

Marine Directorate - Licensing Operations Team Scoping Opinion

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

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

And

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

Spiorad na Mara Offshore Windfarm

May 2024

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1. Introduction

1.1 Background

- 1.1.1 On 19 September 2023, the Scottish Ministers received a scoping report (“the Scoping Report”) from Spiorad na Mara Limited (“the Developer”) as part of its request for a scoping opinion relating to Spiorad na Mara Offshore Windfarm (“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 (“the Scoping Opinion”) in response to the Developer’s request and should be read in conjunction with the Scoping Report. The matters contained in the Scoping Report have been carefully considered by the Scottish Ministers and use has been made of professional judgment, based on expert advice from stakeholders and Marine Directorate in-house expertise and experience. This Scoping Opinion identifies the scope of impacts to be addressed and the method of assessment to be used in the Environmental Impact Assessment Report (“EIA Report”) for the Proposed Development.
- 1.1.3 The Scottish Ministers, in adopting this Scoping Opinion, have, in accordance with the EIA Regulations, taken into account the information provided by the Developer, in particular, information in respect of the specific characteristics of the Proposed Development, including its location and technical capacity and its likely impact on the environment. In addition, the Scottish Ministers have taken into account the representations made to them in response to the scoping consultation they have undertaken.
- 1.1.4 In examining the EIA Report, and any other environmental information, the Scottish Ministers will seek to reach an up to date reasoned conclusion on the significant effects on the environment from the Proposed Development. This reasoned conclusion will be considered as up to date if the Scottish Ministers are satisfied that current knowledge and methods of assessment have been taken account of. For the avoidance of doubt, this Scoping Opinion does not preclude the Scottish Ministers from requiring the Developer to submit additional information in connection with any EIA Report submitted with an application for consent under section 36 (“s.36 consent”)

of The Electricity Act 1989 (“the 1989 Act”) and marine licences under the Marine (Scotland) Act 2010 (“the 2010 Act”).

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

2. The Proposed Development

2.1 Introduction

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

2.2 Description of the Proposed Development

2.2.1 The Proposed Development comprises an offshore generating station with a maximum generating capacity of 1000 Megawatts ("MW"), located within the N4 Scotwind lease area. Two design options are currently being considered, a landfall substation design and an offshore substation design, both design options are described in more detail in Section [2.2.5](#) and [2.2.6](#) of this Scoping Opinion. The Proposed Development will have a capacity of greater than 50 MW and therefore requires the Scottish Ministers' consent to allow its construction and operation. The Developer may seek a direction for deemed planning permission to be given under section 57 of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act") as part of a single application for consent for both the onshore and offshore elements of the Proposed Development under s.36 of the 1989 Act. The Developer may also apply for a section 37 consent under the Electricity Act 1989 should installation of overhead lines be required. The Proposed Development will require marine licences granted by the Scottish Ministers under the 2010 Act, to permit all 'licensable marine activities' carried out for the Proposed Development, such as the construction, alteration and improvement of works, or the deposit of objects in the sea, or on or under the seabed.

2.2.2 The location of the Proposed Development is approximately 5 kilometres ("km") off the west coast of the Isle of Lewis, with a total array area of 161 square kilometres ("km²"). The Proposed Development will connect to the Scottish and Southern Electricity Networks ("SSEN") Converter Station, which is to be built as part of the upgraded Western Isles High-Voltage Direct Current Link between Stornoway and mainland Scotland.

2.2.3 The Proposed Development will comprise the following Wind Turbine Generator ("WTG") parameters;

- Up to 66 fixed bottom WTGs (each comprising a tower section, nacelle and three rotor blades) and support structures and foundations;
- A generating capacity of 15 MW – 27 MW;

- A rotor diameter of up to 330 metres (“m”);
- A blade tip height above Mean Sea Level (“MSL”) of no greater than 380m;
- A minimum air gap of 22m;
- A maximum hub height above MSL of 220m;
- Foundation designs being considered include monopiles, tripods, jackets, suction buckets and gravity base structures;
- Scour protection may be required including rock placement, front mats, concrete mattresses or integrated skirts/aprons.

2.2.4 The Developer has adopted a project design envelope approach for the substations, with the following two design options being considered:

2.2.5 Option 1 – Landfall Substation Design

- One onshore landfall substation located on the west coast of the Isle of Lewis, with a footprint of up to 50,000m²;
- One onshore grid substation located near the proposed SSEN Converter Station on the east coast of the Isle of Lewis, with a footprint of up to 50,000m²;
- Up to eight array cables connecting the WTGs to Transition Joint Bays (“TJBs”) at landfall;
- Up to eight onshore cables from TJBs to the landfall substation;
- Up to three onshore export cables connecting from the landfall substation to the grid substation;
- Export cables from the grid substation to the SSEN converter station.

There are no Offshore Substation Platforms (“OSPs”) proposed for design option one.

2.2.6 Option 2 – Offshore Substation Design

- A maximum of three OSPs and support structures and foundations;
- Array cables from the WTGs to OSP(s);
- Inter-connector cables between OSPs (only required if more than one OSP is installed);
- Up to three offshore export cables from OSP to TJB at landfall;
- One onshore grid substation with a maximum footprint of 50,000m²;
- Up to three onshore export cables from TJB to grid substation;
- Up to three onshore export cables linking the grid substation to the SSEN converter station.

2.2.7 The final design option will be chosen based on both commercial and technical parameters, as well as results of environmental and engineering

surveys. A number of details of the Proposed Development are unknown at this stage, such as the landfall sites, the WTG foundation type and whether a mixed foundations approach will be adopted.

2.2.8 The Proposed Development is to be operational for 35 years.

2.3 Onshore Planning

2.3.1 In section 1.6 of the Scoping Report, the Developer sets out the consenting strategy for the Proposed Development. It states that, for the onshore infrastructure, either full planning permission or deemed planning permission under section 57 of the 1997 Act will be sought.

2.3.2 On granting a s.36 consent the Scottish Ministers may give a direction that planning permission be deemed to be granted, subject to any conditions as may be specified in the direction, for any development ancillary to the operation to which the s.36 consent relates.

2.3.3 In the cover letter submitted with the Scoping Report, the Developer states that its current intention is to seek a direction from the Scottish Ministers under section 57(2) of the 1997 Act that planning permission for the onshore transmission infrastructure be deemed to be granted as part of the s.36 consent application. The Scoping Report presents different options for onshore infrastructure.

2.3.4 The Scottish Ministers may look to update the guidance provided in the Offshore wind, wave and tidal energy applications: consenting and licensing manual¹ with regard to deemed planning permission which may result in clarity on the circumstances in which powers to direct that planning permission be granted under section 57 of the 1997 Act are exercised. This may have a bearing on aspects of the options presented. In this regard, the Developer is advised to continue to engage with the Scottish Ministers prior to submission of any request for deemed planning permission.

2.3.5 The Developer has not sought a separate scoping opinion from Comhairle nan Eilean Siar for the associated onshore transmission works therefore, this Scoping Opinion concerns both offshore and onshore infrastructure associated with the Proposed Development. Should the Developer decide to apply for separate planning permission for the onshore infrastructure, the Scottish Ministers advise the Developer to seek a scoping opinion from Comhairle nan Eilean Siar to inform the application.

¹ <https://www.gov.scot/publications/marine-scotland-consenting-licensing-manual-offshore-wind-wave-tidal-energy-applications/pages/1/>

2.4 The Scottish Ministers' Comments

Description of the Proposed Development

- 2.4.1 As the Proposed Development includes both onshore and offshore elements, all infrastructure located below mean high water springs ("MHWS") will be referred to as the "Offshore Proposed Development" and all infrastructure and works located above mean low water springs ("MLWS") will be referred to as the "Onshore Proposed Development" in the Scoping Opinion. For the avoidance of doubt the Offshore Proposed Development, must include both the array area and the export cable corridor area, as outlined in blue, and hatched in grey in figure 1.1-1 of the Scoping Report. The Onshore Proposed Development, must include the onshore cable search area, cable jointing infrastructure and the onshore substation site(s), as outlined in the orange circles, and solid and hatched green area in figure 1.1-1 of the Scoping Report. Should the Developer opt to submit a separate planning application for the Onshore Proposed Development, terrestrial and marine aspects should be clearly identified in the EIA Report to ensure a straightforward process in terms of separately assessing the impacts associated with the offshore and onshore infrastructure.
- 2.4.2 The Scottish Ministers note that marine licensing covers the marine area up to MHWS and terrestrial planning control extends down to MLWS. As there is an overlap of consenting regimes in the inter-tidal zones, for some activities there may be a need for both a marine licence and planning permission.
- 2.4.3 Section 2 of the Scoping Report states that project description is based on conceptual design information and the final project design will be identified following environmental and engineering surveys and will represent a final realistic maximum design scenario which will be presented in the EIA Report. Table 2.3-1 of the Scoping Report summaries two design options currently being considered, Landfall Substation Design and Offshore Substation Design. The Scottish Ministers advise that the EIA Report must include a full and detailed description of all options considered within the design envelope. Further information on the design envelope approach is set out in sections [2.4.25 to 2.4.28](#) of the Scoping Opinion below.
- 2.4.4 Section 2.5.3 of the Scoping Report states that an offshore cable corridor area of search has been developed and the final offshore cable corridor will be defined following further studies and surveys. The Scottish Ministers advise that the EIA Report must clearly describe the export cable area including the width, length, and location of each export cable corridor.

- 2.4.5 Section 2.5.4 and figure 1.1-1 of the Scoping Report describes the landfall areas currently being considered noting that further environmental and technical surveys will be undertaken before deciding on the final landfall location area. Section 2.7 describes the techniques being considered for the installation of the offshore export cables and final technique will be dependent on ground survey results but could include trenchless techniques such as Horizontal Directional Drilling (“HDD”), direct pipe or similar, open cut trench or rock pinning. The EIA Report must clearly detail each landfall location and state the site-specific considerations for each option. The EIA Report must describe and assess the options considered for cable installation at each landfall location and must also explain the reasons for the selected installation options. The EIA Report must also outline the steps taken to mitigate any environmental impacts resulting from the cable landfall.
- 2.4.6 Section 2.5.5 of the Scoping Report states that an onshore cable corridor area of search is defined although alternative routes may be considered. Figure 1.1-1 of the Scoping Report depicts the onshore cable corridor area of search. The Scottish Ministers advise that the EIA Report must clearly describe the onshore cable corridor area including the location, width and length.
- 2.4.7 Section 2.6.1.2 of the Scoping Report states that the Offshore Proposed Development will include up to 66 WTGs. The Scottish Ministers note that the WTG parameters are detailed in the design envelope in table 2.6-1 and advise that the EIA Report must include a full and detailed description of all WTG parameters considered within the design envelope.
- 2.4.8 Section 2.6.2 of the Scoping Report states that a number of fixed foundations and support structures for the WTGs are being considered including monopile, tripod, jacket, suction bucket and gravity base, the maximum design parameters are included in tables 2.6-2 through 2.6-6. The Scottish Ministers advise that the EIA Report must include a full and detailed description of all foundation and support structure designs considered within the design envelope. The Scoping Report further states that scour protection may be used if required to mitigate scour around the WTG foundation structures. For the avoidance of doubt, the use of scour protection must be assessed in the EIA Report including details on materials, quantities and location.
- 2.4.9 Section 2.6.2.1 states that the number of array cables will vary depending on a number of parameters, the inter-array design parameters are described in table 2.6-7. Section 2.6.4 of the Scoping Report states that inter-connector cables will only be required should more than one OSP be installed. The design parameters are detailed in table 2.6-9. Section 2.6.5 states that up to

three offshore export cables will be required but only if the Offshore Substation Design is taken forward. The maximum design parameters of the potential export cables are summarised in table 2.6-10 of the Scoping Report. The export cable corridors are yet to be defined and will be dependent on geophysical and geotechnical survey information. The Scoping Report further states cable installation methodology will be dependent on site-specific surveys which may include but not be limited to cable plough, jet trencher, mechanical cutting trencher, controlled flow excavator and/or mass flow excavator. The Scoping Report states that cable routes will be defined by site-specific geophysical and geotechnical survey information and will be finalised as part of the EIA process. Cables will be buried wherever possible with a number of burial options being considered, the final method of which is yet to be determined and additional cable protection will be considered. The EIA Report must provide an estimate of the anticipated likelihood of suitable burial along cable routes and be clear on the range of depths that have been considered as part of the assessment. Clear narrative must be provided within the EIA Report to show how this has been estimated. 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.

- 2.4.10 Any cable protection to be used to protect inter-array, inter-connector and export cables 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 over the seabed, required for the installation of inter-array or inter-connector cables will require consideration in the EIA Report and may also require a marine licence. Should seabed preparation involve dredging, the EIA Report must identify the quantities of dredged material and identify the likely location for deposit. The Developer may also be required to submit pre-dredge sample analysis, this should include supporting characterisation of the new and existing deposit sites.
- 2.4.11 With regard to boulder clearance, the Scottish Ministers advise 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. The Scottish Ministers direct the Developer to the Scottish Fishermen's Federation ("SFF") representation in this regard.

- 2.4.12 Section 2.6.3 of the Scoping Report states that, should the Offshore Substation Design be adopted, the Offshore Proposed Development will include up to three OSPs, the OSP parameters are detailed in table 2.6-8 of the Scoping Report. The Scottish Ministers advise that the EIA Report must include a full and detailed description of the OSP options being considered as part of the design envelope including the design, size and foundations.
- 2.4.13 Section 2.8.1 describes the onshore export cables and associated infrastructure and states that for both design options at least one onshore substation will be required and the onshore cable routing as depicted in figure 1.1-1 applies. Onshore cable circuits will be routed across the island, preferably underground in line with National Planning Framework 4 (“NPF4”) however sections of overhead line may be required. The Scoping Report further states that open-cut trenching will be the primary method of installation however HDD may also be required. The Scoping Report further identifies the need for Cable Joint Bays (“CJB”) which are “typically required every 500 to 1,500m”. Table 2.8-1 describes the scoping design parameters for the onshore cabling which will be dependent on local ground conditions and subject to landowner requirements and cable characteristics. The Scottish Ministers advise that the EIA Report must include full and detailed description of the onshore export cables and associated infrastructure including a worst case scenario for the number of CJBs that may be required and consideration must be given to their impact.
- 2.4.14 Section 2.8.2 of the Scoping Report states that up to 2 onshore substations will be required dependent on the final design option. The design parameters for the onshore substations are summarised in table 2.8-2 of the Scoping Report. The location will be refined through the EIA process following further surveys and studies and in consultation with the public and stakeholders but will be as close to the selected landfall location as possible. The Scottish Ministers advise that the EIA Report must include a full and detailed description of the onshore substation(s) and options being considered including the location, design, size and details of ancillary infrastructure.
- 2.4.15 Section 2.9 of the Scoping Report provides an overview of the Proposed Development phases. Table 2.9-1 states that offshore pre-construction geophysical, geotechnical and benthic surveys as well as unexploded ordnance (“UXO”) clearance surveys and metocean measurement campaigns will be undertaken. Table 2.9-2 states that onshore pre-construction surveys and site investigations may also be undertaken, this may include ecology, hydrology, geotechnical and geophysical surveys, and archaeological and contaminated land investigations. The Scottish Ministers advise that the EIA must describe the environmental effects, including in-combination effects, of the range of surveys which may be required. The

Scottish Ministers advise that the EIA Report must include full consideration of the options which will be assessed in relation to UXO clearance, the differences amongst them and an assessment of the environmental effects of these options. In this regard, the Scottish Ministers advise that the EIA Report must include a worst case scenario of high order detonation in terms of impact and mitigation, unless there is robust supporting evidence that can be presented to show consistent performance of the preferred low order or deflagration method. The Scottish Ministers refer to the Joint SNCB/DEFRA/MS statement – Marine environment: unexploded ordnance clearance² in this regard.

- 2.4.16 Section 2.9.2 of the Scoping Report details the operation and maintenance activities that will be considered in 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, how activities will be carried out for the Proposed Development and any anticipated cumulative impacts with neighbouring developments. Such proposed activities may require to be permitted by marine licence or planning permission issued for the Proposed Development unless an exemption applies.
- 2.4.17 Section 2.9.3 of the Scoping Report confirms a decommissioning programme will be prepared and submitted to Scottish Ministers in line with section 105 of the Energy Act 2004. The EIA Report must include an assessment of potentially significant effects during the decommissioning phase of the Proposed 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.
- 2.4.18 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.
- 2.4.19 The Scottish Ministers were content to consult on the Scoping Opinion without coordinates included. However, the coordinates must be included

² [Marine environment: unexploded ordnance clearance joint interim position statement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/marine-environment-unexploded-ordnance-clearance-joint-interim-position-statement)

alongside the EIA Report detailing the outline of the offshore turbine array, export cable corridor, onshore cable corridor and infrastructure.

- 2.4.20 The Scottish Ministers recommend early consideration of nature inclusive design aspects in line with the NatureScot representation. The Scottish Ministers direct the Developer to the NatureScot representation on the need to understand potential impacts holistically at a wider ecosystem scale, rather than 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.
- 2.4.21 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 'changeouts' of components) and decommissioning of the Proposed Development for which a regulatory approval or planning permission will be needed. The Developer should give consideration to all activities related to the Proposed Development which require regulatory approval or planning permission and ensure that these are applied for as appropriate.
- 2.4.22 The Sectoral Marine Plan for Offshore Wind ("SMP")³ identified one of the key risk factors for the North 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 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.
- 2.4.23 Furthermore, the SMP identified that for N4, where the Proposed Development is located, comprehensive consultation with local stakeholders and communities should be considered in relation to impacts associated with the potential visual, landscape and seascape issues and potential noise impacts. The Scottish Ministers advise that the Developer continues to engage with the local community and encourage further engagement with local stakeholders and community councils.

³ [Sectoral marine plan for offshore wind energy - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/sectoral-marine-plan-for-offshore-wind-energy/pages/10.aspx)

- 2.4.24 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

- 2.4.25 The Scottish Ministers note the Developer's intention to apply a 'Design Envelope' approach. Where the details of the Proposed Development cannot be defined precisely, the Developer will apply a realistic maximum adverse design scenario, as set out in section 2.4 of the Scoping Report.
- 2.4.26 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, marine licence and the accompanying EIA Report.
- 2.4.27 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 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.
- 2.4.28 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

- 2.4.29 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 2.5 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.

- 2.4.30 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 WTG 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 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.

3.4 Risks of Major Accidents and/or Disasters

- 3.4.1 In section 4.6.1 of the Scoping Report, the Developer proposes that the EIA Report will not include a standalone chapter assessing the risks of major accidents and disasters. Instead it is proposed that the risk of environmental disasters to the Proposed Development will be considered within the relevant chapters of the EIA Report. The Scottish Ministers are content with this approach and further advise that the Developer should make use of appropriate guidance, including the recent Institute of Environmental Management and Assessment (“IEMA”) ‘Major Accidents and Disasters in EIA: A Primer’, to better understand the likelihood of an occurrence and the Proposed Developments susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the Proposed Development’s potential to cause an accident or disaster.
- 3.4.2 The Scottish Ministers advise that existing sources of risk assessment or other relevant studies should be used to establish the baseline rather than collecting survey data and note the IEMA Primer provides further advice on this. This should include the review of the identified hazards from your baseline assessment, the level of risk attributed to the identified hazards and the relevant receptors to be considered.
- 3.4.3 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.

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 19 October 2023. The consultation was extended to allow sufficient time for consultees to respond and the consultation concluded on Monday 18 December 2023. The following bodies were consulted, those marked in bold provided a response and those marked in italics sent nil returns or stated they had no comments:

- Airdhantuim Community Council
- **Anderson MacArthur (on behalf of Lewis Island Crofters Limited landlords of Dalmore Estate)**
- Association of District Salmon Fisheries Board (“DSFB”)
- Atlantic Salmon Trust
- Back Community Council
- **Barvas Estates Trust**
- **Berner Community Council**
- **Breasclete Community Council**
- **British Telecommunications Radio Network Protection**
- Chamber of Commerce
- Civil Aviation Authority
- Comhairle Core Paths
- Comhairle Roads Authority
- Comhairle Archaeology Service
- **Comhairle Nan Eilean Siar (service departments internally consulted and a singular response submitted)**
- Communities Inshore Fisheries Alliance
- **Crofting Commission**
- Crown Estates Scotland
- **Cruising Association**
- Department for Energy Security & Net Zero
- Economic Development (Energy and Renewables)
- Fisheries Management Scotland
- Fishery Offices - Stornoway
- Great Bernera Community Development Trust
- Hebridean Housing Partnership
- **Hebridean Whale and Dolphin Trust (“HWDT”) (joint representation submitted with the Whale and Dolphin Conservation)**
- **Historic Environment Scotland (“HES”)**

- **Highlands and Islands Airports (“HIAL”)**
- Highlands and Islands Enterprise
- **Joint Radio Company**
- Kinloch Community Council
- Magnora Offshore Wind Limited
- Marine Planning and Policy
- Marine Safety Forum
- Marine Scotland Compliance
- **Maritime and Coastguard Agency (“MCA”)**
- **Ministry of Defence (“MOD”)**
- **National Air Traffic Services (“NATS”)**
- **National Trust for Scotland**
- **NatureScot**
- *North and East Coast Regional Inshore Fishery Group*
- North and West DSFB
- North Lochs Community Council
- **Northern Lighthouse Board (“NLB”)**
- **Ofcom**
- **Outer Hebrides Fisheries Trust**
- Outer Hebrides Regional Inshore Fisheries Group
- Pairc Community Council
- Point Community Council
- Royal National Lifeboat Institute
- **Royal Society for the Protection of Birds Scotland (“RSPB Scotland”)**
- **Royal Yachting Association (Scotland) (“RYA”)**
- **Sandwick Community Council**
- **SSEN**
- Scottish Canoe Association
- Scottish Creel Fishermans Federation
- Scottish Crofting Federation
- **Scottish Environment Protection Agency (“SEPA”)**
- **SFF**
- Scottish Fishermen’s Organisation
- **Scottish Forestry**
- Scottish Salmon Producers Association
- Scottish Surfing Federation
- **Scottish Water**
- Scottish White Fish Producers Association
- Scottish Wildlife Trust
- **ScotWays**
- **Shawbost Community Council**

- **South Bragar Grazings Committee**
- *Sportscotland*
- Stornoway Community Council
- Stornoway Port Authority
- Stornoway Trust
- Surfers Against Sewage
- Tong Community Council
- Uig Community Council
- **UK Chamber of Shipping**
- **Urras Oighreachd Charlabhaigh (Carloway Estate Trust)**
- **Urras Oighreachd Ghabhsainn (Galson Estate Trust)**
- Visit Scotland
- West Side Communities of the Isle of Lewis
- Western Isles Council Harbour Office
- **Western Isles District Salmon Fishery Board**
- Western Isles Fishermen's Association
- **Whale and Dolphin Conservation ("WDC") (joint representation submitted with the Hebridean Whale and Dolphin Trust)**

4.1.2 Specific advice was sought from 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 40 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 regard 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 MD-SEDD and TS must be considered in conjunction with the Scoping Opinion and with the expectation that recommendations and advice as directed through this Scoping Opinion are implemented.

5.2 Offshore Chapters

5.2.1 Physical and Coastal Processes

5.2.1.1 The Developer considers the approach to assessing the impact of the Proposed Development on physical and coastal processes in chapter 6.1 of the Scoping Report. The Developer has provided key data sources in table 6.1-1 of the Scoping Report. The Scottish Ministers direct the Developer to the MD-SEDD advice dated 22 January 2024 on recommended models for physical processes and advise these should be considered and incorporated into the EIA Report. Furthermore, the Scottish Ministers, in line with the NatureScot representation, direct the Developer to the Dynamic Coast resource to assist in finalising the design of the Offshore Proposed Development.

5.2.1.2 With regard to baseline characterisation, the Scottish Ministers acknowledge the use of the datasets and site-specific data to inform the EIA Report. The Scottish Ministers advise, in line with the Barvas Estate Trust representation, the inclusion of additional studies into coastal erosion and displacement along the coastline closest to the area of the Proposed Development.

5.2.1.3 The Scottish Ministers are broadly content with the potential likely significant effects scoped in as summarised in table 6.1-3 of the Scoping Report, however note these focus on impacts to bed sediments. The Scottish Ministers advise considering water column and wave processes for the operational phase of the Offshore Proposed Development, specifically the potential of a change to mixing, stratification and frontal positions. Section 6.1.3.10 of the Scoping Report references stratification. As the Offshore Proposed Development lies within an intermittently stratified region, the Scottish Ministers advise this should be further assessed in the EIA Report. This is in line with the MD-SEDD advice dated 22 January 2024.

5.2.1.4 The Scottish Ministers cannot provide specific advice on the proposed approach to assessment for physical processes as there is a lack of detail contained within the Scoping Report. The Developer is directed to the MD-SEDD advice dated 22 January 2024 and advised to include the requested information within the EIA Report.

5.2.1.5 The Scottish Ministers, in line with the MD-SEDD advice dated 22 January 2024 are content with the embedded mitigation measures proposed in table 6.1-2 of the Scoping Report.

5.2.2 Underwater Noise

5.2.2.1 The Developer considers the approach to assessing the impact of underwater noise generated by the Offshore Proposed Development on ecological receptors in chapter 6.2 of the Scoping Report. The Scottish Ministers acknowledge that there is no study area as this will be defined by the relevant receptor and support the approach to assessment of absolute noise criteria, as opposed to assessing the difference between the baseline and the noise being assessed.

5.2.2.2 The Scottish Ministers are broadly content with the impact pathways proposed to be scoped into and out of the EIA Report as detailed in table 6.2-1 of the Scoping Report however advise that “effect of seabed vibration” also be scoped in for assessment of migratory fish. This is a view supported NatureScot in its representation.

5.2.2.3 The Scottish Ministers agree with the proposed approach to assessment as set out in section 6.2.6 of the Scoping Report and support the use of the INSPIRE and SPEAR models. The Developer is directed to the recent ScotMER report⁴ in relation to noise/propagation modelling of marine piling and the report from The Carbon Trust in collaboration with ORJIP Offshore Wind entitled “Reducing uncertainty in underwater noise assessments for offshore wind (ReCon)”⁵ and advise these are considered in undertaking the Underwater Noise Assessment. Furthermore, in relation to assessing the effects of underwater noise on fish, the Scottish Ministers support the use of Popper et al. 2014. This is in line with the NatureScot representation.

5.2.2.4 In section 6.2.4 of the Scoping Report the Developer proposes to consider mitigation measures within the relevant receptor chapters of the EIA Report, the Scottish Ministers are content with this approach. The Scottish Ministers

⁴ [Supporting documents - Marine piling - energy conversion factors in underwater radiated sound: review - gov.scot \(www.gov.scot\)](#)

⁵ [Reducing uncertainty in underwater noise assessments for offshore wind \(ReCon\) | The Carbon Trust](#)

support the use of soft start and ramp up sequences, this is in line with the NatureScot and combined WDC and HWDT representations, additionally, the Scottish Ministers advise that acoustic deterrent devices are also considered to mitigate against noisy activity such as piling. Furthermore, the Developer is directed to the combined WDC and HWDT representation and advised to fully consider the advice provided in considering mitigation of underwater noise. The Developer is expected to consider and implement the most current guidelines on minimising the risk of injury to marine mammals as advised by NatureScot in its representation.

5.2.2.5 Should it be available at time of assessment, the Scottish Ministers advise the use of the Cumulative Effects Framework (“CEF”) in undertaking the cumulative assessment. Alternatively, the Scottish Ministers support the use of iPCoD. The Scottish Ministers are unable to provide further specific advice due to the lack of detail in the Scoping Report in relation to the cumulative assessment of underwater noise.

5.2.2.6 In relation to transboundary impacts, the Scottish Ministers are content for underwater noise to be scoped out of the EIA Report.

5.2.3 Marine Sediment and Water Quality

5.2.3.1 The Developer considers the potential impact of the Proposed Development on water and sediment quality in chapter 6.3 of the Scoping Report.

5.2.3.2 The Scottish Ministers note the baseline data sources regarding marine water and sediment quality used by the Developer in table 6.3-1 of the Scoping Report. The Scottish Ministers advise, in line with the NatureScot representation, that a blue carbon assessment should be undertaken to expand on the information and assessment conducted for benthic ecology to focus on the potential impacts of the Proposed Development on marine sediments.

5.2.3.3 The Scottish Ministers direct the Developer to representations made by Sandwick Community Council and Shawbost Community Council in relation to engagement with additional organisations and advise that this is considered.

5.2.3.4 In table 6.3-3 of the Scoping Report the Developer summarises the potential impacts to marine water and sediment quality during the different phases of the Proposed Development. The Scottish Ministers agree with this proposal and direct the Developer to the SEPA standing advice with particular regard to the Water Framework Directive, Invasive Non-Native Species (“INNS”),

pollution prevention, waste management and dredge spoil, and advise that this is fully considered in the EIA Report.

5.2.4 Benthic and Intertidal Ecology

- 5.2.4.1 The Developer considers the potential impact of the Proposed Development on benthic receptors in chapter 6.4 of the Scoping Report. The Scottish Ministers advise the study area is expanded to cover the estimated extent of impacts based on the tidal cycle zone of influence.
- 5.2.4.2 In respect of data sources, the Scottish Ministers support the list provided in table 6.4-1 of the Scoping Report. However, in relation to baseline characterisation, the Developer is advised that should site-specific surveys identify sensitive species and/or Priority Marine Features (“PMF”), further surveys may be required to investigate their extent and distribution and the Scottish Ministers advise that this is fully considered in the EIA Report, this is in line with the NatureScot representation.
- 5.2.4.3 The Scottish Ministers highlight the NatureScot representation in relation to eDNA sampling and advise that eDNA sampling and analysis is not required to inform the EIA Report however it can add significant value to other survey methods.
- 5.2.4.4 The Scottish Ministers are content with the receptors, and likely significant effects to such, of the Proposed Development as identified in sections 6.4.3.3 and 6.4.5 of the Scoping Report. In relation to the potential impacts to be scoped into and out of the EIA Report as summarised in table 6.5-5 of the Scoping Report, the Scottish Ministers are broadly content however advise that colonisation of hard structures during the operations and maintenance phase is scoped in, and removal of hard structures is scoped into the decommissioning phase in relation to changes in substrate and their subsequent removal. Additionally, the Scottish Ministers also advise the introduction and colonisation of INNS is scoped into the operations and maintenance phase. This is in line with the NatureScot representation. Finally, in line with the SFF representation, the Scottish Ministers advise that impacts to benthic invertebrates due to thermal emissions from subsea electrical cables and seasonal stratification of the water column is scoped into the EIA Report.
- 5.2.4.5 With regard to the proposed approach to assessment as outlined in section 6.4.6 of the Scoping Report, the Scottish Ministers are content with this approach. Furthermore, the Developer is advised to consider the use of the Feature Activity Sensitivity Tool to inform the sensitivity of benthic and intertidal ecology receptors.

- 5.2.4.6 In addition to the mitigation measures as set out in table 6.4-4 of the Scoping Report, the Developer is advised, in line with the NatureScot representation, that consideration is given to ensuring a target cable burial depth of at least 1m to mitigate the effects of electromagnetic fields (“EMF”) on benthic ecology receptors.
- 5.2.4.7 The Scottish Ministers are unable to provide specific advice due to the lack of detail in the Scoping Report in relation to the cumulative assessment of the impact to benthic and intertidal ecology receptors.
- 5.2.4.8 In relation to transboundary impacts, the Scottish Ministers are content for the impacts to benthic and intertidal ecology receptors to be scoped out of the EIA Report.

5.2.5 Fish and Shellfish Ecology

- 5.2.5.1 The Developer considers the potential impact of the Proposed Development on fish and ecology receptors in chapter 6.5 of the Scoping Report. The Scottish Ministers do not agree that the data sources identified within section 6.5.3.1 of the Scoping Report are sufficient to inform the baseline data for the EIA Report. The Scottish Ministers advise the Developer considers and includes the recommended data sources highlighted in the NatureScot representation and MD-SEDD advice dated 2 February 2024. Additionally, the Scottish Ministers highlight the guidance provided by NatureScot in its representation in relation to addressing gaps in the baseline data for Atlantic salmon migratory routes and advise that this is fully considered in producing the EIA Report.
- 5.2.5.2 Figure 6.5-1 of the Scoping Report outlines the proposed study areas for marine fish and shellfish. The Scottish Ministers advise, in line with the NatureScot representation, extending the boundaries to incorporate the modelled distances for suspended sediment concentration change and underwater noise or vibration. Furthermore, it is recommended that an additional migratory fish study area should be included in the EIA Report. The Scottish Ministers advise the Developer fully considers and implements the advice provided by NatureScot in its representation in relation to baseline characterisation of sandeel and migratory fish.
- 5.2.5.3 The Scottish Ministers direct the Developer to the Comhairle nan Eilean Siar representation in relation to the guidance on primary data collection from fishing vessels in the area that should be used to inform the baseline for fish and shellfish ecology. The Scottish Ministers advise that, in addition to those listed in section 6.5.6.2 of the Scoping Report, consideration be

given to consultation of further stakeholders provided by Sandwick Community Council and Shawbost Community Council in its representations.

- 5.2.5.4 The Developer presents the impacts proposed to be scoped into assessment in table 6.5-3 of the Scoping Report. EMF effects from cables is scoped into assessment, however the Scottish Ministers advise EMF impacts to the migratory patterns of all marine life stages of European eel, Atlantic Salmon, and sea trout as a potential host for freshwater pearl mussel should be fully considered and scoped into assessment. This is in line with the NatureScot representation.
- 5.2.5.5 In terms of construction impacts, the Scottish Ministers advise, in line with the NatureScot representation, that underwater noise and the potential of displacement effects to migration from both the export cable and offshore array area should be scoped in. In line with the SFF representation, the Scottish Ministers advise scoping in underwater noise impacts from the operational phase of the Offshore Proposed Development to ensure any potential behavioural changes or impacts to fish are assessed.
- 5.2.5.6 The Scottish Ministers further advise the Developer scopes in the potential impact to migratory movements due to lighting or shadow flicker effects, as well as the higher risk of predation due to displacement effects from lighting and shadow flicker causing an increased time for migratory fish to pass through the Offshore Proposed Development. This is in line with the NatureScot and Western Isles DSFB representations.
- 5.2.5.7 INNS are scoped out of assessment for the operation and maintenance phase of the Proposed Development. The Scottish Ministers, in line with the Comhairle nan Eilean Siar representation, advise scoping INNS into further assessment as there is potential for the introduction and spread of INNS even with mitigation, such as the proposed INNS Management Plan, in place.
- 5.2.5.8 The list of potential likely significant effects should be checked against the ScotMER Evidence Map. This view is in line with the NatureScot representation.
- 5.2.5.9 The Scottish Ministers highlight that the area of the Proposed Development lies within salmon and sea trout spawning grounds and therefore advise this is fully considered and addressed in the EIA Report. This is in line with the Carloway Estate Trust, Barvas Estate Trust and Anderson MacArthur (on behalf of Lewis Island Crofters Limited) representations.

- 5.2.5.10 The Scottish Ministers advise, in line with the NatureScot representation, considering the potential impact pathways from offshore wind in terms of the various phases of the Proposed Development, such as construction, operation and maintenance and decommissioning, as well as considering the export cable together with the array area.
- 5.2.5.11 The Scottish Ministers agree with the suggested methods of assessment for marine fish and shellfish groups likely to be impacted by the Proposed Development. Regarding PMFs, the Scottish Ministers advise the assessment should quantify where possible the likely impacts to key PMFs and consider whether this could lead to a significant impact on the national status of the PMFs under consideration. The Scottish Ministers direct the Developer to the guidance provided on this by NatureScot in its representation.
- 5.2.5.12 With regard to changes in prey species availability, consideration must be given in the EIA Report to ensure that impacts to key prey species and their habitats are considered in terms of the Proposed Development and cumulatively with other offshore wind farm developments. The Scottish Ministers direct the Developer to the NatureScot representation in this regard and advise that this is fully addressed and implemented in the EIA Report.
- 5.2.5.13 In relation to migratory fish, the Scottish Ministers acknowledge the approach to assessment included in section 6.5.6 of the Scoping Report, however note the lack of commitment in addressing key evidence gaps in migratory fish distribution such as consideration of the overlap between the area of the Proposed Development and migratory fish at a local and regional scale, as well as proposed mitigation to address potential impacts. The Scottish Ministers encourage the Developer to fully consider and implement the guidance provided on this by NatureScot and the Western Isles DSFB.
- 5.2.5.14 The Scottish Ministers are content with the embedded mitigation measures included in table 6.5-2 of the Scoping Report, however 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 advise that this is fully addressed within the EIA Report. Furthermore, the Scottish Ministers advise that consideration is given to mitigation for permanent seabed habitat loss and disturbance in the EIA Report. This is a view supported by Comhairle nan Eilean Siar in its representation.
- 5.2.5.15 Ongoing consideration of mitigation measures throughout the lifetime of the Proposed Development is required for both marine fish and shellfish, as well

as for migratory fish. In terms of mitigation for migratory fish, the Scottish Ministers advise the Developer further considers the timing and duration of construction in relation to migratory periods, the potential underwater noise impacts from construction and operation phases of the Offshore Proposed Development, as well as the lighting and barrier effects and attraction of predators. Further detail on proposed monitoring of fish and shellfish receptors should also be considered within the EIA Report. This is in line with the NatureScot and Western Isles DSFB representations.

5.2.5.16 In terms of cumulative impacts, the Scoping Report lacks detail in relation to the Developer's specific approach to the cumulative assessment of impacts on fish and shellfish receptors. The Scottish Ministers therefore cannot provide specific advice in this regard.

5.2.5.17 The Scottish Ministers advise that transboundary impacts on most fish and shellfish receptor groups can be scoped out of further assessment. However as studies have indicated that Atlantic salmon post-smolts migrate from Scotland, England, Northern Ireland and the Republic of Ireland to the west of the Outer Hebrides, and as there is insufficient tracking data on post-smolts originating from the Langavat Special Area of Conservation ("SAC") or North Harris SAC, the Scottish Ministers, in line with the NatureScot representation, advise that transboundary impacts on migratory fish should be scoped into the EIA Report for further assessment.

5.2.6 Marine Mammals and Other Megafauna

5.2.6.1 The Developer considers the potential impact of the Proposed Development on marine mammals and other megafauna in chapter 6.6 of the Scoping Report. A list of data sources is provided in table 6.6-1 of the Scoping Report. The Scottish Ministers advise that this is supplemented by further and more up to date sources and direct the Developer to the NatureScot and combined WDC and HWDT representations for further guidance.

5.2.6.2 The Developer is directed to the NatureScot representation in relation to the use of SCANS data and is advised to implement this advice in producing the EIA Report. Furthermore, in relation to baseline data collection the Scottish Ministers highlight the concerns raised by WDC and HWDT in their combined representation in relation to limitations of the Digital Area Survey ("DAS") in detecting cetaceans and advise that the Developer consider alternative survey methodologies in producing the EIA Report to ensure a robust baseline.

5.2.6.3 The Scoping Report identifies species to be included in the assessment in section 6.6.3.3, for the avoidance of doubt, the Scottish Ministers advise

that this should include grey seal, harbour seal, harbour porpoise, white-beaked dolphin, orca, Risso's dolphin, minke whale, common dolphin, bottlenose dolphin, Atlantic white sided dolphin, long finned pilot whale, humpback whale, fin whale and beaked whale. If it is not possible to undertake a quantitative assessment for each species, qualitative assessment is acceptable. The Developer is directed to the NatureScot representation in this regard.

5.2.6.4 The Scottish Ministers broadly agree with the impacts scoped into the EIA Report as detailed in table 6.6-4 of the Scoping Report, however, advise that collision with vessels must be scoped in for all stages of the Offshore Proposed Development. This is a view supported by NatureScot and WDC and HWDT in its representations. Additionally, in line with the combined WDC and HWDT representation, the accidental release of pollutants should also be scoped in for all stages of the Proposed Development.

5.2.6.5 In relation to the proposed approach to assessment, the Scottish Ministers advise the use of the UK portion of the Inter Agency Marine Mammal Working Group Management Unit and direct the Developer to the NatureScot representation for further guidance.

5.2.6.6 In section 6.6.4 of the Scoping Report the Developer commits to development of a Marine Mammal Management Plan. The Scottish Ministers note that there are minimal proposed mitigation measures listed and advise that where impact pathways have been identified, a full range of mitigation measures must be included in the EIA Report. Furthermore, the EIA Report should include further information on proposed marine mammal monitoring and direct the Developer to the NatureScot representation in this regard.

5.2.6.7 Should it be available at time of assessment, the Scottish Ministers advise the use of the CEF in undertaking the cumulative assessment. The Scottish Ministers are unable to provide further specific advice due to the lack of detail in the Scoping Report in relation to the cumulative assessment of the impact to marine mammals and other megafauna.

5.2.6.8 The Scottish Ministers are content for transboundary effects on marine mammals and other megafauna to be scoped out of the EIA Report, this a view supported by NatureScot in its representation.

5.2.7 Marine and Nearshore Ornithology

5.2.7.1 The Developer considers the potential impact of the Proposed Development on marine and nearshore ornithology receptors in chapter 6.7 of the

Scoping Report. The study area is defined in section 6.7.2 of the Scoping Report including a 'Wider Marine and Nearshore Ornithology Study Area' which includes an additional 150km buffer around the array area, the Scottish Ministers do not agree with this approach. The Scottish Ministers advise that connectivity to the Proposed Development is determined using Woodward et al., 2019 foraging ranges (mean max +1SD) and direct the Developer to the NatureScot representation in this regard.

- 5.2.7.2 In regards to the DAS campaign, the Scottish Ministers advise that the presence of sensitive species should be confirmed on completion of two full years of survey and no receptors should be scoped out on a single year of data. This is a view supported by NatureScot in its representation. Furthermore, in section 6.7.3.5 of the Scoping Report the lack of recordings of Leach's petrel and Manx Shearwater is noted in relation to the DAS. The Scottish Ministers do not support scoping out these species due to limitations of the DAS, as they may be under recorded due to life history characteristics, the species and timings of DAS surveys. Furthermore, the Scottish Ministers advise that consideration be given to supplementing the DAS data with boat-based surveys and further tagging work. The Developer is directed to the RSPB Scotland representation in this regard. Additionally, the Developer is encouraged to engage with local ornithological groups in relation to the potential presence of sooty and other shearwater in the area of the Proposed Development. In relation to white fronted goose, the Scottish Ministers advise that consideration should be given to assessing migration routes with a view to avoiding and/or mitigating any impact identified. This is in line with the RSPB Scotland representation.
- 5.2.7.3 The Scottish Ministers are content with the data sources listed in table 6.7-2 of the Scoping Report and support the approach to use this data for context only. However, the recently published Seabird Count (Burnell et al., 2023) is the most recent seabird census and should be used to replace Mitchell et al., 2004. Additionally, Woodward et al., 2023 Migratory bird review, WWT & MacArthur Green, 2014 and Buckingham et al., 2022 should also be considered, this is in line with the NatureScot representation.
- 5.2.7.4 The Scottish Ministers broadly agree with the potential impacts to be scoped into and out of the EIA Report as summarised in table 6.7-6 of the Scoping Report. The Developer is advised to include White-tailed eagle in the collision risk assessment and is directed to the RSPB Scotland representation in this regard. Furthermore, Scottish Ministers advise that secondary impact pathways are considered, the Developer is directed to the RSPB Scotland representation in this regard and advised to fully address this in the EIA Report.

- 5.2.7.5 The Developer describes the approach to assessment in section 6.7.6.4 of the Scoping Report. The Scottish Ministers support the intention to follow NatureScot guidance with respect to apportioning impacts, however, refer the Developer to the NatureScot representation in this regard and advise that this is addressed in the EIA Report. Furthermore, the EIA Report should be clear in its approach to assessment of the impacts to migratory birds, the Developer is directed to the NatureScot representation in this regard and advised to fully consider the advice provided in compiling the EIA Report. The Scottish Ministers advise that the advice provided by NatureScot in its representation regarding apportioning, collision risk modelling, distributional responses and population viability analysis (“PVA”) should be fully implemented by the Developer.
- 5.2.7.6 The Scottish Ministers highlight the RSPB Scotland representation in regards to bio-seasons for kittiwakes and gannets, foraging ranges for common guillemot and razorbill and avoidance and displacement rates for gannets. While the Scottish Ministers advise that the RSPB Scotland representation should be fully considered when compiling the EIA Report, for the avoidance of doubt, where there are differences in advice, the Scottish Ministers expect that the NatureScot guidance is followed in relation to the assessment approach.
- 5.2.7.7 In terms of mitigation and monitoring, the Scottish Ministers support the commitment to a Construction Environmental Management Plan (“CEMP”) and INNS Management Plan as embedded mitigation measures however advise consideration is also given to further measures including development of a Vessel Management Plan (“VMP”) and to designed in measures such as a minimum air gap from WTG blade tip to MSL. This is a view supported by NatureScot in its representation. RSPB Scotland also support considering a minimum air gap as mitigation. Additionally, the Developer is directed to the RSPB Scotland representation in relation to the reduction of wind turbine rotation speed as mitigation and advised to address this in the EIA Report.
- 5.2.7.8 Should it be available at time of assessment, the Scottish Ministers advise the use of the CEF in undertaking the cumulative assessment. In relation to the inclusion of Berwick Bank in the cumulative impact assessment, as this project is yet to be determined, the Scottish Ministers advise that PVA models should be run using two scenarios, Berwick Bank consented and unconsented. The Scottish Ministers are unable to provide further specific advice due to the lack of detail in the Scoping Report in relation to the cumulative assessment of the impact to ornithological receptors.

5.2.7.9 The Scottish Ministers agree with scoping in transboundary impacts to ornithological receptors however are unable to provide specific advice in relation to the approach to assessment due to the lack of detail provided in the Scoping Report.

5.2.7.10 The Scottish Ministers direct the Developer to the National Trust for Scotland representation in relation to inclusion of the St Kilda Special Protected Area (“SPA”) and Mingulay and Berneray SPA and advise that this is considered in the forthcoming Habitats Regulations Appraisal (“HRA”) screening report.

5.2.8 Marine Archaeology and Cultural Heritage

5.2.8.1 The Developer considers the potential impact of the Proposed Development on marine archaeology and cultural heritage receptors in chapter 6.8 of the Scoping Report. Section 6.1.6.1 of the Scoping Report details the offshore site-specific surveys that will be used to inform the EIA Report. The Scottish Ministers, in line with the HES representation, advise that any surveys carried out should also allow for analysis of archaeological interests. The Scottish Ministers advise the Developer considers the advice provided by HES in this regard.

5.2.8.2 Section 6.8.3.3 of the Scoping Report provides an overview of the marine archaeology and cultural heritage baseline. The Scottish Ministers advise the Developer considers the potential for paleoenvironmental deposits as well as the inclusion of UXOs that may be present due to the location of the Offshore Proposed Development sitting in the Atlantic Approaches and near to the South Uist Test Range. This is in line with the Comhairle nan Eilean Siar representation.

5.2.8.3 The Scottish Ministers, in line with the HES representation, are content with setting impacts for marine archaeological impacts being scoped out of further assessment.

5.2.8.4 With regard to impacts relating to cultural heritage assets, the Scottish Ministers highlight difficulty in assessing these impacts due to the lack of detail provided on the Proposed Development. However, the Scottish Ministers are content that should the proposed methodology and mitigation measures presented in the Scoping Report be adhered to, the risks to cultural heritage assets will be minimized. This is in line with the HES representation.

5.2.8.5 The Scottish Ministers, in line with the HES and Comhairle nan Eilean Siar representations, agree that a Written Scheme of Investigation (“WSI”) and a

Protocol for Archaeological Discoveries should be completed for the Offshore Proposed Development. In line with the mitigation measure of using a project archaeologist, as included in table 6.8-3 of the Scoping Report, the Scottish Ministers refer the Developer to the Comhairle nan Eilean Siar representation on the use of an Archaeological Clerk of Works (“ACOW”).

5.2.9 Commercial Fisheries

- 5.2.9.1 The Developer considers the potential impact of the Proposed Development on commercial fisheries in chapter 6.9 of the Scoping Report. With regard to baseline characterisation, the Scottish Ministers are broadly content with the data sources presented in table 6.9-1 of the Scoping Report, however, in line with the Comhairle nan Eilean Siar representation and MD-SEDD advice dated 21 December 2023, advise that consultation with commercial fishers should be carried out and that data from vessels under 10m should be included to fill the data gap in the EIA Report. The Scottish Ministers direct the Developer to the recommended data sources provided in the Comhairle nan Eilean Siar representation and MD-SEDD advice dated 21 December 2023.
- 5.2.9.2 The study area is presented in table 6.9-1 of the Scoping Report. The Scottish Ministers note the omission of rectangle 46E2 with the Developer citing it would not offer additional baseline information. The Scottish Ministers, in line with the Comhairle nan Eilean Siar representation, advise including rectangle 46E2 as it represents fishing grounds within close proximity to the Proposed Development.
- 5.2.9.3 The Developer presents the impacts proposed to be scoped into assessment in table 6.9-3 of the Scoping Report. Increased steaming times to fishing grounds is scoped in for construction and decommissioning phases of the Proposed Development, but scoped out for the operation and maintenance phases. The Scottish Ministers advise, in line with the MD-SEDD advice dated 21 December 2023, the Developer provides justification for this in the EIA Report and recommends that the impact of WTGs acting as a barrier to vessel steaming routes should be assessed.
- 5.2.9.4 The potential displacement of fishing vessels and loss of fishing grounds are assessed in the Scoping Report, however the Scottish Ministers advise the potential impact of disruption to fishing activity, for example due to increased vessel traffic in the area, should be assessed separately. This is in line with the MD-SEDD advice dated 21 December 2023.
- 5.2.9.5 Safety issues for fishing vessels is scoped into construction and decommissioning, however not included for operation and maintenance

phases. The Developer has instead scoped in the physical presence of infrastructure on the seabed post construction. As infrastructure has the potential to cause safety issues, the Scottish Ministers advise this impact is renamed to safety issues for fishing vessels for clarity. Furthermore, clarification on the impact of accidental damage, including to subsea cables, is requested in the EIA Report as it is unclear how this differs to the impact of safety issues for fishing vessels. This is in line with the MD-SEDD advice dated 21 December 2023.

- 5.2.9.6 With regard to approach to assessment, for the avoidance of doubt, the Scottish Ministers advise that the Developer undertakes a fisheries displacement assessment in line with the Xodus 2022 “Good practice guidance for assessing fisheries displacement by other licensed marine activities” as per the MD-SEDD advice dated 21 December 2023. The Scottish Ministers advise that the Developer must adopt a clear position on whether it will be content for fishing to continue throughout the Proposed Offshore Development after construction is complete and whether overtrawl trials will be included as a mitigation measure. This position must be adopted prior to the fisheries displacement assessment so the implications from this can be included in the assessment. Both the SFF and Comhairle nan Eilean Siar representations on compensatory measures for fishing vessels should be considered in full.
- 5.2.9.7 With regard to mitigation and monitoring, the Scottish Ministers direct the Developer to the Comhairle nan Eilean Siar representation on restocking and stock enhancement programs that could be implemented to mitigate the loss of marine life and impacts to fishing activity.
- 5.2.9.8 The Scottish Ministers advise that both a Fisheries Management and Mitigation Strategy and VMP should be developed in consultation with the SFF and the fishing industry. Information on works taking place for the Offshore Proposed Development should be shared with the fishing industry via a Notice to Mariners. This is in line with the SFF representation.
- 5.2.9.9 The Scottish Ministers also direct the Developer to the Comhairle nan Eilean Siar representation and the MD-SEDD advice dated 21 December 2023 with regard to design aspects of the Proposed Development and advise that these must be fully considered when finalising the design parameters for the Proposed Development. The Scottish Ministers strongly recommend consultation with fishing industry while finalising design parameters for the Proposed Development. Comhairle nan Eilean Siar have provided recommended consultees to be included in the preliminary list of consultees presented in table 6.9-4 of the Scoping Report.

- 5.2.9.10 The Scottish Ministers direct the Developer to the Comhairle nan Eilean Siar in regard to the recommendations on monitoring of the impacts to salmon and sea trout within the area of the Proposed Development, and monitoring of the potential impacts of INNS on the fishing industry and advise that this is fully considered in the EIA Report.
- 5.2.9.11 With regard to the approach to cumulative effects assessment, as outlined in section 4.4 of the Scoping Report, the Scottish Ministers advise that this takes into account any Marine Protected Areas (“MPA”) and other protected areas with fisheries management measures in place, in line with the MD-SEDD advice dated 21 December 2023.

5.2.10 Shipping and Navigation

- 5.2.10.1 The Developer considers the potential impact of the Proposed Development on shipping and navigation in chapter 6.10 of the Scoping Report. The Scottish Ministers, in line with the UK Chamber of Shipping representation, are content with the 10 nautical mile (“nm”) study area proposed for shipping and navigation, however highlights that a 50nm routing study area for cumulative impacts should be considered in the EIA Report.
- 5.2.10.2 Table 6.10-1 contains datasets up to the year 2022 for shipping and navigation. The Scottish Ministers advise, in line with the SFF representation, including more recent datasets if these are available at the time of the Developer compiling the EIA Report.
- 5.2.10.3 The UK Chamber of shipping notes that the Marine Accident Investigation Branch (“MAIB”) hold spatial accident data from 1992. Therefore, the Scottish Ministers, in line with the UK Chamber of Shipping representation, recommend 20 years of MAIB spatial accident data is used to inform the baseline for the EIA Report.
- 5.2.10.4 The Scottish Ministers do not agree that the proposed 2 x 14 day full surveys, as stated in section 6.10.6.1 of the Scoping Report, are sufficient. The Scottish Ministers advise a full 12 months of AIS data is used to inform the vessel traffic survey. This is a view supported by UK Chamber of Shipping in its representation.
- 5.2.10.5 Figure 6.10-3 of the Scoping Report displays the routes of vessel traffic passing through the area of the Offshore Proposed Development in summer 2022. The Scottish Ministers, in line with the UK Chamber of Shipping and MCA representations, request careful consideration of vessel routes, with particular regard to adverse weather conditions, as well as an analysis of the safety of navigations in the channel between the Isle of Lewis and the Offshore Proposed Development.
- 5.2.10.6 Additionally, the Scoping Report identifies rig moves taking place on occasion in the area of the Offshore Proposed Development. Due to the risks

associated with these navigational movements, the Scottish Ministers, in line with the UK Chamber of Shipping representation, request long term analysis of rig moves.

- 5.2.10.7 The colour coding of vessel tracks between figure 6.10-3 and figure 6.10-4 is not consistent. The Scottish Ministers, in line with the UK Chamber of Shipping, recommend the Developer is consistent with coding across figures in the EIA Report. AISy data is also referred to throughout the Scoping Report. In line with the MCA representation, the Scottish Ministers advise amending this to AIS data as this is the standard term used in the maritime industry.
- 5.2.10.8 The UK Chamber of Shipping raises concerns of possible visual impacts to mariners of the Aird Laimishader Lighthouse due to the height and lighting of the Offshore Proposed Development. The Scottish Ministers request that the Developer fully consider this impact and includes proposed mitigation measures in the EIA Report.
- 5.2.10.9 The Scottish Ministers broadly agree with the impacts scoped in and out as proposed in table 6.10-3 of the Scoping Report however advise that the potential impact of loss of navigational aid due to adverse weather conditions should be scoped in. This is a view supported by RYA in its representation.
- 5.2.10.10 With regard to the approach to assessment, the Scottish Ministers confirm that a Navigational Risk Assessment should be submitted in accordance with Marine Guidance Note ("MGN") 654, alongside a MGN 654 Checklist. Hydrographic surveys should fulfil the requirements of MGN 654 Annex 4. To note, MGN 372 (2008) is superseded by MGN 372 Amendment 1 (2022). This is in line with MCA representation.
- 5.2.10.11 The Scottish Ministers also draw the Developer's attention to the MCA representation with regard to 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.
- 5.2.10.12 The Scottish Ministers, in line with the MCA representation, advise that subject to traffic volumes, an anchor penetration study may be required. The UK Chamber of Shipping notes the failure to include the Loch Roag and Loch Carlaway anchorages in the Scoping Report. The Scottish Ministers advise the Developer to consider these anchorages in the EIA Report.
- 5.2.10.13 With regard to cabling routes and cable burial, the Scottish Ministers advise that a Burial Protection Index should be completed. 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. Additionally, the Scottish Ministers direct the Developer to the MCA representation regarding consideration of electromagnetic deviation on ships' compasses and the

requirement for a compass deviation study should HVDC installation be considered. The MCA advice in this respect must be fully addressed and implemented in the EIA Report in so far as it relates to the Proposed Development.

- 5.2.10.14 Should cable protection be required, the Scottish Ministers advise that the SFF representation is taken into consideration in compiling the EIA Report.
- 5.2.10.15 Section 2.9.3.1 of the Scoping Report indicates sections of the Offshore Proposed Development may remain in situ after decommissioning. The Scottish Ministers, in line with the UK Chamber of Shipping and SFF representation, encourage as close to full removal of all infrastructure as possible noting that infrastructure left on the seabed may be a risk to other sea users or a constraint on future activity in the area.

5.2.11 Military and Civil Aviation

- 5.2.11.1 The Developer considers the potential impacts of the Proposed Development on civil and military aviation in chapter 6.11 of the Scoping Report.
- 5.2.11.2 The Scoping Report details proposed impacts to be scoped into or out of the EIA Report in table 6.11-2. The Scottish Ministers, in line with the NATS representation, advise that aviation is scoped in for further assessment within the EIA Report and advise the Developer engages with NATS in the design process of the Proposed Development to minimise any impacts to aviation radio communications. Furthermore, the Scottish Ministers advise that the impact on the Air Defence Radar at Remote Radar Head Benbecula be scoped into the EIA Report for further assessment and refer the Developer to the MOD representation in this regard.
- 5.2.11.3 The Developer details the proposed approach to assessment within section 6.11.6.4 of the Scoping Report. The Scottish Ministers direct the Developer to the Highlands and Islands Airport (“HIAL”) representation which requests an Aviation Impact Feasibility Study of the Proposed Development is undertaken to better understand any potential impacts to aviation. The Scottish Ministers advise the Developer engages with HIAL to ensure the Proposed Development does not impact the safeguarding criteria and operation of Stornoway Airport.
- 5.2.11.4 The Developer considers embedded mitigation within section 6.11.4 of the Scoping Report. The Scottish Ministers, in line with the MOD representation, advise that impacts to radar systems will require technical mitigation which must be provided by the Developer and accepted by the MOD. The Scottish Ministers direct the Developer to the MOD representation with regard to aviation lighting which should be considered in the EIA Report.
- 5.2.11.5 In terms of cumulative impacts, the Scottish Ministers are content that there will be no spatial overlap with the Space Launch Hazard Area. This is in line with the Comhairle nan Eilean Siar representation.

5.2.12 Offshore Infrastructure, Other Sea Users, Tourism and Recreation

- 5.2.11.6 The Developer considers the potential impact of the Proposed Development on offshore infrastructure, other sea users, tourism and recreation in chapter 6.12 of the Scoping Report. The Developer defines the study area in figure 6.12-1 of the Scoping Report as the array area and offshore corridor area of search with an additional 1km boundary.
- 5.2.11.7 In terms of data sources, figure 6.12-3 of the Scoping Report presents the average weekly density of recreational vessels between 2012 and 2017. If available at the time of the EIA Report being compiled, the Scottish Ministers advise, in line with the Comhairle nan Eilean Siar representation, using more up to date recreation density data. Furthermore, the Scottish Ministers direct the Developer to the Strava Global Heatmap which may provide data on the locations of water-sports participants in the area of the Offshore Proposed Development. This is in line with the RYA representation.
- 5.2.11.8 With regard to baseline characterisation, the Scoping Report states that sea angling tours for wild salmon take place departing from Stornoway harbour and that there are low levels of sea angling within the area of the Offshore Proposed Development. The Scottish Ministers advise, in line with the Comhairle nan Eilean Siar representation, that there are no sea angling tours for wild salmon operating in the Outer Hebrides. However, many clubs and recreational boats regularly fish for other species in the area of the Offshore Proposed Development, especially throughout the summer and autumn months. The Scottish Ministers advise the Developer undertakes further studies into the impact to recreational fishing and how the Proposed Development will impact receptor groups such as the surfing community and local sporting estates. This is in line with the Barvas Estate Trust and Comhairle nan Eilean Siar representations.
- 5.2.11.9 The Scottish Ministers broadly agree with the impact pathways proposed to be scoped into and out of the EIA Report as summarised in table 6.12-3 of the Scoping Report. However, consideration of the loss of fishing grounds, as well as any temporary or permanent displacement to recreational users of the sea should be scoped into the EIA Report. This is in line with the Comhairle nan Eilean Siar representation. Table 8.2-2 of the Scoping Report scopes in the impact to employment as the Proposed Development may bring additional job opportunities to the Isle of Lewis. The Scottish Ministers advise that the impact of the increase in workers to the Isle of Lewis on essential services such as harbour management, marine maintenance and ferry crewing should also be scoped in for further assessment. This is in line with the RYA representation.
- 5.2.11.10 The Scottish Ministers are broadly content with the proposed qualitative assessment outlined in section 6.12.6.4 of the Scoping Report, however encourage the Developer to engage with recreational stakeholders in the area of the Proposed Development. This is in line with the Comhairle nan Eilean Siar representation.

- 5.2.11.11 The Scottish Ministers direct the Developer to the Sandwick Community Council and Shawbost Community Council representations which includes recommended consultees to be included in producing the EIA Report.
- 5.2.11.12 The Scottish Ministers have reviewed the mitigation measures detailed in table 6.12-2 of the Screening Report and advise that the Developer considers the Comhairle nan Eilean Siar representation on additional mitigation measures that could be implemented to minimise the impact to fishing grounds for the tourism and recreational sector. In line with the RYA representation, the Scottish Ministers highlight that the wording of the mitigation measures across tables 6.10-4 and 6.12-2 is inconsistent and advise this is amended when drafting the EIA Report. Furthermore, the Scottish Ministers advise that a Notice to Mariners is insufficient and notices should also be posted at marinas and harbours and the final positioning of the WTGs should be communicated to the Clyde Cruising Club. This is in line with the RYA representation.

5.2.13 Seascape, Landscape and Visual Impact Assessment (“SLVIA”)

- 5.2.13.1 The Developer considers the potential seascape, landscape and visual impact of the Offshore Proposed Development in chapter 6.13 of the Scoping Report. The Scottish Ministers mirror the concerns raised by NatureScot in its representation regarding the application of advice previously provided to inform the design of the windfarm. The Scottish Ministers advise that the Developer consider the assessment and design guidance referred to in the NatureScot representation and undertake further consultation with NatureScot, Comhairle nan Eilean Siar and any other relevant stakeholders to finalise the design scenario within the EIA Report. Furthermore, the design scenario assessed in the SLVIA should reflect the final realistic worst-case scenario.
- 5.2.13.2 The Scottish Ministers broadly agree with the data sources and surveys to inform the baseline characterisation however refer the Developer to the Comhairle nan Eilean Siar representation regarding inaccuracies and advise that this is fully addressed in the EIA Report. Additionally, the Scottish Ministers advise using the NatureScot Coastal Character Assessment Guidance⁶ to inform the SLVIA and refer the Developer to the NatureScot representation in relation to coastal character assessment. The Scottish Ministers also highlight the NatureScot draft Guidance for Assessment of Effects on Special Landscape Qualities of National Scenic Areas (“NSA”) (and National Parks) that is available to the Developer upon request.

⁶ [Coastal Character Assessment | NatureScot](#)

- 5.2.13.3 With regard to the study area, the Scottish Ministers refer the Developer to the NatureScot representation in relation the South Lewis, Harris and North Uist NSA and advise consideration is given to its special landscape qualities. Additionally, the Scottish Ministers advise that consideration is given to extending the study area to include St. Kilda and the Flannan Isles, this is a view supported by Barvas Estate Trust, Sandwick Community Council and Shawbost Community Council in its representations.
- 5.2.13.4 Table 6.13-2 of the Scoping Report sets out the proposed viewpoints that the SLVIA will be focussed on, the Scottish Ministers are broadly content with this list however direct the Developer to the Comhairle nan Eilean Siar, NatureScot, Shawbost Community Council and South Bragar Grazings Committee representations and advise the recommended additional viewpoints are also included in the assessment. Additionally, in regard to the Zone of Theoretical Visibility (“ZTV”) maps, the Developer is directed to the Comhairle nan Eilean Siar and NatureScot representations and advised that that the issues detailed are fully addressed and rectified in the EIA Report. In relation to night-time viewpoints, the Developer is advised they are selected in accordance with NatureScot’s “Visual Representations of Windfarms guidance”⁷. Furthermore, the Scottish Ministers advise that the final viewpoints, wireframes and photomontages should be agreed with Comhairle nan Eilean Siar and NatureScot.
- 5.2.13.5 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 6.13-3 of the Scoping Report however advise that “Impacts of the construction and decommissioning of the offshore elements of the Project on physical aspects of landscape character” and “Impact of the operation and maintenance of the Project on the views experienced by offshore visual receptors” is scoped in to the EIA Report. This is in line with the NatureScot, Barvas Estate Trust and Shawbost Community Council representations. Furthermore, “Operation and maintenance phase seascape, landscape, and visual impacts of the offshore elements of the Project outside the 60km radius SLVIA Study Area should be scoped in, the Developer is directed to the Barvas Estate Trust and Shawbost Community Council representations in this regard.
- 5.2.13.6 The Developer sets out the approach to assessment in section 6.13.6 of the Scoping Report, the Scottish Ministers are broadly content with this approach. The Scottish Ministers direct the Developer to the Comhairle nan Eilean Siar representation in regards to aviation lighting and advise that this is fully considered in undertaking the assessment. Additionally,

⁷ [Visual Representation of Wind Farms Guidance \(nature.scot\)](https://www.nature.scot/visual-representation-of-wind-farms-guidance)

NatureScot's "Pre-application Guidance for Onshore Wind Farms"⁸ also provides useful advice, particularly in relation to aviation lighting.

5.2.13.7 In section 6.13.4 of the Scoping Report, the Developer acknowledges that due to the location of the Offshore Proposed Development that a design led approach to mitigation is required. As highlighted in the NatureScot representation, the design of the Offshore Proposed Development is key to reducing significant effects and as such the Scottish Ministers expect the EIA Report to provide narrative on how embedded mitigation through the design of the Offshore Proposed Development has been considered. The Developer is advised to fully address the recommendations provided by NatureScot in its representation and furthermore direct the Developer to the "Siting and Designing Wind Farms in the Landscape"⁹ guidance from NatureScot. Additionally, the Scottish Ministers highlight the representations made by Barvas Estate Trust and Galson Estate Trust in relation to WTG height, positioning and development density and advise that this is given consideration in the EIA Report.

5.2.13.8 The Scottish Ministers agree with the proposal to scope in cumulative impact. This is a view supported by Comhairle nan Eilean Siar and NatureScot in its representations.

5.2.13.9 In line with the Comhairle nan Eilean Siar and NatureScot representation, the Scottish Ministers agree with the proposal to scope out transboundary impacts.

5.3 Onshore Chapters

5.3.1 Landscape and Visual Impact Assessment ("LVIA")

5.3.1.1 The Developer considers the potential landscape and visual impact of the Onshore Proposed Development in chapter 7.1 of the Scoping Report. The Scottish Ministers are content with the proposed study area however advise that South Lewis, Harris and North Uist NSA is included and consideration is given to its special landscape qualities. The Scottish Ministers are in agreement with the study area on the basis that the onshore cabling is entirely underground. The Scoping Report states that overhead lines cannot be excluded from the design envelope. Should overhead lines be included in the subsequent application and EIA Report, the Developer should be aware that further assessment may be required in order to assess the worst case scenario.

⁸ [NatureScot pre-application guidance for onshore wind farms | NatureScot](#)

⁹ [Siting and designing wind farms in the landscape - version 3a | NatureScot](#)

- 5.3.1.2 In relation to data sources, the Scottish Ministers refer the Developer to [section 5.2.13.2](#) of this Scoping Opinion and advise that these are also included to inform the LVIA.
- 5.3.1.3 The Scottish Ministers advise that the EIA Report include ZTVs of large scale onshore infrastructure and photomontages of this infrastructure from key viewpoints to enable sufficient assessment of the landscape and visual impact, this is in line with the Comhairle nan Eilean Siar representation.
- 5.3.1.4 The Developer sets out the impacts proposed to be scoped into and out of the EIA Report in table 7.1-2 of the Scoping Report. The Scottish Ministers are broadly content with this proposal however advise that “Construction and decommissioning phase landscape, and visual impacts of the Onshore Infrastructure of the project outside the LVIA Study Area” must be scoped in giving consideration of above ground compounds where the cables re-surface. Additionally, “Operation and maintenance phase landscape and visual impacts of the Onshore Infrastructure of the Project outside the LVIA Study Area” must be scoped into the EIA Report for assessment, furthermore, should aspects of the Onshore Proposed Development change, the Scottish Ministers advise that the study area is reviewed and direct the Developer to the NatureScot representation in this regard.
- 5.3.1.5 Section 7.1.3.2 of the Scoping Report states that trees, woodland and plantation forestry may be impacted by the Onshore Proposed Development. The Scottish Ministers advise the EIA Report includes further detail on the types of trees and the areas to be felled as a result of the Onshore Proposed Development. The Scottish Ministers advise the Developer considers the Scottish Forestry criteria for determining the acceptability of woodland removal as well as Policy 6 of the NPF4.
- 5.3.1.6 The Scottish Ministers are broadly content with the proposed approach to assessment as set out in section 7.1.6.4 of the Scoping Report however advise that the South Lewis, Harris and North Uist NSA are included in the assessment. The Scottish Ministers direct the Developer to the NatureScot representation in relation to assessment of effects on special landscape qualities and advise that this is fully considered in undertaking the LVIA. Furthermore, the Scottish Ministers advise that the Developer consider the representations made by Comhairle nan Eilean Siar and NatureScot in undertaking the assessment of night-time visual effects of the proposed lighting of the Offshore Proposed Development on the dark sky character.
- 5.3.1.7 The Scottish Ministers advise that the EIA Report include evidence of design development mitigation taking into consideration the visual impact of the Onshore Proposed Development. The Developer is directed to the

NatureScot representation with regard to mitigation in relation to the South Lewis, Harris and North Uist NSA and the consideration given to utilising the landfall located to the north and advised that this is fully addressed in the EIA Report. The Scottish Ministers advise that the EIA Report should include an explanation of the options explored to reduce the effects of the Onshore Proposed Development.

5.3.1.8 With regard to mitigation for the loss of forestry, the Scottish Ministers request detailed information on any compensatory planting proposals that may be required and reminds the Developer that the felling of trees should be compliant with the UK Forestry Standard and may require planning permission from Scottish Forestry. This Developer is directed to the Scottish Forestry representation in this regard.

5.3.1.9 The Scottish Ministers agree with the proposal to scope in cumulative impact. This is a view supported by Comhairle nan Eilean Siar and NatureScot in its representations.

5.3.1.10 In line with the Comhairle nan Eilean Siar and NatureScot representation, the Scottish Ministers agree with the proposal to scope out transboundary impacts.

5.3.2 Onshore Ecology

5.3.2.1 The Developer considers the potential impact of the Proposed Development on onshore ecology receptors in chapter 7.2 of the Scoping Report. The Scottish Ministers refer the Developer to the NatureScot representation in regard to data sources and advise that this is fully considered in producing the EIA Report.

5.3.2.2 The Scottish Ministers advise that consideration of peatland habitats out with that of protected areas are included in the EIA, this is a view supported by NatureScot in its representation.

5.3.2.3 The Scottish Ministers are broadly content with the impact pathways proposed to be scoped into the EIA Report as described in table 7.2-3 of the Scoping Report. However, the Developer is directed to the NatureScot representation in relation to scoping in peatland habitat and advised that this is fully addressed in the EIA Report.

5.3.2.4 The Scoping Report describes embedded mitigation measures in table 7.2-2 of the Scoping Report which includes outline Species Protection Plans ("SPP"). The Scottish Ministers advise that this includes an SPP plan for otter and potentially for bats dependent on the results of the preliminary bat

roost assessment. This is a view supported by NatureScot in its representation. The Scottish Ministers advise that the Developer consider the representations made by Barvas Estate Trust, Sandwick Community Council and Shawbost Community Council in relation to its approach to mitigation of impacts beyond embedded mitigation.

5.3.3 Onshore and Intertidal Ornithology

5.3.3.1 The Developer considers the potential impact of the Proposed Development on onshore and intertidal ornithological receptors in chapter 7.3 of the Scoping Report. The Scottish Ministers are content with the study area as described in section 7.3.2 and the listed data sources in table 7.3-1 of the Scoping Report.

5.3.3.2 The Scottish Ministers are broadly content with the baseline characterisation as described in section 7.3.3.3 of the Scoping Report. However, noting that 1 year of breeding bird surveys has been undertaken, the Scottish Ministers advise, in line with the NatureScot representation, that this should be supplemented with further pre-construction breeding bird surveys to avoid impacts on protected species. Furthermore, if overhead lines are included in the design envelope at time of application, the Scottish Ministers advise that further breeding bird surveys are undertaken to adequately assess collision risk, particularly with regard to the qualifying species of the Lewis Peatlands SPA and Ness and Barvas, Lewis SPA and direct the Developer to published guidance¹⁰ by NatureScot in this regard. In relation to moorland birds on Lewis, the Developer is directed to the NatureScot representation in this regard and advised that this is addressed within the EIA Report.

5.3.3.3 The Scottish Ministers are broadly content with the impact pathways proposed to be scoped into and out of the EIA Report as detailed in table 7.3-3 of the Scoping Report, noting that collision risk is currently scoped out with the provision that it will be scoped in should overhead lines be required. The Scottish Ministers are content with this approach and for the avoidance of doubt advise that if overhead lines are not eliminated from the design envelope then collision risk must also be scoped in for assessment in the EIA Report. This is a view supported in representations made by NatureScot, Sandwick Community Council and Shawbost Community Council.

¹⁰ [Guidance - Assessment and mitigation of impacts of power lines and guyed meteorological masts on birds | NatureScot](#)

5.3.3.4 The Scottish Ministers advise that in refining the design envelope, consideration is given to the impact of the Onshore Proposed Development on corncrake, wintering white fronted geese and Red-Necked Phalarope, the Developer is directed to the RSPB Scotland representation in this regard and advised to fully address this in the EIA Report.

5.3.3.5 The Scottish Ministers note the embedded mitigation as set out in table 7.3-2 of the Scoping Report, however advise that further consideration be given to potential disturbance risk to non-breeding season raptor roosts and direct the Developer to the NatureScot representation in this regard.

5.3.4 Onshore Archaeology and Cultural Heritage

5.3.4.1 The Developer considers the potential impact of the Proposed Development on onshore archaeology and cultural heritage receptors in chapter 7.4 of the Scoping Report. The Scoping Report proposes the study of setting impacts on terrestrial cultural heritage assets using distances from a specific feature as the assessment method. Due to the scale of the Proposed Development and with the design option not yet finalised, the Scottish Ministers instead recommend first using the use of ZTV analysis. The Scottish Ministers advise the Developer fully implements the HES advice on ZTV.

5.3.4.2 Throughout the Scoping Report, setting impacts from the Proposed Development are referred to as both direct and indirect impacts. The Scottish Ministers advise all setting impacts resulting from the Proposed Development are direct impacts and should be referred to as such in the EIA Report. This is in line with the HES representation.

5.3.4.3 Table 7.4-3 scopes out impacts on setting during the construction and decommissioning phases of the Onshore Proposed Development due to the temporary nature of the works. However, as there is a lack of certainty surrounding timescales for construction and decommissioning, the Scottish Ministers advise these are scoped in. This is in line with the HES representation. The Scottish Ministers draw the Developer's attention to Annex one of the HES representation which provides information on assets located near the proposed sites of the onshore substations. These should be fully assessed and mitigated against in the EIA Report.

5.3.4.4 The Scottish Ministers, in line with the Sandwick Community Council, Shawbost Community Council and the South Bragar Grazings Committee representations, further advise the Developer considers the direct and indirect impacts of the Proposed Development on the Gaelic language.

- 5.3.4.5 The Scottish Ministers note that surrounding islands that are out with the study area have not been acknowledged within the onshore archaeology and cultural heritage section of the Scoping Report. The Scottish Ministers advise these are considered within the EIA Report prior to being scoped out due to their cultural significance. The Scottish Ministers direct the Developer to the Comhairle nan Eilean Siar representation in this regard.
- 5.3.4.6 The preliminary list of consultees at table 7.4-5 includes the possible inclusion of the North of Scotland Archaeological Society. The Scottish Ministers advise that this society does not represent the Outer Hebrides. Furthermore, the Scottish Ministers advise that the “Our Place in Time: The Historic Environment Strategy for Scotland” document referred to in section 7.4-6 of the Scoping Report has been superseded by Scotland’s current national strategy for the historic environment – “Our Past, Our Future”. This is in line with the Comhairle nan Eilean Siar representation.
- 5.3.4.7 If potential significant impacts on an asset setting are identified due to the Proposed Development, the Scottish Ministers request wireframe illustrations are produced to aid in assessing the impacts. If significant impacts to an asset setting are identified, photomontages should be included in the EIA Report to further illustrate the impacts. This is supported by HES in its representation.
- 5.3.4.8 In terms of the approach to assessment presented in section 7.4.6.4 of the Scoping Report, the proposed assessment will take into account the potential visual impact of onshore infrastructure from the Proposed Development as determined through a Seascape, Landscape and Visual Impact Assessment (“SLVIA”). The Scottish Ministers, in line with the Comhairle nan Eilean Siar representation, advise that any potential impacts on the setting of historical environment assets or coastal scheduled monuments should be scoped into the SLVIA and linked to both the marine archaeology and cultural heritage and onshore archaeology and cultural heritage sections of the EIA Report.
- 5.3.4.9 The Scottish Ministers advise that appropriate mitigation measures in relation to the discovery of archaeological remains should be fully considered in the EIA Report and direct the Developer to the Comhairle nan Eilean Siar representation in this regard. Furthermore, consideration should be given to a WSI relative to the Onshore Proposed Development as well as a dedicated ACOW, analogous to marine archaeology and cultural heritage. This is in line with the Comhairle nan Eilean Siar representation.
- 5.3.4.10 With regard to cumulative impacts, the Scottish Ministers advise, in line with the HES representation that the Proposed Development is assessed in

combination with other present or future developments in the area, with particular consideration to development proposals being considered near Stornoway. The Scottish Ministers further recommend considering cumulative impacts to the setting of the landscape along the coast of the Isle of Lewis. This is in line with the Comhairle nan Eilean Siar representation.

5.3.5 Traffic and Access

5.3.5.1 The Developer considers the potential impact of the Proposed Development on traffic and access in chapter 7.5 of the Scoping Report.

5.3.5.2 In relation to the impact to the trunk road network, the Scottish Ministers are content for this to be scoped out due to the absence of trunk roads on the Isle of Lewis and as such assessment is not required.

5.3.5.3 The Scottish Ministers disagree with the 30% traffic increase threshold as described in section 7.5.6.4 of the Scoping Report and advise that this is reduced to 10% in line with the Comhairle nan Eilean Siar representation. Additionally, the assessment should be based on the construction phase of the Proposed Development and not the operational phase due to the construction phase having the biggest impact on traffic.

5.3.5.4 The Scoping Report details proposed embedded mitigation measures within table 7.5-3 of the Scoping Report, included is the commitment to an Access Management Plan (“AMP”) within a CEMP. The Scottish Ministers direct the Developer to the ScotWays representation and advise that this is fully considering in compiling an AMP. In relation to abnormal loads, the Scottish Ministers refer the Developer to the TS advice and the Comhairle nan Eilean Siar representation and advise that this is considered in compiling an Abnormal Load Route Assessment.

5.3.5.5 The Scottish Ministers advise that consideration is given to the impact on traffic of the Proposed Development cumulatively with cruise ship tourist traffic and traffic associated to other development. This is a view supported by Sandwick Community Council and the Barvas Estate Trust in its representations.

5.3.6 Peat, Geology, Soils and Contaminated Land

5.3.6.1 The Developer considers the potential impact of the Proposed Development on peat, geology, soils and contaminated land in chapter 7.6 of the Scoping Report. The Scottish Ministers are content with the data sources listed to inform the baseline characterisation in table 7.6-1 of the Scoping Report.

5.3.6.2 The Scottish Ministers are broadly content with the impact pathways proposed to be scoped into and out of the EIA Report as set out in table 7.6-3 of the Scoping Report however advise that disturbance of deep peat and loss and compaction of peat and soils is scoped in for all phases of the Proposed Development. This is in line with the NatureScot representation.

5.3.6.3 The approach to mitigation is described in section 7.6.4 of the Scoping Report. The Scottish Ministers are broadly supportive however advise that full consideration be given to avoidance as mitigation with the EIA Report. This is a view supported by NatureScot in its representation. Furthermore, the Developer is directed to section 3 of the SEPA representation and is advised to fully consider this in the EIA Report and accompanying management plans.

5.3.7 Hydrology and Hydrogeology

5.3.7.1 The Developer considers the potential impact of the Proposed Development on hydrology and hydrogeology in chapter 7.7 of the Scoping Report.

5.3.7.2 The Scottish Ministers are content with the impact pathways proposed to be scoped into and out of the EIA Report in table 7.7-4 of the Scoping Report. This is in line with the Comhairle nan Eilean Siar representation.

5.3.7.3 The Scottish Ministers direct the Developer to sections 2 and 4 of the SEPA representation and advise that this is fully implemented in producing the EIA Report.

5.3.8 Airborne Noise and Vibration

5.3.8.1 The Developer considers the potential impact of the Proposed Development in relation to airborne noise and vibration in chapter 7.8 of the Scoping Report. The Scottish Ministers are content with the study area for airborne noise and vibration to be carried out at the nearest identified noise sensitive receptors as detailed in section 7.8.3 of the Scoping Report.

5.3.8.2 With regard to the impact pathways to be scoped into and out of the EIA Report, the Scottish Ministers advise the inclusion of impacts to human health due to airborne noise and vibration from the Proposed Development. The Scottish Ministers advise the Developer considers the study on WTGs and adverse health effects as referenced in the Barvas Estate Trust, Carloway Estate Trust, Galson Estate Trust and Anderson MacArthur (on behalf of Lewis Island Crofters) representations.

5.3.8.3 The Scottish Ministers advise the Developer includes a noise impact assessment in the EIA Report, with a focus on low frequency noise as a risk to human health. This is in line with representations made by Sandwick Community Council, Shawbost Community Council, Bernera Community Council and South Bragar Grazings Committee.

5.3.9 Land Use, Tourism and Recreation

5.3.9.1 The Developer considers the potential impact of the Proposed Development on land use, tourism and recreation in chapter 7.9 of the Scoping Report. The Scottish Ministers acknowledge the data sources referenced in table 7.9-1 of the Scoping Report. The Scottish Ministers advise the Developer considers the Sandwick Community Council and Shawbost Community Council representations relating to the high recreational density on the west side of the Isle of Lewis and the various receptors that should be considered when informing the baseline characterisation of the EIA Report.

5.3.9.2 In terms of impact pathways, the Scottish Ministers acknowledge the impacts proposed to be scoped into and out of the EIA Report as detailed in table 7.9-3 of the Scoping Report. The Scottish Ministers advise the Developer considers temporary and permanent displacement of recreational activities and tourism businesses due to the Proposed Development. This is in line with the Sandwick Community Council, Shawbost Community Council and South Bragar Grazings Committee representations.

5.3.9.3 In relation to crofting, the Scottish Ministers advise the impacts to crofting practises are considered, as well as the requirement to remove crofting land through the Scottish Land Court for the Onshore Proposed Development. This is in line with the Galson Estate Trust, Carloway Estate Trust and Anderson MacArthur (on behalf of Lewis Island Crofters Limited) representations. The Scottish Ministers direct the Developer to the Crofting Commissions position on planning applications that should be considered in the EIA Report.

5.3.9.4 The Scottish Ministers note the consideration of impacts to tourism sectors and accommodation providers in table 7.9-3 of the Scoping Report. In line with the Shawbost Community Council and South Bragar Grazings Committee representations, the Scottish Ministers advise the Developer considers the potential direct and indirect impacts to locals, with particular regard to population numbers and the potential impacts to the Gaelic language. The Scottish Ministers encourage the Developer to conduct on site research with locals, businesses and tourists to gather first hand data on how these receptor groups will be impacted by the Proposed

Development. This is in line with the Carloway Estate Trust and Shawbost Community Council representations.

- 5.3.9.5 Proposed consultees are included in table 7.9-4 of the Scoping Report. The Scottish Ministers direct the Developer to the Sandwick Community Council, Shawbost Community Council, Galson Estate Trust and Carloway Estate Trust representations which provide additional receptor groups that should be included as consultees in the EIA Report.
- 5.3.9.6 Table 7.9-5 of the Scoping Report lists legislation, policy and guidance to be used to inform the assessment for land use, recreation and tourism. The Scottish Ministers direct the Developer to the Carloway Estate Trust and Galson Estate Trust representation for additional plans recommended to be included in the EIA Report.
- 5.3.9.7 In terms of mitigation for core paths on the Isle of Lewis, section 7.5.4 of the Scoping Report states that an AMP will be developed and included in the CEMP. The Scottish Ministers advise, in line with the ScotWays representation, contacting the relevant authorities access team within the area of the Onshore Proposed Development for input into the AMP.

5.3.10 Air Quality and Human Health

- 5.3.10.1 The Developer considers the potential impact of the Proposed Development on air quality and human health in chapter 7.10 of the Scoping Report. The air quality and human health study areas for human receptors and ecological receptors are defined in section 7.10.2 of the Scoping Report and are based on the Onshore Proposed Development. A summary of key desktop datasets and reports is provided by the Developer in table 7.10-1 of the Scoping Report.
- 5.3.10.2 The Scottish Ministers, in line with the Comhairle nan Eilean Siar representation, are content with the impacts scoped into and out of the EIA Report as summarised in table 7.10-3.
- 5.3.10.3 In terms of assessment, the Scottish Ministers acknowledge the proposed approach to conduct dust assessments relating to human and ecological receptors, however advise a full assessment of potential impacts to human health from the Proposed Development should be provided in the EIA Report. The Developer is directed to the Barvas Estate Trust, Sandwick Community Council and Shawbost Community Council representations which provide further recommendations to consider when preparing the assessment.

5.3.10.4 The Scottish Ministers further direct the Developer to fully consider the representations from Carloway Estate Trust and Sandwick Community Council on the requirement of carbon monitoring for all phases of the Proposed Development.

5.4 Whole Project Chapters

5.4.1 Climate

5.4.1.1 The Scottish Ministers support the approach in assessing climate change as a result of the Proposed Development as set out in section 8.1 of the Scoping Report, which proposes to be in alignment with the IEMA Environmental Impact Assessment Guide “Assessing Greenhouse Gas Emissions And Evaluating Their Significance” (“IEMA GHG Guidance”), which states that “GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit, as a such any GHG emissions or reductions from a project might be considered significant.” The Scottish Ministers have considered this together with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the requirement of the EIA Regulations to assess significant effects from the Proposed Development on climate. Furthermore, the Scottish Ministers support the inclusion of a GHG Assessment which will 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 note that this will include the construction, operation and maintenance and decommissioning phases and advise that this should also include pre-construction, and consideration of the supply chain as well as benefits beyond the life cycle of the Proposed Development.

5.4.2 Socio-Economics

5.4.2.1 The Scottish Ministers advise that a full Socio-Economic Impact Assessment (“SEIA”) is included with the EIA Report. The Scottish Ministers draw attention to Annex 1 of the MD-SEDD advice dated 24 November 2023 which may be of assistance when developing the SEIA.

5.4.2.2 The Scottish Ministers note the local, regional and national study areas to be used within the assessment are included in section 8.2.2 of the Scoping Report. The Scottish Ministers advise consideration of the South Bragar Grazings Committee advice on the study areas to be classed as local and regional. Consideration should be given to where the epicentre of the impacts may be, for example ports, fishing communities or landfall. The Scottish Ministers expect a description of the epicentres of impact to be included within the EIA Report, as well as the impacts that may be

associated with these epicentres. This is in line with MD-SEDD advice dated 24 November 2023.

- 5.4.2.3 The Developer should also include a list of data sources used to assess the socio-economic impacts of the Proposed Development. Examples of this can be found within Annex 1 of the MD-SEDD advice dated 24 November 2023. Furthermore, section 8.2.3.2 of the Scoping Report refers to 2011 population data on the Isle of Lewis. The Scottish Ministers, in line with the MD-SEDD advice dated 24 November 2023, would advise using more recent population data. The Scottish Ministers further refer to the representations made by Barvas Estate Trust and Anderson MacArthur (on behalf of Lewis Island Crofters Limited) on additional data sources to be used to inform the SEIA.
- 5.4.2.4 The Developer proposes the socio-economic impact pathways to be scoped in for assessment within table 8.2-2 of the Scoping Report. The Scottish Ministers agree with the impact pathways to be scoped in however advise that the list is insufficient and refer the Developer to section 3 of Annex 1 of the MD-SEDD advice dated 24 November 2023 for a comprehensive list of impacts that should be considered within the SEIA. The Scottish Ministers advise that transport modes, access, and connections should be scoped in. Additionally, socio-economic impacts on tourism should also be scoped in, this is in line with the MD-SEDD advice dated 24 November 2023 and the Barvas Estate Trust representation. The Scottish Ministers advise referring to the Barvas Estate Trust, Sandwick Community Council and South Bragar Grazings Committee representations for a further list of impacts to consider.
- 5.4.2.5 With regard to the engagement of local communities, the Scottish Ministers advise that the Developer should consider potential impacts on local communities as a result of the Proposed Development and outline how baseline data will be collected to assess socio-economic impacts of the Proposed Development. The SEIA report should be transparent in its methodological choices for assessment of socio-economic impacts.
- 5.4.2.6 Paragraph 8.2.4 of the Scoping Report states that there is no embedded mitigation relevant to the socio-economics assessment. The Scottish Ministers highlight the importance in gathering the views of the local communities and using them to inform how best to mitigate potential negative impacts, as well as maximise positive impacts that may come as a result of the Proposed Development. This is supported by the MD-SEDD advice dated 24 November 2023.
- 5.4.2.7 In terms of economic impacts, the Scottish Ministers broadly agree with the Developers proposed approach to the assessment and welcome the

inclusion of direct, indirect and induced impacts, however consideration should also be given to deadweight, leakage, displacement and substitution. The Developer is also encouraged to include sensitivity analysis in terms of risk, uncertainty and optimism bias. This is in line with Annex 1 of the MD-SEDD advice dated 24 November 2023. Furthermore, the Scottish Ministers advise the SEIA include additional analysis regarding potential job creation in comparison to existing jobs in the study area, as outlined in the MD-SEDD advice dated 24 November 2023.

- 5.4.2.8 If significant impacts to commercial fisheries are identified, the Scottish Ministers advise an assessment is undertaken on the resulting socio-economic impacts to the local communities. This is in line with MD-SEDD advice dated 24 November 2023.

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 and the Conservation of Habitats and Species Regulations 2017. This assessment must be coordinated with the EIA in accordance with the EIA Regulations.
- 6.1.3 The Scottish Ministers acknowledge that the Scoping Report states at section 4.6.2 that a HRA Report will be undertaken separately. The Scottish Ministers recommend that the Developer submits a HRA screening report at the earliest opportunity and before the submission of the EIA Report.
- 6.1.4 A gap analysis template is attached at Appendix II to record the environmental concerns identified during the scoping process. This template should be completed and used to inform the preparation of the EIA Report. As part of the submission of the EIA Report the Scottish Ministers advise that Developer must provide confirmation of how this Scoping Opinion is reflected in the EIA Report.

7. Multi-Stage Regulatory Approval

7.1 Background

- 7.1.1 The 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 principle 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 s.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 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

Benjamin Walker

29 May 2024

Authorised by the Scottish Ministers to sign in that behalf.

Appendix I: Consultation Responses & Advice

Please refer to separate document provided alongside this Scoping Opinion.

Appendix II: Gap Analysis

Please refer to separate document provided alongside this Scoping Opinion.