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Mr Richard Copeland
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Date: 15 September 2023

Dear Mr Copeland,

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 screening opinion request and accompanying screening opinion report dated 7 August 2023 in regard to the proposed variation to Highland Wind Limited's section 36 consent and marine licences for the offshore wind farm and the offshore transmission infrastructure. The changes proposed ("the Proposed Works") for this variation include:

- Reducing the number of Wind Turbine Generators ("WTGs") seven to six;
- Reducing the WTG footprint area from 10 square kilometres ("km²") to 5.85 km²;
- Reducing the rotor swept area from 316,673 square metres ("m²") to 283,448 m²;
- Reducing the number of floating substructures from six to seven;
- Reducing the number of mooring lines from 63 to 54;
- Reducing the number of anchors or piles from 63 to 54;
- Increase the operational lifespan of the Pentland Floating Offshore Wind Farm from 10 to 25 years.

The Proposed Works are to be undertaken as part of the Pentland Floating Offshore Wind Farm project, for which two marine licences and a section 36 consent were granted on 28 June 2023 ("the Consented Works"). The Consented Works are an Environmental Impact Assessment ("EIA") project therefore, 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 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"), Orkney Islands Council, 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 provide their reasons in a written statement, taking into account the

selection criteria set out in schedule 3 of the 2017 MW Regulations and schedule 3 of the 2017 EW Regulations, as are relevant to the Proposed Works. This is set out below.

Characteristics of the works

Physical changes in the Proposed Works will involve reducing the number of WTGs and floating substructures from seven to six. As each floating substructure in the Consented Works is allowed up to nine mooring lines and anchors/piles, there will be a concurrent reduction in the total number of these from 63 to 54 in the Proposed Works. Of the six WTGs in the Proposed Works, one will have a rotor diameter up to 220 metres (“m”) and the remaining five will have a rotor diameter up to 250m. This represents a reduction from the maximum rotor diameter of 260m for all WTGs in the Consented Works. The area of sea surface occupied by a WTG and associated floating substructure, excluding mooring lines, of each WTG will be reduced from 10 km² in the Consented Works to 5.85km² in the Proposed Works. Overall, this will lead to a reduction in the total rotor swept area from 316,673 m² in the Consented Works to 283,448 m² in the Proposed Works.

The Proposed Works also include a temporal change to increase the operational lifespan of the entire project, array area, and cable corridor, from 10 years in the Consented Works to 25 years. The Scottish Ministers note that the Environmental Impact Assessment Report (“EiAR”) submitted on 11 August 2022, alongside the application package for the Consented Works considered the project over a 30 year operational lifespan.

The Proposed Works remain within the project design envelope assessed in the 2022 EiAR. The Proposed Works will have no effect on the export cable corridor approved under the Consented Works other than the proposed temporal increase from 10 to 25 years.

Location of the works

The Proposed Works are to be located approximately 7.5 kilometres off the coast of Dounreay, Caithness. The Proposed Works are contained entirely within 12 nautical miles of mean high water springs. The physical change aspects of the Proposed Works occur entirely within the offshore array area.

NatureScot noted that there were concerns raised about the potential in combination impacts of the original proposal on the puffin and kittiwake qualifying features of the North Caithness Cliffs Special Protected Area (“SPA”). NatureScot welcome the proposed addendum to be submitted to the Report to Inform the Appropriate Assessment which will address the proposed design refinements and potential implications of these on ornithological features. The Scottish Ministers agree with NatureScot and are content that any impacts to the North Caithness Cliffs SPA can be managed through the Habitat Regulations Appraisal carried out as part of the marine licensing and consenting process.

Additionally, NatureScot advised that it has reviewed the detailed Seascape, Landscape, Visual Impacts Assessment (“SLVIA”) comparison of ten of the 14 viewpoints used in the original SLVIA. NatureScot agrees with the conclusions of the screening report that the overall finding would not be notably different to those in the 2022 EiAR.

NatureScot concluded that it is content with the approaches and findings outlined in the screening report and does not consider that an EIA is required for the Proposed Works.

HES stated that it does not consider the Proposed Works to have the potential to raise significant impacts on known or designated heritage assets within its remit and has no further comment to make.

Characteristics of the potential impact

The Highland Council stated that, while an impact on the receiving environment is possible, it is not considered to be significant and an EIA is not required. Orkney Island Council had no comment to make on the Proposed Works.

SEPA advised that the Proposed Works will result in a reduction in the potential impacts on water and sediment quality compared to those assessed in the 2022 EIAR. SEPA confirmed that no new impacts were identified as a result of the Proposed Works and therefore the findings of the 2022 EIAR remain valid.

Conclusion

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

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

A copy of the screening opinion has been forwarded to Orkney Islands Council and 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 Directorate - Licensing Operations Team