

T: +44 (0)300 244 5046  
E: MD.MarineRenewables@gov.scot

 Scottish Government  
Riaghaltas na h-Alba

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

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

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

**Morven Hawthorn Pit Grid Connection Project**

**March 2025**

Marine Directorate - Licensing Operations Team,  
Scottish Government, 375 Victoria Road, Aberdeen,  
AB11 9DB  
[www.gov.scot/collections/marine-licensing-and-consent/](http://www.gov.scot/collections/marine-licensing-and-consent/)

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## 1. Introduction

### 1.1 Background

- 1.1.1 On 29 November 2024, the Scottish Ministers received a scoping report (“the Scoping Report”) from Morven Offshore Wind Limited (“the Applicant”) as part of its request for a scoping opinion relating to the Morven Hawthorn Pit Grid Connection Project (“the Proposed Works”). The Scottish Ministers considered the content of the Scoping Report as sufficient and in accordance with Schedule 4 of The Marine Works (Environmental Impact Assessment) Regulations 2007 (“2007 MW Regulations”).
- 1.1.2 This scoping opinion is adopted by the Scottish Ministers under the 2007 MW Regulations (“Scoping Opinion”) in response to the Applicant’s request and should be read in conjunction with the Scoping Report. The matters contained in the Scoping Report have been carefully considered by the Scottish Ministers and use has been made of professional judgment, based on expert advice from stakeholders and Marine Directorate in-house expertise and experience. This Scoping Opinion identifies the scope of impacts to be addressed and the method of assessment to be used in the Environmental Impact Assessment Report (“EIA Report”) for the Proposed Works.
- 1.1.3 The Scottish Ministers, in adopting this Scoping Opinion, have, in accordance with the 2007 MW Regulations, taken into account the information provided by the Applicant, in particular, information in respect of the specific characteristics of the Proposed Works, including its location and technical capacity and its likely impact on the environment. In addition, the Scottish Ministers have taken into account the representations made to them in response to the scoping consultation they have undertaken.
- 1.1.4 In examining the EIA Report, and any other environmental information, the Scottish Ministers will seek to reach an up to date reasoned conclusion on the significant effects on the environment from the Proposed Works. This reasoned conclusion will be considered as up to date if the Scottish Ministers are satisfied that current knowledge and methods of assessment have been taken account of. For the avoidance of doubt, this Scoping Opinion does not preclude the Scottish Ministers from requiring the Applicant to submit additional information in connection with any EIA Report submitted with an application for a marine licence under The Marine and Coastal Access Act 2009 (“the 2009 Act”).
- 1.1.5 In the event that the Applicant does not submit an application for a marine licence under the 2009 Act for the Proposed Works within 12 months of the date of this Scoping Opinion, the Scottish Ministers strongly recommend that

the Applicant seeks further advice from them regarding the validity of the Scoping Opinion.

## **2. The Proposed Works**

### **2.1 Introduction**

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

### **2.2 Description of the Proposed Works**

2.2.1 The Proposed Works will comprise the installation of up to six export cables within an approximately 341 kilometres ("km") long cable corridor installed from within the Morven Offshore Wind Farm array area, located approximately 60 km east of the Aberdeenshire coast in the North Sea. The cables will connect along a north-south route and make landfall at a location yet to be determined along the northeast coast of England and from there continue onshore and connect into the National Grid infrastructure at the Hawthorn Pit substation. The maximum width of the cable corridor offshore is up to 1.5 km and the maximum length of the cable corridor in Scottish waters is 80 km.

2.2.2 The Proposed Works will occur in both Scottish and English waters and onshore in England; however, for the purposes of this Scoping Opinion, the Scottish Ministers will only be considering the extent of the Proposed Works occurring in Scottish waters only which will be entirely within the Scottish offshore region (beyond 12 nautical miles of the coast).

2.2.3 The offshore export cable installation process will involve pre-construction site investigation surveys and may involve a number of pre-installation seabed preparation activities, including seabed levelling and removing surface and subsurface debris such as boulders, fishing nets or lost anchors. Excavation may be required for access and removal of any debris present below the seabed surface. The seabed preparation techniques to be employed will range from plough, jetting, scar plough, remotely operated vehicle grab, boulder grab and grapnel run. Investigative, avoidance and disposal techniques may be utilised in the event that potential unexploded ordnances ("UXOs") are encountered along the export cable corridor.

2.2.4 The Applicant's preferred cable installation method is by way of burial techniques, using methods such as ploughing, jetting or trenching. In the event that burial is not practicable (for example, where crossing existing cables, pipelines or exposed bedrock), the Applicant proposes to use additional cable protection techniques, such as concrete mattresses, rock placement, rock bags, grout bags, cement bags, sandbags, articulated pipes,

cast iron shells, bend restrictors/stiffeners and frond mats. The most appropriate cable protection measure is to be determined at a later date when the seabed conditions are understood, informed by geophysical and geotechnical surveys. The construction of the Proposed Works is likely to take a period of up to 2.5 years.

## **2.3 Onshore/Planning/English Works**

2.3.1 The Scottish Ministers are aware the Applicant has sought a separate Scoping Opinion from the Secretary of State via the Planning Inspectorate in respect of the English works. It is essential that the EIA Report concerning the English works will be available at the time that the EIA Report for the Proposed Works is being considered so that all the information relating to the project as a 'whole' is presented. The EIA Report for the Proposed Works must either be submitted as a combined EIA Report with the English works, or must consider the cumulative impacts with the English works. For any combined EIA Report, it must be made clear which elements of the EIA Report apply to works in Scottish waters and which apply to English works.

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

### *Description of the Proposed Works*

2.4.1 The Scottish Ministers note that the Scoping Report outlines a broad corridor in respect of the export cable route and references the scoping boundary overlap with the Morven Offshore Wind Farm array are in relation to cables connecting into the OSPs within the site. The Scottish Ministers advise that the EIA Report must include a full and detailed description of the final option chosen in respect of the cable route corridor. The EIA Report should describe the main reasons for selecting the chosen cable route over the alternatives considered and provide a clear robust justification for the option chosen. In considering alternative cable routes, the Scottish Ministers advise the Applicant to engage with stakeholders including the Scottish Fishermen's Federation ("SFF") and expect the Applicant to detail how stakeholder knowledge has been used as part of their consideration of alternatives.

2.4.2 The Scottish Ministers acknowledge that the Applicant's proposed consenting strategy for the Morven Offshore Wind Farm is under consideration and advise that the Applicant must continue to engage further with the Scottish Ministers and NatureScot prior to finalising the EIA Report for the Proposed Works.

2.4.3 The Scoping Report identifies that seabed preparation will be necessary prior to cable installation. Should seabed preparation involve dredging, the EIA Report must identify the quantities of dredged material and identify the likely

location for deposit. The Applicant may also be required to submit pre-dredge sample analysis, this should include supporting characterisation of the new or existing deposit sites. Any seabed levelling or removal of substances from on or under the seabed (including dredging and 'grapnel runs') will require consideration in the EIA Report and may require a marine licence. The Scoping Report also identifies that boulders may be removed from the site of the Proposed Works. The EIA Report must provide the anticipated estimate of boulders to be cleared (including how much uncertainty may be associated with the figures presented). Clear narrative must be provided within the EIA Report to show how this has been estimated prior to further geophysical and geotechnical surveys being undertaken.

- 2.4.4 In terms of cable installation, the Scottish Ministers consider that the EIA Report must clearly detail the number and size of export cables to be installed and whether they are to be bundled into a single trench or laid separately. The EIA Report must provide an estimate of the anticipated likelihood of suitable burial along that route and must also be clear on the range of burial depths that have been considered as part of the assessment. Clear narrative must be provided within the EIA Report to show how this has been estimated prior to the further geophysical and geotechnical surveys being undertaken. Where reliance is placed on a subsequent cable plan or cable burial risk assessment as mitigation, the EIA Report must explain how this measure will mitigate the effects, what measures are proposed for inclusion and the effectiveness and degree of confidence that can be placed on such measure. It is recommended that such plans are included alongside the EIA Report.
- 2.4.5 Section 3.4.3.16 of the Scoping Report states that if burial is not possible then additional cable protection methods will be adopted. Table 3.2 of the Scoping Report lists cable protection materials including concrete mattresses, rock placement, rock bags, grout bags, cement bags, sandbags, articulated pipes, cast iron shells, bend restrictors/stiffeners, frond mats. Where there is any potential for cable protection to be used to protect the cables, this must be assessed in the EIA Report including details on materials, quantities and location (including how much uncertainty may be associated with the figures presented). The EIA Report should describe the main reasons for selecting the chosen cable protection over the alternatives considered, providing a clear robust justification for the options taken. The Scottish Ministers direct the Applicant to the representations from NatureScot and the SFF with regard to the predicted amounts and potential locations of cable protection and the impact of cable protection methods to be utilised.
- 2.4.6 Section 3.4.3 of the Scoping Report includes reference to geophysical, geotechnical and unexploded ordnance surveys. The Scottish Ministers advise that the EIA Report must describe and assess the environmental



effects, including in-combination effects, of the range of surveys required. The EIA Report must also include consideration of the options which will be assessed in relation to UXO clearance, the differences amongst them and an assessment of the environmental effects of these options. In this regard, the Scottish Ministers advise that the EIA Report must include a worst case scenario of high order detonation in terms of impact and mitigation, unless there is robust supporting evidence that can be presented to show consistent performance of the preferred low order or deflagration method. The Scottish Ministers refer the Applicant further to the Joint Statement – Marine environment: unexploded ordnance clearance in this regard. As per the NatureScot representation, impacts will require consideration in the EIA Report in terms of assessment under European Protected Species licensing.

- 2.4.7 Section 3.8 of the Scoping Report details that operation and maintenance activities will be considered within the EIA Report. The Scottish Ministers advise that the EIA Report must provide a full description and consideration of the nature and scope of these activities, including the types of activity, their frequency, and how activities will be carried out for the Proposed Works. This should include consideration for the potential overlapping of activities with those required for the Morven Offshore Wind Farm array. Such proposed activities may require to be permitted by a marine licence issued for the Proposed Works, unless an exemption applies.
- 2.4.8 The Scottish Ministers further direct the Applicant to the NatureScot representation on the need to understand potential impacts holistically at a wider ecosystem scale, rather than just as discrete individual receptor assessments. The Scottish Ministers therefore advise that this assessment must focus on potential impacts across predator prey interactions to enable a better understanding of the consequences of any potential changes in prey distribution and abundance from the Proposed Works on bird and marine mammal (as well as other top predator) interests and what influence this may have on population level impacts.
- 2.4.9 With regard to the approach for the identification of impacts and assessment of significance set out in Section 4.5 of the Scoping Report, the Scottish Ministers note that Section 4.5.1.2 and 4.5.1.3 that for each environmental topic, the categories of sensitivity and magnitude will be defined in the EIA Report and that the conclusion is made on whether an effect should be considered significant or not is based on professional judgement. The Scottish Ministers direct the Applicant further to the NatureScot representation and advise that the proposed approach must be further discussed and agreed prior to submission of the EIA Report.
- 2.4.10 In relation to the approach to cumulative impacts outlined in Section 4.7 of the Scoping Report it is noted in Section 4.7.1.4 that the foundation of the

cumulative effects assessment will be a 'whole project assessment' which will consider the different elements of the Morven Offshore Wind Farm based on the information publicly available at the time the Proposed Works are assessed. The Scottish Ministers recommend that all elements of the Morven Offshore Wind Farm are contained within one EIA Report to enable full consideration including the requirement for any mitigation and monitoring options at the same time. In addition, the Scottish Ministers advise that the Applicant must seek agreement on the projects, plans and activities to be included within the cumulative effects assessment. Further comment is provided in each relevant receptor chapters in section 5 of the Scoping Opinion. The Scottish Ministers also direct the Applicant further to the NatureScot representation in this regard.

2.4.11 Regulatory approvals will be required for licensable activities including all construction activities, whether as part of the original construction or any subsequent alteration or improvement, any deposit on, or removal from on or under, the seabed of substances, any dredging and deposit, and any use of explosive substances. Any reference to the 'Proposed Works' in this Scoping Opinion should be taken, as appropriate, to include all activities in connection with the construction, alteration, improvement (including 'change-outs' of components) and decommissioning of the Proposed Works for which a regulatory approval will be needed. The Applicant should give consideration to all activities related to the Proposed Works which require regulatory approval and ensure that these are applied for as appropriate.

2.4.12 The Scottish Ministers acknowledge the Applicant's intention to carry out a detailed Habitat Regulations Appraisal ("HRA") screening following submission of the Scoping Report. The Scottish Ministers recommend that the Applicant submits a HRA screening report at the earliest opportunity and prior to the submission of the EIA Report.

### *Design Envelope*

2.4.13 The Scottish Ministers note the Applicant's intention to apply a 'Design Envelope' approach. Where the details of the Proposed Works cannot be defined precisely, the Applicant will apply a worst case scenario, as set out in 4.4.5 of the Scoping Report.

2.4.14 The Scottish Ministers advise that the Applicant must make every attempt to narrow the range of options. Where flexibility in the design envelope is required, this must be defined within the EIA Report and the reasons for requiring such flexibility clearly stated. At the time of application, the parameters of the Proposed Works should not be so wide-ranging as to represent effectively different projects. To address any uncertainty, the EIA Report must consider the potential impacts associated with each of the

different scenarios. The criteria for selecting the worst case and the most likely scenario, together with the potential impacts arising from these, must also be described. The parameters of the Proposed Works must be clearly and consistently defined in the application for the marine licence and the accompanying EIA Report.

2.4.15 The Scottish Ministers will determine the application based on the worst case scenario. The EIA will reduce the degree of design flexibility required and the detail may be further refined in a Construction Method Statement (“CMS”) to be submitted to the Scottish Ministers, for their approval, before works commence. The CMS will ‘freeze’ the design of the project and will be reviewed by the Scottish Ministers to ensure that the worst case scenario described in the EIA Report is not exceeded.

2.4.16 It is a matter for the Applicant, in preparing the EIA Report, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. If the Proposed Works or any associated activities materially change prior to the submission of the EIA Report, the Applicant may wish to consider requesting a new Scoping Opinion.

#### *Alternatives*

2.4.17 The 2007 MW Regulations require that the EIA Report include ‘a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the Applicant, which are relevant to the proposed works and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects’. The Scottish Ministers acknowledge section 6 of the Applicant’s Scoping Report setting out the consideration of alternatives to date together with the planned activities that are proposed to inform the EIA Report further. The Scottish Ministers advise however that these considerations must include how decommissioning has been taken into account within the design options. The Scottish Ministers advise that this must be based on the presumption of as close to full removal as possible of all infrastructure and assets and should consider the methods and processes of doing so.

2.4.18 For the avoidance of doubt, the Scottish Ministers advise that the EIA Report must include an up to date consideration of the reasonable alternatives studied as the parameters of the Proposed Works have been refined. The Scottish Ministers expect this to comprise a discrete section in the EIA Report that provides details of the reasonable alternatives studied across all aspects of the Proposed Works and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects. The Scottish

Ministers also direct the Applicant to the NatureScot representation with regard to site selection and consideration of alternatives.

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

#### **3.1 Introduction**

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

#### **3.2 EIA Scope**

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

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

3.3.1 The Applicant has committed to several mitigation plans including, but not limited to, a Navigational Safety and Vessel Management Plan, an Environmental Management Plan, a Marine Pollution Contingency Plan, and a Fisheries Management and Mitigation Strategy. A 'Designed in Measures and Mitigation Log' at Appendix A to the Scoping Report, summarises the mitigation and monitoring requirements for each receptor. Any embedded mitigation relied upon for the purposes of the assessment should be clearly and accurately explained in detail within the EIA Report. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The EIA Report must identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.

3.3.2 The EIA Report should clearly demonstrate how the Applicant has had regard to the mitigation hierarchy, including giving consideration to the avoidance of key receptors. The Scottish Ministers advise that where the mitigation is envisaged to form part of a management or mitigation plan, the EIA Report must set out these plans or the reliance on these in sufficient detail so the significance of the residual effect can be assessed and evaluated. This should also include identification of any monitoring and remedial actions (if relevant) in the event that predicted residual effects differ to actual monitored outcomes. Commitment to develop plans without sufficient detail is not considered to be suitable mitigation in itself.

3.3.3 The EIA Report must include a table of mitigation which corresponds with the mitigation identified and discussed within the various chapters of the EIA

Report and accounts for the representations and advice attached in Appendix I.

- 3.3.4 Where potential impact on the environment have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by detailing in the EIA Report, the work that has been undertaken, the results, what impact, if any, has been identified and why it is not significant.

## 4. Consultation

### 4.1 The Consultation Process

4.1.1 Following receipt of the Scoping Report, the Scottish Ministers, in accordance with the 2007 MW Regulations, initiated a 30 day consultation process, which commenced on 20 December 2024. The following bodies were consulted, those marked in bold provided a response and those marked in italics sent nil returns or stated they had no comments:

- *Aberdeen City Council*
- **Aberdeen International Airport**
- **Aberdeenshire Council**
- *Angus Council*
- Arbroath Community Council
- **British Telecom (“BT”)**
- Bellrock Offshore Wind Farm (“OWF”)
- Berwick Bank OWF
- Berwick Upon Tweed Community Council
- Bowdun OWF
- Broughty Ferry Community Council
- Burntisland Community Council
- Carnoustie Community Council
- *City of Edinburgh Council*
- Civil Aviation Authority
- Crown Estate Scotland
- Cruise Association
- Communities Inshore Fisheries Alliance
- Dalgety Bay Community Council
- **Dee District Salmon Fisheries Board (“DSFB”)**
- Dundee Airport
- *Dundee City Council*
- East Lothian Council
- *Edinburgh Airport*
- Energy Transition Zone Limited
- Esk DSFB
- *Fife Council*
- Fisheries Management Scotland
- Fisheries Office – Anstruther
- Fisheries Office – Eyemouth
- Forth DSFB
- *Forth Ports*

- **Historic Environment Scotland (“HES”)**
- Joint Radio Company
- Kingsbarns Community Council
- Marine Safety Forum
- **Maritime and Coastguard Agency (“MCA”)**
- **Ministry of Defence – Defence Infrastructure Organisation (“MOD”)**
- Montrose Port
- National Trust for Scotland
- **National Air Traffic Services (“NATS”)**
- **Natural England**
- **NatureScot**
- North Berwick Community Council
- North and East Coast Regional Inshore Fisheries Group
- *North Sea Transition Authority*
- **Northern Lighthouse Board (“NLB”)**
- **Northumberland County Council**
- Offshore Energies UK
- Ossian OWF
- Planning (Scottish Government)
- Prestonpans Community Council
- Receiver of Wreck
- River Tweed DSFB
- **Royal Yachting Association Scotland (“RYA Scotland”)**
- Royal Society for the Protection of Birds Scotland (“RSPB Scotland”)
- Scottish Borders Council
- Scottish Canoe Association
- Scottish Creel Fishermen’s Federation
- Scottish Enterprise
- *Scottish Environment Protection Agency (“SEPA”)*
- **SFF**
- Scottish Fishermen’s Organisation
- **Scottish and Southern Electricity Network Transmission (“SSEN Transmission”)**
- Scottish Surfing Federation
- Scottish Water
- Scottish White Fish Producer’s Association
- Scottish Wildlife Trust
- Seagreen and Seagreen 1A OWF
- *Sport Scotland*
- Surfers Against Sewage
- Tay DSFB
- Tranent and Elphinostone Community Council



- UK Chamber of Shipping
- **UK Hydrographic Office**
- Visit Scotland
- Whale and Dolphin Conservation

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

## **4.2 Responses received**

4.2.1 From the list above a total of 26 responses were received. Advice was also provided by MD-SEDD, MAU and Transport Scotland. The purpose of the consultation was to seek representations to aid the Scottish Ministers’ consideration of which potential effects should be scoped in or out of the EIA Report.

4.2.2 The Scottish Ministers are satisfied that the requirements for consultation have been met in accordance with the 2007 MW Regulations. The sections below highlight issues which are of particular importance with regards to the EIA Report and the marine licence application. The representations and advice received are attached in Appendix I and each must be read in full for detailed requirements from individual consultees.

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

### **5.1 Introduction**

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

### **5.2 Physical Processes**

5.2.1 Section 7.1.3 of the Scoping Report presents the proposed study area, which is defined as the extent of one spring tidal excursion of between circa 5 km and 9 km around the Proposed Works. The Scottish Ministers advise that the proposed study area differs from the given extent of one spring tidal excursion from the Morven Offshore Wind Farm array by 4.5 km and draw the Applicant's attention further to the NatureScot representation and request for clarification on this.

5.2.2 Section 7.1.4 of the Scoping Report outlines that the baseline environment for physical processes has been characterised through a review of key desktop data sets and reports and that further datasets and reports will be covered in more detail as part of the EIA. The Scottish Ministers direct the Applicant to the NatureScot representation regarding the use of the data collected from the two wave buoys and two LiDAR buoys that were deployed as identified in Section 7.1.4.3 and advise that clarification is provided as to why this data is not being used to characterise the baseline wave regime.

5.2.3 Table 7.3 of the Scoping Report identifies the designated sites and features relevant to physical processes within the study area. The Scottish Ministers draw the Applicant's attention to the NatureScot representation regarding formal identification of receptors for assessment and relevant features for designation.

5.2.4 Table 7.4 of the Scoping Report presents the potential impacts the Applicant proposes to scope in for assessment for physical processes and it is noted that Section 7.1.6.3 states that no potential impacts are proposed to be scoped out of the assessment. The Scottish Ministers are broadly content with this however, advise that "increased SSCs and associated deposition" should be scoped into the operation and maintenance phase for further assessment within the EIA Report due to the lack of justification and evidence provided at this stage. In addition, the Scottish Ministers advise that the potential impact

of seabed scour must be scoped in for further assessment within the EIA Report either as a separate impact or consideration should be given to incorporating it into the assessment for “impacts to seabed morphology”. This is a view supported by the NatureScot representation.

- 5.2.5 Furthermore, the Scottish Ministers direct the Applicant to the NatureScot representation regarding the potential impacts of “impact to seabed morphology” and “impacts to sediment transport pathways due to the presence of infrastructure” and advise that these potential impacts must give consideration to the decommissioning phase.
- 5.2.6 The Scottish Ministers are broadly content with the proposed approach to assessment as outlined in section 7.1.8 of the Scoping Report however, highlight the MD-SEDD advice and NatureScot representation and advise that this is fully addressed and implemented in the EIA Report and that further consultation is undertaken with NatureScot on the proposed modelling methodology.
- 5.2.7 The Scottish Ministers are broadly content with the proposed approach to mitigation and monitoring, cumulative impact assessment and transboundary impacts however, direct the Applicant to the NatureScot representation which must be fully addressed within the EIA Report.
- 5.2.8 The Scottish Ministers note that an MPA screening assessment has been provided in Appendix E of the Scoping Report. The Scottish Ministers agree that the geodiversity features – moraines representative of the Wee Bankie key geodiversity area and shelf banks and mounds, of the Firth of Forth Banks Complex Nature Conservation MPA (“ncMPA”) can be screened out from further assessment. This is a view supported by the NatureScot representation. The Scottish Ministers highlight the NatureScot representation regarding paragraph E.2.2.4 of the MPA screening assessment and advise that clarification must be provided on the Zone of Influence (“Zoi”) within the EIA Report.

### **5.3 Underwater Sound**

- 5.3.1 The underwater sound study area is defined by the fish and shellfish ecology, marine mammals, and commercial fisheries receptors and the Scottish Ministers are content with this approach. Section 7.2.4 of the Scoping Report states that data collected during site-specific surveys will be used to inform the environmental input for underwater sound modelling along with the publicly available data sources outlined in Table 7.6 of the Scoping Report. The Scottish Ministers are content with this approach. With regard to underwater noise sources at Section 7.2.5.4 of the Scoping Report, the

Scottish Ministers direct the Applicant further to the NatureScot representation and advise that this must be considered within the EIA Report.

- 5.3.2 Table 7.7 of the Scoping Report presents the potential impacts the Applicant intends to scope in for assessment for different phases of the Proposed Works for underwater sound while Table 7.8 presents the impacts proposed to be scoped out. The Scottish Ministers highlight the NatureScot representation with regard to “increased underwater sound from non-impulsive sound sources” and advise that the EIA Report must ensure that the assessment is based on a realistic worst-case scenario, noting that a wide range of cable burial techniques are being considered which will all have different levels of non-impulsive underwater noise associated. Furthermore, with regard to the proposal to scope out the “effects of particle motion element of underwater sound” on marine mammals during all phases of the Proposed Works, the Scottish Ministers note that there is no mention of particle motion from underwater sound impacts on fish and shellfish receptors and it is unclear whether this impact is being scoped in or out for this receptor. The Scottish Ministers advise that the Applicant must provide clarification on this within the EIA Report and direct the Applicant further to the NatureScot representation in this regard.
- 5.3.3 Section 7.2.8 and Appendix B outline the proposed approach to assessment. Appendix B also includes a detailed proposed methodology for modelling. The Scottish Ministers advise that, in line with the NatureScot representation, potential impacts should be modelled for both stationary and fleeing receptors.
- 5.3.4 Section 7.2.7 presents the designed in measures and mitigation. The Scottish Ministers highlight the NatureScot representation on the preference that low order (deflagration) detonation be the implemented method of UXO disposal. The Scottish Ministers also highlight NatureScot’s representation in that, should significant effects be identified during the EIA, the embedded mitigation measure in Table 7.9 would not be sufficient to mitigate impacts, and this must be considered further within the EIA Report.
- 5.3.5 In Section 7.2.9, the Applicant proposes to conduct the cumulative effects assessment in line with Chapter 4 of the Scoping Report. The Scottish Ministers are content with this approach and highlight the NatureScot representation with regard to agreement on the list of projects and/or plans to be included in the assessment.
- 5.3.6 The potential for transboundary impacts has been considered in Section 7.2.11 of the Scoping Report and the Scottish Ministers are content with this approach.

## **5.4 Water Quality**

- 5.4.1 The offshore water quality study area is defined in Section 7.3.3 of the Scoping Report, as incorporating the Scoping Boundary plus a tidal Zol buffer defined from desktop sources. This included the Zol for the maximum extent of indirect impacts to benthic subtidal receptors, fish and shellfish ecology and MPA receptors from increased in suspended sediment concentrations and deposition. A summary of key desktop datasets and reports is provided by the Applicant in Table 7.11 of the Scoping Report.
- 5.4.2 The Applicant has proposed to scope out all potential water quality impacts from the EIA Report and Table 7.12 details the justification for this approach. The Scottish Ministers are content with the Applicant's proposal to scope water quality out of the EIA Report on the basis that any proposed impacts will be considered further under specific receptor topics. The Scottish Ministers, draw the Applicant's attention to the SEPA standing advice with particular regard to the Water Framework Directive, invasive non-native species and pollution prevention, and advise that these be given consideration in the EIA Report.

## **5.5 Benthic Subtidal and Intertidal Ecology**

- 5.5.1 Section 7.4.3 presents the two study areas defined for benthic subtidal and intertidal ecology: the Benthic Ecology Study Area and the Regional Benthic Ecology Study Area. The Scottish Ministers are broadly content with the study areas presented by the Applicant however, the Scottish Ministers highlight the representation by NatureScot regarding the maximum spring tidal excursion distance and advise that this should be clarified by the Applicant in the EIA Report.
- 5.5.2 The Scottish Ministers are broadly content with the baseline characterisation presented in Sections 7.4.5.1 through 7.4.5.64 of the Scoping Report, as well as the data sources presented in Section 7.4.4. The Scottish Ministers highlight the representation from NatureScot regarding data sources, designated sites, and habitats and species of conservation importance and advise that this is considered by the Applicant in the EIA Report.
- 5.5.3 Table 7.18 of the Scoping Report outlines the impacts proposed to be scoped in to the assessment for benthic subtidal and intertidal ecology in the EIA Report during different phases of the Proposed Works, while Table 7.19 presents the impacts proposed to be scoped out. The Scottish Ministers largely agree with the impacts proposed to be scoped in and out. However, in line with the NatureScot representation, the Scottish Ministers advise that "increased SSCs and associated deposition" and "temporary habitat loss/disturbance" must be scoped in for further assessment in the EIA Report during the operation and maintenance phase of the Proposed Works.

- 5.5.4 The Scottish Ministers additionally highlight the representation by NatureScot regarding “colonisation of hard structures” and “changes in physical processes” and request that this is fully considered and implemented in the EIA Report. The Scottish Ministers also advise that impacts to benthic invertebrates due to thermal emissions from subsea electrical cables is scoped in for further assessment within the EIA Report. This is a view supported by the SFF representation.
- 5.5.5 The Scottish Ministers are broadly content with the approach to assessment outlined in Section 7.4.9 of the Scoping Report and draw the Applicant’s attention to the NatureScot representation regarding priority marine features and electromagnetic field (“EMF”) and request that this is fully considered and implemented in the EIA Report.
- 5.5.6 In terms of mitigation, the Scottish Ministers are broadly content with the designed in measures and mitigation described in Section 7.4.8, but advise that the full range of mitigation measures and published guidance is considered and discussed in the EIA Report. The Scottish Ministers also highlight the representation from NatureScot and request that this is fully considered and implemented by the Applicant in the EIA Report.
- 5.5.7 The Scottish Ministers are generally content with the approach to cumulative assessment for benthic subtidal and intertidal ecology as described in Section 7.4.10 however, draw the Applicant’s attention to the representation from NatureScot regarding elements of the Proposed Works and EMF impacts. With regards to transboundary impacts, the Scottish Ministers agree that these can be scoped out from further assessment in the EIA Report.
- 5.5.8 The Scottish Ministers note that an MPA screening assessment has been provided in Appendix E of the Scoping Report. ,The Scottish Ministers agree that the benthic features of the Firth of Forth Banks Complex ncMPA should be screened in for further assessment and direct the Applicant further to the NatureScot representation with regard to the proposed assessment methodology.

## **5.6 Fish and Shellfish Ecology**

- 5.6.1 Section 7.5.3 of the Scoping Report presents the two study areas defined for fish and shellfish ecology. The Scottish Ministers highlight NatureScot’s representation regarding the difference in size of maximum spring tidal excursion from the Morven Offshore Wind I Array. In addition, the Scottish Ministers highlight the NatureScot representation with regards to the impacts of underwater sound that may extend beyond the fish and shellfish ecology study area into the regional fish and shellfish ecology study area and advise

that underwater noise modelling must inform the Zol for assessing impact to fish and shellfish receptors.

- 5.6.2 The Scottish Ministers highlight SFF's representation in that the maximum width of seabed disturbed by the cable footprint has not been specified and as such must be considered further in the EIA Report with regard to potential impacts to spawning and nursery grounds of important demersal and pelagic fish species. The Scottish Ministers also highlight the SFF's representation with regard to survey activities and other potential seabed disturbances being undertaken out with spawning and nursery periods to avoid juvenile fish mortality which must be considered by the Applicant.
- 5.6.3 Section 7.5.4 presents the data sources and site specific survey data to be used to inform the baseline characterisation. The Scottish Ministers are largely content with these however, direct the Applicant to the NatureScot representation recommending inclusion of the Feature Activity Sensitivity Tool.
- 5.6.4 Section 7.5.5 presents the baseline for the fish and shellfish environment of the regional fish and shellfish ecology study area. The Scottish Ministers are largely content with this, however highlight NatureScot's representation with regard to river lamprey and European smelt in that they are likely to interact with the Proposed Works in coastal areas only, as well as their comment that while they assume basking sharks are being scoped out due to lack of direct mention in the Scoping Report, NatureScot recommend that mitigations put in place to minimise risk to marine mammals should also be applied to basking sharks should they be present.
- 5.6.5 Table 7.27 and 7.28 of the Scoping Report presents the impacts to be scoped in and out of the EIA Report. The Scottish Ministers would highlight NatureScot's recommendations that "temporary habitat loss and disturbance of habitats", "increased SSCs and associated sediment deposition", and "underwater sound impacting fish and shellfish receptors" are scoped in at this time due to lack of justification as to why these are currently considered minor in nature. The Scottish Ministers also draw attention to NatureScot's representation that "underwater sound impacting fish and shellfish receptors" be scoped in due to potential for these activities to impact fish and shellfish populations.
- 5.6.6 Section 7.5.7 presents the designed in measures and mitigation. The Scottish Ministers draw the Applicant's attention to NatureScot's representation on the use of mitigation measures MM-10 and MM-22 detailed within the Scoping Report which must be considered further within the EIA Report.
- 5.6.7 Section 7.5.8 of the Scoping Report outlines the proposed assessment methodology. The Scottish Ministers direct the Applicant's attention to

NatureScot's representation with regard to priority marine features ("PMFs") and advise that the assessment must quantify the likely impacts and must assess whether the Proposed Works could lead to a significant impact on national status of the PMF. Furthermore, with regard to EMF, the Scottish Ministers advise that the Applicant must consult with NatureScot in advance of the application submission on the proposed methodology to ensure that potential impacts to fish and shellfish species from EMF effects is sufficiently assessed within the EIA Report. Finally, with regards to changes in prey availability, the Scottish Ministers advise that the EIA Report must clearly set out the impacts to key prey species and their habitats arising from the Proposed works alone and cumulatively.

5.6.8 Section 7.5.9 of the Scoping Report outlines the potential cumulative impacts from the Proposed Works. The Scottish Ministers would direct the Applicant to NatureScot's representation with regard to consideration of EMF impacts.

5.6.9 The potential for transboundary impacts has been considered in Section 7.5.11 of the Scoping Report and the Scottish Ministers are content with this approach.

5.6.10 The Scottish Ministers note that an MPA screening assessment has been provided in Appendix E of the Scoping Report. The Scottish Ministers are content that the sandeel feature of Turbot Bank ncMPA can be screened out from further assessment. This is a view supported by the NatureScot representation.

## **5.7 Marine Mammals**

5.7.1 The Scottish Ministers are content with the two study areas presented in Section 7.6.3 of the Scoping Report. This view is supported by the Nature representation.

5.7.2 The Applicant presents a list of data sources considered in Section 7.6.4 of the Scoping Report. The Scottish Ministers are largely content with this however, direct the Applicant to the representation from NatureScot regarding additional data sources and request that these are utilised by the Applicant when preparing the EIA Report.

5.7.3 Regarding baseline characterisation, the Scottish Ministers are generally content with the approach proposed by the Applicant in Section 7.6.5 of the Scoping Report. With regard to reference population, the Scottish Ministers advise that the total management unit ("MU") population is useful for context and this should be presented in the EIA Report, however the impacts must be assessed against the UK portion of the MU. This view is in line with the NatureScot representation.



- 5.7.4 With regard to receptors, the Scottish Ministers advise that harbour seal or common dolphin should not be scoped out of further assessment in the EIA Report at this stage and advise that the Applicant discusses this further with NatureScot prior to submission of the EIA Report.
- 5.7.5 The Applicant outlines the impacts proposed to be scoped in for assessment in the EIA Report in Table 7.34, while impacts proposed to be scoped out from further assessment in the EIA Report are outlined in Table 7.35. The Scottish Ministers broadly agree with what the Applicant has proposed however, draw the Applicant's attention to the NatureScot representation regarding geophysical surveys and injury and disturbance from underwater sound generation in relation to UXO clearance and request that this is fully considered and implemented in the EIA Report.
- 5.7.6 The Scottish Ministers disagree with the approach to assessment for marine mammals and highlight the representation by NatureScot in this regard. The Scottish Ministers advise that the Applicant must consult with NatureScot further on the proposed approach to assessment prior to submitting the EIA Report. The Scottish Ministers additionally request that the NatureScot representation regarding density estimates, UXO clearance and European Protected Species licence requirements are fully considered and implemented by the Applicant in the EIA Report.
- 5.7.7 In terms of mitigation, the Scottish Ministers have reviewed Section 7.6.7 of the Scoping Report which presents embedded mitigation measures and advise that the full range of mitigation measures and published guidance must be included in the EIA Report along with further information on marine mammal monitoring. The Scottish Ministers highlight the NatureScot representation on mitigation and monitoring and advise that this must be fully considered by the Applicant within the EIA Report.
- 5.7.8 The Applicant presents the approach to the assessment of cumulative effects in Section 7.6.9 of the Scoping Report for marine mammal receptors. The Scottish Ministers are broadly content with the approach presented, however highlight the representation by NatureScot regarding inclusion of projects up to one year on either side of the Proposed Works in terms of both temporal and spatial overlap and request that this is implemented by the Applicant in the EIA Report.
- 5.7.9 The Applicant has proposed to screen in a number of impact pathways into the EIA transboundary assessment for marine mammal receptors. The Scottish Ministers advise that there is no potential for transboundary impacts from the Proposed Works and no further consideration is required within the EIA Report. This is a view supported by the NatureScot representation.

5.7.10 The Scottish Ministers note that an MPA screening assessment has been provided in Appendix E of the Scoping Report. The Scottish Ministers advise that the potential for disturbance to the minke whale qualifying feature of the Southern Trench ncMPA can be scoped out from further assessment only if low order deflagration is undertaken for any UXO clearance. If low order deflagration is not proposed to be undertaken, the Scottish Ministers advise that the Applicant must should discuss this further prior to submission of the EIA Report.

## **5.8 Offshore and Intertidal Ornithology**

5.8.1 The Scottish Ministers are content with the offshore and intertidal ornithology study area presented in Section 7.7.3 of the Scoping Report. The Scottish Ministers note at Section 7.7.3.5 that the Proposed Works will include minimal infrastructure that has the potential to impact offshore ornithology receptors. In line with the NatureScot representation, the Scottish Ministers advise that there is the potential for impacts to ornithology receptors in both the construction and decommissioning phases of the Proposed Works and this must be considered further in the EIA Report.

5.8.2 The Applicant presents the data sources considered for offshore and intertidal ornithology in Section 7.7.4 of the Scoping Report. The Scottish Ministers are largely content with the data sources presented however, highlight the additional data sources provided in the NatureScot representation and advise that the Applicant must consider these further when compiling the EIA Report.

5.8.3 In terms of designated sites, the Scottish Ministers advise that the approach used by the Applicant to identify designated sites with offshore ornithological features within close proximity to the Proposed Works is insufficient and may omit sites and species that could be affected by the Proposed Works. The Scottish Ministers therefore advise that the NatureScot Guidance Note 3 must be used in the EIA Report for determining Special Protection Area ("SPA") connectivity. The Scottish Ministers also highlight the NatureScot representation regarding the Outer Firth of Forth and St Andrews Bay Complex SPA and request that this is considered by the Applicant.

5.8.4 The impacts proposed to be scoped in for further assessment in the EIA Report are outlined in Table 7.44, while the impact proposed to be scoped out of further assessment is presented in Table 7.45. The Scottish Ministers are broadly content with the impacts proposed to be scoped in and out of the EIA Report however, in line with the NatureScot representation, advise that no justification has been provided in the Scoping Report as to the scoping out of "indirect impacts from underwater sound affecting prey species" and "temporary habitat loss/disturbance from increased SSCs, including indirect impacts on prey species" during the operation and maintenance phases of the

Proposed Works. The Scottish Ministers advise that the Applicant must discuss this further with NatureScot prior to submission of the EIA Report.

- 5.8.5 With regards to the approach to assessment described in Section 7.7.8 of the Scoping Report, the Scottish Ministers are generally content with this and advise that the NatureScot representation regarding ZoI must be considered further by the Applicant. In addition, the Scottish Ministers refer the Applicant to the NatureScot representation regarding valued ornithological receptors and Highly Pathogenic Avian Influenza and advise that this must be fully considered and implemented in the EIA Report.
- 5.8.6 In terms of mitigation and monitoring, the Scottish Ministers are broadly content with the designed in measures and mitigation presented by the Applicant in Section 7.7.7. The Scottish Ministers advise however, that the full range of mitigation measures and published guidance must be included in the EIA Report along with further information on ornithological monitoring. The Scottish Ministers draw the Applicant's attention to the representation by NatureScot in this regard and request that this is considered by the Applicant when compiling the EIA Report.
- 5.8.7 The Scottish Ministers are content with the approach to potential cumulative impacts outlined in Section 7.7.9 of the Scoping Report. With regard to transboundary impacts presented in Section 7.7.11 of the Scoping Report, the Scottish Ministers advise that, there is no potential for transboundary impacts based on the information presented in the Scoping Report. This is a view supported by the NatureScot representation.
- 5.8.8 The Scottish Ministers note that an MPA screening assessment has been provided in Appendix E of the Scoping Report. The Scottish Ministers are content that there is no connectivity to any ornithological features of ncMPAs. This view is supported by the NatureScot representation.

## **5.9 Commercial Fisheries**

- 5.9.1 Section 7.8.4 of the Scoping Report presents the proposed data sources to be used to inform the commercial fisheries assessment. The Scottish Ministers advise that the Marine Management Organisation's surveillance sightings must not be relied upon for informing the baseline, and that Vessel Monitoring System datasets and the use of fisheries sensitivity maps and associated webtool from the Fisheries Sensitivity Mapping and Displacement Modelling project be utilised to inform the EIA Report. This is a view supported by the MD-SEDD advice.. In addition, the Scottish Ministers advise that the Applicant must consider the the SFF's representation with regard to pre-Brexit landing data to be utilised and fishing plotter data to be considered to inform the assessment.

5.9.2 With regard to the potential impacts to be scoped in to assessment in Table 7.50, the Scottish Ministers highlight the SFF's representation in relation to the potential impact of "snagging risk – loss or damage to fishing gear" to be scoped in which must be fully considered within the EIA Report. Section 7.8.7 of the Scoping Report outlines the designed in measures and mitigation proposed. The Scottish Ministers highlight MD-SEDD advice with regard to cable protection methods and boulder clearance which must be considered fully by the Applicant within the EIA Report. In addition, the Scottish Ministers highlight the SFF representation relating to mitigation and advise that this must also be fully considered within the EIA Report.

## **5.10 Shipping and Navigation**

5.10.1 The Scottish Ministers are content with the study area identified in Section 7.9.3 of the Scoping Report.

5.10.2 With regards to the shipping and navigation baseline, in line with the representation from the MCA, the Scottish Ministers are content that that the two separate 14 day periods of Automatic Identification System data set out in the Scoping Report meets the standard MGN 654.

5.10.3 Table 7.56 of the Scoping Report summarises the potential impacts on shipping and navigation proposed to be scoped in and out for each phase of the Proposed Works. The Scottish Ministers broadly agree with the impacts scoped into the EIA Report, however for the avoidance of doubt, the Applicant must ensure that each of the possible impacts on navigational issues, including routing, outlined in the MCA representation, are addressed within the EIA Report for both commercial and recreational craft.

5.10.4 With regards to approach to assessment, the Scottish Ministers confirm that, in line with the MCA representation, the Applicant will be required to submit a Navigational Risk Assessment in accordance with MGN 654, accompanied by a detailed MGN 654 checklist. Hydrographic surveys should fulfil the requirements set out in Annex 4 of MGN 654.

5.10.5 The Scottish Ministers highlight the MCA representation regarding a Marine Emergency Action Card ("MEAC") and advise that a MEAC must be completed by the Applicant in consultation with the MCA.

5.10.6 With regards to cabling routes and cable burial, the Scottish Ministers advise that a Burial Protection Index should be completed and, subject to the traffic volumes, an anchor penetration study may be necessary. The Scottish Ministers advise that this should be fully addressed in the EIA Report and highlight the MCA advice on a maximum 5% reduction in surrounding depth referenced to Chart Datum if cable protection measures are required.

- 5.10.7 The Scottish Ministers highlight, in line with the MCA representation, that the development area carries a moderate amount of traffic and several important commercial shipping routes to/from UK ports. This requires that careful attention is paid to routing, particularly in heavy weather, so that vessels can continue to make safe passage without large-scale deviations.
- 5.10.8 The Scottish Ministers advise that the Applicant must give consideration within the EIA report for the potential effect of electromagnetic deviation on ships' compasses should High-Voltage Direct Current ("HVDC") transmission infrastructure be installed. The Scottish Ministers highlight the MCA representation that a three-degree deviation for 95% of the cable route would be acceptable, and that for the remaining 5% of the cable route, no more than five degrees will be attained. In addition, should HVDC transmission infrastructure be installed, the Scottish Ministers advise that a desk based compass deviation study must be undertaken based on the specifications of the cable lay proposed and assess the effect of EMF of ship's compasses
- 5.10.9 With regard to potential cumulative effects, the Scottish Ministers are broadly content with the approach proposed and highlight the MCA representation and requirement for an assessment of the distances between the neighbouring offshore renewable project boundaries and shipping routes in line with MGN Standard 654 which must be fully considered and addressed in the EIA Report.

## **5.11 Marine Archaeology**

- 5.11.1 The Scottish Ministers agree with the study area for marine archaeology outlined in Section 7.10.3 of the Scoping Report.
- 5.11.2 In line with the HES representation, the Scottish Ministers direct the Applicant to the HES EIA Handbook for best practice advice on assessing cultural heritage impacts.
- 5.11.3 The Scottish Ministers are content with the impacts proposed to be scoped in for further assessment in the EIA Report as outlined by the Applicant in Table 7.61 of the Scoping Report, the proposed approach to assessment presented in Section 7.10.8 of the Scoping Report, and the designed in mitigation measures stated by the Applicant in Section 7.10.7 of the Scoping Report. This view is supported by the Aberdeenshire Council representation.

## **5.12 Other Sea Users, Marine Infrastructure and Communications**

- 5.12.1 The Applicant outlines two study areas in Section 7.11.3 of the Scoping Report: the Regional Other Sea Users and Marine Infrastructure Study Area and the Local Other Sea Users and Marine Infrastructure Study Area. The

Scottish Ministers are content with both proposed study areas and the data sources presented in Section 7.11.3 of the Scoping Report.

5.12.2 Table 7.65 of the Scoping Report presents the impacts the Applicant proposes to scope in to the assessment in the EIA Report during all phases of the Proposed Works, while the impacts proposed to be scoped out are outlined in Table 7.66. The Scottish Ministers are content with the impacts scoped in and out for assessment in the EIA Report.

5.12.3 The Scottish Ministers emphasise the importance of engaging with other marine users, including developers of ScotWind and INTOG projects, during all phases of the Proposed Works and in particular, refer the Applicant further to the SSEN Transmission representation.

### **5.13 Landscape and Visual Impact Assessment (LVIA)**

5.13.1 Section 9.1 of the Scoping Report considers the impacts of the Proposed Works on landscape and visual receptors of relevance with a Landscape and Visual Impact Assessment (“LVIA”) presented in Appendix G of the Scoping Report. The Scottish Ministers agree that LVIA can be scoped out from further assessment in the EIA Report for Scottish waters. This view is supported by the NatureScot representation.

### **5.14 Human Health**

5.14.1 The Applicant presents the study area and the data sources considered in Section 9.2 of the Scoping Report. The Scottish Ministers are content with the study area and data sources presented.

5.14.2 The impacts proposed to be scoped in to the EIA Report during different phases of the Proposed Works are outlined in Table 9.13 of the Scoping Report, while the impacts proposed to be scoped out are outlined in Table 9.14. The Scottish Ministers are content with the impacts proposed to be scoped in and out of assessment.

### **5.15 Aviation (Military and Civil) and Radar**

5.15.1 The Applicant presents the study area and desk top study sources to be used in Section 9.3 of the Scoping Report. The Scottish Ministers are content with the study area and desk top study sources proposed.

5.15.2 The Applicant presents the impacts to aviation proposed to be scoped in and out of the assessment in the EIA Report during different phases of the Proposed Works in Tables 9.17 and 9.18 respectively. The Scottish Ministers are content with the impacts proposed to be scoped in and out.

## **5.16 Socio-Economics**

5.16.1 The Scottish Ministers are content with the study area for socio-economics presented in Section 9.4.3.

5.16.2 Table 9.24 details the impacts the Applicant proposes to scope in for further assessment in the EIA Report for socio-economics, while Table 9.25 presents the impacts proposed to be scoped out. The Scottish Ministers are content that only economic impacts on Scotland will be assessed in the EIA Report

5.16.3 In terms of the approach to assessing economic impacts, the Scottish Ministers broadly agree with what the Applicant has proposed and that the assessment will include direct, indirect and induced impacts for all phases of the Proposed Works. The Scottish Ministers direct the Applicant further to the MAU advice and recommend that this is fully considered when bringing together the EIA Report.

5.16.4 The Scottish Ministers additionally direct the Applicant to the MAU advice in terms of employment impacts and the methodology used to assess economic impacts and request that this is fully considered and implemented by the Applicant in the EIA Report.

## **5.17 Climate Change**

5.17.1 The Scottish Ministers are broadly content with the Applicant's approach in assessing climate change and Greenhouse Gases ("GHG") in Section 9.5 of the Scoping Report, and note that the IEMA Environmental Impact Assessment Guide "Assessing Greenhouse Gas Emissions and Evaluating Their Significance" referenced by the Applicant provides further insight on this matter. The Scottish Ministers have considered this together with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the requirement of the EIA Regulations to assess significant effects from the Proposed Works on climate. The Scottish Ministers therefore advise that the GHG Assessment should include the pre-construction, construction, operation and decommissioning phases, including the consideration of the supply chain as well as benefits beyond the life cycle of the Proposed Works.

5.17.2 The Scottish Ministers direct the Applicant further to the NatureScot representation regarding climate change and blue carbon which must be fully addressed by the Applicant in the EIA Report.

## **5.18 Other Environmental Topics**

5.18.1 Major Accidents and Disasters

5.18.1.1 Section 10.1.4 of the Scoping Report proposes that the risks of major accidents and/ or disasters will be assessed and covered within the physical, biological and human environment receptor chapters of the EIA Report and not subject to a standalone chapter. The Scottish Ministers are content with this approach and advise that the Applicant should make use of appropriate guidance, including the recent Institute of Environmental Management and Assessment (“IEMA”) ‘Major Accidents and Disasters in EIA: A Primer’, to better understand the likelihood of an occurrence and the Proposed Works susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Works to a potential accident or disaster and also the Proposed Works potential to cause an accident or disaster.

5.18.1.2 The Scottish Ministers advise that existing sources of risk assessment or other relevant studies should be used to establish the baseline rather than collecting survey data and note the IEMA Primer provides further advice on this. This should include the review of the identified hazards from your baseline assessment, the level of risk attributed to the identified hazards and the relevant receptors to be considered.

5.18.1.3 The assessment must detail how significance has been defined and detail the inclusions and exclusions within the assessment. Any mitigation measures that will be employed to prevent, reduce or control significant effects should be included in the EIA Report.

## **5.19 Topics Proposed to be Scoped Out**

### **5.19.1 Heat and Radiation**

5.19.1.1 Section 10.2.4 of the Scoping Report considers the impact of the Proposed Works on heat and radiation. The Scottish Ministers highlight the comments above at Section 5.4 of the Scoping Opinion on thermal emissions and EMF which must be fully considered by the Applicant within the EIA Report.



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

### **6.1 General**

- 6.1.1 The EIA Report must be in accordance with the 2007 MW Regulations and the Scottish Ministers draw your attention in particular to regulation 12. In accordance with the 2007 MW Regulations, the Scottish Ministers advise that the EIA Report must be based on this Scoping Opinion.
- 6.1.2 The Scottish Ministers note the need to carry out an assessment under The Conservation of Offshore Marine Habitats and Species Regulations 2017. This assessment must be coordinated with the EIA in accordance with the 2007 MW Regulations.
- 6.1.3 The Scottish Ministers strongly advise the production of a HRA screening report for the Proposed Works and recommend that this should be submitted for comment at the earliest opportunity and in advance of the submission of the EIA Report in order to fully inform the HRA advice for the Proposed Works.
- 6.1.4 A gap analysis template is attached at Appendix II to record the environmental concerns identified during the scoping process. This template should be completed and used to inform the preparation of the EIA Report. As part of the submission of the EIA Report the Scottish Ministers advise that the Applicant must provide confirmation of how this Scoping Opinion is reflected in the EIA Report.

Signed

Emma Lees

20 March 2025

Authorised by the Scottish Ministers to sign in that behalf.

**Appendix I: Consultation Responses & Advice**

*Please refer to separate document provided alongside Scoping Opinion*

**Appendix II: Gap Analysis**

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