

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

**Scoping Opinion adopted by the Scottish Ministers
under Part 4 of The Marine Works (Environmental
Impact Assessment) (Scotland) Regulations 2017**

Stornoway Port Authority

Deep Water South (DWS)

December 2024

Contents

1. Introduction	3
1.1 Background	3
2. The Proposed Works	4
2.1 Introduction	4
2.2 Description of the Proposed Works	4
2.3 Location	5
2.4 Length of project	5
2.5 Harbour Revision Order	5
2.6 The Scottish Ministers' Comments	6
3. Contents of the EIA Report	8
3.1 Introduction	8
3.2 EIA Scope	8
3.3 Mitigation and Monitoring	8
4. Consultation	9
4.1 The Consultation Process	9
4.2 Responses received	10
5. Interests to be considered within the EIA Report	11
5.1 Introduction	11
5.2 Air Quality	11
5.3 Land and Soil Quality	11
5.4 Water Quality and Coastal Processes	11
5.5 In-air noise and vibration	12
5.6 Underwater noise	12
5.7 Biodiversity – Marine Mammals	13
5.8 Biodiversity – Fish Ecology	14
5.9 Biodiversity – Benthic Ecology	14
5.10 Biodiversity – Terrestrial Ecology and Ornithology	15
5.11 Resource Usage and Waste	15
5.12 Climate Change and Flooding	16
5.13 Landscape, Seascape and Visual Effects	16
5.14 Archaeology and Cultural Heritage	16
5.15 Human Health	18
5.16 Population and Socio-Economics	18
5.17 Shipping and Navigation	19

5.18	Aviation	20
5.19	Accidents and Natural Disasters	21
5.20	Cumulative Impacts.....	21
6.	Application and EIA Report.....	22
6.1	General	22
7.	Multi-Stage Regulatory Approval.....	23
7.1	Background.....	23
	Appendix I: Consultation Responses & Advice.....	24
	Appendix II: Gap Analysis	26

1. Introduction

1.1 Background

- 1.1.1 On 23rd May 2024, the Scottish Ministers received a scoping report (“the Scoping Report”) from Stornoway Port Authority (“the Applicant”) as part of its request for a scoping opinion relating to Stornoway Deep Water South (“Proposed Works”). In accordance with regulation 14 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the 2017 MW Regulations”) the Scottish Ministers considered the content of the Scoping Report to be sufficient.
- 1.1.2 This scoping opinion is adopted by the Scottish Ministers under the 2017 MW Regulations (“the Scoping Opinion”) in response to the Applicant’s request and should be read in conjunction with the Scoping Report. The matters contained in the Scoping Report have been carefully considered by the Scottish Ministers and use has been made of professional judgment, based on expert advice from stakeholders and Marine Directorate in-house expertise and experience. This Scoping Opinion identifies the scope of impacts to be addressed and the method of assessment to be used in the Environmental Impact Assessment Report (“EIA Report”) for the Proposed Works.
- 1.1.3 The Scottish Ministers, in adopting this Scoping Opinion, have, in accordance with the 2017 MW Regulations, taken into account the information provided by the Applicant, in particular, information in respect of the specific characteristics of the Proposed Works, including its location and technical capacity and its likely impact on the environment. In addition, the Scottish Ministers have taken into account the representations made to them in response to the scoping consultation they have undertaken.
- 1.1.4 In examining the EIA Report, and any other environmental information, the Scottish Ministers will seek to reach an up-to-date reasoned conclusion on the significant effects on the environment from the Proposed Works. This reasoned conclusion will be considered as up to date if the Scottish Ministers are satisfied that current knowledge and methods of assessment have been taken account of. For the avoidance of doubt, this Scoping Opinion does not preclude the Scottish Ministers from requiring the Applicant to submit additional information in connection with any EIA Report submitted with applications for marine licences under the Marine (Scotland) Act 2010 (“the 2010 Act”).
- 1.1.5 In the event that the Applicant does not submit applications for marine licence/s under the 2010 Act for the Proposed Works within 12 months of the date of this Scoping Opinion, the Scottish Ministers strongly recommend that

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

2. The Proposed Works

2.1 Introduction

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

2.2 Description of the Proposed Works

2.2.1 The Proposed Works forms part of the Stornoway Port Masterplan, the first phase of which, Stornoway Deep Water Port ("DWP"), is nearing completion. The Proposed Works will provide additional deep-water berthing and laydown facilities to accommodate construction and maintenance needs of the offshore wind sector. With Stornoway being the nearest port to two ScotWind floating offshore wind projects, the Proposed Works are strategically located to support tow-to-site and maintenance needs of the sector.

2.2.2 The Proposed Works are envisaged to comprise the following main components:

- Capital dredging a deep-water berthing area, with a water depth of negative 13 metre ("m") Chart Datum ("CD");
- A reinforced concrete quay capable of housing a heavy-lift crane of up to 3500 Tonne capacity;
- Reclamation area bounded by rock armoured slope providing laydown space;
- Mooring bollards, ladders and associated services on the quayside; and
- Onshore laydown space.

2.2.3 In order to achieve these objectives the Applicant proposes to utilise the following construction methods:

- Land-levelling activities, namely soil stripping, rock blasting and rock excavation;
- Land reclamation activities, namely rock crushing, rock processing and rock infilling;
- Vibration and impact piling;
- On-site concrete works;

- Dredging; and
- Dredge spoil disposal.

2.2.4 The operational phase associated with the Proposed Works are envisaged to include:

- Mooring of floating wind turbine bases (whole or components of) at the quayside;
- On-site assembly of floating wind turbines;
- The delivery by sea of the main wind turbine components for on-site assembly and the delivery by road of other equipment, plant and tools;
- Assembly of the floating wind turbines, utilising lifting equipment located on the quayside;
- Wind turbine pre-commissioning and initial testing activities will be carried out at the quayside to ensure that turbines safely and effectively operate;
- Provision of temporary, moveable welfare and office facilities for staff undertaking works on site;
- Maintenance of turbines in need of repair; and
- Use as a base for offshore maintenance.

2.3 Location

2.3.1 The Proposed Works are within the southern portion of Stornoway Harbour, on the western shore of Cala Glumaig, or Glumaig Harbour. The town of Stornoway lies across the water to the north and Arnish Point Industrial Estate is situated to the east, on the Arnish peninsula which forms the eastern shore of Glumaig Harbour. The Proposed Works are located immediately to the south of the current DWP development (DWP central grid reference NG 42634 31050). The Proposed Works are located with a central grid reference of NG 42420 31055.

2.4 Length of project

2.4.1 The construction phase of the Proposed Works is expected to be in the region of 12 months.

2.5 Harbour Revision Order

2.5.1 Stornoway Port Authority Harbour Revision Order (“HRO”) (Scottish Statutory Instrument no.192 2021) was made on the 21st April 2021 for the DWP developments currently under construction. The current plans for the Proposed Works are out with the scope of the current HRO; as such, an application will be made to Transport Scotland for a new HRO.

2.6 The Scottish Ministers' Comments

Description of the Proposed Works.

- 2.6.1 The Applicant has not included details or estimations for the commencement nor the timings of the Proposed Works. The EIA Report must contain a timescale for the Proposed Works, including the proposed timing of all phases of the Proposed Works. The EIA Report should include an assessment for the entirety of the Proposed Works .
- 2.6.2 Section 3.3.1 of the Scoping Report also outlines the proposal to use both rock material from the vicinity of the site, in particular material from the shore side area to be levelled, and also from an area at the southern end of the link road joining the DWP and Arnish Point Industrial Estate. The EIA Report should consider the worst-case scenario as to the suitability of any infill material, alternative sources of infill and suitable disposal options for the site-won infill should it be found to be unsuitable.
- 2.6.3 The Applicant has acknowledged that the extent of the Proposed Works covered by the Scoping Report are broad in order to encompass as many of the potential features of the development as possible. The advice provided in this Scoping Opinion is proportionate to the level of detail contained in the Scoping Report. The Scottish Ministers advise that the EIA Report and associated applications must include relevant, up to date and specific information in order to provide a full understanding of the scale, methodology, and timings of the Proposed Works.
- 2.6.4 The Scottish Ministers note that there is a lack of detail regarding the quantities of materials in relation to those to be used in the construction / land reclamation. No estimations or worst-case scenario volumes have been provided. The overall size of the land reclamation is indicative only, with Figure 3.1 in the Scoping Report identifying an indicative boundary only. Nor has the area to be dredged been detailed. The Scottish Ministers acknowledge that this will be refined through the design process and advise that the EIA Report must include specific details relative to quantities of materials to be used, quantities anticipated to be dredged and specific details of the land reclamation and the Proposed Works boundary.
- 2.6.5 The Scottish Ministers note that sediment sampling must be undertaken prior to application to support the marine licence application to undertake capital dredging. The Scottish Ministers advise that the results of this sampling should be incorporated within the EIA Report where appropriate.

- 2.6.6 Detail has been provided by the Applicant regarding the operational phase of the Proposed Works, including but not limited to the construction of turbines. The Scottish Ministers require that the operational aspects of the Proposed Works, including but not limited to the construction of wind turbines, are fully considered in the EIA Report.

Design Envelope

- 2.6.7 The Scottish Ministers note the Applicant's intention to apply a 'Design Envelope' approach. Where the details of the Proposed Works cannot be defined precisely, the Applicant will apply a worst-case scenario, as set out in numerous references to worst case scenarios throughout the Scoping Report.
- 2.6.8 The Scottish Ministers advise that the Applicant must make every attempt to narrow the range of options. Where flexibility in the design envelope is required, this must be defined within the EIA Report and the reasons for requiring such flexibility clearly stated. At the time of application, the parameters of the Proposed Works should not be so wide-ranging as to represent effectively different projects. To address any uncertainty, the EIA Report must consider the potential impacts associated with each of the different scenarios. The criteria for selecting the worst case and the most likely scenario, together with the potential impacts arising from these, must also be described. The parameters of the Proposed Works must be clearly and consistently defined in the application/s for the marine licence/s and the accompanying EIA Report.
- 2.6.9 The Scottish Ministers will determine the application/s 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 the Proposed Works commence. Please note however, the information provided in Section 7 below regarding multi-stage regulatory approval. The CMS will 'freeze' the design of the project and will be reviewed by the Scottish Ministers to ensure that the worst-case scenario described in the EIA Report is not exceeded.
- 2.6.10 It is a matter for the Applicant, in preparing the EIA Report, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. If the Proposed Works or any associated activities materially change prior to the submission of the EIA Report, the Applicant may wish to consider requesting a new Scoping Opinion.

Alternatives

- 2.6.11 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 Applicant, which are relevant to the Proposed Works and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects’. The Scottish Ministers note that the Applicant’s Scoping Report did not indicate any consideration of alternatives.
- 2.6.12 For the avoidance of doubt, the Scottish Ministers advise that the EIA Report must include an up to date consideration of the reasonable alternatives studied as the parameters of the Proposed Works have been refined. The Scottish Ministers expect this to comprise a discrete section in the EIA Report that provides details of the reasonable alternatives studied across all aspects of the Proposed Works and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

3. Contents of the EIA Report

3.1 Introduction

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

3.2 EIA Scope

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

3.3 Mitigation and Monitoring

- 3.3.1 Any embedded mitigation relied upon for the purposes of the assessment should be clearly and accurately explained in detail within the EIA Report. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The EIA Report must identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.

- 3.3.2 The EIA Report should clearly demonstrate how the Applicant has had regard to the mitigation hierarchy, including giving consideration to the avoidance of key receptors. The Scottish Ministers advise that where the mitigation is envisaged to form part of a management or mitigation plan, the EIA Report must set out these plans or the reliance on these in sufficient detail so the significance of the residual effect can be assessed and evaluated. This should also include identification of any monitoring and remedial actions (if relevant) in the event that predicted residual effects differ to actual monitored outcomes. Commitment to develop plans without sufficient detail is not considered to be suitable mitigation in itself.
- 3.3.3 The EIA Report must include a table of mitigation which corresponds with the mitigation identified and discussed within the various chapters of the EIA Report and accounts for the representations and advice attached in Appendix I.
- 3.3.4 Where potential impact on the environment have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by detailing in the EIA Report, the work that has been undertaken, the results, what impact, if any, has been identified and why it is not significant.

4. Consultation

4.1 The Consultation Process

- 4.1.1 Following receipt of the Scoping Report, the Scottish Ministers, in accordance with the 2017 MW Regulations, initiated a 30 day consultation process, which commenced on 15th May 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:

- **Northern Lighthouse Board**
- **Maritime and Coastguard Agency (“MCA”)**
- *UK Chamber of Shipping*
- *The Crown Estate*
- **NatureScot, operating name of Scottish Natural Heritage**
- **Royal Yachting Association (“RYA”)**
- **Historic Environment Scotland (“HES”)**
- *The Royal Society for the Protection of Birds*
- **Scottish Fishermen’s Federation (“SFF”)**
- *Whale and Dolphin Conservation*
- *Ministry of Defence*
- *National Trust for Scotland*
- *Scottish Fisherman’s Organisation*
- *Scottish White Fish Producers Association*

- *Scottish Water*
- *Scottish Wildlife Trust*
- **Scottish Environment Protection Agency (“SEPA”)**
- *Stornoway Fisheries Office*
- **Comhairle nan Eilean Siar (“CnES”)– Planning**
- **Civil Aviation Authority (“CAA”)**
- **National Air Traffic Services (“NATS”)**

4.1.2 Specific advice was sought from the Marine Directorate – Marine Analytical Unit (“MAU”) and Transport Scotland (“TS”).

4.2 Responses received

4.2.1 From the list above a total of eight responses were received. Advice was also provided by the MAU 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 2017 MW Regulations. The sections below highlight issues which are of particular importance with regards to the EIA Report and any marine licence applications. The representations and advice received are attached in Appendix I and each must be read in full for detailed requirements from individual consultees.

5. Interests to be considered within the EIA Report

5.1 Introduction

5.1.1 This section contains the Scottish Ministers' opinion on whether the impacts identified in the Scoping Report are scoped in or out of the EIA Report. The Scottish Ministers advise that the representations from consultees and advice from MAU 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 Air Quality

5.2.1 The Applicant considers air quality in Section 6 of the Scoping Report with consideration of potential impact on air quality for both the construction and operational phases. The main impact was identified as dust. The Applicant proposes that air quality can be scoped out as the assessment undertaken concluded there to be a low risk of impact as a result of dust generated through both construction and operational phases.

5.2.2 The Scottish Ministers are satisfied with the Applicant's proposal to develop a site-specific Construction Dust Management Plan to mitigate against air quality impacts.

5.2.3 The Scottish Ministers concur that the assessment of air quality can be scoped out of the EIA Report for all phases. This is a view supported by CnES its representation.

5.3 Land and Soil Quality

5.3.1 Section 7 of the Scoping Report has a primary focus on the terrestrial shore-side aspects of the Proposed Works. The Applicant proposes to scope in construction impacts on land and soil quality and states there will be no operational impacts.

5.3.2 Scottish Minister draw the Applicants attention to the consultation response submitted by CnES, of note being the requirements from SEPA in respect of an outline Peat Management Plan ("PMP").

5.3.3 The Scottish Ministers note the comments within section 7 of the Scoping Report and concur that land and soil quality be scoped in for construction impacts and confirm that operational impacts can be scoped out.

5.4 Water Quality and Coastal Processes

- 5.4.1 The Applicant has considered water quality and coastal processes within Section 8 of the Scoping Report with consideration of potential impact during and post construction. The Applicant proposes that water quality is scoped out during the construction and operational phases, this conclusion is based on the assessment that impacts will be no greater than that already assessed for the DWP phase of the project. In terms of coastal processes, the Scoping Report identifies that the Proposed Works are capable of affecting wave and tidal climate, wave directions and geomorphological processes within Stornoway Harbour and as such proposes to scope in coastal processes for further assessment in the EIA report.
- 5.4.2 The Scottish Ministers acknowledge and are satisfied that the Water Framework Directive Assessment will be included in the EIA Report. The Applicant is advised that all SEPA guidance should be followed and all legislation fully adhered to and is directed to the CnES and SEPA representations in this regard.
- 5.4.3 The Scottish Ministers concur and advise that water quality can be scoped out of the EIA Report and that coastal processes is scoped in. This is in line with CnES representation.

5.5 In-air noise and vibration

- 5.5.1 Section 9 of the Scoping Report considers the construction and operational in-air noise and vibration impacts, and proposes that construction and operational in-air noise and vibration is scoped out, on the basis that mitigation measures outlined in the Initial Schedule of Mitigation available in Appendix 1 of the Scoping Report are implemented and that noise impacts will have neutral significance.
- 5.5.2 The Scottish Ministers concur and advise that in-air noise and vibration can be scoped out. CnES are also in agreement with this approach.

5.6 Underwater noise

- 5.6.1 Section 10 of the Scoping Report deals with the underwater noise aspects of the construction and operational phases noting that the impacts on marine mammals and fish are dealt with elsewhere in the report (Sections 12 and 13). The Scoping Report proposes that the assessment of potential impacts from underwater noise have been completed to a significant degree in the EIA for the DWP and the conclusion of the assessments can be equally applied to the Proposed Works. With this consideration the Applicant proposes that underwater noise be scoped out.

- 5.6.2 The Scottish Ministers advise that underwater noise can be scoped out as a standalone chapter on the basis that the impact of underwater noise from the construction phase of the Proposed Works is assessed in the marine mammals section of the EIA Report.

5.7 Biodiversity – Marine Mammals

- 5.7.1 The Scoping Report considers impacts on marine mammals from underwater noise, piling, dredging, dredge disposal, water quality, and physical injury and subsequent mitigation protocols developed using assessments and data obtained during the course of the marine licensing process from the DWP. The Scoping Report therefore proposes that subject to the mitigation measures outlined in Section 12.5 and Appendix 1, marine mammals is scoped out.
- 5.7.2 In its response to the Scoping Report NatureScot contend that this proposal is likely to have an impact on the harbour porpoise qualifying feature of the Inner Hebrides Special Area of Conservation as well as the Risso's dolphin feature of the North-east Lewis Marine Protected Area as a result of drilling/piling noise. NatureScot advised that this issue would require further consideration in the EIA Report and that the EIA Report should also contain sufficient information to support an Appropriate Assessment to be carried out in line with the Conservation (Natural Habitats, &c.) Regulations 1994 as there is likely to be a significant effect on the harbour porpoise as a result of the Proposed Works.
- 5.7.3 NatureScot therefore advised that this topic should be scoped in. The Scottish Ministers advise that underwater noise propagation modelling in respect of the Proposed Works should be undertaken to inform the assessment, in addition to the modelling already carried out in respect of the DWP development. NatureScot advised that received levels, or acoustic thresholds, at which individual marine mammals are predicted to experience changes in their hearing sensitivity (either temporary or permanent) for acute, incidental exposure to underwater anthropogenic sound should be considered in respect of the Proposed Works. Disturbance should also be included in the assessment. The Scottish Ministers direct the Applicant to the NatureScot representation and advise that this is fully considered in undertaking the assessment.
- 5.7.4 The Scottish Ministers concur with the views and standard of assessment set out by NatureScot in its representation and advise that marine mammals is scoped in to the EIA Report in order to provide further assessment on the impacts that piling/drilling noise will have on marine mammals. For the

avoidance of doubt, the assessment must be carried out to the standards set out by NatureScot in its representation.

5.8 Biodiversity – Fish Ecology

5.8.1 Section 13 of the Scoping Report considers the impact on fish ecology, and refers to the work completed on the DWP assessment, where the following protected receptors were identified:

- Diadromous fish, including Atlantic salmon, sea trout, and European eel;
- Basking sharks; and
- Raitt's sandeel.

5.8.2 The Scoping Report identified that fish ecology could be indirectly affected through changes in water quality, spoil disposal and noise generated during construction. The Applicant concludes in the Scoping Report that impacts related to noise and spoil disposal were not significant and that the mitigation outlined in Section 8 will prove sufficient to propose that fish ecology is scoped out.

5.8.3 The Scottish Ministers concur and advise that fish ecology can be scoped out.

5.9 Biodiversity – Benthic Ecology

5.9.1 Section 14 of the Scoping Report considers the potential impacts of the Proposed Works on the seabed habitats and species. It is noted that whilst the Proposed Works will result in a certain loss of benthic habitat through the land reclamation, the area for development overlaps that of the existing nearby DWP development, and the Scoping Report contends that the loss will not have a population level effect on the wider area, and that the works associated with the DWP development have already been assessed as minor and non-significant.

5.9.2 The effect of dredging is also covered within sections 14.2.2 and 14.2.3 of the Scoping Report. The proposed capital dredge area is in the region of 4000 square metres, with no expectation of further maintenance dredge. The Scoping Report contends that there will therefore be a natural remediation of this habitat. The Scoping Report also confirms the potential for the release of fines and increased sedimentation due to the dredging operation. The Scoping Report notes the Priority Marine Feature ("PMF") habitat west of Seid Rocks, in mitigation the Scoping Report notes the material to be dredged is anticipated to comprise largely of gravels and sands with low silt

content, the dredging will take place over a shorter period of time than that associated with the DWP development, and that it is further away from the above mentioned PMF.

- 5.9.3 The Scottish Ministers are content with the comments within the Scoping Report as regards the effect on benthic ecology and advise that it can be scoped out.

5.10 Biodiversity – Terrestrial Ecology and Ornithology

5.10.1 Section 15 of the Scoping Report considers the impact of the Proposed Works on Terrestrial Ecology and Ornithology. The Scoping Report identifies that the receptors with potential to be impacted by the Proposed Works are terrestrial habitats, birds, otter and herptiles. The Applicant proposes to scope out terrestrial ecology and ornithology on the basis that the expected impacts are not anticipated to exceed those already assessed for the DWP which were deemed to be non-significant with appropriate mitigation. The Scoping Report sets out the proposed mitigation measures in section 15.4 and Appendix 1 of the Scoping Report.

5.10.2 The Scottish Ministers acknowledge the Applicant's commitment to the development of a Species Protection Plan and a Construction Environmental Management Document to set out mitigation measures to be implemented to reduce the impact of the Proposed Works on terrestrial ecology and ornithological receptors.

5.10.3 The Applicant is directed to the NatureScot representation in relation to the timings of otter surveys and advised that this is considered in the EIA Report.

5.10.4 The Scottish Ministers are content that terrestrial ecology and ornithology can be scoped out.

5.11 Resource Usage and Waste

5.11.1 Section 16 of the Scoping Report considers the potential impacts associated with materials utilised in the construction of the Proposed Works, and waste that may arise during construction. It also covers the anticipated resource use and waste streams associated with the expected operational activities of the Proposed Works. The Scoping Report indicates estimated volumes in respect of dredge, infill and rock material, with primary mitigation provided by locally won material, and through the Stornoway Port Authority's management system. The Applicant proposes that resource usage and waste is scoped out on the basis that the impacts are anticipated to be non-significant with adherence to best practice guidance.

5.11.2 The Scottish Ministers are content with the comments within the Scoping Report as regards resource usage and waste and advise it can be scoped out. This is in line with the CnES representation.

5.12 Climate Change and Flooding

5.12.1 The Applicant has given consideration to climate change in Section 17 of the Scoping Report, concluding that it should be scoped out of the EIA Report. The Scoping Report takes into account anticipated sea level rise and storm events, contending that even a 1-in-200 year storm event occurring during high spring tides are not anticipated to result in tidal inundation of the land reclamation platform. Furthermore, no permanent buildings are proposed on the platform. Finally, the Applicant also contends the Proposed Works will facilitate production of renewable energy through support of the offshore wind sector. This will offset the carbon emissions associated with the Proposed Works.

5.12.2 The Scottish Ministers are content with the comments within the Scoping Report as regards climate change and flooding and concur it can be scoped out.

5.13 Landscape, Seascape and Visual Effects

5.13.1 In Section 18 of the Scoping Report, consideration is given to landscape and visual effects, outlining that there will be significant impacts during both construction and operational phases, including assembly of wind turbines at the quayside and storage of same. As a result, the Applicant has scoped in this topic and will include a Landscape and Visual Impact Assessment (“LVIA”) as part of the EIA Report.

5.13.2 The Scottish Ministers refer the Applicant to the CnES representation with regards to key views and visual receptors and advise that this is fully considered in undertaking the LVIA.

5.13.3 The Scottish Ministers agree with the Applicants proposal to scope in landscape and visual impacts for further assessment in the EIA Report and to undertake an LVIA. This is in line with the CnES representation.

5.14 Archaeology and Cultural Heritage

5.14.1 Section 19 of the Scoping Report considers the potential impact on archaeology and cultural heritage. The Scoping Report notes the considerable potential for maritime assets within the bay, and identifies one known offshore heritage asset within the footprint of the Proposed Works

which is likely to be affected during the construction phase. That being the wreck site of a 20th century wooden fishing vessel. The Scoping Report identifies a further eight wrecks as being within 100m of the Proposed Works and therefore have the potential to be affected through siltation. However, it concluded that this is unlikely as only minor increases in sediment loading during construction is expected. The Scoping Report states that there will be operational impacts associated with the assembly and storage of floating wind turbines on the setting of designated assets. As such, the Applicant proposes this topic is scoped in.

- 5.14.2 HES noted that the wreck site of the 20th century wooden fishing vessel 'Marjory' (Canmore 102846) is located within the Proposed Works boundary and agreed it is likely to be affected by the land reclamation, piling and dredging works. From the Scoping Report it is implied that these works will result in the removal or encapsulation of the wreck. Therefore, mitigation is required. In line with the HES representation, the Scottish Ministers advise that a Written Scheme of Investigation to cover survey and recording work, is submitted with the EIA Report and agreed, prior to the commencement of removal or encapsulation to ensure preservation of the wreck by record.
- 5.14.3 The Scottish Ministers acknowledge that a Protocol for Archaeological Discovery is intended to be submitted with the EIA Report and advise that this should be informed by analysis of seabed surveys relative to paleoenvironmental deposits, previously unknown archaeological features and artefacts. This can be supported by data previously obtained for the DWP development, however, further surveys of any new areas within the Proposed Works boundary and buffer zones should be undertaken to inform the assessment. The Applicant is directed to the HES and CnES representations in this regard.
- 5.14.4 There is the potential for setting impacts on several onshore designated heritage assets as a result of the storage of wind turbines, the Scottish Ministers agree with the Applicant's proposal to scope this in to the EIA for further assessment. With respect to this, the visual impact assessment should be expanded beyond the 5 kilometre buffer to account for the impact of floating wind turbines. The Applicant is directed to the CnES and HES representations in this regard.
- 5.14.5 The Scottish Ministers highlight the CnES representation in relation to the potential impact to the island dun in Loch Arnish through shock waves or vibration as a result of the construction methods proposed. The Applicant is advised to engage with HES in this regard.

5.14.6 The Scottish Ministers advise that further engagement between the Applicant and HES should inform the EIA. Furthermore, the Applicant is directed to the HES representation with regard to the requirements of the assessment and advised that this is fully considered in undertaking the assessment.

5.14.7 The Scottish Ministers concur with the Scoping Report and advise that archaeology and cultural heritage is scoped in.

5.15 Human Health

5.15.1 Section 20 of the Scoping Report considers the impacts of the Proposed Works on human health. The World Health Organisation's ("WHO") constitution defines health as a "state of complete physical, mental, and social well-being, not merely the absence of disease or infirmity" (WHO, 1946), and the Scoping Report takes this perspective when considering the impacts from both the construction and operational phases of the Proposed Works. The Applicant contends that in line with IEMA guidance any effects determined as non-significant may be scoped out.

5.15.2 Social environment impacts are covered in section 20 of the Scoping Report. These include housing; relocation of workforce; transport; and community identity, culture, resilience, and influence. Although the report acknowledges that there will be minor potential social impact in these domains (both positive and negative), the report argues that the impacts will be non-significant and should be scoped out. Scottish Ministers disagree and advise that social environmental impacts should be assessed within the EIA in line with MAU advice, however are satisfied that this can be assessed as part of the Socio-Economic Impact Assessment ("SEIA") and direct the Applicant to section 5.16 of this Scoping Opinion in this regard.

5.15.3 The Scottish Ministers agree with the Applicants proposal for human health to be scoped out provided social environmental impacts are appropriately assessed in the SEIA. The Applicant is directed to the response from CnES and its agreement to this approach in its representation.

5.16 Population and Socio-Economics

5.16.1 Section 21 of the Scoping Report considers the potential impacts of both construction and operational phases of the Proposed Works and concludes a significant positive impact on the population and socio-economic conditions of the area including but not limited to increased jobs, local sourcing of materials, income through supply chain and education and training opportunities. Given the significant impact identified, the Applicant contends

that population and socio-economics is scoped in and proposes to include an SEIA with the EIA Report.

- 5.16.1 The Scottish Ministers agree with the Applicants proposal to scope in population and socio-economics and produce an SEIA with the EIA Report. A detailed description of the methodology used to assess social and economic impacts must be included in the SEIA, including specific details about the methodological approach taken and any key assumptions that underpin any findings. Additionally, the Scottish Ministers advise the use of a broader and more up to date range of data sources and direct the Applicant to the MAU advice in this regard.
- 5.16.2 The Applicants attention is again drawn to the response from MAU, particularly in relation to analysis of employment impacts of the Proposed Works, including the direct, indirect and induced impacts and advised to fully consider this in undertaking the SEIA. Furthermore, as advised in section 5.15.2 of this Scoping Opinion, the SEIA should include a proportionately detailed assessment of social environmental impacts.
- 5.16.3 The Scottish Ministers advise the Applicant consider engaging with local communities in undertaking the SEIA, the MAU advice provides more guidance in this regard.
- 5.16.4 For the avoidance of doubt, the Scottish Ministers agree with the inclusion of an SEIA and advise that this must also include assessment of social environmental impacts. The Applicant is directed to Annex 1 of the MAU advice for general guidance in undertaking an SEIA.

5.17 Shipping and Navigation

Section 22 of the Scoping Report details the impacts from shipping and navigation and propose to scope it out of the EIA Report. The Applicant contends that the assessment of impacts from both the construction and operational phases of the Proposed Works are mitigated fully by the ports compliance with the Port Marine Safety Code via their Marine Safety Management System (“MSMS”). The Scottish Ministers disagree with this assessment and advise that shipping and navigation is scoped in to the EIA Report for both the construction and operational phases of the Proposed Works.

- 5.17.1 The Scottish Ministers advise that the Navigation Risk Assessment carried out in 2020 should be updated to include the Proposed Works along with a robust MSMS to include the Proposed Works in accordance with the Port Marine Safety Code and its Guide to Good Practice. This should be used to

inform assessment of the impact of the Proposed Works on shipping and navigation. The Applicant is directed to the MCA representation in this regard.

- 5.17.2 The Scottish Ministers note that during the operational phase of the Proposed Works the construction, storage and maintenance of large floating wind turbines is anticipated. It is considered there will be oversight by the appropriate International Association of Classification Societies (“IACS”) classification society during construction and deployment, with a perceived risk of large spar or semi-submersible turbine platforms being moved/stored prior to classification approval. Given the rapid development but as yet limited deployment of floating wind turbine technology, experience in this area is not widespread. The Scottish Ministers recognise the concerns raised by the Scottish Fishermen’s Federation in respect of all aspects associated with novel port operations. As such, the Scottish Ministers advise that the assessment must include the impacts of the assembly, storage and maintenance of wind turbines as it has the potential to result in a remarkable increase in traffic and cause disruption to shipping and navigation at the port.
- 5.17.3 The Scottish Ministers advise that consideration is given to impacts on recreational boat users in the EIA Report and directed to the RYA representation in this regard.
- 5.17.4 For the avoidance of doubt, the Scottish Ministers do not concur with the Scoping Report and advise that shipping and navigation is scoped in.

5.18 Aviation

- 5.18.1 Section 23 of the Scoping Report considers the impact on both the construction and operational aspects of the Proposed Works on aviation. It is noted that once the quayside and heavy lift area are complete, installation and commissioning of a ring-crane on the heavy lift area during the operational phase of the Proposed Works will introduce structures of up to 250m in height. Wind turbines will also be present during the operational phase. Such structures could interact with aviation and as such the Applicant proposes to scope aviation in.
- 5.18.2 The Applicant is directed to the CAA representation and advised to fully consider it in producing the EIA Report. In particular, the Proposed Works potential to interfere with communications system must be assessed.
- 5.18.3 The Scottish Ministers advise that the EIA Report must include an assessment on the potential impact of the Proposed Works, specifically the presence of wind turbines during the operational phase, on the Sandwick

radio and surveillance site. The Applicant is directed to the NATS representation in this regard.

- 5.18.4 The Scottish Ministers concur with the Applicant and also with CAA and NATS in that aviation is scoped in.

5.19 Accidents and Natural Disasters

- 5.19.1 The Applicant has considered accidents and natural disasters within section 25 of the Scoping Report with consideration of potential impact of accidents and natural disasters in section 25.3. The Applicant proposes that accidents and natural disasters are scoped out.

- 5.19.2 The Scottish Ministers acknowledge the Applicant's consideration of the Institute of Environmental Management and Assessment ("IEMA") 'Major Accidents and Disasters in EIA: A Primer' to assess whether or not to scope in accidents and natural disasters. Table 25.3.1 of the Scoping Report presents the types of major accidents or disasters considered in the assessment, the design measures or legal requirements, codes and standards to manage the risk, justification for potential impacts to be scoped out and where it is proposed to be assessed within another receptor chapter of the EIA Report if required. In relation to shipping and aviation transport incidents, the Applicant is directed to section 5.17 and 5.18 of this Scoping Opinion. The Scottish Ministers are satisfied that risks identified will be addressed through the relevant receptor chapters and with appropriate mitigation via the relevant codes and standards in regard to both shipping and navigation and aviation to justify the scoping out of accidents and natural disasters.

- 5.19.3 The Scottish Ministers therefore agree that accidents and natural disasters can be scoped out, providing that potential impacts are assessed within the relevant receptor chapters.

5.20 Cumulative Impacts

- 5.20.1 Consideration of cumulative impacts are outlined in Section 26 of the Scoping Report. The Applicant references IEMA guidance in respect of this and proposes to review the potential effects of identified relevant projects to evaluate whether they could impact on the same receptors being assessed in the EIA Report. Cumulative assessment will be considered for the relative topic areas, along with any mitigation measures.
- 5.20.2 The Scottish Ministers agree that cumulative impacts, particularly those occurring in relation to the nearby DWP development, should be included in

the EIA Report for all relevant topics, and are satisfied that this can be achieved in the manner set out by the Applicant.

6. Application and EIA Report

6.1 General

- 6.1.1 The EIA Report must be in accordance with the 2017 MW Regulations and the Scottish Ministers draw your attention in particular to, regulation 6. In accordance with the 2017 MW 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 The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). This assessment must be coordinated with the EIA in accordance with the 2017 MW 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 Applicant must provide confirmation of how this Scoping Opinion is reflected in the EIA Report.

7. Multi-Stage Regulatory Approval

7.1 Background

- 7.1.1 The 2017 MW Regulations contain provisions regulating the assessment of environmental impacts. A multi-stage 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 principle decision, assessment must be undertaken at the subsequent stage.
- 7.1.2 The definition in the 2017 MW Regulations is as follows: “application for multi-stage regulatory approval” 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 works permitted by the regulatory approval may be begun”.
- 7.1.3 A marine licence, if granted, by the Scottish Ministers for the Proposed Works, 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 approval the Applicant 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 regulatory approval the Scottish Ministers consider that the works 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 2017 MW Regulations, and procedures for consultation, public participation, public notice and decision notice of additional information will apply.

Signed

DAY MONTH YEAR

Authorised by the Scottish Ministers to sign in that behalf.

Appendix I: Consultation Responses & Advice

Appendix II: Gap Analysis

Applicant to complete:

Consultee	No.	Point for Inclusion	EIA Report Section	Justification
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