Aberdeen
City Council

From:	Guy Bergman
To:	MS Marine Renewables
Cc:	Richard Brough
Subject:	FW: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023
Date:	24 August 2023 09:05:06
Attachments:	image003.png image005.png

Good morning,

Please find below Scoping Consultation response from the Natural Environment Policy team.

Many thanks,

Guy

Guy Bergman | Environmental Planner
Protecting the irreplaceable. Promoting the sustainable

Aberdeen City Council | Natural Environment Policy | Climate and Environment Policy Service Area | Strategic Place Planning | Commissioning
Ground Floor North | Marischal College | Broad Street| Aberdeen | AB10 1AB

Direct Dial: 01224 053221| Mobile: [Redacted] | Switchboard: 01224 053221
www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

I've signed the ***Aberdeen Climate Pledge***

From: Richard Brough <RBrough@aberdeencity.gov.uk>
Sent: Monday, July 31, 2023 4:49 PM
To: EPConsultations <EPConsultations@aberdeencity.gov.uk>
Cc: Guy Bergman <GBergman@aberdeencity.gov.uk>
Subject: RE: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Hi Guy,

Landscape, Seascape

Having looked through the Scoping Report I concur with the following statements below. The Array Project will be far enough away from Aberdeen City that there are unlikely to be any significant effects on the seascape, landscape and visual receptors, and therefore the SLVIA should be scoped out from the EIA.

Viewpoint 8: Baron's Cairn (Figure 12.3i within Appendix 12: SLVIA Onshore Heritage Assets Wirelines/ZTV): - This viewpoint has been requested by Aberdeen City Council. It is located at approximately 63km distance from nearest point on the Scoping Boundary, at Baron's Cairn, which is a Scheduled Ancient Monument at Tullos Hill. Visitors to the Cairn/Hill would have a high visual receptor sensitivity. The wireline indicates limited visual effects with the Array Project appearing low against the horizon, such that significant effects would be unlikely with greater visual effects likely from other offshore cumulative wind farms located notably closer to the viewpoint. Any significant cumulative effects are likely due to other offshore cumulative developments located closer to this viewpoint.

• Viewpoint 9: Torry Battery (Figure 12.3j within Appendix 12: SLVIA Onshore Heritage Assets Wirelines/ZTV): - This viewpoint has been requested by Aberdeen City Council. It is located at approximately 63.5km distance from nearest point on the Scoping Boundary, at Torry Battery, which is a Schedule Ancient Monument. Visitors to the Monument would have a high visual receptor sensitivity. The wireline indicates very limited visual effects with the Array Project appearing low against the horizon, such that significant effects would be unlikely with greater visual effects likely from other offshore cumulative wind farms located notably closer to the viewpoint. Any significant cumulative effects are likely due to other offshore cumulative developments located closer to this viewpoint.

• Viewpoint 10: Broad Hill (Figure 12.3k within Appendix 12: SLVIA Onshore Heritage Assets Wirelines/ZTV): - This viewpoint has been requested by Aberdeen City Council. It is located at approximately 66km distance from nearest point on the Scoping Boundary, at the summit of Broad Hill, which affords panoramic views of the surrounding landscape and seascape. Visitors to Broad Hill would have a high visual receptor sensitivity. The wireline indicates limited visual effects with the Array Project appearing low against the horizon, such that significant effects would be unlikely with greater visual effects likely from other offshore cumulative wind farms located notably closer to the viewpoint. Any significant cumulative effects are likely due to other offshore cumulative developments located closer to this viewpoint.

9.7.6.5 To conclude, due to the large, intervening distance (outwith an "accepted" 50km SLVIA Study Area from the Scoping Boundary) and limited visibility of the Array Project (as illustrated in the ZTVs in Figure 12.1 and Figure 12.2 within Appendix 12: SLVIA Onshore Heritage Assets Wirelines/ZTV and wirelines in Figures 12.3), there are unlikely to be any significant effects on the seascape, landscape and visual receptors. It is, therefore, proposed to scope out the SLVIA from the EIA.

Thanks
Richard

Richard Brough | - Senior Environmental Planner
Protecting the irreplaceable. Promoting the sustainable

Aberdeen City Council | Climate and Environment Policy | Strategic Place Planning | Commissioning
Ground Floor North | Marischal College | Broad Street| Aberdeen | AB10 1AB

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www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

I've signed the Aberdeen Climate Pledge

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>
Sent: Thursday, July 27, 2023 12:35 PM
To: MS.MarineRenewables@gov.scot
Cc: Lauren.Cowan@gov.scot; Rebecca.Bamlett@gov.scot; Debbie.England@gov.scot
Subject: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Good Afternoon,

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATION FOR THE MORVEN OFFSHORE WIND FARM LOCATED APPROXIMATELY 60KM OFF THE ABERDEENSHIRE COAST

REGULATION 12 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2007
(collectively referred to as the "EIA Regulations")

SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – 60km off the Aberdeenshire coast

In respect of the proposed marine licence application for the above works (under the Marine and Coastal Access Act 2009) and the section 36 consent application (under the Electricity Act 1989), Morven Offshore Wind Limited has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under the above EIA Regulations.

The scoping report submitted by the applicant can be found at: Scoping Report – Morven Offshore Wind Farm Array Area – July 2023 | Marine Scotland Information

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment ("EIA") Report to be submitted by the applicant

with its proposed section 36 consent and marine licence application, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

HABITATS REGULATIONS APPRAISAL SCREENING REPORT

In addition, Morven Offshore Wind Limited has submitted a Habitats Regulations Appraisal ("HRA") Screening Report. The HRA Screening Report provides information to enable the screening of the Morven Offshore Wind Farm with respect to its potential to have a likely significant effect on European sites of nature conservation importance.

The HRA Screening Report can be found at: HRA Screening Report – Morven Offshore Wind Farm Array Area – July 2023 | Marine Scotland Information

We would appreciate any comments you may have on the HRA Screening Report and your opinion as to whether or not you are in agreement with the European sites identified.

Please submit your response electronically to ms.marinerenewables@gov.scot by **24 August 2023**. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a "nil return" response.

Please be advised that this consultation request relates to the proposed section 36 consent and marine licence application for the array area only and not the offshore transmission or onshore elements of the works.

Many thanks,

Anna

Anna Shenton (She/Her)
Marine Licensing and Consenting Casework Officer, Licensing Operations Team, Marine Directorate
Scottish Government | Atlantic Quay | Glasgow | G2 8LU
M: [Redacted]
E: anna.shenton@gov.scot

Scottish Government
Riaghaltas na h-Alba

In the service of Scotland

Integrity Inclusivity Innovation Collaboration Kindness

Aberdeenshire
Council

Aberdeenshire COUNCIL

Our Ref: ENQ/2023/1109

Ask for: Peter Fraser
Tel: 01467 537338
Email: peter.fraser@aberdeenshire.gov.uk

Marine Scotland
Marine Directorate
Scottish Government
Atlantic Quay
Glasgow G2 8LU

24 August 2023

Dear Sir/Madam

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2007

EIA Scoping Opinion for Morven Offshore Wind Farm.

1.1 I refer to your Scoping Request in respect of a scoping opinion for the above proposal detailed in the Scoping Report dated July 2023. I am now in receipt of all the necessary consultation responses, and I can now offer a response to your consultation in respect of this scoping.

1.2 Please note that this response primarily applies to those aspects of the proposal which may impact upon the interests of Aberdeenshire Council as Local Planning Authority. No specific assessment or comment has been made on matters which solely affect the Marine Environment.

2.0 Response Overview

2.1 Having reviewed the submitted documentation and undertaken consultation with appropriate bodies, The Planning Service agrees the proposed Scope of the EIAR, with your attention drawn to the matters outlined in paragraphs 4.0, 5.0, 6.0 and 7.0 of this response.

3.0 Site Description, approach to consenting and EIA Methodology

3.1 The site description and characteristics of the development have been satisfactorily identified within the Scoping Report.

3.2 The EIA Methodology outlined within the Scoping Report dated July 2023 appears to be orthodox.

4.0 Planning Policy

4.1 For elements of the proposed development that will affect the Aberdeenshire Council administrative area the Development Plan (comprising of the Aberdeenshire Local Development Plan (2023) and National Planning Framework 4) will provide the Policy basis against which said impact shall be assessed. As such it will be a key material consideration for said impacts.

5.0 Terrestrial Ecology and Ornithology

5.1 Consultation has been undertaken with the Councils Environment Team - Natural Heritage. The Response notes that this scoping relates solely to the offshore aspects of the development and as such only considers effects arising from said offshore development. A number of onshore ecological sites have been identified (River Dee SAC, Buchan Ness to Collieston Coast SPA and Fowlsheugh SPA) as potential receptors. It is noted that these are proposed to be scoped in. The proposed scope is considered to be acceptable.

6.0 Seascape, Landscape and Visual Impact Assessment

6.1 This chapter has been reviewed by the Planning Service. The approach is considered to be orthodox, and the rationale is accepted in relation to the scope of the assessment. It is acknowledged that this section represents discussions to date.

7.0 Archaeology and Cultural Heritage

7.1 Consultation has been undertaken with the Councils Archaeology Service in respect of this proposed development. The Archaeology Service is agreeable to the proposed scope of assessment.

8.0 Consultations

8.1 This advice is based on the Regulations and the consultation responses of the following:

Natural Environment
Date Consulted: 28 July 2023

Archaeology
Date Consulted: 28 July 2023

9.0 Conclusion

9.1 I hope the above information is of assistance as a formal scoping opinion in respect of the relevant EIA Report. Please note during the processing of any associated planning applications/ consultations other issues may become obvious following public consultation and consultations with statutory consultees, which all parties to a planning application/ consultation will need to take into consideration.

9.2 This opinion will be held for public inspection for a two-year period, or until a planning application is submitted at which time the opinion will be transferred to the planning register with the application.

Yours faithfully

[Redacted]

Paul Macari
Head of Planning and Economy

Case Officer: Peter Fraser (Planner SDDT)
Date: 24 August 2023

Natural Environment Team Consultation Response

Planning Reference No:	ENQ/2023/1109
Environment Planner:	JC
Date of Response:	02/07/2023

Overall Response:	**Acceptable**

Issue 1:	Ecology
Response:	**Acceptable**
Actions:	
a)	Screening proposal for ecological impacts covers offshore aspects of the proposals but identifies potential impacts on terrestrial designated sites. These scoped into future assessment of impacts and into the HRA.
b)	
c)	

Supporting Information:

The screening and HRA for the potential ecological impacts of the proposed windfarm cover only the offshore elements at present and have been determined in discussion with Nature Scot and RSPB. There are some potential impacts on terrestrial designated sites including the River Dee SAC and two coastal SPA's which are identified for breeding birds – Buchan Ness to Collieston Coast and Fowlsheugh. These have all been scoped into the Habitats Regulations Assessment.

Issue 2:	
Response:	**Objection/Further information required/Acceptable subject to follow up action/Acceptable** *(delete as appropriate)*
Actions:	
a)	
b)	

c)	
Supporting Information:	

From:	Claire Herbert
To:	Planning Online
Cc:	Elizabeth Tully
Subject:	Consultation for Ref No ENQ/2023/1109 - Archaeology response
Date:	10 August 2023 17:28:30

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
ENQ/2023/1109 EIA Screening/Scoping Opinion for Offshore Wind Farm Development at Morven Offshore Wind Farm
Grid Reference: 475416.752400

Dear Elizabeth,

Thank you for consulting us on the above EIA Screening/Scoping Opinion. Having received and reviewed the submitted information I can confirm that I am content with the proposal to scope out impacts on marine archaeology as outlined in table 9.15 (section 9.4.7) and SLVIA for onshore heritage assets (table 9.26, section 9.7.6), and agree with the designed in mitigation for marine archaeology outlined in section 9.4.8.

Kind regards,
Claire

Claire Herbert MA(Hons) MA MCIfA

Archaeologist
Archaeology Service, Planning and Economy, Environment and Infrastructure Services
Aberdeenshire Council

T: 01467 537717
E: Claire.herbert@aberdeenshire.gov.uk
W: https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology
Search the Historic Environment Record: https://online.aberdeenshire.gov.uk/smrpub

Archaeology Service for Aberdeenshire, Moray, Angus & Aberdeen City Councils

Aberdeen International Airport

Aberdeen International Airport

Aberdeen International Airport Limited
Dyce, Aberdeen
AB21 7DU
Scotland

T: +44 (0)870 040 0006
W: aberdeenairport.com

FAO Anna Shenton
Marine Licensing and Consenting
Marine Directorate
Scottish Government

Via Email

ABZ Ref: ABZ3171

21st August 2023

Dear Anna

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATION FOR THE MORVEN OFFSHORE WIND FARM LOCATED APPROXIMATELY 60KM OFF THE ABERDEENSHIRE COAST

I refer to your request for scoping opinion received in this office on 27th July 2023.

The scoping report submitted has been examined from an aerodrome safeguarding perspective and we would make the following observations:

- The proposed site is located partially within the wind farm consultation zone for Aberdeen Airport and as such primary surveillance radar impacts should be considered as part of the EIA. In the event the turbines are predicted to be visible to radar a safeguarding objection may be raised;

- The site is also located within the instrument flight procedure area for Aberdeen Airport and a detailed assessment will be required to establish if there is any impact.

Our position with regard to this proposal will only be confirmed once the turbine details are finalized and we have been consulted on a full planning application. At that time we will carry out a full safeguarding impact assessment and will consider our position in light of, inter alia, operation impact and cumulative effects.

Yours Sincerely

[Redacted]

Kirsteen MacDonald

Safeguarding Manager
Aberdeen Airport
[Redacted]
abzsafeguard@aiairport.com

Angus Council

From:	Stephanie G Porter
To:	MS Marine Renewables
Subject:	RE: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023
Date:	27 July 2023 13:40:32
Attachments:	image001.png

Dear Sir/Madam

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATION FOR THE MORVEN OFFSHORE WIND FARM LOCATED APPROXIMATELY 60KM OFF THE ABERDEENSHIRE COAST

REGULATION 12 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2007
(collectively referred to as the "EIA Regulations")
HABITATS REGULATIONS APPRAISAL SCREENING REPORT

I refer to the above consultation requests and having reviewed the submitted information, Angus Council has no comments or requirements to add at this stage in respect of the HRA Screening Report, other than to advise the Council supports any comments NatureScot may have in this regard.

In considering the scoping request made in relation to the above EIA Regulations, Angus Council has no comments in regards to the inclusion/exclusion of any matters from the submitted scoping report but advise it may be helpful for an additional viewpoint from the Angus shoreline (near Ethie Haven or Dunninald Castle) to be included within any future supporting Seascape, Landscape And Visual Impact assessments. I appreciate given the distances involved there is likely to be limited visibility of the proposal from Angus but it would be helpful to have a viewpoint to demonstrate this.

I trust the above proves helpful.

Kind Regards

Stephanie Porter | Team Leader – Development Standards | Planning & Sustainable Growth | Angus Council | Angus House | Orchardbank Business Park, Forfar, DD8 1AN | (01307 492378)

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>
Sent: 27 July 2023 12:35
To: MS.MarineRenewables@gov.scot
Cc: Lauren.Cowan@gov.scot; Rebecca.Bamlett@gov.scot; Debbie.England@gov.scot

Subject: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Good Afternoon,

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATION FOR THE MORVEN OFFSHORE WIND FARM LOCATED APPROXIMATELY 60KM OFF THE ABERDEENSHIRE COAST

REGULATION 12 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2007
(collectively referred to as the "EIA Regulations")

SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – 60km off the Aberdeenshire coast

In respect of the proposed marine licence application for the above works (under the Marine and Coastal Access Act 2009) and the section 36 consent application (under the Electricity Act 1989), Morven Offshore Wind Limited has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under the above EIA Regulations.

The scoping report submitted by the applicant can be found at: Scoping Report – Morven Offshore Wind Farm Array Area – July 2023 | Marine Scotland Information

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment ("EIA") Report to be submitted by the applicant with its proposed section 36 consent and marine licence application, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

HABITATS REGULATIONS APPRAISAL SCREENING REPORT

In addition, Morven Offshore Wind Limited has submitted a Habitats Regulations Appraisal ("HRA") Screening Report. The HRA Screening Report provides information to enable the screening of the Morven Offshore Wind Farm with respect to its potential to have a likely significant effect on European sites of nature conservation importance.

The HRA Screening Report can be found at: HRA Screening Report – Morven Offshore Wind Farm Array Area – July 2023 | Marine Scotland Information

We would appreciate any comments you may have on the HRA Screening Report and your opinion as to whether or not you are in agreement with the European sites identified.

Please submit your response electronically to ms.marinerenewables@gov.scot by **24 August 2023**. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a "nil return" response.

Please be advised that this consultation request relates to the proposed section 36 consent and marine licence application for the array area only and not the offshore transmission or onshore elements of the works.

Many thanks,

Anna

Anna Shenton (She/Her)
Marine Licensing and Consenting Casework Officer, Licensing Operations Team, Marine Directorate
Scottish Government | Atlantic Quay | Glasgow | G2 8LU
M: [Redacted]
E: anna.shenton@gov.scot

Scottish Government
Riaghaltas na h-Alba

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Marine licensing and consenting: privacy notice - gov.scot (www.gov.scot)

Berwick Bank
OWF

Berwick Bank Wind Farm

sse Renewables

Marine Scotland Licensing and Operations Team
By email only: MS.MarineRenewables@gov.scot

24th August 2023

SSE Renewables
1 Waterloo Street,
Glasgow,
G2 6AY

Tel: [Redacted]

Dear Sirs,

Thank you for the opportunity to comment on the Morven Offshore Wind Farm Scoping Consultation. The below comments are made on behalf of the Berwick Bank Wind Farm Project, being developed by SSE Renewables.

Berwick Bank Wind Farm Ltd note that the Morven project has acknowledged the potential for cumulative effects with our project, which is welcomed. However, the Cambois Project (consent application submitted 9th August 2023) was not highlighted in the Morven Scoping Report and may be relevant to the Morven development's cumulative effects assessment. In particular, we ask that the location of Berwick Bank's array area, Branxton export cable and Cambois export cable is considered in Morven's export cable routing work.

We note that the Applicant will seek to consent the Project's generation and transmission aspects separately. Berwick Bank Wind Farm Ltd, as part of SSE Renewables requests that we are also included in future consultation on the Morven Transmission Project, should export cable route bisect existing or consented cables, or should proximity agreements be required.

Please let me know if you require any further information.

Yours sincerely,

Alex Meredith
Project Director, Berwick Bank Wind Farm

(by email)

BT

From:	radionetworkprotection@bt.com
To:	MS Marine Renewables
Cc:	radionetworkprotection@bt.com
Subject:	WID13165 SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023
Date:	07 August 2023 18:00:23
Attachments:	image001.png image004.png image005.png

BT Group

-

OUR REF: WID13165 (Morven OWF)

Thank you for your email dated 27/07/23.

We have studied this Morven Offshore Wind Farm scoping proposal with respect to EMC and related problems to BT point-to-point microwave radio links.
The conclusion is that the offshore site shown in the "Figure 8.22" should not cause interference to BT's current and presently planned radio network.

Please see below screen shot which shows BTs current Radio Links in the vicinity as purple/blue lines on the Map. BT requires 100m minimum clearance from any structure to the radio link path. If there is any onshore element to this Windfarm or the proposed location of the offshore site boundary changes please let us know and we can reassess this for you.

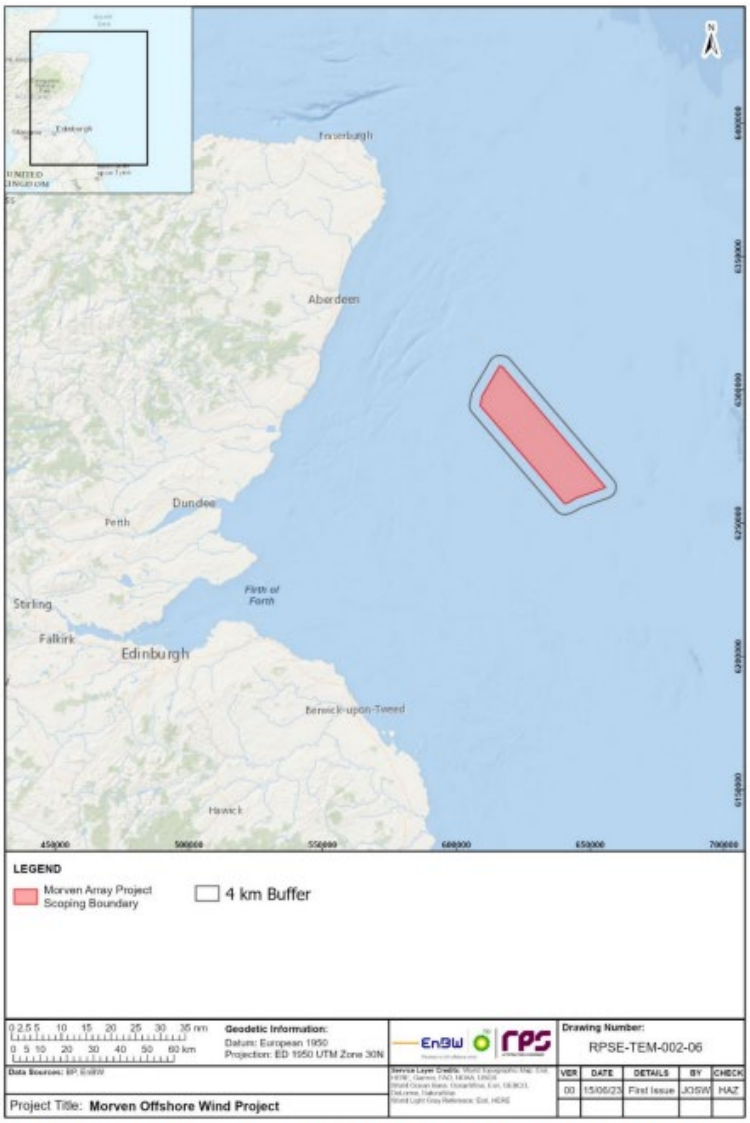
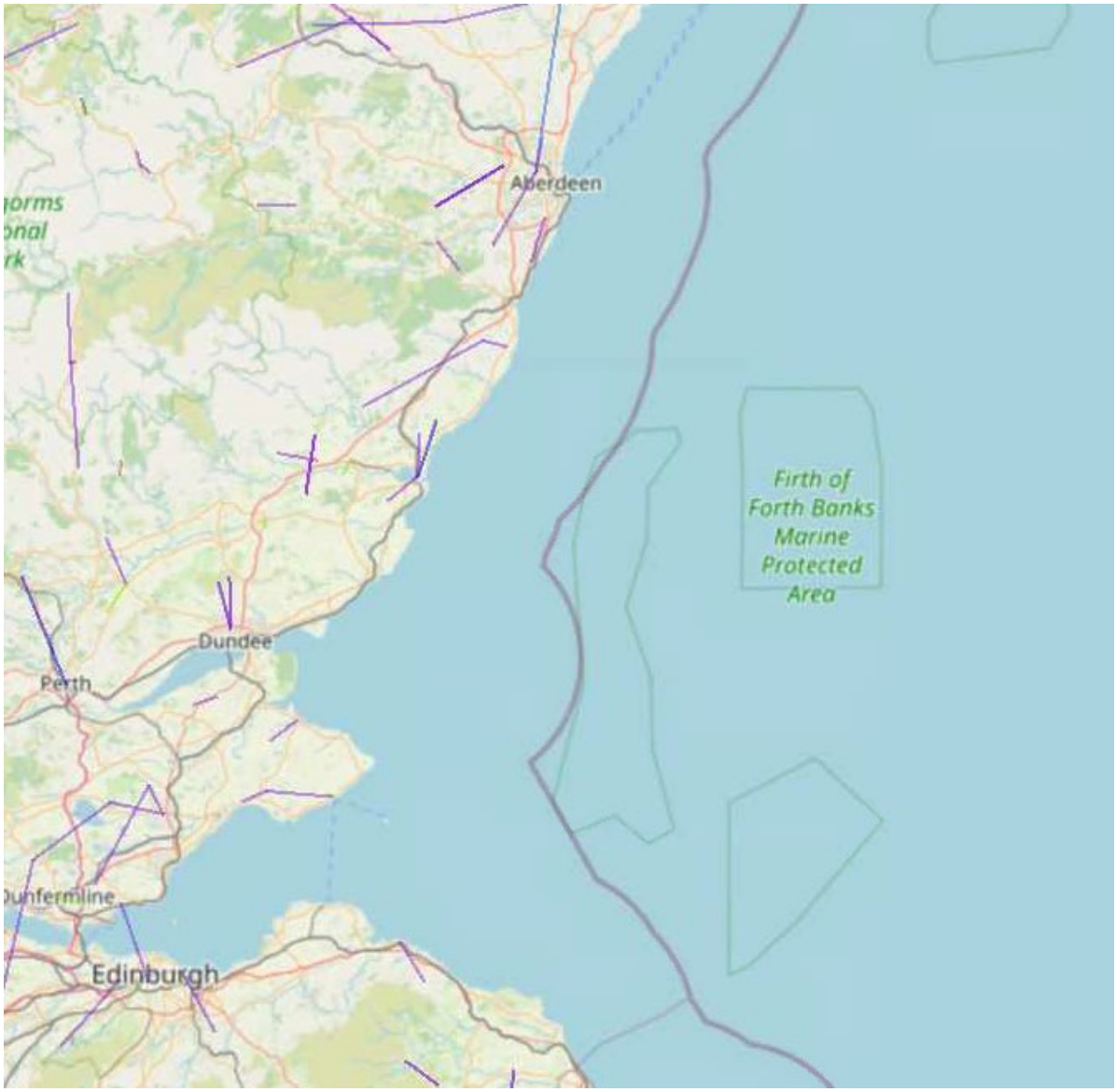


Figure 8.22: Offshore Ornithology Study Area for the Array Project comprising the Scoping Boundary and 4km buffer



Please note this refers to BT Radio Links only, you will need to contact other providers separately for information relating to other supplier links / equipment.

Please direct all queries to radionetworkprotection@bt.com
BT requires 100m minimum clearance from any structure to the radio link path. If there is any onshore element to this Windfarm or the proposed location of the offshore site boundary changes please let us know and we can reassess this for you.

Regards

Debra Baldwin
National Radio Planner
Network Planning

BT Group

From: MS.MarineRenewables@gov.scot < >
Sent: Thursday, July 27, 2023 12:35 PM
To: MS.MarineRenewables@gov.scot
Cc: Lauren.Cowan@gov.scot; Rebecca.Bamlett@gov.scot; Debbie.England@gov.scot
Subject: WID13165 SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Good Afternoon,

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATION FOR THE MORVEN OFFSHORE WIND FARM LOCATED APPROXIMATELY 60KM OFF THE ABERDEENSHIRE COAST

REGULATION 12 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
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SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – 60km off the Aberdeenshire coast

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The scoping report submitted by the applicant can be found at: Scoping Report – Morven Offshore Wind Farm Array Area – July 2023 | Marine Scotland Information

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment ("EIA") Report to be submitted by the applicant with its proposed section 36 consent and marine licence application, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

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In addition, Morven Offshore Wind Limited has submitted a Habitats Regulations Appraisal ("HRA") Screening Report. The HRA Screening Report provides information to enable the screening of the Morven Offshore Wind Farm with respect to its potential to have a likely significant effect on European sites of nature conservation importance.

The HRA Screening Report can be found at: HRA Screening Report – Morven Offshore Wind Farm Array Area – July 2023 | Marine Scotland Information

We would appreciate any comments you may have on the HRA Screening Report and your

opinion as to whether or not you are in agreement with the European sites identified.

Please submit your response electronically to ms.marinerenewables@gov.scot by **24 August 2023**. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a “nil return” response.

Please be advised that this consultation request relates to the proposed section 36 consent and marine licence application for the array area only and not the offshore transmission or onshore elements of the works.

Many thanks,

Anna

Anna Shenton (She/Her)
Marine Licensing and Consenting Casework Officer, Licensing Operations Team, Marine Directorate
Scottish Government | Atlantic Quay | Glasgow | G2 8LU
M: [Redacted]
E: anna.shenton@gov.scot

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City of
Edinburgh
Council

From: Keith Miller
To: MS Marine Renewables
Subject: FW: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023
Date: 23 August 2023 14:27:43
Attachments: image001.png
image002.png
Importance: High

Good Afternoon,
Thank you for your email. The scoping report relates to Morven wind farm approximately 60km off the coast of Aberdeenshire. As a result, the Council does not have any comments to make.
Kind regards
Keith

Keith Miller | Senior Planning Officer | Development Planning | Planning & Building Standards | Sustainable Devt | Place Directorate | The City of Edinburgh Council | Waverley Court, Level G3, 4 East Market Street, Edinburgh, EH8 8BG |
keith.miller@edinburgh.gov.uk | www.edinburgh.gov.uk
You can access our services at www.edinburgh.gov.uk/planning-building and follow the Planning Edinburgh blog for updates on our service.

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>
Sent: Thursday, July 27, 2023 12:35 PM
To: MS.MarineRenewables@gov.scot
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Subject: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

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REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2007
(collectively referred to as the "EIA Regulations")

SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – 60km off the Aberdeenshire coast

In respect of the proposed marine licence application for the above works (under the Marine and Coastal Access Act 2009) and the section 36 consent application (under the Electricity Act 1989), Morven Offshore Wind Limited has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under the above EIA Regulations.

The scoping report submitted by the applicant can be found at: Scoping Report – Morven Offshore Wind Farm Array Area – July 2023 | Marine Scotland Information

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment ("EIA") Report to be submitted by the applicant with its proposed section 36 consent and marine licence application, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

HABITATS REGULATIONS APPRAISAL SCREENING REPORT

In addition, Morven Offshore Wind Limited has submitted a Habitats Regulations Appraisal ("HRA") Screening Report. The HRA Screening Report provides information to enable the screening of the Morven Offshore Wind Farm with respect to its potential to have a likely significant effect on European sites of nature conservation importance.

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We would appreciate any comments you may have on the HRA Screening Report and your opinion as to whether or not you are in agreement with the European sites identified.

Please submit your response electronically to ms.marinerenewables@gov.scot by **24 August 2023**. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a "nil return" response.

Please be advised that this consultation request relates to the proposed section 36 consent and marine licence application for the array area only and not the offshore transmission or onshore elements of the works.

Many thanks,

Anna

Anna Shenton (She/Her)
Marine Licensing and Consenting Casework Officer, Licensing Operations Team, Marine Directorate
Scottish Government | Atlantic Quay | Glasgow | G2 8LU
M: [Redacted]
E: anna.shenton@gov.scot

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Dundee City
Council

From:	Alistair Hilton
To:	MS Marine Renewables
Subject:	RE: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023
Date:	31 July 2023 13:04:42
Attachments:	image001.png

Thank you for your email. I can advise that Dundee City Council has no comment on the EIA scoping report or HRA screening.

Alistair Hilton
Principal Planning Officer

From: planning <planning@dundeecity.gov.uk>
Sent: Thursday, July 27, 2023 12:43 PM
To: Alistair Hilton <alistair.hilton@dundeecity.gov.uk>
Subject: FW: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Hi Alistair

Please see the email below.

Regards

Siobhan

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>
Sent: 27 July 2023 12:35
To: MS.MarineRenewables@gov.scot
Cc: Lauren.Cowan@gov.scot; Rebecca.Bamlett@gov.scot; Debbie.England@gov.scot
Subject: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Good Afternoon,

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATION FOR THE MORVEN OFFSHORE WIND FARM LOCATED APPROXIMATELY 60KM OFF THE ABERDEENSHIRE COAST

REGULATION 12 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2007
(collectively referred to as the "EIA Regulations")

SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – 60km off the Aberdeenshire coast

In respect of the proposed marine licence application for the above works (under the Marine and Coastal Access Act 2009) and the section 36 consent application (under the Electricity Act 1989), Morven Offshore Wind Limited has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under the above EIA Regulations.

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Please submit your response electronically to ms.marinerenewables@gov.scot by **24 August 2023**. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a "nil return" response.

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Many thanks,

Anna

Anna Shenton (She/Her)
Marine Licensing and Consenting Casework Officer, Licensing Operations Team, Marine Directorate
Scottish Government | Atlantic Quay | Glasgow | G2 8LU

M: [Redacted]
E: anna.shenton@gov.scot

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East Lothian
Council

East Lothian Council

Our ref: CONSGOV/MS/Morven/Scoping 2023

Your Ref: SCOP-0028

Date: 24 August 2023

Monica Patterson
EXECUTIVE DIRECTOR
(SERVICES FOR COMMUNITIES)

John Muir House
Haddington
East Lothian
EH41 3HA
Tel 01620 827827
Fax 01620 824295

Sent via email to MS.MarineRenewables@gov.scot
Cc Lauren.Cowan@gov.scot; Rebecca.Bamlett@gov.scot; Debbie.England@gov.scot

Dear Marine Scotland,

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATION FOR THE MORVEN OFFSHORE WIND FARM LOCATED APPROXIMATELY 60KM OFF THE ABERDEENSHIRE COAST

I refer to your request of 27 July 2023 for the response of this Council to the above Scoping Request. You requested our views by 24 August. This letter comprises our response.

Description of Development

This Scoping Request relates to a windfarm 60km of the coast of Aberdeenshire, over 80km from East Lothian. A Rochdale Envelope approach has been taken as necessary information on site conditions and the outcome of a procurement process is not yet available. This is standard practice. The key components are likely to include up to 191 wind turbines of a maximum height of 390m, and rotor diameter of 350m, with interarray cables and up to 11 offshore substation platforms.

Relationship with grid connection information
Para 1.1.1.4 notes that the applicant will seek to consent the Projects generation and transmission aspects separately. Therefore, the means of connection to the electricity grid is not included in the description. The Scoping Report states that EIAs are being progressed for both aspects. The council considers the grid connection is an essential component of the windfarm and that information on the grid connection must therefore be included within the description of the project. If two separate EIA Reports are prepared for the onshore and offshore works, there should be a clear link between the EIA information for the grid connection and that for the windfarm, so that the public can fully understand the impacts of the whole project.

It is not clear to which local authority/authorities the onshore application would be made to – given the location of this particular wind farm it may be Aberdeenshire and / or East Lothian as there looks to be proposals for the 'Eastern Link 2' in some of the plans, which appears to land in East Lothian, or perhaps in some other way. Completely separating out the off-shore and on-shore works is problematic in many respects as clearly, one would not be delivered without the other.

Transport
The operational phase of the windfarm is unlikely to have an impact on the transportation network within East Lothian. With regards to the construction and decommissioning phase, this would involve interaction with a major nearby port and potential for some associated road trips for materials to and from that port – whilst there is no major port in East Lothian, there is the possibility of construction traffic routing through the county's roads to access one of the major Firth of Forth

ports and therefore this should be considered in the assessment and East Lothian Council would ask to be kept informed of this.

Climate change

There will be emissions associated with the project, which are proposed to be assessed balanced against emissions savings in comparison to position without the project (section 9.8.5.5.). A Life cycle calculation based on published Environmental Product Declarations is suggested, though the method for calculating emissions from sea bed change is not entirely clear. This would give an estimate of total emissions of the project as proposed. This would then be compared against the carbon intensity of the alternative grid average and the displaced marginal generation source (i.e, what would supply the grid in the absence of the project). This is a reasonable approach as undoubtedly demand for electricity will increase. The Scoping Report recognises (paragraph 9.8.5.4) that the carbon intensity of baseline generation is likely to reduce over time. The calculation is therefore likely to be different depending on when the scheme is built. This should be recognised in the information provided. The greenhouse gas emissions of the means of connection should be included in the calculation, not considered as cumulative or separate.

However, the potential for differences between methods of construction, design (for example more small turbines or fewer, larger turbines) or choice of turbine should also be included. This will allow the decision maker to understand not only the impact of the scheme overall but also the climate emissions impact of choices that are made on the details of design, location and construction method.

Table 9.28 shows the impacts Scoped in, which includes the vulnerability of the Array to climate change during the operational phase. The baseline environment conditions will be based on UKCP18 marine report, and the UK Climate Risk Independent Assessment. This should be augmented by up-to-date information. Table 9.29 Scopes out the vulnerability of the Array to climate change during construction and decommissioning. The construction phase is not considered lengthy enough for significant climate change risk to occur. However, the decommissioning phase is considerably further away in time. Whether there could be significant effects in that time period should be kept under review during the preparation of the EIA (recent reporting suggests an unexpected heating of the North Atlantic, for example, see Ocean temperature maps show where waters are extraordinarily hot this summer - The Washington Post).

It is not uncommon for wind to come to East Lothian from the north east where the project lies. If there is the potential for the project to result in changes to precipitation onshore, either an increase or a decrease, including cumulatively with other wind turbine development, this should be considered. If there is such as change, it could have impacts on receptors including biodiversity and population through effects on levels of outdoor recreation and viability of crop and plant growth. Consideration of this aspect should take predicted climatic changes over the lifetime of the project into account.

Health

The Scoping Report considers health impacts (Section 9.1). It proposes to Scope out Community identity, culture, resilience and influence. This topic includes those from the visual impact of offshore activity. Although this project is at some distance from East Lothian, the cumulative visual impact of wind turbines 'as far as the eye can see' from most places a person can look out to sea from the east coast may change how people feel about their relation to place, and some may experience this change as a loss. Although this is not an issue for just this windfarm, the potential for cumulative impact should be recognised under this topic.

The Scoping Report considers impacts on fishing. Fish is a healthy food that is becoming increasingly expensive which affects people on lower incomes especially. The Scoping report on page 307 notes that changes are not considered likely to affect the availability or price of food to a degree that could affect population health. No further information has been given on this however so the council is not sure on what basis this has been scoped out.

The health section does not consider either way whether there is any potential for contaminants from the windfarm to enter the human food chain, although the impact of accidental spillage is scoped out under 'water' and others due to the mitigation of a MCMP and others. It would be reassuring to know if this has been considered.

Biodiversity
The council values the bird life and marine mammals that visit and are visible from our shores, including those of the Forth Islands, Firth of Forth and Outer Firth of Forth and St Andrews Bay Complex Special Protection Areas. We defer to and support the expertise and views of NatureScot on the studies required for this matter.

The proposal is at some distance from East Lothian and it is therefore unlikely that a water pollution event, including a collision of say an oil tanker would affect our shores, or recreational users from our area. It could potentially affect birds or marine mammals which also visit our area though, and so we welcome the development to the Marine Pollution Contingency Plan (and other measures) as part of the designed in measures, which should help avoid and tackle water pollution incidents.

Material assets
East Lothian does have some commercial fishing vessels, though these mainly fish inshore. The Scoping Report notes as a designed in measure participation in the Forth and Tay Commercial Fisheries Working Group and liaison with Fisheries Industries Representatives. They should be consulted for their views on the Scoping Report, if they have not been already. We support the inclusion of the items listed in Table 9.4 in the EIAR although we expect the effect on East Lothian's commercial fisheries to be limited.

Landscape

The Scoping Report does not give enough information for us to understand if the project can be seen from East Lothian or not. We requested this information but the applicant has been unable to supply it. The ZTV produced only covers the study area chosen, where NatureScots "Visual Representation of Windfarms: Guidance" suggests that an initial ZTV should be used to inform the choice of study area.

This Guidance also gives distances that should be considered for study areas for different heights of turbine, the largest being 45 km for a 150+ turbine. It further notes that greater distances may need to be considered for the larger turbines used offshore. The turbines of this proposals are more than twice the size of the largest size specifically considered. In offshore areas as there is no intervening topography there are no, or few, distractions from intervening landscape as there is onshore.

If the proposals is visible, this could bring a change in view from a seascape including turbines but surrounded still by expanse of sea, to one with turbines as far as the eye can see. If the turbines are visible we would therefore request a wireline from the viewpoint at the top of North Berwick Law, which should show the worst case from East Lothian. It is also in itself a popular and well used viewpoint with wide views in all directions. There is a viewpoint indicator at NT55638422 which we

would suggest for this. If the turbines are not visible from East Lothian a statement to this effect should be included.

The Scoping Report states that lighting of turbines will be discussed with consultees post-application. If hubs are visible from East Lothian which would potentially be lit we do not consider this acceptable as lighting can be one of the more significant visual impacts of windfarms. As a Rochdale Envelope approach is being used the worst case scenario for lighting should be considered through EIAR.

Our views are given solely for the purpose of determining what information should be included in the EIAR for this project, and are made without prejudice to any position the Council may take on any related applications.

If you would like to discuss the contents of this response, please contact in the first instance J Squires via email at jsquires@eastlothian.gov.uk .

Yours sincerely,

[Redacted]

Keith Dingwall
Planning Service Manager
Development
Communities

East Lothian Council Follow-Up

From:	Squires, Jean
To:	MS Marine Renewables
Cc:	Lauren Cowan; Rebecca Bamlett; Debbie England
Subject:	RE: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023
Date:	19 September 2023 17:57:58
Attachments:	image001.png

Dear Lauren,
I'm sorry for not getting back to you by the date you requested. Thank you for sending us the wirelines.
From these wirelines, views of the proposal is predicted from this viewpoint, which has open views which will not be obscured by buildings or vegetation. As you can see the turbines – we were not entirely clear if this is the hubs, which could potentially be lit, or the blades only – we would ask that consideration is given to the viewpoint shown in the wireline as part of the LVIA. We do not expect the impact from East Lothian, which is probably largely confined to the viewpoint at North Berwick Law, to be significant were the other windfarms proposed for the area built and in existence throughout the life of the project. However, it is possible that this windfarm could be there on its own for some of its life, or with only windfarms which are not seen directly in front of it from North Berwick Law. In that case, we think that although probably not significant on its own, this viewpoint should be considered as part of the overall landscape and visual impact of the proposal, especially as the proposal is seen directly behind the Bass Rock, which is one of the main views from North Berwick Law. We would therefore request that this viewpoint be included in the LVIA.
A wireframe such as has been provided would be adequate.
Regards,
Jean

J Squires
Planner, Policy and Projects
Work pattern: Monday - Friday but not Friday p.m.

Email and skype: jsquires@eastlothian.gov.uk
Write or visit: Planning Service, East Lothian Council, John Muir House, Haddington, EH41 3HA
Phone (direct line): 01620 827370
Phone (switchboard): 01620 827827
Website: www.eastlothian.gov.uk/localplan

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>
Sent: 06 September 2023 08:56
To: Policy & Projects <policyandprojects@eastlothian.gov.uk>
Cc: Lauren.Cowan@gov.scot; Rebecca.Bamlett@gov.scot; Debbie.England@gov.scot; Squires, Jean <jsquires@eastlothian.gov.uk>
Subject: RE: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Dear Jean,

I hope you are well.

Thank you very much for providing East Lothian Council's response to this consultation. The prospective applicant has now provided wirelines relating to the Morven Array as modelled from the top of North Berwick Law, both alone and cumulatively. Please find these attached here.

If East Lothian Council wishes to provide an updated response to the consultation in light of this new information, MD-LOT is able to grant an extension to 14 September on this occasion. Please let me know if you intend to provide an updated response.

Kind regards,

Lauren

Lauren Cowan (she/her)
Marine Licensing and Consenting Casework Officer, Licensing Operations Team, Marine Directorate
Scottish Government, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU
M: [Redacted]
E: lauren.cowan@gov.scot

The Scottish Government

From: Policy & Projects <policyandprojects@eastlothian.gov.uk>
Sent: Thursday, August 24, 2023 8:18 PM
To: MS Marine Renewables <MS.MarineRenewables@gov.scot>
Cc: Lauren Cowan <Lauren.Cowan@gov.scot>; Rebecca Bamlett <Rebecca.Bamlett@gov.scot>; Debbie England <Debbie.England@gov.scot>
Subject: RE: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Dear Marine Scotland
Please find attached our response on the above,
Regards
Jean

J Squires
Planner, Policy and Projects
Work pattern: Monday - Friday but not Friday p.m.

Email and skype: jsquires@eastlothian.gov.uk

Write or visit: Planning Service, East Lothian Council, John Muir House, Haddington, EH41 3HA
Phone (direct line): 01620 827370
Phone (switchboard): 01620 827827
Website: www.eastlothian.gov.uk/localplan

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>
Sent: 27 July 2023 12:35
To:
Cc: Lauren.Cowan@gov.scot; Rebecca.Bamlett@gov.scot; Debbie.England@gov.scot
Subject: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Good Afternoon,

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATION FOR THE MORVEN OFFSHORE WIND FARM LOCATED APPROXIMATELY 60KM OFF THE ABERDEENSHIRE COAST

REGULATION 12 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
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We would appreciate any comments you may have on the HRA Screening Report and your opinion as to whether or not you are in agreement with the European sites identified.

Please submit your response electronically to ms.marinerenewables@gov.scot by **24 August 2023**. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a "nil return" response.

Please be advised that this consultation request relates to the proposed section 36 consent and marine licence application for the array area only and not the offshore transmission or onshore elements of the works.

Many thanks,

Anna

Anna Shenton (She/Her)
Marine Licensing and Consenting Casework Officer, Licensing Operations Team, Marine Directorate
Scottish Government | Atlantic Quay | Glasgow | G2 8LU
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E: anna.shenton@gov.scot

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Edinburgh
Airport

From:	Safe Guarding
To:	MS Marine Renewables
Cc:	Safe Guarding
Subject:	Scoping Consultation - Morven Offshore Wind Farm
Date:	02 August 2023 14:05:47
Attachments:	image001.png

Good afternoon,

In respect of the above, I can confirm the location of this development falls out with our Aerodrome Safeguarding zone for Edinburgh Airport therefore we have no objection/comment.

With best regards,
Claire

Claire Brown
Aerodrome Safeguarding & Compliance Officer

Edinburgh Airport
Where Scotland meets the world

Our values

t: +44 (0)131 344 3845 m: [Redacted]
www.edinburghairport.com

Edinburgh Airport Limited
Room 3/54, 2nd Floor Terminal Building
EH12 9DN, Scotland

Fife Council

From:	Martin Mcgroarty
To:	MS Marine Renewables
Cc:	Lauren Cowan; Rebecca Bamlett; Debbie England
Subject:	23/02094/CON - SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation
Date:	10 August 2023 10:48:55

FAO Anna Shenton

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATION FOR THE MORVEN OFFSHORE WIND FARM LOCATED APPROXIMATELY 60KM OFF THE ABERDEENSHIRE COAST

REGULATION 12 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2007
(collectively referred to as the "EIA Regulations")

Good morning Anna, thank you for the above consultation.

Having examined the submitted Scoping Report for the Morvern OWF, I can confirm that Fife Council has no substantive comment to make on the detail of the Report.

As ever, we would encourage the developer/Marine Scotland to ensure that the East Coast fishing fleet is fully consulted on the proposal. and that the expert advice of NatureScot is followed in assessing the Scoping Report.

Kind regards,
Martin

Martin McGroarty
Lead Professional (Minerals)
Development Management
Planning Services
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Fife House
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KY7 5LT

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LISTEN | CONSIDER | RESPOND

Fisheries Management Scotland

Fisheries Management Scotland

T: +44 (0)131 221 6567

E: alan@fms.scot

Marine Directorate Marine Renewables (by e-mail)

28 August 2023

SCOP-0028 – Morven Offshore Wind Farm – Scoping Consultation

Dear Sir/Madam,

Fisheries Management Scotland is the representative body for Scotland's District Salmon Fishery Boards, the River Tweed Commission and charitable Rivers and Fisheries Trusts. Our members work to conserve Scotland's valuable and iconic wild salmon and freshwater fish and fisheries and the aquatic environment on which they depend.

We recognise the importance of reducing CO_2 emmissions of offshore energy assets. However, there remain a number of outstanding questions and concerns about the potential negative effects of the proposed development on diadromous fish, including Atlantic salmon and sea trout.

District Salmon Fishery Boards have a statutory duty to protect and improve salmon and sea trout fisheries. In assessing marine developments, it is important that DSFBs and Fisheries Trusts, can be assured that all potential negative impacts have been assessed in full, and mitigations put in place. Where uncertainty remains, the developer should be required to contribute to research which will help fill these evidence gaps, ***as a condition of operational consent***. In addition, and in the light of the nature crisis, we believe that all developers should contribute to projects designed to conserve and restore important habitat at a catchment scale.

Across Scotland, wild salmon populations are in crisis, and face a range of pressures, some of which are under human control. The Scottish Government have published a wild salmon strategy and implementation plan, which sets out the actions to be taken over a five year period to 2028. The implementation plan includes a number of actions under the heading of understanding and mitigating pressures in the marine and coastal environment.

Where salmon populations are below their conservation limits, any additional pressure, including from marine developments, cannot be considered sustainable. Scottish salmon rivers are categorised by the Scottish Government under The Conservation of Salmon (Scotland) Regulations 2016, according to the likelihood of them meeting their conservation limits. The most recent river gradings have been published for 2023. There are now 113 rivers across Scotland graded as Category 3, meaning there is a less than 60% probability of meeting their conservation limit. Grade 3 rivers of relevance to the proposed development include the Ugie, Ythan, Don, Cowie Water and Carron Water (both Dee District).

There are 17 Special Areas of Conservation for Atlantic salmon. For sea lamprey, there are six SAC sites and for river lamprey, there are six SAC sites. For freshwater pearl mussel, there are 19 SAC sites. The SACs that we consider relevant to the proposed development are listed below.

- River Spey SAC (Salmon, Sea Lamprey and Freshwater Pearl Mussel)
- River Dee SAC (Salmon and Freshwater Pearl Mussel)
- River South Esk SAC (Salmon and Freshwater Pearl Mussel)
- River Tay SAC (Salmon, Sea Lamprey and River Lamprey)
- River Teith SAC (Salmon, Sea Lamprey and River Lamprey)
- River Tweed SAC (Salmon, Sea Lamprey and River Lamprey)

Whilst there is often a focus on rivers designated at Special Areas of Conservation (SACs), it is important to recognise that the drivers behind declines in wild salmon and sea trout, and other species of migratory fish, affect **all** rivers to a greater or lesser extent. On that basis, and in recognition that the marine phases of both Atlantic salmon and sea trout are included on the list of Priority Marine Features - the habitats and species of *greatest conservation importance* in inshore waters, it is important that the following rivers are also fully considered in the consenting and assessment process.

- River Deveron
- River Ugie
- River Ythan
- River Don

Under Scottish Marine Energy Research (ScotMER), the Diadromous Fish Receptor Group has identified evidence gaps related to the health, distribution, and impacts on Diadromous fish (salmon, sea trout, etc.). Scottish Government has published an 'evidence map' (available for download at the above link) which identifies and scores these evidence gaps according to a specific prioritisation process. It is important that the relevant evidence gaps are considered in full by the applicant, and developers should *contribute* to filling these evidence gaps as a **specific condition of consent**.

In order to properly assess Environmental Statements for developments, information on the use of the development area by diadromous fish should be provided. If such information is lacking then a suitable monitoring strategy should be devised, either for the site in question or through contributing to strategic projects undertaken through ScotMER. Any monitoring strategies must include pre-construction monitoring in order that baseline information on movement, abundance, swimming depth, feeding behaviour etc. can be collected.

Offshore developments have the potential to directly and indirectly impact diadromous fish. We would therefore expect developers to assess and, where necessary, mitigate the potential impacts of the development. These potential impacts have been highlighted through ScotMER, and include:

- Avoidance (including exclusion from particular rivers and subsequent impacts on local populations);
- Disorientation effects that could potentially affect behaviour, susceptibility to predation or by-catch; and
- Impaired ability to locate normal feeding grounds or river of origin; and delayed migration

The following issues should therefore be considered in full, including consideration of new research where information is lacking:

i. Subsea noise and vibration effects during construction

This includes noise associated with horizontal directional drilling and installation of rock armour on cable routes. Avoidance of such activities during key life stages, such as the smolt run, should be considered as a mitigation measure.

ii. Electromagnetic fields (EMFs) arising from cabling

Electromagnetic fields from subsea cables have the potential to interact with European eels and possibly salmonids if their migration or movement routes take them over sub-sea cables. The Earth's magnetic field is a cue used for migration, so anything that interferes with this signal is an important consideration. All cables should be buried to at least a depth of 1.5m where possible, or covered with rock armour to an equivalent depth where burial is not possible. We are aware that Marine Scotland Science have undertaken some research to investigate electro-magnetic force impacts on adult and post smolt salmon and European eels. Whilst for salmon this work did not demonstrate any significant response to the magnetic field in terms of alarm, avoidance, accelerated or decelerated swimming, it did not provide any information on interference with the salmon's ability to detect and utilise the Earth's magnetic field.

iii. Disturbance or degradation of the benthic environment (including secondary effects on prey species)

It is important to ensure that such effects are quantified and assessed in the Environmental Statement. Particular consideration should be given to potential effects on important habitats for feeding and shelter for the marine phase of sea trout (a priority marine feature) and any area that might impact early feeding opportunities for all diadromous species.

iv. Aggregation effects

Construction of wind turbines often result in the loss of some habitat types (such as soft sediment) and creation of new, artificial vertical habitats. The associated increase in species diversity can attract fish and ultimately predators. The potential for these structures to aggregate predators, and act as predation 'hot-spots', particularly when located in marine areas utilised by diadromous fish for feeding or migration, should be assessed in full. This is an important consideration in the case for seals, and some species of birds. We do not consider that the scoping report has adequately recognised the potential for new hard substrates to act as a fish aggregating device, and potentially attract larger predators, nor has it considered the impact of those predators on species passing through the development. The secondary impact of predators on diadromous fish should be fully considered in the EIA.

v. Visual effects

Moving turbine blades above the surface of the water may have a range of effects on diadromous fish and may even present a potential barrier effect to migratory species. Moving turbine blades will be visible to fish over large areas near offshore windfarms, particularly in the case of epipelagic species like salmonids, which swim near the ocean surface. Broad visual effects can be direct (those associated with the perception of reflected light from turbines via the visual image represented in Snell's window - a phenomenon by which an underwater viewer sees everything above the surface through a cone of light of width of about 96 degrees). Flicker effects from turbines are only expected to occur during the brief period of the day when receptor, turbine and sun are aligned, and therefore represent a sub-set of the larger potential effects arising from direct perception of movement above the surface. As fish are susceptible, and therefore highly sensitive, to predation from above, how they perceive and react to such movement requires further investigation.

Previous attempts to explore this phenomenon[1] have focussed on shadow flicker, and neglect the wider effects detailed above. There is currently no information on the risk of visual effects of moving turbine blades. However, we would highlight that there is accumulating evidence for widespread avoidance of offshore turbines by large-bodied birds. If this is the case for migratory fish, then site-specific and cumulative impact studies will be required. This potential impact should be scoped into the EIA.

On a wider point, table 8.12 does not appear to propose anything more than a desk-based study to consider these potential impacts. We do not consider that this is appropriate or sufficient, given the evidence gaps identifies in the ScotMER Diadromous Fish Receptor Group. As I dentified above, we expect developers to be required to contribute to research which will help fill these evidence gaps, ***as a condition of operational consent***.

Conclusion

As stated above, Fisheries Management Scotland recognises the importance of offshore renewable energy. However, where a Natura site is involved, and in the context if the wild salmon crisis, the onus is on the developer to demonstrate no impact and in the absence of that the precautionary principle must apply.

We have no wish to prevent or delay any proposed development unnecessarily and we remain keen to work constructively with the developers and Marine Scotland to identify appropriate monitoring programmes which will allow us to be able to assess the acknowledged risks of this development, and other proposed developments in a more appropriate manner. There is a clear and urgent need to fund, plan and start strategic research on the movement, abundance, swimming depth, feeding behaviour and impact pathways relevant to diadromous fish. Such research would clearly feed into the potential mitigation measures that might be deemed appropriate, and the conditions under which such mitigation should be enacted. Developers should be required to work together to fund strategic monitoring, in order to allow more certainty for all involved.

The scale of proposed offshore developments and other technical approaches to marine renewables development represents a step-change in the exposure of marine animals of high cultural and economic significance to attendant risks. As highlighted above, understanding of many of these risks is insufficient to support proposals for mitigation even at this late stage when substantial developments are being submitted for licensing. The cumulative impact of this proposal alongside those developments already submitted or likely to follow in the near future is potentially even greater.

Yours faithfully,

[Redacted]

Dr Alan Wells
CEO, Fisheries Management Scotland

[1] e.g. Dodd, J.A. & Briers, R.A. (2021) The Impact of Shadow Flicker or Pulsating Shadow Effect, Caused by Wind Turbine Blades, on Atlantic Salmon (Salmo salar) CD2020_08. Scotland's Centre of Expertise for Waters (CREW). Available online with supporting documents at: crew.ac.uk/publications

Forth Ports

From:	Euan Fenelon
To:	MS Marine Renewables; Anna Shenton
Cc:	Carol Forman; Pamela Smyth
Subject:	RE: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023
Date:	09 August 2023 16:32:16
Attachments:	image002.png

Anna,

Good afternoon and thank you for inviting us to comment on these documents.

Having reviewed section 9.6 - Socio Economics - in the Scoping Report – Morven Offshore Wind Farm Array Area – July 2023 | Marine Scotland Information, we have the following feedback

In the section 9.6.2.3 the Scope includes study areas where the project will have O&M and construction activities. At present the scope includes

- City of Edinburgh;
- Aberdeen City, Aberdeenshire and Angus Council areas;
- City of Glasgow.

But does not include Dundee.

In section 9.6.5 there is an overview of the scoping areas which also does not include Dundee.

There is a good likelihood that the port of Dundee will have an active part to play during the construction phase of the project and as such it would be prudent to include Dundee and its associated stakeholders and reports in the scope of the consultation.

Our opinion is that a full evaluation of the Employment and Gross Value Added impacts associated with the construction phase of the Array Project would be better assessed with the inclusion of the City of Dundee and the Port of Dundee.

Forth Ports would request to be part of the consultation for the City of Edinburgh and City of Dundee from a ports point of view.

Forth Ports has no feedback on the HRA screening report.

Regards

Euan Fenelon | Director Of Forth Projects | Forth Ports

Port Of Dundee | Stannergate Road | Dundee | DD1 3LU

M: [Redacted] | https://forthports.co.uk

From: MS.MarineRenewables@gov.scot [mailto:MS.MarineRenewables@gov.scot]
Sent: 27 July 2023 12:35
To: MS.MarineRenewables@gov.scot
Cc: Lauren.Cowan@gov.scot; Rebecca.Bamlett@gov.scot; Debbie.England@gov.scot
Subject: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Good Afternoon,

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATION FOR THE MORVEN OFFSHORE WIND FARM LOCATED APPROXIMATELY 60KM OFF THE ABERDEENSHIRE COAST

REGULATION 12 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2007
(collectively referred to as the "EIA Regulations")

SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – 60km off the Aberdeenshire coast

In respect of the proposed marine licence application for the above works (under the Marine and Coastal Access Act 2009) and the section 36 consent application (under the Electricity Act 1989), Morven Offshore Wind Limited has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under the above EIA Regulations.

The scoping report submitted by the applicant can be found at: Scoping Report – Morven Offshore Wind Farm Array Area – July 2023 | Marine Scotland Information

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment ("EIA") Report to be submitted by the applicant with its proposed section 36 consent and marine licence application, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

HABITATS REGULATIONS APPRAISAL SCREENING REPORT

In addition, Morven Offshore Wind Limited has submitted a Habitats Regulations

Appraisal ("HRA") Screening Report. The HRA Screening Report provides information to enable the screening of the Morven Offshore Wind Farm with respect to its potential to have a likely significant effect on European sites of nature conservation importance.

The HRA Screening Report can be found at: HRA Screening Report – Morven Offshore Wind Farm Array Area – July 2023 | Marine Scotland Information

We would appreciate any comments you may have on the HRA Screening Report and your opinion as to whether or not you are in agreement with the European sites identified.

Please submit your response electronically to ms.marinerenewables@gov.scot by **24 August 2023**. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a "nil return" response.

Please be advised that this consultation request relates to the proposed section 36 consent and marine licence application for the array area only and not the offshore transmission or onshore elements of the works.

Many thanks,

Anna

Anna Shenton (She/Her)
Marine Licensing and Consenting Casework Officer, Licensing Operations Team, Marine Directorate
Scottish Government | Atlantic Quay | Glasgow | G2 8LU
M: [Redacted]
E: anna.shenton@gov.scot

Scottish Government
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****

HES

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

By email to:
ms.marinerenewables@gov.scot

Anna Shenton
Marine Licensing & Consenting Casework Officer,
Marine Scotland
Licensing Operations Team

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300063810
Your ref: SCOP-0028
24 August 2023

Dear Anna Shenton

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Morven Offshore Wind Farm - SCOP-0028
Scoping Report

Thank you for your consultation which we received on 27 July 2023 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers World Heritage Sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs). In this case, our advice also includes matters relating to marine archaeology outwith the scope of the terrestrial planning system.

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

Proposed Development
We understand that the proposed development comprises up to 191 wind turbines of maximum blade tip height of 390m above LAT plus associated support structures and foundations; up to 844km of inter-array cables and up to 751km of inter-connector cables; up to 11 offshore substation platforms (OSPs) and associated support structures and foundations.

We understand that the proposed application is not seeking consent for the transmission cables to onshore at this stage and that a separate application and scoping process will be undertaken for the transmission cables.

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

the development along with a Maximum Design Scenario. We are content that this is an appropriate approach to the assessment.

Marine Archaeology

We note that it is intended to scope out all impacts on marine archaeology from further detailed assessment. We do not agree that this is appropriate at this stage based on the information currently provided within the scoping report. It may be possible to scope out impacts on marine archaeology prior to submission of a full application and EIA Report if sufficient information can be supplied to demonstrate that significant effects can be avoided. However, based on the current information impacts on marine archaeology should be scoped into further detailed assessment in the EIA process.

The scoping report states that no pre-scoping consultation has been undertaken in relation to impacts on marine archaeology and we can confirm that we have no record of consultation on this aspect of the proposals. We have no record of the email correspondence with HES in April 2022 which is referenced in Table 5.1 of the report. We have however, previously noted in our responses to the scoping workshops that impacts on marine archaeology would likely need to be scoped into the assessment.

We understand from the scoping report that geophysical surveys which may be able to inform the assessment of impacts and effects have already been undertaken (from April to August 2022) but that these have not yet been reviewed by an appropriately experienced archaeologist (9.4.4.1). We note, however, that a preliminary assessment has already identified one previously unrecorded wreck site within the study area. Given that the geophysical surveys have not yet undergone detailed assessment it is not yet possible to know what the full potential impacts of a proposed development in the study area might be and therefore also not possible to understand whether effects on marine archaeology might be significant.

Table 9.15 provides the justification for scoping out all potential impacts on marine archaeology and references both the future production of a Marine Archaeology Technical Report and mitigation measures which will be put in place including a Written Scheme of Investigation (WSI), Protocol for Archaeological Discovery (PAD) and Archaeological Exclusion Zones (AEZs). We are content to agree that these mitigation measures may be appropriate once the baseline data for marine archaeology is fully known and the design of the proposed development is developed. At that stage it would likely be possible to understand all potential impacts, whether effects would be significant and whether these proposed mitigation measures would be sufficient and achievable to avoid significant effects.

We have previously agreed to scope out impacts on marine archaeology from the EIA process for the Berwick Bank Offshore Wind Farm. However, it should be noted that the full Marine Archaeology Technical Report complete with fully assessed geophysical

survey results and data, plus the WSI and PAD were provided to us for review and agreement prior to submission of the scoping report for that proposal. We were therefore able to fully understand both the full baseline data for the development area and the proposed mitigation measures and were able to come to a competent and appropriately supported and justified conclusion that significant effects on marine archaeology would be avoided.

Should the applicants be in a position to provide us with a similarly detailed level of information we would be happy to review any Technical Reports and mitigation proposals and reconsider whether marine archaeology can be scoped out of the EIA process. Otherwise, it will be necessary to provide that information in the EIA Report to allow the decision maker to make an informed decision on the effects of the proposed development.

We also note that it is currently proposed to scope out assessment of cumulative impacts on marine archaeology because as it is proposed to scope out effects from this project there would be low potential for cumulative effects to arise from other projects. As we cannot yet be certain of the level of effects from this project it would not yet be appropriate to assume that cumulative effects will be avoided. Similarly, it appears to be too early to scope out inter-related effects over the lifetime of the project given the current uncertainties. As above, it may be possible to scope these effects out if the detailed information required can be provided.

We therefore recommend that marine archaeology is scoped into the EIA unless the detailed assessments can be undertaken and the information in the Marine Archaeology Technical Report and associated mitigation measures can be provided and certainty around the potential impacts and effects provided in advance of submission of the application and EIA Report.

Terrestrial historic environment

We note that it is intended to scope out impacts on the setting of terrestrial historic environment assets. We are content in this case that it is appropriate to scope out impacts on the setting of terrestrial historic environment assets within our remit.

We welcome the provision of draft wirelines for a number of scheduled monuments within the appendices of the scoping report and the opportunity to review these visualisations ahead of the scoping workshops and prior to the submission of the scoping report. The draft wireframes along with the ZTVs and the supporting text in Chapter 9.7 and Appendix 11 of the scoping report provide sufficient information to understand the potential level of effect on the setting of assets within our remit. We are content to agree that given the distance to the proposed development and the scale of the development in relation to the setting of the assets that significant effects on setting are unlikely. We are

therefore satisfied that impacts on terrestrial assets within our remit can be scoped out of further detailed assessment.

Further information
Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes. Technical advice is available on our Technical Conservation website at https://conservation.historic-scotland.gov.uk/.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Victoria Clements and they can be contacted by phone on 0131 668 8730 or by email on Victoria.Clements@hes.scot.

Yours sincerely

Historic Environment Scotland

MAU

Morven Offshore Wind Farm

Marine Analytical Unit Response

The Morven Offshore Wind Farm's scoping report includes descriptions of a range of potential impacts. This response focuses only on the assessment of social and economic impacts.

We recommend that a full Socio-Economic Impact Assessment be scoped into the Environmental Impact Assessment. We provide general advice on how to deliver this at Annex 1.

1. Overview

1.1. Local study areas

The MAU understands that details of the construction and O&M ports are currently unknown, and welcomes identification of the following as relevant local impact areas (page 265, paragraph 9.6.2.3. of the report):

- City of Edinburgh;
- Aberdeen City, Aberdeenshire and Angus Council areas;
- City of Glasgow.

1.2. Data sources

Please use the most up-to-date data sources. For example, the NRS and the ONS have more up-to-date population estimates than mid-2020: 2021 data was published in August and December 2022 respectively. Furthermore, the Offshore Wind Industry Council ("OWIC") 2021 – 2026 skills survey is quoted but the 2023 skills intelligence report is available.

1.3. Stakeholder engagement and primary data collection

In the 'stakeholder engagement' section, the reports states that *'the relevant national stakeholders are expected to include the Marine Directorate's Marine Analytical Unit and economic development agencies (including Scottish Enterprise). Regional and local stakeholders are expected to include local authority economic development departments, regional economic development agencies, port authorities, business associations and supply chain groups'* (page 273, paragraph 9.6.8.22).

The MAU believes that this list of stakeholders is insufficient. Consider conducting stakeholder mapping for the assessment, this should include all the people, groups and stakeholders who may be affected by the development. Stakeholder mapping is a first step of conducting effective stakeholder engagement. A broad approach is recommended. Stakeholders are likely to include local communities, businesses, workers, other users of the sea, interest groups, community councils and so on. For example, the MAU notes absence of local communities from the current stakeholder list.

In addition to stakeholder engagement for purposes of informing stakeholders about the development, the MAU would encourage the developer to conduct primary data collection with identified stakeholders in order to assess how potential socio-economic changes might impact particular stakeholder groups.

Stakeholder engagement and primary data collection are different activities with different aims. We would expect to see the collection of primary social data to provide evidence upon which to base the assessment. Stakeholder mapping would be required for both. In other words, the MAU stresses the importance of employing not only desk-based methods to complete the analysis, but also do social research and collect primary data. This could be organised in a form of focus groups with communities and stakeholders representing different organisations and sectors likely to be affected by the development. Focus groups could explore stakeholders' and communities' responses to different types of socio-economic impacts (including potential economic impacts).

Consider hiring a social scientist to design a qualitative primary research study with communities to supplement desk-based research.

The MAU expects to see methodologies that were used to conduct primary research with stakeholders in the EIA license application. This should include description of: how locations were chosen, sampling considerations, methods to collect data, how data was recorded, how data was analysed, how ethical considerations were addressed.

2. Scoping of impacts

2.1. Economic impacts

We broadly agree with the scoping report's proposed approach for assessing economic impacts (page 272, paragraph 9.6.8.6.). It is welcomed that the assessment will include direct, indirect and induced impacts and take account of deadweight, leakage, displacement and substitution. The inclusion of sensitivity analysis to account for risk, uncertainty and optimism bias is also welcomed.

The proposed approach to assess employment impacts in terms of years of employment and jobs seems appropriate. If it is possible to supply additional information about the types of jobs that are expected to be created (e.g. part-time,

full-time, skilled) and how these compare to the existing jobs in the study area, this will add further depth to the analysis.

We expect to see a detailed description of the methodology used to assess economic impacts in the EIA, including specific details about the methodological approach taken and any key assumptions that underpin any estimates. This may be supplied in a technical annex if necessary.

2.2. Scoping of social impacts

The MAU notes that the following potential impacts were scoped into the assessment (Table 9.23 on page 270 of the scoping report):

- Employment and GVA;
- Demand for housing and other services;
- Changes to visitor behaviour;
- Changes to commercial fisheries;
- Changes to shipping and marine recreation.

The MAU notes that some impacts identified in the MAU general advice (see Annex below), such as socio-cultural (referred to as 'community identity, culture, resilience and influence' in the scoping report) and distributional impacts, have been scoped out, or have not been mentioned at all (page 307, Table 9.36). 'Transport modes, access, and connections' have also been scoped out. The report states that transport links and infrastructure in the proposed locations are generally good and so no impacts are anticipated. Nonetheless, the increased use of these transport modes could lead to an increase in traffic congestion, reduced road quality etc. which could be disruptive for local populations. Please scope in these impacts.

Please also scope in potential impacts identified by stakeholders and communities during primary data collection exercise described above.

The MAU welcomes scoping in of human health (page 303, paragraph 9.10.2.2.).

3. Conclusions

The MAU broadly agrees with the scoping report's proposed approach for assessing economic impacts. With regards to social impacts, the MAU disagrees with scoping out of socio-cultural impacts. Please also scope in distributional impacts and impacts identified by stakeholders and communities. Please conduct primary data collection with stakeholders and communities, and explain the methodological choices (how data from stakeholders and communities was collected and analysed) in the EIA application. Stakeholder mapping is necessary for the assessment. We would like to encourage the developer to be transparent with regards to their methodological choices. This information will help the MAU understand whether social impacts have been adequately assessed. Please hire a social researcher with qualitative research expertise to collect primary data from communities to understand their responses to potential socio-economic changes resulting from the development.

Annex 1: General Advice for Socio-Economic Impact Assessment Marine Analytical Unit, December 2022

This document sets out some suggestions for delivering socio-economic impact assessment drawing on the professional expertise of the Marine Analytical Unit.

Section 1. Some general best practice tips

- Take a proportionate approach to SEIA in line with the size and generating capacity of the development
- Consider offshore and onshore components of the development in the same assessment.
- Employ experts to design and carry out the assessment. The relevant expertise would include:
    - Social research and economist training, qualifications and experience
    - Familiarity and experience with appropriate methods for each discipline (including economic appraisal, social research methods such as surveys, sampling, interviews, focus groups and participatory methods)
- Consider potential secondary socio-economic impacts of any changes the affect the other relevant receptor groups covered in the wider EIA e.g. commercial fisheries, cultural heritage and archaeology and visual impacts.
- Include consideration of the cumulative impact of multiple offshore developments.
- Outline the rationale for scoping out impacts that are deemed to be minimal, including any evidence or analysis that has been used. If this is not provided it can be difficult for MAU to understand why impacts have been scoped out and we may suggest scoping them back in.

Section 2. Key components of a Socio-economic Impact Assessment

We set out below what we consider to be the key steps to an assessment. We recommend a combined approach so that social and economic impacts are covered together in the assessment, whilst acknowledging that different methodologies for social and economic impacts assessment are needed at certain stages, and that the two disciplines are distinct.

We wish to highlight the importance of stakeholder engagement throughout the assessment, and the use of social research methods to gather primary data and first hand perspectives from particular groups and communities that are affected. These are helpful in order to better understand the nature and degree of impacts that might be caused by changes that are expected occur. A change in itself may or may not bring about tangible impact, impacts may vary for different people or be perceived in different ways, are affected by individual values and attitudes, and conditioned by the context.

Stakeholder engagement and data collection can occur at a number of stages in the SEIA process and may involve similar methodologies but there are important differences to note. The primary aims of stakeholder engagement are to inform, consult or involve key stakeholders, and to communicate information and gather

feedback. Data collection, in contrast is a more rigorous analytical process involving:

- Setting out a planned methodology in advance with clear objectives of what you wish to achieve through data collection
- Sampling strategies that take account of the demographic variations in the population and the need to include difficult to reach groups
- Robust methods to collect information from people in a neutral and unbiased way
- Awareness of how data will be analysed and reported on to obtain and disseminate robust conclusions
- Taking account of research ethics including informed consent, and data protection requirements under GDPR

The stages below are divided into the activities that we suggest are **before** the developer submits a request for a scoping opinion and those that are done **after** the scoping phase. We recommend an iterative approach which means that steps inform each other, information is built up over time, and some steps may be repeated or done in a different order.

The key steps should include:

Pre-scoping activities

1) **Getting started:** Employ economist and social research experts and work with them to develop a plan for the SEIA that sets out data requirements, and the proposed social and economic data collection and impact assessment methodologies, timescales, any data protection considerations, risk assessment and ethical issues that might arise from the work.

2) Develop a **detailed description** of the planned development and consider the project phases where socio-economic impacts might be experienced (covering development, construction, operation and maintenance and decommissioning phases). Start to map out potential socio-economic impacts and initial consideration of areas of impact on land that will need to be covered.

3) **Initial scoping of impacts:** develop a broad list of potential impacts informed by experts (including social researcher, economist, local representatives from key groups, community stakeholders and others).

4) Define potential impact areas on land taking into account locations and connections between activities. Different types of impacts may be experienced at different geographic levels, some in the area nearest the landfall or the nearest coastline to the development at sea, and others much further away (at Scotland level, UK level and internationally). The geographical scale at which social impacts are experienced may be different for social impacts compared with economic impacts. There may be multiple epicentres from which impacts radiate including the site of the development, land-based areas such as landfall and grid connections, construction bases and places from which the development is visible. Activities that take place in the sea are also relevant for defining the impact area on land, for example the location of fishing activity and ports where

fish are landed. The definition of the impact area will inform which communities and which sectors are included in the assessment and vice versa, so this exercise needs to be done iteratively with step 3, the initial scoping of impacts.

5) **Stakeholder mapping** is required to identify all the people, groups and stakeholders who may be affected by the development and is a first step in order to conduct effective stakeholder engagement. This exercise is informed by the definition of the impact area. A broad approach is recommended. Stakeholders are likely to include local communities, businesses, workers, other users of the sea, interest groups, community councils and so on.

   Steps 4 and 5 may lead to a change in the list of potential impacts so this will need refined/checked.

6) **Stakeholder engagement (with those affected by the development, sea users, communities etc)** is a key requirement of SEIA that is done at different stages of the process. We recommend doing some initial stakeholder engagement before submitting the scoping report. Stakeholder engagement will fulfil a number of requirements:

   - **Provide information about the development** so that those who might be affected are able to make an informed judgement about potential impacts
   - **Present and refine list of potential impacts based on feedback** - identify impacts that are most relevant and add any additional ones that are identified
   - **Collect initial data/ insights from stakeholders** on what potential socio-economic impacts (to be developed later)
   - **Build relationships** with the community and key groups affected for later stages of the SEIA process so that they can understand the decisions making process and how they can influence it.

   There are many **participatory methodologies** that can be used for effective stakeholder engagement that provide a deliberative space for community discussions.

   This stage may also require the setting up of governance structures and a community liaison officer. **Early engagement** with those who might be affected is very important, as is meaningful and inclusive engagement where people feel that they are being listened to and that their feedback will be acted upon. It is important to set out clearly how stakeholder engagement is being done for the SEIA specifically.

7) **Gather contextual information** to develop a social and economic profile of the area prior to the development that will help with setting the baseline and impact prediction, identifying potential industries and communities that might be affected and sources of data that can be used in the assessment. This might include primary data collection using social research methods (such as surveys,

interviews, focus groups) as well as desk based analysis (of existing data sets such as fishing data, population data).

Primary data collection may occur alongside participatory activities (e.g. engagement events) but must be done in a rigorous and systematic fashion and the findings should be robustly analysed and incorporated into the SEIA. Impacts that are identified for the other receptors in the wider EIA may also have socio-economic consequences and so it may be important to include these in the SEIA.

8) **Produce list of anticipated impacts to be covered in the scoping report** setting out the range of potential impacts that could occur, building on what has already been done using data and insights that have been collected from various activities described above. Details of the methods that have been used should be included to enable Marine Scotland to determine if the analysis is based on a robust and appropriate approach. Justification should be provided for any impacts that are scoped in or out. This could be based on suggestions made by stakeholders and the public during stakeholder engagement or an assessment based on the analysis of primary and secondary data.

   It is helpful if the scoping report includes details on the approach to be used for the SEIA including methods for data collection, planned stakeholder engagement activities and data-sets to be used.

Post scoping activities for the SEIA

The scoping opinion will advise on the final list of socio-economic impacts to be assessed in the SEIA. This may require additional data collection/ social research to enable a more rigorous assessment of a narrower set of anticipated impacts. It may also require further stakeholder engagement in order to check the significance of impacts with different groups, and the acceptability of mitigation options.

The data and information that has been collected throughout the scoping phase will be used to conduct steps 9, 10 and 11 below.

9) **Conduct baseline analysis** to assess the situation in the absence of the development, to provide a point of comparison against which to predict and monitor change. Appropriate social and economic measures should be used for the baseline and cover relevant issues (see section 4 for suggested data sources). Key stakeholders and other interested parties including affected communities and sectors may be aware of baseline data to be included, and this can be explored in the participatory approaches described above. The findings from social research can also be included in the baseline. Note that baseline data can be presented in the scoping report but is also the first stage of the SEIA and so should be included in the SEIA report.

10) **Predict impacts and assess their significance (otherwise known as impact appraisal or options appraisal):** Through analysis, estimate the social and economic changes and their expected impacts, considering any alternative development options and how significant the impacts might be. This is the core part of the assessment and forms the main part of the assessment report.

Different methodologies and both primary and secondary data inform this part of the exercise.

Different phases of the development should be covered (development, construction, operation and maintenance) and also transitions between phases (if relevant).

The knock on socio-economic consequences of impacts in other parts of the EIA assessment should be assessed here, such as the impact on commercial fisheries, and impacts on related industries such as tourism could also be included.

It is important to consider distribution of impacts among different social groups (covering protected quality characteristics, socio-economic groups and geographic area where relevant to do so).

Economic impact appraisal should include consideration of:

- Direct, indirect and induced impacts
- Leakage, displacement and substitution effects
- Deadweight
- Cumulative impacts
- Sensitivity analysis to account for risk, uncertainty and optimism bias

There are a range of methodologies for calculating direct, indirect and induced impacts. These include the appropriate use of multipliers, a local content methodology, stakeholder involvement and expert opinion.
Modelling approaches should be realistic, based on robust data, and avoid over promising the economic impacts
All prices should be presented in real terms (excluding inflation) and should state which year the prices represent.

11) **Development enhancement, mitigation strategy and complete SEIA report.**

There may be an opportunity for adaptation or other approaches to mitigate potentially adverse impacts and to maximise positive opportunities. This may include engagement with the community to develop a strategy for enhancing benefits and mitigating against impacts; or development of a Community Benefit Agreement (CBA). Again these activities should be done collaboratively with stakeholders where relevant and appropriate.

The SEIA report should clearly set out the methods used in the assessment, justification for decision made such as scoping certain impacts in or out of the assessment, and the approach to analysis. The report should cover the baseline analysis and results of the impact prediction or appraisal, and distributional impacts . Social and economic impacts can be set out separately (where this makes sense) and together where they overlap.

It is good practice for the report to be reviewed by the people (i.e. the wider group of stakeholders and communities) who were involved in providing data for its production.

Section 3. Examples of different types of socio-economic impacts

In the literature social and economic impacts are defined in many different ways. Sometimes social and economic impacts are covered separately, whilst other sources refer to socio-economic impacts.

The following table sets out some commonly identified socio-economic impacts.

Examples of Socio-economic Impacts from Glasson 2017[1]

1. Direct economic:

- GVA
- employment, including employment generation and safeguarding of existing employment;
- characteristics of employment (e.g. skill group);
- labour supply and training; and
- other labour market effects, including wage levels and commuting patterns.

2. Indirect/induced/wider economic/expenditure:

- employees' retail expenditure (induced);
- linked supply chain to main development (indirect);
- labour market pressures;
- wider multiplier effects;
- effects on existing commercial activities (eg tourism; fisheries);
- effects on development potential of area; and

3. Demographic:

- changes in population size; temporary and permanent;
- changes in other population characteristics (e.g. family size, income levels, socio-economic groups); and
- settlement patterns

4. Housing:

- various housing tenure types;
- public and private;
- house prices and rent / accommodation costs;
- homelessness and other housing problems; and
- personal and property rights, displacement and resettlement

[1] Glasson J (2017a) "Socio-economic impacts 2: Overview and economic impacts" in Therivel R and Wood G (eds.), Methods of Environmental and Social Impact Assessment, Abingdon: Routledge

5. Other local services:

- public and private sector;
- educational services;
- health services; social support;
- others (e.g. police, fire, recreation, transport); and
- local authority finances

6. Socio-cultural:

- lifestyles/quality of life;
- gender issues; family structure;
- social problems (e.g. crime, ill-health, deprivation);
- human rights;
- community stress and conflict; integration, cohesion and alienation; and
- community character or image

7. Distributional effects:

Distributional analysis is a term used to describe the assessment of the impact of interventions on different groups in society. Interventions may have different effects on individuals according to their characteristics such as income level or geographical location

- effects on specific groups in society (eg: by virtue of gender, age, religion, language, ethnicity and location); environmental justice

Section 4: Useful Data Sources for Socio-Economic Impact Assessments

Name	Summary	Link to Source
Statistics.gov.scot	Contains a wide range of data by local authority and other geographic breakdowns. Has a search by subject and area option.	statistics.gov.scot
Marine Economic Statistics, 2019	Annual economic statistics publication including GVA and employment data for marine economy sectors.	Scotland's Marine Economic Statistics 2019 - gov.scot (www.gov.scot)
Scottish Sea Fisheries Statistics, 2021	Provides data on the tonnage and value of all landings of sea fish and shellfish by Scottish vessels, all landings into Scotland, the rest of the UK and abroad, and the size and structure of the Scottish	Summary - Scottish Sea Fisheries Statistics 2021 - gov.scot (www.gov.scot)

	fishing fleet and employment on Scottish vessels.	
Scottish Shellfish Farm Production Survey 2021	Statistics on employment, production and value of shellfish from Scottish shellfish farms.	Scottish Shellfish Farm Production Survey 2021 - gov.scot (www.gov.scot)
Scottish Annual Business Statistics 2020	Scottish Annual Business Statistics (SABS) presents estimates of employment, turnover, purchases, Gross Value Added and labour costs. Data are provided for businesses that operate in Scotland. Data are classified according to the industry sector, location and ownership of the business.	Scottish Annual Business Statistics 2020 - gov.scot (www.gov.scot)
Sub-Scotland Economic Statistics Database	The Sub-Scotland Economic Statistics Database provides economic, business, labour market and population data for Scotland, and areas within Scotland.	Sub-Scotland Economic Statistics Database - gov.scot (www.gov.scot)
Nomis Official Labour Market Statistics	Labour market statistics including data on employment, unemployment, qualifications, earnings etc.	Nomis - Official Labour Market Statistics (nomisweb.co.uk)
Economics of the UK Fishing Fleet 2020	Economic estimates at UK, home nation and fleet segment level for the UK fishing fleet. The estimates are calculated based on samples of fishing costs and earnings gathered by Seafish as part of the 2020 Annual Fleet Economic Survey.	Economics of the UK Fishing Fleet 2020 — Seafish

Scotland's Census, National Records of Scotland	Census data that provides information about the characteristics of people and households in the country.	Scotland's Census | National Records of Scotland (nrscotland.gov.uk)
Scottish Index of Multiple Deprivation	Collection of documents relating to the Scottish Index of Multiple Deprivation - a tool for identifying areas with relatively high levels of deprivation.	Scottish Index of Multiple Deprivation 2020 - gov.scot (www.gov.scot)
The Green Book	HM Treasury guidance on how to appraise and evaluation policies, projects and programmes.	The Green Book: appraisal and evaluation in central government - GOV.UK (www.gov.uk)
The Magenta Book	HM Treasury guidance on evaluation. Chapter 4 provides specific guidance on data collection, data access and data linking.	The Magenta Book - GOV.UK (www.gov.uk)
Enabling a Natural Capital Approach (ENCA)	Supplementary guidance to The Green Book. ENCA resources include data, guidance and tools to help understand natural capital and know how to take it into account.	Enabling a Natural Capital Approach (ENCA) - GOV.UK (www.gov.uk)

Section 5: Further sources of guidance:

HM Treasury guidance on how to appraise and evaluate policies, projects and programmes: The Green Book: appraisal and evaluation in central government

Best practice in Social Impact Assessment according to the International Association for Impact Assessment: Social Impact Assessment: Guidance for Assessing and Managing the Social Impacts of Projects

The project A two way Conversation with the People of Scotland on the Social Impacts of Offshore Renewables (CORR/5536) has developed elements of a conceptual framework on social values that can be used to support and inform existing processes for assessing the potential social impacts of offshore renewables plans: Offshore renewables - social impact: two way conversation with the people of Scotland

Best practice guidance for assessing the socio-economic impacts of OWF developments: Guidance on assessing the socio-economic impacts of offshore wind farms (OWFs)

MCA

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Anna Shenton
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Glasgow
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Your Ref: SCOP-0028

Date: 18th August 2023

Via email: MS.MarineRenewables@gov.scot

Dear Anna Shenton,

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATIONS FOR THE MORVEN OFFSHORE WIND FARM - UNDER THE EIA REGULATIONS.

The MCA has reviewed the scoping report provided by Morven Offshore Wind Limited for Morven Offshore Wind Farm as detailed in your correspondence of 27th July 2023 and would like to comment as follows:

The Environmental Impact Report should supply detail on the possible impact on navigational issues for both commercial and recreational craft, specifically:

- Collision Risk.
- Navigational Safety.
- Visual intrusion and noise.
- Risk Management and Emergency response.
- Marking and lighting of site and information to mariners.
- Effect on small craft navigational and communication equipment.
- The risk to drifting recreational craft in adverse weather or tidal conditions.
- The likely squeeze of small craft into the routes of larger commercial vessels.

The development area carries a moderate amount of traffic with several important commercial shipping routes to/from UK ports and the North Sea. Attention needs to be paid to routing, particularly in heavy weather so that vessels can continue to make safe passage without large-scale deviations. The likely cumulative and in combination effects on shipping routes should be considered for this project. It should consider the proximity to other windfarm developments, other infrastructure, and the impact on safe navigable sea room.

A Navigational Risk Assessment will need to be submitted in accordance with MGN 654.This NRA should be accompanied by a detailed MGN 654 Checklist which can be found at https://www.gov.uk/guidance/offshore-renewable-energy-installations-impact-on-shipping

We notice paragraph 9.2.5.5 states that appropriate traffic data has been collected in accordance with MGN 654, which includes two 14-day marine vessel traffic surveys in winter 2022 (21st November – 5th December) and summer 2023 (June, no specific dates given). However, Table 9.6 States that Automatic Identification System (AIS) data for the period 21 November – 05 December 2022 was used, with no mention of radar and visual observations.

We would like to ask the applicant for clarification on this point regarding the vessel traffic survey, and remind the applicant that a vessel traffic survey must be undertaken to the standard of MGN 654 – at least 28 days which is to include seasonal data (two x 14-day surveys) collected from a vessel-based survey using AIS, radar and visual observations to capture all vessels navigating in the study area. The traffic surveys need to be within 24 months of the consent application.

The Development Specification and Layout Plan referred to in table 9.9 and 9.33, reference MM-15, will require MCA approval prior to construction to minimise the risks to surface vessels, including rescue boats, and Search and Rescue aircraft operating within the site. Any additional navigation safety and/or Search and Rescue requirements, as per MGN 654 Annex 5, will be agreed at the approval stage.

We note in section 9.2.9, that Cumulative Effects Assessment will be carried out. As highlighted in this section, the proximity to other projects and activities will need to be fully considered, with an appropriate assessment of the distances between OREI boundaries and shipping routes as per MGN 654. Attention must be paid to the traffic for ensuring the established shipping routes within the North Sea can continue safely without unacceptable deviations. The proximity to the Ossian, and Bowdun projects will be of particular focus and continued dialogue with the developers of those sights is to be encouraged.

It is noted in 1.1.1.4 that: '*the Applicant will seek to consent the Project's generation and transmission aspects separately'* and this Scoping report relates to '*the Project's wind turbines, Offshore Substation Platforms (OSPs) and the respective required foundations, interarray and inter-connector cables and associated infrastructure.* However, where applicable, the following should be considered: Attention should be paid to cabling routes and where appropriate burial depth for which a Burial Protection Index study should be completed and subject to the traffic volumes, an anchor penetration study may be necessary. If cable protection measures are required e.g., rock bags or concrete mattresses, the MCA would be willing to accept a 5% reduction in surrounding depths referenced to Chart Datum. This will be particularly relevant where depths are decreasing towards shore and potential impacts on navigable water increase, such as at the HDD location.

Particular consideration will need to be given to the implications of the site size and location on SAR resources and Emergency Response Co-operation Plans (ERCoP). The report must recognise the level of radar surveillance, AIS and shore-based VHF radio coverage and give due consideration for appropriate mitigation such as radar, AIS receivers and in-field, Marine Band VHF radio communications aerial(s) (VHF voice with Digital Selective Calling (DSC)). A SAR checklist will also need to be completed in consultation with MCA, as per MGN 654 Annex 5 SAR requirements.

MGN 654 Annex 4 requires that hydrographic surveys should fulfil the requirements of the International Hydrographic Organisation (IHO) Order 1a standard, with the final data supplied as a digital full density data set, and survey report to the MCA Hydrography Manager. Failure to report the survey or conduct it to Order 1a might invalidate the Navigational Risk Assessment if it was deemed not fit for purpose.

It is noted in section 3.3.3 that HVAC and HVDC transmission infrastructure may be installed. We would like to remind the applicant that in the case of any HVDC installation, consideration must be given to the effect of electromagnetic deviation on ships' compasses. The MCA would be willing to accept a three-degree deviation for 95% of the cable route. For the remaining 5% of the cable route no more than five degrees will be attained. If a HVDC cable is being used, we would expect the applicant to do a desk based compass deviation study based on the specifications of the cable lay proposed and assess the effect of EMF on ship's compasses. MCA may request for a deviation survey post the cable being laid; this will confirm conformity with the consent condition. The developer should then provide this data to UKHO via a hydrographic note (H102), as they may want a precautionary notation on the appropriate Admiralty Charts (actions at a later stage depending upon the desk-based study and post installation deviation survey).

Annex 3, Scoping Questions from Workshop Revisited:

• Are there any other study areas that are relevant to the assessment?

No. (See Annex 3, Table 3.2 Shipping and Navigation session).

• Are there any additional datasets the Applicant should consider?

We would like to clarify whether the 28 days vessel-based survey using AIS, radar and visual observations to capture all vessels navigating in the study area as per MGN 654 has been completed.

• Do you have any suggestions in respect of the proposed impact assessment methodology?

No (See Annex 3, Table 3.2 Shipping and Navigation session).

• Are the impacts that have been scoped in and out of the assessment appropriate?

Yes (See Annex 3, Table 3.2 Shipping and Navigation session).

On the understanding that clarification on the vessel traffic survey is received, the Shipping and Navigation aspects are undertaken in accordance with MGN 654 and its annexes, along with a completed MGN checklist, MCA is likely to be content with the approach.

Yours sincerely,

[Redacted]

Vaughan Jackson
Offshore Renewables Project Lead
UK Technical Services Navigation


INVESTORS
IN PEOPLE
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7 September 2023

MORVEN OFFSHORE WINDFARM – SCOPING CONSULTATION

Marine Directorate advisers have reviewed the request from MD-LOT and provide the following advice.

Underwater Noise

Scoping Report

Section 7.2.6; Table 7.7: MD-SEDD agree with the impacts that have been scoped into the assessment. The impact of noise generated by geo-physical surveys has been included in the impact of "increased underwater sound from non-impulsive sound sources". MD-SEDD advise that geophysical surveys should be separated out into a stand-alone impact consideration, given the likelihood of the production of low to mid frequency impulsive sounds produced by seismic surveys and/or sub-bottom profilers. These are known to be audible to, and potentially acutely negatively impact, marine mammal species. Geophysical surveys are not exclusively continuous noise sources.

Section 7.2.7; Table 7.8: MD-SEDD note the use of a Marine Mammal Mitigation Plan (MMMP) in the designed mitigation measures table and that the use of marine mammal

observers (MMOs) or passive acoustic monitoring (PAM) operators will be employed. MD-SEDD advise that both PAM and MMOs are used, rather than using an approach which risks missing marine mammal presence. Several species may be difficult to detect solely using MMOs (such as harbour porpoise which travel in smaller groups and surface less frequently than other small odontocetes found in the UK), sea-state and light conditions may also impede visibility. MD-SEDD advise that PAM operators are used to detect marine mammals in real time throughout the identified monitoring zone as per the JNCC guidance on minimising risk of injury to marine mammals from piling noise (Statutory nature conservation agency protocol for minimising the ris of injury to marine mammals from piling noise (jncc.gov.uk), geophysical surveys (JNCC guidelines for minimising the risk of injury to marine mammals from geophysical surveys) and explosives (JNCC guidelines for minimising the risk of injury to marine mammals from using explosives), all of which are applicable to the pre-installation and installation phases of this project.

Section 7.2.8: MD-SEDD note that source levels for each activity will be estimated through source modelling or use of a suitable proxy source. MD-SEDD also advise concurrent broadband sound monitoring, detailed in an ensuing PEMP, to measure the sound source levels in-situ as a follow up, to ground-truth the estimated levels for future phases of development.

MD-SEDD would also welcome further engagement with Morvern Offshore Wind Array Project on the methodology being applied to the sound propagation modelling given recent projects commissioned by MD-SEDD, with impending publications, that shed light on the efficacy on certain modelling techniques (namely the use of conversion factors in a report entitled 'Energy conversion factors in underwater radiated sound from marine piling: review of the method and recommendations') for pile driving sound propagation models. Links to the final report can be provided upon publication.

Commercial fisheries

General comments

Given the turbines will have fixed foundations MD-SEDD recommend consideration of turbine spacing and wind farm configuration to facilitate coexistence with commercial fisheries.

Data

MD-SEDD note that the MMO VMS dataset has been used to produce figures for average VMS value (Figure 9.4). MD-SEDD advise that the VMS dataset is also used to produce figures presenting the fishing effort (kW per hour) for vessels, which will provide further information about the commercial fisheries baseline and help to assess possible displacement of fishing effort.

The MD has recently published Heat Maps of fishing data (2017-2021) for under 12 metre boats. The layers are on Marine Scotland Maps and downloadable via Spatialdata.gov.scot. The layers can also be accessed from the links at the bottom of this page Fishing - Activity data and statistics | Marine Scotland Information. MD-SEDD advise that this data is used to provide further information for the fisheries baseline.

Assessment methodology

MD-SEDD advise undertaking a fisheries displacement assessment and referring to the 'Good practice guidance for assessing fisheries displacement by other licensed marine activities' (Xodus, 2022).

Approach to cumulative effects

MD-SEDD advise that the cumulative effects assessment takes into account other wind farm areas, in particular floating wind farms where some types of fishing may be restricted and also any Marine Protected Areas and other protected areas with fisheries management measures in place.

Physical environment / coastal processes

MD-SEDD advise that the proposed methodology for the assessment of impact on tidal currents, wave regime, littoral currents, SSCs and sediment transport and pathways is appropriate.

The proposed windfarm is in a region of shelf sea that probably experiences seasonal (and intermittent) stratification (van Leeuwen et al. 2015). MD-SEDD advise that the potential changes to water column structure including timing and extent of seasonal stratification should be assessed within the EIA. MD-SEDD advise that the baseline water column conditions should be described in the EIA, including; details of stratification, what the water

column structure is like through the year (e.g. seasonal temperature, salinity, density profiles), when typically the region stratifies, and how key parameters change through the year (e.g. surface mixed layer depth and potential energy anomaly). MD-SEDD advise that the strength of stratification should be noted, as well as what additional mixing would be required to alter the timing and extent of stratification. Typical frontal positions in the region should also be noted. The link between stratification and fronts to primary productivity and higher trophic levels and ecosystem services should be noted.

A windfarm could change water column mixing, by the structures generating turbulent wakes, and/or by altering the near sea surface wind speeds (Christiansen et al. 2022, Durrell et al. 2022). MD-SEDD advise that a qualitative assessment of how the windfarm could alter these processes should be performed, using existing hydrographic and/or data from existing 3D hydrodynamics models and citing research evidence. If there are uncertainties as to how the wind farm may change stratification then 3D hydrodynamic modelling may be required. Changes to mixing have the potential to impact productivity and higher trophic levels and thus other marine receptors, this should also be considered in the EIA.

References

Christiansen, N., Daewel, U., Djath, B., & Schrum, C. (2022). Emergence of Large-Scale Hydrodynamic Structures Due to Atmospheric Offshore Wind Farm Wakes. Frontiers in Marine Science, 9. https://doi.org/10.3389/fmars.2022.818501

Dorrell, R. M., Lloyd, C. J., Lincoln, B. J., Rippeth, T. P., Taylor, J. R., Caulfield, C. P., Sharples, J., Polton, J. A., Scannell, B. D., Greaves, D. M., Hall, R. A., & Simpson, J. H. (2022). Anthropogenic Mixing in Seasonally Stratified Shelf Seas by Offshore Wind Farm Infrastructure. Frontiers in Marine Science, 9. https://doi.org/10.3389/fmars.2022.830927

van Leeuwen, S., P. Tett, D. Mills, and J. van der Molen (2015), Stratified and nonstratified areas in the North Sea: Long-term variability and biological and policy implications, J. Geophys. Res. Oceans, 120, 4670–4686, https://doi.org/10.1002/2014JC010485

Xodus (2022) Good practice guidance for assessing fisheries displacement by other licensed marine activities. Assessing fisheries displacement by other licensed marine activities: good practice guidance - gov.scot (www.gov.scot)

Yours sincerely,

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Renewables and Ecology Team

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NATS

From:	NATS Safeguarding
To:	MS Marine Renewables
Cc:	Lauren Cowan; Rebecca Bamlett; Debbie England
Subject:	RE: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023 [SG35855]
Date:	17 August 2023 15:16:43
Attachments:	image002.png image003.png image004.png image005.png image006.png image007.png image008.png SG35855 Morven Offshore Wind Array Project - TOPA Issue 1.pdf

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Our Ref: SG35855

Dear Sir/Madam

We refer to the application above. The proposed development has been examined by our technical safeguarding teams and conflicts with our safeguarding criteria.

Accordingly, NATS (En Route) plc objects to the proposal. The reasons for NATS's objection are outlined in the attached report TOPA SG35855.

We would like to take this opportunity to draw your attention to the legal obligation of local authorities to consult NATS before granting planning permission. The obligation to consult arises in respect of certain applications that would affect a technical site operated by or on behalf of NATS (such sites being identified by safeguarding plans that are issued to local planning authorities).

In the event that any recommendations made by NATS are not accepted, local authorities are obliged to follow the relevant directions within Planning Circular 2 2003 - Scottish Planning Series: Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003 or Annex 1 - The Town And Country Planning (Safeguarded Aerodromes, Technical Sites And Military Explosives Storage Areas) Direction 2002.

These directions require that the planning authority notify both NATS and the Civil Aviation Authority ("CAA") of their intention. As this further notification is intended to allow the CAA to consider whether further scrutiny is required, the notification should be provided prior to any granting of permission.

It should also be noted that the failure to consult NATS, or to take into account NATS's comments when determining a planning application, could cause serious safety risks for air traffic.

Should you have any queries, please contact us using the details below.

Yours faithfully

NATS

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NATS Public

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>
Sent: 27 July 2023 12:35
To: MS.MarineRenewables@gov.scot
Cc: Lauren.Cowan@gov.scot; Rebecca.Bamlett@gov.scot; Debbie.England@gov.scot
Subject: [EXTERNAL] SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Good Afternoon,

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATION FOR THE MORVEN OFFSHORE WIND FARM LOCATED APPROXIMATELY 60KM OFF THE ABERDEENSHIRE COAST

REGULATION 12 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2007
(collectively referred to as the "EIA Regulations")

SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – 60km off the Aberdeenshire coast

In respect of the proposed marine licence application for the above works (under the Marine and Coastal Access Act 2009) and the section 36 consent application (under the Electricity Act 1989), Morven Offshore Wind Limited has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under the above EIA Regulations.

The scoping report submitted by the applicant can be found at: Scoping Report – Morven Offshore Wind Farm Array Area – July 2023 | Marine Scotland Information

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment ("EIA") Report to be submitted by the applicant with its proposed section 36 consent and marine licence application, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

HABITATS REGULATIONS APPRAISAL SCREENING REPORT

Prepared by:
NATS Safeguarding Office

Technical and Operational Assessment (TOPA)

For Morven Offshore Wind Array Project

NATS ref: SG35855

Scottish Government ref: SCOP-0028

Issue 1

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Publication History

Issue	Month/Year	Change Requests and summary
1	August 2023	Scoping Request

Document Use

External use: Yes

Referenced Documents

1. Background

1.1. En-route Consultation

NATS en-route plc is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. To undertake this responsibility it has a comprehensive infrastructure of RADAR's, communication systems and navigational aids throughout the UK, all of which could be compromised by the establishment of a wind farm.

In this respect NATS is responsible for safeguarding this infrastructure to ensure its integrity to provide the required services to Air Traffic Control (ATC).

In order to discharge this responsibility NATS is a statutory consultee for all wind farm applications, and as such assesses the potential impact of every proposed development in the UK.

The technical assessment sections of this document define the assessments carried out against the development proposed in section 3.

2. Scope

This report provides NATS En-Route plc's view on the proposed application in respect of the impact upon its own operations and in respect of the application details contained within this report.

Where an impact is also anticipated on users of a shared asset (e.g. a NATS RADAR used by airports or other customers), additional relevant information may be included for information only. While an endeavour is made to give an insight in respect of any impact on other aviation stakeholders, it should be noted that this is outside of NATS' statutory obligations and that any engagement in respect of planning objections or mitigation should be had with the relevant stakeholder, although NATS as the asset owner may assist where possible.

3. Application Details

Scottish Government submitted a request for a NATS technical and operational assessment (TOPA) for the development at Morven Offshore Wind Array Project. Turbines of up to 390m are proposed within the Boundary Points as detailed in Table 1 and shown in the diagrams contained in Appendix B.

Boundary Point	Lat	Long	East	North
1	56.4876	-0.4754	493983	733870
2	56.4557	-0.6543	483035	730098
3	56.4368	-0.7235	478813	727911
4	56.7769	-1.2218	447655	765304
5	56.8083	-1.2135	448125	768808
6	56.9137	-1.0891	455561	780638

Table 1 – Boundary Points

4. Assessments Required

The proposed development falls within the assessment area of the following systems:

En-route Surv	Lat	Long	nm	km	Az (deg)	Type
Alanshill Radar	57.6431	-2.1655	56.1	104.0	144.9	CMB
Great Dun Fell Radar	54.6841	-2.4509	120.7	223.5	23.8	CMB
Lowther Hill Radar	55.3778	-3.7530	119.6	221.6	50.4	CMB
Perwinnes Radar	57.2123	-2.1309	38.6	71.4	128.6	CMB
En-route Nav	**Lat**	**Long**	**nm**	**km**	**Az (deg)**	**Type**
None						
En-route AGA	**Lat**	**Long**	**nm**	**km**	**Az (deg)**	**Type**
None						

Table 2 – Impacted Infrastructure

4.1. En-route RADAR Technical Assessment

4.1.1. Predicted Impact on Perwinnes RADAR

Using the theory as described in Appendix A and development specific propagation profile it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated.

4.1.2. Predicted Impact on Alanshill RADAR

Using the theory as described in Appendix A and development specific propagation profile it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated. It should be noted that for Allanshill this impact will be geographically limited due to maximum radar range and frequency of occurrence will be limited due to over the horizon propagation effects.

4.1.3. En-route operational assessment of RADAR impact

Where an assessment reveals a technical impact on a specific NATS' RADAR, the users of that RADAR are consulted to ascertain whether the anticipated impact is acceptable to their operations or not.

Unit or role	Comment
Prestwick Centre ATC	Unacceptable
Aberdeen ATC	Unacceptable
Military ATC	Unacceptable

Note: The technical impact, as detailed above, has also been passed to non-NATS users of the affected RADAR, this may have included other planning consultees such as the MOD or other airports. Should these users consider the impact to be unacceptable it is expected that they will contact the planning authority directly to raise their concerns.

4.2. En-route Navigational Aid Assessment

4.2.1. Predicted Impact on Navigation Aids

No impact is anticipated on NATS' navigation aids.

4.3. En-route Radio Communication Assessment

4.3.1. Predicted Impact on the Radio Communications Infrastructure

No impact is anticipated on NATS' radio communications infrastructure.

5. Conclusions

5.1. En-route Consultation

The proposed development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, this has been deemed to be unacceptable.

Appendix A – Background RADAR Theory

Primary RADAR False Plots

When RADAR transmits a pulse of energy with a power of P_t the power density, P, at a range of r is given by the equation:

$$P = \frac{G_t P_t}{4\pi r^2}$$

Where G_t is the gain of the RADAR's antenna in the direction in question.

If an object at this point in space has a RADAR cross section of σ, this can be treated as if the object re-radiates the pulse with a gain of σ and therefore the power density of the reflected signal at the RADAR is given by the equation:

$$P_a = \frac{\sigma P}{4\pi r^2} = \frac{\sigma G_t P_t}{(4\pi)^2 r^4}$$

The RADAR's ability to collect this power and feed it to its receiver is a function of its antenna's effective area, A_e, and is given by the equation:

$$P_r = P_a A_e = \frac{P_a G_r \lambda^2}{4\pi} = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4}$$

Where G_t is the RADAR antenna's receive gain in the direction of the object and λ is the RADAR's wavelength.

In a real world environment this equation must be augmented to include losses due to a variety of factors both internal to the RADAR system as well as external losses due to terrain and atmospheric absorption.

For simplicity these losses are generally combined in a single variable L

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4 L}$$

Secondary RADAR Reflections

When modelling the impact on SSR the probability that an indirect signal reflected from a wind turbine has the signal strength to be confused for a real interrogation or reply can determined from a similar equation:

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r_t^2 r_r^2 L}$$

Where r_t and r_r are the range from RADAR-to-turbine and turbine-to-aircraft respectively. This equation can be rearranged to give the radius from the turbine within which an aircraft must be for reflections to become a problem.

$$r_r = \sqrt{\frac{\lambda^2}{(4\pi)^3}} \sqrt{\frac{\sigma G_t G_r P_t}{r_t^2 P_r L}}$$

Shadowing

When turbines lie directly between a RADAR and an aircraft not only do they have the potential to absorb or deflect, enough power such that the signal is of insufficient level to be detected on arrival.

It is also possible that azimuth determination, whether this done via sliding window or monopulse, can be distorted giving rise to inaccurate position reporting.

Terrain and Propagation Modelling

All terrain and propagation modelling is carried out by a software tool called ICS Telecom (version 11.1.7). All calculations of propagation losses are carried out with ICS Telecom configured to use the ITU-R 526 propagation model.

Appendix B – Diagrams

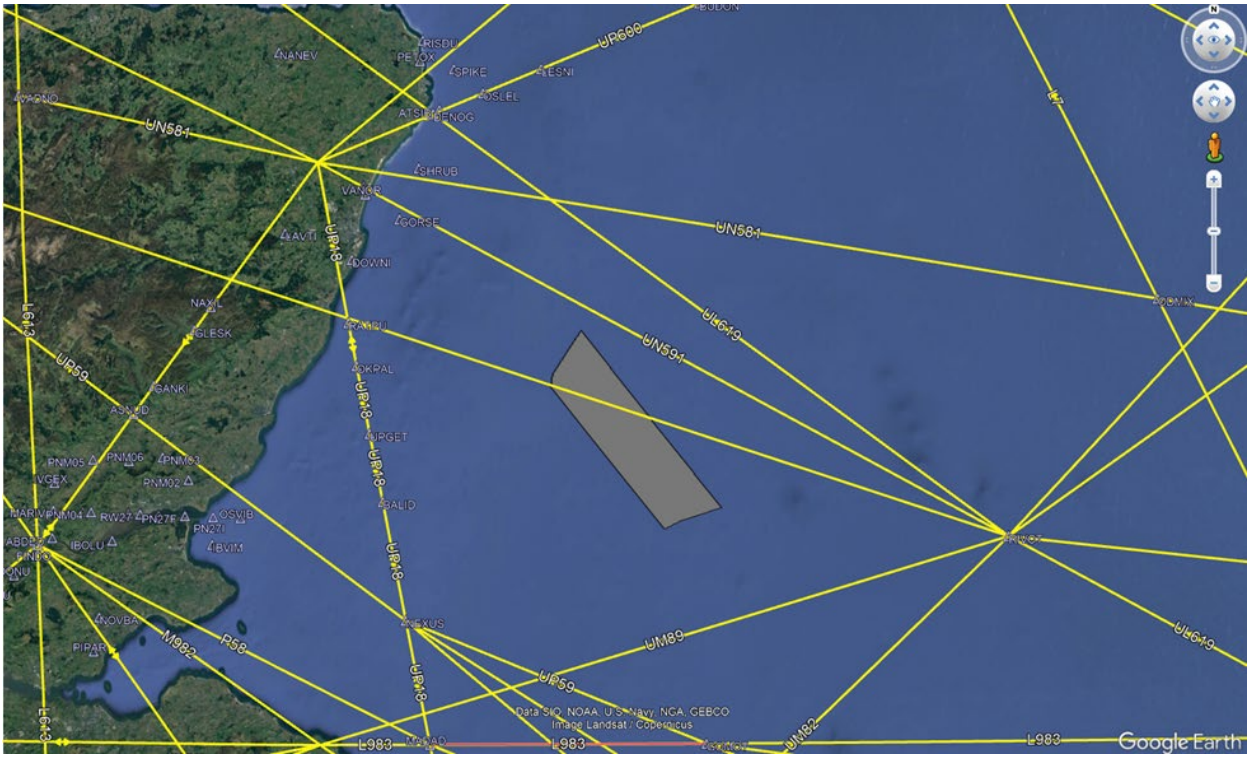

Figure 1: Proposed development location shown on an airways chart

Natural
England

Date: 24 August 2023
Our ref: 443668
Your ref: SCOP 0028

Marine Scotland, Marine Planning and Policy
Scottish Government,
Marine Laboratory,
375 Victoria Road,
Aberdeen,
AB11 9DB

Lancaster House,
Hampshire Court,
Newcastle-Upon-Tyne,
NE4 7YH
0300 060 3900

BY EMAIL ONLY

Dear Anna

Morven Offshore windfarm Environmental Impact Assessment scoping report and Habitats Regulations Appraisal Screening report

Thank you for your consultation on the Environmental Impact Assessment scoping report and Habitats Regulations Appraisal screening report associated with the marine licence application for the Morven Offshore Wind Farm. Natural England has reviewed the reports and can provide the following advice.

Summary

Natural England advises that the majority of matters in which we have an interest in English waters have been adequately considered in the EIA scoping report and HRA screening report. However, we do have a few comments as detailed in Annex 1 and Annex 2 respectively. We advise that guillemot from the Farne Islands SPA and the Flamborough and Filey Coast SPA are assessed for Likely Significant Effect.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

Ruth Cantrell

Northumbria Team
E-mail: Ruth.Cantrell@naturalengland.org.uk
Telephone: [Redacted]

Annex 1 – detailed comments on EIA scoping report

Report section	Topic area	Comment
Table 3.1	Construction parameters	Natural England advises that the air gap between sea level and the minimum blade tip height above sea level is measured from Highest Astronomical Tide (HAT) rather than Lowest Astronomical Tide. This is due to the air gap being smallest at HAT.
Fig 8.7	Benthic	Natural England advises that these Marine Conservation Zones (MCZs) are considered within the Regional Benthic Subtidal Ecology Study Area. Natural England advises that Farnes East MCZ would fall within the study area. It is not clear whether North East of Farnes Deep and Swallow Sands do too. However, all these sites do appear to be outside the Zone of Influence.
8.2.5.8	Fish	Natural England advises that the River Tweed is within the Regional Fish and Shellfish Ecology Study Area. The River Tweed SAC is designated for Atlantic salmon, sea lamprey, brook lamprey and river lamprey. We note that this site and species have been included in table 8.11 and considered in the HRA screening.
8.4.8.1	Ornithology	Natural England recognises that ornithology advice from Nature Scot differs slightly from that provided by Natural England. We direct the applicant to our "Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards Phase III: Expectations for data analysis and presentation at examination for offshore wind applications." We do not expect the applicant to carry out two separate offshore ornithology assessments but there may be instances where a different assessment is needed to be able to adequately assess in-combination effects on English seabirds.

Annex 2 – detailed comments on HRA Screening report

Section	Comment
Section 4.5.1.4 and table 4.4	It is stated in 4.5.1.4 that BDMPS is to be used for identifying connectivity for breeding birds in the non-breeding season. Table 4.4 states that there is an exception where mean-max + 1sd foraging range will be used for guillemot. <u>English North-east coast SPAs – guillemot</u> Natural England advises that guillemot from the Farne Islands SPA and the Flamborough and Filey Coast SPA should be screened in for potential impacts during the non-breeding season. Whilst Furness (2015) indicates that non-breeding individuals are likely to stay relatively close to their breeding colony in the non-breeding season, there is limited empirical evidence currently exists to support this, to quantify the extent over which this operates, and whether it applies to the same extent for all colonies. Natural England advises that to assess the potential impacts on the Farne Islands SPA and Flamborough and Filey Coast SPA guillemot in the non-breeding season, the traditional approach of apportioning birds to the relevant SPA using the BDMPS populations as prescribed by Furness (2015). We recognise that this advice differs from that provided by NatureScot / Marine Scotland, who advise that the breeding season mean-max, +1SD foraging ranges should also be used in the non-breeding season for this species, which we do not wish to contradict. However, we consider a specific exception to this advice should be made when considering impacts on the Farne Islands SPA and Flamborough and Filey Coast SPA, due to the potential for the Berwick Bank OWF to contribute to the in-combination impacts that multiple North Sea developments are already exerting on this SPA feature. We note that other Scottish projects already appear in the English in-combination assessments for this species, so this exception would facilitate the inclusion of Morven in future assessments. Furness, R. (2015). *Non-breeding season populations of seabirds in UK waters: Population sizes for Biologically Defined Minimum Population Scales (BDMPS).* Natural England Commissioned Report no. 164.
Table 5.10	The applicant states that it was not possible to distinguish between razorbill and guillemot at all times. Natural England advises that guillemot from English SPAs are incorporated in apportioning and assessment of LSE. Of particular note are the Farne Islands SPA and Flamborough and Filey Coast SPA. Where there is uncertainty over species identification, Natural England advises that two scenarios are carried through the assessment: 1) that birds identified to “razorbill or guillemot” are assessed as razorbill and 2) that birds identified to “razorbill or guillemot” are assessed as guillemot.

Natural England Follow-Up

From: Welby, Pete <Peter.Welby@naturalengland.org.uk>
Sent: Friday, September 15, 2023 11:52 AM
To: MS Marine Renewables <MS.MarineRenewables@gov.scot>
Cc: Cantrell, Ruth <Ruth.Cantrell@naturalengland.org.uk>
Subject: FW: 2023-09-19 449797 RESPONSE TO NE COMMENTS - EIA Scoping consultation for Morven Offshore Wind Farm. Forth and Tay Region, Scottish Coast

Thank you for your email dated 12 September 2023 which requested further advice with regard to the NatureScot response to the consultation on the HRA screening report. NatureScot provided advice to screen the Southern North Sea SAC (SNS SAC) harbour porpoise out of the Habitats Regulations Appraisal for Morven offshore Wind Farm (OWF).

The advice contained within this response is provided by Natural England, which is the statutory nature conservation body within English territorial waters (0-12 nautical miles). We have delegated responsibility from JNCC to also advise on offshore wind farms (OWF's) in all English waters out to 200 nautical miles or the median line. Due to our remit, we restrict our comments to impacts to species from English Marine Protected Areas and to species in English waters.

Natural England cannot agree with the advice provided by NatureScot with regard to scoping the SNS SAC out of the Habitats Regulations Appraisal (HRA) for this proposed development. Our previous response did not provide comment on the SNS SAC as we were content that the developer had adequately captured any potential effect on site features within their assessment.

The Southern North Sea SAC lies wholly in English waters. It is Natural England's conclusion that a potential impact pathway exists between the proposed Morven OWF array area and the SNS SAC for harbour porpoise.
Harbour porpoise from the SNS SAC population are encompassed by the wider North Sea Management unit, which encompasses both the SNS SAC and the Morven OWF array area. Harbour porpoise are known to forage over wide ranges and as such have potential to travel between the SNS SAC and Morven OWF array area.

Given this evidence it is Natural England's advice that there is an LSE alone on the SNS SAC, and therefore it should not be screened out of further assessment.
It should be noted that this advice is consistent with that provided for Berwick Bank OWF array area and Ossian OWF array area in previous consultations and, that the Natural England advice presented here is consistent with that provided to other projects in English, Scottish and Welsh waters.

Kind regards,

Pete

Pete Welby | Marine Lead Adviser
Natural England | Northumbria Area Team
Lancaster House | Hampshire Court | Newcastle | NE4 7YH
Work Mobile: [Redacted]

Pronouns: He/Him

From: SM-NE-Crewe LUP Hub (NE) <CreweLUPHub@naturalengland.org.uk>
Sent: 14 September 2023 15:53
To: SM-Defra-Plan Cons Area Team (Northumbria) (NE) <PlanConsAreaTeamNorthumbria@defra.gov.uk>
Cc: Scott, Catherine <Catherine.Scott@naturalengland.org.uk>; Miller, Michael <Michael.Miller@naturalengland.org.uk>
Subject: 2023-09-19 449797 RESPONSE TO NE COMMENTS - EIA Scoping consultation for Morven Offshore Wind Farm. Forth and Tay Region, Scottish Coast

Hi Marine Team,

Please see the consultation below which I have logged as requested for your consideration.

449797	SCOP-0028 RESPONSE TO NE COMMENTS - EIA Scoping consultation for Morven Offshore Wind Farm. Forth and Tay Region, Scottish Coast	Marine Northumbria	Planning Area 01	01 Northumbria	01 Northumbria Sub-Team	Forth and Tay Region, Scottish Coast	Scotland	19/9/2023	Open

I've cc'd Micheal and Catherine on advice from Nick Lightfoot given the closeness of the deadline.

Many thanks,

Dominic Rogers

Adviser
Operations Delivery - Consultations Team
Natural England
Hornbeam House, Electra Way, Crewe, CW1 6GJ
Email: dominic.rogers@naturalengland.org.uk
Tel: 0208 026 4573 Mob: [Redacted]

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>
Sent: 14 September 2023 09:49
To: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Cc: Lauren.Cowan@gov.scot; Debbie.England@gov.scot; Cantrell, Ruth <Ruth.Cantrell@naturalengland.org.uk>
Subject: RE: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Hello,

I'm passing the below email onto the consultations mailbox in case someone is able to pick this up in Ruth's absence.

Many thanks,

Lauren

Lauren Cowan (she/her)
Marine Licensing and Consenting Casework Manager (TRS), Licensing Operations Team, Marine Directorate
Scottish Government, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU
M: [Redacted]
E: lauren.cowan@gov.scot
The Scottish Government

From: MS Marine Renewables <MS.MarineRenewables@gov.scot>
Sent: Tuesday, September 12, 2023 8:40 AM
To: Cantrell, Ruth <Ruth.Cantrell@naturalengland.org.uk>
Cc: Lauren Cowan <Lauren.Cowan@gov.scot>; Debbie England <Debbie.England@gov.scot>
Subject: RE: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Dear Ruth,

Thank you for providing Natural England's response to this consultation.

I am writing with regards to the HRA Screening Report for marine mammal receptors. NatureScot has provided a response to the consultation and advised that the Southern North Sea SAC can be screened out of the HRA assessment because "harbour porpoise are ubiquitous in Scottish Seas and in our view it is not possible to identify if they are from an SAC population". As this site is in English waters, please could you confirm whether Natural England agrees that the Southern North Sea SAC can be screened out of the HRA assessment?

MD-LOT would be grateful for a response by 19 September, however if this is not possible, please do let me know.

Many thanks,

Lauren

Lauren Cowan (she/her)
Marine Licensing and Consenting Casework Manager (TRS), Licensing Operations Team, Marine Directorate
Scottish Government, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU
M: [Redacted]
E: lauren.cowan@gov.scot

The Scottish Government

NatureScot

NatureScot
Scotland's Nature Agency
Buidheann Nàdair na h-Alba

Anna Shenton
Marine Licensing and Consenting Officer
Marine Directorate - Licensing Operations Team
Scottish Government - Marine Laboratory
Aberdeen
AB11 9DB

24 August 2023

Our ref: CNS / REN / OSWF / E1-Morven-pre-application

By email only: ms.marinerenewables@gov.scot

Dear Anna,

Morven Offshore Wind Farm – ScotWind E1 West

NatureScot advice on the Environmental Impact Assessment (EIA) Scoping Report and Habitats Regulations Appraisal (HRA) Stage 1 Likely Significant Effects (LSE) Screening Report

Thank you for consulting NatureScot on the EIA Scoping Report and HRA Stage 1 LSE Screening Report submitted by Morven Offshore Wind Limited for the Morven Offshore Wind Farm array.

Our advice on the natural heritage interests to be addressed within the Environmental Impact Assessment Report (EIA Report), the nature conservation Marine Protected Area (ncMPA) assessment and HRA is outlined below. Please note that the advice contained in this letter is in relation to the array area only, as requested, and not the offshore transmission or onshore elements of the works.

Policy context

We are currently facing two crises, that of climate change and biodiversity loss and as the Scottish Government's adviser on nature, our work seeks to inspire, enthuse and influence others to manage our natural resources sustainably. We recognise that this proposal is a lease awarded through the ScotWind process in an area identified through the Sectoral Marine Plan process for Offshore Wind.

Proposal

The proposal uses a project design envelope approach, as such we recommend recent Scottish Government guidance on this approach[1]. The proposal comprises of:

- Up to 191 fixed wind turbine generators (WTGs) and our understanding is that the generating capacity of the project is up to 2.9 GW (1.5GW to connect at Hawthorn Pit and the remaining allocated as part of the HND FUE process);
- A maximum blade tip height of 390m above Lowest Astronomical Tide (LAT) and a minimum blade tip height of 30m above LAT;
- WTG foundations being considered are monopile, gravity base, piled and suction bucket jacket foundations;
- Up to 11 fixed Offshore Substation Platforms (OSPs) with associated support structures and foundations;
- Up to 844km of inter-array cabling and 751km of inter-connector cables; and
- Seabed preparation and scour protection.

Content of the Scoping Report

We are generally content with the EIA Scoping Report, which is well laid out, easy to navigate and read.

Assessment approach

The EIA Report should consider the impact of all phases of the proposed development on the receiving environment, including effects from pre-construction activities as well as the construction, operation and maintenance and decommissioning phases. We recommend that the following aspects are considered further and included in the EIA Report.

Ecosystem assessment

Increasingly, there is a need to understand potential impacts holistically at a wider ecosystem scale in addition to the standard set of discrete individual receptor assessments. This assessment should focus on potential impacts across key trophic levels particularly in relation to the availability of prey species. This will enable a better understanding of the consequences (positive or negative) of any potential changes in prey distribution and abundance from the development of the wind farm on seabird and marine mammal (and other top predator) interests and what influence this may have on population level impacts.

Climate change and carbon costs

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 wind farm. The EIA Report should also consider the carbon cost of the wind farm

[1] https://www.gov.scot/publications/guidance-applicants-using-design-envelope-applications-under-section-36-electricity-act-1989/

(including supply chain) and to what extent this is offset through the production of green energy. We recognise that some aspects of this are addressed in section 9.8 (Climate Change).

Blue carbon

In addition to the climate change assessment mentioned in section 9.8 of the EIA Scoping Report, we recommend that consideration is given to impacts on blue carbon and whether or not an assessment can be undertaken. This should expand on the information and assessment conducted for benthic ecology to focus on the potential impacts of the proposed development on marine sediments.

Habitats Regulations Appraisal

We welcome the submission of the EIA Scoping Report and HRA Stage 1 LSE Screening Report in a single package, and the opportunity to combine our advice under each assessment process into a single response. We provide HRA advice for marine ornithology, marine mammals, benthic subtidal ecology, fish and shellfish ecology in each of the relevant appendices below.

Positive Effects for Biodiversity/ Biodiversity Net Gain

We recommend early consideration of potential Positive Effects for Biodiversity as well as nature inclusive design aspects at an early stage and following through into the EIA Report. We acknowledge that, whilst not policy, these aspects form part of our ability to address both the climate and biodiversity crises and as such we encourage developers to consider this as part of their application.

Mitigation

We welcome the identification of 'designed in measures' described in section 3.7 and in each of the relevant sections of the EIA Scoping Report (for example section 7.1.7) and summarised in Appendix 2. The EIA Report must clearly articulate those mitigation measures that are informed by the EIA (or HRA) and are necessary to avoid or reduce predicted significant adverse environmental effects of the proposed development. We advise that the full range of mitigation and monitoring measures, and published guidance, are considered and discussed in the EIA Report.

Natural Heritage interests to be considered

We provide advice as detailed below within receptor-specific and impact-pathway specific technical appendices for key natural heritage interests to be considered in the EIA Report and HRA:

- Advice on ornithology is provided in **Appendix A**.
- Advice on marine mammals is provided in **Appendix B**.
- Advice on benthic ecology is provided in **Appendix C**.
- Advice on fish and shellfish ecology is provided in **Appendix D**.
- Advice on physical processes is provided in **Appendix E**.
- Advice on seascape, landscape and visual impact assessment (SLVIA) is provided in **Appendix F**.

Further information and advice

We hope this advice is of assistance to help inform the scoping opinion, noting that there may be aspects where some further engagement is required to assist in undertaking the EIA Report.

Please contact me in the first instance for any further advice, using the contact details below, copying to our marine energy mailbox – marineenergy@nature.scot.

Yours sincerely

Jenna Lane

Marine Sustainability Adviser – Sustainable Coasts and Seas

jenna.lane@nature.scot

NatureScot advice on EIA Scoping Report and HRA Stage 1 LSE Screening Report for the Morven Offshore Wind Array Project

Appendix A – Offshore Ornithology

Offshore ornithological interests are considered in section 8.4 of the EIA Scoping Report and sections 4.5, 5, 6 and 7 of the HRA Screening Report.

Additional detail relating to the EIA Scoping Report is included in several appendices. Detail relevant to offshore ornithology is included in Appendix 1 (Transboundary Screening), Appendix 2 (Designed in Measures and Mitigation Log), Appendix 6 (Marine Protected Areas Screening), Appendix 8 (Offshore Ornithology Yield 1 Data Report) and Appendix 9 (Offshore Ornithology Methodology Statement).

We provide comments and advice on the EIA Scoping Report and associated appendices below. Our advice with respect to the HRA Stage 1 Screening Report is also provided.

Study area

We are content with the proposed study area approach, as described in section 8.4.2. The approach is to define two study areas, which are:

- Offshore Ornithology Study Area, shown in figure 8.22 – defined by the survey area covered by the baseline digital aerial surveys, which is the array site boundary plus a 4 km buffer.
- Offshore Ornithology Regional Study Area – defined by life history characteristics, including phenology and associated distribution, for each species.

Paragraph 8.4.2.3 lists information that might be considered whilst defining the regional study area for each species. Please note that species foraging range is key to identifying the wider study area necessary for a particular seabird species in the breeding season.

Potential impacts

In general, we agree with the proposed scoping in and out of impact pathways as detailed in table 8.25, section 8.4.6. However, we do not agree with the impact heading 'indirect temporary habitat loss and disturbance'. This is because offshore wind developments may have indirect impacts on marine birds by affecting their prey availability both temporarily and longer term. It is important that the link between habitat loss/change/disturbance and changes in prey availability is made clear and not just considered as a temporary effect. We suggest that 'changes in prey availability' may be more appropriate as an impact heading.

Impacts on prey species and their habitats will result not just from the structures considered in this report, but also from the export cables and any associated protection, which are not included here. In addition, we consider that impacts to key prey species and their habitats should be considered for the project alone and in combination with other wind farms in the development area, to get a broader picture of these indirect impacts.

In view of the comments above, it would be helpful to look at the conclusions from the benthic subtidal ecology and fish and shellfish ecology assessments in relation to potential impacts on birds, for both temporary and long-term habitat loss/change. We recommend that a summary of the conclusions from the benthic and fish/shellfish EIA chapters are included in the ornithology chapter as inter-related effects, with clear links between the receptor chapters.

Baseline characterisation and approach to assessment

Data sources (section 8.4.3)

Further to the data sources listed in table 8.22, the E1 and E2 regional developer surveys being undertaken as part of the Sectoral Marine Plan ornithology working group recommendations may also provide useful contextual data.

Digital Aerial Surveys (Appendix 8)

The survey methods described are standard practice for offshore wind farms and we are broadly content with the duration, timing and frequency of the surveys. A total of 15 monthly surveys have been carried out, with no missed months.

However, flying altitude of 400m has the potential to cause disturbance of sensitive species and possible issues with compatibility with any future post consent monitoring surveys, due to the minimum flight altitude required over turbines being greater than the 400m in current surveys. The presence of sensitive species should be confirmed when the full two years of survey are completed.

Survey coverage analysis of 10% is at the lower end of what we would expect. We note that from the data collected 30% coverage could be achieved if required for the characterisation and assessment. From the January 2021 – March 2022 report we have not identified any issues that would suggest that 10% coverage is inadequate. However, this should be confirmed when the full two years of survey are completed.

The survey findings are broadly as expected for this location, although the peak of 49 Manx shearwater in July is interesting.

We note that availability bias does not seem to have been undertaken for guillemot, razorbill and puffin as yet, so the figures provided will underestimate abundance and density for these diving species.

Offshore Ornithology Methodology Statement (Appendix 9)

Abundance data (Appendix 9, section 9.2.3)

We note that abundance metrics will incorporate the attribution of birds recorded to species groups to species level and availability bias to account for diving birds. However, there is no explanation of how this will be carried out. This should be provided prior to submission of the EIA Report.

In relation to availability bias, we would expect that species-specific correction factors are applied to the number of each auk species recorded on the sea's surface. We accept factors derived from

Thaxter et al (2010)[2] for guillemot and razorbill, from Spencer (2012)[3] for puffin and using Barlow et al (1988)[4].

Generally, ratio of records that were identified to species level are used to adjust density estimates to take account of unidentified records. A ratio approach is likely to be more accurate if the number of unidentified birds is low as compared with the number of identified birds for a particular group such as auks. Data from the survey work should provide this information, once all the two years of survey has been analysed. If the number of unidentified birds was consistently high, we would expect this to be discussed and an approach agreed with ourselves.

Seasonality (Appendix 9, section 9.2.4)

We note that the seasons to be used for each species will follow those recommended by NatureScot and that consideration will also be given to the seasons presented in Furness (2015).

We have accepted Berwick Bank wind farm's definition of seasons, which helps to clarify how to use BDMPS with NatureScot's definitions of seasons (See Berwick Bank EIA Appendix 11.5 table 3.4). This identifies two key points in relation to the non-breeding season:

- Non-breeding season apportioning is dependent on information within BDMPS (Furness 2015)[5]. Where Furness seasons overlap with NatureScot main breeding seasons Furness seasons should be foreshortened
- The non-breeding season subsumes the 'attendance' periods defined in NS guidance.
- We note that the digital aerial surveys for the second breeding season are currently being completed. We are aware that dispersal peaks for auks along the East coast can be observed during this time. We recommend following our guidance[6] in relation to devising the inputs for displacement matrix assessments, noting that dependent on where the date of each of the August surveys falls within the first or second half of the month, it may result in this data into the non-breeding season displacement assessment. We would welcome further discussion once the outputs are available so that we can better understand if there are any issues around this period.

Collision Risk Modelling (Appendix 9, section 9.2.5)

We note the intention to use the stochastic collision risk model (sCRM) developed by Marsden, E. (2015). We recommend using the 2022 update to the sCRM tool shiny app (Caneco 2022)[7]. We advise that we no longer require Option 3 models to be run, only Option 2. We will be updating

[2] Thaxter et al (2010) Influence of wing loading on the trade-off between pursuit-diving and flight in common guillemots and razorbills. Journal of Experimental Biology 213(7): 1018-1025.
[3] Spencer, S. M. (2012) Diving behavior [sic] and Identification of Sex of Breeding Atlantic Puffins (Fratercula arctica), and Nest-Site Characteristics of Alcids on Petit Manan Island, Maine. Masters Theses 1911 – February 2014. 812.
[4] Barlow, J, Oliver, C.W., Jackson, T.D. and Taylor, B.L. (1988). Harbour porpoise Phocoena phocoena, abundance estimation for California, Oregon and Washington: II. Fishery Bulletin, 86, 433-444.
[5] Furness, R.W. (2015b). Non-breeding season populations of seabirds in UK waters: Population sizes for Biologically Defined Minimum Population Scales (BDMPS). Natural England Commissioned Reports, Number 164.
[6] https://www.nature.scot/doc/guidance-note-8-guidance-support-offshore-wind-applications-marine-ornithology-advice-assessing
[7] https://dmpstats.shinyapps.io/sCRM/

our guidance shortly to reflect this change in our advice. However, we do still expect deterministic outputs for each collision risk species as well as stochastic outputs, for Option 2.

Paragraph 9.2.5.4 describes the identification of the Maximum Design Scenario (MDS) for each key species. We are not sure how this relates to our Guidance Note 7[8] where we advise that the scenarios to be modelled are Most Likely Scenario (MLS) and Worst Case Scenario (WCS). If MDS is equivalent to MLS, then we would expect the WCS to be modelled as well.

We understand that collision risk will be estimated using a range of avoidance rates including those currently endorsed by NatureScot, but also those that have been published more recently (Ozsanlav-Harris et al., 2023). Please note that we are currently reviewing our avoidance rate guidance in light of the Ozsanlav-Harris et al. (2023)[9] review and while we do not anticipate any significant changes, an updated version of our guidance note should be available online shortly.

Paragraph 9.2.5.8 describes the assessment of collision for migratory bird species. At present, we support a qualitative approach to assessing impacts on migratory birds using the information presented in Wildfowl and Wetlands Trust (WWT) Consulting and MacArthur Green (2014)[10]. ScotMER are due to publish in the autumn the report for the project: '*Strategic study of collision risk for birds on migration and further development of the stochastic collision risk modelling tool*'. This report will help determine which migratory species may need further consideration and should be used once it is available.

Displacement and mortality rates (Appendix 9, section 9.2.6)

It is noted that displacement and mortality rates recommended by NatureScot will be used in displacement matrices, but other figures may also be presented under a Developer approach.

We acknowledge that there is a small but increasing evidence-base on species-specific displacement levels from post construction monitoring of OWFs, though at present the published evidence remains sparse and sometimes contradictory.

Developers may seek and present emerging sources of empirical evidence to provide support for additional, alternative displacement assessment. Where this is at variance with current guidance, its use should be justified and we would anticipate that the evidence presented should be derived from relevant studies at multiple comparable developments and have been subject to peer review and/or formal ratification.

Apportioning (Appendix 9, section 9.2.7)

We expect apportioning during the breeding season to be undertaken following the NatureScot theoretical approach (NatureScot Interim Guidance, 2018)[11], with the exception of kittiwake,

[8] https://www.nature.scot/doc/guidance-note-7-guidance-support-offshore-wind-applications-marine-ornithology-advice-assessing
[9] Review of data used to calculate avoidance rates for collision risk modelling of seabirds | JNCC Resource Hub
[10] https://marine.gov.scot/data/strategic-assessment-collision-risk-scottish-offshore-wind-farms-migrating-birds
[11] https://www.nature.scot/doc/interim-guidance-apportioning-impacts-marine-renewable-developments-breeding-seabird-populations

guillemot, razorbill and shag species, where the apportioning tool (Butler et al. 2020)[12] developed by Marine Scotland should be used.

However, we note that for developers to access the current version of the apportioning tool they will have to complete a data request form[13] and return it to Linda Wilson at the RSPB for countersigning/ approval by their Data Unit. This is because the tool uses the RSPB's colony-level Utilisation Distributions. UKCEH can then be contacted for access to the R script and data. An updated version of this tool will be available through the CEF, which is due for publication in the coming weeks.

Population Viability Analysis (Appendix 9, section 9.2.8)

Please note a clarification of the wording in our Guidance Note 11, section 2.1[14]. *'We advise that the impacts of collision and distributional responses, such as displacement, will need to be considered in the context of relevant SPA breeding colonies particularly where the assessed effects result in a decrease to the adult annual survival rate of 0.02 percentage point change or higher.'*

It is noted that PVA will be conducted over a 25 and 50 years, as well as the consent period. We advise that we no longer require PVA for 50 years and will be changing our guidance accordingly.

Cumulative impacts

Cumulative impacts are discussed in section 8.4.9 of the Scoping Report. We support the use of the Cumulative Effects Framework (CEF) tool. The CEF is expected to be available shortly, so we anticipate it will be in place for use in the EIA Report and HRA for this project.

Transboundary impacts

Potential transboundary effects are discussed in section 8.4.11 of the Scoping Report and section 1.2.3.16 of Appendix 1. We agree with the screening process which scoped in transboundary effects for marine ornithology.

Mitigation and monitoring

Designed in measures relevant to offshore ornithology are described in section 8.4.7 and table 8.27 of the Scoping Report, and Appendix 2. In general, the designed in measures for ornithology are appropriate.

We note the following mitigation and monitoring commitment: MM34 - Appropriate lighting and marking of wind turbines and offshore substation platforms - up to date guidance on turbine lighting will be followed when producing the LMP to address aviation, shipping and ***ornithological*** requirements. We have the following comments on this commitment in relation to ornithology:

[12] Butler et al (2017). Attributing seabirds at sea to appropriate breeding colonies and populations (CR/2015/18). Scottish Marine and Freshwater Science Report, 11(8).
[13] https://www.rspb.org.uk/globalassets/downloads/documents/conservation--sustainability/mapping--gis/4f99f054-c01a-420f-9479-4840d05291d2_rspb-data-request-form.docx
[14] https://www.nature.scot/doc/guidance-note-11-guidance-support-offshore-wind-applications-marine-ornithology-recommendations

- With respect to nocturnal species impacts of lighting could be an issue. Species such as European storm petrel, Leach's storm-petrel and Manx shearwater may be attracted to and/or disorientated by artificial light sources. We noted the presence of 49 Manx shearwaters in the DAS survey report for July 2021.
- As well as lighting on turbines and other structures, this includes lighting on servicing or construction vessels, particularly if construction will be a 24/7 operation. Such effects could impact assessment of collision and/or displacement. We recommend considering the findings from the Marine Scotland commissioned review to inform the assessment of the risk of collision and displacement in petrels and shearwaters from offshore wind developments in Scotland[15].
- In addition, we recommend that protocols are built into construction and operation phases for monitoring and handling of any birds attracted by lighting, as well as associated recording of any such incidents including context (e.g. weather).

Nature conservation Marine Protected Area (ncMPA) Screening (Appendix 6)

Section 6.3.5 of Appendix 6 has been redacted so we are unable to comment on the 'Preliminary Screening Criteria for MPAs with Ornithological Features'. However, section 6.3.6.1 states that the screening has concluded that the Array Project is 'not capable of affecting (other than insignificantly)' ornithological features of any ncMPAs. From our own preliminary screening of relevant ncMPAs we are able to agree with this conclusion.

Habitats Regulations Appraisal (HRA) Stage 1 LSE Screening Report

Summary

In general, the information provided in the HRA screening report is acceptable and as expected. However, we have some specific comments to make as outlined below.

Impact pathways

The HRA screening takes into consideration key impact pathways. Impacts associated with the wind farm array are summarised in table 4.3. Within this table it should be made clear that indirect temporary habitat loss/disturbance relates to prey availability – see above for further advice.

Likely Significant Effect (LSE)

The approach undertaken in the HRA Screening Report seems broadly appropriate for LSE screening, subject to our advice below. However, we advise that conclusions on Likely Significant Effect (LSE) should not be made until all the data from site-specific survey work is available. This is

[15] https://www.gov.scot/publications/review-inform-assessment-risk-collision-displacement-petrels-shearwaters-offshore-wind-developments-scotland/documents/

so that a full picture of how birds are interacting with the array footprint is fully understood. We accept this means the initial long list will therefore be long in nature.

Pathways for LSE (table 5.9)

Table 5.9 of the HRA Screening Report summarises the pathways for LSE and potential impacts on marine ornithological features. We advise that the potential impact of 'attraction to light' should also be included for the construction phase of the project. As well as lighting on turbines and other structures during construction, this includes lighting on servicing or construction vessels, especially if construction will be a 24/7 operation.

LSE matrix for SPAs in UK waters with* marine ornithological features *(table 5.16)

Table 5.16 is an LSE matrix for SPAs in UK waters with marine ornithological features. This table is accompanied by text that explains the applicant's consideration of LSE for a given impact. These explanations are listed below table 5.16 and are categorised by letter (a – g). We do not agree some aspects of explanations c, d and e:

c) Vulnerability of species to impacts associated with offshore wind farms

We disagree with the assessments of no LSE for most species in relation to indirect temporary habitat loss/disturbance. This indirect impact is concerned with reduction or loss of prey availability which could result in displacement from an area or reduced energy intake (please note our earlier comments on prey availability as an impact pathway).

The exceptions in this regard are fulmar, great skua and Manx shearwater, for which this impact pathway is unlikely to be important because of the particularly large foraging range of these species.

Note that displacement of birds due to the physical presence of wind turbines and other ancillary structures is considered as a separate potential impact in the HRA Screening report.

d) Abundance of species at the Scoping Boundary (breeding season)

We would not advise concluding no LSE for any of the species listed in explanation d, based on low abundance in the project area, until the full 2 years of DAS data has been analysed.

e) Site-specific foraging range data (gannet)

For Ailsa Craig, Fair Isle, Flamborough and Filey Coast, Hermaness, Saxa Vord and Valla Field, Noss, Sule Skerry and Sule Stack and St Kilda SPAs it has been concluded there is potential for LSE only in the non-breeding season for gannet.

Wakefield et al (2013)[16] is cited to support the conclusion that connectivity did not exist between these SPAs and the Array Project during the breeding season. However, while this study does provide some evidence for segregation in relation to foraging areas utilised by birds from different breeding colonies, it was limited in the number of colonies studied and none of the Northern Isles sites were included in the study.

[16] Wakefield et al (2013) Space Partitioning Without Territoriality in Gannets. Science, 341 (6141), 68-70.

In view of this, we can agree that for Ailsa Craig SPA, Flamborough and Filey Coast SPA and St Kilda SPA there is evidence from the above study to support these sites being screened out. For Hermaness, Saxa Vord and Valla Field SPA, Noss SPA and Sule Skerry and Sule Stack SPA, which were not included in the study, we do not support the conclusion of no LSE for these sites in the breeding season.

Please note that the comments above on explanations c, d and e also apply to table 7.1, which provides a summary of the European sites and relevant qualifying features for which LSE has been identified and further assessment in the RIAA is required.

Breeding seabirds in the non-breeding season (Paragraph 5.1.4.7 – 5.1.4.14)

Connectivity has been identified for breeding seabirds in the non-breeding season using the areas associated with the BDMPS for each species. To determine LSE, two factors were considered:

- the abundance of each species as recorded during baseline aerial surveys
- the contribution of each SPA to the total BDMPS population

We advise that the abundance of each species cannot be ascertained based on incomplete survey data. This should be reassessed when the two years of data is available and has been analysed.

The proportions of non-breeding populations would normally be considered at the apportioning stage.

Migratory Waterbirds (Paragraph 5.1.4.15 – 5.1.4.20)

This section uses information from Wright et al (2012) to undertake a quantitative assessment using collision risk modelling (CRM) for migratory species for the project alone.

Currently, we advise, in our Guidance Note 4[17], that a qualitative assessment is undertaken for migratory birds using the WWT and MacArthur Green (2014) report. However, as information within this report is now outdated, a review has been undertaken and a stochastic migration collision risk modelling tool (mCRM) has been developed to enable quantitative assessment of risks to migratory SPA species. ScotMER are due to publish in the autumn the report for the project: '*Strategic study of collision risk for birds on migration and further development of the stochastic collision risk modelling tool*'. This report should help determine which migratory species may need further consideration and we would advise using it. The report should be available in a timeframe suitable for this project.

In-combination effects

We note that in-combination effects have not been included in the LSE matrix (table 5.16) which we would have expected to see.

[17] https://www.nature.scot/doc/guidance-note-4-guidance-support-offshore-wind-applications-ornithology-determining-connectivity

NatureScot advice on EIA Scoping Report and HRA Stage 1 LSE Screening Report for the Morven Offshore Wind Array Project

Appendix B – Marine Mammals

Marine mammal interests are considered in section 8.3 of the EIA Scoping Report and sections 4.4, 5, 6 and 7 of the HRA Screening Report.

Additional detail relating to the EIA Scoping Report is included in several appendices. Detail relevant to marine mammals is included in Appendix 1 (Transboundary Screening), Appendix 2 (Designed in Measures and Mitigation Log), Appendix 5 (Underwater Sound Methodology Statement), Appendix 6 (Marine Protected Area Screening) and Appendix 7 (Marine Mammals Methodology Statement).

Section 8.3 of the Scoping Report includes some direct requests for consultee feedback, we have responded to these within our advice below. In addition, our advice with respect to the HRA Stage 1 Screening Report is also provided below.

Study area

The proposed approach is to define two study areas, as described in section 8.3.2 and shown in figure 8.17, which are:

- The Project Marine Mammal Study Area - defined as the area encompassing the Scoping Boundary plus a buffer of 4km, as used in the site-specific Digital Aerial Survey (DAS) campaign.
- The Regional Marine Mammal Study Area – a much wider area extending over the North Sea geographic region.

Relevant regional marine mammal management units (MUs) and SCANS survey block area have been identified, as shown in figure 8.18.

We agree that these are appropriate study areas for the marine mammal assessment.

Baseline characterisation

We are content that table 8.15 in section 8.3.5, and table 7.2 in Appendix 7, captures the relevant baseline datasets for marine mammal interests. We are also content that relevant legislation is correctly identified in table 8.18.

We note the requests for consultee feedback included within section 8.3.5, and offer the following advice:

Bottlenose dolphin

We are content with the proposed approach described in paragraph 8.3.5.34, which is to only include bottlenose dolphin in quantitative assessment if underwater noise modelling shows overlap of Zone of Influence (ZoI) with coastal range. It is only the offshore array area that is being assessed, not the export cable route, as such underwater noise is the main impact that could

affect the coastal bottlenose dolphin population. If this does not reach their coastal range, there will be no need to quantitatively assess coastal bottlenose dolphin.

However, another potential impact on bottlenose dolphin is from vessel movements, which are predicted to be high: a maximum of 166 vessels and 12 helicopters could be used on site at any one time during installation, and up to 3,545 return vessel trips per year during operation and maintenance. If these vessels are travelling from ports either within the Moray Firth, or along the east coast, then an assessment of these upon the Moray Firth SAC bottlenose dolphin population may also be needed, although it is likely this would be qualitative.

Harbour seal

As the seal usage maps indicate low usage of the array area by harbour seals, we are content with the approach described in paragraph 8.3.5.46. The site is ~60km from the coast which is beyond the usual ~50km foraging range of harbour seals. We note that the commissioned seal telemetry data should provide useful additional site-specific information.

Summary of key species

We are content that paragraph 8.3.5.57 correctly captures the key species for further assessment. We agree that the rare or occasional species listed within paragraph 8.3.5.58 do not need to be assessed further. However, we advise that all of the species listed in this section are included in any proposed mitigation programme.

Potential impacts

Table 8.19 and table 8.20, section 8.3.6, summarise the impacts to be scoped in and scoped out of the marine mammal assessment. We broadly agree with the potential impacts identified, noting our advice above regarding potential impacts from vessel movements.

Approach to assessment

We are generally content with the approach to assessment set out in section 8.3.8 of the Scoping Report and Appendix 7 (Marine Mammals Methodology Statement).

Digital Aerial Surveys

We note that a number of unidentified seals and cetaceans were recorded in the Digital Aerial Surveys. These have been allocated to species based on the proportion of identified species. We do not agree with this approach as it introduces biases in the data. However, we are content with the proposed approach to present results both with and without allocated individuals within the EIA Report.

Underwater noise

Underwater noise is considered in section 7.2 of the Scoping Report and Appendix 5 (Underwater Sound Methodology Statement). The proposed methodology for modelling underwater noise seems appropriate, and noise sources have been correctly identified. However, we note that, in table 7.7 geophysical surveys are included under the category ‘non-impulsive sound sources’. The distinction between impulsive and non-impulsive noise is not always clear, some geophysical equipment such as sparkers and boomers have impulsive signal characteristics, whereas others

such as sonar and chirp are less impulsive but can still be classed as pulses. section 7.7.1.1, Appendix 7, states that some geophysical surveys produce impulsive sound. We advise that, as a precautionary measure, all geophysical equipment should be treated as producing impulsive sound.

Unexploded ordnance

In section 7.8 of Appendix 7, it is noted that modelling will be carried out for high order unexploded ordnance (UXO) clearance alongside low order clearance. We also note that the joint interim position statement on UXO (Defra, 2022) has been acknowledged.

Our preference is to see the use of deflagration as a removal technique and there is currently a deflagration campaign ongoing in Scottish waters. However, in the absence of the outcomes of this campaign, we advise that currently, both high order and low order clearance should be modelled to ensure the worst case scenario is assessed.

Cumulative impacts

The approach to assessing cumulative effects set out in section 8.3.9 seems appropriate, however we consider the approach to be quite high level at this stage.

We support the use of the Cumulative Effects Framework (CEF) once this is available.

Mitigation and monitoring

Designed in measures and mitigation relevant to marine mammals are outlined in table 8.21, section 8.3.7 and in Appendix 2 (Designed in Measures and Mitigation Log).

At this stage, there is not much detail about mitigation and no mention of monitoring (section 8.3.7). However, we note that there is a commitment to further development of mitigation, depending on the outcome of the assessments, via the Construction Method Statement (CMS), Environmental Management Plan (EMP) and Marine Mammal Mitigation Protocol (MMMP).

Where impact pathways have been identified, we advise that the full range of mitigation techniques and published guidance is considered and discussed in the EIA Report. Further information on proposed marine mammal monitoring should also be discussed in the EIA Report.

Transboundary impacts

The approach to assessing transboundary effects set out in section 8.3.11 and Appendix 1 (paragraphs 1.3.2.14 – 1.3.2.15) seems appropriate. We agree that potential transboundary impacts should be considered in the EIA.

Nature conservation Marine Protected Areas (ncMPA) Screening (Appendix 6)

Section 6.3.4 of Appendix 6 details the preliminary screening for ncMPAs with marine mammal features. We agree that no ncMPAs, including the Southern Trench ncMPA, need to be screened in to the MPA assessment.

Habitats Regulations Appraisal (HRA) Stage 1 LSE Screening Report

We note that table 5.4 in the HRA Screening report identifies five European sites with Annex II marine mammal features to be taken forward for determination of LSE.

We agree that, until underwater noise modelling is complete, the Moray Firth SAC should be screened in for further assessment, due to the potential connectivity of the coastal bottlenose dolphin population of the Moray Firth SAC. Please also note our advice above regarding vessel movement.

We have previously advised that the Southern North Sea SAC can be screened out of the HRA assessment. This is because harbour porpoise are ubiquitous in Scottish Seas and in our view it is not possible to identify if they are from an SAC population. We defer to Natural England as this site is in English waters.

As per our previous advice, we are content for the three Special Areas of Conservation (SACs) designated for grey and harbour seals to be screened out.

Appendix C – Benthic Ecology

Benthic Environment interests are considered in section 8.1 of the EIA Scoping Report and section 4.2 of the HRA Screening Report.

Additional detail relating to the EIA Scoping Report is included in several appendices. Detail relevant to benthic ecology is included in appendix 1 (Transboundary Screening), Appendix 2 (Designed in Measures and Mitigation Log) and Appendix 6 (Marine Protected Area Screening).

We provide comments and advice on the EIA Scoping Report, ncMPA Screening Appendix and HRA Stage 1 Screening Report below.

Study area

We are content with the study areas as detailed in section 8.1.2 and figure 8.1 of the Scoping Report. Two study areas are defined:

- the Benthic Subtidal Ecology Study Area
- the Regional Benthic Subtidal Ecology Study Area

Baseline characterisation

We are content with the baseline characterisation as outlined in sections 8.1.3 – 8.1.5.

Potential impacts

We agree with the impacts scoped in as shown in table 8.4, section 8.1.6 (please note, section 8.16 contains some minor errors regarding in-text references to table numbers). We welcome the scoping in of EMF effects, noting that this impact pathway is not that well understood at present. We note and welcome the ScotMER project "A Targeted Approach to Defining EMF from Subsea Cables and Understanding Potential Impacts on Fish and Benthic Species".

Table 8.5 indicates that accidental pollution, contaminants and thermal effects have been scoped out. We are content with this.

Approach to assessment

We are content with the assessment methodology for benthic ecology interests, as outlined in section 8.1.8.

Cumulative impacts

We are content with the approach to cumulative assessment for benthic ecology interests, as described in section 8.1.9.

Mitigation and monitoring

We are generally content with the designed in measures and mitigation described in section 8.1.7, along with the commitment for additional mitigation measures if required. We advise that the full

range of mitigation measures and published guidance is considered and discussed in the EIA Report.

No specific monitoring for benthic ecology is mentioned in the Scoping Report. Further information on proposed benthic monitoring should be discussed in the EIA Report. We are aware of Marine Directorate proposals to carry out infield measurement of EMF to better understand impacts on benthic and fish species through the aforementioned ScotMER project. Therefore, any input this project could assist with, either from project measurements or contributions to this wider work, would be beneficial.

Transboundary impacts

We agree, as per section 8.1.11, that transboundary impacts can be scoped out from further consideration for benthic ecology.

Nature conservation Marine Protected Areas (ncMPA) Screening (Appendix 6)

Table 6.1 in section 6.3 of Appendix 6 correctly identifies the features of the Firth of Forth Banks Complex ncMPA. As shown in figure 6.1, the Zone of Influence (ZoI) boundary overlaps with the Montrose Bank component of the Firth of Forth Banks Complex ncMPA.

The physical features 'shelf banks and mounds' and 'moraines' are outside the ZoI and are screened out of further assessment. The features 'offshore subtidal sands and gravels' and 'ocean quahog aggregations', overlap with the ZoI and are scoped in due to potential impacts from increases in suspended sediment concentrations and associated deposition and changes in physical processes. We are content with this approach.

Habitats Regulations Appraisal (HRA) Stage 1 LSE Screening Report

We agree with the conclusion in the HRA Stage 1 LSE Screening Report that no sites with Annex 1 habitat features need to be taken forward to assessment.

Appendix D – Fish and Shellfish Ecology

Fish and shellfish interests are considered in section 8.2 of the EIA Scoping Report and sections 4.3, 5, 6 and 7 of the HRA Screening Report.

Additional detail relating to the EIA Scoping Report is included in several appendices. Detail relevant to fish and shellfish is included in Appendix 1 (Transboundary Screening), Appendix 2 (Designed in Measures and Mitigation Log), Appendix 5 (Underwater Sound Methodology Statement) and Appendix 6 (Marine Protected Area Screening).

Our advice below focuses on those fish and shellfish species, and where appropriate their associated habitats, that are protected features of European sites or ncMPAs as well as those that are of conservation importance including PMFs and key prey species. In addition, our advice with respect to the HRA Stage 1 Screening Report is also provided below.

Study area

We agree with the study area as detailed in section 8.2.2 of the Scoping Report, which has been split into two zones:

- The Array Project Fish and Shellfish Ecology Study Area
- The Regional Fish and Shellfish Ecology Study Area

We acknowledge that the Zone of Influence for impacts associated with underwater noise will be defined through modelling.

We agree that ocean quahog and horse mussels should be considered within the benthic ecology chapter of the EIA.

Baseline characterisation

We support the proposed approach of carrying out a desk-based review of existing fish and shellfish ecology data, focusing on sourcing data that has been collected within or near to the study area. We support the list of existing datasets as described in table 8.7. We note that this will be supplemented by site-specific survey data obtained from a benthic ecology characterisation survey.

We welcome the site specific eDNA sampling, which will complement the fish and shellfish survey data and may help to detect rare, cryptic, endangered or invasive species. We request that more detail on the eDNA methodology is provided prior to survey commencement. We welcome the intention to consider habitat suitability for sandeel.

We advise that the following sources should also be considered in the EIA Report:

- Feature Activity Sensitivity Tool (FeAST)[18], which is due to be updated shortly with fish and shellfish information.
- Franco A., Smyth K., Thomson S. (2022) Developing Essential Fish Habitat maps for fish and shellfish species in Scotland. Report to the Scottish Government, December 2022. DOI: 10.7489/12450-1[19] (this is listed in the data sources in table 8.7 as an 'in press' source, but it has now been published).

We agree with the species identified within the EIA Scoping Report with regards to fish and shellfish ecology. We provide advice on ocean quahog within Appendix C of our advice.

Potential impacts

Tables 8.12 and 8.13 summarise the potential impacts to be scoped in and scoped out of the assessment, respectively. We broadly support the proposed approach subject to our advice below.

Underwater noise and vibration

We agree that underwater noise impacts should be scoped in for the construction and decommissioning project phases. This should include sandeel (as well as migratory and spawning fish species) as they may be present at the development site all year round, have a close association with the seabed or may be unable to flee from noisy activities. We welcome the specific consideration of UXO clearance in the assessment.

EMF impacts

We welcome the scoping in of EMF effects, noting that this impact pathway is not that well understood at present. The impacts from EMF should be considered for all relevant fish species, including elasmobranch species, nephrops and diadromous fish, including migratory fish. We note and welcome the ScotMER project "A Targeted Approach to Defining EMF from Subsea Cables and Understanding Potential Impacts on Fish and Benthic Species".

Changes in prey species availability

We advise consideration is required in the EIA Report to ensure that impacts to key prey species (such as sandeel, herring, mackerel and sprat) and their habitats are considered for this development alone and cumulatively with other wind farms. We recognise that most EIA Reports concentrate on receptor specific impacts. However, increasingly we need to understand impacts at the ecosystem scale. Therefore, consideration across key trophic levels will enable better understanding of the consequences (positive or negative) of any potential changes in prey distribution and abundance on marine mammal (and other top predator) interests and how this may influence population level impacts. Consideration of how this loss and or disturbance may affect the recruitment of key prey (fish) species through impacts to important spawning or nursery ground habitats should also be assessed.

[18] http://www.marine.scotland.gov.uk/FEAST/

[19] https://www.gov.scot/publications/developing-essential-fish-habitat-maps-fish-shellfish-species-scotland-report/

In addition, the PrePARED (Predators and Prey Around Renewable Energy Developments) project[20] may be helpful in the understanding of predator-prey relationships in and around offshore wind farms.

Approach to assessment

Section 8.2.8 of the EIA Scoping Report lists guidance documents to be used in the fish and shellfish assessment. Other relevant guidance that should be included is the JNCC guidance on underwater noise[21] and the unexploded ordnance clearance - joint interim position statement[22].

We broadly support the approach to assessment set out in section 8.2.8. We note that the applicant has highlighted the importance of key prey species such as herring, mackerel, sprat and sandeel, and will look at habitat suitability for sandeel. We advise that in relation to Priority Marine Features (PMFs) the assessment should quantify, where possible, the likely impacts to key fish and shellfish PMF species. It should assess whether these could lead to a significant impact on the national status of the PMF being considered[5].

Cumulative impacts

Potential cumulative impacts are considered in section 8.2.9. The EIA Report should consider the cumulative effects of key impacts such as habitat loss/change, especially in relation to diadromous fish as well as key fish and shellfish species that contribute ecological importance as a prey resource. This may differ depending on the life stage being considered.

Mitigation and monitoring

We are generally content with the embedded commitments described in section 8.2.7, along with the commitment for additional mitigation measures if required. We advise that the full range of mitigation measures and published guidance is considered and discussed in the EIA Report.

It is proposed that an Environmental Management Plan (EMP) will set out mitigation measures and procedures relevant, but not limited to, the management of invasive and non-native species (INNS). The EIA Report should provide details on how marine INNS will be considered, monitored and recorded as well as being taken account of within biosecurity plans for each phase of the development.

No specific monitoring for fish and shellfish is mentioned in the Scoping Report. Further information on proposed fish and shellfish monitoring should be discussed in the EIA Report – we are content to discuss this further during pre-application as required. We are aware of Marine Directorate proposals to carry out infield measurement of EMF to better understand impacts on benthic and fish species through the aforementioned ScotMER project. Therefore, any input this project could assist with, either from project measurements or contributions to this wider work, would be very beneficial.

[20] https://owecprepared.org/
[21] https://jncc.gov.uk/our-work/marine-mammals-and-noise-mitigation/
[22] https://www.gov.uk/government/publications/marine-environment-unexploded-ordnance-clearance-joint-interim-position-statement

Transboundary impacts

Potential transboundary impacts are considered in section 8.2.11 and Appendix 1 of the EIA report. We agree with the conclusions of the screening assessment.

Habitats Regulations Appraisal (HRA) Stage 1 LSE Screening Report

Migratory fish

We note that for diadromous fish species there is limited knowledge of distribution and behaviour of these species in the marine environment. For example, the precise migration routes of adult or juvenile Atlantic salmon or direction taken by migrating adult European eels is not fully known. Published information indicates that European smelt and River lamprey are primarily, though probably not exclusively, associated with estuarine environments. Shad might also prefer estuarine environments.

Furthermore, for some species, like seals, we have a reasonable understanding of connectivity to individual SACs. We also have population estimates for nearly all seal SAC populations in the standard data forms which forms part of the citation package. For diadromous fish species we do not have population data for any salmon or lamprey SAC on the data forms.

This inability to understand connectivity to and within individual rivers to the development area, currently prohibits an informed assessment of the impact on individual site integrity. This is a necessary step within HRA assessment process.

The recently updated ScotMER evidence map[23] process for diadromous fish confirms these evidence gaps, particularly with respect to spatial and temporal distribution as well as uncertainty around migration routes and connectivity to protected sites. The ScotMER process is an important vehicle for helping to address these evidence gaps and uncertainties. We specifically welcome the ScotMER project '*Diadromous Fish in the Context of Offshore Wind – Review of Current Knowledge & Future Research*'. This research may change conclusions on how diadromous fish are treated in both EIA and HRA going forward.

Based on evidence currently available to us at this point, we have concluded that it is not possible for us to carry out an assessment of diadromous fish to the level required under HRA. We therefore advise that diadromous fish species should be assessed through EIA only and not through HRA.

We advise that offshore wind developers should be contributing to ScotMER research as well as other initiatives such as the Wild Salmon Strategy Implementation Plan[24] and any other strategies that are developed for diadromous fish interests.

[23] https://www.gov.scot/publications/diadromous-fish-specialist-receptor-group/ – published 26 January 2023
[24] https://www.gov.scot/publications/wild-salmon-strategy-implementation-plan-2023-2028/

Appendix E – Physical Environment

Physical Environment interests are considered in section 7.1 of the EIA Scoping Report.

Additional detail relating to the EIA Scoping Report is included in several appendices. Detail relevant to physical environment is included in Appendix 1 (Transboundary Screening), Appendix 2 (Designed in Measures and Mitigation Log) and Appendix 6 (Marine Protected Area Screening).

We provide comments and advice on the EIA Scoping Report and associated appendices below. Our advice with respect to the ncMPA Screening Appendix is also provided.

Study area

The proposed approach to define a study area, as described in section 7.1.2 and shown in figure 7.1 accords with our advice. The study area extends one spring tidal excursion, which we note will be between circa 5.5 km and 13.5 km from the scoping boundary.

Baseline characterisation

We are content with the baseline characterisation as outlined in sections 7.1.3 – 7.1.5.

Potential impacts

Section 7.1.6, table 7.3 indicated that no impacts are to be scoped out. However we notice that impacts from scour around seabed infrastructure has been omitted and should be scoped in. This is because although scour protection is detailed as embedded mitigation, secondary scour can occur around scour protection.

Approach to assessment

We are content with the assessment methodology as described in section 7.1.8.

Cumulative assessment

Section 7.1.9 notes that in the absence of modelling, it is uncertain whether predicted impact to physical processes will be localised within the scoping boundary during all phases of deployment. This should be reviewed once modelling outputs are available.

Mitigation and monitoring

We note that the Physical Processes chapter does not have a section on mitigation and monitoring. However, Appendix 2 of the EIA Report (Designed in Measures and Mitigation Log) does include mitigation and monitoring commitments for Physical Processes. We advise that the full range of mitigation measures and published guidance is considered and discussed in the EIA Report, as should any requirements for monitoring.

Transboundary impacts

We agree, as per section 7.1.11 that transboundary impacts can be scoped out from further consideration.

Nature conservation Marine Protected Areas (ncMPA) Screening – Appendix 6

Table 6.1 in section 6.3 of Appendix 6 correctly identifies the features of the Firth of Forth Banks Complex ncMPA. We note from figure 6.1, that the boundary of the predicted zone of influence (one maximum tidal ellipse over a spring tide) overlaps with the Montrose Bank portion of this composite site. Neither of the two physical features (moraines representative of the Wee Bankie Key Geodiversity Area or shelf banks and mounds) are located within this predicted overlap. On this basis we agree with proposed approach as per table 6.2 to screen out these physical (geomorphological and large scale) features.

Appendix F – Seascape, Landscape and Visual Impact Assessment (SLVIA)

Seascape, Landscape and Visual Resources are considered in section 9.7 of the EIA Scoping Report.

Due to the location of this proposal, the distance from shore, as well as the advice we provided during the Sectoral Marine Plan consultation[25], we advise that SLVIA for the offshore elements located within array area is not required and can be scoped out of assessment. This is in line with the advice we provided by email on 13th April 2023, prior to the Morven Scoping Workshop.

[25] https://www.nature.scot/doc/sectoral-plan-consultation-summary-and-design-guidance

NLB

Northern Lighthouse Board

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Tel: 0131 473 3100
Fax: 0131 220 2093

Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk

Your Ref: SCOP-0028
Our Ref: AL/OPS/ML/O6_23_832

Ms Anna Shenton
Licensing Operations Team – Marine Directorate
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

27 July 2023

REGULATION 12 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 & REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007

Request for Scoping Opinion for Proposed Section 36 and Marine Licence Application for the Morven Offshore Wind Farm Located Approximately 60km off the Aberdeenshire Coast

Thank you for your e-mail correspondence dated 27th July 2023 relating to the Scoping Report submitted by **Morven Offshore Wind Ltd** in relation to the proposed Morven Offshore Wind Farm development located approximately 60 kilometres (km) east off the Aberdeenshire coast.

Northern Lighthouse Board note the inclusion of Section 9.2 – Shipping and Navigation within the report, with particular reference to Section 9.2.5.8, highlighting the cumulative impact upon navigation of the three 'E1' sites (Morven, Ossian and Bellrock).

NLB also note Section 9.2.7 – Designed in Measures and Mitigation, detailing the embedded measures proposed to ensure safety of navigation throughout the lifetime of the project. This includes the development of a Lighting and Marking Plan (LMP) and Navigational Safety Plan (NSP).

Within Tables 9.9 (Designed in measures of the Array Project, relevant to Shipping and Navigation) and Table 9.33 (Measures of relevance to the likelihood and severity of major accidents and disasters) Reference Number MM-35 should specifically reference the development of a Lighting and Marking Plan, alongside a NSP and VMP.

NLB have no objection to the content of the Scoping Report, and no suggestions for subjects required to be included within the EIA.

Yours sincerely

[Redacted]

Peter Douglas
Navigation Manager

Northumberland
County Council

Northumberland
County Council

Anna Shenton
Marine Directorate Scottish Government
Altantic Quay
Glasgow
G2 8LU

Planning Ref: 23/02848/CNA
Your Ref:
Contact: Mr David Love
Direct Line: [Redacted]
E-Mail: David.love@northumberland.gov.uk
Date: 2nd August 2023

Dear Sir/Madam,

TOWN & COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

Proposal Consultation In respect of the proposed marine licence application for the above works (under the Marine and Coastal Access Act 2009) and the section 36 consent application (under the Electricity Act 1989), Morven Offshore Wind Limited has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under the above EIA Regulations. Ref SCOP-0028

Location Morven OffShore Wind Farm 60km Of The Aberdeenshire Coast

Applicant Anna Shenton Marine Directorate Scottish Government

I would confirm that Development Management have **No Objection** to the above consultation.

Yours Faithfully

Mr David Love
Planning Officer

RSPB
Scotland

Marine Scotland Licensing Operations Team
Marine Scotland
By email: MS.MarineRenewables@gov.scot

25th August 2023

Dear Anna,

SCOP-0028 -REQUEST FOR SCOPING OPINION AND HABITATS REGULATIONS APPRAISAL SCREENING FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATION FOR THE MORVEN OFFSHORE WIND FARM

Thank you for consulting RSPB Scotland on the above proposed development located approximately 60 km off the Aberdeenshire coast in in the Sectoral Marine Plan (SMP) Option E1 .

We understand the proposed Morven Offshore Wind Farm would consist of up to 191 fixed offshore wind turbines (with maximum tip height 390 meters above LAT, maximum rotor diameter of 350 meters and minimum blade tip clearance to LAT of 30 meters) up to 11 offshore electrical platforms, inter-array and export cables and protection. There will also be associated onshore transmission infrastructure to facilitate connection to the national grid, though we note these elements are not included in the current consultation. Subject to gaining consent, we note construction of the development is scheduled to start in 2027 with operation of the offshore windfarm commencing from late 2030. Subject to the development gaining consent, we understand the construction phase is expected to commence in 2026 and last up to 7 years indicating the development would be fully operational by 2033.

We have been unable to ascertain the proposed lifetime of the development but note the Population Viability Analysis will be undertaken for both 25 years and 50 years.

The SMP summary for plan option E1 and E2 identifies potential for have significant effects on bird species (specifically Kittiwake, Great Black-backed Gull, Razorbill, Gannet and Guillemot), for which previous wind farm consultations have raised significant concerns. It further states that there may be limited capacity for further development on the east coast of Scotland. The HRA for the SMP concludes that development at these sites should not proceed "*until such time that enough evidence on the environmental capacity for seabirds exists to reduce the risk to an acceptable level*". As such, sites E1 and E2 are both subject to further regional level survey, research, and assessment. We understand these are currently being undertaken and will be used to contextualise impacts from the site-specific DAS.

General Comments

The UK is of outstanding international importance for its breeding seabirds and wintering marine birds. As with all Annex I and regularly migratory species, the UK has a particular responsibility under the Birds

Directive to secure their conservation. Their survival and productivity rates can be impacted by offshore windfarms directly (i.e. collision) and indirectly (e.g. displacement from foraging areas, additional energy expenditure, potential impacts on forage fish and wider ecosystem impacts such as changes in stratification).

RSPB Scotland encourage the adoption of a precautionary approach to the identification of relevant protected sites for seabirds with clear methodology on the exclusion of sites and species. We generally agree with the collection and analysis methods advised by NatureScot, with some exceptions as set out below. We recommend use of the guidance notes available on their website to inform assessment. If an Applicant chooses to undertake supplementary modelling using alternative parameters to that recommended, we suggest this is clearly labelled.

As set out in Searle et al (2023)[1], assessing impacts of offshore windfarms and other renewables developments is inherently uncertain. This uncertainty is propagated throughout the impact assessments, as there are not only direct impacts, but ecosystem wide impacts that can change, for example, the abundance and availability of prey. Multiple data sources and modelling techniques are used to capture a simplified version of reality. They do not fully capture the complexity of seabird behavioural or demographic processes in a dynamic marine environment.

Not recognising these uncertainties risks poorly informed decisions being made. Furthermore an underestimation of impacts will have repercussions when consenting later offshore wind development. If a precautionary approach is taken from the beginning, the likelihood of irreversible damage occurring is reduced even whilst our knowledge base is incomplete, and modelling improves.

The precautionary principle requires the Applicant to demonstrate with scientific certainty that something would not be harmful. The concept of something being overly precautionary dismisses the inherent uncertainty in modelling and overlooks the simplistic version of reality that the modelling captures.

We are aware the applicant has had detailed discussions with NatureScot (see Table 8.23 of the Scoping Report) and would welcome this written advice being shared or included as part of the scoping opinion.

Due to capacity we have been unable to provide specific comment on the Ornithology methods statement.

Bio-seasons for Kittiwake and Gannet

The RSPB has outstanding issues with the manner in which the bio-seasons definitions from Furness (2015)[2] have been defined for gannet and kittiwake. This is because by using the "migration-free" seasonal definition as opposed to full breeding season the early and later months of the season are effectively excluded. For example, the kittiwake breeding season is defined as May to July, when evidence from colony monitoring shows that birds are present from April at least to August. In the latter part of the season all birds will have

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[1] Searle, K. R., O'Brien, S. H., Jones, E. L., Cook, A. S. C. P., Trinder, M. N., McGregor, R. M., Donovan, C., McCluskie, A., Daunt, F., and Butler, A., 2023. *A framework for improving treatment of uncertainty in offshore wind assessments for protected marine birds*, ICES Journal of Marine Science, 2023;, fsad025, https://doi.org/10.1093/icesjms/fsad025

[2] Furness, R.W. (2015) Non-breeding season populations of seabirds in UK waters: Population sizes for Biologically Defined Minimum Population Scales (BDMPS). Natural England Commissioned Reports, Number 16

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fledged but individual birds will still be present with both young and adult birds coming back to the cliff. These are still SPA birds, and those most likely to be affected by impacts from the development

Foraging Ranges for Common Guillemot and Razorbill

We welcome using foraging ranges as published in Woodward *et al*. (2019)[3] to derive connectivity with SPA colonies. We also recommend that site specific data are examined and where the maximum foraging range from the colony exceeds the generic value, that the site-specific value is used.

The exceptions to this are for common guillemot and razorbill. Tracking on Fair Isle showed foraging for both common guillemot and razorbill distances are greater than those of all other colonies. This may relate to poor prey availability during the study. However, trends for seabirds in the Northern Isles indicate this may be becoming a more frequent occurrence. For all designated sites south of the Pentland Firth (i.e. excluding the Northern Isles), we advise use of mean max (MM) plus one standard deviation (SD) discounting Fair Isle values. For clarity, North Caithness Cliffs SPA is considered to lie south of the Pentland Firth.

	All Northern Isle SPAs	**All sites south of Pentland Firth**
Common guillemot	153.7 MM+SD	95.2 MM+SD
Razorbill	164.6 MM+SD	122.2 MM+SD

In the non-breeding season, seabirds are not constrained by colony location and can, depending on individual species, range widely within UK seas and beyond.

Gannet

Whilst the RSPB agree with the majority of the NatureScot advised Avoidance Rates including the use of a 99.2% avoidance rate for non-breeding gannets, in our opinion, a 98% avoidance rate is more appropriate for breeding gannets. This is because the figures used for the calculation of avoidance rates advocated by the SNCBs are largely derived from the non-breeding season for gannet. During the breeding season, gannets are constrained to act as central placed foragers meaning they return to the colony after feeding in order to maintain territories, incubate eggs and provide for chicks. Once chicks have fledged adult gannets remain at sea and no longer visit the colony. Differences in behaviour between the breeding and non-breeding season are likely to result in changes in avoidance behaviour.

This seasonally defined change in reactive behaviour will also be reflected in the distributional changes occurring due to the presence of turbines. As such, alongside the 70% displacement rate recommended by

[3] Woodward, I., Thaxter, C.B., Owen, E. and Cook, A.S.C.P. (2019). Desk-based revision of seabird foraging ranges used for HRA screening. BTO Research Report No. 724, British Trust for Ornithology, Thetford. ISBN 978-1-912642-12-0.

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NatureScot for the assessment of gannet, we recommend the presentation of 60% displacement rate during the breeding season.

Displacement and Barrier Effects

The scoping report (Table 8.25) has omitted displacement and barrier effects as having impact pathways construction and demolition. The response of marine birds to construction, operation and decommissioning varies between species with several species likely to show an avoidance of operational offshore windfarm development. Activities likely towing, pile driving, and operation of vessels can however cause disturbance in the construction and decommissioning phases. As such, displacement and barrier effect impact pathways during construction and demolition should be scoped in. Key species for consideration are auks (guillemot, razorbill, puffin) gannet and kittiwake.

Artificial Lighting and non-daylight activity

We are pleased to see that the impact of lighting has been scoped in for construction, operation, and decommissioning. Due to constraints as to when DAS can be undertaken, RSPB Scotland advise regard is given to whether the surveys will accurately reflect the density of birds with crepuscular and nocturnal flight tendencies.

EIA Assessment of Significance

An EIA report must include a description of the likely significant effects of the development on the environment. RSPB are frequently presented with a matrix approach to significance which combines the value of a rector with the magnitude of impacts. This formulaic approach is one way to present significance, but the categorisation is not biologically meaningful and may not be the best way to assesses the significance of impacts. Furthermore, the uncertainty in the score, as described by Wade *et al.,* (2016) is typically not incorporated into this approach. This should be case, and we would recommend doing so following the principal that the greater the uncertainty the greater the need for precaution (Searle *et al.,* 2023)

When assessing significance, it is particularly relevant that:

- Seabirds are relatively long-lived, take longer to reach breeding age than most other birds and have just one or two young per year. As a result, their populations are sensitive to small increases in adult mortality.
- NatureScot's latest assessment of 11 Scottish breeding seabird species show that numbers fell by nearly half (49%) between 1986 and 2019[4].
- Governments of the UK have collectively failed to meet 11 out of the 15 indicators of Good Environmental Status (GES) for our seas as required under the Marine Strategy Regulations 2010.

[4] Scottish Biodiversity Indicator – The Numbers and Breeding Success of Seabirds (1986 to 2019) | NatureScot

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The marine birds indicator is moving away from target. For breeding seabirds, more species are now experiencing frequent, widespread breeding failures[5] .

- Black-legged Kittiwake and Atlantic Puffin are red listed on the Birds of Conservation Concern and have been assessed by the IUCN as vulnerable to global extinction.
- The growth of offshore wind is placing great cumulative pressure on seabird colonies.

RSPB Scotland disagree with the magnitude of impact being assessed in terms of predicted increases to baseline mortality. As above, small increases in mortality can have large impacts. It is more meaningful to view impacts across the lifeline of the development in comparison to population size in the absence of the development and consider long-term viability of colonies and time for recovery.

EIA Non-technical Summary

RSPB Scotland advocate for the planning and consenting process to be accessible. In relation to ornithology, the EIA will contain complex statistical models, the output of which is not readily understood by a lay person. A non-technical summary (NTS) is therefore vital to set out the main findings of the EIA report in an accessible way and in plain English so that it is easily understood by the public. It should not just describe the process but also clearly present information (to the specifications of the scoping opinion) with interpretation and explanation with clear figures, maps, and tables as necessary. It should not hide any key messages of the EIA by over-summarising or averaging out findings.

The ornithological section of the NTS should clearly explain what is meant by 'significant' in an ornithological context (see also above). It should provide direction to the reader of where in the EIA Report to find information on how the sensitivity of the receptor was assessed and how the magnitude of potential impacts was calculated. If magnitude of impact has been related to a specific element or elements (for example time to recovery following cessation of project or alteration of the long-term viability of the population) this should made clear.

We recommend the NTS contains clear information on how the mitigation hierarchy has been followed. The mitigation hierarchy requires that:

- Adverse impacts should firstly be avoided as far as possible;
- Any remaining adverse impacts should then be minimised or reduced to as low as practical; and
- For residual adverse impacts which are both unavailable and cannot be reduced further, measures to remedy or offset the impacts should be included within the application.

To make the NTS informative, we welcome the use of short summary tables. We suggest a series of tables are used to present the following information:

[5] CEFAS Marine Assessment Tool – Marine Breeding Bird Success https://moat.cefas.co.uk/biodiversity-food-webs-and-marine-protected-areas/birds/breeding-successfailure/

- Annual mortality for relevant species using the methods set out in the scoping opinion for the development in isolation
- Annual mortality for relevant species using the methods set out in the scoping opinion for the development in cumulation with impacts arising from any existing or approved development
- Predicted population size of relevant SPA colonies after the lifetime of the proposed development using the methods set out in the scoping opinion presented and as a percentage (min-max) of what it would have been in the absence of the proposed development
- Predicted population size of relevant SPA colonies after the lifetime of the proposed development and other relevant developments (i.e in cumulation) using the methods set out in the scoping opinion and presented as a percentage (min-max) of what it would have been in the absence of the proposed development

Screening for Likely Significance Effects

The test of Likely Significant Effect (LSE) is a simple screening stage to determine whether or not an appropriate assessment is required. Each qualifying interest must be considered in relation to their conservation objectives. RSPB Scotland agree with the conclusion that an Appropriate Assessment is required.

Should you require any further information or clarification, please do not hesitate to get in contact.

Yours sincerely,

Catherine Kelham

Senior Marine Conservation Planner
RSPB Scotland

RYA Scotland

RYA Scotland

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18 August 2023

Anna Shenton,
Marine Licensing and Consenting Casework Officer,
Licensing Operations Team,
Marine Directorate
Scottish Government
Marine Laboratory,
375 Victoria Road,
Aberdeen,
AB11 9DB
ms.marinerenewables@gov.scot

Dear Anna,

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATION FOR THE MORVEN OFFSHORE WIND FARM

I took part in the scoping workshop and have read the relevant parts of the scoping report on behalf of RYA Scotland. I have no comments to make on the scoping report and agree that Shipping and Navigation should be scoped in and would wish to be involved with the Navigational Risk Assessment. I will work on this with my colleague in the Cruising Association.

Yours sincerely,

[Redacted]

Dr G. Russell FCIEEM(retd) FRMetS
Planning and Environment Officer, RYA Scotland

The Royal Yachting Association Scotland
A company limited by guarantee and registered in Scotland
Number SC219439

Scottish Water

Wednesday, 02 August 2023

Marine Licensing
375 Victoria Road
Aberdeen

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk
Follow Us

Dear Customer,

Morven Offshore Wind Farm
Our Ref: DSCAS-0091672-G33
Proposal: Scoping Report – Morven Offshore Wind Farm Array Area – July 2023

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity

with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - Site Investigation Services (UK) Ltd
    - Tel: 0333 123 1223
    - Email: sw@sisplan.co.uk
    - www.sisplan.co.uk

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison
Development Services Analyst
PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

SEPA

From:	Planning.North
To:	MS Marine Licensing
Cc:	MS Marine Renewables
Subject:	SEPA Ref: 9963 - SCOP-0028
Date:	31 July 2023 15:02:57

OFFICIAL

Dear Anna Shenton

Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
SCOP-0028
Morven Offshore Wind Farm
60 km off the Aberdeenshire Coast

SEPA understand that this consultation pertains to the proposed section 36 consent and marine licence application for the array area of the proposal and as such we have no comments to make as these matters are outwith our remit.

Kind regards
Nicki Dunn
Senior Planning Officer

OFFICIAL

Scottish
Borders
Council

From: Shearer, Scott
To: MS Marine Renewables
Cc: Lauren Cowan
Subject: [OFFICIAL] RE: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023
Date: 25 August 2023 14:30:53
Attachments: image002.png
image004.png
image005.png

Dear Lauren,

Thank you for your email. Apologies that we were not able to revert within the prescribed period. We are experiencing unprecedented levels of renewable energy related casework which is unfortunately at a time when our resources are currently limited.

Nevertheless, I can confirm that we have considered the Scoping Report and I can confirm that Scottish Borders Council do not have any observations.

Kind regards,

Scott

Scott Shearer
Principal Planning Officer (Local Review and Major Development)
Planning Housing and Related Services
Scottish Borders Council
tel: 01835 826732
e-mail: sshearer@scotborders.gov.uk

From: Planning & Regulatory Services <prs@scotborders.gov.uk>
Sent: 25 August 2023 13:54
To: Shearer, Scott <SShearer@scotborders.gov.uk>
Subject: FW: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>
Sent: Friday, August 25, 2023 1:01 PM
To: Planning & Regulatory Services <prs@scotborders.gov.uk>
Cc:; Rebecca.Bamlett@gov.scot
Subject: FW: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Dear Sir/Madam,

I am writing with regards to the below consultation which was due to conclude yesterday (24 August). MD-LOT is yet to receive a response from Scottish Borders Council.

Please could you acknowledge receipt of this email and provide a date by which you will be able to respond?

Many thanks,

Lauren

Lauren Cowan (she/her)
Marine Licensing and Consenting Casework Officer, Licensing Operations Team, Marine Directorate
Scottish Government, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU
M: [Redacted]
E: lauren.cowan@gov.scot

The Scottish Government

Marine licensing and consenting: privacy notice - gov.scot (www.gov.scot)

From: MS Marine Renewables
Sent: Thursday, July 27, 2023 12:35 PM
To: MS Marine Renewables <MS.MarineRenewables@gov.scot>
Cc: Lauren Cowan <Lauren.Cowan@gov.scot>; Rebecca Bamlett <Rebecca.Bamlett@gov.scot>; Debbie England <Debbie.England@gov.scot>
Subject: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

Good Afternoon,

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 AND MARINE LICENCE APPLICATION FOR THE MORVEN OFFSHORE WIND FARM LOCATED APPROXIMATELY 60KM OFF THE ABERDEENSHIRE COAST

REGULATION 12 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2007
(collectively referred to as the "EIA Regulations")

SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – 60km off the Aberdeenshire coast

In respect of the proposed marine licence application for the above works (under the Marine and Coastal Access Act 2009) and the section 36 consent application (under the Electricity Act 1989), Morven Offshore Wind Limited has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under the above EIA Regulations.

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To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment ("EIA") Report to be submitted by the applicant with its proposed section 36 consent and marine licence application, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

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In addition, Morven Offshore Wind Limited has submitted a Habitats Regulations Appraisal ("HRA") Screening Report. The HRA Screening Report provides information to enable the screening of the Morven Offshore Wind Farm with respect to its potential to have a likely significant effect on European sites of nature conservation importance.

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We would appreciate any comments you may have on the HRA Screening Report and your opinion as to whether or not you are in agreement with the European sites identified.

Please submit your response electronically to ms.marinerenewables@gov.scot by **24 August 2023**. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a "nil return" response.

Please be advised that this consultation request relates to the proposed section 36 consent and marine licence application for the array area only and not the offshore transmission or onshore elements of the works.

Many thanks,

Anna

Anna Shenton (She/Her)
Marine Licensing and Consenting Casework Officer, Licensing Operations Team, Marine Directorate
Scottish Government | Atlantic Quay | Glasgow | G2 8LU
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SFF

Our Ref: FH-MOWF/23-0001

Your Ref: SCOP-0028

E-mail: anna.shenton@gov.scot
01 September 2023

Scottish Fishermen's Federation
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SFF Response on Morven Offshore Wind Farm Project EIA Scoping Consultation

This response to the scoping request is presented by the Scottish Fishermen's Federation on behalf of the 450 plus fishing vessels in membership of its constituent associations, the Anglo Scottish Fishermen's Association, Fife Fishermen's Association. Fishing Vessel Agents and Owners Association, Mallaig & North West Fishermen's Association, Orkney Fisheries Association, Scottish Pelagic Fishermen's Association, the Scottish White Fish Producer's Association and Shetland Fishermen's Association. The chair of NECrIFG has also been consulted and agrees.

Th SFF note from section 3.2.1.2 that at Application, the necessary information on site conditions and the procurement process is not available to inform the final project design consequently the PDE approach (also known as the 'Rochdale Envelope') will be adopted for the Environmental Impact Assessment (EIA) Report. Therefore, the following comments are based on existing details provided in this Scoping Report and further comments will be shared in due course once the Project's designed is finalised.

Inter-Array Cables (IACs)

SFF note from pages 24-25 that the inter-array and inter-connector cables will be buried wherever possible. Where burial is not achievable (for example, when the cable crosses existing cables, pipelines, or bedrock, or at the entry to the foundation) cables will be protected with rock dumping, rock bags, mattresses secured by weighted perimeter or anchors, Cable Protection Systems, and/or bend restrictors/stiffeners.

Being concerned of fishing vessels safety, SFF would like to see that maximum efforts are made by the Developer to ensure 100% cables (IACs, inter-connector and export cables) burial is achieved. In the event of cable burial is not achievable due to technical difficulties, we would recommend using industry standard size (1"-5") rock dump than concrete mattress and followed by overtrawl sweep and long-term monitoring programme. The fishing industry is contended of using concrete mattresses in open water.

SFF also note from page pages 24-25, that the cable and pipeline crossing will occurring while laying the IAC or inter-connector cables. As crossing points create obstacles and snagging hazard to fishing industry, we would suggest that the cable crossing should be avoided as much as possible otherwise the design of cables and pipelines crossing points should be consulted with fishing industry to ensure their impacts are mitigated.

SFF note from the page 26, section 3.6, that the Developer will submit a decommissioning programme for approval by Scottish Ministers. To reiterate safety concern of the fishing vessels, SFF would like to see all development related infrastructures are recovered/removed to shore and the seabed is restored to its pre-development condition post-decommissioning, and it is safe for fishing industry to fully resume in the area.

8.1 Benthic Subtidal Ecology

SFF notes from Table 8.5, p108, that the **"**Impacts to benthic invertebrates due to thermal emissions from subsea electrical cables" would be scoped out assuming that the trenched and buried cables would cause minor increase in the water temperature above the cable route. However, as any temperature change in the invertebrate's habitat would have adversely effect on their behaviour and increase their mortality rate; therefore, SFF would like to see the "Impacts to benthic invertebrates due to thermal emissions from subsea electrical cables" to be scoped in.

8.2. Fish and Shellfish Ecology

SFF notes from Table 8.13, p138 that the **"**Underwater sound from wind turbine operation" would be scoped out assuming that the Sound Pressure Levels (SPL) and frequencies from operational wind turbines are low (Andersson et al., 2011); as such, behavioural changes amongst fish occur only within a few metres of a wind turbine (Sigray and Andersson, 2011).

Since the Scoping Report acknowledges some impacts of the wind turbines on fish behaviour near the wind turbines, SFF would like to see the **"**Underwater sound from wind turbine operation" to be scoped in to determine the limit/depth of wind turbine sound impacts on the fish near the wind turbine and to ensure the behavioural changes amongst the fish are not severe/detrimental.

9.1. Commercial Fisheries

SFF appreciates the Applicants effort on scoping 9.1.6.3 No potential impacts to commercial fisheries have been scoped out of the assessment.

SFF note from Table 9.2: p197, SFF, SWFPA and SPFA had presented some suggestions during the consultation stages for the Applicant's action. Although SFF note from Table 4.3, p45 of Appendix 4, that an action plan has been drafted for the some of the actions agreed up on during the mentioned consultation meeting, we would like to see the proposed actions are entertained by the Applicants and a progress report of the mentioned commitments is shared with the fishing industry.

9.1.7 Designed In Measures and Mitigation

SFF appreciate the Applicants efforts on the following commitments and share observations accordingly:

MM-20, Development of a Fisheries Management and Mitigation Strategy (FMMS)) by the developer. However, we would propose the FMMS to be developed and adopted pre-consent/development in consultation with fishing industry to ensure all fishing industry's concerns are considered and addressed accordingly.

MM-11, “Promulgation of information as required (e.g., Notices to Mariners, Kingfisher Bulletin).”. We would like to see any such information are shared with fishing industry with sufficient amount of time in advance to ensure no disruption is caused to fishing industry.

MM-22, “Consideration of the principle of cooperation agreements in instances where static gears may be required to be temporarily relocated.” SFF welcome this approach and suggest that the cooperation agreement should also be considered for the mobile gears where they are required to be relocated.

Best regards

Mohammad Fahim Hashimi
Offshore Energy Policy Officer
Scottish Fishermen’s Federation

SSEN
Transmission

SSEN Transmission
10 Henderson Road
Inverness
IV1 1SN

Lauren Cowan
Marine Scotland – Licence Operations Team
By email: MS.MarineRenewables@gov.scot

17 August 2023

Dear Lauren,

SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – 60km off the Aberdeenshire coast.

Thank you for the opportunity to comment on the scoping report submitted to MD-LOT by Morven Offshore Wind Ltd we wish to make the following response.

Whilst we note the consideration of the Eastern Green Link 2 (EGL2) HVDC Link in the scoping report we would like to draw the applicant's attention to the following.

1. We note that the scoping request does not consider export cables and associated infrastructure.
2. EGL2 HVDC link, the project has been granted consent in 2023 and we are in discussion with applicant on this.
3. EGL3 HVDC link, the applicant is aware of the project and we would welcome its inclusion and consideration in further studies undertaken by the applicant.
4. The area in the report identified by the applicant as "Local and regional sea users" encompasses areas of the marine region which overlap with areas being considered for the development of future transmission infrastructure. We would welcome the applicant's co-operation and engagement on this.
5. We would request that provision is made in the scoping response, such that the applicant considers future development by others positively and works with others in a mutually beneficial manner, including but not limited to the development, installation and operation of, Transmission power cables, Tele communication cables, and associated offshore structures.

Please let me know if you have any questions in relation to the above.

Yours sincerely

Peter Watson
Lead Marine Consents Manager


Scottish & Southern
Electricity Networks

Transport
Scotland

Development Management and Strategic Road Safety
Roads Directorate

George House 36 North Hanover St Glasgow G1 2AD
Direct Line: 0141 272 7593, Fax: 0141 272 7350
lain.clement@transport.gov.scot

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Anna Shenton
Marine Scotland
Scottish Government
Atlantic Quay
Glasgow
G2 8LU

ms.marinerenewables@gov.scot

Your ref:

Our ref:
GB01T19K05

Date:
22/08/2023

Dear Sirs,

REGULATION 12 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

REGULATION 13 AND SCHEDULE 4 OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2007

MORVEN OFFSHORE WIND LIMITED – MORVEN OFFSHORE WIND FARM – SCOPING CONSULTATION

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by RPS in support of the above development.

This information has been passed to SYSTRA Limited (SYSTRA) for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, Transport Scotland would provide the following comments.

Proposed Development

The proposed development comprises up to 191 wind turbines with a blade tip height above the lowest astronomical tide (LAT) no greater than 390m as well as up to 11 offshore substation platforms, located approximately 60km from the Aberdeenshire coast. The nearest trunk road to the site is the A90(T) located at Stonehaven.

Assessment of Environmental Impacts

The SR states that the turbines, foundations and offshore structures will be produced on land and transported to the Array site via installation vessels. It also states that the proposed development does not include port construction or redevelopment works, with any potential environmental effects being considered in accordance with any consents and permits that may be required by the ports themselves.

It is also noted that the SR relates to the proposed Section 36 consent and marine licence application for the array area only, and not the offshore transmission or onshore elements of the works. Consequently, it is proposed that the topic of Transport and Access be scoped out of the forthcoming Assessment.

Given the above, Transport Scotland is satisfied that there will be no potential environmental impacts associated with increased traffic on the trunk road network.

I trust that the above is satisfactory but should you wish to discuss in greater detail, please do not hesitate to contact me or alternatively, Alan DeVenny at SYSTRA's Glasgow Office who can be reached on 0141 343 9636.

Yours faithfully

[Redacted]

Iain Clement

Transport Scotland
Roads Directorate

cc Alan DeVenny – SYSTRA Ltd.

UK Chamber
of Shipping

From:	Robert Merrylees
To:	MS Marine Renewables
Cc:	Lauren Cowan; Rebecca Bamlett; Debbie England
Subject:	RE: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023
Date:	25 August 2023 10:24:15
Attachments:	image001.png

Dear Marine Scotland,

Thank you for the consultation on Morven OWF. The Chamber welcomes the opportunity to respond and apologises for the slightly delayed submission. I hope you will kindly accept it.

The Chamber has reviewed the shipping and navigation chapter of the Scoping Report and offers the two following comments:

- Baseline Data – 12 months AIS from October 2021 to September 2022 – is welcome but as the Cruise industry was late to restart it should not be taken as accurate for that sector and the Chamber requests additional effort be made to identify cruise traffic.

- Vessel Traffic (9.2.5.5) – the Chamber disagrees with the exclusion of the vessels deemed to be temporary traffic i.e. offshore construction traffic for Seagreen, as given the widespread proliferation of OWFs in the area (Ossian, Berwick Bank, Bowdun, Bellrock) which are seeking simultaneous construction and operation, it is likely that significant traffic will remain in the wider area for a considerable period of time to form part of a baseline and future case.

Thank you and yours faithfully,
Robert

Robert Merrylees
Policy Manager (Safety & Nautical) & Analyst

UK Chamber of Shipping
30 Park Street, London, SE1 9EQ

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www.ukchamberofshipping.com

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Sent: Thursday, July 27, 2023 12:35 PM
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Subject: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023

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Many thanks,

Anna

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Marine Licensing and Consenting Casework Officer, Licensing Operations Team, Marine Directorate
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UK
Hydrographic
Office

From:	Offshore Energy
To:	MS Marine Renewables
Subject:	FW: SCOP-0028 – Morven Offshore Wind Limited – Morven Offshore Wind Farm – Scoping Consultation - Response required by 24 August 2023
Date:	27 July 2023 14:09:44
Attachments:	image001.png image010.png

Good afternoon

Many thanks for the scoping consultation documents. The UK Hydrographic office have no comment to make but would like to remind the developer that we should be informed in advance of infrastructure being established/removed or other changes which may affect Admiralty Products and Services. These may include changes to seabed depths, new or removed buoys and seabed equipment, as well as the turbines, substations, cables etc associated with offshore wind farms.

Kind regards

Duncan Metcalfe (He/Him) – On behalf of Offshore Energy
Senior Geospatial Analyst – Offshore Installations
Marine Geospatial Data Management Team

DD: +44 (0)1823 483639
Email: offshore.energy@ukho.gov.uk

UK Hydrographic Office

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