

T: +44 (0)300 244 5046
E: ms.marinerenewables@gov.scot

Mr Andrew Blyth
Highland Wind Limited
c/o Copenhagen Offshore Partners
93 George Street
Edinburgh, Midlothian
Scotland, EH2 3ES

Date: 07 March 2022

Dear Mr Blyth,

SCREENING OPINION UNDER THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 AND THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

Thank you for your request dated 10 December 2021 to vary the existing consent granted under section 36 of the Electricity Act 1989 (“Section 36 Consent”) and the existing wind turbine generator (“WTG”) and transmission works marine licences granted under the Marine (Scotland) Act 2010 (“the Marine Licences”) in respect of the Dounreay Tri Floating Wind Demonstration Project (referred to by the prospective applicant as the Pentland Floating Offshore Wind Demonstrator) off the coast of Dounreay, Caithness (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 13 of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”), with the Proposed Works meeting the corresponding threshold described in column 2 of schedule 2. The Scottish Ministers also consider the Proposed Works to fall under paragraph 3 of schedule 2 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 EW Regulations”). Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are, or are not, an Environmental Impact Assessment (“EIA”) project under the 2017 MW Regulations and the 2017 EW Regulations.

Under regulation 10(5) of the 2017 MW Regulations and regulation 8(5) of the 2017 EW Regulations, the Scottish Ministers have consulted with NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency (“SEPA”), The Highland Council and Historic Environment Scotland (“HES”) as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review (at Appendix I).

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must take into account such of the selection criteria set out in schedule 3 of the 2017 MW Regulations and schedule 3 of the EW Regulations as are relevant to the Proposed Works. In this regard, the Scottish Ministers have considered the following:

Characteristics of the works

The Proposed Works involve decreasing the number of WTGs for construction from two to one and the removal of the individual capacity limit of 6 megawatts (“MW”) and total generating capacity limit of 12MW from the Section 36 Consent. This will entail dimensional changes in WTG design, increasing the tip height from 201 metres (“m”) to 208m, rotor diameter from 154m to 179m and the height of the floating platform above water from 15m to 30m. Additionally, the proposed works involve an increase in the distance of the WTG from shore to approximately 8.28km, and this should be applied for as part of the variation to the section 36 consent.

The Proposed Works further involve the separation of the single clump weight suspended in the water beneath the floating platform into multiple separate weights and the inclusion of suction bucket and drilled and grouted anchoring solutions, in addition to the previously licensed drag embedment anchors. This will also involve the inclusion of a taut mooring system option and the inclusion of a synthetic lines option, as well as the currently licensed chain and/or steel lines. The export cable voltage will also be increased from 33kV to 66kV.

The conclusion of the assessment on environmental receptors undertaken by Highland Wind Limited, including updated ornithological collision risk modelling, contends that the Proposed Works would not lead to a greater significance of environmental impacts on receptors than already authorised by the Section 36 Consent and Marine Licences. It is contended that the effects on marine ornithology and seascape, landscape and visual amenity will reduce as a result of the reduction from two WTGs to one. It is also contended that the taut mooring system will reduce the environmental effects of fish ecology and marine mammals.

Location of the works

Most of the works are outside of any designated site, however, a small portion of the export cable corridor overlaps the North Caithness Cliffs Special Protection Area as it approaches and reaches landfall. In respect of nature conservation interests, NatureScot advised that the Proposed Works are considered to be within the impacts assessed for the environmental statement submitted to support the original application for Section 36 Consent and the Marine Licences (“the Environmental Statement”) and will be unlikely to result in any new significant impacts.

The Environmental Statement concluded that all environmental effects from the laying, anchoring or removal of mooring cables and export cables and any associated armour or cable protection and stabilisation methods were assessed as negligible and not significant with the implementation of best practice mitigations.

HES predicted that the Proposed Works will not increase the seabed disturbance footprint in relation to the already consented works, noting that all mitigation and conditions relating to the Section 36 Consent and Marine Licences will be completed. HES did not consider that this will result in environmental effects on marine archaeology and cultural heritage features beyond the negligible and not significant effects determined in the Environmental Statement. As such, HES advised that it did not anticipate that the Proposed Works are likely to result in any significant impacts to its historic environment interests.

Characteristics of the potential impact

While NatureScot considered that there are no new significant impacts beyond those considered in the Environmental Statement, it noted that the inclusion of drilled piles within the updated methodology requires further consideration. While any noise disturbance from drilled piles will be localised and temporary, NatureScot advised that a noise assessment should be undertaken which compares the noise from drilled piles with other noisy activities and you have indicated that this will be submitted with any application for marine licence and/or section 36 consent variation in respect of the Proposed Works. NatureScot further advised that noise monitoring is carried out during the drilling works to inform future installation works using drilled piles at floating wind farm sites.

The Highland Council considered that the Pentland Floating Offshore Wind Demonstrator as a whole has the potential to have significant effects in visual impact terms for land based receptors within the Highland Council area but that the impacts associated with the Proposed Works are not likely to be any greater than the impacts of the already consented works.

SEPA advised that, in relation to its interests, the Proposed Works would not result in significant impacts and that any impacts caused would be of no greater significance to environmental receptors than those authorised by the existing consent.

The Scottish Ministers agree with the information provided and advice received that there will be no significant adverse effects from the Proposed Works on the environment. It is the Scottish Minister's intention that requirement for noise monitoring during any drilling works will be formalised in conditions, as appropriate, and attached to any marine licence and/or section 36 consent variation subsequently granted for the Proposed Works.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works **are not** an EIA project under the 2017 MW Regulations and, therefore, an EIA **is not** required to be carried out in respect of the Proposed Works.

If you increase, alter or extend the Proposed Works, you are advised to contact Marine Scotland - Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to **The Highland Council** planning department. The screening opinion has also been made publicly available through the Marine Scotland Information ([link](#)) website.

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely

Marc MacFarlane

Marine Scotland - Licensing Operations Team