment ("SDME"), along with appropriate metadata. The SDME is based around Oracle RDBMS and ESRI ArcSDE and all incoming data should be supplied in ESRI shape file format. The SDME also contains a metadata recording system based on the ISO template within ESRI ArcCatalog (agreed standard used by The Scottish Government); all metadata should be provided in this format.

Gatecheck

The Scottish Ministers undertakes a gatecheck prior to formal submission of applications and advises you to take full advantage of this service. The gatecheck is not designed as an in depth evaluation of the content of an EIA report. However, it will allow the Scottish Ministers the confidence that minimum legislative requirements have been met prior to formal submission of the EIA report. This should reduce the risk of the potential requirement for you to submit additional information to the EIA report and therefore be subject to re-advertisement and re-consultation. In order to assist the gatecheck process, a thorough gap analysis (Appendix III) of the issues identified in this Scoping Opinion should be drawn up for submission with the EIA report. It should be noted that gatecheck will only take place if the final and full version of the EIA report is submitted. The timeline will be agreed with Moray West.

Advertisement

Where Moray West has provided the Scottish Ministers with an EIA report, Moray West must publish their proposals in accordance with Regulation 17 of The Marine Works (EIA) (Scotland) Regulations 2017 (as amended).and Regulation 16 of The Marine Work (EIA) Regulations 2007 (as amended). Licensing information and guidance, including the specific details of the adverts to be placed in the press, can be obtained from the Scottish Ministers. If additional information is submitted further public notices will be required.

EPS licence

European Protected Species ("EPS") are animals and plants (species listed in Annex

IV of the Habitats Directive) that are afforded protection under The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). All cetacean species (whales, dolphins and porpoise) are European Protected Species. If any activity is likely to cause disturbance or injury to a European Protected Species a licence is required to undertake the activity legally.

A licence may be granted to undertake such activities if certain strict criteria are met:

- there is a licensable purpose;
- there are no satisfactory alternatives, and;
- the actions authorised will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range.

Applicants must give consideration to the three fundamental tests and should refer to the guidance on the protection of marine European Protected Species for more detailed information in relation to Scottish Inshore Waters. Applicants may choose to apply for an EPS licence following any grant of consent once construction methods have been finalised, however it is useful to include a shadow EPS assessment within the EIA report.

Basking sharks are also afforded protection under the Wildlife & Countryside Act 1981 (as Amended by the Nature Conservation (Scotland) Act 2004).

Appendix IV: Gap Analysis

APPLICATION - Consultation Gap Ana

	Project:								Legend:	Closed				
	Date issued:									Ongoing				
										Open				
	APPLICANT TO COMPLETE													
	Consultee								Applicant					
	Consultee	Number/reference	Consultee's response	ES/Addendum	Chapter/paragraph	Objection (yes/no)	Condition requested	Summary of response (Key concern, etc)	Response from applicant	Action required	Evidence	Evidence sent to MS-LOT (date)	Comments	
			From our review of the supporting information for the application, including both the Environmental Statement (ES) and Habitat Regulations Appraisal (HRA) reports, we conclude that for this proposal alone there is no adverse effect on site integrity for bird interests.	ES	6 Para 1.19		No	Conclusion of no adverse effect on site integrity for bird interests	No response required					
Example	SNH		*We have assessed all other natural heritage interests and can confirm that we raise no other issues which could significantly impact on international or national interests.*		6 Para 1.20	No	No	no significantly impact on international or national interests.	No response required		e.g. meeting minutes, emails, agreements, etc.			
			We support the commitment provided in the ES (Chapter 2) to agree and implement a Project Environmental Management Plan (PEMP).		6 Para 1.23		if yes, Copy condition requested by consultee	Need to submit PEMP	PEMP will be developed after/during consent and submitted to MS LOT	Meetings with MS LOT to discuss draft PEMP	Meeting minutes (doc ref numberxxx) *Include further updates regarding meetings, resolution on issues, etc*	Evidence sent to LOT on 01/01/2016 *Include further updates regarding meetings, resolution on issues, etc*		

MS LOT: each individual comment raised by the consultee should be on a separate line.

Appendix V: References applicable to particle motion

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