

E: MS.MarineRenewables@gov.scot

Marine Scotland - Licensing Operations Team Scoping Opinion

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

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

**The Marine Works (Environmental Impact Assessment)
Regulations 2007**

and

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

MarramWind Offshore Wind Farm

12 May 2023

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1. Introduction

1.1 Background

- 1.1.1 On 26 January 2023 the Scottish Ministers received a scoping report (“the Scoping Report”) from MarramWind Limited (“the Developer”) as part of its request for a scoping opinion relating to MarramWind Offshore Wind Farm (“the Proposed Development”). 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”), regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“2017 EW Regulations”) and Schedule 4 of The Marine Works (Environmental Impact Assessment) Regulations 2007 (“2007 MW 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 Scotland 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, taking 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. 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”) and The Marine and Coastal Access Act 2009 (“the 2009 Act”).

- 1.1.5 In the event that the Developer does not submit applications for a s.36 consent under the 1989 Act and marine licences under the 2010 Act and the 2009 Act for the Proposed Development within 12 months of the date of this Scoping Opinion, the Scottish Ministers strongly recommend that the Developer seeks further advice from them regarding the validity of the Scoping Opinion.
- 1.1.6 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.

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 Proposed Development is comprises an offshore generating station located between 75 – 110 kilometres ("km") off the northeast Aberdeenshire coast. The Proposed Development will have a capacity of greater than 50 Megawatts ("MW") and therefore requires the Scottish Ministers' consent to allow its construction and operation. The Proposed Development will also require marine licences granted by the Scottish Ministers under the 2009 Act and the 2010 Act, to permit any and all 'licensable marine activities' carried on for the Proposed Development.

2.2.2 The design envelope for the Proposed Development is relatively broad and several design parameters are yet to be determined by the Developer. Due to the water depths at the site, the Developer has identified floating Wind Turbine Generator ("WTG") foundations to be most suitable. The WTG will be mounted on a floating unit, which will consist of a floating platform or "floater" that will be stabilised to the seabed by a dedicated "station keeping system". Several design options are being considered for the floating unit at this stage of the Project. Both fixed and floating foundation types are under consideration for the Offshore Substation Platforms ("OSP"). Additionally, up to eight export cables are proposed, with the landfall area of search assessed spanning between Sandhaven on the north coast (west of Fraserburgh) to Sandford Bay (south of Peterhead), as shown in Figure 1.1 in Appendix 1A of the Scoping Report. The National Grid Electricity System Operator confirmed that 1.5 gigawatts ("GW") would be connected in the vicinity of Peterhead with the remaining 1.5GW to be confirmed later. Whilst uncertainty remains, the design envelope includes two distinct options, a full 3GW connection in the vicinity of Peterhead; or a 1.5GW connection in the vicinity of Peterhead with the residual assumption of a 1.5GW connection to New Deer.

2.2.3 The area of the Proposed Development in which the WTGs, array cables, and OSP are located is termed the Array Area and is within the NE7 ScotWind Plan Option. The Array Area is approximately 684 square kilometres ("km²").

2.2.4 The Proposed Development will have an installed capacity of approximately 3GW. The Proposed Development includes the construction and operation of offshore WTGs and all associated offshore infrastructure. The key components of the Proposed Development will be refined as the Project continues to evolve through the key subsequent stages of the design and EIA process but include:

- A minimum of 126 WTGs and a maximum of 225 with an individual generation capacity of up to 25 megawatts (“MW”)
- Floating foundation WTGs with water depths ranging from 87 to 117.5 metres (“m”). The type of floating foundation used will depend on the mooring system applied but currently, five floating unit types (Spar, semi-submersible, barge, tension leg platform, and semi-spar) and three mooring concepts (catenary mooring, taut line mooring, and semi taut mooring), are being considered.
- A rotor diameter of up to 326m.
- Maximum nacelle height of 350m above Mean High Water Springs (“MHWS”).
- Maximum blade tip height of 350m above MHWS.
- Minimum blade tip clearance of 24m above MHWS.
- Up to eight export cables, each up to 120km in length.
- Cables will be buried with a target depth of 1-2m where practicable, and secondary protection such as concrete mattresses and rock berm will be used where the intended depth of burial is not achieved.
- The foundation type and number of OSPs are to be decided. Foundation options under consideration are fixed foundations or floating platforms. Several different designs may be considered with either steel or concrete construction.
- Accommodation platforms with the Array Area and possibly a reactive compensation platform midway between the Array Area and landfall(s) all of which are likely to have fixed foundations unless appropriate floating foundation technology is available.

2.2.5 The Proposed Development will adopt a phased approach during construction. Commencement of onshore construction is currently anticipated to begin in 2027 with a duration of 2 to 3 years and commencement of offshore construction is anticipated to begin in 2030 and is anticipated to be up to 0 year (for 1GW) and 3 years (for remaining 2GW) (subject to final grid connection date, supply chain discussions and further pre-consent surveys). The overall duration of construction is anticipated to be up to 8 years. The Developer aims to have the first generating power (for 1GW) in 2031.

2.3 Onshore Planning

2.3.1 The Scottish Ministers are aware the Developer has sought a separate Scoping Opinion from Aberdeenshire Council for the associated onshore transmission infrastructure. It is essential that the EIA Report concerning

onshore works will be available at the time that the EIA Report for the Proposed Development is being considered so that all the information relating to the project as a 'whole' is presented. The EIA Report for the Proposed Development must consider the cumulative impacts of the onshore works.

2.4 The Scottish Ministers' Comments

Description of the Proposed Development

- 2.4.1 The Scottish Ministers note that the project design of the proposed works lacks detail at this stage but acknowledge that the project design will be refined as further information is gained from surveys and responses from stakeholders and public engagement. The advice provided in this Scoping Opinion is proportionate to the level of detail provided in the Scoping Report. Section 2.2.1 of the Scoping Report states that the project description should be considered indicative to allow the identification of key parameters. The EIA Report must include a full and detailed description of all options considered within the design envelope.
- 2.4.2 Section 2.3.7 of the Scoping Report states that both the offshore and onshore elements of the scoping boundary will be further refined as ongoing engineering and environmental information is gathered and incorporated into the project design. The Scoping Report covers the whole Option Agreement Area ("OAA") and multiple cable corridors and landfall sites for which further assessment is required. If the project design envelope is not refined further, consideration cannot be given to a worst-case scenario and the list of data sources, impact pathways, and mitigation that may require assessment could become unmanageable. In addition, throughout the Scoping Report reference is made to further refinement being undertaken after ongoing consultation. Although several consultees have welcomed this opportunity, ongoing consultation has the potential to be resource-intensive and the capacity of external agencies required for consultation cannot be guaranteed.
- 2.4.3 Indicative WTG parameters are provided in Table 2.3.3 of the Scoping Report. The Scottish Ministers acknowledge that the maximum parameters are subject to further design review and the final layout of the wind farm components is to be determined. The Scottish Ministers advise that it must be clear in the EIA Report which parameters are being assessed. If the parameters have not yet been decided, the EIA Report must include a full and detailed description of all layout options considered within the design envelope.
- 2.4.4 Regarding design options for the floating unit on which each WTG will be mounted, section 2.3.23 of the Scoping Report states that several options are being considered for the Proposed Development. It must be clear in the EIA

Report which design option is being assessed. If the design option has not been decided, the EIA Report must include a full and detailed description of all layout options considered.

- 2.4.5 Section 2.3.27 of the Scoping Report lists the wide spectrum of anchoring and mooring solutions currently being considered for the Proposed Development. The EIA Report must provide details of the anchor and mooring design options being considered within the design envelope. The Scottish Ministers acknowledge the Developer's consideration of scour protection in section 2.3.37 of the Scoping Report and highlight that any potential for scour protection to be used must be assessed in the EIA Report including details on materials, quantities, and locations. The EIA Report must also clearly describe the export cable area including the width, length, and location of both export cable corridors.
- 2.4.6 Burial techniques for the offshore export cable corridor are noted in section 2.3.52 of the Scoping Report, including ploughing, jetting, or trenching. If optimal burial depths are not achievable with these methods, and cable protection is required, such as rock placement or installation of concrete mattresses, this must be assessed in the EIA Report including details on materials, quantities, and location. The EIA Report must be clear on the range of burial depths that have been considered as part of the assessment. Additionally, the EIA Report must clearly detail the number and size of export cables to be installed. Where reliance is placed on a subsequent cable plan or cable burial risk assessment as mitigation, the EIA Report must explain how this measure will mitigate the effects, what measures are proposed for inclusion, and the effectiveness and degree of confidence that can be placed on such measure. It is recommended that such plans are included alongside the EIA Report. In addition, any seabed levelling or removal of substance or objects from on or under the seabed, required for installation of both the inter-array cables and export cables, will require consideration in the EIA Report and may require a marine licence. Should seabed preparation involve dredging, the EIA Report must identify the quantities of dredged material and identify the likely location for deposit.
- 2.4.7 Section 2.3.56 of the Scoping Report states that the final landfall location(s) for the offshore cable corridor has/have not yet been determined but several indicative options have been identified along the Aberdeenshire coastline to allow for the contingency scenario of a New Deer connection. Table 2.3.2 within the Scoping Report states that depending on the characteristics of the site, the burial technique of the offshore export cables can be an open cut and fill construction, Horizontal Directional Drilling, or a cofferdam construction technique. Due to the uncertainty of the landfall location(s) and the techniques used to bury the cables, the range of impact pathways could vary greatly. The

EIA Report must clearly detail each landfall location and state the site-specific considerations for each option. The EIA Report must also outline the steps taken to mitigate any environmental impacts resulting from the cable landfall.

- 2.4.8 The Proposed Development is in a location which may require the consideration / submission of a derogation package under the Habitats Regulations with identification of suitable compensation measures as well as evidence of meeting all the required tests. The Developer should continue to liaise with Marine Scotland on this point going forward.
- 2.4.9 Table 2.3.4 within the Scoping Report states that several OSP platforms may be required for the Proposed Development and that the OSP(s) will be installed on either 'fixed' foundations or floating platforms. The EIA Report must include a full and detailed description of all OSP options being considered including the design and size of the OSP(s) in the design envelope.
- 2.4.10 The Scottish Ministers acknowledge section 2.4.29 of the Scoping Report which mentions ongoing and upcoming pre-construction surveys, including geophysical, geotechnical, and benthic surveys. The Scottish Ministers advise that the EIA Report must describe and assess the environmental effects, including in-combination effects, of the range of additional surveys which may be required. The EIA Report must also include consideration of the options which will be assessed regarding potential unexploded ordnance ("UXO") clearance, the differences amongst them, and an assessment of the environmental effects of these options. In this regard, the Scottish Ministers advise that the EIA Report must include a worst-case scenario of high-order denotation in terms of impact and mitigation unless there is robust supporting evidence that can be presented to show the consistent performance of the preferred low-order or deflagration method.
- 2.4.11 Section 2.3.101 of the Scoping Report confirms a decommissioning programme will be prepared and submitted to Scottish Ministers in line with sections 105 and 114 of the Energy Act 2004. The EIA Report must include an assessment of potentially significant effects during the decommissioning phase of the Proposed Development. 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.
- 2.4.12 The Scottish Ministers acknowledge that the Developer is currently undertaking a Habitats Regulations Appraisal ("HRA") Report in accordance with HRA Regulations. The Scottish Ministers recommend that the Developer submits an HRA screening report at the earliest opportunity and before the submission of the EIA Report. The Scottish Ministers also advise that the

Developer must identify how habitats of conservation value can be avoided through micro-siting of wind farm components, inclusive of all cabling, in the EIA Report as the effects on European site integrity cannot be ruled out.

Design Envelope

- 2.4.13 The Scottish Ministers note the Developer's intention to apply a 'Design Envelope' approach. Where the details of the Proposed Development cannot be defined precisely, the Developer will apply a worst-case scenario, as set out in section 4.2.21 of the Scoping Report.
- 2.4.14 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 Development 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 Development must be clearly and consistently defined in the applications for the marine licences and the accompanying EIA Report.
- 2.4.15 The Scottish Ministers will determine the applications based on the worst-case scenario. The EIA Report will reduce the degree of design flexibility required and the detail may 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 7 below regarding multi-stage regulatory approval. 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.
- 2.4.16 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 many undecided parameters. If the Proposed Development 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

- 2.4.17 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 section 2.4 of the Developer’s Scoping Report confirming the EIA Report will set out the options considered for the Project and the main reasons for selecting particular options with the aim being to identify the best end-to-end solution from the connection point. The Scottish Ministers acknowledge that at this stage, the optioneering work in the offshore environment is more progressed than in the onshore environment due to the uncertainties presented regarding grid connection in this region. The Scottish Ministers advise that further consideration on other aspects, not just regarding the Project’s connection point, must be included in the EIA Report.
- 2.4.18 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 Development have been refined. 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 Development 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 from 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 The Developer has committed to several mitigation plans, including but not limited to a Fisheries Management and Mitigation Strategy, a Marine Pollution Contingency Plan, and a Marine Mammal Mitigation Protocol. 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. The EIA Report must identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.
- 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. The Scottish Ministers advise that where the mitigation is envisaged to form part of a management or mitigation plan, the EIA Report must set out these plans or the reliance on these in sufficient detail so the significance of the residual effect can be assessed and evaluated. This should also include the identification of any monitoring and remedial actions (if relevant) in the event that predicted residual effects differ from actual monitored outcomes. Commitment to developing plans without sufficient detail is not considered to be suitable mitigation in itself.
- 3.3.3 The EIA Report must include a table of mitigation that 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.

- 3.3.4 Where potential impacts on the environment have 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.

3.4 Risks of Major Accidents and/or Disasters

- 3.4.1 The EIA Report must include a description and assessment of the likely significant effects deriving from the vulnerability of the Proposed Development 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 Development susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the Proposed Development’s potential to cause an accident or disaster.
- 3.4.2 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.
- 3.4.3 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.
- 3.4.4 The Scottish Ministers acknowledge that the Scoping Report proposes that the EIA Report will not include a standalone chapter on Major Accidents and/or Disasters and rather will be considered within relevant environmental chapters, which will assess the likely risks either to/or arising from the Proposed Development in relation to potential areas of vulnerability and the associated control measures which will be employed to address these.

3.5 Climate and Greenhouse Gases

- 3.5.1 The Scottish Ministers welcome the Developer’s approach in assessing climate change and Green House Gases (“GHG”) throughout sections 7.1 and 7.2 of the Scoping Report. The Scottish Ministers are mindful that 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 a such any GHG emissions or reductions from a project might be considered 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 the significant effects of the Proposed Development on climate. For the avoidance of doubt, the Scottish Ministers therefore advise that the EIA Report must include a GHG Assessment which should be based on a Life Cycle Assessment approach, similar to that noted within plate 7.2.1 of the Scoping Report 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 Development.

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 15 February 2023, with the exception of consultation with the Scottish Hydro Electric Transmission Network which commenced on 16 February 2023. Following consultation extensions, the last response was received on 4 April 2023. The following bodies were consulted, those marked in bold provided a response and those marked in italics stated they had no comments, or a nil response was assumed:

- Aberdeen City Council
- Aberdeen International Airport
- **Aberdeenshire Council**
- Broadshore Offshore Windfarm (NE6)
- **BT**
- Buchan Offshore Windfarm (NE8)
- CAA
- Crown Estate Scotland
- **Dee DSFB**
- Don DSFB
- Fisheries Management Scotland
- **Fisheries office - Peterhead** and Fraserburgh
- **Food Standards Scotland**
- Forth DSFB
- Fraserburgh Harbour Commissioners

- **Green Volt Offshore Wind Ltd (“Green Volt”)**
- **Historic Environment Scotland (“HES”)**
- Inshore fishery group - North and East Coast RIFG
- **JNCC**
- Joint radio company
- Marine safety forum
- **Maritime and Coastguard Agency (“MCA”)**
- Ministry Of Defence (“MOD”)
- Moray Council
- National Trust for Scotland
- **NATS**
- **Natural England**
- **NatureScot**
- **Northern Lighthouse Board (“NLB”)**
- NorthLink ferries
- Ofgem
- Oil and Gas UK
- Peterhead port authority
- **RSPB Scotland**
- **RYA**
- **Salamander Offshore Wind Farm**
- Scottish Canoe Association
- Scottish Creel Fishermen’s Federation
- **Scottish Fishermen’s Federation (“SFF”)**
- Scottish Fishermen’s Organisation
- Scottish Surfing Federation
- **Scottish Water**
- Scottish Wildlife Trust
- **Scottish Environment Protection Agency (“SEPA”)**
- Sport Scotland
- **Scottish Hydro Electric Power Distribution (“SHEPD”)**
- **Scottish Hydro Electric Transmission Plc (“SHE Transmission”)**
- Surfers Against Sewage
- **The Highland Council**
- **UK Chamber of Shipping (“UK CoS”)**
- Visit Scotland
- Whale and Dolphin Conservation
- *Highlands and Islands Airport (“HAIL”)*

4.1.2 Specific advice was sought from Marine Scotland Science (“MSS”), Ports and Harbours (Transport Scotland), Transport Scotland, Planning (Scotland), and the Marine Scotland – Marine Analytical Unit (“MAU”).

4.2 Responses received.

- 4.2.1 From the list above a total of 24 responses were received. Advice was also provided by Transport Scotland, MSS, 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 that are of particular importance with regard to the EIA Report and any marine licence 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, Transport Scotland, Ports and Harbours (Transport Scotland), and MSS 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 geology, oceanography, and physical processes

5.2.1 The Scottish Ministers note that the baseline for physical processes has not yet been fully characterised and that further investigation into sand wave fields is required as per section 5.1.28 of the Scoping Report. The Scottish Ministers advise in line with the NatureScot representation that sand wave fields are mapped and that a desk-based assessment of potential mobility is conducted. The results of such assessment should be explicitly incorporated into the assessment of both the changes to sediment transport and seabed morphology impacts. The Scottish Ministers are otherwise content with the approach to the baseline environment.

5.2.2 The Scottish Ministers broadly agree with the impacts scoped in to and out of the EIA Report; however, note that potential scour around structures on the seabed is not included in the list of impacts to be assessed. The Scottish Ministers advise that scour is fully considered in the seabed morphology impacts assessment, in line with the NatureScot representation.

5.2.3 The Scottish Ministers are broadly content with the approach to assessment described within section 5.1 of the Scoping Report. The Scottish Ministers highlight that definitions of magnitude and sensitivity for the impact assessment have not been set out in comparison to other topic sections where this detail is included.

5.2.4 The Scottish Ministers advise that the Developer must consult NatureScot on modelling methodology details, including how results will be presented, in the "changes to the wave regime" assessment at an interim stage before the submission of the EIA Report.

5.2.5 With regards to the cumulative effects on marine geology, oceanography, and physical processes, the Scottish Ministers agree with the proposed approach

considered by the Developer in sections 5.1.46 and 5.1.47 of the Scoping Report.

5.3 Marine water and sediment quality

5.3.1 The Scottish Ministers are content with the baseline data sources regarding marine water and sediment quality used by the Developer in Table 5.2.6 of the Scoping Report. The Scottish Ministers advise in line with the NatureScot representation that consideration is given to impacts on blue carbon assessment and an assessment conducted for benthic ecology to focus on the potential impacts of the Proposed Development on marine sediments.

5.3.2 In Table 5.2.8 of the Scoping Report the Developer summaries the potential impacts on marine water and sediment quality during the different phases of the Proposed Development. The Scottish Ministers agree with this approach. The Scottish Ministers agree with the impacts scoped in and out of the EIA Report and provide no further comments.

5.4 Underwater noise and vibrations

5.4.1 The Scottish Ministers welcome the Developer's proposal to scope in the effects of UXO clearance and the effects of underwater noise during the construction and decommissioning phases of the Proposed Development. Given the uncertainty around the effects associated with the anchoring systems and cabling of floating WTGs, the Scottish Ministers advise further engagement and discussion with Marine Scotland and NatureScot before the submission of the EIA Report.

5.4.2 Regarding the impulsive underwater noise assessment as noted in section 5.3.12 of the Scoping Report, the Scottish Ministers advise that this assessment includes vibration (particle motion) for fish and shellfish, which is supported by the SFF. In line with NatureScot's advice, the Scottish Ministers would expect to see, if appropriate to the study area, sandeel, cod, and herring eggs as part of the assessment. In addition, the Scottish Ministers highlight the representation from Dee DSFB noting the potential form marine renewables to have an impact on salmon through underwater noise.

5.4.3 Regarding the marine mammal assessment detailed in section 5.6.6 of the Scoping Report, the Scottish Ministers advise in line with the NatureScot representation of the importance that noise from all sources is included when conducting the assessment.

5.4.4 The Scottish Ministers are content with the study area proposed in section 5.3.7 of the Scoping Report and agree that the study area should be reviewed

and amended concerning the impact pathways as identified through the EIA assessment.

- 5.4.5 The Scottish Ministers are content with the technical guidance confirmed in Table 5.3.2 of the Scoping Report but recommend that the additional data sources highlighted by NatureScot are used to inform the EIA Report.
- 5.4.6 Section 6.1.1 within Appendix 4A of the Scoping Report confirms there is the potential for significant effects arising from the Proposed Development on the interests of EEA States and as such transboundary effects may arise. However, in line with the NatureScot representation, there are unlikely to be any transboundary underwater noise and vibration impacts associated with the Proposed Development. Therefore, the Scottish Ministers disagree with the Developer's proposal to scope in underwater noise and vibration transboundary effects and recommend this is scoped out of the EIA Report.

5.5 Electromagnetic fields (EMF)

- 5.5.1 The Scottish Ministers welcome the Developer's proposal to include an EMF assessment as an appended technical report to the EIA Report, which is a view supported by NatureScot. The Scottish Ministers highlight the representation from Dee DSFB and emphasise the importance of including the effects of EMF against salmon within any EMF assessment. The Scottish Ministers are broadly content with the EMF effects noted across the receptor groups, but in line with the NatureScot advice, the Scottish Ministers advise that further consideration should be undertaken in respect of EMF effects on elasmobranchs.
- 5.5.2 The Scottish Ministers are content with the data sources included in Table 5.4.4. and the technical guidance included in Table 5.4.2 of the Scoping Report; however, recommend that the additional data sources highlighted by NatureScot are used to inform the EIA Report.
- 5.5.3 Regarding the potential for cumulative effects on EMF to arise, the Scottish Ministers agree with the proposed approach considered by the Developer in sections 5.4.25 and 5.2.26 of the Scoping Report. The Scottish Ministers highlight the Green Volt representation.

5.6 Benthic, epibenthic and intertidal ecology

- 5.6.1 The Scottish Ministers are content with the study area proposed in sections 5.5.6 to 5.5.8 and Figure 5.5.1 of the Scoping Report. The Scottish Ministers note that the study area comprises the scoping boundary plus and secondary

impact zone of influence extending, to a precautionary 15km around the array Scoping Boundary and 15km around the offshore export cable corridor.

- 5.6.2 The Scottish Ministers are content with the baseline characterisation. In line with the NatureScot representation, the Scottish Ministers are content that the species and habitats of conservation importance have been identified between sections 5.5.39 to 5.5.45 of the Scoping Report, as well as the relevant designated sites identified in Table 5.5.10 of the Scoping Report.
- 5.6.3 The Scottish Ministers understand that the Developer communicated with NatureScot directly regarding the use of eDNA as a sampling method for baseline characterisation and this will be carried out. In line with the NatureScot representation, The Scottish Ministers advise that the Developer should produce a technical report for this sampling method to be included as part of the EIA Report submission, including a clear explanation of the novel nature of this technique.
- 5.6.4 The Scottish Ministers, in line with the NatureScot Representation, are broadly content with the impacts scoped in and out of the EIA Report, as described in Table 5.5.12 of the Scoping Report. Additionally, whilst some potential impacts are scoped out, they may still contribute to cumulative impacts. In line with the NatureScot representation, the Scottish Ministers advise that there does not need to be a spatial or temporal overlap for there to be cumulative impacts.
- 5.6.5 Regarding cumulative impacts, the Scottish Ministers are broadly content with the cumulative assessments described within the Scoping Report, however, highlight the concerns raised by NatureScot on the likelihood of multiple offshore export cables making landfall in the area around Peterhead. NatureScot notes the potential for cumulative impacts arising from construction and associated geophysical, geotechnical, and environmental survey programmes. The Scottish Ministers support NatureScot's recommendation that this is assessed in the EIA Report.

5.7 Marine mammals

- 5.7.1 Regarding the study area described in sections 5.6.6 to 5.6.11 of the Scoping Report, The Scottish Ministers note that this area will be reviewed and updated as the project envelope is refined, impact pathways are identified, and consultation feedback is considered. The NatureScot representation regarding study area, buffer size, and effective deterrent ranges, must be addressed in full by the Developer in the EIA Report.
- 5.7.2 Regarding baseline characterisation, the Scottish Ministers are broadly content with the legislation, policy, technical guidance, and data sources

identified in the Scoping Report. However, the NatureScot advice regarding Tables 5.6.1, 5.6.2, and 5.6.7 of the Scoping Report and the SCANS-III data should be implemented. Additionally, the Developer must also fully address the NatureScot representation regarding seal count data in the EIA Report.

- 5.7.3 The Scottish Ministers advise in line with the NatureScot representation that the impacts to be scoped in/out of the assessment concerning marine mammal interests are acceptable. However, it should be made clear whether geophysical surveys will be assessed separately from the EIA process as these are not included in the list of activities. Additionally, the Scottish Ministers highlight the NatureScot representation regarding the inclusion of noise from all sources. The Developer must ensure this is implemented in the EIA Report.
- 5.7.4 The Scottish Ministers are broadly content with the approach to assessment set out in sections 5.6.65 to 5.6.72. However, in line with the NatureScot representation, the Developer must fully implement the advice regarding passive acoustic monitoring and collision risk and engage with NatureScot and Marine Scotland on this as required. Additionally, the cumulative effects framework should be utilised in the cumulative assessment, if available at the time. However, the approach to cumulative impact assessments for marine mammal interests, requires agreement with NatureScot, before the submission of the EIA Report.
- 5.7.5 The Scottish Ministers agree with the monitoring set out in Table 5.6.11 of the Scoping Report- but highlight the NatureScot representation that there may be further potential effects that also require monitoring, depending on the outcome of the EIA Report.

5.8 Offshore and intertidal ornithology

- 5.8.1 The Scottish Ministers are content with the study area and buffer defined for both the offshore ornithology and intertidal ornithology receptors in Figure 5.7.1 of the Scoping Report, which was previously been agreed with NatureScot.
- 5.8.2 The Scottish Ministers, in line with the NatureScot representation are broadly content with the proposed approach for the baseline technical report which is set out in section 5.7.63 of the Scoping Report, including the proposed methods and buffers. However, The Scottish Ministers do not agree with the approach to surveys for the intertidal region and advise that a full calendar year of intertidal bird surveys, ideally taking place over 12 consecutive months,

is required for baseline characterisation. This is in line with the NatureScot representation.

- 5.8.3 Regarding the missed surveys during the year one digital aerial surveys, The Scottish Ministers, in line with the NatureScot representation recommend that maximum monthly density estimates are used for the assessment, rather than the mean, as a more precautionary approach due to the missing data.
- 5.8.4 The Scottish Ministers are broadly content that the relevant sources have been identified in Table 5.7.7 of the Scoping Report but advise that the Buckingham et al. (2022) paper highlighted by NatureScot will be a key resource that should be used to inform the desk-based study undertaken as part of the EIA Report.
- 5.8.5 Regarding the approach to assessment, the Scottish Ministers advise that MRSea should be used for density modelling approaches, in line with the NatureScot representation. The NatureScot representation regarding the use of MRSea must be addressed in full by the Developer in the EIA Report. Regarding seasonal definitions The Scottish Ministers advise that the NatureScot guidance should be used for the assessment. The Scottish Ministers do not agree with the request to refine seasonal definitions for the Project and the NatureScot advice in this regard must be addressed by the Developer in the EIA Report. The Scottish Ministers advise that the NatureScot representation regarding reference populations and demographic rates for population viability analysis is addressed in full in the EIA Report.
- 5.8.6 The Scottish Ministers are broadly content that standard pathways of collision, disturbance, displacement, and barrier effects have been identified in Table 5.7.10 of the Scoping Report and agree with the decision to scope out operational disturbance and displacement within the offshore export cable corridor. However, the Scottish Ministers disagree with barrier effects being scoped out. In line with NatureScot's representation, barrier effects and displacement can be dealt with together in the assessment as it is acknowledged that the two can be difficult to separate. In addition, barrier impacts to migrating birds should be scoped in, and Marine Scotland's updated strategic assessment of collision risk of Scottish offshore wind farms to migrating birds should be utilised if available.
- 5.8.7 The Scottish Ministers recommend that based on findings from the year 1 Digital Aerial Survey, storm petrel and great skua may need further consideration in the EIA Report depending on year two survey findings. At this stage, no species should be scoped out, due to year 1 data being incomplete.

- 5.8.8 The Scottish Ministers confirm that, in line with Natural England representation, all ornithology impacts relating to English waters or English designated sites have been adequately considered within the Scoping Report.
- 5.8.9 The Scottish Ministers confirm in line with the NatureScot representation, the proposed approach to reference populations for use in the EIA Report is generally appropriate. The Scottish Ministers highlight that further advice on recommendations for marine bird population estimates and various scenarios, as well as details of site-specific reference populations for marine special protection area's is available in NatureScot Guidance Note 5. Additionally, The Scottish Ministers advise that the RSPB representation regarding population modelling is addressed by the Developer in the EIA Report.
- 5.8.10 Regarding displacement analysis The Scottish Ministers recommend the use of the displacement and mortality rates presented within the Joint Statutory Nature Conservation Bodies ("SNCB") Interim Displacement Advice Note. The Developer should note that NatureScot's review of the application will be based on the SNCB agreed displacement and mortality rates and that any other rates presented will not form the basis of NatureScot's assessment of the application. Additionally, the Scottish Ministers advise that an assessment for displacement should be undertaken for kittiwake and that impacts for both kittiwake and gannet for displacement and collision are also considered. Finally, the Scottish Ministers advise that SeabORD should be used to undertake an assessment of puffin, guillemot, razorbill, and kittiwake and that the matrix approach should be used to assess these species outside of the chick rearing period. The NatureScot representation regarding displacement analysis should be addressed in full by the Developer in the EIA Report.
- 5.8.11 Regarding collision risk, The Scottish Ministers are content with the proposed approach to using the stochastic collision risk model ("sCRM") but advise that the 2022 update to the sCRM tool is used in line with NatureScot representation. This update should also be used to run deterministic output with values specified. Outputs for both stochastic and deterministic collision risk models must be presented using this tool. Regarding species, the Scottish Ministers advise that year two digital aerial surveys should also influence this list of species. Great skua should additionally be taken forward for collision risk assessment based on the numbers recorded during year 1 digital aerial surveys, in line with NatureScot representation. Additionally, the NatureScot and RSPB representation regarding flight height, flight height distribution, avoidance rates and flight type for gannet must be addressed in full by the Developer. Finally, the Scottish Ministers do not endorse the adjustment of densities to resolve over estimation of predicted impacts for gannet, in line with the NatureScot representation.

- 5.8.12 The Scottish Ministers agree that the Natural England Population Viability Analysis (“PVA”) tool, as referenced in paragraph 5.7.99 of the Scoping Report, should be used to undertake PVA assessment. The Scottish Ministers advise that the NatureScot advice in this regard is addressed in full in the EIA Report.
- 5.8.13 The Scottish Ministers are broadly content with the proposed approach towards cumulative assessment but disagree with the Developer’s decision to scope out cumulative impacts during the construction and decommissioning phases. At this stage, the Scottish Ministers advise these impacts should be scoped in. This is in line with NatureScot’s advice. The Scottish Ministers advise that Cumulative Effects Framework should be used when available.
- 5.8.14 The Scottish Ministers recommend that the Developer engages further with Marine Scotland and NatureScot on the proposed approach to transboundary impacts following the submission of the MarramWind HRA Screening Report and final Ornithology Baseline Report. The Scottish Ministers highlight the NatureScot representation that it is likely that impacts will occur to seabird populations that breed outside Scotland.
- 5.8.15 The Scottish Ministers highlight the representation from RSPB Scotland that the preference for any impact assessment information based on parameters and methods other than those specified in the Scoping Opinion to be referred to as ‘the Developer approach’ within the EIA Report, to avoid confusion with those impacts assessed using the recommended parameters and methods.

5.9 Fish and shellfish ecology

- 5.9.1 The Scottish Ministers are broadly content with the study area as defined in section 5.8.6 and Figure 5.8.1 of the Scoping Report. The Scottish Ministers advise that the NatureScot representation regarding noise modelling outputs and suspended sediment modelling outputs are considered when determining the boundary during further refinement of the project envelope.
- 5.9.2 Regarding baseline characterisation, the Scottish Ministers advise that the additional technical guidance, baseline data sets, and data sources identified by NatureScot must be used in the assessment in the EIA Report. The Scottish Ministers acknowledge that the Developer has noted the relevance of invasive non-native species (“INNS”) throughout the technical guidance and data sets but advise that the EIA Report must provide details on how INNS will be considered, monitored, and recorded. Additionally, biosecurity plans for each phase of the development should be considered in full regarding INNS.

- 5.9.3 Regarding the identification of key species, in line with the NatureScot representation, the Scottish Ministers advise that the Developer must fully implement in NatureScot advice regarding, pelagic fish, elasmobranchs, migratory fish, diadromous fish, and shellfish. Additionally, Table 5.8.14 of the Scoping Report should be updated to include the minke whale feature of the Southern Trench Marine Protected Areas (“MPA”) as there may be impacts to this protected feature via impacts on prey fish species.
- 5.9.4 Additionally, any connectivity these species have back to natal rivers must be considered and assessed through the EIA Report rather than the HRA Report. The Scottish Ministers are aware of ongoing research in this area which may later change this advice and may change conclusions on how diadromous fish are treated in both EIA and HRA going forward.
- 5.9.5 Potential impacts proposed to be scoped into the EIA Report are outlined in Table 5.8.16 of the Scoping Report. The Scottish Ministers agree that habitat loss and disturbance is a key impact pathway for the construction, operation and maintenance, and decommissioning stages of the Proposed Development. In addition to these phases, the Scottish Ministers advise in line with the NatureScot representation that relevant pre-construction seabed preparation works are also included in the EIA Report. Additionally, the advice provided in [section 5.4](#) of the Scoping Opinion regarding impacts from underwater noise and vibration on fish and fish and shellfish should be implemented in the EIA Report.
- 5.9.6 Scottish Ministers welcome the Developer’s decision to scope in the loss of suitable substrate or sensitive habitats of importance to fish receptors via the introduction of the Proposed Development. Given the uncertainty of the effects caused by introducing floating WTGs, anchoring systems, and cabling, the Scottish Ministers advise in line with the NatureScot representation that colonisation of hard structures is also scoped into the EIA Report.
- 5.9.7 Regarding changes in prey species availability and INNS, the Developer should ensure that the NatureScot response in this regard is fully addressed in the EIA Report.
- 5.9.8 The Scottish Ministers agree with the remaining impacts scoped into and out of the EIA Report. For the avoidance of doubt, The Developer must fully address the representation from NatureScot in the EIA Report.
- 5.9.9 The Scottish Ministers are broadly content with the approach to assessment set out in sections 5.8.15 to 5.8.17 of the Scoping Report. In line with the Natural England representation, the Scottish Ministers agree with the Developer’s decision to scope impacts to the river Tweed SAC and the Tweed

estuary SAC into the EIA Report as these designated sites may have connectivity to the Proposed Development.

- 5.9.10 The Scottish Ministers, in line with the NatureScot representation, advise that the assessment should quantify where possible the likely impacts on PMFs and consider whether this could lead to a significant impact on the national status of the PMFs being considered.
- 5.9.11 With regards to cumulative effects, the Scottish Ministers advise in line with the NatureScot representation that the Developer must consider the cumulative effects of key impacts such as habitat loss or change, especially concerning diadromous fish as well as key fish and shellfish species that contribute to ecological importance as a prey resource.
- 5.9.12 With regards to mitigation and monitoring, the Scottish Ministers agree with the NatureScot representation that the full range of mitigation techniques and published guidance should be considered and discussed in the EIA Report as well as further information on proposed monitoring.

5.10 Commercial fisheries

- 5.10.1 The Scottish Ministers are content that all the relevant impact pathways have been scoped into the commercial fisheries assessment as set out in Table 5.9.9 of the Scoping Report and that the overall approach is appropriate.
- 5.10.2 The Scottish Ministers, in line with the MSS advice, recommend that the demersal 'otter trawl fleet' receptor is referred to more broadly as the 'demersal trawl fleet' given that other demersal gear types were identified within the study area in the Marine Management Organisation UK annual fisheries landings statistics.
- 5.10.3 The Scottish Ministers advise that the study area should be widened to include adjacent ICES rectangles, in line with good practice guidance, to better assess potential fisheries displacement, particularly given the size of the array area and the proposed floating technology. This is in line with MSS advice and is supported by the SFF.
- 5.10.4 The Scottish Ministers are broadly content that the relevant guidance has been identified in Table 5.9.2 of the Scoping Report but recommend that the additional guidance highlighted by MSS and contained within the 'Good Practice Guidance' document are used to inform the EIA Report. The Scottish Ministers also advise the Developer to consider the SFF advice regarding spawning herring guidance.

- 5.10.5 The Scottish Ministers advise that the ScotMap dataset should not be relied upon to provide information on the commercial fisheries baseline for the inshore fleet as it is out of date. In line with MSS advice and the SFF representation, this dataset should be used as a starting point and that consultation should be the primary source of information for the under 10m fleet. It is expected that the SFF will be included in this consultation.
- 5.10.6 The Scottish Ministers welcome the engagement with fisheries representatives that has been undertaken so far and recommend that early engagement with fisheries representatives is continued as suggested in paragraph 5.9.50 of the Scoping Report. This engagement should take place as further clarity is gained on the export cable route and parameters, in line with SFF comments. The Scottish Ministers would also like to highlight from SFF representation the willingness of fisheries representatives to participate in knowledge sharing throughout the process.

5.11 Shipping and navigation

- 5.11.1 With regards to baseline data listed in Table 5.10.5 of the Scoping Report, the Scottish Ministers direct the Developer to the representation from the UKCoS. The Scottish Ministers advise that Marine Accident Investigation Branch data included in the EIA Report should be increased from 10 years to 20 years. should be extended to cover a 20-year period to fully assess trends and historic incidents. Additionally, The Scottish Ministers recommend, in line with UK CoS representation, that a range of scenarios should be modelled, noting the large increase in renewable activity planned for the area with resulting project and third-party project traffic.
- 5.11.2 In line with the MCA representation, The Scottish Ministers are content that two separate 14-day periods of Automatic Identification System (“AIS”) data set out in the Scoping Report meets the standard MGN 654. The Scottish Ministers highlight the advice from the UKCoS that an additional full 12 months of AIS data should be included in the EIA Report. The Scottish Ministers advise that the Developer must engage further with the MCA and UKCoS to reach a suitable agreement on the provision of AIS data and document the rationale for the final approach within the EIA Report. However, in line with UK CoS representation, the Scottish Ministers strongly advise that this is extended to show 12 months of continuous AIS data to allow for seasonal variation and smoothing given the scale of development.
- 5.11.3 Table 5.10.7 of the Scoping Report summarises the potential impacts to shipping and navigation for each phase of the Proposed Development which the Developer proposed to scope into and out of the EIA Report. The Scottish Ministers broadly agree with the impacts scoped in and out however, advise

that interference with navigation, communications, and position fixing equipment (including potential effects of electromagnetic interference) and reduction of Search and Rescue (“SAR”) capability due to surface infrastructure should be scoped in for all phases. This is in line with the UKCoS representation.

- 5.11.4 With regards to cabling routes and cable burial, the Scottish Ministers confirm that a Burial Protection Index should be completed, and, subject to traffic volumes, an anchor penetration study may also be necessary. 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 and where depths are decreasing towards the shore.
- 5.11.5 The Scottish Ministers advise that the Developer must give consideration within the EIA Report for the potential effect of electromagnetic deviation on ships’ compasses should High-Voltage Direct Current transmission infrastructure be installed. The Scottish Ministers highlight the advice from the MCA a three-degree deviation for 95% of the cable route would be acceptable, and that for the remaining 5% of the cable route, no more than five degrees will be attained.
- 5.11.6 The Scottish Ministers also highlight the MCA representation regarding SAR, Emergency Response Co-operation Plans, levels of radar surveillance, AIS, and shore-based VHF radio coverage. The Scottish Ministers advise that the MCA representation must be fully addressed in the EIA Report and that a SAR checklist must be completed by the Developers in consultation with the MCA.
- 5.11.7 The Developer should note that compliance with regulatory expectations on moorings for floating wind and marine devices (HSE and MCA, 2017), as identified in Table 5.10.6 of the Scoping Report, is required and Third-Party Verification of mooring arrangements will also be required. This is in line with MCA representation.
- 5.11.8 The Scottish Ministers highlight, in line with MCA representation, that the development area carries a moderate amount of traffic and several important commercial shipping routes to/from UK ports and the North Sea. This requires that careful attention is paid to routing, particularly in heavy weather, so that vessels can continue to make safe passage without large-scale deviations.
- 5.11.9 Regarding mitigation, The Scottish Ministers confirm that, in line with MCA representation, the Developer will be required to submit a navigational risk assessment in accordance with MGN 654, accompanied by a detailed MGN 654 checklist. The MCA, NLB and RYA representations regarding the

Navigational Risk Assessment, Design Specification and Layout Plan, Lighting and marking Plan and Navigational Safety Plan should be addressed by the Developer in the EIA Report.

- 5.11.10 The Scottish Ministers confirm that cumulative and in combination effects on shipping routes must be considered. This should consider the proximity to other offshore renewable development, other infrastructure, and the impact on navigable sea room. This is in line with MCA and UK CoS representation. Coordination with other projects may be necessary to avoid vessel deviation far as possible. The Scottish Ministers advise in line with the UKCoS representation that the potential cumulative impacts identified in section 7.4.25 of the Scoping Report should also include a reduction in SAR capability and cumulative displacement of vessels.

5.12 Marine archaeology and cultural heritage

- 5.12.1 The Scottish Ministers are content with the proposed study area as shown in Figure 5.11.1 of the Scoping Report and agree with the basis for the Scoping assessment and embedded environmental measures. The Scottish Ministers, in line with the Aberdeenshire Council representation welcome the Developer's recognition that approved National Planning Framework 4, introduces new requirements which will be considered of the EIA Report.
- 5.12.2 The Scottish Ministers advise in line with Aberdeen Council's representation that section 5.11.24 within the Scoping Report be expanded to include the Later Upper Palaeolithic period as artefacts have been identified dating to the Later Upper Palaeolithic period just outside Peterhead.
- 5.12.3 The Scottish Ministers are content that UXO is scoped out of the EIA Report subject to the embedded measures being adopted and the application of a UXO Management Plan as noted in section 5.13.49 of the Scoping Report.
- 5.12.4 The Scottish Ministers support the HES representation that marine archaeology and cultural heritage should be scoped into the EIA Report, as confirmed in section 5.11 of the Scoping Report, and support the HES view that the impacts of the offshore development on onshore historic environment assets can be scoped out of the EIA Report.

5.13 Seascape, landscape and visual

- 5.13.1 In line with section 5.12.61 of the Scoping Report, given the distance from shore, the Scottish Ministers support NatureScot's representation and are content that the Seascape, Landscape and Visual Impact Assessment for the

offshore elements located within the Developments OAA can be scoped out of the EIA Report.

- 5.13.2 Regarding offshore elements located out with the OAA, the Scottish Ministers advise that further discussion with NatureScot, relevant local authorities, and the Scottish Ministers is required. During the discussion, a zone of theoretical visibility and wireframes from the closest viewpoints should be provided alongside a drawing of the likely design of the HVDC substation and reactive compensation platform.

5.14 Infrastructure and other marine users

- 5.14.1 The Scottish Ministers are broadly content with the study area as defined in Figure 5.13.1 of the Scoping Report and the baseline data gathered for the assessment is appropriate.
- 5.14.2 The Scottish Ministers refer to [section 5.27](#) of this Scoping Opinion which highlights the representation by NATS which predicts that the Proposed Development is likely to generate an unacceptable level of clutter to its Radar infrastructure. Please refer to this section for the Scottish Minister's scoping advice.
- 5.14.3 In addition to the cumulative effects noted in section 5.13.53, the Developer should consider the likely cumulative and in-combination effects on shipping routes as well as the proximity to other wind farm developments, other infrastructure, and the impact on safe navigable sea room within the EIA Report. This is in line with the representations from UK CoS, SSEN, Green Volt Offshore Windfarm and the Salamander Offshore Windfarm.
- 5.14.4 The Scottish Ministers confirm that there is live infrastructure in the proximity of the development area that may impact existing Scottish Water assets. The Scottish Ministers confirm that the Developer must identify any potential conflicts with Scottish Water assets and consult with the Scottish Water Asset Impact Team. Written permission must be obtained before any works are started and the Developer should be aware that any conflict with assets identified will be subject to restrictions on the proximity of construction.

5.15 Traffic and transport

- 5.15.1 Within Table 6.8.9 of the Scoping Report the Developer details the likely significant traffic and transport effects during the different phases of the Proposed Development and which effect is proposed to be scoped in and scoped out for assessment within the EIA Report. The Scottish Ministers agree with the impacts detailed and scoped in; however, advise that the Transport

Scotland advice must be fully addressed by the Developer. In particular, the Scottish Ministers highlight the comments from Transport Scotland regarding abnormal loads and advise that a full abnormal loads assessment report should be provided with the EIA Report which identifies key pinch points on the trunk road network.

- 5.15.2 The Scottish Ministers consider it acceptable to scope out operation and maintenance activities as well as decommissioning activities for the offshore phases of the assessment. The Scottish Ministers advise, in line with the Transport Scotland advice, that the Developer must provide a threshold assessment within the EIA Report to demonstrate that there is no impact to the A90(T).
- 5.15.3 Marine traffic is considered in section [5.11](#) Shipping and Navigation and section [5.14](#) Infrastructure and Other Marine Users.

5.16 Climate resilience

- 5.16.1 The Scottish Ministers advise in line with the NatureScot representation that the impact of climate change effects should be considered, both in futureproofing the project design and how certain climate stressors may work in combination with potential effects from the Proposed Development. The Scottish Ministers also highlight the comments from NatureScot concerning the consideration of Positive Effects for Biodiversity / Biodiversity gain as well as nature-inclusive design aspects at an early stage of the project's design.
- 5.16.2 The Scottish Ministers agree with the NatureScot representation and direct the Developer to section [5.3.1](#) of this Scoping Opinion which highlights that a blue carbon assessment should be undertaken in addition to the GHG assessment. The Scottish Ministers refer to section [5.25.1](#) of this Scoping Opinion which highlights the requirement for the EIA Report to include a GHG Assessment. The Developer must fully address the representation from NatureScot in the EIA Report.

5.17 Greenhouse gases

- 5.17.1 Scottish Ministers are content with the data sources included in Table 7.2.1 and the technical guidance included in Table 7.2.2 of the Scoping Report regarding the GHG assessment. In line with section [3.5.1](#) of this Scoping Opinion, the Scottish Ministers advise the Developer to scope pre-construction GHG emissions into the GHG assessment.
- 5.17.2 The Scottish Ministers acknowledge sections 7.2.43 and 7.2.44 that note the future baseline for GHG emissions and advise the Developer to consider the

supply chain as well as to what extent carbon is offset throughout the production of green energy throughout the lifecycle of the Proposed Development. The Developer must fully address the representation from NatureScot in the EIA Report.

5.18 Socio-economics

- 5.18.1 The Scottish Ministers advise that a full socio-economic impact assessment is scoped into the EIA Report. This is in line with MAU advice. There is limited information provided within the Scoping Report on the methods that are to be used in the socio-economic impact assessment. The Scottish Ministers advise in line with the MAU advice that primary data is collected to assess social impacts, as a desk-based study alone will not be an adequate way to assess such impacts. The Scottish Ministers highlight the information provided in Annex one of the MAU advice which provides general advice on how to deliver the socio-economic impact assessment and advise that this should be utilised in the EIA Report.
- 5.18.2 The Scottish Ministers are broadly content with the impacts scoped into and out of the EIA Report. However, The Scottish Ministers advise that the wider socio-economic impacts, which have been excluded from the study area in paragraph 7.3.8 of the Scoping Report, should be scoped in to the assessment in line with MAU representation.
- 5.18.3 The Scottish Ministers broadly agree with the proposed approach to scope in Gross Value Added and employment impacts as set out in Table 7.3.10 of the Scoping Report. However, in line with MAU advice, the Scottish Ministers recommend that a detailed description of the methodology used to assess these impacts is provided in the EIA Report, including any key assumptions that underpin estimates.
- 5.18.4 The impacts scoped out in paragraph 7.3.49 of the Scoping Report due to a conclusion of no likely significant effect should be reported, to inform the Scottish Ministers of what has been considered and why. In line with MAU advice, the Scottish Ministers recommend that these impacts are scoped in on the basis that social impacts depend on the views, values, and perceptions of people and the degree of significance cannot robustly be assessed until such people are engaged.
- 5.18.5 The Scottish Ministers disagree with socio-cultural and distributional effects being scoped out of the EIA Report due to the lack of supporting evidence to suggest that there will be no concentration of impacts within specific groups or communities. Socio-cultural and distributional effects should be scoped in

to the socio-economic assessment and the MAU advice in this regard must be addressed in full in the EIA Report.

- 5.18.6 Knock-on socio-economic impacts of other impacts have been recognised in the Scoping Report. The Scottish Ministers advise, in line with MAU advice, that further detail is provided on how these impacts will be assessed.

5.19 Military and civil aviation and telecommunications

- 5.19.1 The Scottish Ministers highlight the NATS representation which predicts that the Proposed Development will cause primary false plots to be generated for both Allanshill and Perwinnes RADAR and reduce the RADAR's probability of detection of real aircraft. The Scottish Ministers advise that the Developer validates this position in relation to the generation of radar clutter and explore how this could be mitigated in the EIA Report.
- 5.19.2 The Scottish Ministers would also like to highlight from the NATS representation that the Proposed Development is likely to have a high operational impact on the Aberdeen Offshore sectors, and that further analysis is required to determine whether the wind farm will affect the ability of helicopters to safely arrive at and depart from the Goldeneye and Buzzard oil fields to the southwest of the NE7 site. The Scottish Ministers recommend the Developer engages further with NATS on these points and advise that these impacts must be assessed, including mitigation, if necessary, in the EIA Report.
- 5.19.3 The Scottish Ministers would also like to highlight that the Proposed Development is likely to generate an unacceptable level of clutter on the en-route air traffic operation at Prestwick Centre. The Scottish Ministers recommend the Developer engages further with NATS on this point and advises that this must be assessed in the EIA report, including mitigation.
- 5.19.4 The Scottish Ministers highlight the representation from BT which states the Proposed Development will not likely cause interference to BT's current and presently planned radio network.
- 5.19.5 The MOD response will be provided to the Developer following issue of the Scoping Opinion.

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, regulation 5 of the 2017 EW Regulations and regulation 12 of the 2007 MW 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 Conservation (Natural Habitats, &c.) Regulations 1994 and the Conservation of Offshore Marine Habitats and Species Regulations 2017. This assessment must be coordinated with the EIA in accordance with the EIA Regulations
- 6.1.3 The Scottish Ministers strongly advise the production of a HRA screening report for the Proposed Development and recommend that this should be submitted for comment at the earliest opportunity and in advance of the submission of the EIA.
- 6.1.4 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 s.36 consent or marine licences, if granted, by the Scottish Ministers for the Proposed Development, may have several conditions attached requiring approvals etc. which fall under this definition, for example the approval of a CMS. 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.

Jessica Malcolm

12 May 2023

Authorised by the Scottish Ministers to sign in that behalf.

Appendix I: Consultation Responses & Advice

Please refer to separate document provided alongside the Scoping Opinion

Appendix II: Gap Analysis

Please refer to separate document provided alongside the Scoping Opinion