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Marine Scotland - Licensing Operations Team Scoping Opinion

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

**Schedule 4 of The Marine Works (Environmental Impact
Assessment) Regulations 2007**

Berwick Bank Wind Farm Limited

**Berwick Bank Offshore Wind Farm Cambois Cable
Connection**

23 February 2023

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1. Introduction

1.1 Background

- 1.1.1 On 7 November 2022, the Scottish Ministers received a scoping report (“the Scoping Report”) from Berwick Bank Wind Farm Limited (“the Applicant”) as part of its request for a scoping opinion relating to the Berwick Bank Offshore Wind Farm Cambois cable connection (“the Proposed Works”). In accordance with Schedule 4 of The Marine Works (Environmental Impact Assessment) Regulations 2007 (“the 2007 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 2007 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 Scotland in-house expertise and experience. This Scoping Opinion identifies the scope of impacts to be addressed and the method of assessment to be used in the Environmental Impact Assessment Report (“EIA Report”) for the Proposed Works.
- 1.1.3 The Scottish Ministers, in adopting this Scoping Opinion, have, in accordance with the 2007 MW Regulations, taken into account the information provided by the Applicant, in particular, information in respect of the specific characteristics of the Proposed Works, including its location and technical capacity and its likely impact on the environment. In addition, the Scottish Ministers have taken into account the representations made to them in response to the scoping consultation they have undertaken.
- 1.1.4 In examining the EIA Report, and any other environmental information, the Scottish Ministers will seek to reach an up to date conclusion on the significant effects on the environment from the Proposed Works. This 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 further information in connection with any EIA Report submitted with an application for a marine licence under the Marine and Coastal Access Act 2009 (“the 2009 Act”). In the event that the Applicant does not submit an application for a marine licence under the 2009 Act for the Proposed Works within 12 months of the date of this Scoping Opinion, the Scottish Ministers strongly recommend that the Applicant seeks further advice from them regarding the validity of the Scoping Opinion.

2. The Proposed Works

2.1 Introduction

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

2.2 Description of the Proposed Works

2.2.1 The Proposed Works will comprise the installation of four export cables approximately 170 kilometres ("km") in length installed in separate trenches alongside each other from within the Berwick Bank wind farm array area, located approximately 39.2km east of the East Lothian coastline in the outer Firth of Forth, where they will connect into Offshore Converter Station Platforms ('OCSP') along a route with a north-south alignment to a proposed landfall location near Cambois, Northumberland, England. The Proposed Works will occur in both Scottish and English waters, however, for the purposes of this Scoping Opinion the Scottish Ministers will only be considering the extent of the Proposed Works occurring in Scottish waters which will be entirely within the Scottish offshore region (beyond 12 Nautical Miles of the coast).

2.2.2 The offshore export cable installation process will involve a number of pre-installation geophysical, benthic, geotechnical, archaeological and unexploded ordnance ("UXO") surveys. Seabed preparation clearance activities will follow along the export cable route, which will include the removal of boulders where required. The techniques to be employed will range from a subsea plough, a pre-lay grapnel run, a grab technique, or other comparable techniques. Pre-sweep methods may also be required with the use of a mass-flow excavator ("MFE") or similar technique. Investigative and disposal techniques will be utilised in the event that potential UXOs are encountered along the export cable corridor.

2.2.3 The maximum parameter of offshore export cables to be installed is two monopile systems comprising up to four cables. The Applicant's preferred installation method is by way of burial techniques, using either an MFE, jet trencher, mechanical trencher or cable plough. The timing of the cable lay and burial campaigns will occur either simultaneously, separately by way of a pre-cut trench followed by a cable lay and backfilling process, or separately by way of cable lay followed by burial. The Applicant proposes to use additional cable protection techniques, such as rock placement, concrete mattresses, sand-

rock-grout bags and cable physical protection, in the event that seabed conditions do not permit the deployment of burial methods.

2.3 Onshore/Planning/English Works

- 2.3.1 The Scottish Ministers are aware the Applicant has sought separate Scoping Opinions from the Marine Management Organisation in respect of works in English waters and from Northumberland County Council for the associated onshore transmission works. It is essential that the EIA Reports concerning works in English waters and onshore works will be available at the time that the EIA Report for the Proposed Works is being considered so that all the information relating to the project as a 'whole' is presented. The EIA Report for the Proposed Works must consider the cumulative impacts with the onshore works. The EIA Report for the Proposed Works must either be submitted as a combined EIA Report with the works in English waters, or must consider the cumulative impacts with the works in English waters. For any combined EIA Report, it must be made clear which elements of the EIA Report apply to works in Scottish waters and which apply to English waters.

2.4 The Scottish Ministers' Comments

Description of the Proposed Works

- 2.4.1 The Scottish Ministers note that the scoping boundary and project design of the Proposed Works lacks sufficient detail at this stage. The Scoping Report outlines two preferred options encompassing a broad corridor in respect of the export cable route and references the scoping boundary overlap with the Berwick Bank wind farm array area in relation to the cables connecting into two OCSP within the site. The Scottish Ministers advise that the EIA Report must include a full and detailed description of the final option chosen in respect of the cable route corridor and location of the two connecting OCSPs. The EIA Report should describe the main reasons for selecting the chosen cable route over the alternatives considered, providing a clear robust justification for the option taken. In considering alternative cable routes the Scottish Ministers advise the Applicant to engage with stakeholders including the Scottish Fishermen's Federation ("SFF"), and expect the Applicant to detail how stakeholder knowledge has been used as part of their consideration of alternatives. The extent of the Proposed Works occurring in Scottish Waters should also be clarified in the EIA Report in alignment with NatureScot advice. In addition, the Scottish Ministers advise that a map indicating the proposed cable corridor route should include International Council for the Exploration of the Sea ("ICES") statistical rectangles as a means to inform the EIA Report.

- 2.4.2 The Scoping Report identifies that seabed preparation will be necessary prior to cable installation. Should seabed preparation involve dredging, the EIA Report must identify the quantities of dredged material and identify the likely location for deposit. The Applicant may also be required to submit pre-dredge sample analysis, this should include supporting characterisation of the new or existing deposit sites. Any seabed levelling or removal of substances from on or under the seabed (including dredging and ‘grapnel runs’) will require consideration in the EIA Report and may require a marine licence. The Scoping Report also identifies that boulders will be removed from the site of the Proposed Works. The EIA Report must provide the anticipated estimate of boulders to be cleared (including how much uncertainty may be associated with the figures presented). Clear narrative must be provided within the EIA Report to show how this has been estimated prior to further geophysical and geotechnical surveys being undertaken. The Scottish Ministers further direct the Applicant to the Scottish Fishermen’s Federation (“SFF”) representation in this regard.
- 2.4.3 Section 3.4 of the Scoping Report also includes reference to pre-installation surveys and site investigations including geophysical surveys, unexploded ordnance (“UXO”) surveys and UXO clearance at sections 3.4.1 and 3.4.2. The Scottish Ministers note the Applicant’s intention to scope out activities relating to UXO from the EIA Report. However, 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 and in particular those which will emit significant underwater noise, as highlighted in the NatureScot representation and referenced at sections 5.5.5, 5.6.5 and 5.7.4 of this Scoping Opinion. The EIA Report must therefore 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. As per the NatureScot representation, impacts will require consideration in the EIA Report, both in terms of assessment under European Protected Species licensing as well as effects to designated sites with marine mammal and potential diadromous fish features.
- 2.4.4 As regards cable installation, the Scottish Ministers consider that the EIA Report must clearly detail the number and size of export cables to be installed and whether they are to be bundled into a single trench or laid separately. The EIA Report must provide an estimate of the anticipated likelihood of suitable burial along that route and must also be clear on the range of burial depths

that have been considered as part of the assessment. Clear narrative must be provided within the EIA Report to show how this has been estimated prior to the further geophysical and geotechnical surveys being undertaken. Where reliance is placed on a subsequent cable plan or cable burial risk assessment as mitigation, the EIA Report must explain how this measure will mitigate the effects, what measures are proposed for inclusion and the effectiveness and degree of confidence that can be placed on such measure. It is recommended that such plans are included alongside the EIA Report. The Scottish Ministers direct the Applicant to the representation from NatureScot as regards reducing the footprint of the cable corridor through burial methods.

- 2.4.5 Section 3.4.3.1 of the Scoping Report states that, while it is expected that the cables will be buried along the majority of the route, if burial is not possible then additional cable protection methods will be adopted. Section 3.4.3.2 of the Scoping Report states that expected cable protection measures include concrete mattresses, rock placement, polyurethane/cast iron shells or sand/rock/grout bags. Where there is any potential for cable protection to be used to protect the cables, this must be assessed in the EIA Report including details on materials, quantities and location (including how much uncertainty may be associated with the figures presented). The EIA Report should describe the main reasons for selecting the chosen cable protection over the alternatives considered, providing a clear robust justification for the options taken. The Scottish Ministers direct the Applicant to the representations from NatureScot and the SFF as regards the need to provide detail on the volume, location and impact of cable protection methods to be utilised.
- 2.4.6 Section 3.5 of the Scoping Report details that operation and maintenance activities will be considered within the EIA Report. The Scottish Ministers advise that the EIA Report must provide a full description and consideration of the nature and scope of these activities, including the types of activity, their frequency, and how activities will be carried out for the Proposed Works. This should include consideration for the potential overlapping of activities with those required for the Berwick Bank Offshore Wind Farm. Such proposed activities may require to be permitted by a marine licence issued for the Proposed Works, unless an exemption applies.¹
- 2.4.7 Table 4-6 of the Scoping Report discusses each receptor that is to be scoped out of the EIA Report and provides justification for why the Applicant believes this is appropriate. This approach meets the requirements of a scoping report, however, the Scottish Ministers note that the receptors scoped out of the EIA Report in Table 4-6 are not subsequently discussed further in their own

¹ [The Marine Licensing \(Exempted Activities\) \(Scottish Offshore Region\) Order 2011 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

chapters. The Scottish Ministers have deemed this approach sufficient for the scoping report to go to consultation, however, if further detail on the receptors to be scoped out of the EIA Report is requested by consulted stakeholders, then the Applicant must consider this in the EIA Report.

- 2.4.8 Section 3.6 of the Scoping Report states that the EIA Report will consider the potential for decommissioning of the Proposed Works to impact to the offshore environment. Any uncertainty on the impacts upon receptors from activities during decommissioning should be clearly explained, along with the implications for the assessment of significant effects.
- 2.4.9 The Scottish Ministers further direct the Applicant to the NatureScot representation on the need to understand potential impacts holistically at a wider ecosystem scale, rather than just as discrete individual receptor assessments. The Scottish Ministers therefore advise that 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.
- 2.4.10 In relation to the approach to cumulative impacts discussed at section 4.7 of the Scoping Report, the Scottish Ministers advise that the EIA Report should consider the cumulative effect of key impacts such as habitat disturbance and/or loss in relation to the Firth of Forth Banks Complex nature conservation Marine Protected Area (“ncMPA”) and other developments that overlap with this ncMPA. In addition to those projects detailed in Table 4-5, the Seagreen Alpha and Bravo offshore wind farms and Seagreen 1A export cable should be included and other neighbouring developments in the Firth and Tay area should be considered, particularly those which overlap with the Firth of Forth Banks Complex ncMPA. Further comment is provided in each of the receptor chapters in section 5 of the Scoping Opinion.
- 2.4.11 The Scottish Ministers acknowledge the Applicant’s intention to carry out a detailed Habitat Regulations Appraisal (“HRA”) screening following submission of the Scoping Report. The Scottish Ministers recommend that the Applicant submits a HRA screening report at the earliest opportunity and prior to the submission of the EIA Report.
- 2.4.12 Regulatory approvals will be required for licensable activities including all construction activities, whether as part of the original construction or any subsequent alteration or improvement, any deposit on, or removal from on or under, the seabed of substances, any dredging and deposit, and any use of explosive substances. Any reference to the ‘Proposed Works’ in this Scoping Opinion should be taken, as appropriate, to include all activities in connection

with the construction, alteration, improvement (including 'change-outs' of components) and decommissioning of the 'Proposed Works for which a regulatory approval will be needed. The Applicant should give consideration to all activities related to the Proposed Works which require regulatory approval and ensure that these are applied for as appropriate.

Design Envelope

- 2.4.13 The Scottish Ministers note the Applicant's intention to apply a 'Design Envelope' approach. Where the details of the Proposed Works cannot be defined precisely, the Applicant will apply a worst case scenario, as set out in section 3.2 of the Scoping Report.
- 2.4.14 The Scottish Ministers advise that the Applicant must make every attempt to narrow the range of options. Where flexibility in the design envelope is required, this must be defined within the EIA Report and the reasons for requiring such flexibility clearly stated. At the time of application, the parameters of the Proposed Works should not be so wide-ranging as to represent effectively different projects. To address any uncertainty, the EIA Report must consider the potential impacts associated with each of the different scenarios. The criteria for selecting the worst case and the most likely scenario, together with the potential impacts arising from these, must also be described. The parameters of the Proposed Works must be clearly and consistently defined in the application/s for the marine licence/s and the accompanying EIA Report.
- 2.4.15 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 works commence. The CMS will 'freeze' the design of the project and will be reviewed by the Scottish Ministers to ensure that the worst case scenario described in the EIA Report is not exceeded.
- 2.4.16 It is a matter for the Applicant, in preparing the EIA Report, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. If the Proposed Works or any associated activities materially change prior to the submission of the EIA Report, the Applicant may wish to consider requesting a new Scoping Opinion.

Alternatives

- 2.4.17 The 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 acknowledge section 1.4 of the Applicant's Scoping Report setting out the consideration of alternatives to date together with the planned activities that are proposed to inform the EIA Report further. The Scottish Ministers advise however that these considerations must include how decommissioning has been taken into account within the design options. The Scottish Ministers advise that this must be based on the presumption of as close to full removal as possible of all infrastructure and assets and should consider the methods and processes of doing so. The Scottish Ministers also highlight the representation of the UK Chamber of Shipping in this regard.

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

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 sections 5.2 to 5.9 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 Applicant includes sections in the Scoping Report on 'designed in measures' which summarise the mitigation and monitoring commitments in relation to each receptor. Many of the commitments are to management or mitigation plans, however limited detail is provided regarding the content of these plans. 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.

3.4 Risks of Major Accidents and/or Disasters

- 3.4.1 The Scottish Ministers note the Applicant's intention to scope out risks of major accidents and/ or disasters from the EIA Report on the basis that the Proposed Works are unlikely to cause a major accident or disaster. The Scottish Ministers have reviewed the recent Institute of Environmental Management and Assessment ("IEMA") 'Major Accidents and Disasters in EIA: A Primer' and consider that assessment of the risks of major accidents and/or disasters will be adequately covered under the receptor chapters of Shipping and Navigation and Commercial Fisheries. As such, a specific chapter on risks of major accidents and/or disasters is not required to be included in the EIA Report.

3.5 Climate and Greenhouse Gases

- 3.5.1 The Scoping Report proposes at section 4.9 and Table 4-6 that the impact of climate change effects of the Proposed Works will be scoped out of the EIA Report and there will be no standalone topic or chapter on climate. The Scottish Ministers are however mindful that Greenhouse Gas ("GHG") emissions from all projects contribute to climate change. In this regard, the Scottish Ministers highlight the IEMA Environmental Impact Assessment Guide "Assessing Greenhouse Gas Emissions And Evaluating Their Significance" ("IEMA GHG Guidance"), which states that "GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit, as a such any GHG emissions or reductions from a project might be considered significant." The Scottish Ministers have considered this together with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the requirement of the EIA Regulations to assess significant effects from the Proposed Works on climate. The Scottish Ministers therefore advise that the EIA Report must include a GHG Assessment which should be based on a Life Cycle Assessment ("LCA") approach and note that the IEMA GHG Guidance provides further insight on this matter. The Scottish Ministers highlight however that this should include the pre-construction, construction, operation and decommissioning phases, including consideration of the supply chain as well as benefits beyond the life cycle of the Proposed Works. The Scottish Ministers note representation from East Lothian Council which considers the need for the Applicant to assess the impact on climate change resulting from the Proposed Works in this regard. The Scottish Ministers further direct the Applicant to NatureScot

representation in relation to the recommendation to consider the carbon cost of the Proposed Works and to what extent this will be offset by the production of green energy.

4. Consultation

4.1 The Consultation Process

4.1.1 Following receipt of the Scoping Report, the Scottish Ministers, in accordance with the 2007 MW Regulations, initiated a 28 day consultation process, which commenced on 22 November 2022. 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:

- *Angus Council*
- Arbroath Community Council
- *British Telecom*
- Broughty Ferry Community Council
- Carnoustie Community Council
- *Civil Aviation Authority*
- Crown Estate Scotland
- *Dee District Salmon Fishery Board*
- *Dundee City Council*
- **East Lothian Council**
- Esk District Salmon Fishery Board
- Eyemouth Fishery Office
- *Fife Council*
- Fintry Community Council
- Fisheries Management Scotland
- Forth District Salmon Fishery Board
- *Forth Ports*
- Health and Safety Executive
- **Historic Environment Scotland (“HES”)**
- Inshore Fishery Group
- Joint Radio Company
- Letham and District Community Council
- Long Distance Advisory Council
- Mainstream Renewable Power Limited
- Marine Safety Forum
- Marine Scotland Compliance
- **Maritime and Coastguard Agency (“MCA”)**
- **Ministry of Defence (“MOD”)**
- Monifieth Community Council
- Monikie and Newbigging Community Council
- Murroes and Wellbank Community Council
- **National Air Traffic Services**

- National Trust for Scotland
- **NatureScot**
- North and East Coast Regional Inshore Fishery Group
- North Sea Advisory Council
- North Sea Fishermen's Organisation
- **Northern Lighthouse Board ("NLB")**
- Oil and Gas UK
- Orkney Sustainable Fisheries
- Outer Hebrides
- Pelagic Advisory Council
- Prestonpans Community Council
- Red Rock Power Limited
- **River Tweed Commission ("RTC")**
- *Royal Society for the Protection of Birds Scotland*
- **Royal Yachting Association Scotland ("RYA Scotland")**
- **Scottish and Southern Electricity Networks Transmission ("SSEN Transmission")**
- *Scottish Borders Council*
- Scottish Canoe Association
- Scottish Creel Fishermen's Federation
- **Scottish Environment Protection Agency ("SEPA")**
- **Scottish Fishermen's Federation ("SFF")**
- Scottish Fishermen's Organisation
- Scottish Government Planning
- Scottish Surfing Federation
- Scottish Wildlife Trust
- Seagreen Wind Energy Limited
- Shetland Shellfish Management Organisation
- *Sports Scotland*
- Surfers Against Sewage
- Tay District Salmon Fishery Board
- Tealing Community Council
- The Fish Producer's Organisation
- The Fisheries Liaison with Offshore Wind and Wet Renewables Group
- Tranent and Elphinstone Community Council
- Transport Scotland Ports and Harbours
- **UK Chamber of Shipping ("UK CoS")**
- Visit Scotland
- West Barns Community Council
- West Coast Regional Inshore Fishery Group
- Whale and Dolphin Conservation

- 4.1.2 Specific advice was sought from Marine Scotland Science (“MSS”), the Marine Scotland – Marine Analytical Unit and Transport Scotland (“TS”).

4.2 Representations received

- 4.2.1 From the list above a total of 26 representations were received. Advice was also provided by MSS 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 2007 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 MSS 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 Offshore Physical Environment and Seabed Conditions

5.2.1 The Scottish Ministers are content with the study area and baseline data sources described by the Applicant in the Scoping Report regarding the offshore physical environment and seabed conditions.

5.2.2 In Table 6-2 of the Scoping Report the Applicant summarises the potential impacts to be scoped in and out of the EIA Report during the different phases of the Proposed Works. The Scottish Ministers broadly agree with the Applicant's proposal however advise that NatureScot's representation regarding increases in suspended sediment, impact to designated features, physical process changes from scour protection and introduction of scour must be fully implemented by the Applicant in the EIA Report.

5.2.3 In relation to the approach to EIA proposed by the Applicant, the Scottish Ministers advise that the assessment must consider all three areas within the Firth of Forth Banks Complex ncMPA with respect to the geodiversity features both alone and in combination and direct the Applicant to the NatureScot representation on this topic which should be fully addressed in the EIA Report, including the provision of more detailed information, maps and figures to aid assessment.

5.2.4 With regard to mitigation outlined by the Applicant at section 6.6 of the Scoping Report, the Scottish Ministers agree with the NatureScot representation that for the impact pathways scoped in the full range of mitigation techniques and published guidance should be considered and discussed in the EIA Report.

5.2.5 In relation to cumulative effects detailed at section 6.8, the Scottish Ministers draw attention to NatureScot representation advising that habitat disturbance and/or loss from the Berwick Bank wind farm, in combination with neighbouring wind farms in the Forth and Tay area, and in particular with regard to those which overlap with the Firth of Forth Banks Complex ncMPA, should be explicitly included within the cumulative impact assessment. The Scottish Ministers consider that the Seagreen Alpha and Bravo wind farm and the

Seagreen 1A export cable corridor should be included in Table 4-5 in this regard. The Scottish Ministers further draw the Applicant's attention to NatureScot's recommendation to include tables in their CIA analysis of the Proposed Works which should cover the three areas of the ncMPA composite site as well as the site as a whole.

- 5.2.6 The Scottish Ministers are in agreement that transboundary impacts on physical processes can be scoped out of the EIA Report as outlined at Table 16-1 of the Scoping Report.

5.3 Water and Sediment Quality

- 5.3.1 The Scottish Ministers are content with the study area and baseline data sources described by the Applicant at section 7.3, 7.4 and 7.5 and of the Scoping Report regarding the water and sediment quality.

- 5.3.2 In Table 7-2 of the Scoping Report the Applicant summarises the potential impacts to be scoped out of the EIA Report during the different phases of the Proposed Works. The Scottish Ministers are in agreement with this approach.

- 5.3.3 With regard to the cumulative impacts on water and sediment quality considered by the Applicant at section 7.8, the Scottish Ministers are in agreement that this can be scoped out of the EIA Report.

- 5.3.4 The Scottish Ministers agree with the Applicant that transboundary impacts on water and sediment quality can be scoped out of the EIA Report as outlined at Table 16-1 of the Scoping Report.

5.4 Benthic Subtidal and Intertidal Ecology

- 5.4.1 The Applicant sets out the study area and baseline data sources used regarding benthic subtidal and intertidal ecology receptors at section 8.3, 8.4 and 8.5 of the Scoping Report. The Scottish Ministers are broadly content with the proposed baseline data sources but advise that the additional data sets identified by NatureScot must be used in the assessment in the EIA Report. The NatureScot representation in respect of the designated features of the baseline environment detailed at section 8.5.2 of the Scoping Report must be implemented and considered in full in the EIA Report. The Scottish Ministers further highlight the NatureScot advice on priority marine features which should be considered in the EIA Report.

- 5.4.2 Table 8-1 of the Scoping Report outlines the potential impacts to be scoped in and out of the EIA Report during the different phases of the Proposed Works. The Scottish Ministers agree with the impacts to be scoped in, however, would draw the Applicant's attention to representation from NatureScot in respect of

the additional impact pathways to be considered in the EIA Report and need to scope in the potential impact on temporary loss or disturbance for all designated features of protected sites during the construction and decommissioning stages of the Proposed Works. The Scottish Ministers are in agreement that this should be fully considered in the EIA Report.

- 5.4.3 The Scottish Ministers further advise that the potential of the Proposed Works to introduce and spread invasive non-native species should be scoped in to the EIA Report in line with NatureScot representation due to the increased movement of vessels and opportunities for hard structures to colonise.
- 5.4.4 The Scottish Ministers disagree with the Applicant's proposal to scope out electromagnetic field ("EMF") and thermal load effects on this receptor, which is a view supported by NatureScot and the SFF. Impacts from EMF from subsea electromagnetic cabling on benthic receptors should be scoped into the EIA Report for operation and maintenance stages of the Proposed Works.
- 5.4.5 As regards changes in prey species availability across all stages of the Proposed Works, the Scottish Ministers advise that further consideration is required in the EIA Report. This view is in line with NatureScot representation, which must be fully addressed by the Applicant.
- 5.4.6 With regard to the approach to assessment, the Scottish Ministers advise that all three areas of the Firth of Forth Complex ncMPA must be assessed with respect to the offshore subtidal sands and gravels feature, both alone and in-combination and direct the Applicant to the NatureScot representation for further detailed advice on the maps and level of detail that should be provided within the EIA Report.
- 5.4.7 As regards mitigation, the Scottish Ministers agree with the NatureScot representation that the full range of mitigation techniques and published guidance should be considered and discussed in the EIA Report for impact pathways which have been scoped in. The Scottish Ministers further highlight NatureScot advice in respect of including a decommissioning programme within the suite of mitigation measures outlined by the Applicant at section 8.6.
- 5.4.8 With regard to the cumulative impacts on benthic subtidal and intertidal receptors considered by the Applicant at section 8.8, the Scottish Ministers advise that the assessment must consider cumulative impacts in combination with the proposed Berwick Bank wind farm and neighbouring (consented) wind farms in the Forth and Tay area, with their associated export cables, especially in relation to impacts to the ncMPA. The Scottish Ministers direct the Applicant to the NatureScot representation for further advice on the presentation of information which should be implemented within the EIA Report.

- 5.4.9 The Scottish Ministers agree with the Applicant that transboundary impacts on benthic subtidal and intertidal ecology can be scoped out of the EIA Report as outlined at Table 16-1 of the Scoping Report.

5.5 Fish and Shellfish Ecology

- 5.5.1 The Applicant sets out the study area and baseline data sources used for fish and shellfish ecology at sections 9.3 and 9.4 of the Scoping Report. The Scottish Ministers are broadly content with this approach, however, recommend that the additional datasets and studies highlighted by NatureScot and the RTC are, used to inform the EIA Report.
- 5.5.2 Concerning the baseline characterisation at section 9.5 of the Scoping Report, NatureScot recommends that the EIA Report include the abundance of species as opposed to their monetary value which is a view supported by the Scottish Ministers. The Applicant is also directed to NatureScot representation as regards the omission of the Firth of Forth Banks Complex ncMPA from the list of protected sites. Potential impacts to the designated features of the ncMPA must be assessed in the EIA Report, as detailed in paragraph 5.5.8 below. The Scottish Ministers further direct the Applicant to the NatureScot representation regarding the contextual information on priority marine features and recommendation on the inclusion of the presence/ absence of sandeel which must be fully considered in the EIA Report.
- 5.5.3 The Applicant is further directed to representation from the RTC as regards the baseline characterisation and environment to be assessed in the EIA Report. The Scottish Ministers advise that the Applicant address comments on the migratory timings of Atlantic salmon, Sea trout and European eel as highlighted by the RTC.
- 5.5.4 Table 9-3 provides a summary of the potential impacts to be scoped in and out of the EIA Report in respect of this receptor. The Scottish Ministers advise that pre-construction seabed preparation works should be included within the assessment of temporary and long term habitat loss/disturbance throughout all phases of the Proposed Works in line with NatureScot representation.
- 5.5.5 In addition, the impact of underwater noise on this receptor should be scoped into the EIA Report for pre-construction activities such as UXO clearance and geophysical activities which emit significant underwater noise, including impacts to diadromous fish features of designated sites. The Applicant is further advised to take implement the NatureScot representation in terms of the need to include further evidence within the EIA Report in relation to the

impact pathway of underwater noise on fish species during construction and decommissioning. This view is further supported by the SFF representation.

- 5.5.6 The Scottish Ministers advise that the impact pathway of thermal emissions from operational cables should be considered alongside the assessment of EMF and therefore be scoped in to the EIA Report. This corresponds with NatureScot and SFF representation.
- 5.5.7 Given the colonisation of hard structures has been scoped in to the benthic subtidal and intertidal ecology receptor, the Scottish Ministers recommend that the Applicant scope this impact into the fish and shellfish ecology receptor in line with NatureScot advice.
- 5.5.8 With regards to the assessment approach, the Scottish Ministers advise that the NatureScot representation on the need to consider ocean quahog aggregations both alone and in-combination as part of the assessment on all three areas comprising the Firth of Forth Bank Complex ncMPA must be fully addressed in the EIA Report. The Scottish Ministers re-emphasise NatureScot comments on the need to include more detailed maps within the EIA Report showing the Proposed Works in relation to neighbouring wind farms and the ncMPA in addition to maps detailing the location of protected features within the MPA itself. The Scottish Ministers are in agreement with this approach.
- 5.5.9 In terms of mitigation measures outlined at section 9.6 of the Scoping Report, the Scottish Ministers advise that where significant impact pathways have been identified, the full range of mitigation techniques and published guidance is considered and discussed in the EIA Report.
- 5.5.10 With regard to the cumulative impacts on fish and shellfish ecology considered by the Applicant at section 9.8, the Scottish Ministers advise that the assessment must consider cumulative impacts in combination with the proposed Berwick Bank wind farm and neighbouring (consented) wind farms in the Forth and Tay area, with their associated export cables, especially in relation to impacts to the ncMPA. The Scottish Ministers direct the Applicant to the NatureScot representation for further advice on the presentation of information which should be implemented within the EIA Report.
- 5.5.11 The Scottish Ministers agree with the Applicant that transboundary impacts on fish and shellfish ecology can be scoped out of the EIA Report as outlined at Table 16-1 of the Scoping Report.

5.6 Offshore and Intertidal Ornithology

- 5.6.1 As regards the study area set out in section 10.3 of the Scoping Report, the Scottish Ministers advise that the NatureScot representation pertaining to

connectivity across Special Protection Area (“SPA”) colonies and the use of foraging ranges be implemented in full in the EIA Report. The Applicant is further advised to review their proposed list of designated sites and consider whether the Fowlsheugh SPA is within the connectivity range in line with NatureScot comments.

- 5.6.2 The Scottish Ministers broadly agree with the Applicant’s proposed data sources at section 10.4 of the Scoping Report, however, highlight the additional data sets set out in the NatureScot representation, including tracking data from Forth and Tay regional advisory group studies and relevant information from the Berwick Bank offshore wind farm aerial surveys. The Scottish Ministers advise that, where available, these should be used to inform assessment in the EIA Report.
- 5.6.3 With regards to the baseline environment at section 10.5 and consideration of designated sites at Table 10-1 of the Scoping Report, the Scottish Ministers direct the Applicant to comments from the NatureScot representation in respect of the assessment of SPA qualifying features and the consideration of additional sources when assessing impact pathways on seabird sensitivity and advise that these must be fully addressed.
- 5.6.4 In Table 10-2 of the Scoping Report the Applicant summarises the potential impacts to offshore and intertidal ornithology during the different phases of the Proposed Works. The Scottish Ministers are broadly in agreement with this approach, however, advise that the NatureScot representation in relation to scoping of impacts, specifically disturbance and displacement during the operation and maintenance stage of the Proposed Works should be implemented in full by the Applicant, including a qualitative assessment on vessel movements
- 5.6.5 The Scottish Ministers further recommend that the Applicant consider collision with lighted vessels as a potential impact pathway and advise that indirect impacts of noise on prey species, particularly from pre-construction activities that can emit significant underwater noise such as UXO clearance and geophysical activities, should be scoped in to the EIA Report. This view is supported by the NatureScot representation.
- 5.6.6 The Scottish Ministers note the Applicant’s proposed approach to assessment at section 10.9 of the EIA Scoping Report and confirm agreement with the methods proposed in respect of this receptor.
- 5.6.7 In line with NatureScot recommendations, the Scottish Ministers advise that where impact pathways have been identified the full range of mitigation techniques and publication guidance should be considered in the EIA Report.

5.6.8 With regard to the cumulative impacts on offshore and intertidal ornithology considered by the Applicant at section 10.8, the Scottish Ministers advise that the cumulative assessment should focus on impacts in combination with the proposed Berwick Bank wind farm and neighbouring (consented) wind farms in the Forth and Tay area, with their associated export cables, and not constrained to those within a 20km buffer. The upcoming Cumulative Effects Framework should be used if available at the time of assessment. The Scottish Ministers also note the representation raised by the RSPB in respect of the potential cumulative impacts of the Proposed Works on ornithology.

5.6.9 The Scottish Ministers welcome the Applicant's proposal at Table 16-1 to scope in transboundary impacts on this receptor as regards disturbance during construction and decommissioning stages of the Proposed Works and disturbance to prey species and habitats.

5.7 Marine Mammals and Other Megafauna

5.7.1 The Scottish Ministers are broadly content with the study area as defined in section 11.3 of the Scoping Report. The Scottish Ministers agree with the Management Units identified for cetaceans along with the SCANS blocks proposed to be used for regional context. The Scottish Ministers advise however, that for quantitative impact assessment, that the UK portion of the Management Units is used as the reference population, rather than the whole Management Unit population. With regard to seals the Scottish Ministers would highlight that the relevant Management Unit is the East of Scotland Management Unit and highlight the NatureScot representation in this regard.

5.7.2 The Scottish Ministers are content with the data sources to inform the marine mammal baseline listed at section 11.4 of the Scoping Report; however, advise that there may be some additional cetacean data from citizen programmes and direct the Applicant further to the NatureScot representation in this regard.

5.7.3 In relation to baseline environment detailed at section 11.5.1 of the Scoping Report, the Scottish Ministers advise that in relation bottlenose dolphins there is no SCANS estimate for block O. In relation to seals, the Scottish Ministers are content that the designated seal haul-out sites do not require to be considered further within the EIA Report due to their distance from the Proposed Works. The Scottish Ministers would highlight the NatureScot representation regarding the inconsistencies noted within section 11.5.1.7 of the Scoping Report for reference.

5.7.4 Within Table 11-1 of the Scoping Report the Applicant details the potential impacts on marine mammals during the different phases of the Proposed

Works which it proposes to scope in and scope out for further assessment within the EIA Report. The Scottish Ministers broadly agree with the potential impacts to be scoped into the EIA for further assessment; however advise that the Applicant must also fully consider within the EIA Report any pre-construction activities that can emit significant underwater noise such as UXO clearance and geophysical activities. Furthermore, the Scottish Ministers disagree that indirect impacts of construction noise on prey species can be scoped out of the EIA. As per section 5.5.5 of the Scoping Opinion, the Applicant must consider any pre-construction activities on fish species and present further evidence within the EIA Report to support the conclusion of no impact pathway for underwater noise on fish species (including from machinery noise). This is a view supported by the NatureScot representation.

- 5.7.5 With regard to UXO clearance, the Scottish Ministers advise that an assessment considering the risk of encountering potential UXOs is presented within the EIA Report and modelling is then provided to illustrate the impact ranges and options presented for mitigation. The Scottish Ministers highlight the NatureScot representation in this regard relating to similar assessments previously undertaken.
- 5.7.6 With regard to the cumulative impacts on marine mammals and other megafauna considered by the Applicant at section 11.8, the Scottish Ministers advise that the cumulative assessment should focus on impacts in combination with the proposed Berwick Bank wind farm and neighbouring (consented) wind farms in the Forth and Tay area, with their associated export cables. The upcoming Cumulative Effects Framework should be used if available at the time of assessment. The Scottish Ministers further agree that transboundary impacts must be considered further within the EIA Report.
- 5.7.7 With regards to mitigation and monitoring, the Scottish Ministers would advise that where impact pathways have been identified, the Applicant must fully consider and detail a full range of mitigation techniques and published guidance within the EIA Report. The Scottish Ministers refer the Applicant to the guidance provided in section 3.3 of this Scoping Opinion regarding the necessary detail required.

5.8 Commercial Fisheries

- 5.8.1 In relation to the policy and guidance documents listed at section 12.2 of the Scoping Report, the Scottish Ministers would highlight the SFF representation in this regard and advise that the Applicant must ensure that all relevant up to date policy documents and guidance are used for further assessment within the EIA Report.

- 5.8.2 With regards to available information proposed by the Applicant to be used to inform the commercial fisheries baseline assessment, the Scottish Ministers advise that in order for a full assessment to be undertaken, the Applicant must detail the exact number of offshore export cables required within the EIA Report. In addition, the Scottish Ministers advise that the Applicant must provide a map indicating the Proposed Works which includes ICES rectangles and furthermore, the proportion of the Proposed Works that lies within the Farnes Deep fishing restricted area in order for this to be assessed appropriately. The Scottish Ministers refer the Applicant further to section 2.4 of this Scoping Opinion for further detail regarding this.
- 5.8.3 In relation to the key data sources detailed at section 12.4 of the Scoping Report, the Scottish Ministers highlight the NLB and SFF representations on the limitations of AIS and VMS data and advise that this is taken into consideration in the EIA Report.
- 5.8.4 Within Table 12-1 of the Scoping Report the Applicant details the potential effects on commercial fisheries during the different phases of the Proposed Works which they propose to scope in for assessment within the EIA Report. The Scottish Ministers agree with the potential effects detailed and scoped in by the Applicant. In addition, the Scottish Ministers agree with the scoping in of cumulative and transboundary impacts. In addition to those projects detailed in Table 4-5 of the Scoping Report, the Scottish Ministers advise that cumulative impacts with neighbouring (consented) wind farms in the Forth and Tay area must be assessed, including all associated export cables.
- 5.8.5 The Scottish Ministers advise that a fisheries displacement assessment must be carried out to assess any permanent or temporary impacts on commercial fishing from the Proposed Works. This assessment within the EIA Report must include consideration of over trawl surveys in trialling the safe fishing over the Proposed Works and the Scottish Ministers highlight the MSS advice in this regard. The Scottish Ministers advise that the Applicant must adopt a clear position on whether they will be content for fishing to continue over the Proposed Works. This position must be adopted prior to the fisheries displacement assessment so the implications from this can be included in the assessment.
- 5.8.6 The Scottish Ministers advise that in identifying appropriate mitigation measures, the Applicant must consider the different types of fishing that take place within the Proposed Works and engage with the wider fishing industry to seek broad agreement on measures proposed. The Scottish Ministers advise that when detailing the mitigation measures the Applicant must clearly state commitments and explain any caveats to these commitments, such as EIA significance, so that stakeholders can easily understand the actual

commitment(s) made. In addition, the Scottish Ministers emphasise the importance of engaging with the fishing industry throughout the application process.

5.9 Shipping and Navigation

- 5.9.1 With regards to the proposed study area, the Scottish Ministers are content with the defined 10nm buffer area surrounding the Proposed Works. This is a view supported by the UK CoS representation and MCA representation.
- 5.9.2 The Scottish Ministers are broadly content with the data sources identified at section 13.4 of the Scoping Report to inform the shipping and navigation baseline. The Scottish Ministers would advise however that there is no reference to up to date AIS data and advise the Applicant that this must be used as a key data source for the purposes of the EIA Report. In relation to the baseline environment detailed at section 13.5 of the Scoping Report, the Scottish Ministers advise that the ports of Leith and Rosyth are also associated with a large quantity of shipping impacted by the Proposed Works and must be considered further within the EIA Report. In addition, the Scottish Ministers note a number of additional well-used anchorages centred off Cockenzie and Kirkcaldy which must be considered further and direct the Applicant further to the NLB representation in this regard.
- 5.9.3 Within Table 13-1 of the Scoping Report the Applicant details the potential impacts to be scoped in and scoped out for further assessment within the EIA Report. The Scottish Ministers are broadly in agreement with the potential impacts to be scoped in and scoped out however, disagree with the scoping out of potential anchor interactions with subsea cables. The Scottish Ministers note that whilst the preferred method of installation of the Proposed Works is burial with protection where required, there may still be instances of potential interactions based on the proposed cable burial depth and advise that this must be scoped into the EIA Report for further assessment, including a burial protection index study and, subject to traffic volumes, an anchor penetration study. This is a view supported by the UK CoS representation and MCA representation. Furthermore, the Scottish Ministers disagree with the scoping out of collision between project vessels and infrastructure and third-party activities and operations (including vessel interaction with subsea cables) during the construction and decommissioning phases. The Scottish Ministers advise that this must be scoped into the EIA Report for further assessment based on the justification that has been provided in Table 13-1. This is a view supported by the MCA representation. Additionally, for the avoidance of doubt, the Applicant must ensure that each of the possible impacts on navigational issues, including routing and effects on shipping, outlined in the MCA representation are addressed within the EIA Report.

- 5.9.4 In relation to the proposed designed in mitigation measures, the Scottish Ministers highlight the representation from the MCA in this regard relating to the consideration of appropriate mitigation which must be fully addressed by the Applicant and the completion of a SAR checklist in consultation with the MCA.
- 5.9.5 The Scottish Ministers agree with the scoping in of cumulative impacts for further assessment within the EIA Report, as per the MCA and UK CoS representations. With regard to transboundary impacts, the Scottish Ministers are content that these can be scoped out further for further assessment within the EIA Report.
- 5.9.6 In relation to the proposed EIA methodology, the Scottish Ministers would draw particular attention to the MCA representation and advise that the points raised by the MCA must be considered fully within the EIA Report. In particular, the Scottish Ministers refer the Applicant to the reference to MGN-543 and note that this has now been superseded by MGN-654.

5.10 Marine Archaeology and Cultural Heritage

- 5.10.1 The Scottish Ministers are content with regard to the study area and baseline information described by the Applicant at section 14.3 and 14.5 within the Scoping Report. At section 14.5.3 of the Scoping Report the Applicant has recognised the need to take account for the potential for historic unexploded ordnance and minefields to be present within the study area. The Scottish Ministers advise that consideration must also be given within the EIA Report to the potential presence of unexploded munitions as a result of more recent MOD activities. This view is supported by the MOD representation.
- 5.10.2 Within Table 14-3 of the Scoping Report, the Applicant details the potential impacts to be scoped in and scoped out of the EIA Report during the different phases of the Proposed Works. The Scottish Ministers are content with what has been identified to be scoped in and scoped out. The Scottish Ministers advise that given the relatively limited number of known marine historic environment assets within the study area of the Proposed Works and the commitment to pre-construction assessment, the proposal to undertake desk based assessments of existing data sources is sufficient for the purposes of the EIA Report. This view is supported by the HES representation.
- 5.10.3 With regards to the designed in measures the Scottish Ministers advise that the EIA Report must give an indication as to the size/scale of any potential implementation of exclusion zones to ensure these are of appropriate size with respect to mitigating the risk of undertaking a desk based assessment only for

the purposes of the EIA Report. The Scottish Ministers refer the Applicant further to the HES representation in this regard and furthermore, to the representation regarding the approach to be taken for the proposed Protocol for Archaeological Discoveries and Written Scheme of Investigation.

5.11 Other Sea Users

- 5.11.1 With regards to the proposed study area, the Applicant has identified that the Proposed Works pass through the MOD Danger Area complex D513 – Druidge Bay. The Scottish Ministers highlight the MOD representation in this regard and advise that in conjunction with the Practise and Exercise Area (“PEXA”) data that has been used to inform the baseline assessment of the study area, the Applicant must also make use of the information contained in the UK Air Information Publication, to identify the airspace designations for prohibited restricted Danger Areas that the study area overlaps. In addition, the Scottish Ministers advise that any future iterations of Figure 15-1 that may be contained within the EIA Report must define the relevant PEXA data. In relation to section 15.5.2.3, the Scottish Ministers highlight the NLB representation that AIS is a poor tool for assessing recreational vessel density and advise that this is taken into consideration in the EIA Report.
- 5.11.2 Within Table 15-1 of the Scoping Report the Applicant details the potential impacts to be scoped in to the EIA Report during the different phases of the Proposed Works. The Scottish Ministers agree with the impacts identified to be scoped in. The Scottish Ministers further agree with the potential impacts to be scoped out for further assessment within the EIA Report during the different phases of the Proposed Works. These views are supported by the RYA Scotland representation, Sportscotland representation and MOD representation.
- 5.11.3 With regards to the designed in measures described at section 15.6 of the Scoping Report, the Scottish Ministers are content that these provide a suitable means for managing and mitigating the potential effects of the Proposed Works; however advise that navigational warnings be expanded to include notification to the MOD operator of the Danger Areas that the Proposed Works may affect, as supported by the MOD representation. The Scottish Ministers would also highlight the representation from SSEN Transmission recommending engagement should the potential for the Proposed Works to cross the proposed SSEN Transmission Eastern Green Link 2 project.

6. Application and EIA Report

6.1 General

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

Signed

Rebecca Bamlett
23 February 2023
Authorised by the Scottish Ministers to sign in that behalf.

Appendix I: Consultation Representations & Advice

Please refer to separate document provided alongside the Scoping Opinion

Appendix II: Gap Analysis

Please refer to separate document provided alongside the Scoping Opinion