T: +44 (0)300 244 5046
E: MD.MarineRenewables@gov.scot

Scottish Government
Riaghaltas na h-Alba

Marine Directorate - Licensing Operations Team Scoping Opinion

Scoping Opinion adopted by the Scottish Ministers under Part 4 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Offshore Solutions Group Limited

Moray FLOW-Park

November 2026

Contents

1. Introduction 3
1.1 Background 3
2. The Proposed Development 5
2.1 Introduction 5
2.2 Description of the Proposed Development 5
2.3 The Scottish Ministers' Comments 6
3. Contents of the EIA Report 10
3.1 Introduction 10
3.2 EIA Scope 10
3.3 Mitigation and Monitoring 10
3.4 Risks of Major Accidents and/or Disasters 11
3.5 Climate and Greenhouse Gases 11
4. Consultation 13
4.1 The Consultation Process 13
4.2 Responses Received 15
5. Interests to be considered within the EIA Report 16
5.1 Introduction 16
5.2 Marine and Coastal Processes 16
5.3 Marine Water and Sediment Quality 19
5.4 Benthic Subtidal and Intertidal Ecology 20
5.5 Fish and Shellfish Ecology 22
5.6 Ornithology 26
5.7 Marine Mammals 30
5.8 Commercial Fisheries 35
5.9 Shipping and Navigation 39
5.10 Marine Archaeology and Cultural Heritage 43
5.11 Military and Civil Aviation 44
5.12 Seascape, Landscape and Visual Resources 45
5.13 Socio-Economics, Tourism and Recreation 48
5.14 Climate 51
5.15 Infrastructure and Other Users 51
5.16 Major Accidents and Disasters 52
5.17 Offshore Airborne Noise and Vibration 53
6. Application and EIA Report 54

6.1 General 54
7. Multi-Stage Regulatory Approval 55
7.1 Background 55
Appendix I: Consultation Responses & Advice 56
Appendix II: Gap Analysis 57

1. Introduction

1.1 Background

1.1.1 On 5 August 2026, the Scottish Ministers received a scoping report ("the Scoping Report") from Offshore Solutions Group Limited ("the Developer") as part of its request for a scoping opinion relating to the Moray FLOW-Park ("the Proposed Development"). In accordance with regulation 14 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 MW Regulations") the Scottish Ministers considered the content of the Scoping Report to be sufficient.

1.1.2 This scoping opinion is adopted by the Scottish Ministers under the 2017 MW Regulations ("the 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 2017 MW 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. It is for the Developer to consider whether it would be beneficial for a new scoping opinion to be sought based on updated knowledge or changes to methods of assessment. 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 a marine licence under the Marine (Scotland) Act 2010 ("the 2010 Act").

1.1.5 The Developer submitted a Habitats Regulations Appraisal ("HRA") screening report ("HRA Screening Report") alongside the Scoping Report on 05 August 2026 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 located within the inshore waters of Findhorn, in the Inner Moray Firth, approximately 1.06 kilometres ("km") from the shore at its closest point. The total area of the Proposed Development is 18 km², however the total area is intended to be reduced following the completion of site investigations.

2.2.2 The Proposed Development is to provide temporary, seasonal mooring within an anchorage area for floating offshore wind ("FLOW") foundation units prior to full wind turbine integration at a separate location. No assembled turbines, substations, export cables, or other electrical infrastructure are to be stored at the temporary anchorage.

2.2.3 The Developer has adopted a design envelope approach for the Proposed Development, with the following design components proposed:

Temporary infrastructure:

- A maximum of 30 FLOW foundations of up to 130 metres ("m") by 130 m, with a maximum height of 45 m, extending up to 30 m above Mean Sea Level.

Permanent infrastructure:

- A maximum of eight 300 m mooring lines per FLOW foundation unit, with taut, catenary, semi-taut or a hybrid combination of mooring line designs being considered.
- Up to six anchors per FLOW foundation unit, with pile, suction, gravity, micropile, helical pile or a combination of anchoring solutions being considered.
- A maximum of four Safety and Security Buoys ("S&SB"), up to 5.2 m by 2.2 m in size and 15 m in height, to be installed at each corner of the area of the Proposed Development. Each S&SB will be moored using a 3-point spread mooring, with the mooring lines secured to the seabed using piled anchors.

- Scour protection may also be required.

2.2.4 As the Proposed Development will provide anchorage for FLOW foundation units of varying designs, the mooring design may also vary to accommodate the specific dynamic requirement of each FLOW foundation.

2.2.5 The FLOW foundations will be spaced approximately 600 m apart and arranged in a grid configuration. The final layout of the Proposed Development will be informed by a range of factors, including seabed conditions, wave and tidal conditions, mooring requirements, environmental and economic considerations and emergency response requirements.

2.2.6 Construction of the Proposed Development is due to take place in the second half of 2029, with operations expected to begin in 2030.

2.3 The Scottish Ministers' Comments

Description of the Proposed Development

2.3.1 Section 3.4.1.7 of the Scoping Report states that the Proposed Development may utilise pile anchors (including drilled micro-piles), suction anchors, gravity anchors, or a combination of these anchor types. However, Table 3-3 also identifies helical piles as a potential anchoring option. The EIA Report must consistently and clearly define all anchor types considered within the assessment and explain the key differences between them. The assessment should evaluate the environmental effects associated with each anchor type and identify any variations in impacts arising from the use of individual or combined anchor systems.

2.3.2 Table 14-5 of the Scoping Report identifies the potential requirement for seabed preparation activities such as seabed levelling or ground reinforcement. Should seabed preparation involve dredging, the EIA Report must identify the quantities of dredged material and identify the likely deposit location. The Developer will also be required to submit pre-dredge sample analysis. This should include supporting characterisation of the new or existing deposit sites. Any seabed levelling or removal of substances from on or under the seabed (including dredging and 'grapnel runs') will require consideration in the EIA Report and may require a marine licence.

2.3.3 Section 3.7.3 of the Scoping Report provides a general overview of the construction phase, which is anticipated to last four months should a marine licence be granted. The Scottish Ministers note an inconsistency in the proposed construction programme. Table 3-5 of the Scoping Report indicates that construction is expected to take place during the second half of 2029, whereas Section 3.7.3.3 and 18.2.2.7 state that the construction phase will

commence in 2028. The Scottish Ministers therefore advise the Developer to ensure that the proposed construction timetable is clearly defined and presented consistently throughout the EIA Report.

2.3.4 Regarding the proposed surveys detailed within the Scoping Report, the Scottish Ministers advise that the EIA Report must describe and assess the environmental effects of the range of surveys which may be required, including in combination effects. The EIA Report must also include consideration of the options which will be assessed in relation to clearance of Unexploded Ordnance ("UXO"), the differences between them and an assessment of the environmental effects of these options, including in combination effects with other projects.

2.3.5 Figure 12-13 presented within the Scoping Report is not sufficiently legible. The EIA Report must ensure that all figures, plans and diagrams are legible. Furthermore, the Scottish Ministers advise that visual representations of the potential mooring configurations, together with any other visualisations that would assist in understanding the Proposed Development and its associated infrastructure, should be included within the EIA Report.

2.3.6 The Scottish Ministers direct the Developer to the Lossiemouth Community Council representation regarding the potential use of a Rapid Impact Assessment Matrix methodology to improve the ease of interpretation for consultees and advise that this is considered in the development of the EIA Report.

Design Envelope

2.3.7 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 maximum design scenario, as set out in 4.4.3 of the Scoping Report.

2.3.8 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 maximum design scenario and the most likely scenario, together with the potential impacts arising from these, must also be described.

2.3.9 The parameters of the Proposed Development must be clearly and consistently defined within the marine licence application and the accompanying EIA Report. Table 3-3 of the Scoping Report identifies the maximum design scenario for anchors as six. The EIA Report should clearly present the overall maximum design scenario of six anchors per mooring line per FLOW foundation unit. In addition, the EIA Report should clearly define and identify the maximum design scenario for micropiles, where the use of micropile technology would require up to eight micropiles per mooring line. The EIA Report must be based on maximum design scenarios to ensure the worst-case parameters of the Proposed Development are fully considered.

2.3.10 The Scottish Ministers may determine the application based on the maximum design scenario. The EIA will reduce the degree of design flexibility required and the detail may be further refined in subsequent plans (e.g. a Construction Method Statement) 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 regulatory approval. The subsequent plans will 'freeze' the design of the project and will be reviewed by the Scottish Ministers to ensure that the maximum design scenario described in the EIA Report is not exceeded.

2.3.11 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.

2.3.12 Section 3.6.3 of the Scoping Report states that the movements of vessels and FLOW foundations to and from the Proposed Development cannot be assessed within the EIA Report due to limited information and that these impacts will instead be considered post-consent. The EIA Report should define and present the maximum design scenario for towing operations and vessel movements associated with all phases of the Proposed Development, including installation, operation and maintenance, and decommissioning. The EIA Report should also assess the potential effects of these activities on relevant receptors, based on the maximum design scenario, to ensure that the likely worst-case impacts of the Proposed Development are fully considered.

Decommissioning

2.3.13 Section 3.7.5 of the Scoping Report provides an overview of the proposed approach to decommissioning the Proposed Development. The EIA Report must clearly set out the methods proposed for the removal of all

infrastructure. Where any infrastructure is proposed to remain in situ, the Developer must provide a robust justification demonstrating why complete removal is not technically feasible.

2.3.14 An overview of the assessment of potential effects arising from the decommissioning phase of the Proposed Development is provided throughout the receptor chapters of the Scoping Report. The EIA Report should present the rationale underpinning the assessment of potential significant effects during the decommissioning phase. Any uncertainties relating to the impacts of decommissioning activities on receptors must be clearly identified and explained, together with the implications of those uncertainties for the assessment of significant effects.

Alternatives

2.3.15 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 Development 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 note that the Developer’s Scoping Report did not provide a sufficient consideration of alternatives.

2.3.16 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. In particular, the EIA Report should provide a clear and robust evaluation of the alternatives examined, including alternative storage locations, layouts and capacities, design options, the use of existing port infrastructure, and temporary land-based storage options. The assessment should compare the environmental effects of these alternatives against those of the Proposed Development and clearly set out the rationale and criteria applied in their selection.

2.3.17 Furthermore, the EIA Report should provide a clear justification for the reduction of the Proposed Development area from the original two areas to a single northern area, and for the decrease in the maximum number of FLOW foundations from 47 to 30. The rationale for these design changes should be clearly explained.

2.3.18 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 options, 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.

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 and sensitivities such as seasonality. It should be clear how these adverse effects will be mitigated, for example if the adverse effects will be avoided and certain activities will not be carried out during sensitive times. If the sensitive times will not be avoided, a description of the mitigation measures that will be put in place to prevent, reduce or offset any adverse effects should be provided.

3.3.3 The Scottish Ministers advise that where the mitigation is envisaged to form part of a mitigation or monitoring plan, the EIA Report must set out these plans or the reliance on these in sufficient detail to allow the significance of the residual effect to be assessed and evaluated. This should also include identification of any monitoring of the effectiveness of mitigation and remedial actions (where relevant) in the event that observed effects differ from predicted residual effects. Commitment to develop plans without sufficient detail is not considered to be suitable mitigation in itself.

3.3.4 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.

3.3.5 Where potential impact on the environment has 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.

3.3.6 The EIA Report should identify and describe any proposed monitoring and how the results of such monitoring would be utilised to inform any appropriate remedial actions. This should include a description of the monitoring proposed, the purpose of the monitoring, a list of receptors that will be monitored, the type of parameters that will be monitored and the duration of monitoring.

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.

3.5 Climate and Greenhouse Gases

3.5.1 The Scottish Ministers are 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 to be 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 ("LCA") 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 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 2017 MW Regulations, initiated a 30 day consultation process, which commenced on 18 August 2026. 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:

- Bat Conservation Society
- **Biomatrix Water Solutions Limited**
- British Trust for Ornithology
- Buckie Fishery Office
- Burghead and Cummingston Community Council
- Burghead Sub Aqua Club
- Cetacean Research and Rescue Unit
- Civil Aviation Authority
- **Cromarty Firth District Salmon Fishery Board ("Cromarty Firth DSFB")**
- Crown Estate Scotland
- Cruise Association
- Department for Energy Security and Net Zero
- **Dyke Landward Community Council**
- **Findhorn and Kinloss Community Council**
- **Findhorn District Salmon Fishery Board ("Findhorn DSFB")**
- Findhorn Forres No Flow
- Findhorn Marina
- **Findhorn, Nairn and Lossie Rivers Trust**
- **Findhorn Watersports**
- **Fisheries Management Scotland ("FMS")**
- Forres Community Council
- Heldon Community Council
- **Highlands and Islands Airports Limited ("HIAL")**
- **Historic Environment Scotland ("HES")**
- Inverness West Community Council
- Keep Scotland Beautiful
- **Kyle of Sutherland District Salmon Fishery Board ("Kyle of Sutherland DSFB")**
- **Lossiemouth Community Council**
- Marine Conservation Society
- Marine Planning and Policy
- Marine Safety Forum

- **Maritime and Coastguard Agency ("MCA")**
- **Ministry of Defence ("MOD")**
- **Moray Council**
- Moray Council - Harbour Authority
- **Moray Firth Coastal Partnership ("MFCP")**
- **Nairn District Salmon Fishery Board ("Nairn DSFB")**
- Nairn Kayak Club
- Nairn River Community Council
- Nairn West and Suburban Community Council
- National Trust for Scotland
- **NATS Safeguarding**
- **NatureScot**
- **No to the Moray Firth FLOW-Park**
- North 58 Sea Adventures Findhorn
- North and East Coast Regional Inshore Fisheries Group
- **Northern Lighthouse Board ("NLB")**
- Offshore Wind Industry Council
- Royal Findhorn Yacht Club
- Royal National Lifeboat Institution
- **Royal Society for the Protection of Birds Scotland ("RSPB Scotland")**
- **Royal Yachting Association ("RYA")**
- Scottish and Southern Electricity Networks
- Scottish Canoe Association
- Scottish Creel Fishermen's Federation
- Scottish Environment Link
- **Scottish Environment Protection Agency ("SEPA")**
- **Scottish Fishermen's Federation ("SFF")**
- Scottish Fishermen's Organisation
- Scottish Government - Planning, Architecture and Regeneration
- Scottish Government - Ports and Harbours
- Scottish Offshore Wind Energy Council
- Scottish Surfing Federation
- **Scottish Water**
- Scottish White Fish Producers Association
- Scottish Wildlife Trust
- **Spey Fishery Board**
- Surfers Against Sewage
- **The Highland Council**
- **Transport Scotland**
- **UK Chamber of Shipping**
- UK Hydrographic Office

- Visit Scotland
- **Whale and Dolphin Conservation ("WDC")**

4.1.2 Specific advice was sought from Marine Directorate – Science Evidence Data and Digital ("MD-SEDD"), the Marine Directorate – Marine Analytical Unit ("MAU") and Transport Scotland ("TS").

4.2 Responses Received

4.2.1 From the list above a total of 31 responses were received. Advice was also provided by MD-SEDD 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 2017 MW Regulations. The sections below highlight issues which are of particular importance with regards to the EIA Report and any 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 MAU and MD-SEDD 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 Section 6.2.1.3 of the Scoping Report states that the marine and coastal processes study area is based on the maximum spring tidal excursion ellipse. The Scottish Ministers advise, in line with the NatureScot representation, that the maximum zone of potential wave attenuation from the Proposed Development should also be considered, and where this extends beyond the proposed study area, the study area should be expanded accordingly. The Scottish Ministers advise that the study area should be developed in consultation with NatureScot prior to preparation of the EIA Report.

5.2.2 Table 6-1 of the Scoping Report identifies key sources of marine and coastal processes data. The Scottish Ministers are broadly content with the data sources presented, however advise the Developer consider incorporating 3D hydrodynamic data from the Scottish Shelf Waters Reanalysis Service and/or Scottish Shelf Model climatology, in line with the MD-SEDD representation. These datasets include information on temperature, salinity, currents, water elevations and bed shear stress. The Scottish Ministers direct the Developer to the MD-SEDD representation on this matter, which must be fully considered and addressed within the EIA Report.

5.2.3 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation regarding the use of significant long-term datasets and WaveNet data, seasonal analysis, metocean conditions and numerical modelling and advise that these matters are considered within the EIA Report.

5.2.4 Furthermore, the Scottish Ministers advise that the EIA Report should provide an assessment of wave conditions, including typical, seasonal, higher-energy and extreme events, supported by datasets and justification of their use. The Scottish Ministers advise that the assessment should demonstrate how wave climate data has informed the assessment and

ensure that this is fully addressed within the EIA Report. This is supported by the Dyke Landward Community Council representation.

5.2.5 Additionally, the Scottish Ministers direct the Developer to the SEPA standing advice with particular regard to the Water Framework Directive, Marine Invasive Non-Native Species ("mINNS"), pollution prevention, waste management and dredge spoil, and advise that this is fully considered in the EIA Report.

5.2.6 The Scottish Ministers note that Chapter 6 of the Scoping Report does not include a baseline characterisation of stratification and frontal features, as these have been scoped out on the basis that the Proposed Development is located within well-mixed nearshore waters. However, paragraph 7.4.1.4 of the Scoping Report identifies an approximate 2°C difference between sea surface and near-seabed temperatures during the summer months, which may indicate the presence of seasonal stratification. The Scottish Ministers therefore advise, in line with the MD-SEDD representation, that stratification and frontal features are appropriately characterised within the baseline environment and assessed within the EIA Report where relevant. Should these matters be scoped out of the EIA Report, the Scottish Ministers advise that the Developer must provide robust evidence and clear justification to support this conclusion. The Scottish Ministers direct the Developer to the MD-SEDD representation which includes standing advice on seasonal stratification which must be fully considered and addressed within the EIA Report.

5.2.7 In relation to marine and coastal process receptors, the Scottish Ministers direct the Developer to the NatureScot representation for additional receptors that should be included within the EIA Report.

5.2.8 The Scottish Ministers direct the Developer to the NatureScot representation regarding the assessment of marine and coastal processes. The Scottish Ministers advise that impacts on seabed morphology and coastal behaviour should not be assessed in isolation, and that appropriate modelling and assessment of suspended sediment, hydrodynamic processes and sediment transport should be undertaken. The Scottish Ministers advise that the Developer should agree the hydrodynamic modelling approach with NatureScot prior to preparation of the EIA Report. The Scottish Ministers further advise that assessment scenarios should reflect the maximum repeated use of the Proposed Development over the full operational period and be supported by an expert ecological appraisal. This is supported by the NatureScot representation.

5.2.9 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park and Biomatrix Water Solutions Limited representations on

coastal processes arising from the Proposed Development and advise that these are addressed within the EIA Report.

5.2.10 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation regarding assessment of potential changes to wave and tidal regimes, sediment transport, seabed morphology, scour and littoral transport. Furthermore, the Dyke Landward Community Council representation requests the consideration of the effects of moving mooring infrastructure and associated seabed abrasion. The Scottish Ministers advise that these matters should be fully addressed within the EIA Report.

5.2.11 The Scottish Ministers direct the Developer to the Biomatrix Water Solutions Limited representation on seabed disturbance arising from anchors and moorings lines associated with the Proposed Development which must be fully addressed within the EIA Report.

5.2.12 Regarding the designated sites relevant to marine and coastal processes, the Scottish Ministers advise, in line with the NatureScot representation, that Culbin Bar Special Area of Conservation ("SAC") should be included in Table 6-2 of the Scoping Report. Furthermore, the Scottish Ministers direct the Developer to the advice regarding Culbin Bar SAC which should be fully considered and addressed within the EIA Report. The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation on impacts to protected coastal features which must be considered and addressed within the EIA Report.

5.2.13 The Scottish Ministers note the impact magnitude criteria definitions for marine and coastal processes, as presented within Table 6-6 of the Scoping Report. The Scottish Ministers direct the Developer to the NatureScot advice on the definition of the "low" magnitude value and advise this is updated in the EIA Report.

5.2.14 Section 6.7.1.2 of the Scoping Report states that potential cumulative impacts on marine and coastal processes receptors will be guided by tidal excursions. The Scottish Ministers advise, in line with the NatureScot representation, that the assessment of cumulative modifications to waves and tides should also take account of the potential maximum extent of wave attenuation. The Scottish Ministers, in line with the MD-SEDD representation, are content with the cumulative impacts identified in Table 6-5 of the Scoping Report.

5.2.15 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation regarding the potential cumulative effects in combination with relevant port activities, dredging operations and other

marine developments within the area of the Proposed Development and advise that these are fully addressed within the EIA Report.

5.2.16 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park regarding the assessment of cumulative effects on marine and coastal processes. The Scottish Ministers advise that these matters should be fully considered and appropriately addressed within the EIA Report.

5.2.17 The Scottish Ministers direct the Developer to the Scottish Water representation for consideration in the EIA Report.

5.2.18 Regarding the HRA Screening Report, the Scottish Ministers advise, in line with the NatureScot representation, that the Moray and Nairn Coast Ramsar should be screened in for further assessment within the Report to Inform Appropriate Assessment ("RIAA").

5.3 Marine Water and Sediment Quality

5.3.1 The Scottish Ministers are content with the data sources presented in Table 7-1 of the Scoping Report in relation to marine water and sediment quality.

5.3.2 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation regarding site-specific sediment and benthic investigations, the assessment of potential mobilisation of sediment contaminants, and the modelling of suspended sediment and deposition. The representation also highlights the need to consider the Water Framework Directive assessment requirements. The Scottish Ministers advise that these matters are fully addressed and considered within the EIA Report.

5.3.3 The Scottish Ministers are broadly content with the scoping assessment presented in Table 7-8 of the Scoping Report. However, the Scottish Ministers note that the impact of accidental spill or release of materials or chemicals is considered throughout various receptor chapters of the Scoping Report and is proposed to be scoped out on the basis that there are no planned chemical discharges which may be toxic to the receiving environment, and there will be no ballasting or de-ballasting operations. Additionally, the Scoping Report states that any impacts associated with accidental release of construction or decommissioning materials or chemicals are anticipated to be short-lived and localised, as hydrocarbons would be rapidly dispersed or diluted. The Scottish Ministers direct the Developer to the Lossiemouth Community Council representation on dispersed hydrocarbons, and the impact of erosion and deposition of sediment as a result of the Proposed Development and advise that this is scoped into the EIA Report. Furthermore, the Scottish Ministers direct the Developer to the Dyke Landward Community Council representation on the

scoping out of accidental pollution pathways and advise that this is fully addressed within the EIA Report.

5.3.4 On the assessment of marine water and sediment quality, the Scottish Ministers direct the Developer to the Dyke Landward Community Council representation on blue carbon and climate driven changes to the future baseline of the Proposed Development which must be considered within the EIA Report.

5.3.5 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park regarding the assessment of cumulative effects on marine water and sediment quality. The Scottish Ministers advise that these matters should be fully considered and appropriately addressed within the EIA Report.

5.4 Benthic Subtidal and Intertidal Ecology

5.4.1 The Scottish Ministers note the baseline data sources for benthic subtidal and intertidal ecology identified in Table 8-1 of the Scoping Report. In line with the NatureScot representation, the Scottish Ministers advise that the EIA Report should incorporate additional relevant inshore datasets to provide a sufficient understanding of the intertidal environment within the Zone of Influence ("ZoI") and to inform the assessment of potential impacts on intertidal benthic features. The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation on the use of sediment sampling to inform the ZoI and advise that this is addressed within the EIA Report.

5.4.2 Section 8.3.2.1 of the Scoping Report states that benthic surveys will be undertaken using a combination of grab sampling and drop-down video. The Scottish Ministers direct the Developer to the Biomatrix Water Solutions Limited representation regarding additional survey methodologies and monitoring locations that should be considered and, where appropriate, incorporated within the EIA Report.

5.4.3 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation on site-specific geophysical and benthic surveys, including the proposed sampling density and survey station locations. The Scottish Ministers advise that this is fully considered within the EIA Report.

5.4.4 Furthermore, with regard to baseline characterisation, the Scottish Ministers direct the Developer to the MFCP, Findhorn DSFB and NatureScot representations concerning priority marine features that have been identified

within the area of the Proposed Development and advise that these are fully considered within the EIA Report.

5.4.5 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park and Biomatrix Water Solutions Limited representations on seagrass beds and horse mussels and advise that these matters are fully considered and addressed within the EIA Report.

5.4.6 In relation to the designated sites relevant to benthic subtidal and intertidal ecology, the Scottish Ministers advise, in line with the NatureScot representation, that blue mussel beds, seagrass beds and intertidal mudflats and sandflat biotopes should be included within Figure 8-5 of the Scoping Report. The Scottish Ministers direct the Developer to the NatureScot representation on benthic ecology which must be considered and addressed in full within the EIA Report. Furthermore, the Scottish Ministers direct the Developer to the Dyke Landward Community Council representation on the consideration of sensitive and protected habitats and advise that this is addressed within the EIA Report.

5.4.7 The scoping assessment for benthic subtidal and intertidal ecology is presented within Table 8-4 of the Scoping Report. The Scottish Ministers advise that direct damage and disturbance to shellfish species arising from construction should be scoped in for assessment within the EIA Report. Additionally, decommissioning impacts in relation to the establishment of mINNS and the wider impacts this could have on protected features within the Moray Firth must be assessed. This is supported by the NatureScot representation. The Scottish Ministers further direct the Developer to the MFCP representation concerning recordings of slipper limpet mINNS and advise that this matter is fully addressed within the EIA Report.

5.4.8 Furthermore, the Scottish Ministers advise that the maximum seabed disturbance footprint is assessed, as well as impacts on benthic ecology receptors arising from anchors, mooring-chain and scour processes. This is supported by the Dyke Landward Community Council, No to the Moray Firth FLOW-Park and Biomatrix Water Solutions Limited representations.

5.4.9 The Scottish Ministers direct the Developer to the NatureScot and No to the Moray Firth FLOW-Park representations on the development of a biosecurity plan to prevent the spread of mINNS and advise that these are fully considered and addressed within the EIA Report.

5.4.10 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation regarding the assessment of cumulative effects on benthic receptors. The Scottish Ministers advise that these matters should be fully considered and appropriately addressed within the EIA Report.

5.4.11 Regarding the HRA Screening Report, the Scottish Ministers advise, in line with the NatureScot advice, that the Moray and Nairn Coast Ramsar and Moray Firth SPA should be screened in for further assessment within the RIAA.

5.4.12 The Scottish Ministers direct the Developer to the NatureScot, Biomatrix Water Solutions Limited and No to the Moray Firth FLOW-Park representations on subtidal sandbanks within the Moray Firth SAC which must be addressed fully within the RIAA.

5.5 Fish and Shellfish Ecology

5.5.1 The Developer outlines the baseline data sources for fish and shellfish ecology in Section 9.3 of the Scoping Report. The Scottish Ministers, in line with the Cromarty Firth DSFB and FMS, advise that the EIA Report should include consideration of Scotland's Wild Salmon Strategy and the associated Wild Salmon Strategy Implementation Plan, and set out how the Proposed Development aligns with and supports the objectives of these documents. Furthermore, the Scottish Ministers direct the Developer to the NatureScot representation for additional data sources to be considered and included within the EIA Report.

5.5.2 The Scottish Ministers advise, in line with the No to the Moray Firth FLOW-Park representation, that the study "Migration routes and behaviour of Atlantic salmon and sea trout around operational wind turbine arrays in the Moray Firth, Scotland", published by the Marine Directorate in 2026, should be considered within the EIA Report.

5.5.3 In relation to the baseline characterisation for fish and shellfish ecology, the Scottish Ministers advise, in line with the FMS, Findhorn DSFB and No to the Moray Firth FLOW-Park representations, that river gradings should not be relied upon to determine the presence of Atlantic salmon and sea trout within the Proposed Development area. The Scottish Ministers advise, in line with the Findhorn DSFB, that in-field fish survey data should instead be used to establish the presence of Atlantic salmon and sea trout within the area of the Proposed Development. The Scottish Ministers direct the Developer to the Cromarty Firth DSFB, FMS, Findhorn DSFB and Dyke Landward Community Council representations on the fish and shellfish ecology baseline, which must be fully considered and addressed within the EIA Report.

5.5.4 Furthermore, the Scottish Ministers direct the Developer to the NatureScot representation regarding additional data sources to be incorporated into the EIA Report to inform the baseline for basking sharks within the area of the Proposed Development.

5.5.5 Table 9-4 of the Scoping Report identifies the species of conservation importance that may be present within the area of the Proposed Development. The Scottish Ministers advise, in line with the Findhorn DSFB and NatureScot representations, that the EIA Report should include the Great Britain conservation status of these species, as classified by the International Union for Conservation of Nature.

5.5.6 The fish and shellfish ecology scoping assessment is presented in Table 9-8 of the Scoping Report. The Scottish Ministers note that impacts from vessel and foundation transit routes have been excluded from the current assessment as an impact pathway. However, as vessel movements associated with the transport of foundations represent a key component of the Proposed Development, the Scottish Ministers advise, in line with the FMS and Findhorn DSFB representations, that the EIA Report should assess realistic vessel transit scenarios and consider the potential effects of these activities on migratory fish, including Atlantic salmon and sea trout.

5.5.7 The Scoping Report identifies the presence of sandeel habitat and herring spawning grounds within the area of the Proposed Development. As these species form an important part of the diet of Atlantic salmon and sea trout, the Scottish Ministers advise, in line with the Spey Fishery Board representation, that the EIA Report should assess potential impacts to these habitats and any indirect effects on salmonid survival, migration and population status within the Moray Firth. Furthermore, the Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation on sandeel habitat which must be addressed within the EIA Report.

5.5.8 The Scottish Ministers note that the Proposed Development is located within the migratory pathway of Atlantic salmon and sea trout associated with several Moray Firth rivers, including rivers designated as SACs. In line with the Findhorn DSFB, Dyke Landward Community Council and No to the Moray Firth FLOW-Park representations on migratory species, the Scottish Ministers advise that the EIA Report should assess the potential for the Proposed Development to result in site avoidance, changes to migration routes, migration delays, and increased mortality arising from elevated predation risk.

5.5.9 The Scottish Ministers advise that the EIA Report should assess the potential for the Proposed Development to increase predation risk through the aggregation of fish, birds and marine mammals around the floating infrastructure. The Scottish Ministers advise that the assessment should consider potential effects on outward-migrating and returning salmonids, including cumulative effects with other offshore renewable developments. This is supported by the FMS representation. The Scottish Ministers advise

that the FMS and Findhorn DSFB representations on fish aggregation and predation risk are fully addressed within the EIA Report.

5.5.10 The Scottish Ministers advise, in line with the MD-SEDD representation, that impacts to salmon populations from the River Spey, River Moriston, River Oykel and River Evelix should be considered and addressed within the EIA Report.

5.5.11 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation regarding the assessment of impacts to basking shark and flapper skate species using the Moray Firth Important Shark and Ray Area evidence, and advise that this is considered within the EIA Report.

5.5.12 Furthermore, the Scottish Ministers direct the Developer to the Biomatrix Water Solutions Limited representation regarding the assessment of basking sharks, including consideration of surface-feeding behaviour, vessel collision risk, interactions with floating structures and mooring systems, and the influence of tidal and hydrological fronts. The Scottish Ministers advise that these matters should be fully considered and addressed within the EIA Report.

5.5.13 With regard to impact pathways, the Scottish Ministers note that barrier effects due to physical structures have not been scoped in for Atlantic salmon and sea trout. In line with the Findhorn DSFB representation, the Scottish Ministers advise that the EIA Report should assess the potential for the Proposed Development to create physical or behavioural barriers to migratory salmonids, including outward-migrating smolts and returning adult fish. Furthermore, the Scottish Ministers advise that barrier effects due to shade, aggregation effects due to structures in the water, secondary entanglement and modifications to stratification and frontal features should be scoped into the EIA Report. This is in line with the NatureScot representation.

5.5.14 With regard to the proposed assessment approach set out in Section 9.9 of the Scoping Report, the Scottish Ministers direct the Developer to the Cromarty Firth DSFB representation concerning the inclusion of a construction-phase assessment for Atlantic salmon and sea trout. The Scottish Ministers advise, in line with the Cromarty Firth DSFB, that the matters raised, including the recommended mitigation measures to avoid or minimise impacts to Atlantic salmon and sea trout, should be fully considered and addressed within the EIA Report.

5.5.15 Furthermore, the Scottish Ministers direct the Developer to the Dyke Landward Community Council representation on the assessment of spawning and nursery areas, underwater noise and the potential effects on

sensitive life stages of fish and shellfish which must be considered and addressed within the EIA Report.

5.5.16 The Scottish Ministers direct the Developer to the Biomatrix Water Solutions Limited representation regarding barrier effects, deflection, delay, altered predation risk, and the need for site-specific assessment of migratory salmonids. The Scottish Ministers advise that these matters are fully considered and assessed within the EIA Report.

5.5.17 The embedded mitigation measures are set out in Table 9-7 of the Scoping Report. The Scottish Ministers note the Developer's commitment to prepare a Project Environmental Management Plan PEMP. In line with the Findhorn DSFB representation, the Scottish Ministers advise that the EIA Report should consider and address appropriate monitoring measures for Atlantic salmon and sea trout throughout all stages of the Proposed Development.

5.5.18 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation regarding monitoring measures to avoid, minimise and monitor impacts on migratory fish and other sensitive species throughout the construction, operation and decommissioning phases of the Proposed Development. The Scottish Ministers advise that these matters should be fully considered and appropriately addressed within the EIA Report.

5.5.19 Section 9.7 of the Scoping Report sets out the proposed approach to the assessment of cumulative effects on fish and shellfish ecology. The Scottish Ministers direct the Developer to the Findhorn DSFB representation regarding potential cumulative effects on Atlantic salmon and sea trout within the River Findhorn catchment, which must be fully considered and addressed in the EIA Report.

5.5.20 The Scottish Ministers advise that the EIA Report should assess cumulative impacts on diadromous fish migrating from the River Moriston SAC. Furthermore, the cumulative effects assessment should include all relevant dredging activities within the vicinity of the Proposed Development. This is in line with the MD-SEDD representation.

5.5.21 In relation to the HRA Screening Report, the Scottish Ministers note the impacts scoped in for fish and shellfish ecology at Section 5.4.1. The Scottish Ministers direct the Developer to the FMS and Findhorn DSFB representations, which identifies additional impact pathways that must be fully considered and addressed within the RIAA.

5.5.22 The Scottish Ministers direct the Developer to the NatureScot representation on impact pathways in relation to the River Moriston SAC that should be further assessed within the RIAA.

5.5.23 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park regarding the assessment of impact pathways affecting the qualifying features of the River Oykel SAC, River Moriston SAC and River Spey SAC. The Scottish Ministers advise that these matters must be fully considered and appropriately addressed within the RIAA.

5.5.24 The Scottish Ministers advise, in line with the FMS representation, that the RIAA should identify Atlantic salmon and sea trout populations from rivers whose migratory routes pass through the Proposed Development area and that the assessment should be informed by migration pathways rather than proximity to river mouths. The Scottish Ministers further direct the Developer to the FMS and Findhorn DSFB representations for details of additional rivers supporting migratory fish that should be considered within the RIAA.

5.5.25 The Scottish Ministers advise the Developer to consider all SACs with potential connectivity to the Proposed Development where Atlantic salmon is a qualifying feature within the RIAA. This is supported by the FMS representation.

5.5.26 The Scottish Ministers advise that the RIAA must consider sea trout populations from all river catchments, together with Atlantic salmon originating from non-SAC rivers, and advise that sea trout should be assessed as a receptor of equal importance to Atlantic salmon within the fish and shellfish ecology assessment. This is in line with the FMS representation.

5.5.27 Furthermore, the Scottish Ministers advise, in line with the FMS representation, that the RIAA should provide an assessment of the potential effects of boulder clearance and associated seabed disturbance on benthic communities and nearshore foraging habitats used by sea trout during their coastal marine phase.

5.5.28 With regard to fish aggregation and predation risk, the Scottish Ministers advise that the Developer considers predator aggregation effects on Atlantic salmon associated with the Proposed Development within the RIAA. This is supported by the FMS and Findhorn DSFB representation.

5.6 Ornithology

5.6.1 Section 10.2 of the Scoping Report defines the ornithology study area as the Proposed Development site and a 10 km buffer. The Scottish Ministers advise, in line with the RSPB Scotland representation, that potential effects

beyond the 10 km buffer should also be considered, as some species scoped into the assessment originate from SPA sites located out with this area. The Scottish Ministers direct the Developer to the RSPB Scotland representation on the study area which must be considered and addressed within the EIA Report.

5.6.2 The Developer proposes to conduct 24 months of Digital Aerial Surveys ("DAS") in Section 10.3.2.1 of the Scoping Report. The Scottish Ministers advise that the EIA Report should clearly set out any correction factors applied to account for availability bias in diving bird species. The EIA Report should also detail the approach to be adopted for birds that cannot be identified to species level and explain how these observations will be considered within the assessment. Additionally, Vantage Point Surveys ("VPS") should be undertaken throughout the full two year survey period on a monthly basis and in accordance with Best Practice Guidance. The NatureScot advice on VPS surveys must be considered and addressed in full within the EIA Report. This is in line with the NatureScot representation.

5.6.3 Furthermore, the Scottish Ministers direct the Developer to the RSPB Scotland and Dyke Landward Community Council representations regarding the DAS, VPS and drone-based survey methodology and advise that the relevant information should be provided within the EIA Report.

5.6.4 Table 10-1 of the Scoping Report presents the key data sources for ornithology. The Scottish Ministers advise that the Developer should consider additional sources in relation to marine waterbirds including BirdTrack, the Moray and Nairn Bird Report, the Highland Bird Report, records held by the Scottish Ornithologists' Club Local Recorders Network, and any other relevant data available through the Moray Bird Recorder. The Scottish Ministers further advise that, where possible, spatially referenced data should be obtained to provide appropriate context for the baseline characterisation and assessment. This is supported by the NatureScot representation.

5.6.5 Furthermore, the Scottish Ministers direct the Developer to the RSPB guidance on Powering Healthy Seas that should be considered within the EIA Report.

5.6.6 The Scottish Ministers are broadly content with the receptors and designated sites identified for ornithology. However, the Scottish Ministers advise that the Rosemarkie to Shandwick Coast Site of Special Scientific Interest should be included within the identified designated sites relevant for ornithology, as presented in Table 10-3 of the Scoping Report. This is supported by the NatureScot representation.

5.6.7 The scoping assessment for ornithology is presented in Table 10-5 of the Scoping Report. The Scottish Ministers advise, in line with the NatureScot representation, that artificial light should be scoped in for all phases of the Proposed Development.

5.6.8 The Scottish Ministers further advise, in line with the NatureScot representation, that barrier effects on seaduck species should be scoped into the EIA Report and the assessment should consider potential impacts on movements between foraging and roosting areas, particularly for scoters and long-tailed duck, and include consideration of offshore roost sites.

5.6.9 Furthermore, the Scottish Ministers advise, in line with the NatureScot representation, that surveys should be undertaken to identify seaduck roosting areas and dusk movement patterns, including VPS extending into dusk during the winter period. The Scottish Ministers advise that the EIA Report should consider the influence of extreme weather events on seaduck distribution and abundance, including any implications for survey interpretation and potential displacement from the Moray Firth SPA. The Scottish Ministers direct the Developer to the NatureScot representation on the seaduck roost zones which should be fully considered and addressed within the EIA Report.

5.6.10 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park regarding the assessment of impacts on bird migration, wintering and foraging activity, as well as prey availability and the assumptions applied to displacement and mortality estimates. The Scottish Ministers advise that these matters should be fully considered and appropriately addressed within the EIA Report.

5.6.11 As detailed in Section 10.9 of the Scoping Report, the disturbance and displacement assessment for ornithology will apply the matrix approach. The Scottish Ministers advise, in line with the NatureScot representation, that for each relevant species, the seasonal mean peak abundance used in the assessment should be taken from either the VPS or DAS dataset, whichever provides the higher value, to ensure the assessment is based on the best available evidence.

5.6.12 The Scottish Ministers do not agree with the displacement and mortality rates presented in Table 10-6 of the Scoping Report and direct the Developer to the NatureScot representation regarding the appropriate rates and relevant guidance that should inform the EIA Report.

5.6.13 The Scottish Ministers direct the Developer to the Dyke Landward Community Council and NatureScot representations on the assessment of

vessel disturbance and displacement and advise that this is considered within the EIA Report.

5.6.14 The Scottish Ministers are content with the use of the Cumulative Effects Framework tool to inform the ornithology cumulative effects assessment. The Scottish Ministers advise that the EIA Report should include consideration of cumulative effects arising from vessel movements associated with the Proposed Development in combination with other relevant developments and marine activities within the area. This is supported by the NatureScot representation. The Scottish Ministers direct the Developer to the Dyke Landward Community Council and No to the Moray Firth FLOW-Park representations on the assessment of cumulative impacts in regards to ornithology and advise that these are considered within the EIA Report.

5.6.15 Regarding the HRA Screening Report, the Scottish Ministers, in line with the RSPB representation, direct the Developer to the RSPB report on Offshore wind power: how do we power health, thriving seas? and advise that this is considered within the RIAA.

5.6.16 The Scottish Ministers advise, in line with the NatureScot and No to the Moray Firth FLOW-Park representations, that the storage of FLOW foundations may coincide with the osprey breeding season within the Moray and Nairn Coast SPA and Ramsar site and the RIAA should therefore assess the potential for disturbance and displacement effects on breeding ospreys. Furthermore, the Scottish Ministers direct the Developer to the NatureScot and No to the Moray Firth FLOW-Park representations on red-breasted merganser within the Moray and Nairn Coast SPA and Ramsar site which must also be considered within the RIAA.

5.6.17 The Scottish Ministers advise that, for the Moray Firth SPA and the Moray and Nairn Coast SPA and Ramsar site, the effects of artificial lighting should be assessed across all project phases. For the Moray Firth SPA, barrier effects on seaduck movements between foraging and potential roosting areas should also be assessed. This is supported by the NatureScot representation. The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation on disturbance to protected species within the Moray and Nairn Coast SPA and Ramsar site and advise that this is fully addressed within the RIAA.

5.6.18 In regard to displacement, the Scottish Ministers advise, in line with the NatureScot representation, that the RIAA should assess the potential displacement of SPA waterbirds arising from the Proposed Development, including direct displacement from infrastructure, changes to foraging habitat, as well as indirect displacement resulting from altered vessel activity and vessel routing patterns.

5.6.19 The Scottish Ministers note that the Dornoch Firth and Loch Fleet SPA is included within Table 4-10 of the HRA Screening Report, however the site has been screened out of further assessment. The Scottish Ministers advise, in line with the NatureScot representation, that as scaup are a qualifying feature of both this site and the Moray Firth SPA, the Developer should include the Dornoch Firth and Loch Fleet SPA for further assessment or provide clear justification for its exclusion.

5.6.20 The Scottish Ministers advise, in line with the NatureScot representation, that further consideration is given to ecological connectivity between inland breeding gull and tern populations and the Proposed Development, with clear justification provided if inland SPAs are screened out of the HRA.

5.6.21 Table 5-5 of the HRA Screening Report states that the mean maximum foraging range plus one standard deviation approach to determine connectivity of seabirds is over-precautionary. The Scottish Ministers direct the Developer to the RSPB Scotland representation on the proposed use of mean foraging ranges and advise that this is considered fully within the RIAA.

5.6.22 Furthermore, the Scottish Ministers advise that the RIAA should justify the use of puffin foraging ranges to inform connectivity and provide clear reasoning for the exclusion of other seabird species from disturbance and displacement assessments. This is in line with the NatureScot representation.

5.6.23 The Developer states in Section 4.6.2.9 of the HRA Screening Report that distributional or displacement effects to gannet and kittwake are expected to be negligible. The Scottish Ministers direct the Developer to the RSPB Scotland representation regarding the potential in-combination impacts to kittiwake and gannet and advise that this is fully addressed within the RIAA.

5.7 Marine Mammals

5.7.1 The proposed study area for marine mammals is presented in Figure 11.1 of the Scoping Report. The Scottish Ministers direct the Developer to the NatureScot representation on extending the study area to capture underwater noise effects from anchor piling which may extend beyond the proposed 10 km area and advise that this is considered within the EIA Report.

5.7.2 Furthermore, the Scottish Ministers advise, in line with the NatureScot representation, that a minimum of two years of survey data is required for bottlenose dolphin and direct the Developer to the NatureScot representation on the requirements of the surveys.

5.7.3 Section 11.3.1.2 of the Scoping Report states that 10% of the survey area will be analysed. The Scottish Ministers advise that a greater proportion of the survey area should be analysed to provide a sufficient marine mammal baseline and that the proposed level of analysis should be agreed with NatureScot prior to survey commencement. This is supported by the NatureScot representation.

5.7.4 In relation to the proposed broader regional scale study area, the Scottish Ministers advise, in line with the WDC and No to the Moray Firth FLOW-Park representations, that Important Marine Mammal Areas should be considered within the EIA Report.

5.7.5 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation regarding the baseline information required to support the assessment of marine mammals and demonstrating the adequacy of site-specific survey methodologies. The Scottish Ministers advise that these matters are fully considered and addressed within the EIA Report.

5.7.6 Section 11.2.1.4 of the Scoping Report states that survey drones will be used to collect DAS data. The Scottish Ministers direct the Developer to the WDC representation on disturbance to marine mammals from the use of drones. The Scottish Ministers advise that the DAS should be conducted at monthly intervals to assess marine mammal seasonal presence. This is in line with the WDC representation. VPS are also proposed to provide data on marine mammal sightings in the area of the Proposed Development. The Scottish Ministers, in line with the WDC representation, advise further information should be provided on the location and methodology of the surveys. The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation regarding marine mammal survey methodologies that should be considered and, where appropriate, incorporated within the EIA Report.

5.7.7 A list of data sources relevant to marine mammals is provided in Table 1-1 of the Scoping Report. The Scottish Ministers direct the Developer to the WDC, NatureScot and No to the Moray Firth FLOW-Park representations for further data sources to be considered within the EIA Report.

5.7.8 The Scottish Ministers note that Small Cetaceans in European Atlantic waters and the North Sea survey data will be used to inform the baseline, however advise that this is not appropriate to be used solely for density estimates and that finer-scale information is required to inform the EIA Report. This is supported by the WDC representation.

5.7.9 The Scoping Report identifies the species proposed to be included within the assessment in Section 11.4.2. The Scottish Ministers advise that common dolphin, humpback whale and killer whale should also be scoped into the assessment. Furthermore, the EIA Report should provide further consideration to pilot whale, sperm whale, fin whale and northern bottlenose whale, all of which have been recorded within the area of the Proposed Development. This is supported by the WDC representation.

5.7.10 The Scottish Ministers broadly agree with the impacts scoped into the EIA report, as detailed in Table 11-4 of the Scoping Report, however advise that noise from mooring lines and the indirect effect of underwater noise on prey should be scoped in for the operational phase of the Proposed Development. Additionally, accidental pollution should be scoped in for all phases of the Proposed Development. This is supported by the WDC and No to the Moray Firth FLOW-Park representations.

5.7.11 As noted in Chapter 11 of the Scoping Report, the harbour seal pupping period occurs between June and July, and the grey seal breeding season occurs between August and December. The Scottish Ministers advise that potential impacts on harbour seals and grey seals during sensitive periods are fully assessed within the EIA Report. Furthermore, indirect impacts to harbour seals, including effects on habitat availability, should be scoped in for all phases of the Proposed Development, and underwater noise impacts should also be scoped in for the decommissioning phase. This is supported by the NatureScot and No to the Moray Firth FLOW-Park representation.

5.7.12 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation on the assessment of underwater noise, vessel disturbance and collision risk and the consideration of seal movements and connectivity. The Scottish Ministers advise that these matters are fully considered and addressed within the EIA Report.

5.7.13 Furthermore, the Scottish Ministers direct the Developer to the NatureScot representation for additional impact pathways to be considered within the EIA Report.

5.7.14 Section 3.6 of the Scoping Report states that vessel transit routes and the movement of FLOW foundations to and from the Proposed Development will be considered post-consent. Given the potential for disturbance and collision risks to marine mammals, the Scottish Ministers advise, in line with the WDC representation, that vessel transit routes and FLOW foundation movements are scoped into both the project-alone and cumulative impact assessments within the EIA Report.

5.7.15 Section 11.4.6.5 of the Scoping Report states that there are no Marine Protected Areas ("MPAs") designated for cetaceans that overlap with the Proposed Development. The Scottish Ministers advise, in line with the WDC representation, that the Southern Trench MPA, designated for minke whale, should be included within the assessment given its proximity to the Proposed Development. Furthermore, the Scottish Ministers advise, in line with the NatureScot representation, that as the underwater noise ZoI for fish and shellfish overlaps the Southern Trench MPA, and noise impacts to marine mammals are likely to extend further, the potential effects of underwater noise on the Southern Trench MPA should be assessed within the EIA Report.

5.7.16 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park regarding impacts to be assessed in relation to the Southern Trench MPA and advise that these are addressed within the EIA Report.

5.7.17 The Scottish Ministers direct the Developer to the Biomatrix Water Solutions Limited representation regarding vessel disturbance, towing activities, underwater noise, collision risk and cumulative effects. The Scottish Ministers advise that these matters are fully considered and assessed within the EIA Report.

5.7.18 In regards to mitigation, Section 11.3 of the Scoping Report commits to the development of, and adherence to, a Marine Mammal Mitigation Plan ("MMMP"). The Scottish Ministers advise that measures to mitigate and manage entanglement risk should be incorporated within the MMMP, and mitigation and management measures to reduce collision risk should be detailed within the EIA Report. In addition, both Marine Mammal Observers and Passive Acoustic Monitoring operators must be employed during the construction phase of the Proposed Development, particularly where works are undertaken at night or during periods of reduced visibility. This is supported by the WDC representation.

5.7.19 Section 3.5 of the Scoping Report states that the Proposed Development will be unmanned. The Scottish Ministers advise, in line with the Highland Council representation, that the EIA Report should set out the procedures for identifying, reporting and responding to marine mammal interactions or entanglement incidents.

5.7.20 In Section 3.7.4.4 of the Scoping Report, the Developer commits to undertaking annual inspections of the mooring lines. The Scottish Ministers advise that inspections should be undertaken more frequently, particularly during the early stages of the Proposed Development, to minimise the risk of marine mammal entanglement. This is in line with the WDC representation.

5.7.21 On impacts arising from vessel transits and FLOW foundation movements, the Scottish Ministers advise that the mitigation measures for all contractors identified in the WDC representation must be fully considered and addressed within the EIA Report.

5.7.22 The Developer is directed to the WDC representation in relation to UXO activities, the use of anchor systems that minimise or avoid piling, and the selection of mooring line types and configurations that, where practicable, reduce potential impacts on marine mammals. The Scottish Ministers advise that these matters should be fully considered and appropriately addressed within the EIA Report.

5.7.23 The Scottish Ministers advise that the EIA Report should consider post-consent monitoring to assess the long-term impacts of the Proposed Development on cetacean presence and behaviour and to support long-term population assessments. Additionally, given the novel nature of the Proposed Development, the precautionary principle should be applied throughout all stages of the Proposed Development to minimise potential risks to cetaceans. This is in line with the WDC representation.

5.7.24 With regard to cumulative impacts, the Scottish Ministers advise that the EIA Report considers relevant activities such as shipping, oil and gas exploration, and port and harbour developments, to ensure a more comprehensive assessment of potential cumulative effects. Additionally, the Scottish Ministers advise that the cumulative assessment considers projects that will overlap with the operation phase of the Proposed Development, rather than limiting the assessment to projects with just a temporal overlap with the construction phase. This is supported by the WDC representation. Furthermore, the Scottish Ministers direct the Developer to the Dyke Landward Community Council and No to the Moray Firth FLOW-Park representations on cumulative impacts and advise that these are addressed within the EIA Report.

5.7.25 Regarding the HRA Screening Report, the Scottish Ministers advise that the Inner Hebrides and the Minches SAC, designated for harbour porpoise, should be included in Table 4-7 which identifies designated sites relevant for marine mammals. Additionally, the Scottish Ministers advise that accidental pollution should be scoped in for further assessment in the RIAA. This is supported by the WDC representation.

5.7.26 Section 3.2.1.1 of the HRA Screening Report states that maintenance activities associated with the FLOW foundations using the Proposed Development will be assessed separately by the respective infrastructure owners. The Scottish Ministers, in line with the WDC representation, do not agree with this approach and advise that all maintenance activities, including

those associated with individual platforms, should be assessed as part of the Proposed Development to ensure the full scope of potential impacts is considered.

5.7.27 In line with the WDC representation, the Scottish Ministers advise that the Developer provides further clarification on the term 'underwater noise of a temporary duration', as noted in Table 3-5 of the HRA Screening Report.

5.7.28 The Scottish Ministers direct the Developer to the NatureScot representation regarding impact pathways associated with the Dornoch Firth and Morrich More SAC and Moray Firth SAC that should be further assessed within the RIAA.

5.7.29 Furthermore, the Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation regarding impacts to marine mammals in the Moray Firth SAC, Dornoch Firth and Morrich More SAC and Findhorn seal haul-out, and advise that these matters are fully considered and addressed within the RIAA.

5.8 Commercial Fisheries

5.8.1 The Developer considers the potential impact of the Proposed Development on commercial fisheries in Chapter 12 of the Scoping Report.

5.8.2 Section 12.4.15 of the Scoping Report identifies the key fleet meters operating within the proposed study area. However, Figures 12-18 and 12-19 of the Scoping Report also identify fishing activity from the scallop dredge fleet and static gear fisheries, including handlines and Nephrops potting, within the area of the Proposed Development which are not reflected in the list of key fleet metiers. The Scottish Ministers, in line with the MD-SEDD representation, advise that all fishing activities identified within the study area must be included and assessed as receptors within the EIA Report.

5.8.3 The Developer relies on ScotMap data to inform the commercial fisheries baseline, as detailed in Section 12.4.13 of the Scoping Report. The Scottish Ministers advise, in line with the MD-SEDD representation, that this dataset is now outdated and recommend that the Developer utilises the recently published gridded fisheries data available through the National Marine Plan Interactive (2018 to 2022), which provides a more current representation of fishing activity by vessels under 12 metres in length. In addition, the Scottish Ministers advise that stakeholder engagement is maintained throughout the EIA process to ensure the baseline accurately reflects current local fishing activity and patterns. This advice is supported by the MD-SEDD, Dyke Landward Community Council and No to the Moray Firth FLOW-Park representations.

5.8.4 The Scottish Ministers advise, in line with the SFF representation, that the EIA Report should clearly describe fisheries engagement undertaken to date, demonstrate how stakeholder feedback has informed project development, and set out the proposed approach to ongoing engagement throughout the EIA process. The Scottish Ministers direct the Developer to the SFF representation regarding further information that should be included to inform the commercial fisheries assessment.

5.8.5 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation on the use of local and regional data and the limitations of VMS data and advise that these matters are addressed within the EIA Report.

5.8.6 Tables 12-5 and 12-6 of the Scoping Report set out the criteria for impact magnitude and receptor sensitivity for commercial fisheries. The Scottish Ministers direct the Developer to the SFF representation regarding the use of qualitative terms within the assessment methodology and the inclusion of alternative fishing grounds within the sensitivity assessment and advise that the concerns raised are fully considered and addressed within the EIA Report.

5.8.7 Furthermore, the Scottish Ministers advise that the Developer should provide clear justification for the duration categories presented in Table 12-5 of the Scoping Report and demonstrate that the assessment reflects the potential economic and operational effects of temporary loss of, or restricted access to, fishing grounds on affected fishing vessels and communities. This is supported by the SFF representation.

5.8.8 Table 12-4 presents the scoping assessment for commercial fisheries. The Scottish Ministers note that fisheries displacement has been scoped in and direct the Developer to the SFF representation on additional displacement-related impacts that should be considered within the EIA Report.

5.8.9 Furthermore, the Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation regarding potential impacts on commercial fishing and advise that these matters are fully considered and assessed within the EIA Report.

5.8.10 The proposed approach to assessment for commercial fisheries is presented in Section 12.9 of the Scoping Report. The Scottish Ministers note that, while floating foundations are proposed as temporary infrastructure, moorings, anchors, S&SBs, and associated infrastructure are expected to remain in situ throughout the operational life of the Proposed Development. The Scottish Ministers advise, in line with the SFF representation, that the EIA Report

should therefore assess the fisheries impacts of permanent infrastructure separately from those associated with floating foundations.

5.8.11 The Scottish Ministers note that vessel movements and towing operations have not yet been defined and are therefore proposed to be excluded from the assessment in the EIA Report. However, in line with the SFF representation, the Scottish Ministers advise that impacts associated with towing operations should be assessed, including effects on fishing vessel transit routes, interactions between fishing vessels and towage activities, and any cumulative effects arising from towage activity in combination with other offshore developments and port-related operations.

5.8.12 The Scottish Ministers advise that the EIA Report assesses whether fishing activity could safely resume when floating foundations are absent but mooring systems remain in place, and clearly distinguishes the effects of foundations, moorings, anchors, buoys and associated infrastructure on fishing activity and access. Furthermore, the Scottish Ministers advise that the EIA Report assesses any residual fisheries interaction risks associated with infrastructure remaining in situ following decommissioning, including potential seabed obstructions and constraints on future fishing activity. This is supported by the SFF representation.

5.8.13 The Scottish Ministers direct the Developer to the SFF representation regarding additional information and assessment requirements relating to the potential impacts of safety zones on fishing activity and advise that these matters are considered within the EIA Report.

5.8.14 Furthermore, the Scottish Ministers advise that the EIA Report should assess potential interactions between fishing gear and mooring systems, including snagging and gear loss risks. The assessment should also consider operational constraints for both static and mobile gear fisheries, associated economic effects, and safety impacts on fishing activity throughout the construction, operation, and decommissioning phases of the Proposed Development. This is supported by the SFF representation.

5.8.15 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation on assessing displacement and the availability of alternative fishing grounds, the interactions between fishing gear and infrastructure from the Proposed Development and increased vessel traffic. The Scottish Ministers advise that these matters are fully considered and addressed within the EIA Report.

5.8.16 The proposed mitigation for commercial fisheries receptors is set out in Table 12-3 of the Scoping Report and includes the provision of a permanent infrastructure-free transit corridor to support safe vessel passage through the

Proposed Development. The Scottish Ministers advise, in line with the SFF representation, that the EIA Report should clearly describe the purpose, dimensions and operational function of the corridor, demonstrate its suitability for commercial fishing vessel transit under both routine and adverse weather conditions, and clarify whether commercial fishing activity would be permitted within the corridor.

5.8.17 Furthermore, the Scottish Ministers advise that any Navigational Safety Plan ("NSP") should give specific consideration to commercial fishing vessels and fishing operations, rather than addressing fishing vessels as a subset of general vessel traffic. The Scottish Ministers direct the Developer to the SFF representation regarding impacts on fishing operations that should be addressed within the NSP.

5.8.18 The Scottish Ministers note the reference to FLOWW Best Practice Guidance in Section 12.9.1.1 of the Scoping Report. However, the Scottish Ministers advise that the EIA Report should not rely solely on this guidance and should clearly explain how the proposed mitigation measures will avoid, reduce, or minimise the identified impacts on fishing activity. This is in line with the SFF representation.

5.8.19 The Scottish Ministers note that impacts considered to be spatially restricted to being within close proximity to the Proposed Development are proposed to be scoped out of the cumulative effects assessment. In line with the MD-SEDD representation, the Scottish Ministers advise that the cumulative effects assessment should consider not only impacts that may occur over a wider geographical area, such as displacement effects, but also impacts that are spatially restricted where the affected receptors have ranges extending beyond the Proposed Development area and may therefore be subject to similar impacts from multiple projects concurrently. The Scottish Ministers therefore advise, in line with the MD-SEDD representation, that both the range of the impact and the range of the receptor are considered before cumulative impacts are scoped out of the EIA Report.

5.8.20 The Scottish Ministers direct the Developer to the SFF and No to the Moray Firth FLOW-Park representations regarding additional developments and marine activities that should be considered within the cumulative effects assessment.

5.8.21 The Scottish Ministers note that Figure 12-13, which presents ICES rectangle fishing activity data for vessels under 10m, is not sufficiently legible. In line with the MD-SEDD representation, the Scottish Ministers advise that all figures and mapping presented within the EIA Report must be clear and readable to allow the information to be readily interpreted.

5.9 Shipping and Navigation

5.9.1 The Scottish Ministers note the data sources for shipping and navigation presented in Table 13-1 of the Scoping Report. In line with the RYA representation, the Scottish Ministers advise that the East Coast of Scotland Sailing Directions, published by the Forth Yacht Clubs Association, is included as a relevant data source and taken into consideration within the EIA Report.

5.9.2 The Scottish Ministers advise, in line with the NLB representation, that the reference to the 2012 Port Marine Safety Code in 2.6.2 of the Scoping Report should be updated to reflect the most recent version of the document published in 2025.

5.9.3 The Scottish Ministers advise that the Floating Offshore Wind Navigational Planning and Risk Assessment study is included in the list of data sources presented in Table 13-1 of the Scoping Report. In addition, the Scottish Ministers highlight ongoing work being undertaken by ORE Catapult regarding the environmental considerations associated with wet storage for floating offshore wind developments within the UK. The Scottish Ministers advise the Developer to engage with ORE Catapult and consider any relevant findings within the EIA Report. This is supported by the UK Chamber of Shipping.

5.9.4 Table 13-1 of the Scoping Report notes Royal National Lifeboat Institution ("RNLI") incident data, and Marine Accident Investigation Branch ("MAIB") from 2015 to 2024 will be used to characterise marine incidents in proximity to the Proposed Development. The Scottish Ministers advise, in line with the UK Chamber of Shipping representation, that 20 years of RNLI and MAIB data should be reviewed as part of the NSP.

5.9.5 In addition to the key shipping and navigation receptors identified in Section 13.4 of the Scoping Report, the Scottish Ministers direct the Developer to the MCA representation for further consideration of receptors and impacts that should be included within the EIA Report baseline assessment. Furthermore, the Scottish Ministers advise, in line with the No to the Moray Firth FLOW-Park, that engagement with the Moray Inshore Rescue Organisation should be undertaken to inform the shipping and navigation baseline within the EIA Report.

5.9.6 The Developer proposes undertaking a minimum of 28 days of site-specific vessel traffic surveys in Section 13.9.2.2 of the Scoping Report. The Scottish Ministers, in line with the UK Chamber of Shipping representation, advise that site-specific vessel traffic survey data should be collected over a 12-

month period to ensure seasonal variations in vessel activity are fully captured in the EIA Report.

5.9.7 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation on survey methodology and the consideration of non-Automatic Identification System ("AIS") vessel traffic, and advise that these matters are addressed within the EIA Report.

5.9.8 The Developer proposes to scope in all impacts presented in Table 13-3 of the Scoping Report. The Scottish Ministers are content with this and advise that the EIA Report should consider a potentially significant volume and frequency of floating offshore wind structures being towed to and from the Proposed Development, as well as transiting through the wider area. In particular, the Developer should assess the potential for allision between a moored floating offshore wind foundation within the Proposed Development and a floating structure under tow that has become detached. This impact should be fully considered within the EIA Report, in line with the UK Chamber of Shipping representation.

5.9.9 Furthermore, given the presence of commercial shipping, fishing vessels, and recreational users within the Moray Firth, the Scottish Ministers advise, in line with the MCA representation, that the Developer considers navigational risks associated with both surface structures and subsea mooring infrastructure within the EIA Report.

5.9.10 With regard to the proposed mitigation for shipping and navigation receptors, the Scottish Ministers advise that a Navigational Risk Assessment ("NRA") should be submitted in accordance with Marine Guidance Note ("MGN") 654, alongside a MGN 654 Checklist, and must demonstrate that navigational risks have been reduced to as low as reasonably practicable. Hydrographic surveys should fulfil the requirements of MGN 654 Annex 4, with data based on recent surveys and details of this included as an annex to the NRA and shared with the UK Hydrographic Office and MCA. This is in line with the MCA representation.

5.9.11 The Scottish Ministers advise, in line with the MCA representation, that the NRA is informed by a full-scale vessel traffic survey undertaken in accordance with the requirements of MGN 654. This should comprise a minimum of 28 days of seasonal survey data (two 14-day survey periods), collected through vessel-based surveys incorporating AIS, radar and visual observations to capture all vessel activity within the area of the Proposed Development. In addition, the Scottish Ministers advise that 12 months of up-to-date AIS data is obtained to further inform the assessment of vessel movements and navigational activity within the area. As smaller inshore vessels are not required to carry AIS, the Scottish Ministers advise that the

NRA is informed by a range of relevant data sources and evidence, alongside engagement with local fishing representatives and recreational boating stakeholders, including the RYA, to ensure all fishing and recreational activity is captured and adequately considered within the EIA Report. This is in line with the MCA and Biomatrix Water Solutions Limited representations.

5.9.12 The Scottish Ministers further advise that, given the floating nature of the Proposed Development, the NRA should specifically consider the risk of vessel allision with floating structures, mooring system failures resulting in loss of station, deployment and retrieval activities, and the adequacy of emergency towing arrangements. The NRA should also demonstrate compliance with the MCA and Health and Safety Executive guidance relating to moorings for floating offshore wind developments and marine devices. These impacts should be fully considered within the EIA Report, in line with the MCA representation.

5.9.13 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park and Biomatrix Water Solutions Limited regarding additional considerations for the NRA and advise that these should be fully considered and addressed within the EIA Report.

5.9.14 The Scottish Ministers note that the study area, as presented in Figure 13-1 of the Scoping Report, includes the Proposed Development and surrounding waters encompassing key navigational routes associated with Burghead, Findhorn, the Cromarty Firth and the Inverness Firth. The Scottish Ministers, in line with the MCA representation, advise that the EIA Report and NSP must assess the potential effects of the Proposed Development on vessel routing and navigational safety, ensuring that vessels can continue to transit safely, with sufficient navigable sea room available to undertake collision avoidance manoeuvres in accordance with the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (“COLREGs”). The Scottish Ministers advise that vessel displacement arising from floating foundations and associated infrastructure, including the potential for vessels to be constrained within narrower navigational corridors due to the presence of the Proposed Development, existing navigational hazards or water depth restrictions. Any reduction in navigable sea room should be quantitatively assessed within the EIA Report. This is in line with the MCA representation.

5.9.15 The Scottish Ministers advise that particular consideration should also be given to Search and Rescue (“SAR”) operations within the EIA Report and NRA. In line with the MCA representation, the Scottish Ministers advise that the NRA should assess any potential impacts of the Proposed Development on SAR capability, including the completion of the MGN 654 Annex 5 SAR Checklist.

5.9.16 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park regarding the potential impacts of the Proposed Development on navigational risk and emergency response times, with particular consideration given to safe access between Findhorn Harbour and the Moray Firth. The Scottish Ministers advise that these matters are fully considered and assessed within the EIA Report.

5.9.17 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation regarding the assessment of vessel displacement, the potential for allision with infrastructure associated with the Proposed Development, search and rescue (SAR) capability, and the implications of severe weather conditions. The Scottish Ministers advise that these matters are fully considered, assessed and appropriately addressed within the EIA Report.

5.9.18 The Scottish Ministers note the proposed mitigation measures for shipping and navigation receptors presented in Table 13-2 of the Scoping Report. The Scottish Ministers request, in line with the UK Chamber of Shipping representation, that further information on mitigation measure C22, the FLOW Park Management and Control System is provided within the EIA Report.

5.9.19 The Scottish Ministers advise that the proposed mitigation of a Vessel Management Plan, Navigational Safety Plan, Emergency Response Co-operation Plan, Lighting and Marking Plan, and a permanent transit channel through the site should be developed in consultation with the MCA, NLB and other relevant stakeholders, and their effectiveness should be assessed through the NRA process.

5.9.20 Additionally, any mitigation measures identified through the NRA should subsequently be incorporated within the Lighting and Marking Plan. This is supported by the NLB representation.

5.9.21 The Scottish Ministers further advise that the Development Specification and Layout Plan should clearly demonstrate how navigational safety and emergency response capability will be maintained throughout the operational lifetime of the Proposed Development. Particular regard should be given to the implications of the size and location of the Proposed Development on SAR resources. The Scottish Ministers direct the Developer to the MCA representation regarding additional mitigation measures that should be considered within the EIA Report. The Scottish Ministers also highlight the requirement for a Search and Rescue (“SAR”) checklist to be completed in consultation with the MCA and fully addressed within the EIA Report. This is in line with the MCA representation.

5.9.22 The Scottish Ministers advise, in line with the RYA representation, that the Failure of an Aid to Navigation and any interim hazard warnings to be used should be considered within mitigation measure C36, as presented in Table 13-2 of the Scoping Report.

5.9.23 With regards to the final design of the Proposed Development, the Scottish Ministers advise, in line with the MCA representation, that the Developer must comply with the relevant guidance on moorings for floating wind and marine devices and should provide third-party verification of the proposed mooring arrangements.

5.9.24 The Scottish Ministers, in line with the UK Chamber of Shipping, are content with the proposed 50nm screening radius for the Cumulative Effects Assessment ("CEA"). The Scottish Ministers advise that the CEA should assess the potential cumulative effects of the Proposed Development in-combination with existing, consented and future offshore wind developments and other marine infrastructure. The assessment should demonstrate that the combined impact would not give rise to unacceptable impacts on vessel routing, navigational safety, port access or the availability of safe navigable sea room. This is supported by the MCA representation.

5.9.25 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation regarding cumulative impacts on shipping and navigation receptors which must be considered and addressed in full within the EIA Report.

5.10 Marine Archaeology and Cultural Heritage

5.10.1 The Developer considers potential impacts on marine archaeology and cultural heritage in Chapter 14 of the Scoping Report. The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park and Findhorn and Kinloss Community Council representations on the proposed 1km study area and advise that this is considered and addressed within the EIA Report.

5.10.2 Regarding the baseline for marine archaeology and cultural heritage, the Scottish Ministers direct the Developer to the Dyke Landward Community Council representation on undertaking a desk-based assessment and the use of site-specific geophysical and geotechnical data. The Scottish Ministers advise, in line with the No to the Moray Firth FLOW-Park representation, that the Developer must engage with relevant local stakeholders to inform the marine archaeology and cultural heritage baseline. Details of any engagement undertaken, and how this has informed the assessment, must be presented within the EIA Report.

5.10.3 Furthermore, the Scottish Ministers direct the Developer to the Findhorn and Kinloss Community Council representation regarding additional data sources to be considered within the EIA Report.

5.10.4 Table 14-6 of the Scoping Report proposes to scope in all impacts to marine and cultural heritage receptors for all phases of the Proposed Development. The Scottish Ministers, in line with the Dyke Landward Community Council representation, are content with this approach.

5.10.5 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation regarding the assessment of archaeological receptors, including submerged palaeolandscapes and palaeochannels, and the need to assess the maximum reasonably foreseeable seabed disturbance footprint. The Scottish Ministers advise that these matters are fully considered and addressed within the EIA Report.

5.10.6 Furthermore, the Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation on marine archaeology and cultural heritage assets that must be considered and assessed to identify the potential impacts arising from infrastructure associated with the Proposed Development. The Scottish Ministers advise that these matters must be fully assessed and appropriately addressed within the EIA Report.

5.10.7 The Scottish Ministers direct the Developer to the Findhorn and Kinloss Community Council representation regarding additional cultural heritage receptors, impact pathways, assessment methodologies, and cumulative effects, and advise that these matters are fully considered and addressed within the EIA Report.

5.10.8 The Scottish Ministers, in line with the Dyke Landward Community Council representation, are content with the proposed mitigation measures set out in Table 14-3 of the Scoping Report, including the implementation of a Written Scheme of Investigation and a Protocol for Archaeological Discoveries, and advise that the Developer considers the avoidance of significant archaeological assets within the EIA Report.

5.10.9 The Scottish Ministers direct the Developer to the HES representation regarding the proposed designation of several armoured vehicles located in the vicinity of Burghead Bay and advise that the Developer engages with HES concerning this matter.

5.11 Military and Civil Aviation

5.11.1 Chapter 15 of the Scoping Report considers the potential impacts of the Proposed Development on military and civil aviation receptors. The

Developer proposes to scope out all military and civil aviation impacts across all phases of the Proposed Development.

5.11.2 The Scottish Ministers advise, in line with the MOD representation, that the Proposed Development will not impact the RAF Lossiemouth aerodrome obstacle safeguarding requirements, the operation of microwave links within the area of the Proposed Development, or air traffic control and air defence surveillance radars.

5.11.3 Furthermore, the Scottish Ministers, in line with the Highlands and Islands Airports Limited representation, are content that the Proposed Development is unlikely to impact the safeguarding criteria or operation of Inverness Airport.

5.11.4 The Scottish Ministers are therefore content with the Developer's proposal to scope out military and civil aviation impacts from further assessment within the EIA Report.

5.11.5 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation regarding the potential impacts of temporary infrastructure and the scoping out of helicopter operations and advise that these are fully considered within the EIA Report.

5.11.6 Furthermore, the Scottish Ministers direct the Developer to the Findhorn and Kinloss Community Council representation regarding the maximum height of the infrastructure to be stored within the Proposed Development and advise that this is addressed within the EIA Report.

5.12 Seascape, Landscape and Visual Resources

5.12.1 The Developer considers seascape, landscape and visual resources in chapter 16 of the Scoping Report.

5.12.2 The Scottish Ministers are broadly content with the data sources identified in Section 6.3 of the Scoping Report, however note that the 2027 Moray Local Development Plan ("MLDP") has not yet been adopted. The Scottish Ministers therefore advise the Developer refers to the 2020 MLDP as the current adopted plan, while also taking account of any future drafts or updates to the 2027 MLDP in the EIA Report. Furthermore, the Scottish Ministers advise that the Moray Local Landscape Designation Review should be included within the baseline data sources. This advice is supported by the Moray Council representation.

5.12.3 The Scottish Ministers advise, in line with the Findhorn and Kinloss Community Council representation, that the Findhorn Village Local Place Plan and the Moray Council Findhorn Conservation Area Character

Appraisal data sources are considered within the EIA Report. Furthermore, the Scottish Ministers direct the Developer to the Findhorn and Kinloss Community Council representation regarding additional receptors to be included within the EIA Report.

5.12.4 The Scottish Ministers advise, in line with the No to the Moray Firth FLOW-Park representation, that the Developer must engage with relevant local stakeholders to inform the seascape, landscape and visual resources baseline. Details of any engagement undertaken, and how this has informed the assessment, must be presented within the EIA Report.

5.12.5 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation regarding the justification of the final study area, the agreement of viewpoints, and the provision of visualisations. The Scottish Ministers advise that these matters are fully considered and addressed within the EIA Report.

5.12.6 The Scottish Ministers advise, in line with the Highland Council, that the assessment of landscape effects should not be limited to the published NatureScot Landscape Character Types. The Scottish Ministers advise that the Developer should also consider the regional Landscape Character Areas identified within the Black Isle, Surrounding Hills and Moray Firth Coast Landscape Sensitivity, with particular regard to BL1 Carse of Delnies, Culbin, Nairn Dunes to the Bar; BL2 Kingsteps to Cothill, and BL3 Seafield to Hardmuir. The Scottish Ministers further advise that relevant key views, routes and gateways identified within the sensitivity appraisal should be taken into account and assessed where they may be impacted by the Proposed Development. This is supported by the Highland Council representation.

5.12.7 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park and Findhorn and Kinloss Community Council representations for further viewpoints which must be considered and addressed within the EIA Report.

5.12.8 Table 16-2 of the Scoping Report scopes out the Quarrelwood designated site from assessment due to limited or no visibility. The Scottish Ministers advise, in line with the Moray Council representation, that if the proposed Quarrelwood viewpoint identifies potential effects on this area, the designated site should be scoped into the assessment.

5.12.9 The proposed viewpoint locations are presented in Table 16-3. The Scottish Ministers advise, in line with the Moray Council representation, that an additional viewpoint should be included from the shoreline between Burghead and Findhorn at Roseisle Country Park and consideration should

also be given to including viewpoints from Nelson's Tower and the trig point at Quarrywood Hill. Furthermore, the Scottish Ministers direct the Developer to Moray Council's request for further discussion on the scope of the Seascape, Landscape and Visual Impact Assessment to be undertaken within the EIA Report.

5.12.10 The Scottish Ministers are content with the five viewpoints proposed within the Highland Council area proposed for the Seascape, Landscape and Visual Impact Assessment ("SLVIA"), however direct the Developer to the Highland Council representation for further viewpoints to be considered within the EIA Report.

5.12.11 Visual receptors to be included within the SLVIA are presented in section 16.4.5.12 of the Scoping Report. The Scottish Ministers advise, in line with the Highland Council representation, that the EIA Report should include assessment of additional visual receptors, including the coastal settlements of Rockfield and Rosemarkie, the Highland Tourist Route, coastal campsites, golf courses, holiday parks, and relevant water-based receptors.

5.12.12 The Scottish Ministers are content for a night-time impact assessment to be included within the SLVIA. The Scottish Ministers advise, in line with the Highland Council, that the assessment should be informed by the NatureScot Guidance on Aviation Lighting Impact Assessment and that the scope of the assessment should be agreed with the Highland Council and reflected within the EIA Report. The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park and Findhorn and Kinloss Community Council representations on additional matters to be considered within the night-time visual impact assessment, including the assessment of identified sensitive viewpoints. The Scottish Ministers advise that these matters must be fully considered and addressed within the EIA Report.

5.12.13 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation regarding the assessment of winter and seasonal visual exposure, navigational lighting, and potential night-time effects associated with the Proposed Development. The Scottish Ministers advise that these matters are fully considered and addressed within the EIA Report.

5.12.14 The Scottish Ministers advise that, in line with the Highland Council representation, the EIA Report should include 50 mm single-frame photomontages for all viewpoints within the Highland Council area, in addition to the 75 mm single-frame photomontages proposed in Section 16.10.4 of the Scoping Report.

5.12.15 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation on the assessment of visual effects, including consideration of up to 30 foundations under empty, partially occupied and fully occupied scenarios, supported by appropriate ZTVs, wirelines and photomontages. The EIA Report must assess representative tidal, seasonal, daytime and night-time conditions, justify the proposed 20 km study area, and clearly distinguish permanent infrastructure from stored foundations. This is supported by the No to the Moray Firth FLOW-Park representation.

5.12.16 The Scottish Ministers direct the Developer to the RSPB Scotland representation regarding the request for wirelines and photomontages from Culbin Sands be included within the EIA Report.

5.12.17 The Scottish Ministers advise that the assessment of Special Landscape Areas ("SLAs") should not be limited to the landscape and coastal character assessment. The EIA Report should include a specific assessment of the potential effects on the special qualities of each affected SLA, undertaken in accordance with NatureScot's Special Landscape Qualities - Guidance on assessing effects. This is supported by the Highland Council and Dyke Landward Community Council representations.

5.12.18 Potential cumulative effects are considered in Section 16.8 of the Scoping Report. The Scottish Ministers note that wind turbines have been proposed to be scoped out of the Cumulative Effects Assessment ("CEA") on the basis that their vertical scale and development form differ from those of the Proposed Development. However, the Scottish Ministers direct the Developer to consider the representations from Moray Council and No to the Moray Firth FLOW-Park on this matter and provide appropriate justification within the EIA Report.

5.12.19 Furthermore, the Scottish Ministers direct the Developer to the Dyke Landward Community Council representation regarding the exclusion of offshore developments from the cumulative impact assessment. The Scottish Ministers advise that the scope of the cumulative impact assessment is clearly justified and that this matter is fully considered within the EIA Report.

5.13 Socio-Economics, Tourism and Recreation

5.13.1 The Scottish Ministers are content with the data sources presented in Section 17.3 of the Scoping Report. However, the Developer is directed to Annex 1 of the MAU representation for additional data sources that should be included within the EIA Report. Furthermore, in line with the RYA representation, the Scottish Ministers advise that relevant recreation and marine tourism boating data sources are also considered within the

assessment and direct the Developer to the RYA representation for further information on appropriate sources.

5.13.2 The Scottish Ministers advise, in line with the Findhorn and Kinloss Community Council representation, that the Findhorn Village Local Place Plan, the Moray Council Findhorn Conservation Area Character Appraisal and the Moray Tourism 2036 strategy should be included and considered within the EIA Report. Furthermore, the Scottish Ministers direct the Developer to the Findhorn and Kinloss Community Council representation on the baseline for socio-economic, tourism and recreation, with particular regard to Findhorn, and advise that these matters are considered and addressed within the EIA Report.

5.13.3 The Scottish Ministers note the proposal to use a combination of data sources and site-specific data to assess socio-economic impacts, as stated in Section 17.3 of the Scoping Report. The Scottish Ministers refer the Developer to the MAU and Findhorn and Kinloss Community Council representations regarding stakeholder engagement and primary research, and advise that this is considered in the EIA Report. Furthermore, in line with the RYA and Findhorn Watersports representations, the Scottish Ministers advise that local sailing clubs, training centres and watersports operators, other recreational users operating within or in the vicinity of the study area, as well as any relevant sport governing bodies, are identified and considered within the EIA Report to ensure that potential impacts on recreational activities are fully assessed.

5.13.4 The Scottish Ministers advise, in line with the Findhorn Watersports Representation, that the EIA Report should include information on the frequency, duration, and routing of construction and operational vessel movements transiting through or in the vicinity of the entrance to Findhorn Bay. The EIA Report should assess how such vessel movements may interact with recreational users of the area throughout all phases of the Proposed Development. Furthermore, the Scottish Ministers direct the Developer to the Biomatrix Water Solutions Limited representation in relation to watersports activities within the area of the Proposed Development, and advise that it should be considered within the EIA Report.

5.13.5 The Scottish Ministers note the study area presented in Figure 17-1 of the Scoping Report, including a travel time study area for impacts to housing and visitor accommodation. The Scottish Ministers advise that all impacts that have been scoped in to the EIA Report, including effects on local services, should also be considered within the travel time study area. This is supported by the MAU representation.

5.13.6 On the impacts to be scoped in and out of the EIA Report, the Scottish Ministers advise, in line with the MAU representation, that impacts to accommodation, emergency and health care services, and education during the operation and maintenance phase of the Proposed Development should be scoped in for assessment within the EIA Report. The Scottish Ministers direct the Developer to the Findhorn and Kinloss Community Council representation regarding the scope of the impact assessment, particularly in relation to healthcare and education, and advise that these matters are fully considered and addressed within the EIA Report.

5.13.7 The Scottish Ministers direct the Developer to the RSPB Scotland representation regarding potential impacts on tourism at Culbin Sands, which should be considered within the EIA Report.

5.13.8 The Scottish Ministers advise that a full socio-economic impact assessment should be undertaken. The Scottish Ministers refer the Developer to Annex 1 of the MAU representation and advise this should be considered within the EIA Report.

5.13.9 The Developer describes the approach to assessment in Section 17.9 of the Scoping Report. The Scottish Ministers advise, in line with the MAU representation, that the assessment also considers leakage, deadweight, displacement and substitution, and includes sensitivity or scenario analysis to address uncertainty and optimism bias. Furthermore, the Scottish Ministers direct the Developer to the MAU representation for information on how employment impacts should be assessed at each phase of the Proposed Development. The Scottish Ministers direct the Developer to the Findhorn and Kinloss Community Council representation on the proposed assessment methodology and advise that this should be considered within the EIA Report.

5.13.10 The Scottish Ministers advise that distributional effects should be considered for each phase of the Proposed Development. The Scottish Ministers direct the Developer to Annex 1 of the MAU advice on the assessment methodology, including key assumptions and analytical approaches, that should be included within the EIA Report.

5.13.11 The Scottish Ministers further advise, in line with the Findhorn Watersports representation, that the EIA Report should assess and, where possible, quantify the potential economic impacts on watersports operators and other marine tourism businesses that depend on unrestricted access to Findhorn Bay and the Moray Firth.

5.13.12 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation on receptors to be included within the socio-

economic impact assessment and advise that these must be considered and addressed within the EIA Report.

5.13.13 The Scottish Ministers are content with the mitigation measures noted in Section 17.5 of the Scoping Report and direct the Developer to the RYA representation regarding the expansion of the role of the Fisheries Liaison Officer and development of a seasonal usage plan for consideration within the EIA Report.

5.13.14 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW Park regarding the assessment of cumulative effects on other users of the sea. The Scottish Ministers advise that these matters should be fully considered and appropriately addressed within the EIA Report.

5.14 Climate

5.14.1 The Developer considers potential impacts on climate in Chapter 18 of the Scoping Report.

5.14.2 Table 18-6 of the Scoping Report proposes to scope in all impacts to climate receptors for all phases of the Proposed Development. The Scottish Ministers are content with this approach. The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation regarding the assessment of greenhouse gas emissions and advise that the principal sources of emissions arising throughout all phases of the Proposed Development are clearly identified and assessed, and that any assumptions are adequately justified. Furthermore, the Scottish Ministers advise that emissions associated with towing operations and vessel transits are included within the EIA Report and assessed accordingly. This is supported by the No to the Moray Firth FLOW-Park and Biomatrix Water Solutions Limited representations.

5.14.3 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park regarding the assessment of cumulative effects on pollution and mitigation measures to reduce emissions. The Scottish Ministers advise that these matters should be fully considered and appropriately addressed within the EIA Report.

5.14.4 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park and Biomatrix Water Solutions Limited representations on towing emissions from the Proposed Development and advise that these are fully considered and addressed within the EIA Report.

5.15 Infrastructure and Other Users

5.15.1 The Developer considers potential impacts to infrastructure and other users in Chapter 19 of the Scoping Report. The Scottish Ministers direct the Developer to the Findhorn and Kinloss Community Council representation regarding users of the area impacted by the Proposed Development and advise that these receptors are fully considered and assessed within the EIA Report.

5.15.2 The Scottish Ministers are content with the impacts scoped in and out of the EIA Report, as presented in Table 19-4 of the Scoping Report, and with the justifications provided in Table 19-5 for the receptors scoped out from further assessment.

5.15.3 The Scottish Ministers direct the Developer to the Findhorn and Kinloss Community Council representation on the proposed mitigation measures for infrastructure and other users, as presented in Table 19-3 of the Scoping Report, which must be fully considered and addressed within the EIA Report.

5.16 Major Accidents and Disasters

5.16.1 The Developer considers major accidents and disasters in Chapter 20 of the Scoping Report.

5.16.2 The Scottish Ministers direct the Developer to the Findhorn and Kinloss Community Council representation regarding additional data sources that should be incorporated into the baseline for the assessment of major accidents and disasters within the EIA Report.

5.16.3 The Scottish Ministers are broadly content with the scoping assessment presented in Table 20-4 of the Scoping Report and note that international terrorist attack with strategic implications as well as conventional attacks on infrastructure have been scoped out. The Scottish Ministers direct the Developer to the Lossiemouth Community Council representation and advise that the matters raised are fully considered and addressed within the EIA Report, with clear justification provided where impact pathways are proposed to be scoped out.

5.16.4 The Scottish Ministers advise, in line with the Findhorn and Kinloss Community Council representation, that the EIA Report considers potential accident and disaster impacts on small fishing vessels, recreational vessels, and other recreational users of the sea. Furthermore, the Scottish Ministers direct the Developer to the Findhorn and Kinloss Community Council representation regarding the assessment of these impacts and the mitigation measures that should be considered and addressed within the EIA Report.

5.16.5 The Scottish Ministers direct the Developer to the Dyke Landward Community Council representation regarding the assessment of extreme

weather conditions, infrastructure failure, pollution incidents and SAR capability, and the proposed scoping out of cumulative risk pathways without clear assessment and justification. The Scottish Ministers advise that these matters are fully considered and addressed within the EIA Report, and that the EIA Report should also identify suitable mitigation measures to minimise adverse effects should a major incident occur.

5.17 Offshore Airborne Noise and Vibration

5.17.1 Section 4.9.3 of the Scoping Report states that airborne noise and vibration has been scoped out of further assessment on the basis that the Proposed Development is located offshore and will not comprise wind turbine generators.

5.17.2 The Scottish Ministers, in line with the Highland Council, Moray Council and No to the Moray Firth FLOW-Park representations, advise that further justification for scoping out airborne noise and vibration should be provided within the EIA Report. The EIA Report should consider the potential for noise and vibration effects arising from construction activities, including any piling associated with the installation of the anchoring system where this remains a design option. The Scottish Ministers note from section 3.7.3.3 of the Scoping Report that construction works may be undertaken on a 24-hour basis over an approximate four-month period and advise that consideration should be given to potential impacts on nearby noise sensitive receptors, including during night-time periods. Should the assessment identify potential significant effects, the Scottish Ministers advise that a Noise Impact Assessment should be included within the EIA Report. This is supported by the Highland Council and No to the Moray Firth FLOW-Park representations.

5.17.3 The Scottish Ministers direct the Developer to the No to the Moray Firth FLOW-Park representation regarding the identification of receptors that may be affected by airborne noise and vibration arising from the Proposed Development, the potential effects on human health and wellbeing, the provision of predicted noise levels, and the mitigation measures proposed to address any significant effects. The Scottish Ministers advise that these matters are fully considered and assessed within the EIA Report.

6. Application and EIA Report

6.1 General

6.1.1 The EIA Report must be in accordance with the 2017 MW Regulations and the Scottish Ministers draw your attention in particular to, regulation 6. In accordance with the 2017 MW 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. This assessment must be coordinated with the EIA in accordance with the 2017 MW 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 Regulatory Approval

7.1 Background

7.1.1 The 2017 MW Regulations contain provisions regulating the assessment of environmental impacts. A multi-stage 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 principal decision, assessment must be undertaken at the subsequent stage.

7.1.2 The definition in the 2017 MW Regulations is as follows: "application for multi-stage regulatory approval" 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 works permitted by the regulatory approval may be begun*".

7.1.3 A marine licence, 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 Construction Method Statement. When making an application for multi-stage 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 regulatory approval the Scottish Ministers consider that the works 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 2017 MW Regulations, and procedures for consultation, public participation, public notice and decision notice of additional information will apply.

Signed

[Redacted]

17 November 2026
Authorised by the Scottish Ministers to sign in that behalf.

Appendix I: Consultation Responses & Advice

Appendix II: Gap Analysis

Applicant to complete:

Consultee	No.	Point for Inclusion	EIA Report Section	Justification
	1			
	2			
	3			
	4			
	5			
	6			
	7			
	8			
	9			
	10			
	11			
	12			
	13			
	14			
	15			
	16			
	17			
	18			
	19			
	20			
	21			
	22			
	23			
	24			