



# Technical Appendix 1.1

## Scoping Opinion

Offshore EIA Report: Volume 2

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## **Marine Scotland - 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**

**Green Volt Offshore Windfarm**

**April 2022**

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## 1. Introduction

### 1.1 Background

- 1.1.1 On 15 November 2021, the Scottish Ministers received a scoping report (“the Scoping Report”) from Green Volt Offshore Wind Ltd (“the Developer”) as part of its request for a scoping opinion relating to Green Volt 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 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 Scotland 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 applications 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”) separate from the Scoping Report on 13 December 2021 in relation to the Proposed Development. The Scottish Ministers response to the HRA Screening Report is however contained within the relevant receptor chapters of this Scoping Opinion. In addition, the Scottish Ministers advise that the representations from NatureScot, FMS, the Dee District Salmon Fisheries Board (“Dee DSFB”) and Royal Society for the Protection of Birds Scotland (“RSPB”) together with the advice from Marine Scotland Science (“MSS”) on the HRA Screening Report must be fully reviewed and addressed by the Developer.

## **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 floating windfarm with an installed capacity of approximately 300MW with the aim to facilitate the decarbonisation of the oil and gas industry through the complete electrification of the Buzzard oil and gas field with the support of a fully connected UK grid connection back to Aberdeenshire.

2.2.2 The Proposed Development is to be located approximately 75km east of the Aberdeenshire coast, in an area of approximately 144km<sup>2</sup> on the decommissioned Ettrick and Blackbird oil and gas developments which ceased production in 2017. The location of the Proposed Development is approximately 20km from the Buzzard platform. The cable landfall location is yet to be determined, however there are two locations currently under consideration: North of Peterhead or South of Peterhead as detailed in Section 2.2.3 of the Scoping Report.

2.2.3 The Proposed Development will include the construction and operation of offshore wind turbine generators and all associated offshore infrastructure. The key components of the Proposed Development include:

- Up to 30 floating Wind Turbine Generators ("WTGs") each with a capacity of between 10MW and 16MW comprising of blades of 111m long and 4.5m wide.
- A floating substructure will support each of the WTGs. It is anticipated that, due to soil conditions at the site, the WTGs will be restricted to a substructure which is moored using a catenary mooring system but a number of floating substructure designs are currently under review.
- The type and number of anchors and moorings required will be subject to refinement on selection of the substructure and a review of loading conditions. In all cases, it is expected that moorings will be of a catenary design with drag embedment anchors. Expected mooring lines will have approximately 100m of length, weight of 463kg (studless) per metre, and consist of steel anchor chain. Six mooring lines per substructure have been assumed which provide a conservative design envelope.



- Up to 35 inter-array cables of 2.5km each will be used to arrange the WTGs in electrical strings of 5 to 6 units.
- Up to 2 Offshore Substation Platforms (“OSPs”) will be required and will likely be supported on a jacket structure which will provide the marshalling point for the inter-array cables and the required voltage conversion transformers to enable export electricity to the Buzzard platform and to the offshore export cable.
- An export cable of approximately 15km in length will connect the OSP to the Buzzard platform.
- An export cable of approximately 90km in length will carry power to the landfall location along the Aberdeenshire coast.
- Horizontal Direction Drilling (“HDD”) is expected to be used for export cable installation.

2.2.4 Within this Scoping Opinion: the term Wind Farm Area is used to describe the area in which the WTGs and associated infrastructure are located; the term Export Cable Area is used to describe the corridors in which the two export cables are located; and Proposed Development Area is a term used to cover both the Wind Farm Area and the Export Cable Area.

2.2.5 Initial onshore fabrication and offshore construction is anticipated to start in April 2024. Construction is scheduled over two seasons, with the aim of connecting the Buzzard oil field to the UK grid by Q2 2025 and completing and energising Green Volt Offshore Windfarm by 2026. Construction is expected to start in the first half of 2025 with the installation of the substation, offshore export cable and final connection to the Buzzard platform.

## **2.3 Onshore/Planning**

2.3.1 The Scottish Ministers note that the Scoping Report only describes the offshore works. 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 Innovation and Targeted Oil and Gas**

2.4.1 Marine Scotland is undertaking a spatial planning exercise for Innovation and Targeted Oil and Gas (“INTOG”) projects and an Initial Plan Framework was published in August 2021. Crown Estate Scotland’s INTOG leasing round has been developed in alignment with Marine Scotland’s Initial Plan Framework and all applications must be sited within the areas and other planning parameters defined by the Initial Plan Framework. The Scottish Ministers understand that the Developer intends to apply for an early Exclusivity

Agreement for one of the INTOG sites and that the Proposed Development is subject to an award of seabed rights from Crown Estate Scotland.

- 2.4.2 In the event that the Developer is awarded a lease option agreement by Crown Estate Scotland, the EIA Report must consider any plan level assessments included in the final Sectoral Marine Plan for INTOG and consider cumulative impacts with other INTOG projects awarded lease option agreements.

## **2.5 The Scottish Ministers' Comments**

### *Description of the Proposed Development*

- 2.5.1 Section 2.2.1.1 of the Scoping Report states that the final layout of the windfarm components will be determined by environmental, technical and human use factors. Although the preliminary arrangement is presented in Figure 2.2 of the Scoping Report, it must be clear in EIA Report which arrangement is being assessed. If the arrangement has not yet been decided, the EIA Report must include a full and detailed description of all layout options considered within the design envelope. The Scottish Ministers also advise that the Developer must identify how habitats of conservation value can be avoided through micro-siting of windfarm components, inclusive of all cabling, in the EIA Report.
- 2.5.2 Section 2.2.1.3 of the Scoping Report states that a number of floating substructure designs are currently being reviewed for the Proposed Development. A design envelope has been provided in Table 2.2 of the Scoping Report. 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.
- 2.5.3 Section 2.2.1.4 of the Scoping Report states that the type and number of anchors and moorings required will be subject to refinement upon selection of the substructure and review of loading conditions and that scour protection will not be required in the Windfarm Area. The EIA Report must provide details of the anchor and mooring design options being considered within the design envelope. In addition, if there is any potential for scour protection to be used, this must be assessed in the EIA Report including details on materials, quantities and locations.
- 2.5.4 Section 2.2.1.5 of the Scoping Report states that an assessment of possible post lay burial/protection of the inter-array cables will be undertaken following a review of the site lay out and mooring design for the floating substructures. The Scoping Report states that it is currently proposed that the inter-array cables are not buried but that trenching will be considered as part of the initial

engineering assessments. If there is any potential for cable protection to be used to protect the inter-array cables, this must be assessed in the EIA Report including details on materials, quantities and location. In addition, any seabed levelling or removal of substance or objects from on or under the seabed, required for installation of both the inter-array cables and export cables, will require consideration in the EIA Report and may require a marine licence.

- 2.5.5 Section 2.2.1.6 of the Scoping Report states up to two OSPs will be required for the Proposed Development and that the two options being considered are a fixed substation structure or a floating substation structure. The EIA Report must include a full and detailed description of all OSP options being considered including design and size of the OSPs in the design envelope.
- 2.5.6 Table 2.6 in Section 2.2.2 of the Scoping Report states that no scour protection has been considered for the export cables and that this will be monitored during the operation and maintenance phase. Section 2.2.2 of the Scoping Report also states that rock dumping in the trench to bury the export cables will be undertaken if the sediment removed from the trench does not provide sufficient material to bury the cables. The Scottish Ministers advise that the EIA Report must include a full and detailed description of any scour protection and/or rock dumping that may be required along both export cables at least including indicative locations and maximum quantities. The EIA Report must also clearly describe the Export Cable Area including the width, length and location of both export cable corridors.
- 2.5.7 Section 2.2.3 of the Scoping Report explains that the landfall location of the export cable has not been determined and two areas are under consideration. With regards to methods of export cable installation, HDD is expected to be used however open trenching will be used in the event HDD is not possible due to technical or engineering constraints. The EIA Report must describe and assess the options considered for cable installation at each landfall location and must also explain the reasons for the selected installation options. The EIA Report must 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.
- 2.5.8 Section 2.4 of the Scoping Report provides generalised detail of the construction phases planned over a two year period if a s.36 consent and marine licences are granted. There is no specific mention of pre-construction surveys however 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 unexploded ordnance ("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 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.

- 2.5.9 Section 2.6 of the Scoping Report states that a decommissioning programme will be prepared prior to construction but for the purposes of the Scoping Report, removal of floating substructure components, where practicable, with mooring lines, and piles to be cut just below seabed and removed has been assumed. The EIA Report must include an assessment of potential significant effects during the decommissioning phase. 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.
- 2.5.10 Finally, the Scottish Ministers highlight that the HRA Screening Report should be updated to take into account the representations provided by consultees and an updated version submitted alongside the EIA Report.

### *Design Envelope*

- 2.5.11 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 2.1 of the Scoping Report.
- 2.5.12 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.
- 2.5.13 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.

- 2.5.14 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*

- 2.5.15 The EIA Regulations require that the EIA Report include 'a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the Developer, which are relevant to the proposed works and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'. The Scottish Ministers acknowledge Section 2 of the 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
- 2.5.16 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 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 impacts 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 (“LSE”) 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’s susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the Proposed Development’s potential to cause an accident or disaster.
- 3.4.2 The Scottish Ministers advise that existing sources of risk assessment or other relevant studies should be used to establish the baseline rather than collecting survey data and note the IEMA Primer provides further advice on this. This should include the review of the identified hazards from your baseline assessment, the level of risk attributed to the identified hazards and the relevant receptors to be considered.
- 3.4.3 The assessment must detail how significance has been defined and detail the inclusions and exclusions within the assessment. Any mitigation measures that will be employed to prevent, reduce or control significant effects should be included in the EIA Report.

### **3.5 Climate and Greenhouse Gases**

- 3.5.1 The Scoping Report proposes that the impact of climate change effects will be considered within the ecological topics of the EIA Report and there will be no standalone topic or chapter on climate. The Scottish Ministers are however mindful that Greenhouse Gas (“GHG”) emissions from all projects contribute to climate change. In this regard, the Scottish Ministers highlight the IEMA Environmental Impact Assessment Guide “Assessing Greenhouse Gas Emissions And Evaluating Their Significance” (“IEMA GHG Guidance”), which states that “GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit, as such any GHG emissions or reductions from a project might be considered significant.” The Scottish Ministers have considered this together with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the requirement of the EIA Regulations to assess significant effects from the Proposed Development on climate. The Scottish Ministers therefore advise that the EIA Report must include a GHG Assessment which should be based on a Life Cycle Assessment approach and note that the IEMA GHG Guidance provides further insight on this matter. The Scottish Ministers highlight however that this should

include the pre-construction, construction, operation and maintenance and decommissioning phases, including consideration of the supply chain as well as benefits beyond the life cycle of the Proposed Development.



## 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 3 December 2021. 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 Chamber of Commerce
- *Aberdeen City Council*
- Aberdeen Harbour Board
- **Aberdeen International Airport**
- Aberdeen renewable energy group
- **Aberdeenshire Council**
- *Angus Council*
- Atlantic Salmon Trust
- Department for Business, Energy and Industrial Strategy
- Boddam and District Community Council
- Boddam Harbour Trust
- *BP*
- **BT**
- Buchan East Community Council
- Buchanhaven Harbour
- Civil Aviation Authority (“CAA”)
- *Chamber of Shipping*
- Crown Estate Scotland
- Cruden Community Council
- *Dee DSFB*
- Don DSFB
- **Defence Infrastructure Organisation – Ministry of Defence (“MOD”)**
- East Grampian Coastal Partnership
- Fishery Office – Aberdeen
- Fishery Office – Buckie
- Fishery Office – Fraserburgh
- Fishery Office – Peterhead
- *Fraserburgh Harbour Commissioners*
- Fraserburgh Inshore Association
- **Historic Environment Scotland (“HES”)**
- Hywind
- Inshore Fishery Group

- Joint Radio Company
- *Joint Nature Conservation Committee*
- Local golf clubs
- Local sailing clubs
- Marine Safety Forum
- **Maritime and Coastguard Agency (“MCA”)**
- Moray Firth Partnership
- **National Air Traffic Services (“NATS”)**
- National Grid and Distribution Network Operator
- National Trust for Scotland
- **NatureScot, operating name of Scottish Natural Heritage**
- Network Rail
- **Northern Lighthouse Board (“NLB”)**
- **NorthConnect**
- NorthLink Ferries
- *The Office of Communications (Ofcom)*
- *Oil and Gas UK*
- Oil and Pipelines Agency
- Peterhead Local Fishermen’s Organisations
- Peterhead Port Authority
- Peterhead Community Council
- Planning (Scotland)
- Port Eroll Harbour
- Receiver of Wreck
- Rosehearty Harbour and Inshore Fishermen’s Association
- Royal National Lifeboat Institution
- **RSPB**
- **Royal Yachting Association Scotland (“RYA”)**
- Scottish Canoe Association
- Scottish Creel Fishermen’s Association
- Scottish Enterprise
- Scottish Environment Link
- Scottish Federation of Sea Anglers
- **Scottish Fishermen’s Federation (“SFF”)**
- Scottish Fishermen’s Organisation
- Scottish Sub-aqua Club
- Scottish Surfing Federation
- **Scottish Water**
- Scottish Wildlife Trust
- **Scottish Environment Protection Agency (“SEPA”)**
- **Shell**

- Slains and Collieston Community Council
- *Sport Scotland*
- Sea Mammal Research Unit
- Surfers Against Sewage
- Ugie DSFB
- University of Aberdeen – Lighthouse Field Station
- Ythan DSFB
- **Visit Scotland**
- Whale and Dolphin Conservation

4.1.2 Specific advice was sought from MSS, Transport Scotland, Scottish Government (Energy Division) and the Marine Scotland – Marine Analytical Unit (“MAU”).

## **4.2 Responses received**

4.2.1 From the list above a total of 27 responses were received. Advice was also provided by MSS, Transport Scotland and MAU. 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 MSS, MAU 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 Bathymetry**

5.2.1 The Scottish Ministers are content with the data sources listed in Table 5.1 of the Scoping Report used to inform the baseline regarding bathymetric environmental data.

5.2.2 The Scottish Ministers agree that the potential impacts on bathymetry in relation to the export cable within 12nm during the construction, operation and maintenance phase, should be scoped in to the EIA Report for further assessment. Furthermore, the Scottish Ministers agree that all other potential impacts on bathymetry from the Proposed Development can be scoped out of the EIA Report.

### **5.3 Geology, Geomorphology and Offshore Sediments**

5.3.1 With regards to the study area, the Scottish Ministers are content with the baseline information obtained by the Developer as outlined in Table 5.3 of the Scoping Report.

5.3.2 The Scottish Ministers are content that a coastal processes study will not be required for the Proposed Development due to the distance from shore which is a view supported by the NatureScot representation.

5.3.3 In Table 5.5 of the Scoping Report the Developer summaries the potential impacts to geology, geomorphology and offshore sediments. The Developer has proposed to scope out all potential impacts identified during the different phases of the Proposed Development. The Scottish Ministers direct the Developer to Appendix A of the representation from NatureScot with regards to the physical environment and coastal processes.

5.3.4 The Scottish Ministers do not agree with the Developer's proposal to scope out potential impacts on seabed scour during the construction, operation and maintenance and decommissioning phases and advise that this must be assessed within the EIA Report for all phases. This view is consistent with the

NatureScot representation and MSS advice.

- 5.3.5 The Scottish Ministers highlight the NatureScot representation in regards to the re-exposure of cables due to accelerating sea level rise and potential demand for protective measures and advise that this must be considered in the EIA Report. Depending on the export cable route, if close to the Loch of Strathbeg Site of Special Scientific Interest (“SSSI”), NatureScot advises that it could affect the SSSI’s nationally important coastal geomorphology and dependent habitats. The Scottish Ministers agree with NatureScot that the natural re-exposure of a trenched landfall should be scoped in to the EIA Report including the Loch of Strathbeg SSSI as a receptor.
- 5.3.6 The Scottish Ministers also disagree with the Developer’s proposal to scope out increases in suspended sediment during all phases of the works and advise that this should be scoped in to the EIA Report for the construction and decommissioning phases. This view is in line with the MSS advice. However, the Scottish Ministers agree with the Developer that increases in suspended sediment can be scoped out of the EIA Report during the operation and maintenance phase of the Proposed Development.

#### **5.4 Metocean Conditions**

- 5.4.1 The Scottish Ministers are content with the metocean environmental data used by the Developer in the Scoping Report. The Developer summarises the metocean conditions in Section 5.3 of the Scoping Report. The Scottish Ministers note that there is no identification of potential impacts on metocean conditions and no conclusion on whether this receptor is scoped in or out of the EIA Report.
- 5.4.2 The Scottish Ministers direct the Developer to the MSS advice regarding baseline water column conditions and advise that that changes in seasonal stratification must be scoped in to the EIA Report and that the other points raised by MSS must be fully addressed.

#### **5.5 Water Quality**

- 5.5.1 The Scottish Ministers are content with the baseline information regarding water quality obtained and used by the Developer in the Scoping Report. In Table 5.12 of the Scoping Report the Developer summarises the potential impacts to water quality identified during the different phases of the Proposed Development.
- 5.5.2 The Scottish Ministers draw attention to the MSS advice regarding pollution of water, specifically the point raised regarding catenary mooring lines potentially

disturbing sediment along the seabed. As the technology is novel and there is potential for a large number of mooring lines, the Scottish Ministers agree with MSS' request that pollution of water through disturbance of existing contaminated sediments during the construction, operation and maintenance and decommissioning phases of the Proposed Development should be scoped in to the EIA Report.

- 5.5.3 The Scottish Ministers agree with the other potential impacts proposed to be scoped out of the EIA Report, and provide no further comments.

## **5.6 Sediment Quality**

- 5.6.1 The Scottish Ministers are content with the data sources identified by the Developer in Table 5.13 of the Scoping Report. In Table 5.18 of the Scoping Report the Developer summarises the potential impacts to sediment quality identified during the different phases of the Proposed Development.

- 5.6.2 The Scottish Ministers direct the Developer to Appendix A of the representation from NatureScot and advise that the points raised on drill arisings must be fully addressed by the Developer. The Scottish Ministers also direct the Developer to the representation from the SFF, which highlights the uncertainty surrounding oil-based cuttings and the substances they may contain, and advise that this point must also be fully addressed by the Developer.

- 5.6.3 The Scottish Ministers highlight the MSS advice which states that it agrees with the Developer's proposal to scope in pollution of the sediment through disturbance of the existing contaminated sediments to the EIA Report in the construction and decommissioning phases of the Proposed Development. However, due to the new nature of the catenary mooring line technology and the potential number of mooring lines included in the Proposed Development, MSS advises that disturbance of existing contaminated sediments should also be scoped in to the EIA Report during the operation and maintenance phase of the Proposed Development. The Scottish Ministers agree and advise that this must be fully addressed by the Developer.

## **5.7 Air Quality**

- 5.7.1 The Scottish Ministers are content that there is sufficient secondary data available regarding air quality and that no site-specific surveys have been undertaken by the Developer as part of the offshore Scoping Report. The Scottish Ministers note that onshore air quality will be assessed in a separate onshore scoping process.

- 5.7.2 In Table 5.19 of the Scoping Report the Developer summarises the potential impacts to air quality identified during the different phases of the Proposed Development. The Scottish Ministers agree with the impact proposed to be scoped out of the EIA Report during all phases of the Proposed Development and provide no further comments.

## **5.8 Potential Cumulative Impacts**

- 5.8.1 In Section 5.7 of the Scoping Report the Developer states that there is potential for the predicted impacts on physical processes (receptors discussed above in 5.2 to 5.7) to interact with impacts from other projects and activities in the physical processes study area and lead to a cumulative effect on the receptors. The Scottish Ministers agree with the projects and activities identified to be included in a cumulative assessment for the physical processes study area and highlight the representation received from Shell. The Scottish Ministers advise that a cumulative assessment must be included in the EIA Report.

## **5.9 Transboundary Impacts**

- 5.9.1 In Section 5.8 of the Scoping Report the Developer states that no transboundary impacts have been identified as part of the physical processes review due to the low current speeds, distance from international boundaries and the very localised potential to transport mobilised material. The Scottish Ministers advise the Developer to include this conclusion in the EIA Report for each of the receptors in Sections 5.2 to 5.7 above for completeness.

## **5.10 Benthic and Intertidal Ecology**

- 5.10.1 With regards to the study area, the Scottish Ministers are content with the Proposed Development study area and the site-specific surveys outlined in Section 6.1.1.1 of the Scoping Report. The Scottish Ministers are also broadly content with the data sources used to characterise the baseline as listed by the Developer in Table 6.1 of the Scoping Report. However, the Scottish Ministers draw the Developer's attention to the representation from the SFF which states that the Developer should define the baseline for benthic ecology with the Buzzard platform in situ. In addition, the Scottish Ministers ask the Developer to note the advice from NatureScot to make use of Marine Scotland's Feature Activity Sensitivity Tool.
- 5.10.2 Regarding key species, the Scottish Ministers advise that the Developer must fully implement the advice contained in both the NatureScot representation and the MSS advice with regards to Priority Marine Features ("PMFs") and use the 2021 site specific survey data in identifying their occurrence and distribution.

- 5.10.3 The Scottish Ministers broadly agree with the potential impacts scoped in for further assessment in the EIA Report as contained within Table 6.2 of the Scoping Report. However, in line with the MSS advice, the Scottish Ministers advise that impacts of scour on benthic communities arising from the mooring chains and anchors, impacts of open trenching for cable at the landfall site (if HDD is not possible) and impacts from the introduction of non-native species should also be scoped in to the EIA Report for further assessment during all phases of the Proposed Development.
- 5.10.4 The Scottish Ministers advise that the Developer must fully implement the advice included in the NatureScot representation regarding the Conservation and Management document for the Southern Trench Nature Conservation Marine Protected Area ("NC MPA").
- 5.10.5 With regards to key habitats, the Scottish Ministers advise that the EIA Report must identify how habitats of conservation value within the cable corridor can be avoided through micro-siting. The Scottish Ministers also advise that the MSS advice in relation to introduction of hard substrates, the avoidance of areas of *Sabellaria spinulosa* reef habitat and recognition of stony reef habitats must all be fully addressed in the EIA Report.
- 5.10.6 With regards to Electromagnetic Fields ("EMFs"), the Scottish Ministers advise, in line with the advice received from MSS, that all epifauna should be included in the assessment of EMF. In addition, inclusion of a quantitative assessment of EMF emissions in relation to type of cable burial depths and a qualitative assessment on species effects must be included in the EIA Report.
- 5.10.7 With regards to pockmark features, the Scottish Ministers advise that the Developer must fully consider and implement the MSS advice. The Scottish Ministers also advise the Developer to engage with MSS via MS-LOT regarding benthic survey data prior to the submission of the EIA Report to identify whether or not they are sufficiently comprehensive to allow conclusions to be made around the presence of methane derived antigenic carbonate.
- 5.10.8 In regards to the installation of the export cable, the Scottish Ministers direct the Developer's attention to the representation from NatureScot which advises that if HDD cannot be used, further consideration of the impacts on the Buchan Ness to Collieston Coast Special Area of Conservation ("SAC") and sensitivity of the impact pathways will require to be assessed within the EIA Report. The Scottish Ministers agree and advise that this must be fully addressed in the EIA Report.



- 5.10.9 Finally, with regards to the HRA Screening Report, the Scottish Ministers advise that the Buchan Ness to Collieston SAC should be screened in for Annex 1 habitat features if the southern cable landfall option is taken forward and HDD is not used. The Scottish Ministers also draw the Developer's attention to the MSS advice on benthic ecology which explains that baseline data should be sufficient to inform the MPA assessments which will be required for the Turbot Bank NC MPA with regards to the conservation objectives for sandeels and the Southern Trench NC MPA with regards to the burrowed mud habitats within the shelf deeps. The Developer must address these points fully in the HRA.

## **5.11 Fish and Shellfish**

- 5.11.1 With regards to the characterisation of the baseline, the Scottish Ministers advise that the Developer must carry out additional environmental DNA surveys to supplement the characterisation already carried out. This view is supported by the NatureScot representation and MSS advice. The Scottish Ministers also direct the Developer to the representation from the SFF regarding the identification of fish spawning locations and the need to mitigate any potential effects of this through the timing of development activities. The Scottish Ministers agree and also advise that the Developer seeks the most relevant data available with regards to invasive species and fish aggregation, as raised in the SFF representation. In all other respects, the Scottish Ministers are content with the study area and data sources outlined in the Scoping Report.
- 5.11.2 In Table 6.10 of the Scoping Report the Developer summarises the potential impacts to fish and shellfish during the different phases of the Proposed Development which it proposes to scope in to and out of the EIA Report. The Scottish Ministers broadly agree. However, in addition to those scoped in, the Developer must fully address the NatureScot representation and MSS advice in relation to diadromous fish. This includes, but is not limited to, assessment of the impacts of underwater noise on Atlantic salmon and the potential effects the structures could have on migrating or foraging diadromous fish which must be scoped in to the EIA Report. Additionally, the Scottish Ministers advise that the Developer must contact the Dee DSFB and FMS to determine if they have further requirements in terms of what the EIA Report should include regarding diadromous fish.
- 5.11.3 With regards to EMF impacts, the Scottish Ministers highlight and agree with the NatureScot representation which advises that EMF impacts should be scoped in, especially if cables are not able to be buried, as there are likely to be EMF effects from both the export and inter-array cables. The Scottish Ministers also advise that, in relation to the NorthConnect representation,

modelling of the cumulative impacts of EMF should also be considered within the EIA Report. These should be considered along with research on edible crab, brown shrimp and European lobster as highlighted in the MSS advice. Therefore, the Scottish Ministers advise that the Developer must scope in the impacts of EMF in the EIA Report.

- 5.11.4 The Scottish Ministers draw the Developers attention to the NatureScot representation which states that a number of fish species are PMFs and advise that the EIA Report must show consideration of the impacts to these species as PMFs.
- 5.11.5 With regards to the HRA Screening Report, the Scottish Ministers agree with the list of sites identified in Table 5.1 of the HRA Screening Report to be screened in to the HRA for further assessment, which is a view supported by the NatureScot representation. However in addition, the Scottish Ministers advise that the River Tay SAC and the River Evelix SAC must also be screened in to the HRA and that freshwater pearl mussels should be considered for all sites identified in Table 5.1 where Atlantic salmon is a qualifying interest so that indirect impacts can be considered, in line with the NatureScot representation. The Scottish Ministers disagree with Table 5.3 of the HRA Screening Report in which the Developer proposes to screen out the River Oykel SAC and River Moriston SAC for further assessment in the HRA. The Scottish Ministers advise that both the River Oykel SAC and River Moriston SAC must be screened in to the HRA which is a view supported by FMS.
- 5.11.6 Additionally, in regards to impact pathways and determination of LSE, the Scottish Ministers broadly agree with the conclusions of Table 5.2 of the HRA Screening Report but advise that for the different phases of the Proposed Development, all impact pathways require detailed consideration before any recommendation to screen out protected sites is made based on the lack of connectivity or impact on the particular receptors. In addition to the impacts screened in to the HRA for further consideration, the Scottish Ministers advise that the Developer must also screen in EMF effects across all phases of the Proposed Development which is a view supported by NatureScot, FMS and the Dee DSFB.
- 5.11.7 In addition, the Developer must clarify the rationale for the screening out of sites further than the 90km cut off from the project boundary. This advice is in line with representation from NatureScot and the MSS advice. The Scottish Ministers also advise that the impacts of particle motion and underwater noise during the construction phase on the qualifying features of the River Dee SAC should be screened in to the HRA. This is in line with the advice received from the Dee DSFB and FMS.

## 5.12 Marine Mammal Ecology

- 5.12.1 With regards to the list of species to be included in the assessment, in addition to those identified in Section 6.3.2 of the Scoping Report, the Scottish Ministers advise that the Developer must take a precautionary approach and include Atlantic white-sided dolphin and humpback whale in the EIA Report. In relation to bottlenose dolphin, both the NatureScot representation and MSS advice note that the figure for the East Scotland Management Unit is incorrect and NatureScot recommends using 224 for the total bottlenose dolphin population. In relation to seals, the Scottish Ministers are content with the Developer's proposed use of Carter et al. (2021) maps, but draw attention to the MSS advice regarding these and advise that the points it raises must be addressed fully.
- 5.12.2 The Scottish Ministers broadly agree with the impact assessment methodologies proposed, however the NatureScot representation in regards to use of appropriate guidance in relation to impacts on EPS within 12nm must be fully addressed in the EIA Report.
- 5.12.3 The Scottish Ministers are broadly content with the data sources listed in Table 6.11 of the Scoping Report, however advise the Developer to additionally consider any recent data from the ECOMMAS project, a view supported by the NatureScot representation. The Scottish Ministers draw further attention to the NatureScot representation with regards to aerial survey data and advise that this is must not be used to generate marine mammal density estimates for the Proposed Development Area and advise that it is used instead to supplement the data sources listed in Table 6.11. In Section 6.3.3.5 of the Scoping Report, the Developer states that there are no data gaps for any marine mammals. However, the Scottish Ministers highlight the point raised by NatureScot regarding the existence of seasonal gaps and which suggests aerial survey work may help fill these, depending on coverage.
- 5.12.4 In Table 6.17 of the Scoping Report the Developer summarises the potential impacts to marine mammals identified during the different phases of the Proposed Development. The Scottish Ministers broadly agree with the potential impacts scoped in to and out of further assessment in the EIA Report, with the exception of the following potential impacts with must be scoped in to the EIA Report; EMF effects during the operation and maintenance phase of the Proposed Development; underwater noise arising from geophysical surveys during the construction phase of the Proposed Development and cumulative barrier effects from underwater noise and other windfarms in the vicinity. This is a view supported by both the NatureScot representation and the MSS advice and these must both be fully addressed by the Developer.

- 5.12.5 In regards to the impacts from vessel interactions, the Scottish Ministers highlight the NatureScot representation and advise that information on the number and type of vessel movements must be included in the EIA Report along with any potential impacts from the activity on marine mammals. The NatureScot representation in this regard must be addressed fully in the EIA Report.
- 5.12.6 In addition, should Acoustic Deterrent Devices (“ADDs”) be used to mitigate the impacts of noise disturbance during piling, the impacts of ADDs must be scoped in to the EIA Report for further assessment during the construction phase of the Proposed Development.
- 5.12.7 With regards to cabling routes and cable burial, the Scottish Ministers direct the Developer to the NatureScot representation which states that in addition to mooring lines of the floating turbines, the Developer should consider the potential impacts of entanglement to cetacean species from the dynamic cabling including inter-array cables, anchor cables etc. The Scottish Ministers advise that the Developer must address this point in full in the EIA Report.
- 5.12.8 The Scottish Ministers agree with MSS that appropriate underwater noise modelling techniques should be used for the assessment in the Environmental Appraisal and conducted in a way so that the information can be used for both the EPS and HRA processes. The Scottish Ministers advise the Developer to engage further with MSS via MS-LOT on this point.
- 5.12.9 With regards to the HRA Screening Report, the Scottish Ministers refer to the NatureScot representation and the MSS advice and advise that these must be addressed in full. The Scottish Ministers agree that the Moray Firth SAC should be screened in to the HRA for further assessment, but advise the Developer that the Southern North Sea SAC, Isle of May SAC, Faray and Holm of Faray SAC, Firth of Tay and Eden Estuary SAC and the Dornoch Firth and Morrich More SAC can be screened out of the HRA due to distance from the Proposed Development.
- 5.12.10 The Scottish Ministers broadly agree with the list of potential effects to be screened in to the HRA as summarised by the Developer in Table 6.1 of the HRA Screening Report. In addition to those screened in, disturbance to marine mammals from the physical presence of vessels and other construction-related activities should be screened in for construction and decommissioning phases. In addition, barrier effects from both underwater noise and the physical presence of windfarms should also be considered cumulatively along with other developments in the project region.

### 5.13 Offshore Ornithology

- 5.13.1 The Scottish Ministers are broadly content with the proposed study area and this view is supported by the NatureScot and RSPB representations and the MSS advice. For the avoidance of doubt, the Scottish Ministers confirm that a minimum of two years of survey data must be gathered across the proposed study area, covering two full breeding and non-breeding seasons. This is a view supported by the NatureScot and RSPB representations and the MSS advice.
- 5.13.2 In regards to the baseline characterisation, the Scottish Ministers are broadly content with the data sources and desk top study proposed. However, in addition, the Scottish Ministers advise that modelled abundance as produced by MRSea should be provided, to offer greater facility in understanding the variation in distribution in response to environmental variables. If this is not possible, then design-based estimates must be used, but this should be checked and agreed with MSS via MS-LOT and NatureScot in advance.
- 5.13.3 With regards to the proposed assessment methods, the Scottish Ministers advise that the Developer must fully consider the representations from NatureScot and the RSPB and the MSS advice specifically in relation to; disturbance and displacement, collision risk modelling and population consequences. In line with the NatureScot representation, the Scottish Ministers advise that where quantitative assessments will be undertaken there is still a requirement to fully assess the remaining impacts. The Scottish Ministers also highlight the importance of early engagement with key stakeholders in the identification of assessment methodology, assessment scope and reference populations, which is supported by NatureScot, MSS and the RSPB.
- 5.13.4 In Section 6.4 of the Scoping Report the Developer summarises the potential impacts to offshore ornithology identified during the different phases of the Proposed Development which it proposes to scope in and out of the EIA Report. The Scottish Ministers broadly agree with the impacts proposed to be scoped in to the EIA Report and advise the Developer to address the representations from NatureScot and the RSPB along with the MSS advice in full.
- 5.13.5 In regards to key species, the Scottish Ministers advise that in addition to the six scoped in for assessment in the EIA Report, Leach's storm petrel should also be scoped in. This is in line with the representation received from the RSPB. The Scottish Ministers also advise that the RSPB advice in relation to a qualitative narrative of species presence and behaviour must be addressed in full and included within the EIA Report.

- 5.13.6 With regards to cumulative assessment, the Scottish Ministers advise that this should focus on the Proposed Development in combination with other consented projects in the Moray Firth including those granted lease agreements through ScotWind and sites identified in the draft Sectoral Marine Plan round for Offshore Wind for INTOG.
- 5.13.7 The Scottish Ministers advise the Developer to address the points raised in the RSPB response in full including the recommendation that site specific data should be examined and where maximum foraging range from colonies exceeds its generic value, the site specific value should be used.
- 5.13.8 Finally, with regards to the HRA Screening Report, the Scottish Ministers agree that the qualifying interests of the Buchan Ness to Collieston Coast Special Protection Area ("SPA") are screened in to the HRA for further assessment and advise that the NatureScot advice in this regard should be addressed in full. In addition, the Scottish Ministers advise that any UK SPA which contributes birds to the non-breeding biologically defined minimum population scale should be taken forward in the HRA for determination of LSE. The NatureScot advice in this regard must also be addressed in full. The Scottish Ministers agree with the Developer that the Moray Firth SPA can be screened out given the distance from the Proposed Development.
- 5.13.9 In regards to Table 7.4 of the HRA Screening Report, the Scottish Ministers agree that the 22 SPAs for migratory birds are screened in for further assessment. The Scottish Ministers highlight the NatureScot representation and advise that when establishing connectivity for breeding seabird SPAs, by-sea distances must be used instead of straight-line distances. The Scottish Ministers confirm that those sites and species as listed in paragraph 178 can be screened out of further assessment in the HRA. The Scottish Ministers also draw the Developer's attention to the NatureScot advice on foraging ranges and advise that this must be implemented in full in the HRA. The Scottish Ministers also advise the Developer that the figure for common tern in Table 7.1 of the HRA Screening Report is incorrect and advise that the correct figure of 18.0 + 8.9 must be used as per the NatureScot representation.
- 5.13.10 The Scottish Ministers draw further attention to the NatureScot representation which disagrees with the Developer's proposal to screen out great skua and Leach's storm petrel, as a qualifying interests of the designated sites listed in paragraph 182 of the HRA Screening Report, on the basis that they were recorded infrequently or in low numbers as this has been done without consideration of the full two years of survey data. The Scottish Ministers agree with the NatureScot representation and advise that this must be fully addressed by the Developer and that the other data sources highlighted by

NatureScot must be utilised which is a view supported by the MSS advice.

- 5.13.11 Lastly, the Scottish Ministers advise that the Developer must implement the NatureScot representation in relation to the determination of LSE for the Buchan Ness to Collieston Coast SPA, seabird assemblage (breeding), LSE matrices for sites with breeding fulmar as a qualifying feature, LSE matrices for breeding sites with great skua as a qualifying feature and LSE matrices for sites with migratory birds as a qualifying feature. This advice must be taken forward and implemented in the HRA.

#### **5.14 Seascape, Landscape and Visual Resources**

- 5.14.1 The Scottish Ministers are content with the study area and are also content that no additional Seascape, Landscape and Visual Impact Assessment is required for the Wind Farm Area due to the distance from shore.
- 5.14.2 In Table 7.1 of the Scoping Report the Developer summarises the potential impacts to seascape, landscape and visual resources. The Scottish Ministers agree with the Developers proposal to scope this receptor out of the EIA Report on the basis that the distance from shore means no adverse impacts are likely.

#### **5.15 Shipping and Navigation**

- 5.15.1 The Scottish Ministers are broadly content with regards to the proposed study areas and baseline data sources identified in the Scoping Report. However, the Scottish Ministers draw attention to the representation from RYA and its point regarding potential underestimate of recreational boat numbers. The Scottish Ministers are content that the Developer has agreed the data collection method for the Navigational Risk Assessment in advance with the MCA.
- 5.15.2 In Table 7.4 of the Scoping Report the Developer summarises the potential impacts to shipping and navigation identified during the different phases of the Proposed Development which it proposes to scope in to the EIA Report. The Scottish Ministers agree with the impacts detailed and scoped in, however advise that recreational boating must also be scoped in to the EIA Report for further assessment as the site is on the route from South West Norway to Scotland. Additionally, the Scottish Ministers advise that the representations from the MCA, RYA and NorthConnect must be fully addressed within the EIA Report. In relation to the embedded mitigation measures, the Scottish Ministers highlight the MCA and NLB representations which must be fully addressed by the Developer.

- 5.15.3 With regards to cabling routes and cable burial, the Scottish Ministers draw the Developers attention to the MCA representation. The MCA advises that a Burial Protection Index study should be completed and subject to the traffic volumes, an anchor penetration study may be necessary. The Scottish Ministers advise that this should be fully addressed in the EIA Report and highlight the MCA advice regarding a 5% reduction in surrounding depths referenced to Chart Datum for cable protection measures.
- 5.15.4 Additionally with regards to cabling, the Scottish Ministers emphasise the representation from the SFF which states that impacts on safe navigation for fishing vessels around the export and inter-array cables should be scoped in to the EIA Report. The Scottish Ministers agree and advise that this point must be fully addressed by the Developer.
- 5.15.5 In addition, the Scottish Ministers highlight the MCA representation regarding Search and Rescue (“SAR”), Emergency Response Co-operation Plans, radar surveillance, Automatic Identification System and shore-based VHF radio coverage. The Scottish Ministers advise that the MCA representation must be fully addressed within the EIA Report and that a SAR checklist must be completed by the Developer in consultation with the MCA.
- 5.15.6 For completeness, the Developer should note that the MCA confirmed that compliance with regulatory expectations on moorings for floating wind and marine devices as stated in Section 7.2.3.4 of the Scoping Report is required and a Third-Party Verification of the mooring arrangements will be required.

## **5.16 Commercial Fisheries**

- 5.16.1 With regards to baseline data, the Scottish Ministers draw the Developer’s attention to the representation from NatureScot regarding landings data used by the Developer which shows different results to that of National Marine Plan Interactive Vessel Monitoring System which indicate the Proposed Development Area is largely trawled for herring and nephrops. The Scottish Ministers advise that both sources must be considered and clarity provided on what fishing activity takes place in the Proposed Development Area in order to fully assess the potential displacement of fishing activity. The Scottish Ministers also highlight the representation from the SFF which states that the commercial fisheries data provided in Section 6.2 of the Scoping Report should be compared with historic data dating from pre-2013 in order to allow variations to be seen.
- 5.16.2 In Table 7.8 of the Scoping Report the Developer summarises the potential impacts to commercial fisheries and proposes to scope out potential impacts for all phases of the Proposed Development. The Scottish Ministers disagree



with the proposed approach and advise that the Developer must instead use the approach outlined in the following paragraph. The approach therein is supported by the MSS and MAU advice and the SFF representation and the Scottish Ministers advise that these must be fully addressed.

- 5.16.3 While the South-Eastern corner remains within the boundary of the Wind Farm Area, reduction in access to or exclusion from established fishing grounds, displacement leading to gear conflict and increased fishing pressure on adjacent grounds, displacement or disruption of commercially important fish and shellfish resources and physical presence of offshore windfarm infrastructure leading to gear snagging must be scoped in to the EIA Report. For the avoidance of doubt, this should include but must not be limited to consideration of potential impacts on the nephrops fishery located in the South-Eastern corner. Impacts during the construction phase of the Proposed Development leading to additional steaming to alternative fishing grounds must be scoped in to the EIA Report, irrespective of whether the South-Eastern corner remains within the boundary of the Wind Farm Area. Additionally, displacement or disruption to commercial fisheries across the Proposed Development Area boundary must also be scoped in to the EIA Report.
- 5.16.4 In regards to cumulative effects, the Scottish Ministers highlight the NorthConnect representation in regards to cumulative EMF effects between the Proposed Development and the NorthConnect cable corridor and the implications of these on the commercial fishing industry and other receptors. The Scottish Ministers advise that the Developer must fully address these comments within the EIA Report in all relevant receptor chapters.
- 5.16.5 The Scottish Ministers also direct the Developer to the representation from the SFF with regards to design aspects of the Proposed Development. The Scottish Ministers advise that the Developer must fully address the points raised regarding cable route design, including burial, within the EIA Report. The Scottish Ministers also advise that the Developer must fully address the SFF point regarding surveys post-laying of cables.
- 5.16.6 With regards to commercial fisheries catch data, the SFF representation states a worst-case scenario of loss of all catch should be assumed and appropriate mitigations put in place for this. The Scottish Ministers advise that this point must be fully considered in the EIA Report.

## **5.17 Marine Archaeology and Cultural Heritage**

- 5.17.1 The Scottish Ministers are broadly content with the study area and that baseline data gathered is appropriate for the assessment. However, the

Scottish Ministers draw attention to the representation from HES which highlights that the Developer has referenced HES' "Managing Change" guidance note dated 2016 and notes that this guidance was updated in 2020. The Scottish Ministers advise that the Developer must review and implement any necessary changes included in the updated guidance. The Scottish Ministers also highlight the Aberdeenshire Council representation which notes that the Aberdeenshire Historic Environment Record included with data sources in Table 7.9 of the Scoping Report includes maritime records which should be utilised in conjunction with those extracted from Canmore.

- 5.17.2 In Table 7.11 of the Scoping Report the Developer summarises the potential impacts to marine archaeology and cultural heritage during different phases of the Proposed Development. The Scottish Ministers are broadly content with the impacts proposed to be scoped in to and out of the EIA Report. However, the Scottish Ministers advise that cumulative impacts on archaeology should be scoped in to the EIA Report and the HES and NorthConnect representations must be addressed in full by the Developer in this regard.
- 5.17.3 In regards to the embedded mitigations proposed, the Scottish Ministers are content with those proposed in Section 7.4.3.5 of the Scoping Report. In addition the Scottish Ministers direct the Developer to the HES representation which underlines the requirement for a Written Scheme of Investigation with a Protocol for Archaeological Discoveries to be prepared and the NorthConnect representation which recommends that appropriate mitigations are put in place to manage unexpected or incidental archaeological finds. The Scottish Ministers advise that this must be implemented and fully addressed by the Developer.
- 5.17.4 The Scottish Ministers ask the Developer to note the representation from Aberdeenshire Council that emphasises the potential for aviation remains to be present in the Proposed Development Area. The representation states that this is in the light of its location, which as noted by the Developer in Section 7.4.2 of the Scoping Report, is close to Peterhead which was heavily bombed during World War II. The Scottish Ministers advise the Developer to address the Aberdeenshire Council representation in full.

## **5.18 Offshore Social-Economics and Tourism**

- 5.18.1 With regards to the study area, the Scottish Ministers are broadly content with the baseline information outlined by the Developer in Table 7.13 of the Scoping Report to be used during the EIA process.
- 5.18.2 The Scottish Ministers advise that a full Socio-Economic Impact Assessment ("SEIA") must be included in the EIA Report. It is recommended that the socio-

economic implications for all impacts described in the human environment are considered and assessed in the SEIA. Furthermore, the SEIA must include descriptions of methods, data collection and the overall approach to assess these impacts. This requirement is in line with the advice from MAU. The Scottish Ministers advise that more information must be provided regarding opportunities listed in Section 7.5.4.1 of the Scoping Report in the EIA Report and that the resulting socio-economic effects are addressed in the SEIA. The MAU advice in this regard should be addressed in full.

- 5.18.3 The Scottish Ministers broadly agree with the impacts scoped in and out of the EIA Report in Table 7.15 of the Scoping Report. However, in Section 7.5.1 of the Scoping Report the Developer states it will collect baseline data on the importance of the area for recreation and tourism, but the Developer has proposed to scope out increased tourism/business interest to Scotland and local area for assessment in the EIA Report. The Scottish Ministers do not agree with the Developer's proposal to scope out increased tourism/business interest to Scotland and local area, in line with the VisitScotland representation and MAU advice. The Scottish Ministers advise this impact must be scoped in to the EIA Report and also addressed and explored further within the SEIA.
- 5.18.4 The Scottish Ministers are content that an Independent Tourism Impact Assessment ("ITIA") is not required in contrary to the VisitScotland representation. The Scottish Ministers sought clarification from MAU on this point and based on the advice note provided MAU, concluded that an ITIA is not required for this project due to the distance from shore.
- 5.18.5 With regards to the location of the Proposed Development, the Scottish Ministers direct the Developer to the representation from the SFF. The SFF notes that the commercial fishing industry would have presumed to regain access to the two former hydrocarbon fields post-oil production. It therefore states that the commercial fishing industry's reduction in access to the proposed location and the potential economic and socio-economic impacts of this should be scoped in to the EIA Report. The Scottish Ministers agree and advise that this must be fully addressed by the Developer.
- 5.18.6 Additionally on potential socio-economic impacts of the Proposed Development, the Scottish Ministers draw the Developer's attention to the MAU advice which recommends that these impacts should be assessed across the whole boundary of the Wind Farm Area, including the South-Eastern corner which currently remains within this area. Moreover, it states that there remains a significant number of active commercial fishers to consider even if this corner is removed from the Wind Farm Area. The Scottish Ministers agree and advise that this must be fully addressed by the Developer in the EIA Report.

## **5.19 Infrastructure and Other Marine Users**

- 5.19.1 The Scottish Ministers are content with the data sources used by the Developer to inform the baseline for this receptor. In Table 7.17 of the Scoping Report the Developer summarises the potential impacts to infrastructure and other marine users during different phases of the Proposed Development. The Scottish Ministers emphasise the importance of engaging with other marine users, including developers of ScotWind projects, throughout all phases of the Proposed Development.
- 5.19.2 The Scottish Ministers agree with the impacts scoped in to the EIA Report. In addition, the Developer must fully address the representations from the MCA and Shell, as outlined below, in the EIA Report.
- 5.19.3 The Scottish Ministers highlight the representation from the MCA addressed above in Section 5.15 and advise that detail on the potential impact of the Proposed Development on navigational issues for other marine users, including commercial and recreational craft, must be included in the EIA Report.
- 5.19.4 The Scottish Ministers also draw the Developers attention to the representation from Shell regarding potential impacts of the Proposed Development on other activities in the area and advise that this must be addressed in the EIA Report.

## **5.20 Civil Aviation, Military, Unexploded Ordnance and Communication**

- 5.20.1 With regards to baseline characterisation, the Scottish Ministers are content with the data sources listed in Table 7.18 of the Scoping Report. However, the Scottish Ministers draw attention to the representation from the MOD regarding anticipated effects of the Proposed Development on military practice and exercise areas. Should further information become available regarding the impact of the Proposed Development on military activity, the Scottish Ministers advise that the Developer must engage further with the MOD on this point.
- 5.20.2 In Table 7.19 of the Scoping Report the Developer summarises the potential impacts to civil aviation, military, UXO, and communication to be scoped in and out of the EIA Report during different phases of the Proposed Development. The Scottish Ministers agree with the Developer but highlight the representations from Aberdeen Airport, NATS and the MOD which must be fully addressed by the Developer including the points raised below.

- 5.20.3 The Scottish Ministers direct the Developer to the representation from the MOD where it states that the Developer has appropriately identified the use of airspace for defence purposes in the vicinity of the Proposed Development. The Scottish Ministers agree with the points raised by the MOD regarding primary surveillance radars and air defence radars and advise that these must be fully addressed in the EIA Report, including technical mitigations.
- 5.20.4 In Section 7.7.4.3 of the Scoping Report, the Developer outlines its commitment to the mandatory requirements for lighting of offshore wind turbines. With regards to this, the MOD requests that the Proposed Development is fitted with MOD accredited aviation safety lighting in accordance with the CAA Air Navigation Order 2016. The Scottish Ministers agree, and whilst the CAA has not provided any representation, the Scottish Ministers advise that the Developer must seek engagement with the CAA.
- 5.20.5 The Scottish Ministers direct the Developer to the representation received from Aberdeen Airport regarding Instrument Flight Procedures (“IFPs”). The Scottish Ministers agree and advise that impacts on IFPs must be taken into account within the assessment of aviation impacts and interference in the EIA Report.
- 5.20.6 The Scottish Ministers also 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 and Perwinnes RADAR to detect real aircraft. NATS also advises that the Proposed Development is likely to have considerable adverse impacts on air traffic control at both Prestwick and Aberdeen. NATS states that no impact is anticipated on NATS’ navigational aids and radio communications infrastructure. The NATS representation states that it objects to the Proposed Development and the Scottish Ministers therefore advise that the Developer must consider this factor and address the NATS representation in full.

## **5.21 Human Health**

- 5.21.1 The Scottish Ministers are content with all the data sources utilised by the Developer in the Scoping Report. The Scottish Ministers are also content with the proposal by the Developer to not undertake additional baseline human health surveys or monitoring.
- 5.21.2 In Section 7.8 of the Scoping Report the Developer sets out the methodology it adopted in the assessment of effects relating to human health during different phases of the Proposed Development. In Table 7.30 of the Scoping Report the Developer provides a description of each effect considered and its justification for scoping it out of the EIA Report. The Scottish Ministers agree

with the effects proposed to be scoped out of the EIA Report and provide no further comments.

## **6. Application and EIA Report**

### **6.1 General**

- 6.1.1 The EIA Report must be in accordance with the EIA Regulations and the Scottish Ministers draw your attention in particular to, regulation 6 of the 2017 MW Regulations, 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.
- 6.1.2 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.
- 6.1.3 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.

## 7. Multi-Stage Consent and Regulatory Approval

### 7.1 Background

- 7.1.1 The EIA Regulations contain provisions regulating the assessment of environmental impacts. A multi-stage consent or regulatory approval process arises where an approval procedure comprises more than one stage; one stage involving a principal decision and one or more other stages involving implementing decision(s) within the parameters set by the principal decision. While the effects which works may have on the environment must be identified and assessed at the time of the procedure relating to the principal decision, if those effects are not identified or identifiable at the time of the principle decision, assessment must be undertaken at the subsequent stage.
- 7.1.2 The definition in the 2017 EW Regulations is as follows (the definition in the 2017 MW Regulations provides for the same but in relation to “regulatory approvals”): *“application for multi-stage consent” means an application for approval, consent or agreement required by a condition included in a regulatory approval where (in terms of the condition) that approval, consent or agreement must be obtained from the Scottish Ministers before all or part of the development permitted by the Electricity Act consent may be begun*”.
- 7.1.3 A 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.
- 7.1.4 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.

Stephanie Sweeting

19 April 2022

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.*

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