

## **Marine Directorate - Licensing Operations Team Scoping Opinion**

**Scoping Opinion adopted by the Scottish Ministers  
under:**

**The Marine Works (Environmental Impact Assessment)  
(Scotland) Regulations 2017**

**And**

**The Electricity Works (Environmental Impact  
Assessment) (Scotland) Regulations 2017**

**MeyGen Tidal Project**

**September 2026**

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## **1. Introduction**

### **1.1 Background**

- 1.1.1 On 6 June 2026, the Scottish Ministers received a scoping report (“the Scoping Report”) from MeyGen PLC (“the Developer”) as part of its request for a scoping opinion relating to a proposed variation to the section 36 consent (“the Proposed Variation”) for the MeyGen Tidal Project (“the MeyGen Project”). The Scottish Ministers considered the content of the Scoping Report as sufficient and in accordance with regulation 14 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“2017 MW Regulations”) and regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“2017 EW Regulations”), all collectively referred to as “the EIA Regulations”.
- 1.1.2 This scoping opinion is adopted by the Scottish Ministers under the EIA Regulations (“Scoping Opinion”) in response to the Developer’s request and should be read in conjunction with the Scoping Report. The matters contained in the Scoping Report have been carefully considered by the Scottish Ministers and use has been made of professional judgment, based on expert advice from stakeholders and Marine Directorate in-house expertise and experience. This Scoping Opinion identifies the scope of impacts to be addressed and the method of assessment to be used in the Environmental Impact Assessment Report (“EIA Report”) for the Proposed Development.
- 1.1.3 The Scottish Ministers, in adopting this Scoping Opinion, have, in accordance with the EIA Regulations, taken into account the information provided by the Developer, in particular, information in respect of the specific characteristics of the Proposed Development, including its location and technical capacity and its likely impact on the environment. In addition, the Scottish Ministers have taken into account the representations made to them in response to the scoping consultation they have undertaken.
- 1.1.4 In examining the EIA Report, and any other environmental information, the Scottish Ministers will seek to reach an up to date reasoned conclusion on the significant effects on the environment from the Proposed Development. This reasoned conclusion will be considered as up to date if the Scottish Ministers are satisfied that current knowledge and methods of assessment have been taken account of. It is for the Developer to consider whether it would be beneficial for a new scoping opinion to be sought based on updated knowledge or changes to methods of assessment. For the avoidance of doubt, this Scoping Opinion does not preclude the Scottish Ministers from requiring the Developer to submit additional information in connection with any EIA Report submitted with an application for consent under section 36 (“s.36

consent”) of The Electricity Act 1989 (“the 1989 Act”) and marine licences under The Marine (Scotland) Act 2010 (“the 2010 Act”).

- 1.1.5 The Scottish Ministers advise that as more than one set of environmental impact assessment regulations apply the most stringent requirements must be adhered to in terms of, for example, consultation timelines and public notice requirements.
- 1.1.6 The Developer submitted a Habitats Regulations Appraisal (“HRA”) screening report (“HRA Screening Report”) alongside the Scoping Report on 26 June 2025 in relation to the Proposed Variation. The Scottish Ministers response to the HRA Screening Report is contained within the relevant receptor chapters of this Scoping Opinion.

## **2. The Proposed Development**

### **2.1 Introduction**

- 2.1.1 This section provides a summary of the description of the Proposed Development provided by the Developer in the Scoping Report together with the Scottish Ministers' general comments in response. The details of the Proposed Development in the Scoping Report have not been verified by the Scottish Ministers and are assumed to be accurate.

### **2.2 Description of the Proposed Development**

- 2.2.1 The MeyGen Project is located within the Inner Sound of the Pentland Firth, approximately 0.53 kilometer ("km") from mainland Scotland and 1.36 km from the Isle of Stroma.
- 2.2.2 The MeyGen Project was granted a section 36 consent and marine licence in 2013 ("the Consented Project"), for the phased deployment of up to 61 tidal turbines, with an overall maximum generating capacity of 86 Megawatt ("MW"). Four tidal turbines were deployed during Phase 1a of the Consented Project, with Phase 1b to comprise the deployment of an additional four tidal turbines under the Consented Project.
- 2.2.3 The Developer has adopted a design envelope approach for the Proposed Variation, with the following tidal turbine design parameters proposed:
- Increase in installed generating capacity from 86 MW to 100 MW.
  - Reduction in the maximum number of turbines from 61 to 34, including the four turbines already deployed.
  - Increase in turbine rotor diameter from 16–20 metres ("m") to 16–26 m.
  - Increase in rotor swept area from 201–314 m<sup>2</sup> to 201–531 m<sup>2</sup>.
  - Removal of rated power cap per turbine.
  - Reduction in minimum blade-tip clearance above the seabed from 4.5 m to 2.0 m.
  - Reduction in minimum blade-tip clearance below Lowest Astronomical Tide ("LAT") from 8.0 m to 6.0 m.
  - Increase in export cable voltage rating, from a maximum of 6.6 kilovolts ("kV") to a maximum of 12 kV.
- 2.2.4 No changes are proposed to the parameters of the four tidal turbines and export cables deployed under Phase 1a of the Consented Project.
- 2.2.5 The Proposed Variation also includes a reduction of the array area from approximately 1.149 km<sup>2</sup> to approximately 0.965 km<sup>2</sup>.

## **2.3 Onshore/Planning**

- 2.3.1 The Scottish Ministers note that the Scoping Report only describes the offshore works. No changes are proposed to the onshore elements of the MeyGen Project.

## **2.4 The Scottish Ministers' Comments**

### *Description of the Proposed Development*

- 2.4.1 The Developer has not included details on the timings of the Proposed Variation. The EIA Report must include timings for all phases of the Proposed Variation if these are known at application stage. The EIA Report should include an assessment for the entirety of the Proposed Variation. In particular, the Scottish Ministers advise the EIA Report should include details of the anticipated operation and maintenance activities associated with the Proposed Development, including an estimate of the expected annual frequency of maintenance operations, vessel requirements, and the total maintenance activity anticipated over the operational lifetime of the project.
- 2.4.2 The Scottish Ministers further advise that the EIA Report should provide details of any pre-construction survey activities required to inform project design and installation.
- 2.4.3 Section 4.4.11 of the Scoping Report states that "site preparation activities are expected to be limited and localised in nature" and may include the removal of obstructions. The EIA Report must include clarification on whether unexploded ordnance ("UXO") surveys and/or UXO clearance activities will be required prior to construction, together with an assessment of any associated environmental effects.
- 2.4.4 Section 4.4.33 of the Scoping Report identifies that cable protection measures may be applied if required, based on seabed conditions. The EIA Report must provide a clear indication of the likelihood of suitable burial of the cables, the types of cable protection which will be used and the locations and volumes of such protection. The EIA Report should describe the options, differences amongst them and provide an assessment of environmental effects that may result between one or the other (or combined) option.
- 2.4.5 The Scottish Ministers note an inconsistency within the Scoping Report. Section 1.3.8 identifies marine cultural heritage, and infrastructure and other marine users as topics to be scoped out of the assessment, whereas Section 22.2 indicates that these topics will be scoped in for further assessment. The Scottish Ministers advise that the Developer ensures consistency throughout the EIA Report on which receptor topics are included for assessment.

- 2.4.6 Section 4.6 of the Scoping Report sets out an overview of the estimated decommissioning activities and the Developer's proposed decommissioning approach. The EIA Report should include the rationale in support of the assessment of potential significant effects during the decommissioning phase. Any uncertainty on the impacts upon receptors from activities during decommissioning should be clearly explained, along with the implications for the assessment of significant effects.
- 2.4.7 The Scottish Ministers welcome the pre-application engagement undertaken by the Developer in relation to collision risk. The Scottish Ministers advise further engagement with stakeholders on the preliminary results of the Tidal Industry Seal Project prior to submission of the EIA Report.

### *Design Envelope*

- 2.4.8 The Scottish Ministers note the Developer's intention to apply a 'Design Envelope' approach. Where the details of the Proposed Variation cannot be defined precisely, the Developer will apply a worst case scenario, as set out in 4.1.44 of the Scoping Report.
- 2.4.9 The Scottish Ministers advise that the Developer must make every attempt to narrow the range of options. 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. At the time of application, the parameters of the Proposed Variation should not be so wide-ranging as to represent effectively different projects. To address any uncertainty, the EIA Report must consider the potential impacts associated with each of the different scenarios. The criteria for selecting the worst case and the most likely scenario, together with the potential impacts arising from these, must also be described. The parameters of the Proposed Variation must be clearly and consistently defined in the variation application for the s.36 consent and the accompanying EIA Report.
- 2.4.10 The Scottish Ministers may determine the applications based on the worst case scenario. The EIA will reduce the degree of design flexibility required and the detail may be further refined in subsequent plans (e.g. Design Specification and Layout Plan, Construction Method Statement) to be submitted to the Scottish Ministers, for their approval, before works commence. Please note however, the information provided in Section 7 below regarding multi-stage consent and regulatory approval. The subsequent plans 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.

- 2.4.11 It is a matter for the Developer, in preparing the EIA Report, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. If the Proposed Variation or any associated activities materially change prior to the submission of the EIA Report, the Developer may wish to consider requesting a new scoping opinion.

### *Alternatives*

- 2.4.12 The EIA Regulations require that the EIA Report include 'a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the Developer, which are relevant to the proposed works and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'. The Scottish Ministers acknowledge Chapter 5 of the Developer's Scoping Report setting out the consideration of alternatives to date together with the planned activities that are proposed to inform the EIA Report further. The Scottish Ministers advise however that these considerations must include how decommissioning has been taken into account within the design options. The Scottish Ministers advise that this must be based on the presumption of as close to full removal as possible of all infrastructure and assets and should consider the methods and processes of doing so.
- 2.4.13 For the avoidance of doubt, the Scottish Ministers advise that the EIA Report must include an up to date consideration of the reasonable alternatives studied as the parameters of the Proposed Variation have been refined. This includes but is not limited to the identification of the potential wind turbine layouts within the array area, the parameters of the export cables, the cable corridor options and the landfall location or locations. The Scottish Ministers expect this to comprise a discrete section in the EIA Report that provides details of the reasonable alternatives studied across all aspects of the Proposed Variation and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

### **3. Contents of the EIA Report**

#### **3.1 Introduction**

- 3.1.1 This section provides the Scottish Ministers' general comments on the approach and content of information to be provided in the Developer's EIA Report, separate to the comments on the specific receptor topics discussed in section 5 of this Scoping Opinion.

#### **3.2 EIA Scope**

- 3.2.1 Matters are not scoped out unless specifically addressed and justified by the Developer 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.

#### **3.3 Mitigation and Monitoring**

- 3.3.1 Any embedded mitigation relied upon for the purposes of the assessment should be clearly and accurately explained in detail within the EIA Report. The likely efficacy of the mitigation proposed should be explained with reference to residual effects.
- 3.3.2 The EIA Report should clearly demonstrate how the Developer has had regard to the mitigation hierarchy, including giving consideration to the avoidance of key receptors and sensitivities such as seasonality. It should be clear how these adverse effects will be mitigated, for example if the adverse effects will be avoided and certain activities will not be carried out during sensitive times. If the sensitive times will not be avoided, a description of the mitigation measures that will be put in place to prevent, reduce or offset any adverse effects should be provided.
- 3.3.3 The Scottish Ministers advise that where the mitigation is envisaged to form part of a mitigation or monitoring plan, the EIA Report must set out these plans or the reliance on these in sufficient detail to allow the significance of the residual effect to be assessed and evaluated. This should also include identification of any monitoring of the effectiveness of mitigation and remedial actions (where relevant) in the event that observed effects differ from predicted residual effects. Commitment to develop plans without sufficient detail is not considered to be suitable mitigation in itself.
- 3.3.4 Where possible all mitigation and monitoring plans required should be submitted with an appropriate level of detail at the application stage for offshore renewable energy projects. Certain, more standardised plans, and in particular those which are less reliant on details of exact project parameters, should be submitted at the application stage. Such plans should contain

sufficient information at the application stage and should not require an update and approval process after consents and licences have been granted, prior to construction starting. Further information on plans that should be submitted with applications can be found in the [marine licensing and consenting guidance for offshore renewable energy projects](#).

- 3.3.5 The EIA Report must include a table of mitigation which corresponds with the mitigation identified and discussed within the various chapters of the EIA Report and accounts for the representations and advice attached in Appendix I.
- 3.3.6 Where potential impact on the environment has been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by detailing in the EIA Report, the work that has been undertaken, the results, what impact, if any, has been identified and why it is not significant.
- 3.3.7 The EIA Report should identify and describe any proposed monitoring and how the results of such monitoring would be utilised to inform any appropriate remedial actions. This should include a description of the monitoring proposed, the purpose of the monitoring, a list of receptors that will be monitored, the type of parameters that will be monitored and the duration of monitoring.

## 4. Consultation

### 4.1 The Consultation Process

4.1.1 Following receipt of the Scoping Report, the Scottish Ministers, in accordance with the EIA Regulations, initiated a 30 day consultation process, which commenced on 25 June 2026. The following bodies were consulted, those marked in bold provided a response and those marked in italics sent nil returns or stated they had no comments:

- **Historic Environment Scotland**
- **Maritime and Coastguard Agency**
- **NatureScot**
- **Northern Lighthouse Board**
- **Orkney Islands Council**
- **SEPA**
- **The Highland Council**
- Dunnet and Canisby Community Council
- Department for Energy Security and Net Zero
- **Fisheries Management Scotland**
- Gills Harbour
- John O'Groats Ferries
- Marine Safety Forum
- Ministry of Defence
- National Trust for Scotland
- North & East Coast Regional Inshore Fisheries Group
- Northern District Salmon Fishery Board
- NorthLink Ferries
- Pentland Ferries
- **Royal Yachting Association**
- Royal Society for the Protection of Birds Scotland
- Scottish Canoe Association
- Scottish Creel Fishermen's Federation
- **Scottish Fishermens Federation**
- Scottish Fishermens Organisation
- Scottish Surfing federation
- **Scottish Water**
- Scottish White Fish Producers Association
- Scottish Wildlife Trust
- Scrabster Fishery Office
- Scrabster Harbour Authority
- Scottish Government – Marine Planning and Policy

- Scottish Government - Planning, Architecture and Regeneration
- Scottish Government - Ports and Harbours
- Scottish and Southern Electricity Networks
- Surfers Against Sewage
- The Crown Estate
- The Cruise Association
- **UK Chamber of Shipping**
- Visit Scotland
- Whale and Dolphin Conservation

4.1.2 Specific advice was sought from the Marine Directorate – Science Evidence Data and Digital (“MD-SEDD”), the Marine Directorate – Marine Analytical Unit (“MAU”) and Transport Scotland (“TS”).

## **4.2 Responses received**

4.2.1 From the list above a total of 14 responses were received. Advice was also provided by MD-SEDD and MAU. The purpose of the consultation was to seek representations to aid the Scottish Ministers’ consideration of which potential effects should be scoped in or out of the EIA Report.

4.2.2 The Scottish Ministers are satisfied that the requirements for consultation have been met in accordance with the EIA Regulations. The sections below highlight issues which are of particular importance with regards to the EIA Report and the s.36 consent and marine licence variation applications. The representations and advice received are attached in Appendix I and each must be read in full for detailed requirements from individual consultees.

## **5. Interests to be considered within the EIA Report**

### **5.1 Introduction**

- 5.1.1 This section contains the Scottish Ministers' opinion on whether the impacts identified in the Scoping Report are scoped in or out of the EIA Report. The Scottish Ministers advise that the representations from consultees and advice from MAU and MD-SEDD must be considered in conjunction with the Scoping Opinion and with the expectation that recommendations and advice as directed through this Scoping Opinion are implemented.

### **5.2 Marine and Coastal Processes**

- 5.2.1 The Scottish Ministers are content with the proposed study area for marine and coastal processes, as presented in figure 8-1 of the Scoping Report. This is in line with the NatureScot representation.
- 5.2.2 In Table 8-4 of the Scoping Report, the Developer proposes to scope out impacts to marine and coastal processes during all phases of the Proposed Variation. However, the Scottish Ministers advise that the Dansk Hydraulic Institut ("DHI") modelling conducted for the Consented Project was overly precautionary and the more recent modelling of the current velocities compared with the original DHI modelling predicts a possible larger increase and decrease in current speeds close to the array which could impact sediment transport. As such, the Scottish Ministers, in line with the MD-SEDD representation, advise that marine and coastal processes are scoped in to the EIA Report and the new modelling methodologies should be used for the Proposed Variation.
- 5.2.3 The Scottish Ministers direct the Developer to the SEPA standing advice with particular regard to the Water Framework Directive, Invasive Non-Native Species ("INNS"), pollution prevention, waste management and dredge spoil, and advise that this is fully considered in the EIA Report.
- 5.2.4 The Scottish Ministers, in line with the NatureScot representation, are content with commitment 36, as noted in Table 8-3 of the Scoping Report, whereby tidal turbines will not operate when significant wave height exceeds 3.5 m.
- 5.2.5 In regards to cumulative impacts, the Scottish Ministers are content that there are no projects to be taken forward into a cumulative assessment and no transboundary impacts to marine and coastal processes. This is in line with the NatureScot representation.
- 5.2.6 The Scottish Ministers direct the Developer to the Scottish Water representation for consideration.

- 5.2.7 Regarding the HRA Screening Report, the Scottish Ministers, in line with the NatureScot representation, are content with the conclusion of no potential LSE is due to no Special Protected Areas (“SPAs”) within the Zone of Influence of the Proposed Variation.

### **5.3 Benthic Ecology**

- 5.3.1 The Scottish Ministers are content with the proposed study area for benthic ecology, as presented in Section 9-3 of the Scoping Report. This is in line with the NatureScot representation.
- 5.3.2 The Scottish Ministers advise further details are provided within the EIA Report on the siting of the tidal turbines and cables to ascertain any potential impacts to benthic ecology receptors. Furthermore, Priority Marine Features and marine Invasive Non-Native Species should be adequately considered within the EIA Report. The Scottish Ministers direct the Developer to guidance provided on this within the NatureScot representation.
- 5.3.3 The Scottish Ministers do not agree with Electromagnetic Field (“EMF”) effects being scoped out of further assessment. The Scottish Ministers advise the impact of EMF on electromagnetic sensitive species, as well as cumulative EMF impacts, should be considered within the EIA Report. The Scottish Ministers, in line with the NatureScot representation, direct the developer to a project undertaken by Offshore Wind Energy and Change Programme on [EMF effects from subsea cables](#).
- 5.3.4 The Scottish Ministers are content that there are no projects to be taken forward into a cumulative assessment and no transboundary impacts to benthic ecology receptors. This is in line with the NatureScot representation.
- 5.3.5 The Scottish Ministers advise that further mitigation measures should be considered within the EIA Report, including nature inclusive design of any cable protection measures, as well as pre-construction surveys to support micro-siting of the turbines to avoid any sensitive areas of Annex 1 habitats. This is in line with the NatureScot representation.

### **5.4 Marine Mammals**

- 5.4.1 In addition to the data sources identified in Table 10-1 of the Scoping Report for marine mammals, the Scottish Ministers direct the Developer to the NatureScot representation, which identifies further relevant data sources that should be considered within the EIA Report.
- 5.4.2 The Scottish Ministers note that no site specific surveys for marine mammals are proposed to inform the application, and reliance will be placed on existing literature and surveys. The Scottish Ministers advise, in line with the

NatureScot representation, that the Developer consider measures to improve the quality of marine mammal data including undertaking drone surveys of surrounding seal haul outs to inform the EIA Report.

- 5.4.3 The Scottish Ministers direct the Developer to the NatureScot advice on updated values and revised rates for both grey and harbour seals within the North Coast and Orkney Seal Management Area (“SMA”) that should be included within the EIA Report.
- 5.4.4 The Scottish Ministers note the use of the Orkney & Northeast Scotland Photo ID Catalogue for Risso’s dolphin and the Scottish Killer Whale ID Catalogue in the baseline characterisation for these species. The Scottish Ministers advise that the Developer should either provide clear evidence that only part of the catalogue population uses the study area around the Proposed Variation area, or use the full catalogue population size in the assessments. This is in line with the NatureScot representation.
- 5.4.5 In addition to the marine mammal species considered within the Scoping Report, the Scottish Ministers advise that common dolphin, long-finned pilot whale and humpback whale are scoped in for assessment based on recorded sightings in the area of the Proposed Variation. This is in line with the NatureScot representation.
- 5.4.6 The Scottish Minister broadly agree with the impact pathways scoped out however advise that the physical barrier to movement during operations and maintenance should be scoped in to the EIA Report for all phases of the Proposed Variation. Furthermore, The Scottish Ministers request clarification on the impact pathways referred to as MM-16, MM-17 and MM-18 in Table 10-3 of the Scoping Report. This is in line with the NatureScot representation.
- 5.4.7 In terms of the assessment approach to collision risk, the Scottish Ministers agree with the Collision Risk Modelling (“CRM”) approach for harbour seal, grey seal, minke whale and harbour porpoise, and advise a qualitative assessment is undertaken for all other marine mammal species. The Scottish Ministers advise the Developer holds further discussion with NatureScot on assumptions and preliminary results on the approach to collision risk, noting a “without prejudice” derogation case may be required. This is in line with the NatureScot representation.
- 5.4.8 In relation to underwater noise, the Scottish Ministers advise, in line with the NatureScot representation, that drilling is included in a qualitative assessment of continuous sound sources and noisy activities such as UXO clearance is included in propagation modelling of high-amplitude impulsive sounds.

- 5.4.9 On cumulative impacts, the Scottish Ministers disagree with the four currently deployed tidal turbines being included in the baseline for assessment, and advise that the cumulative effects assessment should present two scenarios, both with and without the inclusion of the existing turbines. The Scottish Ministers advise additional clarification and discussion is required on the worst-case scenario to be presented at application stage prior to submission of the EIA Report. This is in line with the NatureScot representation.
- 5.4.10 The Scottish Ministers advise that a Marine Mammal Mitigation Plan is submitted for the pre-construction and construction phases of the Proposed Variation. Should the Developer propose to carry out marine mammal monitoring during the operational phase of the Proposed Variation, details on the scope and duration of the proposed surveys should be provided within the EIA Report. This is in line with the NatureScot representation.
- 5.4.11 On the HRA Screening Report, the Scottish Ministers, in line with the NatureScot representation, advise that the Moray Firth SAC bottlenose dolphin population must be included for further assessment within the HRA Report.
- 5.4.12 The Scottish Ministers are content that the Southern North Sea SAC and the Hebrides and Minches SAC can be excluded from further assessment for harbour porpoise. This is supported by the NatureScot representation.
- 5.4.13 For grey seals, the Scottish Ministers are content that the Faray and Holm of Faray SAC population can be excluded from further assessment, however, grey seals should still be carried through for assessment within the EIA Report. This is in line with the NatureScot representation.
- 5.4.14 The Scottish Ministers advise that, given the ongoing decline of the harbour seal population and the possibility of seals travelling further to forage, the harbour seal feature of the Sanday SAC should be considered further as part of the Report to Inform an Appropriate Assessment. This is supported by the NatureScot representation.
- 5.4.15 The Scottish Ministers are content that there is no likely significant effect on otters from the Caithness and Sutherland SAC, however advise that otters may still use the coastal environment in the area of the Proposed Variation and should therefore be considered within the EIA Report. This is in line with the NatureScot representation.

## **5.5 Ornithology**

- 5.5.1 The Scottish Ministers acknowledge the use of site-specific Unmanned Aerial Vehicle bird surveys to inform the baseline of the assessment. The Scottish Ministers require all survey data to be presented within the application for the

Proposed Variation, alongside clear justification for any exclusion of data. Details must be provided within the EIA Report on how distance correction has been calculated and how availability bias has been accounted for. The Scottish Ministers direct the Developer to the following guidance note on [“Assessing collision risk between underwater turbines and marine wildlife”](#). This is in line with the NatureScot representation.

- 5.5.2 The Scottish Ministers advise Woodward et al. 2019 Mean Max +1 standard deviation foraging ranges are used to determine connectivity for both the EIA and HRA Reports, and direct the Developer to Annex A of the NatureScot representation for further guidance on assessing connectivity to seabird colony SPAs.
- 5.5.3 In relation to CRM, the Scottish Ministers advise that, should they be detected in high numbers during the proposed site-specific surveys, great cormorant, red-throated and great northern diver should be included within the CRM. The methodology and modelling for the CRM should be included within the EIA Report. This is in line with the NatureScot representation.
- 5.5.4 On cumulative effects, the Scottish Ministers advise consideration of consented offshore wind farms where predicted impacts to species being taken through CRM are identified, including Pentland Firth, Highland Wind and West of Orkney projects. This is supported by NatureScot.
- 5.5.5 The Scottish Ministers advise further consideration on the monitoring of bird interactions with tidal turbines should be provided in the EIA Report. This is in line with the NatureScot representation.
- 5.5.6 The Scottish Ministers advise further discussions are required on cumulative effects and in particular, how predicted impacts from offshore wind farms should be accounted for, including which impacts require formal compensation, and which can be addressed through mitigation measures. This is in line with the NatureScot representation.
- 5.5.7 With regards to the HRA Screening Report, the Scottish Ministers are content with the list of designated sites and species proposed for inclusion within the RIAA, as set out in Tables 6.2 and 6.3 of the HRA Screening Report. The Scottish Ministers however, advise the proposed list of species should be checked against the results of any site-specific surveys. This is supported by the NatureScot representation.
- 5.5.8 The Scottish Ministers note the proposed approach to apportioning bird observations, and are content with the intention to further refine this approach as the RIAA and EIA Report are developed. This is in line with the NatureScot representation.

- 5.5.9 For several SPAs, the Scottish Ministers note that the assessment concludes that LSE cannot be ruled out for one or more breeding seabird species, but that there is no likely significant effect on the overall seabird assemblage. The Scottish Ministers advise, in line with the NatureScot representation, that where an SPA's seabird assemblage includes a species for which LSE cannot be ruled out, the same conclusion should apply to the assemblage feature as a whole.
- 5.5.10 The Scottish Ministers are broadly content with the proposed approach to the in-combination assessment as presented in Section 8.1 of the HRA Screening Report, however advise that a full list of projects to be included in both the in-combination assessment and the cumulative EIA assessment is agreed prior to the application being submitted. This is supported by the NatureScot representation.

## **5.6 Fish and Shellfish Ecology**

- 5.6.1 Section 12.4 of the Scoping Report states that previous benthic sampling and existing data sources will be used to establish the baseline for fish and shellfish ecology receptors. The Scottish Ministers are content with this approach to inform the suitability of the study area for spawning and nursery habitats for herring and sandeel in line with the NatureScot representation. In relation to the absence of site-specific baseline data for Atlantic salmon, which use the area of the Proposed Variation as a migration corridor, the Scottish Ministers advise that a precautionary assumption of high usage should be applied within the EIA Report.
- 5.6.2 The Scottish Ministers highlight that the term common skate complex should no longer be used and should be referenced as flapper skate *Dipturus intermedius* and blue skate *D. flossada* within the EIA Report.
- 5.6.3 The Scottish Ministers note the data sources provided in Table 12-1 of the Scoping Report; however, direct the Developer to the [Scottish Marine Energy Research \("ScotMER"\) Diadromous Fish Receptor Group](#) evidence map which identifies evidence gaps. The Scottish Ministers advise, in line with the Fisheries Management Scotland ("FMS") representation, that the evidence gaps should be considered within the EIA Report.
- 5.6.4 The Scottish Ministers are broadly content with the impact pathways proposed to be scoped in to the EIA Report however advise further details on EMF are required within the EIA Report, including cumulative impacts and consideration of modelling to inform the assessment. This is in line with the NatureScot representation.

- 5.6.5 The Scottish Ministers direct the Developer to the FMS representation regarding direct, indirect and cumulative impacts on diadromous fish that must be fully considered in the EIA Report.
- 5.6.6 The Scottish Ministers advise that all SAC rivers designated for Atlantic salmon in Scotland should be scoped in to the EIA Report. Additionally, due to the relationship between migratory salmonids and critically endangered freshwater pearl mussels ("FWPMs"), the Scottish Ministers advise that relevant Special Areas of Conservation for FWPMs should be scoped in to the EIA Report for further assessment. This is supported by the FMS representation.
- 5.6.7 The Scottish Ministers note that the assessment will not include any estimate of collision risk for either adult salmon or smolts. Further explanation should be provided to justify this approach, including information from previous monitoring of operational turbines. Advice should also be sought from the Marine Directorate's Science, Evidence, Data and Digital (SEDD) team. This is in line with the NatureScot representation. The Scottish Ministers direct the Developer to the FMS representation which must be fully addressed within the EIA Report.
- 5.6.8 In relation to basking sharks, the Scottish Ministers advise, in line with the NatureScot representation, that any mitigation measures should be consistent with those proposed for marine mammals in Table 10-2 of the Scoping Report.
- 5.6.9 On diadromous fish, the Scottish Ministers advise in line with the NatureScot representation, that as it is not possible to identify which rivers the fish originate from at this stage, a detailed quantitative assessment against conservation objectives cannot be carried out and impacts should therefore be assessed through the EIA process rather than HRA.

## **5.7 Commercial Fisheries**

- 5.7.1 The Scottish Ministers note the data sources presented in Table 13-1 in relation to commercial fisheries. The Scottish Ministers direct the Developer to the MD-SEDD representation which provides links to an updated dataset available for vessels under 12m published by the Scottish Government.
- 5.7.2 Should Vessel Monitoring System ("VMS") datasets be used to produce spatial maps of fishing activity, the Scottish Ministers advise presenting figures on fishing effort in kilowatt per hour as well as the average VMS value. This is supported by the MD-SEDD representation.
- 5.7.3 The Scottish Ministers advise, in line with the Scottish Fishermen's Federation ("SFF") that the Developer considers the limitations of Automatic Identification

System, VMS and desk based datasets within the EIA Report, and validates the data through engagement with the fishing industry.

- 5.7.4 Should the Fisheries Sensitivity Mapping and Displacement Modelling data source be included within the EIA Report, the Scottish Ministers, in line with the MD-SEDD representation, advise including maps of the data along with text descriptions.
- 5.7.5 The Scottish Ministers note that the impact of reduced access to, or temporary exclusion from, established fishing grounds has not been assessed for the operation and maintenance ("O&M") phase of the Proposed Variation. In line with the MD-SEDD representation, the Scottish Ministers advise that this impact should be scoped into the EIA Report for the O&M phase unless the Developer provides clear justification for its exclusion.
- 5.7.6 The Scottish Ministers acknowledge the proposed mitigation presented at Table 13-2 for commercial fisheries, however advise that the development and adherence to a Cable Plan should be included as embedded mitigation. This is in line with the MD-SEDD representation.
- 5.7.7 The Scottish Ministers, in line with the MD-SEDD representation, advise that reduced access to, or temporary exclusion from, established fishing grounds should be included in the cumulative effects assessment for commercial fisheries, notwithstanding its exclusion from the project alone assessment for the construction and decommissioning phases.

## **5.8 Shipping and Navigation**

- 5.8.1 The Developer considers the potential impact of the Proposed Variation on shipping and navigation in chapter 14 of the Scoping Report. The Scottish Ministers, in line with the UK Chamber of Shipping representation, are content with the 5 nautical mile study area proposed for shipping and navigation.
- 5.8.2 Section 14.4.15 of the Scoping Report states that it is not possible to accurately predict future baseline vessel activity as a number of factors influence vessel patterns. The Scottish Ministers, in line with the UK Chamber of Shipping, do not agree with this statement as the area of the Proposed Variation limits large vessel traffic, and vessel activity in the area has consistent for a number of years. The Scottish Ministers direct the Developer to the SFF representation on evidence of current fishing activity, vessel movement and navigation patterns that should be presented within the EIA Report.
- 5.8.3 The Scottish Minister, in line with the Orkney Islands Council representation, are content with the preliminary list of consultees presented in Section 14.9.4 of the Scoping Report and are satisfied with the inclusion of Pentland Ferries

and Orkney Fishing Association, however advise that Pentland Firth Yacht Club should be included within the list of consultees. This is in line with the RYA representation.

- 5.8.4 The Scottish Ministers are broadly content with the proposal to use CCTV data in place of radar data to conduct vessel traffic surveys, however advise that strategically important lifeline ferry routes and adverse weather routing in the area of the Proposed Variation should be considered. This is in line with the MCA representation.
- 5.8.5 The Scottish Ministers direct the Developer to the SFF representation on considerations that should be included within the EIA Report on the use of the area by fishing vessels and the factors that influence route selection.
- 5.8.6 In Table 14-3 of the Scoping Report, the Developer summarises the potential impacts to shipping and navigation. The Scottish Ministers are broadly content with the impacts scoped in to the assessment however advise that impacts to vessel routing, including route changes made during poor weather conditions, should be scoped into the EIA Report and direct the Developer to the MCA representation on impacts to be considered for both commercial and recreational craft.
- 5.8.7 The Scottish Ministers further note that Table 14-3 refers to a reduction in Under Keel Clearance ("UKC") from 8m to 6m, however advise that this change relates to the clearance between the top of the turbine blade and sea surface at LAT. The Scottish Ministers direct the developer to the MCA representation on UKC and the use of site specific bathymetric surveys over chartered depth calculations. Should chartered depth be used for calculations, the Scottish Ministers advise this may have significant impacts to navigation safety for vessels within the area of the Proposed Variation. This is in line with the MCA representation.
- 5.8.8 In relation to the impact of increased grounding risk and reduction in UKC due to subsurface infrastructure, the Scottish Ministers advise, in line with the UK Chamber of Shipping and MCA, that the Developer considers draught of impacts vessels for deviation, as well as analysis into likely squat of vessels transiting given regular climatic conditions with the proposal for UKC to be reduced to 6m. Furthermore, the Scottish Ministers recommend that the impact to search and rescue capability should consider the draught of Search and Rescue ("SAR") and Emergency Towing Vessel that may be used in a SAR event, and any impact on UKC. This is supported by the UK Chamber of Shipping.
- 5.8.9 The Scottish Ministers further advise, in line with the Highland Council, that clarification should be provided on whether the reduction in minimum blade tip

clearance below LAT to 6m would result in any changes to navigational arrangements, vessel transit routes or recreational use of the area.

- 5.8.10 The Scottish Ministers advise, in line with the MCA representation, that the layout of the Proposed Variation should ensure maximum clearance to any vessel navigating through the array area at all states of weather or tide.
- 5.8.11 With regard to the approach to assessment, the Scottish Ministers confirm that a Navigational Risk Assessment (“NRA”) should be submitted in accordance with [Marine Guidance Note \(“MGN”\) 654](#), alongside a [MGN 654 Checklist](#). Hydrographic surveys should fulfil the requirements of MGN 654 Annex 4, with data based on recent surveys and details of this included as an annex to the NRA and shared with the UK Hydrographic Office and MCA. A Hazard Identification workshop should be carried out with all relevant navigation stakeholders in the area of the Proposed Development to assist in preparing the NRA. Impacts to vessel routing, including poor weather routing, should be considered within the NRA. This is in line with MCA representation.
- 5.8.12 The Scottish Ministers advise that, with regard to cabling routes and cable burial, a Burial Protection Index should be completed. The Scottish Ministers advise that this should be fully addressed in the EIA Report and highlight the MCA advice on a maximum 5% reduction in surrounding depth referenced to Chart Datum if cable protection measures are required.
- 5.8.13 The Scottish Ministers advise that the Developer undertakes regular inspection and maintenance of the tidal turbine devices to ensure they remain secured to the seabed at all times. Should mooring arrangements be considered for the Proposed Variation, the Scottish Ministers require a Third-Party Verification of the mooring arrangements to be submitted prior to construction. This is in line with the MCA representation.
- 5.8.14 The Scottish Ministers are content with the commitment of further Virtual-Automatic Identification System (“V-AIS”) to be used to identify tidal turbine locations and provide information relevant to emergency response, as presented in Table 14-2 of the Scoping Report. This is in line with the NLB representation.

## **5.9 Marine Cultural Heritage**

- 5.9.1 Chapter 15 of the Scoping Report considers potential impacts to marine cultural heritage receptors from the Proposed Variation. The Developer proposes to scope out all marine cultural heritage impacts for all phases of the Proposed Variation.
- 5.9.2 The Scottish Ministers, in line with the HES representation, concur that the assessment of marine cultural heritage can be scoped out of the EIA Report

for all phases. The Scottish Ministers note within Section 4.1.36 of the Scoping Report that separate consents will be sought for the onshore cable connection which does not form part of the Proposed Variation.

### **5.10 Seascape, Landscape and Visual Impact**

- 5.10.1 Chapter 16 of the Scoping Report considers the potential impacts to seascape, landscape and visual receptors from the Proposed Variation. The Developer proposes to scope out all seascape landscape and visual impacts for all phases as the Proposed Variation comprises fewer turbines than the Consented Project, and no additional surface infrastructure. The Scottish Ministers, in line with the Highland Council and NatureScot, are content with this approach.

### **5.11 Socio-Economics, Tourism and Recreation**

- 5.11.1 The Developer considers potential impacts to socio-economics, tourism and recreation in Chapter 17 of the Scoping Report for both the construction, operational and decommissioning phases. The Developer proposes that socio-economics, tourism and recreation can be scoped out as the Proposed Variation is likely to lead to similar or reduced impacts than was assessed for the Consented Project.
- 5.11.2 The Scottish Ministers concur that the assessment of socio-economics, tourism and recreation can be scoped out of the EIA Report for all phases. This view is supported by the MAU and NatureScot representation.

### **5.12 Climate**

- 5.12.1 The Scottish Ministers note that Chapter 18 of the Scoping Report considers climate impacts from the Proposed Variation as well as the Consented Project as a whole.
- 5.12.2 Climate impacts are currently identified as scoped in to the EIA Report. The Scottish Ministers advise, in line with the NatureScot representation, that the EIA Report should also assess how climate change may affect the Proposed Variation over its lifetime, and consider how project-related impacts may interact with or be accelerated by climate-related pressures.
- 5.12.3 The Scottish Ministers are mindful that Greenhouse Gas (“GHG”) emissions from all projects contribute to climate change. In this regard, the Scottish Ministers highlight the IEMA Environmental Impact Assessment Guide “Assessing Greenhouse Gas Emissions And Evaluating Their Significance” (“IEMA GHG Guidance”), which states that “GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit, as such any GHG emissions or reductions from a project might be

considered to be significant.” The Scottish Ministers have considered this together with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the requirement of the EIA Regulations to assess significant effects from the Proposed Variation on climate. The Scottish Ministers therefore advise that the EIA Report must include a GHG Assessment which should be based on a Life Cycle Assessment (“LCA”) approach and note that the IEMA GHG Guidance provides further insight on this matter. The Scottish Ministers highlight however that this should include the pre-construction, construction, operation and decommissioning phases, including consideration of the supply chain as well as benefits beyond the life cycle of the Proposed Variation.

- 5.12.4 The Scottish Ministers advise that the NatureScot representation regarding carbon costs and a blue carbon assessment must be fully addressed by the Developer in the EIA Report.

### **5.13 Infrastructure and Other Marine Users**

- 5.13.1 The Developer considers infrastructure and other marine users in Chapter 19 of the Scoping Report throughout the lifetime of the Proposed Variation.
- 5.13.2 The Developer proposes to scope out impacts to infrastructure and other marine users throughout all phases of the Proposed Variation. The Scottish Ministers are content with the justification for scoping out impacts to disposal sites, practice and exercise and danger areas, aquaculture and tidal projects.
- 5.13.3 The Scottish Ministers are content with the mitigation proposed in Table 19-3 for to limit any impacts to infrastructure and other marine user receptors.

### **5.14 Military and Civil Aviation**

- 5.14.1 Military and civil aviation is considered within Chapter 20 of the Scoping Report.
- 5.14.2 The Developer proposes to scope out impacts to military and civil aviation throughout all phases of the Proposed Variation as there will be no adverse impacts to radar systems or to aircraft operations, and no cumulative or transboundary impacts have been identified. The Scottish Ministers are content with this approach.
- 5.14.3 The Scottish Ministers are satisfied with the proposed mitigation, as presented in Table 20-2 of the Scoping Report, that will be required should the Proposed Variation create a temporary hazard to aviation.

### **5.15 Accidental Events, Major Accidents and Disasters**

- 5.15.1 Chapter 21 of the Scoping Report considers accidental events, major accidents and disasters as a result of the Proposed Variation.
- 5.15.2 The EIA Report must include a description and assessment of the likely significant effects deriving from the vulnerability of the Proposed Variation to major accidents and disasters. The Developer should make use of appropriate guidance, including the recent Institute of Environmental Management and Assessment ("IEMA") 'Major Accidents and Disasters in EIA: A Primer', to better understand the likelihood of an occurrence and the Proposed Variation susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Variation to a potential accident or disaster and also the Proposed Variation potential to cause an accident or disaster.
- 5.15.3 The Scottish Ministers advise that existing sources of risk assessment or other relevant studies should be used to establish the baseline rather than collecting survey data and note the IEMA Primer provides further advice on this. This should include the review of the identified hazards from your baseline assessment, the level of risk attributed to the identified hazards and the relevant receptors to be considered.
- 5.15.4 The assessment must detail how significance has been defined and detail the inclusions and exclusions within the assessment. Any mitigation measures that will be employed to prevent, reduce or control significant effects should be included in the EIA Report.

## **6. Application and EIA Report**

### **6.1 General**

- 6.1.1 The EIA Report must be in accordance with the EIA Regulations and the Scottish Ministers draw your attention in particular to, regulation 6 of the 2017 MW Regulations and regulation 5 of the 2017 EW Regulations. In accordance with the EIA Regulations, the Scottish Ministers advise that the EIA Report must be based on this Scoping Opinion.
- 6.1.2 The Scottish Ministers note the need to carry out an assessment under the The Conservation (Natural Habitats, &c.) Regulations 1994. This assessment must be coordinated with the EIA in accordance with the EIA Regulations.
- 6.1.3 A gap analysis template is attached at Appendix II 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. As part of the submission of the EIA Report the Scottish Ministers advise that the Developer must provide confirmation of how this Scoping Opinion is reflected in the EIA Report.

## 7. Multi-Stage Consent and Regulatory Approval

### 7.1 Background

- 7.1.1 The EIA Regulations contain provisions regulating the assessment of environmental impacts. A multi-stage consent or regulatory approval process arises where an approval procedure comprises more than one stage; one stage involving a principal decision and one or more other stages involving implementing decision(s) within the parameters set by the principal decision. While the effects which works 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 principal decision, assessment must be undertaken at the subsequent stage.
- 7.1.2 The definition in the 2017 EW Regulations is as follows (the definition in the 2017 MW Regulations provides for the same but in relation to “regulatory approvals”): *“application for multi-stage consent” 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 development permitted by the Electricity Act consent may be begun*”.
- 7.1.3 A variation to the section 36 consent or marine licences, if granted, by the Scottish Ministers for the Proposed Variation, may have several conditions attached requiring approvals etc. which fall under this definition, for example the approval of a Construction Method Statement. When making an application for multi-stage consent or regulatory approval the Developer must satisfy the Scottish Ministers that no significant effects have been identified in addition to those already assessed in the EIA Report.
- 7.1.4 If during the consideration of information provided in support of an application for multi-stage consent or regulatory approval the Scottish Ministers consider that the development 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 will fall 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.

Signed

Kirsten Watson

11 September 2026

Authorised by the Scottish Ministers to sign in that behalf.

**Appendix I: Consultation Responses & Advice**

*Please refer to separate document provided alongside Scoping Opinion*

## **Appendix II: Gap Analysis**

*Please refer to separate document issued alongside Scoping Opinion.*