

Ms Cara Donovan  
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Date: 16 November 2023

Dear Cara,

**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 dated 25 September 2023 in regards to the proposed variation to MeyGen PLC (“the Applicant”)’s section 36 consent for the MeyGen Tidal Energy Project located in the Inner Sound, Pentland Firth. The proposed changes include a reduction in the number of tidal turbines to be deployed, as well as a change in the characteristics of the tidal turbines and associated offshore export cables (“the Proposed Works”).

The Proposed Works form part of the MeyGen Tidal Energy Project whereby a section 36 consent and marine licence were granted in 2013 (“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”) and paragraph 2 of schedule 2 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 EW Regulations”) on the basis that they constitute a change to schedule 2 works already authorised. 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”), 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. In this regard, the Scottish Ministers have considered the following:

**Characteristics of the works**

The Proposed Works will involve reducing the number of tidal turbines from 61 to a maximum of 40. The maximum rotor diameter for each tidal turbine will increase from 20 m to 24 m and the maximum blade swept area will increase from 314 m<sup>2</sup> to 452 m<sup>2</sup>, with minimum seabed clearance from blade tip to seabed reduced from 4.5 m to 3 m. The turbine power cap of 1.0 – 2.4 MW will be removed, however the total consented generating capacity of 86 MW for the MeyGen Tidal Energy Project will remain. The maximum cable rating of the offshore export cables will be increased from 6.6 kV to 33 kV. No changes are proposed to the parameters of the four tidal turbines currently deployed under the Consented Works.

## **Location of the works**

The Proposed Works lie within the North Caithness Cliffs Special Protection Area and within close proximity to a number of designated sites. A Habitats Regulations Appraisal (“HRA”) and Appropriate Assessment were carried out for the Consented Works. The screening report identifies sites that have been designated since these assessments were completed and, following a review of the potential impacts, concludes that the Proposed Works would not result in any additional likely significant impacts on the features of any designated site. However, the Applicant has confirmed that a HRA screening would be undertaken to support the variation application for the Proposed Works.

In relation to historic environment features, HES advised that there is no proposed significant change to the footprint of the MeyGen Tidal Energy project that would impact on known marine heritage assets and was content that EIA is not required.

## **Characteristics of the potential impact**

The Applicant carried out updated collision risk modelling to assess the impact of the Proposed Works on marine mammals, seabirds and Atlantic salmon receptors as part of the request for a screening opinion (Appendix A of the Screening Report).

NatureScot acknowledged the updated collision risk modelling and advised that the Applicant has provided appropriate information to support the proposed section 36 consent variation application for these receptors. However, it advised that significant environmental impacts could occur from the Proposed Works, but that the supporting information for the application should only focus on marine mammals, ornithology and diadromous fish receptors. NatureScot advised that it was content that physical processes, benthic, seascape, landscape and visual interest receptors do not require further consideration. NatureScot advised consulting on a list of projects and activities to be considered within the cumulative impact assessment.

NatureScot further highlighted the requirement of consent conditions for the Consented Works to validate the predicted impacts from tidal turbine devices on nature conservation interests and advised that ongoing environmental monitoring is of particular importance for harbour seals as their population is in decline in the area of the Proposed Works.

The Highland Council agreed with the conclusions within the Screening Report and had no further comments to make. SEPA had no site-specific comments to make in respect of the Proposed Works.

## **Conclusion**

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are an EIA project under the 2017 MW Regulations and 2017 EW Regulations and, therefore, an EIA is 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 Directorate - 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](#) website.

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

Yours sincerely,

Kate Taylor  
Marine Directorate - Licensing Operations Team