

Marine Directorate - Licensing Operations Team Scoping Opinion

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

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

and

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

Broadshore Hub Wind Farm Development Areas

03 May 2024

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1. Introduction

1.1 Background

- 1.1.1 On 08 January 2024, the Scottish Ministers received a scoping report (“the Scoping Report”) from Broadshore Offshore Wind Farm Limited, Sinclair Offshore Wind Farm Limited and Scaraben Offshore Wind Farm Limited, collectively referred to as “the Developers”, as part of their request for a scoping opinion relating to the Broadshore Hub Wind Farm Development Areas (“the Broadshore Hub WFDA”). The Broadshore Hub WFDA comprises the Broadshore Wind Farm Development Area (“the Broadshore WFDA”), Sinclair Wind Farm Development Area (“the Sinclair WFDA”) and Scaraben Wind Farm Development Area (“the Scaraben WFDA”), collectively referred to as “the Proposed Developments”. The Scottish Ministers considered the content of the Scoping Report as sufficient and in accordance with regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“2017 EW Regulations”) and Schedule 4 of The Marine Works (Environmental Impact Assessment) Regulations 2007 (“2007 MW Regulations”), 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 Developers’ 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 Developments.
- 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 Developers, in particular, information in respect of the specific characteristics of the Proposed Developments, including their locations and technical capacities and their likely impacts 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 Developments. 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 Developers to submit additional information in connection with any EIA Report submitted with applications for consent under section 36 (“s.36 consent”) of The Electricity Act 1989 (“the 1989 Act”) and marine licences under The Marine and Coastal Access Act 2009 (“the 2009 Act”).

- 1.1.5 In the event that the Developers do not submit applications for s.36 consents under the 1989 Act and marine licences under the 2009 Act for the Proposed Developments within 12 months of the date of this Scoping Opinion, the Scottish Ministers strongly recommend that the Developers seek 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.
- 1.1.7 The Developers also submitted a Habitats Regulations Appraisal (“HRA”) screening report (“HRA Screening Report”) alongside the Scoping Report on 08 January 2024 in relation to the Proposed Developments. The Scottish Ministers response to the HRA Screening Report is contained within the relevant receptor chapters of this Scoping Opinion.

2. The Proposed Developments

2.1 Introduction

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

2.2 Description of the Proposed Developments

2.2.1 The Proposed Developments comprise the Broadshore WFDA, Sinclair WFDA and Scaraben WFDA described as follows:

- the Broadshore WFDA is comprised of an offshore generating station located approximately 47 kilometres ("km") north of Fraserburgh off the Aberdeenshire coast in the North Sea;
- the Sinclair WFDA is comprised of an offshore generating station located approximately 61 km north of Fraserburgh off the Aberdeenshire coast in the North Sea; and,
- the Scaraben WFDA is comprised of an offshore generating station located approximately 58 km north of Fraserburgh off the Aberdeenshire coast in the North Sea.

2.2.2 The Proposed Developments will each have a generating capacity of greater than 50 megawatts ("MW") and therefore require the Scottish Ministers' consent to allow their construction and operation. The Proposed Developments will also require marine licences granted by the Scottish Ministers under the 2009 Act, to permit any and all 'licensable marine activities' carried on for the Proposed Developments.

2.2.3 The design envelope for the Proposed Developments is broad and there are a number of design parameters which are yet to be determined by the Developers. The technology in relation to the wind turbine generator ("WTG") foundations will consist of either fixed or floating substructures. The area of the Proposed Developments in which the WTGs and inter-array cables are located is termed the Broadshore Hub WFDAs and comprises the ScotWind leasing round NE6 Plan Option area for the Broadshore WFDA, and adjacent INTOG areas for the Sinclair and Scaraben WFDAs. The Broadshore WFDA covers an area of 134 square kilometres ("km²"), the Sinclair WFDA covers an area of 25 km² and the Scaraben WFDA covers an area of 33km². The Developers have defined the "Scoping Boundary" as the area within which the Proposed Developments are located for the purposes of the Scoping Report and this is illustrated in Figure 1.1 in Appendix 1 of the Scoping Report.

2.2.4 The Proposed Developments include the construction and operation of offshore WTGs for each of the WFDA's. The key components of the Proposed Development will depend on the final design chosen by the Developers and will include:

2.2.4.1 For Broadshore WFDA:

- Between 32 and 60 WTGs, all with either fixed or floating foundations.
- Generating capacity of each WTG between 15 and 28 MW.
- Maximum blade tip height above Lowest Astronomical Tide ("LAT") = 400 metres ("m").
- Minimum blade tip clearance above Mean High Water Springs = 22 m.
- WTG rotor diameter between 236 and 330 m.
- Minimum turbine spacing = 1000 m.
- Several foundation options are being considered for the WTGs:
 - Tension leg platform
 - Semi-submersible
 - Floating barge
 - Floating buoy
 - Semi-spar
 - Piled jacket structure (between 3 and 4 legs, maximum footprint of 50 m x 50 m, up to 8 pin piles of maximum 4 m diameter with maximum pile blow energy of 4000 kilojoules)
 - Suction caisson jacket structure (between 3 and 4 legs, with maximum footprint of 60 m x 60 m)
 - Cable supported monopile (diameter between 10 and 16 m, with monopile blow energy to be determined, subject to further design)
- For floating substructures, the footprint at sea surface will be between 60 m x 60 m and 140 m x 140 m, with the height of the substructure between 15 and 60 m.
- For floating substructures, there will be station keeping systems including mooring lines and anchoring systems.
- For floating substructures, several mooring configuration options are being considered:
 - Catenary mooring
 - Taut mooring
 - Semi-taut mooring
 - Tension mooring
 - Shared mooring
- For floating substructures, several anchor types are being considered:
 - Driven pile
 - Suction pile
 - Drilled and grouted pile
 - Drag embedment anchor
 - Vertical load anchor
 - Suction embedded plate anchor

- Scour protection for fixed substructures and floating substructures anchoring points, where required, including concrete mattresses, graded rock placement/rock bags, grout bags and artificial frond mats.
- Inter-array cables.

2.2.4.2 For Sinclair WFDA:

- As above, but between 3 and 6 WTGs.

2.2.4.3 For Scaraben WFDA:

- As above, but between 3 and 6 WTGs.

2.2.5 Additional capacity may also be developed within each WFDA for overplanting purposes.

2.2.6 The construction programme for the Proposed Developments is yet to be confirmed but the Developers stated that this could take place within 7 years of consent being granted. It is anticipated that the construction programme for the Broadshore WFDA will take between 2 and 3 years, subject to a number of factors, and that the construction programmes for the Sinclair and Scaraben WFDAs will take between 1 and 2 years, however these timescales are indicative at this stage. The operational lifetime of each of the WFDAs is between 25 and 50 years, followed by a period of decommissioning or repowering. Repowering will be subject to the relevant consenting and licensing requirements at that time and is not covered by this Scoping Opinion.

2.3 Onshore and Offshore Transmission Works

2.3.1 The Scottish Ministers note that the Scoping Report only describes the WFDA components of the Proposed Developments. The Scottish Ministers also note the Developers' intention to submit separate scoping reports to assess the offshore transmission development areas and onshore transmission development areas for the Broadshore Hub separately in due course. It may not be possible for to submit the onshore or offshore transmission works EIA at the same time as the EIA for the Proposed Developments. If this is the case, it is essential that sufficient information concerning proposed offshore transmission works and onshore works is included in the EIA Report for the Proposed Developments to understand the cumulative impacts of the Proposed Developments. This will ensure as much information as possible relating to the projects as a 'whole' is presented.

2.4 The Scottish Ministers' Comments

Description of the Proposed Developments

- 2.4.1 The Scottish Ministers note that a change to the Sinclair WFDA is under consideration, but yet to be confirmed and that, while both boundaries fall within the Broadshore Hub WFDA's Scoping Boundary, only the final agreed Sinclair WFDA will be assessed in the EIA Report.
- 2.4.2 Section 3.2 of the Scoping Report states that a parameter-based design envelope approach will be adopted by the Developers in the EIA Report. The Developers state that the design envelope presented in the Scoping Report has already been refined, for example, spar type floating substructures have not been considered as their draught requirements are not compatible with Scottish ports and the Broadshore Hub WFDA's metocean characteristics. Although an indicative design envelope has been included in Sections 3.3 through 3.8 of the Scoping Report, the EIA Report must include a full and detailed description of all options considered within the design envelope. Further information on the design envelope approach is set out in Sections 2.4.23 through 2.4.26 of this Scoping Opinion below.
- 2.4.3 Table 3.2 of the Scoping Report states that the Broadshore WFDA will include up to 60 WTGs, the Scaraben WFDA up to 6 WTGs, and the Sinclair WFDA up to 6 WTGs. The Scottish Ministers note that the WTG parameters are presented in the design envelope in Table 3.2 and advise that the EIA Report must include a full and detailed description of all WTG parameters considered within the design envelope.
- 2.4.4 Section 3.4 of the Scoping Report outlines that a number of foundations and station keeping systems for floating substructures are being considered for the WTGs by the Developers, with the final selection of substructure and associated station keeping system dependent on several factors, including, but not limited to, seabed conditions, water depth, health and safety and procurement approach. Due to the variation in site conditions across the Broadshore Hub WFDA's, the Developers consider it possible that more than one substructure or station keeping system may be used for the Proposed Developments. The Scottish Ministers note that the foundations under consideration are described in Sections 3.4.1 and 3.4.2 of the Scoping Report and the station keeping systems in Section 3.5. The Scottish Ministers advise that the EIA Report must include a full and detailed description of all foundation and support structure designs considered within the design envelope.
- 2.4.5 Tables 3.8 and 3.9 of the Scoping Report identify which of the foundations and station keeping systems under consideration require the use of scour protection. The Scottish Ministers note that Table 3.10 presents the scour protection design envelope under consideration by the Developers. For the avoidance of doubt, the use of scour protection must be fully assessed in the EIA Report, including details on materials, quantities, and location.

- 2.4.6 Section 3.7.1 states that for fixed-bottom substructures, static inter-array cable risers are used and attached to the jackets or monopiles and that dynamic inter-array cables are also required for floating substructures. Dynamic inter-array cables can be deployed in several configurations, including free hanging, lazy 's' wave and steep wave. The Developers note that the lazy 's' wave is most commonly associated with floating wind applications to date, but that further detailed design is required to define the most suitable option for the Proposed Developments. The Scoping Report states that the static sections of the inter-array cables may be surface laid or buried, with cable burial methods including jet trenching, mechanical trenching, cable ploughing and mass flow excavator. The cable installation, burial and protection method will be chosen post-consent by the Developers and informed by a cable burial risk assessment. The EIA Report must provide an estimate of the anticipated likelihood of suitable burial along cable routes and be clear on the range of burial depths that have been considered as part of the assessment. Clear narrative must be provided to show how this has been estimated before further geophysical and geotechnical surveys are undertaken. Where reliance is placed on a subsequent cable plan or cable burial risk assessment, the EIA Report must also explain how this measure will mitigate the effects, what measures are proposed for inclusion and effectiveness and degree of confidence that can be placed on such measure.
- 2.4.7 The Scoping Report outlines that, where burial depths cannot be achieved, external cable protection will be used. Any cable protection to be used to protect inter-array cables must be assessed in the EIA Report, including details on materials, quantities, and location. Additionally, any seabed levelling, or removal of substances or objects from on or over the seabed, required for the installation of inter-array cables will require consideration in the EIA Report and may also require a marine licence. Should seabed preparation involve dredging, the EIA Report must identify the quantities of dredged material and identify the likely location for deposit. The Developers may also be required to submit pre-dredge sample analysis, which should include supporting characterisation of the new and existing deposit sites.
- 2.4.8 Section 3.9 of the Scoping Report provides an overview of the phases of the Proposed Developments. Section 3.9.2 states that pre-construction geotechnical, geophysical and visual surveys will be undertaken, as well as seabed preparation including possible boulder and unexploded ordnance ("UXO") clearance. The Scottish Ministers advise that the EIA Report must describe the environmental effects, including in-combination effects, of the range of surveys which may be required.

- 2.4.9 The Scottish Ministers advise that the EIA Report must include full 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.
- 2.4.10 If, following pre-construction surveys, boulders are required to be cleared from the Broadshore Hub WFDA's, the EIA Report must provide the anticipated estimate of boulders to be cleared (including how much uncertainty may be associated with the figures presented). A clear narrative must be provided in the EIA Report to show how this has been estimated.
- 2.4.11 Section 3.9.4 of the Scoping Report details that operation and maintenance activities will be considered in the EIA Report for the Proposed Developments. 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, how activities will be carried out for the Proposed Developments and any anticipated cumulative impacts with neighbouring developments. Such proposed activities may require to be permitted by marine licence issued for the Proposed Developments unless an exemption applies.
- 2.4.12 Section 3.9.5 of the Scoping Report confirms a decommissioning programme will be prepared and submitted the Scottish Ministers in line with Section 105 of the Energy Act 2004. The EIA Report must include an assessment of potentially significant effects during the decommissioning phase of the Proposed Developments. 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.
- 2.4.13 The EIA Report must provide the 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.
- 2.4.14 Section 4.6.1 of the Scoping Report refers to the potential for 'wet storage' of floating substructures and floating offshore units with limited detail provided by the Developers on the specific requirements and potential locations for this. A

number of consultees provided comments in relation to 'wet storage', including NatureScot which identified a potentially significant impacts pathway. The Scottish Ministers are considering their position on this topic and will advise the Developers of any updates.

- 2.4.15 The Scottish Ministers additionally advise that the NatureScot representation regarding ecosystem assessment, cumulative impact assessment, the structure of the EIA Report and positive effects for biodiversity/biodiversity net gain should be fully considered in the EIA Report.
- 2.4.16 Regulatory approvals will be required for licensable marine 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 Developments' 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 Developments for which a regulatory approval will be needed. The Developers should give consideration to all activities related to the Proposed Developments which require regulatory approval and ensure that these are applied for as appropriate.
- 2.4.17 With regards to the HRA Screening Report, the Scottish Ministers highlight that the representations provided by consultees should be taken into account in the Report to Inform the Appropriate Assessment ("RIAA") to be submitted alongside the EIA Report. Detailed advice on HRA aspects is provided in the relevant receptor chapters in Section 5 of this Scoping Opinion.
- 2.4.18 The Sectoral Marine Plan for Offshore Wind ("the Plan") identifies NE6, where the Broadshore WFDA is proposed, as being subject to "higher levels of ornithological constraint" and "require that sufficient scientific evidence, which reduces the level of risk to an acceptable level, is made available". The Plan also notes that "this may, therefore, delay the progression of licence and consent determinations.....until such time that further evidence, research and knowledge around mitigation is available to support decision-making in this region. Identifying scientific evidence and reducing the level of risk to an acceptable level will be a crucial part of the assessment process". Development in this location is likely to also require the consideration and/or submission of a derogation package under the Habitats Regulations, with identification of suitable compensation measures, as well as evidence of meeting all the required tests.

- 2.4.19 The Plan assessed a potential maximum realistic development for the NE6 site of up to 2 GW of generating capacity, the Scottish Ministers note that the Scoping Report states that the Developer is targeting a capacity of 900 MW for the Broadshore WFDA. The Scottish Ministers are currently undertaking a re-assessment of the Plan, which may identify further impacts and mitigation for the NE6 site in addition to the wider potential for increased cumulative impacts given the scale of lease option agreements awarded through the ScotWind leasing round. The outcome of this re-assessment and updated Plan will be relevant to decision making.
- 2.4.20 The Scottish Government is undertaking a spatial planning exercise for Innovation and Targeted Oil and Gas (“INTOG”) projects, and an Initial Plan Framework was published in August 2021. Crown Estate Scotland’s INTOG leasing round has been developed in alignment with the Marine Directorate’s Initial Plan Framework and all applications must be sited within the areas and other planning parameters defined by the Initial Plan Framework.
- 2.4.21 The Scottish Ministers understand that the Developers of the Scaraben and Sinclair WFDA’s have been awarded lease option agreements by Crown Estate Scotland for the INTOG sites and advise that the EIA Report must consider any plan level assessments included in the final Sectoral Marine Plan for INTOG and consider cumulative impacts with other INTOG projects awarded lease option agreements.
- 2.4.22 For the avoidance of doubt, the Scottish Ministers confirm that comments provided in this Scoping Opinion apply to the Broadshore Hub WFDA’s only and are content with the Developers’ approach to undertake separate scoping exercises for offshore and onshore transmission infrastructure.

Design Envelope

- 2.4.23 The Scottish Ministers note the Developers’ intention to apply a ‘Design Envelope’ approach. Where the details of the Proposed Developments cannot be defined precisely, the Developers will apply a worst case scenario, as set out in 3.2 of the Scoping Report.
- 2.4.24 The Scottish Ministers advise that the Developers 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 Developments 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 Developments must be clearly and consistently defined in the applications for the s.36 consents and marine licences and the accompanying EIA Report.

- 2.4.25 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. 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.
- 2.4.26 It is a matter for the Developers, 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 Developments or any associated activities materially change prior to the submission of the EIA Report, the Developers may wish to consider requesting a new scoping opinion.

Alternatives

- 2.4.27 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 Developers, 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 3.10 of the Developers’ 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.
- 2.4.28 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 Developments have been refined. This includes but is not limited to the identification of the potential wind turbine layouts within the array area. 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 Developments 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 Developers' 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 Developers 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 Developers have committed to several mitigation plans, including, but not limited to, a Navigational Safety Plan and Vessel Management Plan, an Environmental Management Plan, a Marine Pollution Contingency Plan, a Marine Mammal Mitigation Protocol, and a Fisheries Management and Mitigation Strategy. A Mitigation Register, as Appendix 3 to the Scoping Report, summarises the mitigation and monitoring commitments 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 Developers have 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 impacts on the environment have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by detailing in the EIA Report, the work that has been undertaken, the results, what impact, if any, has been identified and why it is not significant.

4. Consultation

4.1 The Consultation Process

4.1.1 Following receipt of the Scoping Report, the Scottish Ministers, in accordance with the EIA Regulations, initiated a 30 day consultation process, which commenced on 25 January 2024. Additional consultees part way through the process and extensions were granted to several consultees. The final consultation response was received on 04 April 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:

- **Aberdeenshire Council**
- Beatrice Offshore Wind Farm
- Boddam Community Council
- **British Telecom (“BT”)**
- Buchan East Community Council
- Buchan Offshore Wind Farm
- Caledonia Offshore Wind Farm
- Civil Aviation Authority (“CAA”)
- Cruden Community Council
- Crown Estate Scotland
- **Cruising Association**
- Department for Energy Security and Net Zero, UK Government
- **Dee District Salmon Fishery Board (“DSFB”)**
- Deveron DSFB
- **Don DSFB**
- Esk DSFB
- Fisheries Management Scotland (“FMS”)
- Fishery Office – Peterhead
- Forth DSFB
- **Green Volt Offshore Wind Farm**
- **Historic Environment Scotland (“HES”)**
- **Ithaca Energy**
- Joint Radio Company
- Marine Safety Forum
- **Maritime and Coastguard Agency (“MCA”)**
- MarramWind Offshore Wind Farm
- **Ministry of Defence – Defence Infrastructure Organisation (“MOD”)**
- *Moray Council*
- Moray East Offshore Wind Farm
- Moray Firth Partnership
- Moray West Offshore Wind Farm

- National Trust for Scotland
- **National Air Traffic Services (“NATS”)**
- **Natural England**
- Natural Resources Wales
- **NatureScot**
- **North and East Coast Regional Inshore Fisheries Group**
- **Northern Lighthouse Board (“NLB”)**
- Northlink Ferries
- Offshore Energies UK
- Peterhead Community Council
- Planning, Scottish Government
- **Royal Yachting Association Scotland (“RYA”)**
- Royal Society for the Protection of Birds Scotland (“RSPB”)
- **Scottish and Southern Electricity Networks – Transmission (“SSEN”)**
- Scottish Canoe Association
- Scottish Creel Fishermen’s Federation
- **Scottish Environment Protection Agency (“SEPA”)**
- **Scottish Fishermen’s Federation (“SFF”)**
- Scottish Fishermen’s Organisation
- **Scottish Hydro Electric Transmission Plc**
- Scottish Surfing Federation
- **Scottish Water**
- Scottish White Fish Producer’s Association
- Scottish Wildlife Trust
- Spey DFSB
- **Sport Scotland**
- Stromar Offshore Wind Farm
- Surfers Against Sewage
- Tay DFSB
- **The Highland Council**
- Visit Scotland
- Whale and Dolphin Conservation
- Ugie DFSB
- **UK Chamber of Shipping (“UK CoS”)**
- Ythan DFSB

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

4.2 Responses Received

- 4.2.1 From the list above a total of 23 responses were received. Advice was also provided by MD-SEDD 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 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 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 Marine Geology, Oceanography and Physical Processes

5.2.1 The Scottish Ministers are broadly content with the study area defined in Section 5.4.1 and shown in Figure 5.1 in Appendix 1 of the Scoping Report and the data sources as outlined in Section 5.4.2 of the Scoping Report. The Scottish Ministers welcome the Developers' commitment to using site-specific survey data to further inform the EIA Report. With regards to the baseline, the Scottish Ministers highlight the MD-SEDD advice regarding the use of 3D modelling to characterise the physical water column in the study area and advise that this must be fully addressed and implemented in the EIA Report.

5.2.2 Section 5.6 and Table 5.5 of the Scoping Report present the impacts the Developers propose to scope in and out of assessment for marine geology, oceanography and physical processes in the EIA Report for different phases of the Proposed Developments. The Scottish Ministers mostly agree with the impacts scoped in and out, however draw attention to the MD-SEDD advice and request that the potential impact on water column stratification must be scoped in for further assessment in the EIA Report.

5.2.3 The Scottish Ministers are broadly content with the proposed approach to impact assessment outlined in Section 5.7 of the Scoping Report.

5.2.4 With regards to impacts on designated sites, in line with the NatureScot representation, the Scottish Ministers are content that there are unlikely to be impacts to the geodiversity features (Quaternary of Scotland and submarine mass movement) of the Southern Trench nature conservation Marine Protected Area ("ncMPA").

5.2.5 With regards to mitigation and monitoring, the Scottish Ministers advise that the full range of mitigation measures, published guidance, and monitoring requirements are discussed in the EIA Report. This is in line with the representation from NatureScot.

- 5.2.6 The approach to potential cumulative effects is outlined by the Developers in Section 5.6.3 of the Scoping Report. The Scottish Ministers are generally content with the approach presented.
- 5.2.7 The potential for transboundary impacts has been considered by the Developers in Section 5.6.4 of the Scoping Report. The Scottish Ministers agree that transboundary impacts can be scoped out of further consideration in the EIA Report for marine geology, oceanography and physical processes.

5.3 Benthic Ecology

- 5.3.1 The Scottish Ministers are broadly content with the study area presented in Section 6.4.1 of the Scoping Report and the proposal to refine this based on the distance of one tidal ellipse.
- 5.3.2 The Developers propose to review the data sources presented in Table 6.3 of the Scoping Report to form the baseline data for the Proposed Developments. In addition to this, site-specific surveys as outlined in Table 6.4 will be utilised to inform the EIA Report. The Scottish Ministers are broadly content with this approach.
- 5.3.3 Table 6.8 of the Scoping Report outlines the impacts proposed to be scoped in and out of assessment for benthic ecology in the EIA Report during different phases of the Proposed Developments. The Scottish Ministers agree with the impacts proposed to be scoped in and out, however advise that consideration be given to the representation from the SFF regarding the impacts to benthic invertebrates due to thermal emissions from subsea electrical cables. The Scottish Ministers highlight the representation from NatureScot regarding Invasive Non-Native Species (“INNS”) and request that this is scoped in for assessment in the EIA Report. The Scottish Ministers also highlight the representations from Dee DSFB and Don DSFB regarding disturbance and degradation of the benthic environment and advise that these representations should be fully considered by the Developers.
- 5.3.4 With regards to the approach to assessment, the Scottish Ministers are content with the approach outlined in Section 6.7.
- 5.3.5 In terms of mitigation, the Scottish Ministers are broadly content with the embedded mitigation measures presented in Section 6.5.4, however advise that the full range of mitigation measures and published guidance is considered and discussed in the EIA Report.
- 5.3.6 The Scottish Ministers are generally content with the approach to cumulative assessment for benthic ecology as described in Section 6.6.3, however draw

the Developers' attention to the representation from NatureScot regarding cumulative assessment of noise impacts and request that this is fully justified within the EIA Report. The Scottish Ministers additionally advise that Electromagnetic Field ("EMF") impacts must be assessed on a cumulative basis. With regards to transboundary impacts, the Scottish Ministers agree that these can be scoped out from further assessment in the EIA Report.

- 5.3.7 The Scottish Ministers agree with the conclusions of the HRA Screening Report that no sites with Annex 1 habitat features need to be taken forward for assessment. This view is in line with the NatureScot representation.

5.4 Fish and Shellfish Ecology

- 5.4.1 The Scottish Ministers are broadly content with the two study areas presented by the Developers in Section 7.4.1 of the Scoping Report.

- 5.4.2 The baseline characterisation is detailed by the Developers in Sections 7.4.2 through 7.4.6 of the Scoping Report. The Scottish Ministers are broadly content with the list of data sources identified in Table 7.3 to characterise the baseline, however advise the Developers to include the additional data sources highlighted in the NatureScot representation. The Scottish Ministers largely support the Developers' proposed approach to utilise site-specific survey data, as presented in Table 7.4, to inform the EIA Report. However, the Scottish Ministers draw attention to the NatureScot representation in regard to site-specific surveys and advise that this must be fully considered by the Developers.

- 5.4.3 Table 7.8 presents the impacts that the Developers propose to scope in and out of assessment in the EIA Report for different phases of the Proposed Developments. The Scottish Ministers are broadly content with the impacts scoped in and out, however highlight the representation by NatureScot and request that impacts on basking sharks must be considered in the EIA Report and advise that INNS should be scoped in. Additionally, in line with the NatureScot representation, the Scottish Ministers request that fish aggregation around WTGs and other hard structures must be scoped in as an impact pathway in the EIA Report during the operation and maintenance phase. The Scottish Ministers also request that the comments from NatureScot on potential impacts during the decommissioning phase are fully considered by the Developers.

- 5.4.4 In terms of the approach to assessment set out in Section 7.7 of the Scoping Report, the Scottish Ministers are broadly content, however advise that all Priority Marine Features and some fish prey species are now available on the Feature Activity Sensitivity Tool and request that this is fully considered by the

Developers for determining sensitivity of species. The Scottish Ministers highlight the NatureScot representation as regards underwater noise modelling and request that this is fully implemented in the EIA Report.

- 5.4.5 The Developers propose embedded mitigation measures for the Proposed Developments in Section 7.5.4 of the Scoping Report. The Scottish Ministers are largely content with this, alongside additional mitigation measures if required, and advise that the full range of mitigation measures and published guidance is included in the EIA Report. The Developers have outlined that they will produce an Invasive Non-Native Species Management Plan to include provisions for management of INNS. The Scottish Ministers highlight the representation from NatureScot on INNS and the effectiveness of mitigation measures and request that this is fully considered by the Developers in the EIA Report. Additionally, the Scottish Ministers draw the Developers' attention to the representations from Dee and Don DSFBs regarding subsea noise and vibrational effects during construction and request that this is fully considered. The Scottish Ministers also request that the NatureScot representation on mitigation and monitoring is fully addressed by the Developers in the EIA Report.
- 5.4.6 Regarding potential cumulative impacts discussed in Section 7.6.3 of the Scoping Report, the Scottish Ministers are content with the approach proposed by the Developers. However, the Scottish Ministers advise that EMF impacts must be considered in the cumulative assessment, in line with the representation from NatureScot.
- 5.4.7 The Developers consider potential transboundary impacts in Section 7.6.4 of the Scoping Report. The Scottish Ministers agree with the conclusions drawn by the Developers.
- 5.4.8 Regarding designated site receptors identified within Section 7.4.6 of the Scoping Report, the Scottish Ministers agree with the NatureScot representation that due to distance from the Proposed Development, all SACs for marine fish and shellfish qualifying interests can be scoped out of the EIA Report, as well as the Southern Trench ncMPA for minke whale.
- 5.4.9 In terms of the HRA Screening Report, the Scottish Ministers agree with NatureScot's view that migratory fish should currently be assessed through the EIA process rather than the HRA process. However, the Scottish Ministers advise that the Developers should continue to engage with MD-LOT and NatureScot regarding any potential changes in how diadromous fish should be assessed as a result of ongoing research in this area.

5.5 Marine Mammals

- 5.5.1 The Scottish Ministers are broadly content with the two study areas presented in Section 1.2 of Appendix 4 of the Scoping Report and advise that the UK portion of the marine mammal management units (“MU”) should be used in the EIA Report, in line with the representation from NatureScot.
- 5.5.2 Appendix 4 of the Scoping Report provides a review of the marine mammal presence for the Proposed Developments and the Developers summarise this in Section 8.4.1 of the Scoping Report. The Scottish Ministers are broadly content with the list of data sources presented and advise the Developers to utilise the additional data source highlighted in the NatureScot representation.
- 5.5.3 With regards to baseline characterisation, the Scottish Ministers are largely content with the approach outlined by the Developers. The Scottish Ministers advise that, in line with the NatureScot representation, if any other species appear in the second year of digital aerial surveys (“DAS”), then these must be included in the assessment, either quantitatively (using SCANS or DAS) or qualitatively in the absence of density estimates. However, the Scottish Ministers advise against apportioning unidentified marine mammal sightings during DAS based on the most sighted mammal. The advice from NatureScot in this regard must be fully addressed in the EIA Report.
- 5.5.4 In terms of receptors, the Scottish Ministers advise that alongside the species the Developers have scoped in for assessment, Risso’s dolphin must be assessed quantitatively, and humpback whale and long finned pilot whale must be included qualitatively. The Scottish Ministers note that basking sharks are covered by the Developers in the fish and shellfish chapter and are content with this approach. This view is in line with the NatureScot representation.
- 5.5.5 The Developers present the impacts proposed to be scoped in and out of the assessment in the EIA Report during different phases of the Proposed Developments in Table 8.5. The Scottish Ministers are broadly content with the proposal, however advise that, in line with the NatureScot representation, direct effects from EMF can be scoped out for marine mammals during the operation and maintenance phase of the Proposed Developments. The Scottish Ministers are content that EMF effects on marine mammals would be considered indirectly through effects on prey species.
- 5.5.6 The Scottish Ministers are generally content with the approach to assessment, however advise that further research on dose-response curves in respect of harbour porpoise and the current construction of Moray West Offshore Wind Farm must be considered by the Developers if it is published and accepted by the time the Developers are compiling the EIA Report.

- 5.5.7 In terms of mitigation, the Scottish Ministers have reviewed Section 8.5.1 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 proposed marine mammal monitoring. This view is supported by the NatureScot representation. The Scottish Ministers advise that geophysical surveys and appropriate mitigation must be included in the EIA Report. Additionally, the Scottish Ministers advise that mitigation must include adherence to the JNCC guidelines for piling, UXO clearance and geophysical surveys.
- 5.5.8 The Developers present the approach to assessment of cumulative effects in Section 8.6.3 of the Scoping Report for marine mammal receptors. The Scottish Ministers are broadly content with the approach presented, however draw attention to the NatureScot representation regarding use of Interim Population Consequences of Disturbance (“iPCoD”) and use of Natural Resource Wales guidance and request that this must be fully addressed in the EIA Report. The Scottish Ministers recommend that in order to assess cumulative impacts, the Developers use the Cumulative Effects Framework, if this is available when the Developers are compiling the EIA Report, or the most recent version of iPCoD if this is not available.
- 5.5.9 The Developers have proposed to scope in transboundary effects for assessment in the EIA Report for marine mammal receptors. The Scottish Ministers disagree with this approach and, in line with the NatureScot representation, consider that, provided the assessment is carried out against the UK marine mammal MUs, transboundary effects can be scoped out for marine mammals at this stage.
- 5.5.10 In terms of MPA screening, the Scottish Ministers are content that the minke whale qualifying feature of the Southern Trench ncMPA is screened in by the Developers for further assessment in Appendix 2 of the Scoping Report. The Scottish Ministers are content that underwater noise from piling and UXO clearance and collision risk from vessel movements are screened in, however advise that disturbance from vessel movements must be screened in and that all other potential impacts listed by the Developers in Table 2.1 of Appendix 2 can be screened out from the assessment for the Broadshore Hub WFDA.
- 5.5.11 With regards to HRA screening, the Scottish Ministers broadly agree with the sites screened in and out of assessment, in line with the NatureScot and Natural England representations, however draw the Developers’ attention to the NatureScot representation on both harbour and grey seals and request that this is fully implemented in the RIAA.

5.6 Offshore Ornithology

- 5.6.1 The Scottish Ministers are broadly content with the two study areas presented in Section 9.4 of the Scoping Report. This view is supported by the NatureScot representation.
- 5.6.2 A range of data sources are presented by the Developers in Section 9.4.2 of the Scoping Report, followed by a summary of the findings of the first year of DAS in Sections 9.4.3 through 9.4.5. The Scottish Ministers are largely content with the data sources presented. In regard to the DAS campaign, the Scottish Ministers are content with the scope of the surveys and the survey design, however advise that the selection of species for detailed assessment must be based on the full two years of survey data. This view is supported by the NatureScot representation.
- 5.6.3 The Developers present the impacts proposed to be scoped in and out of assessment in the EIA Report during different phases of the Proposed Developments in Table 9.6. The Scottish Ministers are broadly content with the impacts proposed to be scoped in and out of the EIA Report, however agree with NatureScot that disturbance and displacement pathways must include vessel movements between the Broadshore Hub WFDA's and ports. Additionally, the Scottish Ministers agree that the impacts of lighting on nocturnal ornithological receptors must be scoped in for further assessment in the EIA Report and advise that the NatureScot representation regarding this must be fully considered and addressed in the EIA Report. Furthermore, the Scottish Ministers advise that the NatureScot representation with regards to prey availability and distribution and potential impacts on prey species and their habitats are fully considered and implemented in the EIA Report. Clear links between the benthic and the fish and shellfish assessments in relation to potential impacts on birds should be made within the ornithology assessment in the EIA Report as recommended in the NatureScot representation.
- 5.6.4 With regards to the approach to assessment described in Section 9.7 of the Scoping Report, the Scottish Ministers agree with the Developers' seasonal definitions as these are in line with NatureScot's Guidance Note 9. However, advise that the NatureScot representation regarding estimating populations, foraging ranges, apportioning, density estimates, collision risk modelling, and population viability assessment must be fully implemented by the Developers. In terms of displacement and barrier effects, that Scottish Ministers note the representation by NatureScot that the use of SeabORD for puffin, guillemot, razorbill and kittiwake during the chick-rearing period is currently under review and that further updates will be provided by NatureScot in due course. The Scottish Ministers advise that the Developers implement the updated position on this once it is received.

- 5.6.5 The Natural England ornithology advice differs in some respects from the NatureScot advice as detailed in the points raised in the Natural England representation regarding modelling and methodology for English sites. The Scottish Ministers do not expect the Developer to carry out two separate offshore ornithological assessments and expect that the NatureScot guidance is followed, although the Scottish Ministers highlight that there may be instances where a different assessment is needed to be able to adequately assess in-combination effects on English seabirds. Any differences in approaches between Natural England and NatureScot should be acknowledged when compiling the EIA Report and RIAA.
- 5.6.6 In terms of mitigation and monitoring, the Scottish Ministers are broadly content with the designed in measures presented by the Developers in Section 9.5.1. However, The Scottish Ministers highlight the representation NatureScot in this regard and advise that the full range of mitigation measures and published guidance must be included in the EIA Report, along with further information on proposed ornithological monitoring.
- 5.6.7 The Scottish Ministers refer the Developers to the NatureScot and Natural England representations regarding Highly Pathogenic Avian Influenza and advise the representations regarding this must be fully considered and implemented in the EIA Report.
- 5.6.8 The Scottish Ministers are content with the approach to potential cumulative impacts outlined in Section 9.6.3 of the Scoping Report and support the proposed use of the Cumulative Effects Framework tool if this is available when the Developers are compiling the EIA Report. If this is not available, the Scottish Ministers note that NatureScot is currently preparing guidance on aspects to be considered and presented in the EIA Report and RIAA and advise the Developers to engage with NatureScot regarding this.
- 5.6.9 Additionally, the Scottish Ministers highlight the NatureScot representation regarding inclusion of the proposed Berwick Bank offshore wind farm in Population Viability Analysis models run and request that this is fully implemented in the EIA Report.
- 5.6.10 The Scottish Ministers are also generally content with the approach to transboundary impacts presented in Section 9.6.4 of the Scoping Report, however agree with NatureScot that as limited information has been presented, the Scottish Ministers are unable to advise further at this time.
- 5.6.11 With regards to the HRA Screening Report, the Scottish Ministers advise that, in line with the NatureScot representation, no sites and features should be

screened out before the data from the full two years of DAS work is available in order that a full picture of the birds interacting with the Broadshore Hub WFDA is understood. The Scottish Ministers draw the Developers' attention to the NatureScot representation regarding features included as components of seabird assemblages in Tables 7.2 and 7.5 of the HRA Screening Report and request that this is corrected in the RIAA should these sites and features be taken forward.

- 5.6.12 In terms of likely significant effect pathways, the Scottish Ministers advise that the potential impacts of lighting and vessel movement between the Broadshore Hub WFDA and ports should be screened in for the construction, operation and maintenance, and decommissioning phases of the Proposed Developments, as described in the NatureScot representation. The assessment of vessel movements for LSE should include proposed routes, timing and frequency.
- 5.6.13 The Scottish Ministers also highlight the representations from NatureScot regarding Table 8.1 and breeding seabird qualifying features and kittiwake at East Caithness Cliffs and request that these are fully addressed by the Developers in the RIAA.

5.7 Commercial Fisheries

- 5.7.1 The Scottish Ministers are content with the study areas for commercial fisheries outlined by the Developers in Section 10.4.1 of the Scoping Report. The Scottish Ministers are also broadly content with the data sources presented in Section 10.4.2. However, the Scottish Ministers direct the Developers to the advice from MD-SEDD regarding the use of vessel heat maps for vessels smaller than 12 m and request that this is fully implemented in the EIA Report alongside the advice of the spatial data, which may be of particular relevance when assessing displacement of fishing from the local area of the Proposed Developments to surrounding regional areas. The Scottish Ministers also request that the Developers follow the MD-SEDD advice regarding the EMODNet AIS data to further inform the baseline characterisation.
- 5.7.2 The Developers present the impacts proposed to be scoped in for assessment in the EIA Report in Table 10.4, while the impacts proposed to be scoped out of assessment are presented in Table 10.5 for different phases of the Proposed Developments. The Scottish Ministers are mostly content with the impacts proposed to be scoped in and out, however request that 'additional steaming to alternative steaming grounds' is scoped in for the construction and operation and maintenance phases. This view is in line with the MD-SEDD advice and the representation from the SFF. The Scottish Ministers also highlight the SFF

representation regarding human casualties and snagging and request that this is fully considered in the EIA Report.

- 5.7.3 With regards to the Developers' proposed approach to impact assessment outlined in Section 10.7 of the Scoping Report, the Scottish Ministers are broadly content with this. However, in line with the MD-SEDD advice, the Scottish Ministers request that a commercial fisheries displacement assessment is carried out as part of the EIA Report and refer the Developers to the good practice guidance published by the Marine Directorate¹. The Scottish Ministers advise that the Developers must adopt a clear position on whether they will be content for fishing to continue over the Proposed Developments after construction is complete and whether overtrawl trials will be included as a mitigation measure. This position must be adopted prior to the fisheries displacement assessment so the implications from this can be included in the assessment.
- 5.7.4 In terms of the embedded mitigation measures outlined in Section 10.5.1 of the Scoping Report, the Scottish Ministers advise that the representation from the SFF must be fully considered by the Developer in the EIA Report, where appropriate. The Scottish Ministers advise that in identifying appropriate mitigation measures, the Developers must consider the different types of fishing that take place within the Proposed Developments 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 Developers must clearly state commitments and explain any caveats to these commitments, such as EIA significance, so that stakeholders can easily understand the commitment(s) made.
- 5.7.5 The Scottish Ministers also direct the Developers to the MD-SEDD advice with regards to the Sinclair WFDA boundary and the SFF representation regarding design aspects of the Proposed Developments, including WTG foundations for the Broadshore WFDA, cable burial and protection and pre-construction works. The Scottish Ministers advise that these must be fully considered when finalising the design parameters for the Proposed Developments.

5.8 Shipping and Navigation

- 5.8.1 The Scottish Ministers are content with the study area presented in Section 11.4.1 of the Scoping Report. With regards to baseline characterisation, the Scottish Ministers are content that the two separate 14 day periods of vessel traffic surveys proposed to be undertaken, with the summer survey already

¹ Can be found at the following address: <https://www.gov.scot/publications/good-practice-guidance-assessing-fisheries-displacement-licensed-marine-activities/>

completed in August 2023, meet the required standards of MGN 654. This view is in line with the MCA representation. The Scottish Ministers also highlight the representation from the UK CoS which welcomed the additional 12 months of AIS data proposed to provide seasonal smoothing in addition to the MGN 654 compliant survey data outlined above. However, the Scottish Ministers draw attention to the representation from the RYA regarding the limitations of AIS data for smaller craft and the representation from the UK CoS regarding Marine Accident Investigation Branch incident data. These representations must be fully taken into consideration in the EIA Report.

- 5.8.2 The Developers present the impacts proposed to be scoped in and out of assessment in the EIA Report for different phases of the Proposed Developments in Table 11.4 of the Scoping Report. The Scottish Ministers broadly agree with the impacts presented, however advise that loss of station should be scoped in for the construction and decommissioning phases, particularly when the structures are in transit or under tow. This is in line with the UK CoS and RYA representations. Moreover, for the avoidance of doubt, the Developers must ensure that each of the possible impacts on navigational issues, including routing and effects on shipping, outlined in the MCA representation are fully addressed in the EIA Report. The Scottish Ministers draw attention to the RYA representation regarding failure of Aids to Navigation marking the devices, which should also be fully addressed in the EIA Report. The Scottish Ministers also highlight the representation from Ithaca Energy regarding the approach of offload tankers to the Captain Floating Production Storage and Offloading (“FPSO”) vessel and request that this is fully considered in the EIA Report.
- 5.8.3 In terms of the approach to assessment, the Scottish Ministers confirm that, in line with the MCA representation, the Developers will be required to submit a Navigational Risk Assessment in accordance with MGN 654, accompanied by a detailed MGN 654 checklist. The Scottish Ministers highlight the representation from the RYA and its wish to contribute to the Navigational Risk Assessment alongside the Cruising Association. The Scottish Ministers request that this is fully considered by the Developers. Hydrographic surveys should fulfil the requirements set out in Annex 4 of MGN 654.
- 5.8.4 The Scottish Ministers draw attention to the representation from the MCA regarding Search and Rescue (“SAR”), Emergency Response Co-operation Plans, levels of radar surveillance, AIS and shore-based VHF radio coverage. The Scottish Ministers advise that the MCA representation must be fully addressed in the EIA Report and that a SAR checklist must be completed by the Developers in consultation with the MCA.

- 5.8.5 With regards to cable burial, the Scottish Ministers confirm that a Burial Protection Index should be completed where appropriate, and, subject to traffic volumes, an anchor penetration study may also be required. The Scottish Ministers advise that this must be fully addressed in the EIA Report and highlight the MCA representation regarding a maximum 5% reduction in surrounding depth referenced to Chart Datum should cable protection measures be required.
- 5.8.6 The Developers present proposed embedded mitigation measures in Section 11.5.1 of the Scoping Report. The Scottish Ministers are content with the mitigation proposed, however highlight the representations from the NLB and the UK CoS with regards to lighting and marking and the representation from the MCA regarding Third-Party Verification of mooring arrangements.
- 5.8.7 In terms of the approach to potential cumulative effects outlined in Section 11.6.1 of the Scoping Report, the Scottish Ministers are largely content with the proposed approach. However, the Scottish Ministers note the representation from the UK CoS which recommends a wider routeing survey area of 50 nm when considering the cumulative impact assessment. The Scottish Ministers also highlight the MCA concerns regarding the general loss of navigable sea room and its request that cumulative impacts should be factored into the Navigational Risk Assessment. The Scottish Ministers advise that this must be fully considered in the EIA Report.
- 5.8.8 The Scoping Report states that the impact assessment for the Proposed Developments, both alone and cumulatively, will consider vessel routeing to and from international ports by international operators. Therefore, the Developers consider that the impacts proposed to be scoped in and out of assessment in the EIA Report may be relevant at a transboundary level. The Scottish Ministers are content with this approach.

5.9 Aviation and Radar

- 5.9.1 The Developers present the impacts proposed to be scoped in and out of assessment during different phases of the Proposed Developments in Table 12.4 of the Scoping Report. The Scottish Ministers are generally content with the impacts proposed to be scoped in and out of assessment. This view is in line with the MOD representation.
- 5.9.2 The Developers identify overlaps with and proximity to military Danger Areas from the Proposed Developments in Section 12.4.4 of the Scoping Report. The MOD representation confirms that the Proposed Developments will have no impact on the Danger Areas identified and therefore these potential receptors can be scoped out of the EIA Report. The Scottish Ministers note the representation from Ithaca Energy regarding helicopter air traffic to the Captain

wellhead protection platform and FPSO and request that the Developers engage with Ithaca Energy on this point.

- 5.9.3 The Scottish Ministers draw the Developers' attention to the representation from NATS which predicts that the Proposed Developments are likely to generate false primary plots and also a reduction in the probability of Allanshill RADAR to detect real aircraft. Additionally, NATS has advised that the Proposed Developments will likely have unacceptable impacts to Prestwick Air Traffic Control ("ATC") and Aberdeen ATC. The Scottish Ministers therefore recommend that the Developers engage with NATS on these points and advise that these impacts must be assessed, and appropriate mitigation proposed, in the EIA Report.
- 5.9.4 In terms of embedded mitigation, the Scottish Ministers highlight the representation from the MOD which states that the WTGs from the Proposed Developments will be detectable to the air defence radar at Remote Radio Head Buchan. The MOD representation also confirms that the Proposed Developments are located within Low Flying Area 14, where WTGs may cause a physical obstruction to low flying aircraft operating in the area. The Scottish Ministers request that the Developers engage with the MOD on these points and advise that these impacts must be assessed, and appropriate mitigation proposed, in the EIA Report.
- 5.9.5 The MOD confirmed that it has highly surveyed routes near the Proposed Developments which may be relevant to the installation of WTGs and associated infrastructure. The MOD has requested an assessment be carried out to determine any potential impacts and it is therefore unable to advise further at this stage. Once results of these assessments are shared with MD-LOT, these will be passed to the Developers.

5.10 Marine Infrastructure and Other Users

- 5.10.1 The Developers outline the study area for marine infrastructure and other users in Section 13.4.1 of the Scoping Report. The Scottish Ministers are broadly content with the study area presented and also the data sources presented in Section 13.4.2 of the Scoping Report.
- 5.10.2 Table 13.4 of the Scoping Report presents the impacts the Developer proposes to scope in and out of assessment in the EIA Report during different phases of the Proposed Developments. The Scottish Ministers are broadly content with the impacts scoped in and out of assessment, however draw attention to the representation from Green Volt Offshore Wind Farm regarding increased vessel traffic and the physical presence of infrastructure from the Proposed Developments and request that this is given consideration by the Developers in the EIA Report.

- 5.10.3 The Scottish Ministers emphasise the importance of engaging with other marine users, including developers of ScotWind and INTOG projects and oil and gas platform operators, during all phases of the Proposed Developments.
- 5.10.4 The Scottish Ministers agree with the approach to cumulative assessment and agree that transboundary effects can be scoped out of assessment in the EIA Report.

5.11 Marine Archaeology and Cultural Heritage

- 5.11.1 The Scottish Ministers broadly agree with the study area for marine archaeology outlined in Section 14.4.1 of the Scoping Report.
- 5.11.2 The Scottish Ministers request that, in line with the HES representation, the baseline study area for marine archaeology records is extended 2 km outwards from the current scoping boundary. With regards to baseline characterisation, the Scottish Ministers highlight the representation from HES regarding the UK Hydrographic Office “dead” records for wrecks and request that this is fully considered in the EIA Report.
- 5.11.3 The Developers present the impacts proposed to be scoped into the assessment in the EIA report during different phases of the Proposed Developments in Table 14.4. The Scottish Ministers agree with the Developers’ proposals in terms of impacts scoped into the assessment in the EIA Report, and this is also welcomed by HES.
- 5.11.4 With regards to the approach to assessment, the Scottish Ministers highlight the comments from HES on the nature of Canmore records and on various aspects of assessment methodology, including physical effects, setting effects and the proposed Written Scheme of Investigation, and request that all of these are fully addressed by the Developers in the EIA Report.
- 5.11.5 The Scottish Ministers agree with the Developers’ commitment to have embedded mitigation focussed on avoidance of impacts using Archaeological Exclusion Zones. This was also welcomed by HES, along with the Developers’ proposal to make all geophysical and geotechnical data available to a specialist for review.
- 5.11.6 The Scottish Ministers agree with the proposed approach to cumulative impact assessment and the proposed approach to transboundary impacts.

5.12 Seascape and Landscape Visual Impact

- 5.12.1 The Scottish Ministers broadly agree with the study area for seascape and landscape visual impact outlined in Section 15.4.1 of the Scoping Report.
- 5.12.2 In relation to potential impacts to be scoped in to the EIA Report for the Broadshore Hub WFDA's, the Scottish Ministers note the view posed within the NatureScot response that this topic can be scoped out. However, the Scottish Ministers agree with the proposals as presented in Section 15.6 of the Scoping Report, and are content with the proposed number and location of viewpoints in line with representations from Aberdeenshire Council and Highland Council.

5.13 Socioeconomics, Tourism and Recreation

- 5.13.1 The Developers present the relevant study areas for socioeconomics, tourism and recreation in Section 16.4.1 of the Scoping Report. The Scottish Ministers are largely content with the study areas outlined, however draw attention to the MD-SEDD socioeconomics advice in this regard and request that it is fully considered in the EIA Report. The Scottish Ministers also advise that the most up to date data sources must be used for all analysis and direct the Developers to the MD-SEDD socioeconomics advice on this. The Scottish Ministers additionally advise that MD-SEDD's points regarding the use of external literature instead of primary social research must be fully considered in the EIA Report.
- 5.13.2 In line with the MD-SEDD socioeconomics advice, the Scottish Ministers advise that a full Socio-Economic Impact Assessment ("SEIA") must be included with the EIA Report and should be transparent in its methodological choices for assessment of socioeconomic impacts. The Scottish Ministers highlight Annex 1 of the MD-SEDD socioeconomics advice which may be of assistance to the Developers in developing the SEIA.
- 5.13.3 Table 16.5 of the Scoping Report outlines the impacts the Developers propose to scope in and out of assessment in the EIA Report for different phases of the Proposed Developments. The Scottish Ministers broadly agree with the impacts proposed to be scoped in and out, however advise that socio-cultural impacts and all impacts on tourism and recreation must be scoped in. This view is supported by the MD-SEDD socioeconomics advice. The Scottish Ministers are considering this position and, should this develop or change in future, the Developers will be notified.
- 5.13.4 In terms of social impacts, the Scottish Ministers advise that their current position is that the Developers should consider potential local communities as a result of the Proposed Developments and outline how baseline data will be collected to assess impacts in future. The Scottish Ministers are considering

this position and, should this develop or change in future, the Developers will be notified.

- 5.13.5 In relation to economic impacts, the Scottish Ministers are broadly content with the proposed approach to assessment as detailed in Section 16.7.1 of the Scoping Report. The Scottish Ministers recommend that the Developers include additional analysis on potential job creation in comparison to existing jobs in the study area, as outlined in the MD-SEDD socioeconomics advice. Additionally, the Scottish Ministers agree with the MD-SEDD socioeconomics advice that a detailed description of the methodology used to assess economic impacts must be included in the EIA, outlining the methodological approach taken and any key assumptions that underpin any estimates.

5.14 Climate Change

- 5.14.1 The Scottish Ministers are broadly content with the Developer's approach in assessing climate change and greenhouse gases ("GHG") in Section 17 of the Scoping Report and note that the Institute of Environmental Management and Assessment ("IEMA") Environmental Impact Assessment Guide "Assessing Greenhouse Gas Emissions And Evaluating Their Significance", referenced by the Developers, provides further insight in these matters. 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 Developments on climate. The Scottish Ministers therefore advise that the GHG Assessment 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 Developments. The representation from NatureScot regarding climate change and carbon cost must be fully addressed by the Developers in the EIA Report.
- 5.14.2 Alongside the GHG assessment, the Scottish Ministers highlight the NatureScot representation in relation to blue carbon assessment. The Scottish Ministers advise that consideration should be given to impacts on blue carbon as a result of the Proposed Developments, as well as an expanded assessment for benthic ecology focusing on potential impacts on marine sediments.

5.15 Offshore Air Quality

- 5.15.1 In Table 18.2 of the Scoping Report the Developers summarise the potential impacts to air quality scoped out of assessment in the EIA Report for different phases of the Proposed Developments. The Scottish Ministers agree that these impacts can be scoped out.

5.16 Major Accidents and Disasters

- 5.16.1 The Scottish Ministers welcome the inclusion of major accidents and disasters in Chapter 19 of the Scoping Report. The EIA Report must include a description and assessment of the likely significant effects deriving from the vulnerability of the Proposed Developments to major accidents and disasters. The Developers should make use of appropriate guidance, including the recent IEMA ‘Major Accidents and Disasters in EIA: A Primer’ referenced in Section 19.7 of the Scoping Report, to better understand the likelihood of an occurrence and the Proposed Developments susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Developments to a potential accident or disaster and also the Proposed Developments potential to cause an accident or disaster.
- 5.16.2 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 the baseline assessment, the level of risk attributed to the identified hazards and the relevant receptors to be considered.
- 5.16.3 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.

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 5 of the 2017 EW Regulations and regulation 12 of the 2007 MW Regulations. In accordance with the EIA Regulations, the Scottish Ministers advise that the EIA Report must be based on this Scoping Opinion.
- 6.1.2 The Scottish Ministers note the need to carry out an assessment under The Conservation of Offshore Marine Habitats and Species Regulations 2017. This assessment must be coordinated with the EIA in accordance with the EIA Regulations.
- 6.1.3 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 Developers must provide confirmation of how this Scoping Opinion is reflected in the EIA Report.

7. Multi-Stage Consent

7.1 Background

- 7.1.1 The EIA Regulations contain provisions regulating the assessment of environmental impacts. A multi-stage consent 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 principle decision, assessment must be undertaken at the subsequent stage.
- 7.1.2 The definition in the 2017 EW Regulations is as follows: *“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 Developments, 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 the Developers 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 the Scottish Ministers consider that the development may have significant environmental effects which have not previously been identified in the EIA Report (perhaps due to revised construction methods or updated survey information), then information on such effects and their impacts will be required. This information will fall to be dealt with as additional information under the EIA Regulations, and procedures for consultation, public participation, public notice and decision notice of additional information will apply.

Signed

Kirsty Black
3 May 2024

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 this Scoping Opinion