

Marine Directorate - Licensing Operations Team Scoping Opinion

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

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

and

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

MachairWind Offshore Wind Farm

January 2025



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1. Introduction

1.1 Background

- 1.1.1 On 30 September 2024, the Scottish Ministers received a scoping report (“the Scoping Report”) from ScottishPower Renewables (“the Developer”) as part of its request for a scoping opinion relating to Machiar Wind Offshore Wind Farm (“the Proposed Development”). The Scottish Ministers considered the content of the Scoping Report as sufficient and in accordance with regulation 14 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“2017 MW Regulations”) and regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“2017 EW Regulations”), collectively referred to as “the EIA Regulations”.
- 1.1.2 This scoping opinion is adopted by the Scottish Ministers under the EIA Regulations (“Scoping Opinion”) in response to the Developer’s request and should be read in conjunction with the Scoping Report. The matters contained in the Scoping Report have been carefully considered by the Scottish Ministers and use has been made of professional judgment, based on expert advice from stakeholders and Marine Directorate in-house expertise and experience. This Scoping Opinion identifies the scope of impacts to be addressed and the method of assessment to be used in the Environmental Impact Assessment Report (“EIA Report”) for the Proposed Development.
- 1.1.3 The Scottish Ministers, in adopting this Scoping Opinion, have, in accordance with the EIA Regulations, taken into account the information provided by the Developer, in particular, information in respect of the specific characteristics of the Proposed Development, including its location and technical capacity and its likely impact on the environment. In addition, the Scottish Ministers have taken into account the representations made to them in response to the scoping consultation they have undertaken.
- 1.1.4 In examining the EIA Report, and any other environmental information, the Scottish Ministers will seek to reach an up to date reasoned conclusion on the significant effects on the environment from the Proposed Development. This reasoned conclusion will be considered as up to date if the Scottish Ministers are satisfied that current knowledge and methods of assessment have been taken account of. For the avoidance of doubt, this Scoping Opinion does not preclude the Scottish Ministers from requiring the Developer to submit additional information in connection with any EIA Report submitted with an application for consent under section 36 (“s.36 consent”) of The Electricity Act 1989 (“the 1989 Act”) and a marine licences under The Marine (Scotland) Act 2010 (“the 2010 Act”).

- 1.1.5 In the event that the Developer does not submit applications for a s.36 consent under the 1989 Act and marine licence under the 2010 Act for the Proposed Development within 12 months of the date of this Scoping Opinion, the Scottish Ministers strongly recommend that the Developer seeks further advice from them regarding the validity of the Scoping Opinion.
- 1.1.6 The Scottish Ministers advise that as more than one set of environmental impact assessment regulations apply the most stringent requirements must be adhered to in terms of, for example, consultation timelines and public notice requirements.
- 1.1.7 The Developer submitted a Habitats Regulations Appraisal (“HRA”) screening report (“HRA Screening Report”) alongside the Scoping Report on 30 September 2024 in relation to the Proposed Development. The Scottish Ministers response to the HRA Screening Report is contained within the relevant receptor chapters of this Scoping Opinion.

2. The Proposed Development

2.1 Introduction

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

2.2 Description of the Proposed Development

- 2.2.1 The Proposed Development has been split between three development areas as described in Table 1.1 of the Scoping Report; the windfarm development area, the offshore transmission development area and the onshore transmission development area. This scoping opinion relates to the Windfarm Development Area only. Separate consents will be sought for the Offshore Transmission Development Area and Onshore Transmission Development Area and each will be subject to its own individual EIA process in accordance with the relevant EIA Regulations.
- 2.2.2 The Wind Farm Development Area is located off the west coast of Scotland, northwest of Islay and west of Colonsay within the ScotWind leasing round W1 Plan Option Area with a boundary comprising 510 square kilometres. As the Proposed Development will have an installed capacity greater than 50 megawatts, it will require the Scottish Ministers' to grant a s.36 consent under the 1989 Act to allow its construction and operation. The Proposed Development is situated within the 12 nm boundary and will therefore require marine licences granted by the Scottish Ministers under the 2010 Act, to permit any and all 'licensable marine activities' carried out for the Proposed Development. The onshore grid connection point is expected to be located in South Ayrshire but is not yet confirmed.
- 2.2.3 The key components of the Proposed Development, located in the Option Agreement Area, will include; a maximum of 147 wind turbine generators ("WTGs") on fixed foundations; inter-array cables ("IACs") linking the WTGs together and to the Offshore Substation Platform; if required, Scour protection for foundation structures supporting the WTGs and external cable protection for IACs, if required. The project design envelope will be implemented in the EIA to allow room for flexibility in the final design of the Proposed Development.
- 2.2.4 The Developer expects to apply for Safety Zones under the Energy Act 2004 during construction and major maintenance activities, and around certain offshore structures during the Operation and Maintenance phase.

2.2.5 It is anticipated that the Project will have a capacity of around 2 gigawatts.

2.3 Onshore/Planning/Harbour Revision Order

2.3.1 The Scottish Ministers note that the Scoping Report only describes the wind farm development area components of the Proposed Development and that the Developer seeks to obtain a separate Scoping Opinion from MD-LOT, for the associated offshore transmission works, and intends to submit a separate planning application to South Ayrshire Council, for the associated onshore transmission infrastructure, at a later date. For completeness, the Scottish Ministers highlight the requirement for the Developer to obtain a separate Scoping Opinion from South Ayrshire Council for the associated onshore transmission infrastructure.

2.3.2 It is essential that sufficient information concerning proposed offshore export cable works and onshore works is included in the wind farm development area EIA Report to understand the cumulative impacts of the Proposed Development. This will ensure that as much information as possible relating to the project as a 'whole' is presented. The EIA Report for the Proposed Development must consider the cumulative impacts with the onshore works.

2.4 The Scottish Ministers' Comments

Description of the Proposed Development

2.4.1 Section 3.2 of the Scoping Report outlines the Project Design Envelope approach. Although an indicative design envelope has been provided in Tables 3.2 to 3.7 of the Scoping Report, the EIA Report must include a full and detailed description of all options considered within the design envelope. The advice provided in this Scoping Opinion is proportionate to the level of detail provided in the Scoping Report. Further information on the design envelope approach is set out in Sections 2.4.17 to 2.4.20 of the Scoping Opinion below.

2.4.2 Section 3.4.1 of the Scoping Report states that the final WTG design will be defined post consent. The Scottish Ministers advise that the EIA Report must include a full and detailed description of all WTG parameters considered within the design envelope.

2.4.3 Section 3.4.2 of the Scoping Report states that a number of fixed foundation substructure designs are currently being reviewed for the Proposed Development. A design envelope has been provided in Tables 3.3 to 3.6 of the Scoping Report. The Scottish Ministers advise that the EIA Report must include a full and detailed description of all substructure designs considered within the design envelope.

- 2.4.4 Section 3.4.4 of the Scoping Report outlines that IACs will either be buried below the seabed or will utilise external cable protection such as rock placement and concrete mattresses once cabling becomes static on the seabed. 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 within the EIA Report to show how this has been estimated prior to the further geophysical and geotechnical surveys being undertaken. Where reliance is placed on a subsequent cable plan or cable burial risk assessment as mitigation, the EIA Report must explain how this measure will mitigate the effects, what measures are proposed for inclusion and the effectiveness and degree of confidence that can be placed on such measure. It is recommended that such plans are included alongside the EIA Report.
- 2.4.5 Any cable protection to be used to protect the IACs must be assessed in the EIA Report including details on materials, quantities and location. In addition, any seabed levelling or removal of substances or objects from on or under the seabed, required for installation of IACs will require consideration in the EIA Report and may 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 Developer may also be required to submit pre-dredge sample analysis, this should include supporting characterisation of the new or existing deposit sites.
- 2.4.6 Section 3.5.3.1 of the Scoping Report outlines that boulders may be present at the site of the Proposed Development. The EIA Report must provide the anticipated estimate of boulders to be cleared (including how much uncertainty may be associated with the figures presented). Clear narrative must be provided within the EIA Report to show how this has been estimated.
- 2.4.7 Section 3.5 of the Scoping Report provides an overview of the proposed development phases. There is brief mention of pre-construction surveys and site investigations including geophysical surveys and unexploded ordnance (“UXO”) surveys within Section 3.5.2. The Scottish Ministers advise that the EIA Report must describe and assess the environmental effects, including in-combination effects, of the range of surveys which may be required such as geophysical and geotechnical survey activities and UXO clearance. The EIA Report must also include consideration of the options which will be assessed in relation to UXO clearance, the differences amongst them and an assessment of the environmental effects of these options. In this regard, the Scottish Ministers advise that the EIA Report must include a worst case scenario of high order detonation in terms of impact and mitigation, unless there is robust supporting evidence that can be presented to show consistent performance of the preferred low order or deflagration method. The Scottish

Ministers refer to the Joint Statement – Marine environment: unexploded ordnance clearance¹ in this regard.

- 2.4.8 The Scottish Ministers, in line with the Transport Scotland advice, advise that the EIA Report should assess the potential impact of the transport of materials on the trunk road network and include an abnormal loads assessment report should WTG components require to be transported by road to ports prior to assembly. This view is supported by Argyll and Bute Council.
- 2.4.9 Section 3.5.4 of the Scoping Report details that the operation and maintenance activities will be considered once the infrastructure details are confirmed and an operation and maintenance base for the Proposed Development has been selected. 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 Development and any anticipated cumulative impacts with neighbouring developments. Such proposed activities may require to be permitted by a marine licence issued for the Proposed Development, unless an exemption applies.
- 2.4.10 Section 3.5.5 of the Scoping Report confirms a decommissioning programme will be prepared and submitted to Scottish Ministers in line with the Energy Act 2004 and that further details will be provided in the EIA Report. The EIA Report must include an assessment of potentially significant effects during the decommissioning phase of the Proposed Development. 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.
- 2.4.11 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.
- 2.4.12 The Scottish Ministers were content to consult on the Scoping Report without coordinates included. However, coordinates must be included alongside the EIA Report detailing the outline of the offshore turbine array.
- 2.4.13 The Scottish Ministers direct the Developer to the NatureScot representation on the need to understand potential impacts holistically at a wider ecosystem

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

scale, rather than just as discrete individual receptor assessments. The Scottish Ministers therefore advise that potential impacts should be given consideration across key trophic levels, particularly in relation to the availability of prey species. Detailed advice on assessment of across trophic levels is provided in the receptor chapters in Section 5 of the Scoping Opinion.

- 2.4.14 Regulatory approvals will be required for licensable activities including all construction activities, whether as part of the original construction or any subsequent alteration or improvement, any deposit on, or removal from on or under, the seabed of substances, any dredging and deposit, and any use of explosive substances. Any reference to the 'Proposed Development' in this Scoping Opinion should be taken, as appropriate, to include all activities in connection with the construction, alteration, improvement (including 'change-outs' of components) and decommissioning of the Proposed Development for which a regulatory approval will be needed. The Developer should give consideration to all activities related to the Proposed Development which require regulatory approval and ensure that these are applied for as appropriate.
- 2.4.15 With regards to the HRA Screening Report, the Scottish Ministers highlight that the representations provided by consultees should be taken into account in the HRA Report to be submitted alongside the EIA Report. Detailed advice is provided in the receptor chapters in Section 5 of this Scoping Opinion.
- 2.4.16 The Sectoral Marine Plan for Offshore Wind² identified one of the key risk factors for the West region, where the Proposed Development is located, is risks to bird species, including collision risk and displacement, as well as potential impact to birds on migratory pathways. Consequently, this may require the consideration / submission of a without prejudice derogation package under the Habitats Regulations with identification of suitable compensation measures as well as evidence of meeting all the required tests. The Developer should continue to liaise with Marine Directorate on this point going forward.
- 2.4.17 In line with the Scottish Government Language Plan 2022-27, the Scottish Ministers encourage the Developer to publicise the EIA Report and associated applications in both English and Gaelic.

Design Envelope

- 2.4.18 The Scottish Ministers note the Developer's intention to apply a 'Design Envelope' approach. Where the details of the Proposed Development cannot

² [Sectoral marine plan for offshore wind energy - gov.scot \(www.gov.scot\)](http://www.gov.scot)

be defined precisely, the Developer will apply a worst case scenario, as set out in Section 3.2 of the Scoping Report.

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

Alternatives

- 2.4.22 The EIA Regulations require that the EIA Report include ‘a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the Developer, which are relevant to the proposed works and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects’. The Scottish Ministers acknowledge section 3.6 of the Developer’s Scoping Report setting out the consideration of alternatives to date together with the planned activities that are proposed to inform the EIA Report further. The Scottish Ministers advise however that these considerations must include how decommissioning has been taken into account within the design options. The Scottish Ministers advise that this must

be based on the presumption of as close to full removal as possible of all infrastructure and assets and should consider the methods and processes of doing so.

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

3. Contents of the EIA Report

3.1 Introduction

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

3.2 EIA Scope

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

3.3 Mitigation and Monitoring

- 3.3.1 The Developer has committed to several mitigation plans, including but not limited to a Vessel Management Plan ("VMP"), Fisheries Management and Mitigation Strategy, a Marine Pollution Contingency Plan and a Marine Mammal Mitigation Protocol. A Mitigation Register, as Appendix A 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 Developer has had regard to the mitigation hierarchy, including giving consideration to the avoidance of key receptors. The Scottish Ministers advise that where the mitigation is envisaged to form part of a management or mitigation plan, the EIA Report must set out these plans or the reliance on these in sufficient detail so the significance of the residual effect can be assessed and evaluated. This should also include identification of any monitoring and remedial actions (if relevant) in the event that predicted residual effects differ to actual monitored outcomes. Commitment to develop plans without sufficient detail is not considered to be suitable mitigation in itself.
- 3.3.3 The EIA Report must include a table of mitigation which corresponds with the mitigation identified and discussed within the various chapters of the EIA Report and accounts for the representations and advice attached in Appendix I.

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

4. Consultation

4.1 The Consultation Process

4.1.1 Following receipt of the Scoping Report, the Scottish Ministers, in accordance with the EIA Regulations, initiated a 30 day consultation process, which commenced on 17 October 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:

- *Argyll and Bute (Marine and Coastal)*
- **Argyll and Bute Council**
- *Argyll and Bute Renewables Alliance*
- **Argyll District Salmon Fishery Board**
- *Argyll Fisheries Trust*
- *Argyll Lomond & the Islands Energy Agency*
- *Ayr Fishery Office*
- **British Telecom**
- *Caledonian Maritime Assets Ltd*
- *CalMac*
- *Campbeltown Community Council*
- *Campbeltown Fishery Office*
- *Civil Aviation Authority*
- **Clyde Fishermans Association**
- *Clyde Marine Planning Partnership*
- *Coll Community Council*
- *Colonsay Community Council*
- *Communities Inshore Fisheries Alliance*
- *Crown Estate Scotland*
- *Cruise Association*
- *David Macbrayne Limited*
- *Deepwind Offshore Wind Cluster*
- **Department of Agriculture, Environment and Rural Affairs (“DAERA”)**
- *Donegal County Council*
- *Feolin Ferry Terminal & Craighouse Pier*
- **Fisheries Management Scotland (“FMS”)**
- *Gigha Community Council*
- *Glasgow Airport*
- *Glensanda Port*
- *Haven Offshore Array*
- **Highlands and Islands Airport Limited (“HIAL”)**
- *Highlands and Islands Enterprise*

- **Historic Environment Scotland (“HES”)**
- *Inshore Fishery Groups*
- **Iona Community Council**
- *Islay Community Council*
- **Joint Radio Company**
- *Jura Community Council*
- *Laggan and Sorn District Salmon Fishery Board*
- *Loch Ryan Port*
- *Luing Community Council*
- *Malin Seawind - INTOG*
- *Marine Safety Forum*
- **Maritime and Coastguard Agency**
- **Ministry of Defence Defence Infrastructure Organisation (“MOD”)**
- *MOWI ASA*
- *Mull Community Council*
- *National Islands Plan Delivery Group*
- *National Parks and Wildlife Service (Republic of Ireland)*
- *National Trust for Scotland*
- **National Air Traffic Services “NATS”**
- **Natural England**
- *Natural Resource Wales*
- **NatureScot (Operating name of Scottish Natural Heritage)**
- *Nomadic Offshore Wind*
- **North Ayrshire Council**
- **Northern Lighthouse Board (“NLB”)**
- *Nova Innovation - Oran Na Mara Tidal Project*
- *Oban Community Council*
- *Oban Fishery Office*
- *Office of Gas and Electricity Markets*
- *Offshore Energies UK*
- *Peel Ports Group Ltd - Greenock Ocean Terminal*
- *Planning*
- *Port Askaig*
- *Port of Cairnryan*
- *Ports & Harbours*
- *Prestwick Airport*
- *Renewable UK*
- *Royal National Lifeboat Institution*
- **Royal Society for the Protection of Birds Scotland (“RSPB Scotland”)**
- **Royal Yachting Association (“RYA”)**
- *Scottish Canoe Association*

- *Scottish Creel Fishermen's Federation*
- *Scottish Environment Protection Agency*
- **Scottish Fishermen's Federation ("SFF")**
- *Scottish Fishermen's Organisation*
- *Scottish Hydro Electric Transmission*
- *Scottish Maritime Cluster*
- *Scottish Offshore Wind Energy Council*
- *Scottish Pelagic Fishermen's Association*
- *Scottish Southern Electricity Networks - Transmission*
- *Scottish Surfing Federation*
- **Scottish Water**
- *Scottish White Fish Producers Association*
- *Scottish Wildlife Trust*
- *Seil and Easdale Community Council*
- *South Ayrshire Council*
- *South West Coast Regional Inshore Fisheries Group*
- *Southend Community Council*
- *Sport Scotland*
- *Surfers Against Sewage*
- *The Department for Energy Security and Net Zero*
- *The Laggan Community Council*
- *Tiree Community Council*
- **UK Chamber of Shipping ("UKCoS")**
- *Visit Scotland*
- *West Kintyre Community Council*
- *Whale & Dolphin Conservation*
- *Women's International Shipping & Trading Association UK*

4.1.2 Specific advice was sought from the Marine Directorate – Science Evidence Data and Digital ("MD-SEDD") and Transport Scotland ("TS").

4.2 Responses received

4.2.1 From the list above a total of 25 responses were received. Advice was also provided by MD-SEDD and TS. The purpose of the consultation was to seek representations to aid the Scottish Ministers' consideration of which potential effects should be scoped in or out of the EIA Report.

4.2.2 The Scottish Ministers are satisfied that the requirements for consultation have been met in accordance with the EIA Regulations. The sections below highlight issues which are of particular importance with regards to the EIA Report and the s.36 consent and marine licence applications. The

representations and advice received are attached in Appendix I and each must be read in full for detailed requirements from individual consultees.

5. Interests to be considered within the EIA Report

5.1 Introduction

- 5.1.1 This section contains the Scottish Ministers' opinion on whether the impacts identified in the Scoping Report are scoped in or out of the EIA Report. The Scottish Ministers advise that the representations from consultees and advice from MD-SEDD and 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 Physical Environment

- 5.2.1 The Scottish Ministers are broadly content with the proposed study area described in Section 6.6, however, highlight the NatureScot representation regarding the definition of 'short distance' and request that this must be fully addressed and implemented in the EIA Report.
- 5.2.2 The Scottish Ministers are content with the proposed data sources used to characterise the baseline in Section 6.4.
- 5.2.3 Table 6.7 of the Scoping Report summarises the impacts to be scoped in and out of the assessment. The Scottish Ministers broadly agree with the impacts proposed to be scoped in. However, in line with advice from MD-SEDD and representation from NatureScot, advise that impacts on mixing and stratification is also scoped in due to consistent seasonal stratification. The Scottish Ministers highlight the advice provided by MD-SEDD on this topic and advise that this should be fully addressed and implemented in the EIA Report. In addition, the Scottish Ministers note the representation from NatureScot which states that 'seabed morphology and bedload sediment transport' and the potential impact on 'bedload sediment transport' are not well differentiated within the EIA Report and recommends that these two impacts are merged into one within the EIA Report to provide a more holistic assessment of these impacts. The Scottish Ministers request that this approach is undertaken within the EIA Report in line with these representations.
- 5.2.4 The Scottish Ministers are broadly content with the approach to the assessment, as set out in Section 6.12 of the Scoping Report, however, highlight the advice from MD-SEDD and representation from NatureScot regarding the use of numerical, and Source-Pathway-Receptor conceptual models and advise that this be fully addressed and implemented in the EIA Report, and further consultation is undertaken with NatureScot regarding the proposed methodology.
- 5.2.5 The Scottish Ministers highlight the representation from NatureScot regarding

the proposed approach to mitigation and request that this must be fully addressed and implemented in the EIA Report.

5.2.6 Potential cumulative effects are summarised in Section 6.10 of the Scoping Report and the Scottish Ministers are content with this approach.

5.2.7 The Scottish Ministers are in agreement that transboundary impacts can be scoped out of the EIA for marine physical environment receptors, as discussed in Section 6.11 of the Scoping Report.

5.3 Offshore Air Quality

5.3.1 The Scottish Ministers agree with the Developer's view that Offshore Air Quality for the offshore elements of the Proposed Development can be scoped out of the EIA Report.

5.4 Benthic Ecology

5.4.1 The Scottish Ministers are broadly content with the study area as defined in Section 8.6 of the Scoping Report and that the baseline data gathered for the assessment is appropriate. This view is supported by NatureScot.

5.4.2 In line with the representation from NatureScot, the Scottish Ministers broadly agree with the impacts to be scoped in and out as summarised in Table 8.8 of the Scoping Report. The Scottish Ministers highlight the representation made by SFF relating to impacts to benthic invertebrates from thermal emissions, disturbance from noise and vibration on fish and shellfish, and foundation works and advise that consideration is given to these points in the EIA Report.

5.4.3 With regard to the proposed approach to assessment as outlined in section 8.12 of the Scoping Report, the Scottish Ministers are broadly content with this approach, however highlights the representation from NatureScot regarding site-specific surveys, priority marine features and definition of value and request that this must be fully addressed and implemented in the EIA Report.

5.4.4 The Scottish Ministers note that no sites with Annex 1 habitat features are located within the Proposed Development site boundary. However, the Scottish Ministers highlight the NatureScot representation which states that surveys identified stony reef with epifauna relating to this habitat immediately adjacent to the Proposed Development and therefore advise that potential impacts on this site should be considered further, and if necessary, included for assessment.

5.4.5 Section 8.10 of the Scoping Report considers potential cumulative impacts. In line with the NatureScot representation, the Scottish Ministers advise that the Cumulative Effects Assessment ("CEA") for benthic ecology should consider

all proposal alone impacts deemed negligible. Additionally, the Scottish Ministers advise that the impacts of electromagnetic field (“EMF”) are also considered in the cumulative assessment, and refer the Developer to the NatureScot representation for further details.

- 5.4.6 The Scottish Ministers highlight the representation from NatureScot regarding the proposed approach to mitigation and request that consideration is given to ensuring a target cable burial depth of at least 1m to mitigate the effects of EMF on benthic ecology receptors. In addition, the Scottish Ministers direct the Developer to the representation from Argyll and Bute Council with regards to cable burial depth for consideration.
- 5.4.7 The Scottish Ministers are in agreement that transboundary impacts can be scoped out of the EIA for Benthic Ecology, as discussed in Section 8.11 of the Scoping Report.

5.5 Fish (including Basking Shark) and Shellfish Ecology

- 5.5.1 The Scottish Ministers are broadly content with the two proposed study areas described in Section 9.6, but highlight the representation made by NatureScot regarding maximum tidal excursion for consideration.
- 5.5.2 With regards to the baseline information described in Section 9.5 of the Scoping Report, the Scottish Ministers are broadly content with the proposed data sources proposed, but highlight the additional data sources recommended by NatureScot and advise that these are included in the EIA Report. In addition, the Scottish Ministers direct the Developer to the representation from FMS with regards to designated sites relevant to fish and shellfish ecology for consideration.
- 5.5.3 The impact pathways proposed to be scoped in and out of the EIA are summarised in Table 9.9 of the Scoping Report. The Scottish Ministers are broadly content, subject to the following comments. The Scottish Ministers highlight the representation made by NatureScot regarding diadromous fish which may pass through the Proposed Development and request that all Priority Marine Features (“PMFs”) are scoped in for further assessment. This view is supported by FMS. In addition, the Scottish Ministers highlight the representation from FMS in regard to PMFs for consideration. The Scottish Ministers highlight the comments made in the representation by NatureScot regarding fish aggregation around WTGs and other hard structures and advise that these must be scoped in for assessment in the EIA Report. The Scottish Ministers also request that the comments from NatureScot on potential impacts during the decommissioning phase of the Proposed Development are fully considered by the Developer.

- 5.5.4 The Scottish Ministers are broadly content on the approach to the assessment as detailed in Section 9.12, however advise the Developer to fully consider the comments from NatureScot regarding PMFs and changes in prey availability. The Scottish Ministers direct the Developer to the Predators and Prey Around Renewable Energy Developments project³ in this regard. Additionally, the Scottish Ministers draw attention to the NatureScot representation regarding underwater noise modelling for consideration.
- 5.5.5 In terms of the approach to the cumulative impact assessment, as detailed in Section 9.12 of the Scoping Report, the Scottish Ministers advise that the CEA for fish and shellfish ecology should consider all proposal alone impacts deemed negligible. Additionally, the Scottish Ministers advise that the impacts of EMF are also considered in the cumulative assessment in line with advice from NatureScot.
- 5.5.6 The Scottish Ministers have reviewed the mitigation measures detailed in Table 9.8 of the Scoping Report and advise that, where impact pathways have been identified, 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 in line with the NatureScot representation. In addition, as the area of the Proposed Development lies within spawning and nursery areas, the Scottish Ministers directs the Developer to the SFF representation in relation to the timing of construction activities and surveys and advise that this is fully considered within the EIA Report. Finally, the Scottish Ministers draw attention to the representation from FMS with regards to mitigation and monitoring strategies for diadromous fish for consideration.
- 5.5.7 The Scottish Ministers are in agreement that transboundary impacts should be scoped into the EIA for fish and shellfish, as discussed in Section 9.11. This view is supported by NatureScot.
- 5.5.8 Additionally, in line with the advice within the NatureScot representation, the Scottish Ministers advise that migratory fish should currently be assessed only through the EIA process and not through the HRA process. However, the Developer should engage with the Scottish Ministers and NatureScot in regard to any change in how diadromous fish should be assessed through EIA and HRA as a result of ongoing research in this area.

5.6 Marine Mammals

- 5.6.1 The Scottish Ministers are broadly content with the study areas as described in Section 10.6 of the Scoping Report, however highlight the representation

³ [PrePARED – An offshore renewables science project](#)

from NatureScot regarding the digital aerial survey (“DAS”) buffer and Management Units and request that this must be fully addressed and implemented in the EIA Report.

- 5.6.2 The Scottish Ministers are content with the data sources presented in Table 10.3 and 10.4 of the Scoping Report, however direct the Developer to the NatureScot representation and advise to continue using the thresholds published in the 2018 National Marine Fisheries Service for assessments. In addition, the Scottish Ministers highlight the Argyll and Bute Council representation with regards to baseline data assessment for consideration.
- 5.6.3 With regards to the baseline information discussed in Section 10.7 of the Scoping Report, the Scottish Ministers highlight NatureScot comments regarding reference populations, density estimates and receptors which should be fully implemented within the EIA Report.
- 5.6.4 The Scottish Ministers generally agree with the impacts to be scoped in and out as outlined in Table 10.7 of the Scoping Report. However, the Scottish Ministers advise, in line with the NatureScot representation, that geophysical surveys should be scoped into the assessment. In addition, the Scottish Ministers direct the Developer to the NatureScot representation regarding the scoping in/out of auditory injury from operational noise based on results of underwater noise modelling. Finally, the Scottish Ministers highlight the representation from Argyll and Bute Council with regards to cable burial depth for consideration.
- 5.6.5 With regards to the approach to assessment discussed in Section 10.12 of the Scoping Report, the Scottish Ministers highlight NatureScot comments regarding UXO clearance, effective deterrence ranges and sensitivity and magnitude which must be fully addressed and implemented in the EIA Report. In addition, the Scottish Ministers direct the Developer to the representation from NatureScot with regards to European Protected Species licence requirements for consideration, and the need to agree approaches to assessment for Northern Irish waters with DAERA prior to assessment.
- 5.6.6 The Scottish Ministers have reviewed the mitigation measures detailed in Section 10.8 of the Scoping Report and advise that, where impact pathways have been identified, 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 in line with the NatureScot and Argyll and Bute Council representations. In addition, the Scottish Ministers highlight the representation from NatureScot with regards to survey vehicles for consideration.
- 5.6.7 With regard to the approach to the cumulative assessment as described in

Section 10.10 of the Scoping Report, the Scottish Ministers are broadly content. However, the Scottish Ministers draw attention to the NatureScot representation regarding use of Interim Population Consequences of Disturbance and request that this must be fully addressed in the EIA Report. In addition, the Scottish Ministers advise, in line with NatureScot representation, that Northern Irish offshore developments are considered alongside Scottish developments in the cumulative assessment. Finally, Scottish Ministers recommend in order to assess cumulative impacts, the Developer uses the Cumulative Effects Framework, when published, when compiling the EIA Report.

- 5.6.8 In terms of transboundary impacts, the Scottish Ministers highlight the representation from NatureScot which states the possibility of transboundary impacts to the Republic of Ireland, due to underwater noise. The Scottish Ministers therefore recommend the Developer engage further with National Parks and Wildlife Service on this point and advise that these impacts must be assessed, and if appropriate, mitigation proposed in the EIA Report
- 5.6.9 In regard to the Marine Protected Area (“MPA”) Screening Report, the Scottish Ministers refer to the representation from NatureScot and agree that minke whale of the Sea of Hebrides MPA should be screened in for assessment and advise that underwater noise from geophysical survey works should also be scoped in for assessment.
- 5.6.10 In regard to the HRA Screening Report, the Scottish Ministers refer to the representation from NatureScot and advise that until underwater noise modelling is undertaken, potential impacts to otters should be scoped into the HRA. The Scottish Ministers are content with the Special Area of Conservations and qualifying species that have been screened into the HRA but recommend that this list should be reviewed once underwater noise modelling has been undertaken. The Scottish Ministers also direct the Developer to the representation from NatureScot with regards to the screening of cetaceans and seals and advise that these comments should be fully considered. In addition, the Scottish Ministers refer the Developer to the representation from Natural England who confirm that they do not expect to provide further comments or advice on marine mammal receptors unless the project changes substantially. Finally, the Scottish Ministers direct the Developer to the representation from the DAERA with regards to an error in the given area of the Skerries and Causeway SAC and request that this is addressed in the HRA Report.

5.7 Offshore Ornithology

- 5.7.1 5.6.1 The Scottish Ministers are broadly content with the study areas as described in Section 11.6 of the Scoping Report, however highlight the

representation from NatureScot with regards to study area buffers for consideration.

- 5.7.2 With regards to the baseline information described in Section 11.4 and Section 11.5 of the Scoping Report, the Scottish Ministers are broadly content with the proposed data sources proposed, but highlight the additional data sources recommended by NatureScot and advise that these are included in the EIA Report. The Scottish Ministers direct the Developer to the representation from NatureScot and RSPB Scotland with regards to DAS which highlights the possible presence of cryptic species and nocturnally active species (e.g. shearwaters and petrels), which may not be recorded effectively using standard survey methods. In addition, the Scottish Ministers advise, in line with NatureScot representation, that any gaps in DAS data should be filled prior to any assessments being undertaken. Finally, the Scottish Ministers direct the Developer to NatureScot Scientific Advisory Committee, Offshore Wind Ornithological Impact Assessment - Review of Digital Aerial Survey Methods⁴ in this regard, as highlighted in the RSPB Scotland representation, for consideration.
- 5.7.3 The Developer presents the impacts proposed to be scoped in and out of the assessment in Section 11.9 and Table 11.6 of the Scoping Report. The Scottish Ministers are generally content with the impacts proposed, however agree with NatureScot that disturbance and displacement from vessel movements, light attraction and disorientation and UXO clearance must be scoped in to the assessment. This view is supported by RSPB Scotland. The Scottish Ministers direct the Developer to the representation from NatureScot for more information in this regard.
- 5.7.4 The Scottish Ministers are broadly content in the proposed approach to the assessment however request that the NatureScot representation regarding availability bias, SeabORD, population viability assessment and Highly Pathogenic Avian Influenza must be fully implemented in the EIA Report. In addition, the Scottish Ministers draw particular attention to the representation from NatureScot with regards to the approach to collision risk modelling, associated guidance notes, and any possible deviations from NatureScot guidance and advise that this must be fully addressed and implemented in the EIA Report.
- 5.7.5 The Scottish Ministers have reviewed the mitigation measures detailed in Section 10.8 and the mitigation register (appendix A) of the Scoping Report and advise that, where impact pathways have been identified, the full range of mitigation measures and published guidance must be included in the EIA

⁴ [Offshore Wind Ornithological Impact Assessment - Review of Digital Aerial Survey Methods | NatureScot](#)

Report along with further information on proposed offshore ornithology monitoring. This view is in line with the NatureScot and Argyll and Bute Council representations. In addition, the Scottish Ministers highlight the representation from NatureScot which considers there to be scope for additional mitigation measures to be identified and advises that a VMP and disorientation by artificial light sources must be considered.

- 5.7.6 The Scottish Ministers are largely content with the approach to the potential cumulative impacts, as outlined in Section 11.10 of the Scoping Report, however advise that the quantitative assessment of cumulative effects should consider any project which has determined estimates of mortality impacts to relevant species and should not be limited to offshore wind farm projects. This is in line with NatureScot representation. In addition, the Scottish Ministers direct the Developer to the representation from NatureScot for a list of projects that should be considered in the CEA, and agreed with MD-LOT prior to a cumulative impact assessment being undertaken.
- 5.7.7 In terms of transboundary impacts, the Scottish Ministers highlight the representation from NatureScot which states the possibility of transboundary impacts to Special Protection Areas (“SPAs”) in Northern Ireland, England and Wales, as well as protected sites in the Isle of Man and advises that the scoping out of any impacts to SPA colonies based on relevant evidence must be agreed in advance with MD-LOT and NatureScot.
- 5.7.8 In regard to the MPA Screening Report, the Scottish Ministers refer to the representation from NatureScot and agree there is no connectivity to black guillemot of the Clyde Sea Sill MPA for the Proposed Development and can be screened out of the assessment.
- 5.7.9 In regard to the HRA Screening Report, the Scottish Ministers are generally content, however wish to highlight a number of comments raised in the representation from NatureScot.
- 5.7.10 Regarding connectivity between SPA qualifying features and the Proposed Development, NatureScot advises that the approach outlined by the Developer does not consider the impact-receptor pathways and directs the Developer to its guidance on this matter. In addition, NatureScot advise that the likely significant effect (“LSE”) screening matrix should be used to determine which SPAs and features have theoretical connectivity and an impact pathway and outlines that the absence of the LSE screening matrix does not allow NatureScot to follow the impact-receptor pathways being assessed or identify which potential impacts are being considered for each species at each SPA. The Scottish Ministers request that this must be fully addressed and implemented in the Report to Inform the Appropriate Assessment (“RIAA”).

- 5.7.11 Concerning the screening of breeding colonies in the breeding and non-breeding season, the Scottish Ministers highlight the NatureScot representation with regards to the calculation of distances between SPAs and the Proposed Development and request that this must be fully addressed and implemented in the EIA Report. NatureScot advise that similar to guillemot, herring gull are also likely to remain in the vicinity of their breeding colonies throughout the non-breeding season. In addition, the Scottish Ministers advise that herring gull should be assessed through the EIA only and direct the Developer to NatureScot representation for more information in this regard. Finally, the Scottish Ministers highlight the comment from NatureScot with regards to the screening of SPAs into the assessment of LSE for lesser black-backed gull and request that this is addressed in the RIAA.
- 5.7.12 Regarding potential impacts, as outlined in Section 5.7.3 above, NatureScot advise that light attraction and disorientation, particularly with respect to European storm petrel and manx shearwater, should be considered for all stages of the Proposed Development. Similarly, UXO clearance should be scoped in for seabirds, both directly and indirectly, during the preconstruction/ construction phases. In addition, temporary disturbance and displacement should be included in the assessment. Finally, the Scottish Ministers highlight the comments from NatureScot with regards to the FeAST tool and request that this must be fully addressed and implemented in the RIAA.
- 5.7.13 Concerning the in-combination assessment, NatureScot advise that the approach to identifying the requirement of a population viability assessment ("PVA") to assess the long-term impacts of a potential reduction in adult annual survival on an SPA population does not refer to the scenario when an in-combination PVA is not required, if the proposal alone impacts result in an annual mortality of <0.2 birds per annum, and directs the Developer to appendix A of the NatureScot representation for more information in this regard.
- 5.7.14 Regarding non-breeding seasonal impacts, the Scottish Ministers highlight the NatureScot representation in relation to attributing impacts of distributional responses, displacement and barrier effects to non-breeding season BDMPS populations and request that impacts should be assessed against the mean seasonal peak abundance estimates for relevant species. The Scottish Ministers direct the Developer to the representation from NatureScot for more information in this regard.
- 5.7.15 Finally, the Scottish Ministers highlight the representation from NatureScot with regards to the assessment approach for red throated diver, great northern diver, and black-throated diver and request that this must be fully addressed and implemented in the RIAA to ensure a transparent audit trail.

5.8 Commercial Fisheries

- 5.8.1 The Scottish Ministers are broadly content with the proposed study area as detailed in Section 12.6 of the Scoping Report, however, highlight the representation made by the SFF regarding consideration of pelagic fisheries as a commercial fisheries receptor, and request that this is considered in the EIA report.
- 5.8.2 The Scottish Ministers are also broadly content with the data sources used to characterise the baseline as detailed in Table 12.3. However, the Scottish Ministers advise that AIS data, provided by EMODNet, and the use of ScotMap data should be used to further inform the baseline characterisation, as detailed in the MD-SEDD commercial fisheries advice. Additionally, the Scottish Ministers highlight the representation made by the SFF with regards to the use of pre-Brexit data to ensure a realistic baseline of fishing activity and the collection of fishing plotter data from fisheries organisations and specific data from smaller vessels and request that this is fully considered in the EIA Report. Finally, the Scottish Ministers highlight the representation made by the SFF with regards to commercial fishing of non-UK vessels and request that this is considered in the EIA Report.
- 5.8.3 Table 12.5 of the Scoping Report summarises the impacts proposed to be scoped in and out of the EIA Report for commercial fisheries. The Scottish Ministers are broadly in agreement with the impacts to be scoped out and in, however, in line with MD-SEDD commercial fisheries advice, advise that sprat fishery is included as a receptor in the commercial fisheries assessment. This view is supported by SFF. Additionally, for the avoidance of doubt the Scottish Ministers advise that “physical presence of infrastructure and potential exposure of that infrastructure leading to gear snagging” must be scoped in for all phases of the Proposed Development. The Scottish Ministers also draw attention to the representation made by SFF regarding human casualties and gear snagging and request that this is fully considered in the EIA Report. In addition, the Scottish Ministers highlight the SFF representation relating to boulder and UXO clearance for consideration.
- 5.8.4 In terms of mitigation, the Scottish Ministers highlight the representation from the SFF who advise that a Fisheries Management and Mitigation Strategy should be developed in consultation with the SFF and the fishing industry. In addition, the Scottish Ministers direct the Developer to the SFF representation regarding proposals works taking place on the Proposed Development being shared via a Notice to Mariners, appointment of an Offshore Fisheries Liaison Officer, and the use of safety zones and the subsequent impact on fishing activities, which the Scottish Ministers recommend are considered.
- 5.8.5 With regards to the proposed assessment methodology, the Scottish Ministers

direct the Developer to the SFF representation with regards to guidelines used to define the magnitude of impact and sensitivity of receptors for consideration.

- 5.8.6 The Scottish Ministers direct the Developer to the SFF representation regarding design aspects of the Proposed Development, including WTG foundations, inter-array cables, cable burial and protection, scour protection and decommissioning. The Scottish Ministers advise that these must be considered by the Developer when finalising the design parameters for the Proposed Development.
- 5.8.7 The Scottish Ministers are content with the cumulative impacts considered in Section 10.6.3.

5.9 Shipping and Navigation

- 5.9.1 The Scottish Ministers are broadly content with the study area identified in Section 13.6 of the Scoping Report, however note the representation from the RYA who request the inclusion of possible port locations into the EIA Report for consideration.
- 5.9.2 With regards to the shipping and navigation baseline, in line with the representation from the MCA, the Scottish Ministers are content that that the two separate 14 day periods of Automatic Identification System (“AIS”) data set out in the Scoping Report meets the standard MGN 654. However, the Scottish Ministers highlight the UKCoS representation requesting that traffic surveys should be supported by a 12-month AIS analysis for consideration. The Scottish Ministers advise that Marine Accident Investigation Branch data included in the EIA Report should cover a 20-year period to fully assess trends and historic incidents in line with UKCoS representation. Finally, the Scottish Ministers highlight the SFF representation relating to WTG spatial footprint for consideration.
- 5.9.3 Table 13.6 of the Scoping Report summarises the potential impacts on shipping and navigation proposed to be scoped in and out for each phase of the Proposed Development. The Scottish Ministers broadly agree with the impacts scoped into the EIA Report. For the avoidance of doubt, the Developer must ensure that each of the possible impacts on navigational issues, including routing, effects on shipping and safe access to ports, outlined in the MCA representation are addressed within the EIA Report. Finally, the Scottish Ministers highlight the RYA representation around loss of station, failure of Aids to Navigation marking the devices and delays around sharing of information which should be fully addressed in the EIA Report.

- 5.9.4 With regards to approach to assessment, the Scottish Ministers confirm that, in line with the MCA and NLB representations, the Developer will be required to submit a Navigational Risk Assessment in accordance with MGN 654, accompanied by a detailed MGN 654 checklist. Hydrographic surveys should fulfil the requirements set out in Annex 4 of MGN 654. In addition, the MCA and NLB representations regarding the Design Specification and Layout Plan, Navigational Safety Plan and Lighting and Marking Plan should be addressed by the Developer in the EIA Report.
- 5.9.5 The Scottish Ministers highlight the MCA representation 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 within the EIA Report and that a SAR checklist must be completed by the Developer in consultation with the MCA.
- 5.9.6 With regards to cabling routes and cable burial, the Scottish Ministers advise that a Burial Protection Index should be completed and, subject to the traffic volumes, an anchor penetration study may be necessary. The Scottish Ministers advise that this should be fully addressed in the EIA Report and highlight the MCA advice on a maximum 5% reduction in surrounding depth referenced to Chart Datum if cable protection measures are required. Finally, the Scottish Ministers highlight the SFF representation relating to IACs and cable burial and protection for consideration.
- 5.9.7 The Scottish Ministers highlight, in line with MCA and UKCoS representations, that the development area carries a moderate amount of traffic and several important commercial shipping routes to/from UK ports. This requires that careful attention is paid to routing, particularly in heavy weather, so that vessels can continue to make safe passage without large-scale deviations.
- 5.9.8 With regard to potential cumulative effects summarised in Section 13.10 of the Scoping Report, the Scottish Ministers are broadly content with the approach proposed and highlight the MCA requirement for an assessment of the distances between the neighbouring offshore renewable project boundaries and shipping routes in line with MGN Standard 654 which must be addressed in the EIA Report. Additionally, the Scottish Ministers highlight the representation from the MCA, NLB, RYA and UKCoS regarding the Dubh Artach and Skerryvore lighthouse refurbishment work and general navigational safety and advise that this should be fully addressed in the EIA Report. The Scottish Ministers note the representation from UKCoS which welcomes a study area of 50 nautical miles but adds that this must address transboundary effects and advise that this is considered within the EIA Report. Finally, the Scottish Ministers direct the Developer to the representation from the RYA and advise that the additional documentation highlighted should be

considered when assessing the impact on shipping and navigation from the Proposed Development.

5.10 Offshore Archaeology and Cultural Heritage

- 5.10.1 The Scottish Ministers are broadly content with the study area as defined in Section 14.6 of the Scoping Report, however highlight the representation from HES with regards to the assessment of the Proposed Development on the setting of historic environment assets, using detailed zone of theoretical visibility and appropriate visualisations, and request that this must be fully addressed and implemented in the EIA Report.
- 5.10.2 The Scottish Ministers are broadly content with the impact pathways scoped into the EIA as outlined in Table 14.6 of the Scoping Report, however highlight the advice from HES regarding the potential impact on scheduled monuments as a result of the Proposed Development and request that this be fully addressed and implemented in the EIA Report. In addition, the Scottish Ministers request that an assessment of the setting of Dubh Artach lighthouse and how it would be impacted, as a result of the Proposed Development, is undertaken and addressed in the EIA Report. This view is supported by NatureScot and NLB.
- 5.10.3 With regards to embedded mitigation measures, the Scottish Ministers recommend that the Written Scheme of Investigation and Protocol for Archaeological Discoveries are developed as part of the EIA process in consultation with HES. Additionally, Archaeological Exclusion Zones should also be established where appropriate, in line with the HES representation.
- 5.10.4 The Scottish Ministers also note that there are a number of identified wrecks and possible wreck sites within the study area. The Scottish Ministers reiterate, as detailed in the HES representation, that direct impacts should be avoided with any of these features.

5.11 Military and Civil Aviation

- 5.11.1 The Scottish Ministers are broadly content with the study area identified in Section 15.6 of the Scoping Report.
- 5.11.2 In Table 15.4 of the Scoping Report the Developer summarises the potential impacts to Military and Civil Aviation during the different phases of the Proposed Development. The Scottish Ministers largely agree with the impacts scoped in to and out of the EIA Report however highlight the MOD representation in relation to military low flying training, defence maritime training and operational interests for consideration.

- 5.11.3 The Scottish Ministers highlight the HIAL representation stating that the Proposed Development location sits within the Minimum Sector Altitude for Islay and Tiree Airport and may conflict with Instrument Flight Procedures. The Scottish Ministers recommend the Developer engage further with HIAL on these points and advise that these impacts must be assessed, and appropriate mitigation proposed, in the EIA Report.
- 5.11.4 The developer should consider the lighting requirements and a construction management strategy as suggested in the Highlands and Islands Airports Limited representation. The Scottish Ministers flag the Advice Note 2 'Lighting' in HIAL's representation for further information.
- 5.11.5 The Scottish Ministers highlight the NLB representation that aircraft operate to Dubh Artach throughout the year to oversee key operations. The Scottish Ministers also flag the conflict of major refurbishment works on Dubh Artach lighthouse and nearby Skerryvore lighthouse from 2027 until 2032 which will involve high levels of helicopter visits to the area. It is recommended that the developer communicates with the NLB to identify safe limits for aviation operations in this area.
- 5.11.6 The Scottish Ministers highlight the representation from NATS which predicts that the Proposed Development is likely to generate false primary plots and also a reduction in the probability of Tiree RADAR to detect real aircraft. NATS has also advised that the Proposed Development will likely have unacceptable impacts to Prestwick Centre Air Traffic Control. The Scottish Ministers therefore recommend the Developer engage further with NATS on these points and advise that these impacts must be assessed, and appropriate mitigation proposed, in the EIA Report.
- 5.11.7 The Scottish Ministers, in line with MOD representation, notes that the proposed development occupies Low Fly Area 14. With regards to air safety, the Scottish Ministers advise that the MOD accredited aviation safety lighting in accordance with Civil Aviation Authority Air Navigation Order 2016 is considered in the EIA Report.

5.12 Seascape, Landscape and Visual Impact

- 5.12.1 The Scottish Ministers are content with the study area identified in Section 16.6 and baseline data presented outlined in Section 16.7 of the Scoping Report.
- 5.12.2 The Scottish Ministers broadly agree with the impact pathways proposed to be scoped into and out of the EIA Report as set out in table 16.8 of the Scoping Report however direct the Developer to the NatureScot representation regarding commonality between Special Landscape Qualities and advise this

is addressed in the EIA report. In addition, the Scottish Ministers direct the Developer to the representation from the RYA regarding the impact of the Proposed Development on the landscape and seascape for cruising sailors for consideration.

- 5.12.3 The Scottish Ministers are broadly content with the approach to the assessment, as set out in Section 6.17 of the Scoping Report, however, highlight the representation from NatureScot regarding the inclusion of an additional viewpoint and request that this is addressed and implemented in the EIA Report. In addition, the Scottish Ministers, in line with NatureScot representation, recommend that a 40km radius landscape and coastal character study area be adopted. This view is supported by Argyll and Bute Council representation.
- 5.12.4 With regards to the cumulative impact assessment, the Scottish Ministers, in line with NatureScot representation, advise that there could be cumulative impacts with the Haven Offshore Array wind farm proposal in Irish waters and that this should be considered within the cumulative effects assessment.
- 5.12.5 The Scottish Ministers highlight the representation from NatureScot regarding design considerations, noting it has concerns that mitigation measures may not be sufficient to avoid significant effects on landscapes of National Importance and request that this must be fully addressed and implemented in the EIA Report. In addition, the Scottish Ministers direct the Developer to the NatureScot Sectoral Plan Seascape, Landscape and Visual Impact Assessment and Design Guidance⁵ which sets out general design principles for reducing effects on sensitive coastal landscapes.
- 5.12.6 The Scottish Ministers, in line with NatureScot representation, are in agreement that transboundary impacts can be scoped out of the EIA for SLVIA receptors, as discussed in Section 16.11 of the Scoping Report.

5.13 Infrastructure and Other Marine Users

- 5.13.1 The Scottish Ministers are broadly content with the study area as defined in Section 17.6 of the Scoping Report.
- 5.13.2 Baseline data sources are considered in Section 17.4 and Section 17.5 of the Scoping Report. The Scottish Ministers consider the baseline data gathered for the assessment is appropriate.
- 5.13.3 Table 17.4 of the Scoping Report presents the impacts the Developer proposes to scope in to and out of the EIA Report during the different phases of the Proposed Development. The Scottish Ministers are broadly content with

⁵ [Sectoral Plan Consultation - summary and design guidance | NatureScot](#)

the impacts scoped in and out for assessment in the EIA Report.

- 5.13.4 The Scottish Ministers emphasise the importance of engaging with other marine users, including developers of ScotWind and INTOG projects, during all phases of the Proposed Development.
- 5.13.5 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.

5.14 Socio-Economics

- 5.14.1 The Scottish Ministers are broadly content with the study areas as detailed in Section 18.6 of the Scoping Report however, in line with the MD-SEDD Socioeconomics advice received on 21 November 2024, requests the Developer to consider expanding the areas of impact to include a “communities of practice” approach alongside the “communities of place” approach listed. In addition, the Scottish Ministers encourage the Developer to include the results of the qualitative research included within Appendix K at application stage.
- 5.14.2 The Scottish Ministers advise that the most up to date data sources must be used for all analysis and direct the Developer to the MD-SEDD socioeconomics advice in this regard.
- 5.14.3 In Table 18.5 of the Scoping Report the Developer summarises the potential impacts to Offshore Socio-Economics during the different phases of the Proposed Development. The Scottish Ministers broadly agree with the impacts scoped in and out however, advise that cumulative impacts during the decommissioning phase must be scoped in and fully assessed in the EIA Report. This is in line with the MD-SEDD socioeconomics advice. In addition, the Scottish Ministers request that the Developer considers scoping in training and education opportunities into the assessment, as highlighted in the Argyll and Bute Council representation. Finally, the Scottish Ministers direct the Developer to the representation from the Iona Community Council with regards to crofting for consideration.
- 5.14.4 In relation to economic impacts, the Scottish Ministers are broadly content with the proposed assessment approach as detailed in Section 18.2 of the Scoping Report, however, advise that the Developer consider additional analysis regarding potential job creation in comparison to existing jobs in the study area, as outlined in the MD-SEDD socioeconomics advice. In addition, the Scottish Ministers request that a detailed description of the methodology used to assess economic impacts, and any key assumptions, is included in the EIA report, this is in line with the MD-SEDD socioeconomics advice. Finally, the

Scottish Ministers direct the Developer to the representation from Argyll and Bute Council, in relation to local labour market opportunities and legacy effects, for consideration.

- 5.14.5 In relation to mitigation measures, the Scottish Ministers highlight the representation from Argyll and Bute Council, with regards to the location of the base of operations, and request that this is considered in the EIA Report.
- 5.14.6 The Scottish Ministers refer to the RYA representation that reference should be made to Scotland's Second Marine Tourism Strategy. The Scottish Ministers, in line with RYA's response, note that the developer should consider sailing impacts on Northern Ireland and the north-west of the Republic of Ireland and these effects should be considered prior to application.

5.15 Climate Change

- 5.15.1 The Scottish Ministers are largely content with the Developer's approach in assessing Green House Gases ("GHG") and climate change effects within Section 19 of the Scoping Report, noting that the IEMA Environmental Impact Assessment Guide "Assessing Greenhouse Gas Emissions And Evaluating Their Significance" provides further insight on this matter. The Scottish Ministers have considered this together with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the requirement of the EIA Regulations to assess significant effects from the Proposed Development on climate. The Scottish Ministers highlight 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 Development. The NatureScot representation regarding climate change and carbon costs should be fully addressed by the Developer within the EIA Report.
- 5.15.2 The Scottish Ministers direct the Developer to 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 Development as well as an expanded assessment for benthic ecology focusing on potential impacts on marine sediments and coastal habitats.

5.16 Major Accidents and Disasters

- 5.16.1 The EIA Report must include a description and assessment of the likely significant effects deriving from the vulnerability of the Proposed Development to major accidents and disasters. The Developer should make use of appropriate guidance, including the recent Institute of Environmental Management and Assessment ("IEMA") 'Major Accidents and Disasters in

EIA: A Primer', to better understand the likelihood of an occurrence and the Proposed Development susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the Proposed Development 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 6 of the 2017 MW Regulations and regulation 5 of the 2017 EW Regulations. In accordance with the EIA Regulations, the Scottish Ministers advise that the EIA Report must be based on this Scoping Opinion.
- 6.1.2 The Scottish Ministers note the need to carry out an assessment under the The Conservation (Natural Habitats, &c.) Regulations 1994. 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 Developer must provide confirmation of how this Scoping Opinion is reflected in the EIA Report.

7. Multi-Stage Consent and Regulatory Approval

7.1 Background

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

Signed

Ben Walker

9 January 2025

Authorised by the Scottish Ministers to sign in that behalf.

Appendix I: Consultation Responses & Advice

Please refer to separate document provided alongside Scoping Opinion

Appendix II: Gap Analysis

Please refer to separate document issued alongside Scoping Opinion.