

## **Marine Directorate - Licensing Operations Team Scoping Opinion**

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

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

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

**and**

**The Marine Works (Environmental Impact Assessment)  
Regulations 2007**

**Stromar Offshore Wind Farm**

**29 April 2024**

## Contents

<b>1. Introduction</b>	<b>4</b>
1.1 Background	4
<b>2. The Proposed Development</b>	<b>6</b>
2.1 Introduction	6
2.2 Description of the Proposed Development	6
2.3 Onshore Planning	7
2.4 The Scottish Ministers' Comments	8
<b>3. Contents of the EIA Report</b>	<b>14</b>
3.1 Introduction	14
3.2 EIA Scope	14
3.3 Mitigation and Monitoring	14
3.4 Risks of Major Accidents and/or Disasters	15
<b>4. Consultation</b>	<b>16</b>
4.1 The Consultation Process	16
4.2 Responses Received	18
<b>5. Interests to be Considered within the EIA Report</b>	<b>19</b>
5.1 Introduction	19
5.2 Marine and Coastal Processes	19
5.3 Marine Water and Sediment Quality	20
5.4 Benthic and Intertidal Ecology	20
5.5 Fish and Shellfish Ecology	21
5.6 Offshore Ornithology	22
5.7 Marine Mammals	24
5.8 Commercial Fisheries	26
5.9 Shipping and Navigation	27
5.10 Marine Archaeology and Culture Heritage	29
5.11 Military and Civil Aviation	29
5.12 Seascape, Landscape and Visual Impact	30
5.13 Socio-economics, Tourism and Recreation	30
5.14 Greenhouse Gas and Climate Change	31
5.15 Other Human Activities	32
5.16 General	33
<b>6. Multi-Stage Consent and Regulatory Approval</b>	<b>34</b>
6.1 Background	34

**Appendix I: Consultation Responses & Advice..... 35**  
**Appendix II: Gap Analysis ..... 36**

## 1. Introduction

### 1.1 Background

- 1.1.1 On 10 January 2024, the Scottish Ministers received a Scoping Report (“the Scoping Report”) from Stromar Offshore Wind Farm Limited (“the Developer”) as part of its request for a Scoping Opinion relating to Stromar Offshore Wind Farm (“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”), regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“2017 EW Regulations”) and Regulation 13 and Schedule 4 of The Marine Works (Environmental Impact Assessment) Regulations 2007 (“2007 MW Regulations”), all collectively referred to as “the EIA Regulations”.
- 1.1.2 This Scoping Opinion is adopted by the Scottish Ministers under the EIA Regulations (“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”) and The Marine and Coastal Access Act 2009 (“the 2009 Act”).

- 1.1.5 In the event that the Developer does not submit application(s) for a s.36 consent under the 1989 Act and marine licences under the 2010 Act and the 2009 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.
- 1.1.7 The Developer submitted a Habitats Regulations Appraisal (“HRA”) screening report (“HRA Screening Report”) alongside the Scoping Report on 10 January 2024 in relation to the Proposed Development. The Scottish Ministers response to the HRA Screening Report is contained within the relevant receptor chapters of this Scoping Opinion.

## 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 is comprised of an offshore generating station located approximately 50 kilometres ("km") east of the Wick coast in the North Sea. The Proposed Development will have a capacity of greater than 50 Megawatts ("MW") and therefore requires the Scottish Ministers' consent to allow its construction and operation. The Proposed Development will also require marine licences granted by the Scottish Ministers under the 2009 Act and the 2010 Act, to permit any and all 'licensable marine activities' carried on for the Proposed Development.

2.2.2 The design envelope for the Proposed Development is broad and there are a number of design parameters which are yet to be determined by the Developer. The technology in relation to the Wind Turbine Generator ("WTG") foundations will consist of floating substructures. The area of the Proposed Development in which the WTGs, inter-array cables, Offshore Substation Platforms ("OSPs"), foundation and mooring systems are located is termed the Array Area and is within the NE3 ScotWind Plan Option. Additionally, an offshore accommodation platform and offshore innovation platform are being considered. The Array Area is approximately 256km<sup>2</sup>. The offshore Export Cable Corridor ("ECC") will comprise of up to three 3km wide corridors, each with a length of up to 126km connecting to a number of landfall locations along the north Aberdeenshire coast. The ECC will consist of the offshore export cables, with the option of a Reactive Compensation Station ("RCS") also being considered.

2.2.3 The Proposed Development includes the construction and operation of offshore WTGs and all associated offshore infrastructure. The key components of the Proposed Development will be refined through the key subsequent stages of the design and EIA process but include:

- A maximum of 71 WTGs, all with floating foundations.
- Four floating WTG foundation options are being considered: semi-submersible, tension leg platform, spar buoy and barge. Three mooring configurations are considered: catenary, semi taut and taut mooring lines. Fixed bottom foundations will also be considered.

- Maximum rotor diameter of 320m.
- Maximum blade tip height of 385m and maximum hub height of 225m.
- Minimum blade tip clearance of 30m above mean sea level.
- The Proposed Development is considering up to three OSPs. A range of both fixed and floating foundation options are currently under consideration including monopile, monopod suction caisson, suction caisson jacket, piled jacket, gravity-based structure; and semi-submersible, tension leg platform, barge and spar buoy floating foundation concepts. The OSP topsides will be up to 180m x 100m in dimension for a fixed foundation design and 140m x 140m for a floating foundation design.
- One RCS with High Voltage Alternating Current (“HVAC”) transmission is under consideration and will be located either above the sea surface or on the seabed. If a sea surface RCS is progressed, the topside will have dimensions of 60m x 60m.
- One offshore accommodation platform is under consideration and will have dimensions of 80m x 60m.
- One offshore innovation platform is under consideration and will have dimensions of 100m x 60m.
- Inter-array cabling with a maximum total cable length of 720km.
- Up to three export cables with a target burial depth of up to 4m or surface laid if in contact with the seabed, and secondary protection such as concrete mattresses, rock / grout bags and protective cable shells will be used where the cables cannot be buried.

2.2.4 The overall duration of construction is anticipated to be up to seven years with the Developer assuming that the Proposed Development will become operational between 2030 and 2033.

## **2.3 Onshore Planning**

2.3.1 The Scottish Ministers are aware the Developer has sought a separate Scoping Opinion from Aberdeenshire Council for the associated onshore transmission infrastructure. It is essential that the EIA Report concerning onshore works will be available at the time that the EIA Report for the Proposed Development is being considered so that all the information relating to the project as a ‘whole’ is presented. The EIA Report for the Proposed Development must consider the cumulative impacts with the onshore works.

## 2.4 The Scottish Ministers' Comments

### *Description of the Proposed Development*

- 2.4.1 Section 3.2 of the Scoping Report states that Project Design Envelope refinement will be influenced by the results of environmental and technical studies along with stakeholder consultation, but will be subject to further refinement throughout the EIA process. Although an indicative design envelope has been provided in Tables 3.2 to 3.7 of the Scoping Report, 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 2.4.19 to 2.4.22 of the Scoping Opinion below.
- 2.4.2 Section 3.4.7 of the Scoping Report states that the final WTG design will be selected post-consent. The Scottish Ministers advise that the EIA Report must include a full and detailed description of all WTG parameters considered within the design envelope.
- 2.4.3 Section 3.4.11 of the Scoping Report states that a number of floating substructure designs are currently being reviewed for the Proposed Development. The Scottish Ministers advise that the EIA Report must include a full and detailed description of all floating substructure designs considered within the design envelope.
- 2.4.4 Table 3.3 of the Scoping Report outlines the maximum design scenario for the mooring and anchoring system. The EIA Report must provide details of the anchor and mooring design options being considered within the design envelope. In Section 3.4.34 of the Scoping Report the Developer has acknowledged that scour protection may be required to mitigate seabed erosion around the foundations. For the avoidance of doubt the use of scour protection must be assessed in the EIA Report including details on materials, quantities and location. The EIA Report must also clearly describe the export cable area including the width, length, and location of each ECC.
- 2.4.5 Sections 3.4.53 and 3.4.57 of the Scoping Report states that the Proposed Development will include a maximum of three OSPs and one RCS. The Scottish Ministers note that the OSP and RCS parameters are detailed within Table 3.5 of the Scoping Report and advise that the EIA Report must include a full and detailed description of all OSP and RCS options being considered including the design, size and foundations.
- 2.4.6 Section 3.4.40 of the Scoping Report states that dynamic inter-array cables with buoyancy modules are likely to be required in order to minimise hull motion induced stresses upon the cable and allow the cable configuration to move in



response to movement of the foundation substructure. Section 3.4.42 also outlines that inter-array cables may be either buried below the seabed or surface laid and will utilise external cable protection such as rock placement and concrete mattresses, with maximum design parameters provided in Table 3.4 of the Scoping Report. Table 3.4 of the Scoping Report outlines that the burial technique of the offshore export cables includes trenching, ploughing, jetting and vertical injection. Section 3.4.49 of the Scoping Report also outlines that, where burial depths cannot be achieved, export cables may be surface laid and will utilise external cable protection such as rock placement and concrete mattresses. The EIA Report must provide an estimate of the anticipated likelihood of suitable burial along cable routes and be clear on the range of burial depths that have been considered as part of the assessment. Clear narrative must be provided within the EIA Report to show how this has been estimated prior to the further geophysical and geotechnical surveys being undertaken. Where reliance is placed on a subsequent cable plan or cable burial risk assessment as mitigation, the EIA Report must explain how this measure will mitigate the effects, what measures are proposed for inclusion and the effectiveness and degree of confidence that can be placed on such measure. It is recommended that such plans are included alongside the EIA Report.

- 2.4.7 Any cable protection to be used to protect the export and inter-array 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 under the seabed, required for installation of either the export or inter-array cables will require consideration in the EIA Report and may 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 or existing deposit sites.
- 2.4.8 Section 3.3.2 of the Scoping Report outlines that a number of landfall locations are being considered. The EIA Report must clearly detail each landfall location and state the site-specific considerations for each option. The EIA Report must also outline the steps taken to mitigate any environmental impacts resulting from the cable landfall.
- 2.4.9 Section 3.6.4. of the Scoping Report outlines that boulders may be present at the site of the Proposed Development. 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.

- 2.4.10 Section 3.6 of the Scoping Report provides an overview of the Proposed Development phases. There is brief mention of pre-construction surveys and site investigations including unexploded ordnance (“UXO”) surveys within Section 3.6. The Scottish Ministers advise that the EIA Report must describe and assess the environmental effects, including in-combination effects, of the range of surveys which may be required such as geophysical and geotechnical survey activities and UXO clearance. The EIA Report must also include consideration of the options which will be assessed in relation to UXO clearance, the differences amongst them and an assessment of the environmental effects of these options. In this regard, the Scottish Ministers advise that the EIA Report must include a worst case scenario of high order detonation in terms of impact and mitigation, unless there is robust supporting evidence that can be presented to show consistent performance of the preferred low order or deflagration method. The Scottish Ministers refer to the Joint SNCB/DEFRA/MS statement – Marine environment: unexploded ordnance clearance<sup>1</sup> in this regard, although highlight that this is currently being refreshed per the representation from NatureScot.
- 2.4.11 Section 3.8.1 of the Scoping Report details that operation and maintenance activities will be finalised once the operation and maintenance base location and technical specifications are known. 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 a marine licence issued for the Proposed Development, unless an exemption applies.
- 2.4.12 Section 3.8.7 of the Scoping Report confirms a decommissioning programme (“DP”) will be prepared and submitted to Scottish Ministers in line with the Energy Act 2004 and that a draft DP will be submitted alongside the EIA Report. 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.
- 2.4.13 The EIA Report should provide an 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

---

<sup>1</sup> <https://www.gov.uk/government/publications/marine-environment-unexploded-ordnance-clearance-joint-interim-position-statement>

provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments.

- 2.4.14 The Scottish Ministers were content to consult on the Scoping Opinion without coordinates included. However, the coordinates must be included alongside the EIA Report detailing the outline of the offshore turbine array.
- 2.4.15 Section 3.7.10 of the Scoping Report identifies the potential that 'wet storage' may be needed to facilitate construction of the Proposed Development. A number of consultees have provided advice in relation to 'wet storage', including NatureScot which has identified it as a potentially significant impact pathway. The Scottish Ministers are considering their position on this topic and will advise of any updates.
- 2.4.16 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 'change-outs' of components) and decommissioning of the Proposed Development for which a regulatory approval will be needed. The Developer should give consideration to all activities related to the Proposed Development which require regulatory approval and ensure that these are applied for as appropriate.
- 2.4.17 With regards to the HRA Screening Report, the Scottish Ministers highlight that the representations provided by consultees should be taken into account in the HRA Report to be submitted alongside the EIA Report. Detailed advice is provided in the receptor chapters in section 5 of the Scoping Opinion.
- 2.4.18 The Proposed Development is in a location which 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.

### *Design Envelope*

- 2.4.19 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 worst case scenario, as set out in Section 3.2 of the Scoping Report.
- 2.4.20 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 and marine licences and the accompanying EIA Report.
- 2.4.21 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 consent and 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.
- 2.4.22 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*

- 2.4.23 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 3 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. The Scottish Ministers advise however that these considerations must

include how decommissioning has been taken into account within the design options. The Scottish Ministers advise that this must be based on the presumption of as close to full removal as possible of all infrastructure and assets and should consider the methods and processes of doing so.

- 2.4.24 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 wind turbine 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 The Developer has committed to several mitigation plans, including but not limited to a Fisheries Management and Mitigation Strategy, a Marine Pollution Contingency Plan, and a Marine Mammal Mitigation Protocol. 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 The EIA Report must include a description and assessment of the likely significant effects deriving from the vulnerability of the Proposed Development to major accidents and disasters. 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 Development 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 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 18 January 2024. Following consultation extensions, the last response was received on 14 March 2024. 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:

- *Aberdeen City Council*
- *Aberdeen International Airport*
- **Aberdeenshire Council**
- Boddam and District Community Council
- Broadshore Offshore Windfarm
- **British Telecom (“BT”) Radio Network Protection Team**
- Buchan East Community Council
- Buchan Offshore Wind Farm
- Civil Aviation Authority (“CAA”)
- Caledonia Offshore Wind Farm
- Cenos Offshore Wind Farm
- Communities Inshore Fisheries Alliance
- Crown Estate Scotland
- Cruden Community Council
- Cruising Association
- Dee District Salmon Fishery Board (“DSFB”)
- Don DSFB
- *Edinburgh International Airport*
- Esk DSFB
- Fisheries Management Scotland
- Forth DSFB
- Fraserburgh Community Council
- Fraserburgh Harbour Commissioners
- **Green Volt Offshore Wind Ltd (“Green Volt”)**
- **Historic Environment Scotland (“HES”)**
- Hywind Scotland Pilot Project Park
- **Inshore Fisheries Group - North and East Coast Regional\***
- Invercairn Community Council
- *Joint Radio Company*
- King Edward and Gamrie Community Council
- Marine Directorate – Compliance – Fraserburgh Fishery Office
- Marine Directorate – Compliance – Peterhead Fishery Office
- Marine Planning & Policy
- Marine Safety Forum
- **Maritime and Coastguard Agency (“MCA”)**
- Marramwind Offshore Wind Farm



- **Ministry Of Defence (“MOD”) Defence Infrastructure Organisation (“DIO”)**
- Moray Council
- Muir Mhor Offshore Wind Farm
- **National Air Traffic Services (“NATS”)**
- National Trust for Scotland
- **NatureScot**
- **Natural England**
- *Natural Resources Wales*
- New Aberdour, Tyrie and Pennan Community Council
- North Sea Transition Authority
- **Northern Lighthouse Board (“NLB”)**
- NorthLink Ferries
- Offshore Energies UK
- Peterhead Community Council
- Peterhead Port Authority
- Rathen, Memsie and Cortes Community Council
- Royal National Lifeboat Institution
- Rosehearty Community Council
- **Rosehearty Harbour Inshore Fisherman’s Association**
- **Royal Yachting Association (“RYA”)**
- Royal Society for the Protection of Birds (“RSPB”) Scotland
- Salamander Offshore Wind Farm
- Scottish Canoe Association
- Scottish Creel Fishermen’s Federation
- **Scottish Fishermen’s Federation (“SFF”)**
- Scottish Fishermen’s Organisation
- **Scottish and Southern Electricity Network**
- Scottish Surfing Federation
- **Scottish Water**
- **Scottish White Fish Producers Association\***
- Scottish Wildlife Trust
- *Scottish Environment Protection Agency*
- *Sport Scotland*
- Slains and Collieston Community Council
- Surfers Against Sewage
- Tay DSFB
- **UK Chamber of Shipping (“UK CoS”)**
- Visit Scotland
- Whale and Dolphin Conservation

\* The Inshore Fisheries Group - North and East Coast Regional, and Scottish White Fish Producers Association responses are included within the SFF response.

4.1.2 Specific advice was sought from Marine Directorate – Science, Evidence, Data and Digital (“MD-SEDD”) and Transport Scotland.

## **4.2 Responses Received**

- 4.2.1 From the list above a total of 25 responses were received. Advice was also provided by MD-SEDD and Transport Scotland. 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 regards to the EIA Report and the s.36 consent and 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 Transport Scotland 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 Marine and Coastal Processes**

5.2.1 The study area is broadly identified within Figure 7.1 of the Scoping Report, noting that Section 7.2.2 states that the area will be further refined during the EIA. The Scottish Ministers recommend that the advice relating to the study area provided by NatureScot is fully considered.

5.2.2 The Scottish Ministers are content with the data sources listed in Table 7.1.

5.2.3 Table 7.4 summarises the impact pathways scoped in and out of the EIA. The Scottish Ministers broadly agree with the table with the exception of the following impact pathways. The Scottish Ministers disagree that 'Modifications to the wave and tidal regime, and associated impacts to morphological features' is scoped out of the EIA Report. This should be scoped in for further assessment within the EIA report. In addition, 'Impacts on the geological interest of the Rosehearty to Fraserburgh Coast SSSI' should be scoped in separately to 'Potential impacts to seabed morphology' as a potential impact from the construction phase. 'Potential re-exposure of trenched cable(s) at landfall' should also be scoped in as an operational impact.' In addition to seabed scour being scoped in under 'Potential impacts to seabed morphology,' secondary scour from scour protection itself should also be considered in the assessment. These views are supported by the advice provided by NatureScot, and the Scottish Ministers recommend that this advice is fully considered and implemented within the EIA Report.

5.2.4 The Scottish Ministers refer to the representation from NatureScot regarding definitions of magnitude and sensitivity and welcome the approach laid out in Section 7.8.9 to consult further regarding the numerical modelling prior to undertaking the EIA.

5.2.5 The Scottish Ministers note the 'Embedded Commitments' in Section 7.4 of the Scoping Report and advise that the EIA Report must consider the full range of embedded mitigation and monitoring measures, and published guidance. This is a view supported by NatureScot.

- 5.2.6 Cumulative impacts are considered in section 7.6 of the Scoping Report. The Scottish Ministers, in line with the representation from NatureScot, would expect to see a list of cumulative impacts to be scoped in and out for consideration at the scoping stage. The Scottish Ministers therefore expect further consultation on the cumulative assessment approach prior to the EIA. The Scottish Ministers recommend that the concerns raised by NatureScot on the cumulative effects of multiple export cables making landfall in the Fraserburgh and Peterhead area are fully considered.
- 5.2.7 Transboundary impacts are considered in section 7.7. The Scottish Ministers are in agreement that transboundary impacts can be scoped out from the EIA.

### **5.3 Marine Water and Sediment Quality**

- 5.3.1 The marine water and sediment quality study area is defined in section 8.2. The Scottish Ministers are broadly content with the study area, and baseline data sources used by the Developer in Section 8.2 and 8.3 of the Scoping Report and the identification of potential impacts to be scoped in and out included in Table 8.8. The Scottish Ministers direct the Developer to the SEPA representation, which includes their standing advice and advise that this must be fully considered in the EIA.

### **5.4 Benthic and Intertidal Ecology**

- 5.4.1 The Scottish Ministers, in line with NatureScot, are content with the proposed study area described in Section 9.2 of the Scoping Report and the approach that this may be amended subject to the tidal excursion modelling.
- 5.4.2 The Scottish Ministers are also content with the proposed data sources and guidance documents used to characterise the baseline in Section 9.3. The Scottish Ministers agree with the representation from NatureScot that it is unclear which receptors will be considered in the EIA. The Scottish Ministers recommend that the Developer fully considers the following benthic and intertidal features, as advised by NatureScot: Annex 1 habitats, Priority Marine Features (“PMF”) protected species, protected prey species, features of protected sites. The Developer should continue to liaise with NatureScot and the Scottish Ministers if there is a likelihood of the array area of ECC interfering with Annex 1 habitats or PMFs. Additionally, the Scottish Ministers highlight the representation made by the SFF regarding “impacts to benthic invertebrates due to thermal emissions from subsea electrical cables” and advise that this is considered in the EIA Report.
- 5.4.3 Table 9.4 of the Scoping Report summarises the potential impacts to be scoped in to the EIA for benthic and intertidal ecology. The Scottish Ministers broadly agree with this table, however would like to draw attention to the advice made by

NatureScot and SFF in their representation relating to scoping in Electromagnetic field (“EMF”) effects and the discrepancies regarding EMF and likely significant effects across sections of the Scoping Report.

- 5.4.4 With regard to the approach to the assessment set out in Section 9.8, the Scottish Ministers are content, however advise that the general comments made by NatureScot on the proportionate EIA approach should be considered.
- 5.4.5 The Scottish Ministers note Section 9.4 of the Scoping Report covers ‘Embedded Commitments’ and advise that the EIA Report must consider the full range of mitigation and monitoring measures, and published guidance.
- 5.4.6 In regards to cumulative impacts, considered in section 9.6, the Scottish Ministers advise, in line with the NatureScot representation, that the impacts of EMF are considered in the cumulative assessment.
- 5.4.7 Transboundary impacts are considered in section 9.7. The Scottish Ministers are in agreement that transboundary impacts can be scoped out of the EIA.
- 5.4.8 The Scottish Ministers, in agreement with NatureScot, conclude that no sites with Annex 1 habitat features need to be taken forward to HRA assessment.

## **5.5 Fish and Shellfish Ecology**

- 5.5.1 The Scottish Ministers are broadly content with the proposed study areas described in section 10.2, in line with the NatureScot representation, noting that the Zone of Influence relating to suspended sediment concentrations may be amended subject to sediment plume modelling. However, the Scottish Ministers highlight the representation made by the SFF regarding the inclusion of ICES Rectangle 46e8 and advise that this is included in the EIA.
- 5.5.2 With regards to the baseline information described in section 10.3 of the Scoping Report, the Scottish Ministers are broadly content with the data sources and guidance proposed, but highlight the additional publications recommended by NatureScot and advise that these are fully considered in the EIA Report.
- 5.5.3 The Developer summarises the impact pathways to be scoped in and out of the EIA in Table 10.6 of the Scoping Report. The Scottish Ministers are broadly content, however, advise that underwater noise should also be scoped in during the operational phase. The Scottish Ministers also recommend fully considering the NatureScot advice on sandeel which is included within their representation.
- 5.5.4 The Scottish Ministers are broadly content on the approach to assessment, however the Developer is advised to fully consider the recommendations made

by NatureScot regarding eDNA sampling, and noise modelling relating to any herring spawning grounds and sandeel habitats identified in the area of the Development.

- 5.5.5 Additionally, the Scottish Ministers highlight that the EIA Report should set out impacts to key prey species and their habitats both from the development alone and cumulatively as detailed in the representation by NatureScot.
- 5.5.6 The Scottish Ministers note Section 10.4 of the Scoping Report covers 'Embedded Commitments' and advise that the EIA Report must consider the full range of mitigation and monitoring measures, and published guidance. For migratory fish, the timing of construction in relation to migratory periods, along with underwater noise effects during both construction and operation should be considered as advised within the representation from NatureScot.
- 5.5.7 Section 10.6 of the Scoping Report considers potential cumulative impacts. The Scottish Ministers are in agreement with suspended sediment concentrations and underwater noise being scoped in for cumulative impacts.
- 5.5.8 In addition, the Scottish Ministers advise that the impacts of EMF are also considered in the cumulative assessment in line with advice from NatureScot.
- 5.5.9 The Scottish Ministers are in agreement that transboundary impacts can be scoped out of the EIA for fish and shellfish, as discussed in section 10.7.
- 5.5.10 With regards to the HRA Screening Report, the Scottish Ministers agree with the advice within the NatureScot representation that migratory fish should currently be assessed only through the EIA process and not through the HRA process. However, the Developer should engage with the Scottish Ministers and NatureScot in regards to any change in how diadromous fish should be assessed through EIA and HRA as a result of ongoing research in this area.

## **5.6 Offshore Ornithology**

- 5.6.1 The Scottish Ministers are content with the proposed study area as depicted in 11.1 of the Scoping Report, however, highlight the advice given by NatureScot regarding the occurrence of edge effects.
- 5.6.2 With regards to the data sources used to characterise the baseline listed by the Developer in Table 11.1 of the Scoping Report, the Scottish Ministers are broadly content with those listed, but are in agreement with the NatureScot representation that this list is not exhaustive and the Seabirds Count should also be considered within the EIA Report. The Scottish Ministers also highlight the advice relating to DAS data in the representation from NatureScot and advise

further engagement with NatureScot on this matter.

- 5.6.3 Table 11.8 of the Scoping Report summarises the potential impacts on offshore ornithology for each phase of the Proposed Development. The Scottish Ministers broadly agree with the impacts scoped in and out of the EIA Report in line with the representations from NatureScot and Natural England. However, the Scottish Ministers highlight that “indirect impacts to prey species through temporary habitat loss” should also be scoped in as detailed in the representation from NatureScot, noting that an alternative heading is suggested. Additionally, if wet storage is required during the operation and maintenance phase this should also be scoped in. The Scottish Ministers recommend further discussions with NatureScot when more details are available.
- 5.6.4 In regards to the approach to the assessment, the Scottish Ministers advise that the NatureScot representation regarding seasonality, abundance data, collision risk, displacement and Population Viability Analysis (“PVA”) should be fully considered and implemented in the EIA.
- 5.6.5 The Scottish Ministers note Section 11.4 of the Scoping Report covers ‘Embedded Commitments’ and advise that the EIA Report must consider the full range of mitigation and monitoring measures, and published guidance. The Scottish Ministers highlight NatureScot’s advice regarding additional mitigation and recommend that these should be included in the EIA Report.
- 5.6.6 Section 11.6 of the Scoping Report considers potential cumulative impacts. The Scottish Ministers note that the list in Section 11.6.2 does not include all sites that should be considered in terms of cumulative impacts and further engagement with the Scottish Ministers is advised. Attention should also be paid to the representation from NatureScot regarding cumulative impacts of vessel disturbance if they are travelling through a marine SPA. The Scottish Ministers highlight the NatureScot recommendation to use the Cumulative Effects Framework (“CEF”) if available, or the use of the approach commissioned by the North East and East Offshore Wind Developer Group if CEF is not available.
- 5.6.7 Additionally, the Scottish Ministers highlight the NatureScot advice regarding inclusion of the proposed Berwick Bank offshore wind farm in PVA models run.
- 5.6.8 Transboundary impacts are described in section 11.7 of the Scoping Report. The Scottish Ministers are in agreement with NatureScot that whilst transboundary impacts during the breeding season can be scoped out for the project alone assessment, this should be considered in terms of the cumulative assessment. Additionally, the Scottish Ministers note that no specific approach has been set out for this assessment and recommend that further engagement is sought by the Developer from NatureScot and the Scottish Ministers on this matter.

- 5.6.9 In regards to the Ornithology sections of the HRA Screening Report, the Scottish Ministers are broadly content, however would like to highlight a number of comments raised in the representation by NatureScot.
- 5.6.10 In terms of data sources shown in table 4.3, the Scottish Ministers are in agreement that the additional sources noted by NatureScot should be included. The Scottish Ministers also advise following NatureScot Guidance Note 3 regarding foraging ranges.
- 5.6.11 Impact pathways are summarised in table 5.4 of the HRA Screening Report. The Scottish Ministers highlight the advice relating to impact pathways raised by NatureScot including consideration of collision risk for wet storage, changes in prey availability through temporary habitat loss and justification for a 15km buffer for attraction to light. The Scottish Ministers advise that these are fully considered through HRA.
- 5.6.12 The Scottish Ministers, in line with the NatureScot representation advise that conclusions on LSE should not be made until all of the data from site-specific survey work is available to ensure that there is a full understanding of how birds are interacting with the Development footprint. Additionally the Scottish Ministers, in agreement with NatureScot, advise that nocturnally active species should not be excluded from LSE based on the findings of DAS.
- 5.6.13 The Scottish Ministers highlight uncertainty surrounding “Breeding seabirds in the non-breeding season” as detailed in the representation from NatureScot and recommend that these issues are addressed. Additionally the Scottish Ministers recommend that the points provided in the representation by NatureScot are addressed with regard to migratory waterbirds.
- 5.6.14 With regards to the LSE matrices for SPAs, the Scottish Ministers advise that the representation from NatureScot relating to additional research, displacement and barrier effects and attraction to light are all fully considered in the RIAA.
- 5.6.15 The Scottish Ministers note that in-combination effects have not been included in the LSE matrix which is unexpected. In line with advice from NatureScot, the Scottish Ministers do not agree with the de minimis approach described in Section 7.1.2 of the Offshore Screening Report and recommend further engagement with NatureScot.

## **5.7 Marine Mammals**

- 5.7.1 The Scottish Ministers are broadly content with the study area described in Section 12.2 of the Scoping Report and highlight the advice included in the



representation from NatureScot that the UK portion of the Management Unit should be used in the EIA Report.

- 5.7.2 With regard to the baseline information discussed in section 12.3 of the Scoping Report, the Scottish Ministers are broadly content with the proposed sources, however highlight the additional sources referenced by NatureScot in their representation. The Scottish Ministers also draw attention to the advice provided by NatureScot on the absence of SCANS IV data and advise that this should be fully considered and implemented in the EIA. The Scottish Ministers are also in agreement with NatureScot that any additional species that are identified from the second year of DAS should be included in the EIA Report.
- 5.7.3 In line with the representation from NatureScot, the Scottish Ministers agree with the impacts to be scoped in and out summarised in Table 12.4 of the Scoping Report. The Scottish Ministers highlight the representation made by Natural England with regards to ‘Noise-related impacts associated with construction and decommissioning activities resulting in temporary auditory injury (i.e. temporary threshold shifts (“TTS”))’ and advise that this is fully considered within the EIA Report.
- 5.7.4 The Scottish Ministers are content with the approach to assessment as detailed in the Scoping Report and highlight the advice relating to piling and UXO clearance included in the representation by NatureScot. Scottish Ministers advise that the NatureScot representation on this should be fully considered and implemented.
- 5.7.5 The Scottish Ministers note Section 12.5 of the Scoping Report covers ‘Embedded Commitments’ and advise that the EIA Report must consider the full range of mitigation and monitoring measures, and published guidance. The Scottish Ministers also highlight the representation from NatureScot regarding the location of the OSP within the Southern Trench ncMPA and advise that this should be fully considered by the Developer. The Scottish Ministers also highlight the opportunities to liaise with other adjacent developments and contribute to monitoring, research and analysis highlighted by NatureScot.
- 5.7.6 Cumulative impacts are considered in section 12.7. The Scottish Ministers are content that a cumulative assessment will take place when there is more detail available regarding impacts and potential spatial and temporal overlap with other developments and recommend that the Developer engages with the Scottish Ministers and NatureScot at this stage. The Scottish Ministers also highlight the representation made by NatureScot regarding the use of the Cumulative Effects Framework.
- 5.7.7 With regards to transboundary impacts, considered in section 12.8, the Scottish

Ministers are in agreement with NatureScot that it is not necessary to consider transboundary effects for marine mammals providing assessment is made against the UK marine mammal management units.

- 5.7.8 In regard to the HRA Screening Report, the Scottish Ministers advise that the Moray Firth SAC should be screened in for further assessment due to the potential connectivity of the coastal bottlenose dolphin population of the Moray Firth SAC and the export cable corridor and Offshore Innovation Platform. In addition, the Scottish Ministers advise that the Inner Hebrides and the Minches SAC for harbour porpoises and SACs for harbour and grey seals can be screened out. The Scottish Ministers are also content that the Southern Trench ncMPA will be considered within the EIA Report, which is in line with the representation from NatureScot. The Scottish Ministers highlight the representation from Natural England regarding the Southern North Sea SAC being screened in and advise that this is included within the assessment.

## **5.8 Commercial Fisheries**

- 5.8.1 The Scottish Ministers are broadly content with the proposed study area shown in figure 13.1 of the Scoping Report. However, the Scottish Ministers highlight the representation made by the SFF regarding the inclusion of ICES Rectangle 46e8 and advise that this is included in the EIA.
- 5.8.2 The Scottish Ministers are also broadly content with the data sources used to characterise the baseline as detailed in Table 13.1. However, the Scottish Ministers highlight the resources included in the MD-SEDD commercial fisheries advice, including vessel density available at EMODNet, and under 12 m vessel activity on MD NMPI. Additionally, the Scottish Ministers highlight the representation made by the SFF with regards to the listed data sources and the benefits on ongoing engagement with the fishing industry.
- 5.8.3 Table 13.3 of the Scoping Report summarises the impacts to be scoped in and out of the assessment for commercial fisheries. The Scottish Ministers, whilst broadly in agreement with the impacts scoped in and out, draw attention to the MD-SEDD commercial fisheries advice regarding additional steaming time being a permanent impact and advise that this is considered in the EIA Report.
- 5.8.4 In terms of mitigation, the Scottish Ministers highlight the representation from the SFF which includes comments on Fisheries Management and Mitigation Strategy ("FMMS") and Navigational Safety Plan ("NSP") commitments included in Table 13.2 of the Scoping Report, as well as proposals on disruption payments, Offshore Fisheries Liaison Officer ("OFLO") and adherence to the ColRegs which the Scottish Ministers recommend are considered.

- 5.8.5 With regards to cumulative assessment considered in section 13.6 of the Scoping report, the Scottish Ministers highlight the MD-SEDD commercial fisheries advice regarding taking into account any nearby MPAs and other fisheries management areas with fishing activity restrictions and recommend that this is fully considered in the EIA Report.
- 5.8.6 The Scottish Ministers recommend that early engagement with fisheries representatives is continued as outlined in the SFF representation and particularly with the local fleet via the Rosehearty Harbour and Inshore Fisherman's Association ("RHIFA"). The Scottish Ministers highlight the representation made by RHIFA and recommend engagement to address points raised.

## **5.9 Shipping and Navigation**

- 5.9.1 The Scottish Ministers are content with the study area presented by the Developer in Section 14.2 of the Scoping Report, however note the representation from UKCoS which recommends a wider routeing study area of 50 nautical miles when considering the cumulative impact assessment with regards to routeing impacts in combination with other developments.
- 5.9.2 With regards to baseline characterisation, the Scottish Ministers are content with the data sources presented in Tables 14.1 and 14.4, however highlight the representation from the MCA regarding vessel traffic surveys and advise that this must be fully addressed in the EIA Report, with surveys carried out to MGN 654 standard. The Scottish Ministers, recommends including the Scottish Government's Sectoral marine plan for offshore wind energy, noting the importance of lifeline ferry services and their need for protection and also advise that Marine Accident Investigation Branch data included in the EIA Report should be at least 20 years in line with UKCoS representation. Additionally, in line with MCA representations, the turbine layout design will require MCA approval prior to construction to minimise the risks to surface vessels and assess whether any additional navigational safety requirements are identified, in line with MGN 654 Annex 5. Finally, the Scottish Ministers highlight the SFF representation relating to WTG spatial footprint for consideration.
- 5.9.3 The Developer presents the impacts proposed to be scoped in to assessment during different phases of the Proposed Development in Table 14.3 of the EIA Report. The Scottish Ministers agree with the impacts scoped in to the EIA Report, however, for the avoidance of doubt, the Developer must ensure that each of the possible impacts on navigational issues, as outlined in the MCA representation, is addressed within the EIA Report for both commercial and recreational craft. Additionally, the Scottish Ministers highlight the RYA representation around failure of Aids to Navigation marking the devices which

should be fully addressed in the EIA Report. Finally, the Scottish Ministers highlight the UKCoS representation relating to impacts to be scoped in and request it is given full consideration by the Developer.

- 5.9.4 In regard to approach to assessment, the Scottish Ministers confirm that, the Developer will be required to submit a Navigational Risk Assessment in accordance with MGN 654, accompanied by a detailed MGN 654 checklist, and direct the Developer to the MCA representation for further detail. Hydrographic surveys should fulfil the requirements set out in Annex 4 of MGN 654.
- 5.9.5 The Scottish Ministers also highlight the MCA representation regarding 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 should be fully addressed within the EIA Report and that a SAR checklist be completed by the Developer in consultation with the MCA.
- 5.9.6 In regard to cabling routes and cable burial, the Scottish Ministers confirm that a Burial Protection Index should be completed, and, subject to traffic volumes, an anchor penetration study may also be necessary. 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 and where depths are decreasing towards the shore.
- 5.9.7 In line with the representation from the MCA, the Developer should note that compliance with regulatory expectations for mooring infrastructure, as stated in Table 14.2, is required and Third-Party Verification of the mooring arrangements will be required.
- 5.9.8 The Scottish Ministers advise that the Developer must give consideration within the EIA Report for the potential effect of electromagnetic deviation on ships' compasses should High-Voltage Direct Current transmission infrastructure be installed. The Scottish Ministers highlight the advice from the MCA a three-degree deviation for 95% of the cable route would be acceptable, and that for the remaining 5% of the cable route, no more than five degrees will be attained.
- 5.9.9 In terms of potential cumulative effects outlined in Section 14.6 of the Scoping Report, the Scottish Ministers are largely content with the proposed approach and highlight the MCA requirement for an appropriate assessment of the distances between the neighbouring offshore renewable project boundaries and shipping routes in line with MGN Standard 654. This should consider the proximity to other windfarm developments, other infrastructure, and the impact on safe navigable sea room. The MCA requirements must be fully addressed in the EIA Report. Finally, the Scottish Ministers highlight the representation from

Green Volt Offshore Windfarm Limited relating to the impacts of increased vessel traffic for consideration.

## **5.10 Marine Archaeology and Culture Heritage**

- 5.10.1 The Scottish Ministers are broadly content with the study area as defined in Section 15.2 of the Scoping Report.
- 5.10.2 Baseline data sources are considered in Section 15.3. The baseline data gathered for the assessment is appropriate. This view is supported by HES.
- 5.10.3 In line with advice from HES, the Scottish Ministers are broadly content with the impact pathways scoped into the EIA as outlined in Table 15.7 of the Scoping Report.
- 5.10.4 The methodology, as outlined in Section 15.8, is acceptable to the Scottish Ministers which is in agreement with the HES representation.
- 5.10.5 The Scottish Ministers are content that the mitigation measures outlined in Section 15.8 of the Scoping Report are sufficient to manage and mitigate impacts on the marine historic environment in line with the HES representation.

## **5.11 Military and Civil Aviation**

- 5.11.1 The Scottish Ministers are broadly content with the study area as defined in Section 16.2 of the Scoping Report.
- 5.11.2 Baseline data sources are considered in Section 16.3 of the Scoping Report. The Scottish Ministers consider that the baseline data gathered for the assessment is appropriate.
- 5.11.3 In Table 16.3 of the Scoping Report the Developer summarises the potential impacts to Military and Civil Aviation during the different phases of the Proposed Development. The Scottish Ministers largely agree with the impacts scoped in to and out of the EIA Report.
- 5.11.4 In Section 16.3 of the Scoping Report the Developer identifies that the Proposed Development overlaps with and is in proximity to military Danger Areas. The MOD representation confirms that due to the proximity of the Proposed Development to the Moray Firth Danger Area EGD809C and EGD809S, along with Tain Danger Area EGD703, the Developer is advised to take into account the published MOD practice and exercise areas in preparation of the Proposed Development. The MOD representation also confirms that the Proposed Development will have no impact on the Northern Managed Danger Area EGD712D.

- 5.11.5 In terms of embedded mitigation, the Scottish Ministers highlight the representation from the MOD which states that the WTGs from the Proposed Developments will be detectable to the air defence radar at Remote Radio Head Buchan. The MOD representation also confirms that the Proposed Developments are located within Low Flying Area 14, where WTGs may cause a physical obstruction to low flying aircraft operating in the area. The Scottish Ministers request that the Developers engage with the MOD on these points and advise that these impacts should be assessed, and appropriate mitigation proposed, in the EIA Report.
- 5.11.6 The Scottish Ministers highlight the representation from NATS which predicts that the Proposed Development is likely to generate false primary plots and also a reduction in the probability of Alanshill RADAR to detect real aircraft. NATS has also advised that the Proposed Development will likely have unacceptable impacts to Aberdeen En-route (Offshore) Air Traffic Control (“ATC”), Prestwick Centre ATC and Military ATC. The Scottish Ministers therefore recommend the Developer engage further with NATS on these points and advise that these impacts must be assessed, and appropriate mitigation proposed, in the EIA Report.
- 5.11.7 The MOD confirmed that it has highly surveyed routes near the Proposed Development which may be relevant to the installation of WTGs and associated infrastructure. The MOD has requested an assessment be carried out to determine any potential impacts and it is therefore unable to advise on this at this stage. Once results of its assessments are shared with MD-LOT, these will be passed to the Developer.

## **5.12 Seascape, Landscape and Visual Impact**

- 5.12.1 The Scottish Ministers agree with NatureScot’s representation that the Seascape, Landscape and Visual Impacts for the offshore elements of the Proposed Development can be scoped out of the EIA Report.

## **5.13 Socio-economics, Tourism and Recreation**

- 5.13.1 The Scottish Ministers are broadly content with the study areas as detailed in Section 18.2 of the Scoping Report, however in line with MD-SEDD socioeconomics advice, advise that the assessment of socio-economic impacts would benefit from the inclusions of a short list of potential epicentres of impact.
- 5.13.2 The Scottish Ministers advise that the most up to date data sources must be used for all analysis and direct the Developer to the MD-SEDD socioeconomics advice in this regard.
- 5.13.3 In line with the MD-SEDD socioeconomics advice, the Scottish Ministers advise

that a full Socio-Economic Impact Assessment (“SEIA”) must be included with the EIA Report and should be transparent in its methodological choices for assessment of socioeconomic impacts. The Scottish Ministers draw attention to Annex 1 of the MD-SEDD socioeconomics advice which may be of assistance when developing the SEIA.

- 5.13.4 In Table 17.5 of the Scoping Report the Developer summarises the potential impacts to Offshore Socio-Economics during the different phases of the Proposed Development. The Scottish Ministers broadly agree with the impacts scoped in and out however, advise that socio-cultural impacts needs to be scoped in and fully assessed in the EIA report. This is in line with the MD-SEDD socioeconomics advice.
- 5.13.5 In relation to social impacts, the Scottish Ministers advise that their current position is 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 impacts in the future. The Scottish Ministers are considering this position and, should this develop or change, the Developer will be notified.
- 5.13.6 In relation to economic impacts, the Scottish Ministers are broadly content with the proposed assessment approach as detailed in Section 18.8 of the Scoping Report, however recommend that the Developer include additional analysis regarding potential job creation in comparison to existing jobs in the study area, as outlined in the MD-SEDD socioeconomics advice. In addition, the Scottish Ministers agree with the MD-SEDD socioeconomics advice that a detailed description of the methodology used to assess economic impacts must be included in the EIA, outlining the methodological approach taken and any key assumptions that underpin any estimates.

## **5.14 Greenhouse Gas and Climate Change**

- 5.14.1 The Scottish Ministers are largely content with the Developer’s approach in assessing Green House Gases (“GHG”) and climate change effects within Section 19 of the Scoping Report, noting that the IEMA Environmental Impact Assessment Guide “Assessing Greenhouse Gas Emissions And Evaluating Their Significance” provides further insight on this matter. 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. The Scottish Ministers highlight that the GHG assessment should include the pre-construction, construction, operation and decommissioning phases, including consideration of the supply chain as well as benefits beyond the life cycle of the Proposed Development. The NatureScot representation regarding climate change and

carbon costs should be fully addressed by the Developer within the EIA Report.

- 5.14.2 The Scottish Ministers direct the Developer to the NatureScot representation in relation to blue carbon assessment. The Scottish Ministers advise that consideration should be given to impacts on blue carbon as a result of the Proposed Development as well as an expanded assessment for benthic ecology focusing on potential impacts on marine sediments.

## **5.15 Other Human Activities**

- 5.15.1 The Scottish Ministers are broadly content with the study area as defined in Section 20.2 of the Scoping Report.
- 5.15.2 Baseline data sources are considered in Section 20.3. The Scottish Ministers consider the baseline data gathered for the assessment is appropriate.
- 5.15.3 Table 20.4 of the Scoping Report presents the impacts the Developer proposes to scope in to and out of the EIA Report during the different phases of the Proposed Development. The Scottish Ministers are broadly content with the impacts scoped in and out for assessment in the EIA Report.
- 5.15.4 The Scottish Ministers note the representation from SSEN Transmission which outlines nearby licensed and future subsea transmission infrastructure. The Scottish Ministers request that the Developer fully considers the SSEN Transmission representation and its nearby transmission infrastructure in the EIA Report.
- 5.15.5 The Scottish Ministers confirm that there is live infrastructure in the proximity of the development area that may impact existing Scottish Water assets. The Scottish Ministers confirm that the Developer must identify any potential conflicts with Scottish Water assets and consult with the Scottish Water Asset Impact Team. Written permission must be obtained before any works are started and the Developer should be aware that any conflict with assets identified will be subject to restrictions on the proximity of construction.
- 5.15.6 The Scottish Ministers emphasise the importance of engaging with other marine users, including developers of ScotWind and INTOG projects, during all phases of the Proposed Development.



## **Application and EIA Report**

### **5.16 General**

- 5.16.1 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, regulation 5 of the 2017 EW Regulations and regulation 12 of the 2007 MW Regulations. In accordance with the EIA Regulations, the Scottish Ministers advise that the EIA Report must be based on this Scoping Opinion.
- 5.16.2 The Scottish Ministers note the need to carry out an assessment under the Conservation (Natural Habitats, &c.) Regulations 1994 and the Conservation of Offshore Marine Habitats and Species Regulations 2017. This assessment must be coordinated with the EIA in accordance with the EIA Regulations.
- 5.16.3 A gap analysis template is attached at Appendix II to record the environmental concerns identified during the Scoping process. This template should be completed and used to inform the preparation of the EIA Report. As part of the submission of the EIA Report the Scottish Ministers advise that the Developer must provide confirmation of how this Scoping Opinion is reflected in the EIA Report.

## 6. Multi-Stage Consent and Regulatory Approval

### 6.1 Background

- 6.1.1 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.
- 6.1.2 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*.
- 6.1.3 A section 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.
- 6.1.4 If during the consideration of information provided in support of an application for multi-stage consent or 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

Ben Walker

29 APRIL 2024

Authorised by the Scottish Ministers to sign in that behalf.

**Appendix I: Consultation Responses & Advice**

*Please refer to separate document provided alongside the Scoping Opinion*

**Appendix II: Gap Analysis**

*Please refer to separate document provided alongside the Scoping Opinion*