

Marine Directorate - Licensing Operations Team Scoping Opinion

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

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

and

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

Nova - Òran na Mara Tidal Energy Project

20 December 2023

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1. Introduction

1.1 Background

- 1.1.1 On 4 August 2023, the Scottish Ministers received a scoping report (“the Scoping Report”) from Nova Innovation Ltd (“the Developer”) as part of its request for a scoping opinion relating to the Nova Òran na Mara Tidal Energy Project (“the Proposed Development”). The Scottish Ministers considered the content of the Scoping Report as sufficient and in accordance with regulation 14 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“2017 MW Regulations”) and regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“2017 EW Regulations”), collectively referred to as “the EIA Regulations”.
- 1.1.2 This scoping opinion is adopted by the Scottish Ministers under the EIA Regulations (“Scoping Opinion”) in response to the Developer’s request and should be read in conjunction with the Scoping Report. The matters contained in the Scoping Report have been carefully considered by the Scottish Ministers and use has been made of professional judgment, based on expert advice from stakeholders and Marine Directorate in-house expertise and experience. This Scoping Opinion identifies the scope of impacts to be addressed and the method of assessment to be used in the Environmental Impact Assessment Report (“EIA Report”) for the Proposed Development.
- 1.1.3 The Scottish Ministers, in adopting this Scoping Opinion, have, in accordance with the EIA Regulations, taken into account the information provided by the Developer, in particular, information in respect of the specific characteristics of the Proposed Development, including its location and technical capacity and its likely impact on the environment. In addition, the Scottish Ministers have taken into account the representations made to them in response to the scoping consultation they have undertaken.
- 1.1.4 In examining the EIA Report, and any other environmental information, the Scottish Ministers will seek to reach an up-to-date reasoned conclusion on the significant effects on the environment from the Proposed Development. This reasoned conclusion will be considered as up to date if the Scottish Ministers are satisfied that current knowledge and methods of assessment have been taken account of. For the avoidance of doubt, this Scoping Opinion does not preclude the Scottish Ministers from requiring the Developer to submit additional information in connection with any EIA Report submitted with an application for consent under section 36 (“s.36 consent”) of The Electricity Act 1989 (“the 1989 Act”) and marine licences under The Marine (Scotland) Act 2010 (“the 2010 Act”).

- 1.1.5 In the event that the Developer does not submit applications for a s.36 consent under the 1989 Act and marine licences under the 2010 Act for the Proposed Development within 12 months of the date of this Scoping Opinion, the Scottish Ministers strongly recommend that the Developer seeks further advice from them regarding the validity of the Scoping Opinion.
- 1.1.6 The Scottish Ministers advise that as more than one set of environmental impact assessment regulations apply the most stringent requirements must be adhered to in terms of, for example, consultation timelines and public notice requirements.

2. The Proposed Development

2.1 Introduction

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

2.2 Description of the Proposed Development

2.2.1 The Proposed Development will comprise an offshore generating station located north of Port Askaig, within the Sound of Islay in the Inner Hebrides and up to five associated export cable corridors. All offshore infrastructure associated with the Proposed Development will be situated entirely within 12 nautical miles ("nm") of mean high water springs ("MHWS"). The Proposed Development will have a capacity greater than 1 megawatt ("MW") and, therefore, requires the Scottish Ministers' consent to allow its construction and operation. The Proposed Development will also require marine licences granted by the Scottish Ministers under the 2010 Act, to permit any and all "licensable marine activities" carried on for the Proposed Development and objects in or over the sea, or on or under the seabed.

2.2.2 The Proposed Development will include the construction and operation of offshore tidal turbine generators and all associated infrastructure. The key components of the Proposed Development include:

- Up to 30 tidal turbine generators (each comprising a nacelle, hub and two rotor blades) as well as all associated support structures and foundations. This array will be a mix of the Developer's existing M100-D turbines (each with 100-200 kilowatt ("kW") capacity) and its "next generation" turbines (each with up to 500kW capacity);
- A substructure for each M100-D turbine made of steel and gravity-based. Each substructure has three rock feet weighed down by concrete ballast. The substructure has a total base area of 13.5 metres ("m") by 12.2m but the rock feet are the only part directly touching the seabed, each having a 1m by 1m footprint. The "next generation" turbines will use either the same gravity based technology or pin-piling;
- A rotor diameter of 7-9m for the M100-D turbines while the "next generation" turbines will have a rotor diameter of 10m-14.5m. This means the minimum rotor sweep area will be 38 square metres ("m²") and the maximum will be 165m² per device;
- A maximum blade tip height of 12-14m above the seabed for the M100-D turbines while the "next generation" turbines will have a maximum blade tip height of 14m-18.5m;

- Draft clearance between the sea surface and the tip of the rotor blade will be dependent on the turbine size and array layout however will be at the minimum level to avoid any unacceptable navigational issues, accounting for local traffic and bathymetry and will be determined during agreement of the Navigational Risk Assessment (“NRA”);
- Up to five offshore export cables are being considered. One is proposed to run from the offshore array area to Whitefarland Bay on Jura where it will be connected to the national grid network. The remaining four options are private connections. Proposed landfall sites for the potential private connections are at Bunnahabhain, Ardnahoe, Caol Ila and the Port Askaig Ferry Terminal. The total length of export cabling will be determined once further design and engineering studies have been completed;
- Inter-array cabling, with the potential to use hubs or rings to minimise export cables. The total length of inter-array cabling will be determined once further design and engineering studies have been completed; and
- Double-armoured subsea cables with two layers of hard outer high-density polyethylene shell. The outer diameter of inter-array cables will be around 10 millimetres (“mm”) while the outer diameter of export cables will be up to 50mm. Inter-array cables will be surface-laid with no additional protection, but export cables may be trenched as they approach the foreshore, this will be decided following site investigation.

2.2.3 The Proposed Development will have an approximate installed capacity of up to 10MW. The Proposed Development is likely to be constructed in phases with the EIA Report assessing the phasing as a design feature of the Proposed Development. The incremental installation will involve ongoing monitoring through an environmental monitoring programme as the Proposed Development progresses through the defined phases.

2.2.4 The operational lifetime of the Proposed Development is assumed to be 20 years, followed by a period of decommissioning.

2.3 Onshore/Planning/Harbour Revision Order

2.3.1 The Developer has advised the Scottish Ministers that it will seek separate planning permission from Argyll and Bute Council for the associated onshore transmission works and will seek a scoping opinion from them in relation to these works. It is essential that the EIA Report concerning onshore works will be available at the time that the EIA Report for the Proposed Development is being considered so that all the information relating to the project as a ‘whole’ is presented. The EIA Report for the Proposed Development must consider the cumulative impacts with the onshore works.

2.4 The Scottish Ministers' Comments

Description of the Proposed Development

- 2.4.1 The Scoping Report's Non-Technical Summary states that the Proposed Development will be installed gradually in phases. The Scottish Ministers agree with the NatureScot representation and advise that the Developer should design the EIA Report to ensure the layout and phasing approach used to inform the impact assessment is realistic and captures both a worst-case scenario and a realistic worst-case scenario.
- 2.4.2 The Scottish Ministers note that the layout of the tidal array is yet to be decided and that this will be informed by results of site investigations in addition to feedback from stakeholders. The Scottish Ministers advise that the EIA Report include a full and detailed description of the tidal turbine layout. If the tidal turbine arrangement is not finalised at the time of submission of the EIA Report, it is important the EIA Report include a full and detailed description of all layout options being considered within the design envelope.
- 2.4.3 Furthermore, the EIA Report should include a full and detailed description of tidal turbine parameters considered within the design envelope. The EIA Report should also demonstrate consideration of the proportions of the existing M100-D turbines to upscaled "next generation" turbines, including a worst-case scenario.
- 2.4.4 Section 5.3 of the Scoping Report confirms that the Developer plans to use hubs/rings to minimise export cables. The EIA Report should include a full and detailed description of the hub/ring options being considered. This should include, at least, the number, design, size and, where applicable, foundations of each design.
- 2.4.5 Section 5.5 of the Scoping Report states that the cables are expected to be surface laid, with some trenching in the nearshore area if necessary. Tables 8-4, 8-6 and 11-8 of the Scoping Report state that if required cable protection measures will be used to secure surface laid cables. If there is potential for cable protection to be used, the Scottish Ministers advise that this is assessed in the EIA Report and includes details regarding materials, quantities and location. In addition, any seabed levelling or removal of substance or objects from on or under the seabed, required for installation of both inter-array and export cables, will require consideration in the EIA Report and may require a marine licence. Should seabed preparation involve dredging, the EIA Report should include the quantities of dredged material and identify the likely location for deposit. The Developer may also be required to submit pre-dredge sample analysis, this should include supporting characterisation of the new and existing deposit sites.

- 2.4.6 The Scottish Ministers note that Section 5.5 of the Scoping Report states there will be no burial of the inter-array or export cables due to the nature of the seabed. However, Sections 11.5.2, 12.8 and 13.8 and Table 12-4 in the Scoping Report mention at least the potential for cable burial in the offshore environment. If the EIA Report does not rule out cable burial, it should detail, at a minimum, burial and non-burial options. If more than one method of burial is being considered, each should be detailed. The Scottish Ministers advise the EIA Report include an estimate of the anticipated likelihood of suitable burial along cable routes and be clear on the range of 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 any geophysical and geotechnical surveys that may be undertaken. Where reliance is placed on a subsequent cable plan or cable burial risk assessment as mitigation, the EIA Report should 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.
- 2.4.7 The Scottish Ministers advise that, where known, the EIA Report consider all cable routes, both private wire connections and grid connections for cables connected to the offshore generating station. The Scottish Ministers advise that if these are yet to be confirmed at time of application it may be necessary to submit a separate EIA Report to support a marine licence application for any future cables required to connect the offshore generating station.
- 2.4.8 In Section 5.7 of the Scoping Report the Developer considers decommissioning of the Proposed Development. The Scottish Ministers advise that the EIA Report includes an assessment of potential significant effects during the decommissioning phase. Any uncertainty on the impacts upon receptors from activities during decommissioning should be clearly explained, along with the implications for the assessment of significant effects.
- 2.4.9 Section 9.9.3 states that the Developer will undertake unexploded ordnance (“UXO”) clearance if required. The Scottish Ministers advise that the EIA Report must describe and assess the environmental effects, including in-combination effects, of the range of surveys which may be required such as geophysical and geotechnical survey activities and UXO clearance. 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 to the Joint

SNCB/DEFRA/MS statement – Marine environment: unexploded ordnance clearance¹ in this regard, although highlight that this is currently being refreshed.

- 2.4.10 The EIA Report should provide an estimate of expected residues and emissions, for example drill cuttings, where considered in the design envelope. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments.
- 2.4.11 The Scottish Ministers note that the Developer plans to submit a separate offshore Habitats Regulations Appraisal (“HRA”) screening report. The Scottish Ministers recommend that the Developer submit a HRA screening report at the earliest opportunity and before submission of the EIA Report.
- 2.4.12 The Scottish Ministers advise that the EIA Report provide a full description and consideration of the nature and scope of all operation and maintenance activities, including the types of activity, their frequency, how activities will be carried out for the Proposed Development and any anticipated cumulative impacts with neighbouring developments. Such proposed activities may require to be permitted by marine licence issued for the Proposed Development unless an exemption applies.
- 2.4.13 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 Development” 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 Development for which a regulatory approval will be needed. The Developer should give consideration to all activities related to the Proposed Development which require regulatory approval and ensure that these are applied for as appropriate.

Design Envelope

- 2.4.14 The Scottish Ministers note the Developer’s intention to apply a ‘Design Envelope’ approach. Where the details of the Proposed Development cannot be defined precisely, the Developer will apply a worst case scenario, as set out in Section 2.5 of the Scoping Report.

¹ <https://www.gov.uk/government/publications/marine-environment-unexploded-ordnance-clearance-joint-interim-position-statement>

- 2.4.15 The Scottish Ministers advise that the Developer must make every attempt to narrow the range of options. Where flexibility in the design envelope is required, this must be defined within the EIA Report and the reasons for requiring such flexibility clearly stated. At the time of application, the parameters of the Proposed Development should not be so wide-ranging as to represent effectively different projects. To address any uncertainty, the EIA Report must consider the potential impacts associated with each of the different scenarios. The criteria for selecting the worst case and the most likely scenario, together with the potential impacts arising from these, must also be described. The parameters of the Proposed Development must be clearly and consistently defined in the application for the s.36 consent and marine licences and the accompanying EIA Report.
- 2.4.16 The Scottish Ministers will determine the applications based on the worst case scenario. The EIA will reduce the degree of design flexibility required and the detail may be further refined in a Construction Method Statement (“CMS”) to be submitted to the Scottish Ministers, for their approval, before works commence. Please note however, the information provided in [Section 7](#) below regarding multi-stage consent and regulatory approval. The CMS will ‘freeze’ the design of the project and will be reviewed by the Scottish Ministers to ensure that the worst case scenario described in the EIA Report is not exceeded.
- 2.4.17 It is a matter for the Developer, in preparing the EIA Report, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. If the Proposed Development or any associated activities materially change prior to the submission of the EIA Report, the Developer may wish to consider requesting a new scoping opinion.

Alternatives

- 2.4.18 The EIA Regulations require that the EIA Report include ‘a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the Developer, which are relevant to the proposed works and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects’. The Scottish Ministers acknowledge Section 5.2 of the Scoping Report setting out the consideration of alternative locations. The Scottish Ministers advise 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.
- 2.4.19 For the avoidance of doubt, the Scottish Ministers advise that the EIA Report must include an up-to-date consideration of the reasonable alternatives studied

as the parameters of the Proposed Development have been refined. This includes but is not limited to the identification of the potential tidal turbine layouts within the array area, the parameters of the export cables, the cable corridor options and the landfall location or locations. The Scottish Ministers expect this to comprise a discrete section in the EIA Report that provides details of the reasonable alternatives studied across all aspects of the Proposed Development and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

3. Contents of the EIA Report

3.1 Introduction

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

3.2 EIA Scope

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

3.3 Mitigation and Monitoring

- 3.3.1 The Scottish Ministers note that in Section 21.3.3 of the Scoping Opinion reference is made to a Mitigation Measure Register in Appendix D, however no Appendix D was evident within the Scoping Report. The Scottish Ministers also note however that the Developer commits to providing full details of embedded mitigation measures relative to each technical chapter within the EIA Report. For the avoidance of doubt, any embedded mitigation relied upon for the purposes of the assessment should be clearly and accurately explained in detail within the EIA Report. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The EIA Report must identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.
- 3.3.2 The EIA Report should clearly demonstrate how the Developer has had regard to the mitigation hierarchy, including giving consideration to the avoidance of key receptors. The Scottish Ministers advise that where the mitigation is envisaged to form part of a management or mitigation plan, the EIA Report must set out these plans or the reliance on these in sufficient detail so the significance of the residual effect can be assessed and evaluated. This should also include 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 EIA Regulations, initiated a 30-day consultation process, which commenced on 23 August 2023. 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:

- Ardnahoe Distillery
- **Argyll and Bute Council**
- Argyll and Bute Council – Ferry Operator
- Argyll and Bute Council – Harbours
- **Argyll Fisheries Trust**
- Bunnahabhain Distillery
- Caledonia Maritime Assets Limited
- Caledonian MacBrayne Ferries
- Campbeltown Fishery Office
- Clyde Fishermen’s Association
- Clyde River Foundation
- **Crown Estate Scotland**
- *Defence Infrastructure Organisation (“DIO”)*
- Department for Business, Energy and Industrial Strategy
- **Department of Agriculture, Environment and Rural Affairs (“DAERA”)**
- Diageo (Caol Ila)
- DP Marine Energy
- Dunlossit Estate
- Fisheries Management Scotland
- Fisheries Trust
- Flex Marine Power Ltd
- Hebridean Whale and Dolphin Trust
- **Historic Environment Scotland (“HES”)**
- Islay Community Council
- Islay Energy Trust
- Jura Community Council
- Jura Development Council
- Laggan and Sorn District Salmon Fishery Board
- *MachairWind*
- Malcolm Younger - Landowner
- Marine Planning and Policy
- Marine Safety Forum

- **Maritime and Coastguard Agency (“MCA”)**
- National Trust for Scotland
- **NatureScot**
- *Northern Lighthouse Board (“NLB”)*
- Planning (Scotland)
- Ports and Harbours
- R100 Superfast Broadband Programme
- *Royal National Lifeboat Institution*
- *Royal Society for the Protection of Birds Scotland*
- **Royal Yachting Association (“RYA”)**
- Scottish Canoe Association
- Scottish Creel Fishermen’s Federation
- **Scottish Environment Protection Agency**
- *Scottish Fishermen’s Federation (“SFF”)*
- Scottish Fishermen’s Organisation
- Scottish Southern Electricity Networks – Transmission
- Scottish Surfing Federation
- **Scottish Water**
- Scottish White Fish Producers Association
- Scottish Wildlife Trust
- Scotways
- Sea Fish Industry Authority
- *Sea Mammal Research Unit*
- Serco Denholm
- *Sport Scotland*
- Surfers Against Sewage
- **UK Chamber of Shipping (“UKCoS”)**
- Visit Scotland
- West Coast Inshore Fishery Group
- Whale and Dolphin Conservation

4.1.2 Specific advice was sought from Marine Directorate – Science, Evidence, Data and Digital (“MD-SEDD”) and Transport Scotland (“TS”), including Ports and Harbours.

4.2 Responses received

4.2.1 From the list above a total of 19 responses were received with an additional response received from a member of the public. Advice was also provided by MD-SEDD and TS. The purpose of the consultation was to seek representations to aid the Scottish Ministers’ consideration of which potential effects should be scoped in or out of the EIA Report.

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

5. Interests to be considered within the EIA Report

5.1 Introduction

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

5.2 Marine Physical Processes

5.2.1 The Developer considers the potential impact of the Proposed Development on marine physical processes in Chapter 6 of the Scoping Report. The Scottish Ministers note that the Scoping Report does not define a study area for which to inform the assessment. The Scottish Ministers advise that the Developer engages with NatureScot to agree a study area prior to commencement of the assessment and refer the Developer to the NatureScot representation in this regard.

5.2.2 The Scottish Ministers are content with the data sources listed in Section 6.3 of the Scoping Report. With regards to the baseline characterisation as described in Sections 6.3.2 to 6.3.5, the Scottish Ministers are broadly content and support the proposed approach outlined in Section 6.9.2 to supplement this with data obtained through metocean and geophysical surveys.

5.2.3 The Scottish Ministers are content with the potential impacts to be scoped into the EIA Report as summarised in Table 6-5 in Section 6.7 of the Scoping Report.

5.2.4 The Scottish Ministers advise that the assessment of the impact of the Proposed Development on marine physical processes include hydrodynamic modelling and refer the Developer to the NatureScot representation in this regard. Furthermore, Scottish Ministers advise that the proposed approach to assessment lacks sufficient detail to describe the approach and are unable to provide further comment.

5.2.5 The Scottish Ministers are broadly content with the proposed approach to assessment of cumulative and transboundary impacts.

5.3 Marine Water and Sediment Quality

5.3.1 The Developer considers the potential impact of the Proposed Development on marine water and sediment quality in Chapter 7 of the Scoping Report. The Scottish Ministers are broadly content with the data sources listed and baseline

characterisation as described in Section 7.3 of the Scoping Report. With regards to the study area, the Scottish Ministers advise that this is clearly defined in the EIA Report.

- 5.3.2 Table 7-3 in Section 7.6 of the Scoping Report summarises the potential impacts on water and sediment quality for each phase of the Proposed Development. The Scottish Ministers are broadly content with the impacts proposed to be scoped into the EIA Report, however draw the Developer'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.

5.4 Benthic Ecology

- 5.4.1 The Developer considers the potential impact of the Proposed Development on benthic receptors in Chapter 8 of the Scoping Report. The Scottish Ministers note that the Scoping Report does not define a study area for which to inform the assessment. The Scottish Ministers advise that the Developer engage with NatureScot to agree a study area prior to commencement of the assessment and refer the Developer to the NatureScot representation in this regard.
- 5.4.2 The Scottish Ministers are broadly content with the data sources listed in Section 8.3 of the Scoping Report. With regards to the baseline characterisation as described in Sections 8.3.2 to 8.3.3, the Scottish Ministers are broadly content and support the proposed approach outlined in Section 8.8.1 to supplement this with data obtained through geophysical, subtidal benthic and intertidal surveys. The Scottish Ministers advise that these surveys should target Priority Marine Features and direct the Developer to the NatureScot representation in this regard. Additionally, the Scottish Ministers advise that due to the age and spatial coverage of data from the SPR Sound of Islay Demonstration Tidal Array Environmental Statement, it is appropriate for historical context only and should not be used in quantitative analyses. This is a view supported by NatureScot in its representation.
- 5.4.3 The Scottish Ministers are broadly content with the potential impacts to be scoped into the EIA Report as summarised in Tables 8-4 and 8-6 of the Scoping Report.
- 5.4.4 With regards to the proposed approach to assessment, the Scottish Ministers advise that the EIA Report give consideration to the potential requirement of additional cable protection on benthic receptors and highlight the NatureScot representation in this regard. Due to the lack of detail provided in relation to the approach to assessment, the Scottish Ministers are unable to provide further comment.

- 5.4.5 The Scottish Ministers note the embedded mitigation measures described in Section 8.7 of the Scoping Report and advise that the EIA Report clearly describe the process to be followed for micro-siting the turbines and export cables.
- 5.4.6 The Scottish Ministers are broadly content with the proposed approach to assessment of cumulative and transboundary impacts.

5.5 Marine Mammals

- 5.5.1 The Developer considers the potential impact of the Proposed Development on marine mammals in Chapter 9 of the Scoping Report. The Scottish Ministers are broadly content with the study area as outlined in Section 9.2 of the Scoping Report. With regards to the data sources as described in Section 9.3.6 and Table 9-4, the Scottish Ministers advise that this is reviewed and updated for the EIA Report and direct the Developer to the NatureScot representation in this regard.
- 5.5.2 The Scottish Ministers are broadly content with the baseline characterisations as outlined in Section 9.3, however, the Scottish Ministers advise that the SPR Environmental Statement is not considered robust enough to be used in quantitative analysis, due to the age and spatial coverage of the data, and is only appropriate for providing a historical context. This is a view supported by NatureScot in its representation. Additionally, the Scottish Ministers advise that The North Channel Special Area of Conservation (“SAC”) for harbour porpoise is included for consideration in any HRA Likely Significant Effect Screening report submitted for this project and direct the developer to the DAERA representation in this regard.
- 5.5.3 The Scottish Ministers are broadly content with the potential impacts proposed to be scoped into and out of the EIA Report.
- 5.5.4 With regards to the proposed approach to assessment as set out in Section 9.9 of the Scoping Report, the Scottish Ministers are broadly content with this however advise that the Developer engage further with NatureScot to agree the parameters of the collision risk modelling and direct the Developer to the NatureScot representation in this regard. Furthermore, the EIA should clearly describe the turbine layout and approach to phasing as the proposed approach to assessment will be dependent on this. The Scottish Ministers advise that this should be realistic and represent the worst case scenario.
- 5.5.5 The Scottish Ministers advise that in addition to the mitigation measures listed in Section 9.6.2 of the Scoping Report, the EIA Report include outline mitigation measures considered to abate the impact of the noise generated through pin-piling during construction of the Proposed Development and direct the Developer to the MD-SEDD advice dated 10 October 2023 in this regard. Furthermore, the

Scottish Ministers refer the Developer to the Joint Nature Conservation Committee guidance on mitigation of underwater noise during impulsive noise generation².

- 5.5.6 The Scottish Ministers agree with the approach to assessing cumulative impacts and transboundary effects as described in Sections 9.7.2 and 9.7.3 of the Scoping Report.

5.6 Marine Ornithology

- 5.6.1 The Developer considers the potential impact of the Proposed Development on marine ornithology receptors in Chapter 10 of the Scoping Report. With regards to the study area, the Scottish Ministers advise that it is proportionate to the size of the development, but that it be extended to include the cable corridors and taking into account the marine/terrestrial interface. The Scottish Ministers are broadly content with the list of data sources provided in Tables 10-1 and 10-2 of the Scoping Report however advise that the SPR Environmental Statement is not appropriate for quantitative analyses. Furthermore, the Scottish Ministers expect the EIA Report to consider the impact of the Proposed Development in light of the Highly Pathogenic Avian Influenza outbreak, this is a view supported by NatureScot in its representation.
- 5.6.2 Section 10.3.2 of the Scoping Report details a 15-month programme of ornithology surveys. The Scottish Ministers highlight the NatureScot representation and advice contained therein regarding site-specific surveys specifically relating to using the additional 3-month survey data and the methodology for recording gannet and advise that this is fully addressed in the EIA Report. In relation to Kernel Density Estimation (“KDE”), the Developer is directed to the NatureScot representation in which detailed advice is provided in order to use KDE appropriately with the VP survey data and advise that this be fully implemented in the EIA Report. The Scoping Report states at Section B.1.3.4 that Poissan generalized linear mixed model will be used to carry out abundance analysis. The Scottish Ministers advise that the EIA Report include justification as to this choice of model type over other model types and should specify any random effects included. This is a view supported by NatureScot in its representation and the Developer is directed to this representation for further guidance. The Scottish Ministers note that the Scoping Report does not include raw survey data and advise that the EIA Report include all raw data from the ornithology surveys as an annex and direct the Developer to the NatureScot representation in this regard.

² [Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise.](#)

- 5.6.3 The Scottish Ministers are broadly content with the impact pathways proposed to be scoped into and out of the EIA Report as summarised in Table 10-3 of the Scoping Report.
- 5.6.4 The Scottish Ministers note that little detail is provided in relation to the proposed approach to assessment and advise that the EIA Report includes full details of the parameters for any model used and justification for its use. The Developer is advised that it engages with NatureScot and agree the approach to assessment ahead of the EIA Report.
- 5.6.5 The Scottish Ministers expect the EIA Report to include a full list of Special Protected Areas (“SPA”) with connectivity to the Proposed Development, including details of SPAs that have been scoped out and full justification for this.
- 5.6.6 The Scoping Report states in Section 10.8 that mitigation is not considered to be a likely requirement however consideration may be given to the use of a “Looming Eye Buoy” as a method of deterring diving seabirds should a risk of collision be identified. The Scottish Ministers refer the Developer to the NatureScot representation for advice in this regard.
- 5.6.7 The list of developments to be considered in the cumulative impact assessment should include sites which are within the mean max +1 SD from the colonies with connectivity to the Proposed Development. This is a view supported by NatureScot in its representation. The Developer is advised to submit a list of developments to be considered in the cumulative impact assessment to the Scottish Ministers for agreement.
- 5.6.8 The Scottish Ministers are content with the proposed approach to assessment of transboundary effects as set out in Section 10.7.3 of the Scoping Report.

5.7 Fish and Shellfish Ecology

- 5.7.1 Chapter 11 of the Scoping Report considers the impact of the Proposed Development on fish and shellfish ecology. The Scottish Ministers are broadly content with the study area as defined in Section 11.2 and Figure 11-1 of the Scoping Report. With regards to the data and literature sources detailed in Section 11.3 and Table 11-1, the Scottish Ministers advise that this should be updated to include the Developing Essential Fish Habitat Maps: Report, this is a view supported by NatureScot in its representation. Additionally, the Scottish Ministers highlight the NatureScot representation in relation to the use of eDNA sampling and advise this is considered to help provide information on priority marine features (“PMFs”) and prey species. The Scottish Ministers further highlight the offer from the Argyll Fisheries Trust regarding data it holds on juvenile salmon, trout and eel populations in rivers adjacent to the Proposed

Development on both Islay and Jura and advise the Developer to consider whether this may help inform the EIA Report.

- 5.7.2 The Argyll Fisheries Trust notes that the West Coast Salmon Tracking Project (2021) indicates smolts leaving rivers may take many different pathways as they move towards their feeding grounds in the North Atlantic Ocean. In line with the Argyll Fisheries Trust representation, the Scottish Ministers advise that the Developer should be aware and responsive to new information from this project as it becomes available over the next few years. Furthermore, the Scottish Ministers advise that the Developer should also be responsive to the results of Marine Directorate studies into smolt swimming depth.
- 5.7.3 The Scottish Ministers note from Table 11-8 that effects of underwater noise and vibrations on hearing and pressure sensitive species will be scoped into the EIA Report. This approach is welcomed however, the Scottish Ministers advise that this potential effect is extremely broad and to address this, the Developer should split this potential effect into various noise sources, as it has been in the marine mammal chapter. This is a view supported by MD-SEDD in its advice dated 10 October 2023. Furthermore, in Table 11-6 of the Scoping Report the Developer identifies basking shark as a protected species of the Sea of the Hebrides North Coast Marine Protected Area. However, there is minimal discussion of basking shark within the Scoping Report. Therefore, in line with the NatureScot representation, Scottish Ministers advise that the EIA Report should include greater detail on the potential collision risks to basking shark associated with tidal turbines. Additionally, the EIA Report should be clear on which impact pathways have been considered in relation to basking shark.
- 5.7.4 The Scottish Ministers note from Section 5.4 of the Scoping Report that pin-piling may be used in place of pre-cast concrete ballast and highlight the MD-SEDD advice dated 10 October 2023 stating that mitigation measures should be outlined in the EIA Report for the construction phase as part of a worst-case scenario approach.
- 5.7.5 The Scottish Ministers direct the Developer to the MD-SEDD advice dated 10 October 2023 in relation to noise propagation modelling and advise that it is utilised in producing the EIA Report, as suggested in Section 15.8 of the Scoping Report. The model should assume that fish remain stationary rather than fleeing in response to noise to reflect the worst-case scenario.
- 5.7.6 The Developer has identified essential fish habitats for all species relevant to the Proposed Development based on available data, such as in Table 11-5 where the Developer has identified spawning and nursery grounds for many species. However, the Scottish Ministers advise that an ecosystem-scale approach to assessing effects of the Proposed Development on fish and shellfish ecology is

adopted in the EIA Report. For example, the relationships the identified species have as predators or prey within their ecosystem should be discussed. This is a view supported by NatureScot in its representation.

- 5.7.7 In Section 11.8 of the Scoping Report, the Developer sets out the proposed approach to assessment of the impact to fish and shellfish as a result of the Proposed Development. The Developer proposes to group species based on characteristics, including one such group being species of conservation interest. However, “species of conservation interest” has not been defined further. The Scottish Ministers advise that this group should include PMFs and prey species for marine mammals and birds, this is a view supported by NatureScot in its representation.
- 5.7.8 In line with the MD-SEDD advice dated 10 October 2023, the Scottish Ministers advise that in relation to any mitigation proposed to reduce the effects of noise for marine mammals, this may not be effective for fish and this should be taken into account within the EIA Report.
- 5.7.9 The Scottish Ministers welcome the commitment to an Environmental Monitoring and Mitigation Plan (“EMMP”) in Section 11.7 of the Scoping Report but also note that no specific measures have been described for fish and shellfish. The EMMP should include detail on specific mitigation and monitoring measures being taken in relation to fish and shellfish and refer the Developer to the NatureScot representation in this regard.
- 5.7.10 The Scottish Ministers are content that fish and shellfish will be included in the cumulative impact assessment and agree with the proposed approach to assessment of transboundary effects.

5.8 Commercial and Local Fisheries

- 5.8.1 Chapter 12 of the Scoping Report considers the impact on commercial and local fisheries as a result of the Proposed Development. The Scottish Ministers advise that the study area is clearly defined within the EIA Report and the wider study area includes both International Council for the Exploration of the Sea squares 40E3 and 40E4. The Developer is directed to the MD-SEDD advice dated 10 October 2023 in this regard and advise that this is fully addressed in the EIA Report.
- 5.8.2 In relation to the baseline characterisation, the Scottish Ministers advise that the Developer use the Scottish Government’s recently published heat maps of fishing data for vessels under 12m during the 2017-2021 period to help establish a baseline of activity within the Sound of Islay. The Developer is directed to the MD-SEDD advice dated 10 October 2023 for the relevant links. Furthermore, the

Scottish Ministers agree that stakeholder engagement will be key in gathering data in relation to small fishing vessels to establishing the baseline characterisation.

- 5.8.3 The Developer refers to Global Fishing Watch data in Section 12.3.3 of the Scoping Report, stating the data covers the period from 1 January 2018 to 5 November 2022 and is displayed in Figures 12-6 to 12-10. The Scottish Ministers request that clarity is provided in the EIA Report about which figures reference this data as it seems only Figures 12-6 to 12-8 do in the Scoping Report. The Scottish Ministers advise that using AIS data over the last five years rather than just 2018 will provide a better understanding of the commercial fisheries baseline in the Sound of Islay and refer the Developer to the MD-SEDD advice dated 10 October 2023 in this regard. Furthermore, in line with the MD-SEDD advice dated 10 October 2023, the Developer is advised to use AIS data to produce maps of fishing vessel tracks as another way to visualise the fishing vessel movement and activity around the Sound of Islay and to help determine if fishing vessel steaming routes in the wider area will be impacted.
- 5.8.4 The Scottish Ministers note that vessel monitoring system (“VMS”) data will not be available for smaller vessels operating in the Sound of Islay. However, the Scottish Ministers highlight the MD-SEDD suggestion that the Developer use VMS data to produce figures of fishing effort and value in the “wider area”. This should inform the baseline and build a better understanding of nearby fishing undertaken by larger dredge and trawl vessels, helping to consider the potential displacement of vessels from the Sound and mapping larger vessels that may have their steaming times impacted during the construction and decommissioning phases of the Proposed Development.
- 5.8.5 In Section 12.3.4 of the Scoping Report the Developer discusses the ScotMap 2014 dataset, with figures from the paper shared in Figure 12-9. The Scottish Ministers note that this dataset is out of date and should not be relied upon to provide information on the commercial fisheries baseline, though it can be used to validate information gathered from local fishers and stakeholders.
- 5.8.6 Table 12-4 of the Scoping Report details the potential effects proposed to be scoped into and out of the EIA Report, the displacement of fishing vessels is scoped in but confined to the operation phase. However, the Scoping Report also mentions displacement during construction due to possible safety exclusion zones. Given the potential for displacement outside of the operation phase, the Scottish Ministers advise that the displacement of fishing vessels also be scoped in for the construction and decommissioning phases of the Proposed Development. Additionally, the potential for increased steaming times should be scoped into the EIA Report for all stages of the Proposed Development. This is a view supported by MD-SEDD in its advice dated 10 October 2023.

- 5.8.7 The Scottish Ministers advise that timelines gathered from local fishers should be taken into account when designing the construction timeline in order to minimise disturbance to fishing activity. The Developer is directed to the MD-SEDD advice dated 10 October in this regard.
- 5.8.8 In relation to mitigation, the Scottish Ministers advise that in identifying appropriate mitigation measures, the Developer must consider the different types of fishing that take place within the Proposed Development and engage with the wider fishing industry to seek broad agreement on measures proposed. The Scottish Ministers advise that when detailing the mitigation measures the Developer must clearly state commitments and explain any caveats to these commitments, such as EIA significance, so that stakeholders can easily understand the actual commitment(s) made.

5.9 Shipping and Navigation

- 5.9.1 The Developer considers the potential impact of the Proposed Development on shipping and navigation receptors in Chapter 13 of the Scoping Report. The Scottish Ministers are broadly content with the study area and baseline characterisation as described in Sections 13.2 and 13.3 of the Scoping Report.
- 5.9.2 Table 13-4 in Section 13.7 of the Scoping Report summarises the potential impacts on shipping and navigation for each phase of the Proposed Development. The Scottish Ministers are broadly content with the impacts proposed to be scoped into the EIA Report, however advise that the Developer ensure that each of the possible impacts on navigational issues for commercial and recreational craft outlined in the MCA representation are addressed within the EIA Report. Additionally, the Scottish Ministers advise that anchoring activity should be considered in the EIA Report and direct the Developer to the UKCoS representation to this regard.
- 5.9.3 The Scottish Ministers are in agreement that 12 months AIS data is suitable to capture seasonal variations in vessel traffic patterns as described in Section 13.9.1 of the Scoping Report, however suggest that this is supplemented with further data obtained through consultation with local operators and organisations, this is in line with the MCA representation.
- 5.9.4 With regards to approach to assessment, the Scottish Ministers confirm that, in line with the MCA representation, the Developer will be required to submit an NRA 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.

- 5.9.5 With regards to cabling routes and cable burial, the Scottish Ministers advise that a Burial Protection Index should be completed. The Scottish Ministers highlight the MCA advice on a maximum 5% reduction in surrounding depth referenced to Chart Datum if cable protection measures are required and advise that this should be fully addressed in the EIA Report.
- 5.9.6 The Scottish Ministers are broadly content with the approach to assessment of cumulative impacts and transboundary effects however further advise that the cumulative impact assessment should include other nearby renewable energy developments including the SPR tidal demonstration site and Islay community demonstrator. This is a view supported by MCA in its representation.

5.10 Archaeology and Cultural Heritage

- 5.10.1 In Chapter 14 of the Scoping Report, the Developer assesses the Proposed Development's potential impact on various heritage assets. The Scottish Ministers advise that the study area be agreed with HES before proceeding with the EIA. With regards to the data sources, the Scottish Ministers are broadly content with those listed for use in the assessment in Section 14.3.1 of the Scoping Report.
- 5.10.2 The Scottish Ministers direct the Developer to the HES representation in relation to the wrecked aircraft, Canmore ID 301248. The Scottish Ministers advise that, given available information for this aircraft does not make it clear whether it was in military or civilian service at the time of its loss, the Developer either provide information in the EIA Report to justify the Protection of Military Remains Act 1986 not applying to Canmore ID 301248 or assume that it does as a worst-case scenario.
- 5.10.3 Section 14.5.2 of the Scoping Report commits to assessing marine geophysical surveys and geotechnical datasets as part of a desk-based assessment and mitigation process. However, it does not include a specific commitment to undertake geophysical and geotechnical survey work in a manner that would facilitate archaeological interpretation, such as a sonar survey or core sampling. The Scottish Ministers direct the Developer to carry out surveys in accordance with the HES representation.
- 5.10.4 Additionally, in relation to desk-based assessments, the Scoping Report is not clear on how any gaps in the existing survey record will be addressed in the EIA Report. For instance, Figure 6-1 shows a white, unsurveyed zone around the coastline where the bathymetry survey vessel could not operate, precisely where wrecks and other archaeological deposits are most likely to be deposited. The Scottish Ministers advise that the EIA Report address this issue and put forward alternative assessment techniques. The Developer may wish to address this in

its proposed Written Scheme of Investigation. This is a view supported by HES in its representation.

- 5.10.5 Furthermore, it should be noted that the existing records for marine archaeology in this area are of very variable quality, particularly for “casualty” wrecks. There are a number of cases with vague locations such as “the Sound of Islay” or “Port Askaig”, at least 15-20 of which are within the EIA 2km study zone. Their locations are often depicted on the Canmore and Local Authority Historic Environment Record as a marker dot in the south-west corner of the nearest Ordnance Survey grid square. The Scottish Ministers direct the Developer to the HES representation and advise that any desk based assessment of existing records be aware of this issue to ensure all records are considered as there is a risk the locational information for some casualty incidents is depicted by a dot beyond the 2km boundary and, while casualty incidents do not denote a known wreck site, they give an indication of the potential for remains to be encountered in an area.
- 5.10.6 In line with the HES representation, the Scottish Ministers note the use of 2km map grid lines in Figures 14-1 and 14-2 and advise that any figures in the EIA Report using grid lines should use 1km grid lines instead.
- 5.10.7 The Scottish Ministers direct the Developer to the HES representation in relation to recommendations for amendments to Table 14-1 of the Scoping Report and advise these be adopted in the EIA Report.
- 5.10.8 In line with the Argyll and Bute Council representation dated 18 September 2023, the Scottish Ministers advise the Developer review and give due consideration to the relevant National Planning Framework 4 policies.

5.11 Underwater Noise

- 5.11.1 The Developer considers the approach to assessing the impact of underwater noise generated by the Proposed Development on ecological receptors in Chapter 15 of the Scoping Report. The Scottish Ministers acknowledge that there is no study area as this will be defined by the relevant receptor and support the approach to assessment of absolute noise criteria, as opposed to assessing the difference between the baseline and the noise being assessed.
- 5.11.2 The Scottish Ministers are broadly content with the impact pathways proposed to be scoped in as detailed in Table 15-1 of the Scoping Report however advise that any potential pin-piling also be scoped in for assessment.
- 5.11.3 The Developer states that the operational noise is not predicted to be greater than the ambient noise levels at the site. The Scottish Ministers advise that in

order to validate this assumption, operational noise monitoring should be considered. The Scottish Ministers further advise that the assessment include an estimate of the operational noise levels at the site. This is a view supported by both NatureScot and MD-SEDD in its advice dated 10 October 2023. Additionally, the Scottish Ministers advise that the methods and thresholds discussed in the JNCC guidance on noise management in harbour porpoise SACs³ be used to give context only, and not be used in the assessment. The Developer is directed to the NatureScot representation in this regard. Furthermore, the Developer is directed to the MD-SEDD advice dated 10 October 2023 in relation to the use of sound measurements taken from the operational turbine array in Bluemull Sound and advise that this is fully addressed in the EIA Report.

5.11.4 The Scottish Ministers agree with the proposal to consider the cumulative impact of underwater noise within the relevant receptor chapters of the EIA Report.

5.12 Assessment of Likely Significant Effects for Onshore Receptors

5.12.1 Terrestrial and Onshore Ecology

5.12.1.1 Section 16.1 of the Scoping Report considers impacts on terrestrial ecology and terrestrial ornithology. The Scottish Ministers are of the understanding that these receptors will be addressed by the Local Authority in the scoping opinion for the onshore works.

5.12.2 Landscape, Seascape and Visual Amenity

5.12.2.1 Section 16.2 of the Scoping Report considers the impact of the Proposed Development on landscape, seascape and visual amenity. The Scottish Ministers are content that changes to seascape character will be scoped into the EIA Report for impacts as a result of the offshore development and have no further comment to make. The Scottish Ministers are of the understanding that impacts as a result of the onshore works will be addressed by the Local Authority in the scoping opinion for the onshore works.

5.12.3 Geology, Hydrology, Hydrogeology, Coastal Geomorphology, Soils and Peat

5.12.3.1 Section 16.3 of the Scoping Report considers the impact of the Proposed Development on Geology, Hydrology, Hydrogeology, Coastal Geomorphology, Soils and Peat. The Scottish Ministers are of the understanding that these receptors will be addressed by the Local Authority in the scoping opinion for the onshore works.

³ [Guidance on noise management in harbour porpoise SACs 2020](#)

5.13 Assessment of Further Effects for Onshore Topics

5.13.1 Noise and Vibration

5.13.1.1 Section 17.1 of the Scoping Report considers the impact of the noise and vibration from the onshore elements of the Proposed Development. The Scottish Ministers are of the understanding that this receptor will be addressed by the Local Authority in the scoping opinion for the onshore works.

5.13.2 Traffic and Transport

5.13.2.1 Section 17.2 of the Scoping Report considers the impact of the Proposed Development on traffic and transport receptors. The Scottish Ministers advise that the impact of transportation of infrastructure associated with the offshore development on the local road and ferry network be assessed in the EIA Report and refer the Developer to the Argyll and Bute Council representation dated 5 October 2023 in this regard.

5.13.3 Air Quality

5.13.3.1 Section 17.3 of the Scoping Report considers the impact of the Proposed Development on air quality. The Scottish Ministers have not received representation in relation to air quality and therefore have no comments on this proposal.

5.13.4 Socio-Economics, Tourism and Recreation

5.13.4.1 The Developer considers the potential impact on socio-economics, tourism and recreation in Section 17.4 of the Scoping Report. The Scottish Ministers are broadly content with the data sources listed and baseline environment described in Section 17.4.3 of the Scoping Report however advise that the Developer must ensure the most up-to-date sources are used. The Scottish Ministers refer the Developer to Annex 1 of the MD-SEDD advice dated 20 September 2023 to guide identification of appropriate data sources.

5.13.4.2 With regards to stakeholder engagement, the Scottish Ministers have considered the MD-SEDD advice dated 20 September 2023 and advise the Developer to continue to consider potential impacts on local communities as a result of the Proposed Development and outline how baseline data will be collected to assess impacts in the future. The Scottish Ministers are considering this position and, should this develop or change, the Developer will be notified.

5.13.4.3 In line with the advice from MD-SEDD dated 20 September 2023, the Scottish Ministers advise that a full Socio-Economic Impact Assessment ("SEIA") must

be included with the EIA Report. The Scottish Ministers draw attention to Annex 1 of the MD-SEDD advice dated 20 September 2023 which may be of assistance when developing the SEIA.

- 5.13.4.4 The Developer sets out the impact pathways to be scoped into the EIA Report in Table 17-4 of the Scoping Report. The Scottish Ministers agree with the inclusion of an assessment of potential effects on employment and economic opportunities and local tourism or recreational amenities however advise consideration of further potential impacts and direct the Developer to the MD-SEDD advice dated 20 September 2023 in this regard. The Scottish Ministers advise that comments in the Argyll and Bute Council representation dated 5 October 2023 regarding the need to assess the scale of the workforce in relation to impacts on available housing and the tourism economy should be fully addressed.
- 5.13.4.5 In relation to economic impacts, the Scottish Ministers are broadly content with the proposed assessment as outlined in Section 17.4.7 of the Scoping Report, however, recommend that the Developer include additional analysis regarding potential job creation in comparison to existing jobs in the study area, as outlined in the MD-SEDD advice dated 20 September 2023.
- 5.13.4.6 The Scottish Ministers advise that, should any knock-on socio-economic effects be identified when assessing the Proposed Development's effect on commercial fisheries, these should also be assessed in line with the MD-SEDD advice dated 20 September 2023.

5.13.5 Major Accidents and Disasters

- 5.13.5.1 The Scoping Report proposes that the risks of major accidents and/or disasters will be assessed with the Population and Human Health chapter of the EIA Report. The Scottish Ministers are content with this approach and further advise that the Developer should make use of appropriate guidance, including the recent Institute of Environmental Management and Assessment ("IEMA") 'Major Accidents and Disasters in EIA: A Primer', to better understand the likelihood of an occurrence and the Proposed Development susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the Proposed Development's potential to cause an accident or disaster.
- 5.13.5.2 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.

- 5.13.5.3 The assessment should 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.

5.14 Climate Change and Other EIA Matters

- 5.14.1 The Scottish Ministers are broadly content with the elements proposed by the Developer to be scoped in for and out from assessment in the EIA Report, as detailed in Table 18-1 of the Scoping Report. The Scottish Ministers acknowledge the data sources detailed in the Scoping Report and highlight the IEMA Environmental Impact Assessment Guide “Assessing Greenhouse Gas Emissions And Evaluating Their Significance” (“IEMA GHG Guidance”), which states that “GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit, as a such any GHG emissions or reductions from a project might be considered significant.” The Scottish Ministers have considered this together with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the requirement of the EIA Regulations to assess significant effects from the Proposed Development on climate. The Scottish Ministers therefore advise that the EIA Report must include a GHG Assessment which should be based on a Life Cycle Assessment (“LCA”) approach and note that the IEMA GHG Guidance provides further insight on this matter. The Scottish Ministers highlight however that this should include the pre-construction, construction, operation and decommissioning phases, including consideration of the supply chain as well as benefits beyond the life cycle of the Proposed Development.
- 5.14.2 The Scottish Ministers agree with the proposed approach to assessing the impact of the Proposed Development on human health as set out in Section 18.2.1 of the Scoping Report and are content that the EIA Report will not include a standalone chapter on human health and instead will be assessed in the relevant receptor chapters.

6. Application and EIA Report

6.1 General

- 6.1.1 The EIA Report must be in accordance with the EIA Regulations and the Scottish Ministers draw your attention in particular to, regulation 6 of the 2017 MW Regulations and regulation 5 of the 2017 EW Regulations. In accordance with the EIA Regulations, the Scottish Ministers advise that the EIA Report must be based on this Scoping Opinion.
- 6.1.2 The Scottish Ministers note the need to carry out an assessment under The Conservation (Natural Habitats, &c.) Regulations 1994 and The Conservation of Habitats and Species Regulations 2017. This assessment must be coordinated with the EIA in accordance with the EIA Regulations.
- 6.1.3 The Scottish Ministers strongly advise the production of a HRA screening report for the Proposed Development and recommend that this should be submitted for comment at the earliest opportunity and in advance of the submission of the EIA Report in order to fully inform the HRA advice for the Proposed Development.
- 6.1.4 A gap analysis template is attached at Appendix II to record the environmental concerns identified during the scoping process. This template should be completed and used to inform the preparation of the EIA Report. As part of the submission of the EIA Report the Scottish Ministers advise that the Developer must provide confirmation of how this Scoping Opinion is reflected in the EIA Report.

7. Multi-Stage Consent and Regulatory Approval

7.1 Background

- 7.1.1 The EIA Regulations contain provisions regulating the assessment of environmental impacts. A multi-stage consent or regulatory approval process arises where an approval procedure comprises more than one stage; one stage involving a principal decision and one or more other stages involving implementing decision(s) within the parameters set by the principal decision. While the effects which works may have on the environment must be identified and assessed at the time of the procedure relating to the principal decision, if those effects are not identified or identifiable at the time of the principal decision, assessment must be undertaken at the subsequent stage.
- 7.1.2 The definition in the 2017 EW Regulations is as follows (the definition in the 2017 MW Regulations provides for the same but in relation to “regulatory approvals”): *“application for multi-stage consent” means an application for approval, consent or agreement required by a condition included in a regulatory approval where (in terms of the condition) that approval, consent or agreement must be obtained from the Scottish Ministers before all or part of the development permitted by the Electricity Act consent may be begun*.
- 7.1.3 A section 36 consent or marine licences, if granted, by the Scottish Ministers for the Proposed Development, may have several conditions attached requiring approvals etc. which fall under this definition, for example the approval of a CMS. When making an application for multi-stage consent or regulatory approval the Developer must satisfy the Scottish Ministers that no significant effects have been identified in addition to those already assessed in the EIA Report.
- 7.1.4 If during the consideration of information provided in support of an application for multi-stage consent or regulatory approval the Scottish Ministers consider that the development may have significant environmental effects which have not previously been identified in the EIA Report (perhaps due to revised construction methods or updated survey information), then information on such effects and their impacts will be required. This information will fall to be dealt with as additional information under the EIA Regulations, and procedures for consultation, public participation, public notice and decision notice of additional information will apply.

Benjamin Walker

20 December 2023

Authorised by the Scottish Ministers to sign in that behalf.

Appendix I: Consultation Responses & Advice

Please refer to separate document provided alongside the Scoping Opinion

Appendix II: Gap Analysis

Please refer to separate document provided alongside the Scoping Opinion