



ORKNEY
ISLANDS COUNCIL

Item: 3

Enterprise and Infrastructure Committee: 31 March 2026.

Ayre Offshore Wind Farm.

Section 36 Electricity Act and Marine Licence Applications.

Report by Director of Infrastructure and Organisational Development.

1. Overview

- 1.1. The purpose of this report is to present the Council's consultation response to the Ayre Offshore Wind Farm Section 36 Electricity Act and marine licence applications for members' approval.
- 1.2. The Ayre Offshore Wind Farm Limited (the applicant) has submitted applications for consent under Section 36 of the Electricity Act 1989 and marine licences for the construction and operation of the proposed Ayre Offshore Wind Farm, which are determined by Scottish Ministers/Marine Directorate of the Scottish Government.
- 1.3. The Ayre Offshore Windfarm is located approximately 22 kilometres (km) east of Orkney at its closest point.
- 1.4. The proposed development consists of both onshore and offshore components to generate and export power from the proposed offshore windfarm to a new onshore substation at Sinclair's Bay, Caithness.
- 1.5. Planning permission has been sought under the Town and Country Planning (Scotland) Act 1997 for the proposed Ayre Offshore Wind Farm onshore infrastructure, and this is subject to a separate planning application to The Highland Council.
- 1.6. The consent applications, referred to at paragraph 1.2 above, are for the offshore elements of the proposed development which include:
 - Up to 67 Wind Turbine Generators (WTGs) with floating and/or fixed-bottom foundations;
 - Up to two Offshore Substation Platforms (OSPs) to transform and export power generated by the WTGs via the inter-array cables and offshore export cables;
 - Up to 185 km of inter-array cables installed between the WTGs and OSPs;
 - Up to 60 km of interconnector cables installed between the OSPs; and

- Up to four offshore export cables from the OSPs to landfall in Sinclair’s Bay, totalling approximately 360 km in length.
- 1.7. As a relevant planning authority and marine planning delegate, the Council is a statutory consultee for the Ayre Offshore Wind Farm Section 36 consent and the marine licence applications.

2. Recommendation

- 2.1. It is recommended that members of the Committee:
- i. Approve the Council’s response, attached as Appendix 1 to this report, in relation to the applications for consent under Section 36 of the Electricity Act 1989 and marine licences for the construction and operation of the proposed Ayre Offshore Wind Farm Wind.

3. Consultation Response

- 3.1. The Marine (Scotland) Act 2010 requires that decisions on marine Section 36 consent and marine licence applications be taken in accordance with the National Marine Plan and any relevant regional marine plan in effect. The Orkney Islands Regional Marine Plan (OIRMP) was adopted by Scottish Ministers on 19 February 2026 and has informed the content of the Council’s response to these consent applications.
- 3.2. The Council’s response is attached as Appendix 1 to this report.
- 3.3. A summary of the key issues identified in the Council consultation response is attached as Appendix 2 to this report.
- 3.4. The deadline for the submission of the Council’s response was 13 March 2026.
- 3.5. Following consideration by the Corporate Leadership Team, officers submitted the Council’s response, attached at Appendix 1 to this report, to the Scottish Government on 13 March 2026 with the proviso that any amendments to the consultation response identified by this Committee will be submitted to the Scottish Government on 1 April 2026.

For Further Information please contact:

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Implications of Report

1. **Financial:** All resources associated with the preparation of the consultation response, attached at Appendix 1 to this report, have been met through staff time and is covered within the existing Development and Marine Planning budgets.
2. **Legal:** The Council as planning authority is a statutory consultee for the Ayre Offshore Wind Farm Section 36 consent application under the Electricity Works (EIA) Scotland Regulations 2017. The Council as planning authority is also a statutory consultee for the marine licence applications under the Marine Works (EIA) Scotland Regulations 2017. As the delegate for the Orkney Islands marine region under the provisions of the Marine (Scotland) Act 2010, and the Marine Licensing (Consultees) (Scotland) Order 2011, the Council is a statutory consultee for the Ayre Offshore Wind Farm marine licences. Submitting the consultation responses in this report will assist the Council in discharging its role as statutory consultee.
3. **Corporate Governance:** Not applicable.
4. **Human Resources:** None directly related to the recommendations in this report.
5. **Equalities:** None directly related to the recommendations in this report.
6. **Island Communities Impact:** None directly related to the recommendations in this report.
7. **Links to Council Plan:** The recommendations in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
 - Growing our economy.
 - Strengthening our Communities.
 - Developing our Infrastructure.
 - Transforming our Council.
8. **Links to Local Outcomes Improvement Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:
 - Cost of Living.
 - Sustainable Development.
 - Local Equality.
 - Improving Population Health.
9. **Environmental and Climate Risk:** An Environmental Impact Assessment (EIA) has been carried out to support the Ayre Offshore Wind Farm consent applications. This EIA includes the consideration of significant environmental effects and factors contributing to climate risk. The Council consultation response has been informed by an appraisal of relevant environmental and climate related issues.
10. **Risk:** No significant risks identified directly related to the recommendations in this report.

- 11. Procurement:** None directly related to the recommendations in this report.
- 12. Health and Safety:** None directly related to the recommendations in this report.
- 13. Property and Assets:** None directly related to the recommendations in this report.
- 14. Information Technology:** None directly related to the recommendations in this report.
- 15. Cost of Living:** None directly related to the recommendations in this report.

List of Background Papers

The application for section 36 consent, marine licence applications, Environmental Impact Assessment Report, and supporting documentation, including the Report to Inform the Appropriate Assessment under the Habitats Regulations Appraisal process, can be accessed via the following link: [Ayre Offshore Wind Farm | marine.gov.scot](https://marine.gov.scot/Ayre-Offshore-Wind-Farm)

Appendices

Appendix 1: Orkney Islands Council Consultation Response: Ayre Offshore Wind Farm.
Appendix 2: Summary of key issues identified in the Council consultation response.

Orkney Islands Council Consultation Response: Ayre Offshore Wind Farm

Applications for Electricity Act Section 36 Consent and Marine Licence.

Orkney Islands Council Consultation Response

This is the Orkney Islands Council (OIC) response in its capacity as:

- the planning authority; and
- as the delegate for the Orkney Islands marine region under the provisions of the Marine (Scotland) Act 2010/The Marine Licensing (Consultees) (Scotland) Order 2011.

Consent applications on which OIC has been consulted by the Scottish Government Marine Directorate - Licensing Operations Team (MD-LOT)

- Section 36 Consent Application – Construction and Operation of Generating Station – Ayre Offshore Wind Farm
- Marine Licence Application – Construction of Generating Station – Ayre Offshore Wind Farm – 00011515
- Marine Licence Application – Construction of Offshore Transmission Infrastructure – Ayre Offshore Wind Farm – 00011516

Proposed Development

The Ayre Offshore Windfarm located approximately 22 kilometres (km) east of Orkney at its closest point.

The consent applications detailed above are for the offshore elements of the proposed development which include:

- Up to 67 Wind Turbine Generators (WTGs) with floating and/or fixed-bottom foundations;
- Up to two Offshore Substation Platforms (OSPs) to transform and export power generated by the WTGs via the inter-array cables and offshore export cables;
- Up to 185 km of inter-array cables installed between the WTGs and OSPs;
- Up to 60 km of interconnector cables installed between the OSPs; and
- Up to four offshore export cables from the OSPs to landfall in Sinclair's Bay, totalling approximately 360 km in length.

The design and engineering options available for the proposed development were influenced by the specific conditions and environmental factors within the Site

Boundary. The Applicant has carried out several studies in the early development stage to address existing unknowns and to refine the design parameters. Further studies are expected to be completed beyond the planning phase and into procurement and contracting to acquire further site-specific information which will inform the final design of the proposed development. This includes determining final wind turbine numbers, size and layout, and floating or fixed foundation design. The detailed design will be confirmed post consent, subject to further site investigation and technical design studies.

Planning Policy Context – Overview

OIC has identified the following relevant planning policies (non-exhaustive) for the Ayre Offshore Wind Farm consent applications:

- National Planning Framework 4 (NPF4): Policy 1, 2, 3, 4, 5, 7, 10,11 and 25)
- National Planning Framework 4: Annex B National Developments Statements of Need
- National Marine Plan (NMP) General Policies
- NMP FISHERIES 1, FISHERIES 2 and FISHERIES 3
- NMP WILDFISH 1
- NMP RENEWABLES 1, RENEWABLES 4, RENEWABLES 5, RENEWABLES 6, RENEWABLES 7, RENEWABLES 8, RENEWABLES 9 and RENEWABLES 10
- NMP REC & TOURISM 2 and REC & TOURISM 5
- NMP TRANSPORT 1, TRANSPORT 3 and TRANSPORT 6
- NMP CABLES 1, CABLES 2 and CABLES 4
- NMP DEFENCE 1
- NMP CUMULATIVE EFFECTS
- Orkney Islands Regional Marine Plan (OIRMP) General Policy 1: Sustainable Development, Activities, and Use
- OIRMP General Policy 2 (If using Orkney Harbour areas): Safety
- OIRMP General Policy 3: Climate Change
- OIRMP General Policy 4: Supporting Sustainable Social and Economic Benefits
- OIRMP General Policy 5: Safeguarding Natural Capital and Ecosystem Services
- OIRMP General Policy 6: Water Environment
- OIRMP General Policy 8: Historic Environment

- OIRMP General Policy 9: Nature
- OIRMP General Policy 10a: Seascape and Landscape
- OIRMP General Policy 11b: Noise sensitive species
- OIRMP General Policy 14: Amenity, Wellbeing, and Quality of Life of Local Communities
- OIRMP Sector Policy 1: Commercial Fishing
- OIRMP Sector Policy 3: Shipping, Ports, Harbours and Ferries
- OIRMP Sector Policy 4: Pipeline, Electricity and Telecommunications Infrastructure
- OIRMP Sector Policy 5a: Offshore Wind Energy
- OIRMP Sector Policy 7: Tourism, Recreation, Leisure and Sport

The Delegation of Functions (Regional Marine Plan for the Scottish Marine Region for the Orkney Islands) Direction 2020 delegated regional marine planning functions to Orkney Islands Council (OIC). This established OIC as the delegate and statutory consultee for applications for a marine licence for activities in the Orkney Islands Marine Region under the provisions of the Marine (Scotland) Act 2010/The Marine Licensing (Consultees) (Scotland) Order 2011.

Approximately 18.7% of the development falls within the Orkney Islands marine region.

OIC has identified the key planning policies (non-exhaustive) in this consultation response that are considered most relevant in the Orkney context above and under the appropriate topics in this consultation response.

The proposed commercial scale offshore wind development is located in Plan Option area NE2 and therefore accords with NMP policy RENEWABLES 1.

NPF4 Annex B, National Developments Statements of Need, describes the developments to be considered as national developments for consent handling purposes. Relevant national developments for the proposed Ayre Offshore Wind Farm are:

1. Energy Innovation Development on the Islands which supports proposed developments in the Outer Hebrides, Shetland and Orkney Island groups, for renewable energy generation, renewable hydrogen production, infrastructure and shipping, and associated opportunities in the supply chain for fabrication, research and development; and

3. Strategic Renewable Electricity Generation and Transmission Infrastructure which supports renewable electricity generation, repowering, and expansion of the electricity grid.

In relation to national development 1. Energy Innovation Development on the Islands, Orkney Islands – Supporting Scapa Flow Future Fuels Hub and Orkney Harbours, class (a) applies to development that is for the delivery of the Future Fuels Hub, new quay in Scapa Flow, and the Orkney Logistics Base at Hatston, which support services for the renewable and marine energy and shipping sectors:

a) New or updated on and/or offshore infrastructure for energy generation from renewables exceeding 50 megawatts capacity.

Socio-economic impacts

Relevant planning policy context

- NPF4 Policy 11: Energy
- NPF4 Policy 25: Community Wealth Building
- NMP GEN 2: Economic Benefits
- NMP GEN 3: Social Benefits
- NMP GEN4: Co-existence
- NMP FISHERIES 1, FISHERIES 2 and FISHERIES 3
- NMP RENEWABLES 9 and RENEWABLES 10
- NMP REC & TOURISM 2, REC & TOURISM 5 and REC & TOURISM 6
- Regional Marine Plan (OIRMP) General Policy 1: Sustainable Development, Activities, and Use
- OIRMP General Policy 4: Supporting Sustainable Social and Economic Benefits
- OIRMP General Policy 14: Amenity, Wellbeing, and Quality of Life of Local Communities
- OIRMP Sector Policy 3: Shipping, Ports, Harbours and Ferries
- OIRMP Sector Policy 5: Offshore Wind, Wave and Tidal Renewable Energy Generation
- OIRMP Sector Policy 7: Tourism, Recreation, Leisure and Sport

The overarching policy and legislation applicable to the proposed development is presented in Environmental Impact Assessment Report (EIAR) Volume 1, Chapter 2: Policy and Legislation, whereas the policy and legislation applicable for the Onshore Infrastructure is set out in Onshore EIA Report (AOWFL, 2025): Volume 1, Chapter 2: Policy and Legislation.

The EIAR presents the assessment of the likely significant environmental effects on socio-economics, tourism and recreation, that may potentially occur as a result of the proposed development during the construction, operations and maintenance (O&M)

and decommissioning phases. The offshore and onshore components of the proposed development are considered in one assessment.

OIC welcomes that the applicant has provided an appraisal of the proposed development against the policies in the Orkney Islands Regional Marine Plan: Consultation Draft, which was available at the time of writing (EIAR, Chapter 2). When determining this application, MD-LOT should consider the proposed development against the relevant policies in the adopted Orkney Islands Regional Marine Plan.

OIC welcomes that the applicant has appraised the proposed development's contribution towards the strategic priorities in Orkney Islands Council Plan 2023-2028 including growing the green and blue economies, ensuring that benefits of economic growth are shared; local businesses in key sectors are thriving and creating better employment opportunities in Orkney.

EIAR Chapter 18, Table 18.1, identifies the relevance of NPF4 Policy 11c to this development proposal i.e. *Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.* OIC identifies that this policy should play a key role in determination of the consent applications for the proposed offshore wind farm development, including maximising local and community socio-economic benefits.

NPF4 Policy 25: *Community Wealth Building* aims to support local economic development that focuses on community and place benefits as a central and primary consideration – to support local employment and supply chains. This includes improving community resilience, increasing spending within communities, ensuring the use of local supply chains and local job creation. These should be important factors in the determination of the consent applications for this proposed offshore wind farm development.

OIRMP General Policy 4: *Supporting Sustainable Social and Economic Benefits* requires this development proposal to demonstrate that opportunities have been considered to maximise sustainable employment benefits and create skilled employment in local communities. Therefore, opportunities should be considered to support local businesses, skills development, supply chains and research and development in Orkney. The proposed Workforce Strategy should be a key mechanism to secure and deliver these outcomes.

Socio-economic, Tourism and Recreation Study Areas

The Ayre Offshore wind farm EIAR has defined the socio-economic study area around the main local epicentres of impact which are expected to be the ports used during the construction, O&M and decommissioning of the development. The assessment assumes these will be in Highland and Orkney. Similarly, the Project's onshore infrastructure will be located in Highland. Therefore, the identified socio-economic study areas used for the assessment are:

- The Regional Socio-Economics Study Area (i.e. the local authorities of Highland and Orkney);
- Scotland; and
- the United Kingdom (UK).

OIC requested at the EIA Scoping stage that Orkney be identified as a study area and considered as part of the assessment of socio-economic impacts, including impacts on demographics, the local housing market, the labour market and local services.

EIAR Table 18.2 states that the assessment of socio-economic impacts at Section 18.10 focuses on the Regional Socio-economic Study Area (Highland and Orkney), Scotland and the UK. Any activity that may occur within Orkney is included in the estimates for the Regional Socio-economic Study Area of Highland and Orkney.

Due to the uncertainty on the location(s) of the proposed developments construction and O&M port(s) at the time of writing the EIAR, the assessment of socio-economic impacts at Section 18.10 has included a description of potential impacts based on a modelled rural and urban port.

OIC requests that Orkney is defined as a separate socio-economic study area and this should be supported by Orkney specific baseline data, impact assessments and mitigation to adequately address socio-economic impacts on Orkney communities. This is because as an Island Archipelago, Orkney has a unique socio-economic footprint and profile which is distinct to Highland and that of Mainland Scotland. This should include an assessment of potential effects on the Orkney economy, demographics, local housing market, labour market and local services. Identified impacts should include direct employment impacts and displacement effects on the local workforce and supply chain e.g. workers from other sectors moving to offshore wind related employment or local suppliers (e.g. freight) not being able to service existing sectors/customers. This should consider both the impacts and opportunities arising from the development. In this regard, Orkney has distinct characteristics in terms of the high level of Small and Medium-sized Enterprises (SME) business base and a significant number of businesses operating in marine and environmental sectors. Due to the scale of the Orkney economy and related economic factors, it is more sensitive to change and less able to absorb change than the Highland economy.

Orkney and Caithness are identified as Tourism and Recreation Study Areas. The Tourism and Recreation Study Area has been identified based on the location of the epicentres of impact that could affect tourism and recreation receptors with due consideration to areas with visibility of the proposed development and those coastal areas affected by any impacts on marine recreation. This approach is supported by OIC.

The socio-economics baseline identified in EIAR Chapter 18 (18.6) including population (18.6.2), economic activity (18.6.4), industrial structure (18.6.6), education (18.6.13) and housing (18.6.15) and health care provision (18.6.18) data is skewed by the characteristics of the much larger Highland area which has very different

demographics and socio-economic profile to Orkney. These comments are also relevant to the Population Projections (Future Baseline Scenario) identified at (18.6.49 – 18.6.53). It is requested that Orkney be assessed as a local study area so that the baseline data, impact assessment and mitigation adequately address socio-economic impacts on Orkney communities.

It is welcomed that the tourism and recreation data on Gross Value Added (GVA), employment and visitor numbers are Orkney specific.

18.6.28 explains that as tourism and recreation effects are a consequence of primary effects on other environmental factors (e.g. the result of visual changes), tourism and recreation assets have been scoped into the assessment on this basis. In this context, the visitor attractions identified at 18.6.30 do not identify the main relevant visitor attractions. 18.6.32 identifies localised tourism receptors across Stronsay and Deerness which are identified as more likely to be affected by the Project's Offshore Infrastructure because they are located on the east coast of Orkney and will be relatively closer to it. The identified tourism and recreation assets should include assets in North Ronaldsay, Sanday, Stronsay, Deerness, Copinsay, Holm, Lambs Holm, Burray and South Ronaldsay. In addition to Mill Bay, Vat of Kirbister, Sands of Rothiesholm, the Gloup and Mull Head Local Nature Reserve, the identified assets should include:

- North Ronaldsay Lighthouse and Beacon
- North Ronaldsay Sheep Dyke
- Start Point Lighthouse
- Bay of Lopness
- Bay of Newark
- Deerness Distillery
- Brough of Deerness
- Copinsay Lighthouse and RSPB Nature Reserve
- Dingieshowe
- The Italian Chapel
- The Churchill Barriers
- Newark Bay, South Ronaldsay
- Windwick Bay
- Tomb of the Eagles
- Quoyness Cambered Cairn, Sanday

OIC highlighted at the EIA Scoping stage that any changes in demand for housing and local services resulting from the proposed development would need to be scoped into the EIA. The impact from the proposed development on Orkney housing and accommodation provision needs to be understood in the context of the current significant shortage of housing/accommodation and the high demand for housing for key workers. This is acknowledged in Table 18.2 *Summary of Key Consultation Issues Raised During Consultation Activities Undertaken for the Project Relevant to Socio-Economics, Tourism and Recreation*.

OIC requested at the EIA Scoping stage that embedded mitigation should include a commitment to the preparation of a Local Workforce Strategy to maximise local job opportunities and address associated local skills requirements, and that a Local Accommodation Strategy should also be identified as part of the proposed programme of embedded mitigation.

OIC welcomes that the applicant has committed to deliver a Workforce Strategy and an Accommodation Strategy, as identified in EIAR Table 18.2 and further discussed at Section 18.9. The commitment by the applicant to develop and implement a proposed Workforce Strategy is strongly supported by OIC. This strategy should be taken forward with close engagement with OIC and representatives of the relevant Orkney supply chain to maximise opportunities for local training, apprenticeships and associated economic development benefits in Orkney. It is important that this Strategy be taken forward as soon as practically possible so that the local supply chain has the opportunity to prepare and gear up to deliver the services required and local young people can receive training.

The Accommodation Strategy should demonstrate how the applicant intends to manage accommodation requirements for workers in local communities, particularly during the construction phase and potentially the O&M phase depending on the scale of the personnel requirements. It is proposed that the Accommodation Strategy will be drafted post-consent, once port location(s) is known, and it will address how temporary changes in population associated with the proposed development may affect demand for housing (18.9.2). It is recommended that work on this strategy commences as soon as possible to enable appropriate solutions to be delivered. As identified at 18.9.2, OIC will need to be closely engaged in the development of this strategy to ensure that it is fit for purpose and that it identifies appropriate measures to address the impacts of the proposed development on local accommodation provision and the housing market. These measures should seek to maximise long term housing legacy benefits for Orkney communities.

Volume 3, Technical Appendix 4.6: *Schedule of Mitigation and Commitments*, Table 1.1 identifies an Accommodation Strategy as embedded mitigation and that this will be secured in the Section 36 Consent and Marine Licences. Table 1.1 does not include a Workforce Strategy as a mitigation measure. It is recommended that the Schedule of Mitigation and Commitments be updated to include a Workforce Strategy. This Workforce Strategy will provide a key mechanism to demonstrate compliance with NPF4 Policy 11c, NPF4 Policy 25, NMP GEN 2, NMP GEN 3 and OIRMP General Policy 4 and OIRMP Sector Policy 5a i. a.

Community benefit

National Marine Plan (NMP) Renewables Policy 10 states that Good Practice guidance for community benefit from offshore wind and marine renewable energy development should be followed by developers, where appropriate.

In accordance with the Orkney Islands Council Policy on Community Benefit from Offshore Renewable Energy Developments, the Council will seek to maximise community benefits from new offshore renewable energy generation developments,

and to help direct these benefits fairly and equitably into supporting the communities of Orkney.

Orkney Islands Council's Policy on community benefit from offshore renewable energy developments is as follows:

- *We expect all developers of commercial offshore renewable energy projects in Orkney waters to commit to providing community benefit to Orkney and will seek to enter discussions with developers to achieve this.*
- *We will seek to ensure the fair and equitable distribution of benefits received as part of any community benefit scheme.*
- *We expect developers to enact a Community Benefit policy in line with the draft 'Scottish Government Good Practice Principles for Community Benefits from Offshore Renewable Energy Developments' 2018, or any future updated iteration of that document.*
- *In the absence of a clear position from the Scottish Government on the appropriate level of community benefit from offshore renewable generation, the starting point for determining the level of community benefit which should be delivered is £5,000 per megawatt installed per year index linked (as per onshore developments).*
- *We do not spatially limit our interest or claim for community benefit payments for Orkney and will seek community benefit from any project in waters adjacent to Orkney, regardless of distance from shore.*
- *There are numerous ways in which community benefit may be delivered (whether monetary or in-kind), but developers should be able to clearly demonstrate the value of community benefit that has been provided.*

The above policy relates to offshore renewable energy generation projects. Location of ancillary onshore infrastructure related to offshore generation is a separate consideration, for which the Council may seek to negotiate separate community benefit arrangements.

The Council recognises that some offshore renewable generation projects, particularly in the wave and tidal energy sectors, are pre-commercial. The above policy is only applicable to commercial projects.

The above policy does not confer support for any proposed development.

It is welcomed that the applicant proposes to establish a Community Benefit Fund (CBF). The applicant outlines at 18.9.4 in the EIAR that 'provision of a community benefit fund and/or shared ownership linked to operational performance of the wind farm are actively being considered for the Project. However, policy and requirements for community benefit are under review both by Scottish Government, but also at the UK Department for Energy Security & Net Zero; the latter is considering introduction of mandatory community benefit and how best to facilitate shared ownership. Given this policy uncertainty, as well as provision of Community Benefit not being a material consideration, further details on community benefit and shared ownership

would be agreed post consent'. It is further stated at 18.9.5 that 'the Project will meet the legislative requirements and consider updates to any guidance that emerges post consent. The Applicant looks to support community empowerment and have a positive impact on the local communities where their projects are'.

OIC recommend that a CBF, associated governance and implementation strategy should be further developed in line with the above OIC policy, the Scottish Government Good Practice Principles for Community Benefits from Offshore Renewable Energy Developments, and any emerging relevant government policy and/or legislation, and in close collaboration with OIC, Community Councils and the wider Orkney community. It is recommended that a bespoke approach to community benefit be taken forward for Orkney in response to Orkney's circumstances and priorities including investment in physical infrastructure and connectivity. The proposed community benefit package should seek to address the Orkney Community Planning Partnership priorities including:

- Sustainable Development - supporting Community Wealth Building and achieving Net Zero by 2030.
- Cost of Living Crisis - and tackling the underlying causes of poverty.
- Local Equality - so residents in all parts of Orkney have equal opportunities.

The Orkney Community Planning Partnership (CPP) has published a policy discussion paper, Unlocking Local Benefit from Renewable Energy in Orkney. The paper sets out a bold vision to ensure that Orkney's leadership in renewable energy translates into tangible, long-term benefits for local communities.

Orkney generates more clean electricity than it consumes, yet faces challenges such as high fuel poverty and pressure on housing and services. The above discussion paper calls for a fairer share of the value created by renewable developments and proposes practical steps, including:

- Developing Orkney-specific developer principles to secure community benefits.
- Exploring a unified Orkney Community Benefit Fund to target fuel poverty, resilience, and climate adaptation.
- Expanding local and community ownership of renewable assets.
- Embedding Community Wealth Building principles in planning policy.
- Establishing a joint development forum to bring together public sector, industry, and community representatives.

The Scottish Government Good Practice Principles provide guidance regarding the identification of host communities for the purposes of designing community benefit packages. The guidance states that this process should be undertaken at an early stage to allow communities the opportunity to contribute to discussions and self-identify as a host community, in line with Scottish Government Empowerment policy.

As set out above, approximately 18.7% of the proposed Ayre Offshore Wind Farm is located within the Orkney Islands marine region to which Orkney communities have significant economic, governance and cultural connections. The proposed development will also have significant landscape, seascape and visual impacts on Orkney receptors. The Orkney Islands are therefore a principal host community for the proposed offshore wind farm development and should significantly benefit from the utilisation of the associated natural resources via a commensurate community benefit package.

Community benefits from offshore renewables projects are complementary to, but independent from, environmental, supply chain and other socio-economic benefits. OIC notes that, as outlined in the Scottish Government Good Practice Principles, voluntary monetary payments to the community (or a Community Benefit Fund) are not related to the impacts from any planning (or other consent) application. It is therefore expected that the necessary mitigation, and funding of this mitigation, to address effects identified in the proposed development consent applications and EIAR, should be delivered in addition to a CBF.

OIC expects that an appropriate binding agreement will be established to guarantee the provision of a CBF. It is not proposed that this should be secured as a condition on consent.

Shipping and navigation

Relevant planning policies:

- NMP TRANSPORT 1, TRANSPORT 3 and TRANSPORT 6
- OIRMP Sector Policy 3: Shipping, Ports, Harbours and Ferries

With reference to the Orkney Islands Council Harbour Authority (OICHA) Ballast Water Management Policy for Scapa Flow (<https://www.orkneyharbours.com/documents/oicha-ballast-water-management-policy-for-scapa-flow>) it is noted that the area covered by this proposed development is minimal and therefore should not cause any problems to shipping and navigation. If this proposed development goes ahead OICHA would amend the Policy to include a statement that there is an offshore wind turbine site in the location that would be inside the Eastern Exchange Zone, as defined in the Policy.

With reference to vessels sheltering or laying up in the Sinclair's Bay area (east coast of Caithness), as mentioned in previous comments this area is outside of OICHA Statutory Harbour Area, but we do know that vessels of all sizes use this area on a regular basis to lay up due to weather or similar conditions. In the advent of a large tanker / vessel OICHA have used this area in the past for embarkation / disembarkation of Harbour Authority marine pilots. This is unlikely to happen more than six times per annum, but along with other marine traffic it should be noted. It is suggested that that during construction, (in particular) due to the increased number of vessels in the area, very careful surveillance and details such as regular updates via Notice to Mariners should be made available. This, ultimately, is for the Maritime and Coastguard Agency to consider and take any action as they see fit.

Commercial Fisheries

OIC note that the Orkney Fisheries Association has been consulted as requested in the OIC EIA Scoping response. The Applicant should consult the Orkney Regional Inshore Fisheries Group in accordance with the Scoping opinion and OIRMP: *Commercial Fishing Policy*.

Seascape, Landscape and Visual Impacts

Relevant planning policies:

- NMP GEN 7: Landscape/seascape
- NMP REC & TOURISM 5
- NPF4 Policy 4c: Natural Places
- NPF4 Policy 11e: Energy
- OLDP Policy 9c: Natural Heritage and Landscape
- OLDP Policy 10a: Core Paths and Access
- OIRMP General Policy 10a: Seascape and Landscape
- OIRMP General Policy 14: Amenity, Wellbeing, and Quality of Life of Local Communities
- OIRMP Sector Policy 7: Tourism, Recreation, Leisure and Sport

It is acknowledged that Seascape, Landscape and Visual Impact Assessment (SLVIA) has assessed the maximum design scenario which includes the maximum height of the Wind Turbine Generators (WTGS), at 356 metres to blade tip height, and a maximum number of WTGs (40) (25 MW Wind turbine Option) sited within the Option Agreement Area resulting in the in the most extensive Zone Theoretic Visibility (ZTV).

NatureScot determined that the requested additional viewpoint within the West Mainland Natural Scenic Area (NSA) did not need to be assessed in the EIA. NatureScot were '*content for an assessment of effects on the Special Landscape Qualities of the Hoy and West Mainland NSA to be scoped out*'. However, NatureScot required that the wirelines of the viewpoints in the NSA provided to them should be included in the EIAR as '*they provide an understanding of the visibility of the proposal from this wider area*'. The wirelines for the NSA, however, are not available to view in the EIA in Volume 3, Technical Appendix 20.2: Seascape, Landscape and Visual Impact – Accompanying Graphics. Therefore, it is not possible for OIC to provide a view on the visibility of the proposed development in the NSA.

The SLVIA identifies significant adverse impact on Seascape and Landscape receptors in Orkney as follows:

- Viewpoint 1 – Stywick Bay, Sanday (Moderate adverse)

- Viewpoint 3 – Housebay, Stronsay (Moderate adverse)
- Viewpoint 7 – B9050, Deerness (Moderate adverse)
- Viewpoint 10 – Grimness, South Ronaldsay (Moderate adverse)
- Viewpoint 11 – Windwick Bay, South Ronaldsay (Moderate adverse)
- Viewpoint 12 – Ferry Link (Aberdeen – Orkney Ferry) (Moderate adverse)
- Viewpoint 15 – Orkney to Shetland Ferry Link (Moderate adverse)

OIC considers that impacts on these viewpoints will be of at least moderate adverse significance in relation to direct impacts from the proposed Ayre Offshore Wind Farm.

A cumulative impact assessment (CIA) has been undertaken. Table 20.22 provides a List of Other Projects Considered within the CIA for Seascape, Landscape and Visual Resources. This includes the Buchan, Caledonia and Stromar Offshore Windfarms. Seascape, landscape and visual effects associated with the proposed development, together with the effects from other relevant projects and activities, are likely to be significant. OIC recommend that onshore windfarms (Tier 2/Tier 3 and 4) within the study area be included and assessed in the SLVIA cumulative assessment. OIC recommend that the cumulative impacts associated with the following onshore windfarms be assessed:

- Ore Brae, Hoy
- Holodykes
- West Hill, Flotta
- Burgar Hill
- Hammars Hill
- Hammars Hill Extension
- Rennibister
- Crowness Business Park
- Kingarly Hill
- Northfield, Burray
- Hoy Community
- Costa Head
- Quanterness
- Hesta Head
- Nisthill

In addition, it is recommended that the applicant review the list of onshore wind farms currently within the planning system to ensure that an up to date CIA is carried out.

The assessment includes embedded mitigation such as:

- Development of, and adherence to, a Development Specification and Layout Plan (DSLPL). The development of the DSLPL includes consultation with the relevant authorities for approval, including the Maritime and Coastguard Agency (MCA) and Northern Lighthouse Board (NLB).
- Colouration of the Wind Turbines and blades to industry standard (light grey).
- Wind Turbines will be of identical form and rotor diameter.

The assessment however does not include any further mitigation for each impact, instead the developer acknowledges the significant effects and states '*No Additional Mitigation measures can be applied to mitigate the predicted long-term visual effect arising because of the Proposed Development.*'

OIC notes the commitment by the applicant to a Development Specification and Layout Plan (DSLPL). As part of the DSLPL, the proposed layout and spacing of the turbines should be located, sited and designed to minimise landscape and seascape adverse impacts on the identified Orkney viewpoints and landscape/seascape receptors in accordance with OIRMP General Policy 10a:

'Development and/or activities should be located, sited and designed to avoid, minimise and/or appropriately mitigate significant adverse impacts on the landscape, townscape and seascape characteristics and sensitivities identified in the Orkney and North Caithness Landscape Character Assessment, and should have regard to the natural and/or historic features that contribute to the quality of seascape and landscape.'*

Viewpoint 6, Scorradale Road, provides a line of sight to the proposed Ayre Offshore Wind Farm to the east and no line of sight to the proposed West of Orkney Wind Farm. The carpark/vehicle layby area/viewpoint 100m to the west of Viewpoint 6, on the brow of Scorradale Brae, has line of sight to the proposed Ayre Offshore Wind Farm and the consented West of Orkney Wind Farm. This location on the brow of the Scorradale Brae is an important viewpoint within the National Scenic Area that is likely to be impacted by cumulative landscape and visual effects.

Archaeology and Cultural Heritage

Relevant planning policies:

- NPF4 Policy 7: Historic assets and places
- NMP GEN 6: Historic Environment
- OIRMP General Policy 8: Historic Environment
- OLDP Policy 8: Historic Environment & Culture Heritage

This section of the OIC response addresses the EIA Marine Archaeology and Cultural Heritage chapters and supporting technical appendices. This response is only relevant to the parts of the EIA that relate to the Orkney Islands marine region and onshore historic assets in Orkney.

Technical Appendix 19.1: Marine Archaeology Technical Report

The contents of the Appendix are satisfactory, including the Methodology, the surveys and the Submerged Prehistory, Maritime and Aviation Archaeology Baselines as identified. The potential likelihood levels identified for prehistoric, marine and aviation archaeology are supported.

Chapter 19: Marine Archaeology

The Marine Archaeology Study Area, Legislative and Policy Context are supported. The Baseline Environment identified and Data Sources used for this are acceptable.

The potential impacts identified and those scoped out of the study are supported.

The criteria for medium magnitude of impact, outlined in Table 19.14, are questionable. “partial loss of/damage to key characteristics, features or elements; partial loss of cultural significance (Adverse)” is classed as “not adversely affecting integrity of resource” despite loss of or damage to key characteristics and cultural significance.

Otherwise, the definitions and criteria for sensitivity of asset and significance of effect are acceptable.

The Embedded Mitigations in section 19.9 are acceptable. Note that the mitigations must be implemented so that the significance of any effect is kept as minor or avoided completely, using the archaeological exclusion zones as proposed.

The assessment of inter-related effects, cumulative effects and transboundary effects is acceptable.

The proposed monitoring is satisfactory.

Appendix 33: Written Scheme of Investigation and Protocol for Archaeological Discoveries

The Written Scheme of Investigation and Protocol for Archaeological Discoveries is acceptable. It must be implemented and monitored as outlined in the Appendix.

Technical Appendix 21.1: Cultural Heritage and Technical Appendix 21.2: Cultural Heritage Technical Appendix supporting figures

The Cultural Heritage Study Area and the assets selected to represent heritage receptors are acceptable, except for the absence of the Italian Chapel.

The data sources summarised in Table 3.1 omit the National Record for the Historic Environment database. It would appear that it has been consulted occasionally via Canmore (as shown in References), but this is a standard desk-based resource that should always be consulted.

Despite this, the reasoning for choosing the cultural heritage receptors chosen (Table 5.1) and the description of their key attributes and setting (Section 6) are mostly sufficient for the purposes of the appraisal, although sometimes the importance of the sea to prehistoric and mediaeval assets, use as a navigational aid for example, or location by the sea because accessed from the sea not just land, or south-east oriented passages opening to the sea, is underestimated. Similarly, the requirement for open sea views from the Burray Ness Battery is underestimated, a fundamental requirement being the ability to spot aeroplanes as they approach.

This is especially important for Asset CH5, the Brough of Deerness, where the reasoning and the description omits one of its key characteristics as a Viking/Norse stronghold controlling the seaways on the eastern side of Orkney and thus a key aspect of its setting, with open views over the sea to the east. The appendix has not identified with what the Brough of Deerness has a “fortuitous aesthetic relationship”. The setting description of the Brough of Deerness includes that there “are open views to the North Sea to the west and south-west. To the north-west and north, Aukerry and Stronsay are visible, open views to the North Sea to the west and south-west”. The open views are all in the 180 degree view centred **eastwards** towards, not away from, the proposed development.

The supporting visualisations and wireframes in Appendix 21.2 are acceptable, except for the omission of a visualisation for CH13 Isbister Chambered Cairn and one for the Italian Chapel, which has not been identified as a CH asset. Both are highly important to the local tourist economy, but not included in the Socio-economics, Tourism and Recreation Chapter 18.

Chapter 21: Cultural Heritage

The Cultural Heritage Study Area is supported. The data sources summarised in Table 21.6 omit the National Record for the Historic Environment. It would appear that it has been consulted occasionally via Canmore (as shown in References), but this is a standard desk-based resource that should always be consulted.

The reasoning for the Heritage Assets selected to represent cultural heritage receptors. (Table 21.9) is mostly sufficient for the purposes of the appraisal, although the reason for the choice of assessing two barriers rather than one barrier and the Italian Chapel (including approaches to it) is not clear. The summary description of the asset within the reasoning column is mostly acceptable, although the “fortuitous aesthetic relationship” assigned to CH5 is not explained, nor is it stated what the relationship is with. If this is meant to be with sea views, these are not fortuitous, but key to the function of the site.

The key parameters for assessment are acknowledged and the impacts scoped out of the assessment are supported.

The definitions of magnitude of impact and significance of effect are acceptable. It is agreed that levels of moderate or above are considered significant effects in terms of the EIA Regulations.

The Adopted Embedded Mitigations are acceptable, although from the visualisations provided currently Mitigation ID 24 does not appear to have been applied and has not yet provided much of an appearance of uniformity and coherence from many heritage assets. It may be that this is not possible, in which case that must be stated.

The importance of the sea to some heritage assets and the magnitude of change to their setting is underappreciated, resulting in an underestimation of significance of impact on certain cultural heritage receptors. Even though the topics are different, the divergence of levels of impact assigned with those assigned to similar viewpoints in Chapter 20 (Seascape, Landscape and Visual Impact Assessment) is notable, especially when focussing on visual change.

It would appear that the array is classified as 'distant' in views, whether 22 km (e.g. Ward of Housebay) or over 50 km (e.g. Scad Head). This does not allow for clear differences in visibility and impact and is not acceptable.

The reasoning for assets where it is considered that the impact is underestimated and likely to be Significant is outlined below. It is recommended that these are reconsidered and reassessed.

CH1 Quoyness Chambered Cairn.

The open views to the south-east are important, both in the approach to the cairn and the view from the entrance to the passage. The impact of emerging from the passage into the open is as important as the axis of the passage, not just the constrained view from within the passage as posited.

The supporting visualisation clearly shows that the array would be central in the key view of the open sea to the south-east and all devices would be visible on the horizon, whether the towers or just hubs and blade tips. This is an asset that is promoted as a visitor attraction. There will be a noticeable change to a key axis and view that contributes to the understanding and experience of the asset and is higher than the negligible magnitude proposed, resulting in a Significant Effect.

CH2 Ward of Housebay

The cairn is reported as having a passage that was orientated towards the south-east, although it is not currently exposed.

Rather than the turbines appearing offset from the cairn during the approach and as distant recessive features, the supporting visualisation shows that the windfarm would be central in the south-east axis out to the open sea and all turbine towers, not just hubs and blades, would be visible on the horizon.

There will be a noticeable change to a key axis and view that contributes to the understanding and experience of the asset with an effect higher than the negligible magnitude proposed, resulting in a Significant Effect.

CH5 Brough of Deerness

The setting description includes open views to the North Sea to the west and south-west. This should be open views to the north-east, east and south-east. The analysis

of the asset does not include that whilst the Pictish period religious settlement is likely located here due to its isolation, the Norse period stronghold is deliberately sited here to look out over and control the eastern seaboard of Orkney.

These key aspects of the setting and the understanding and experience of the asset will be affected by the proposed development being visible across an extensive portion of this panorama of open seascape, with all turbines fully visible and prominent above the horizon. Therefore, the effect will be higher than the minor level proposed, resulting in a Significant Effect.

CH11 Burray Ness Ant-Aircraft Battery

Without a 40x25 MW photomontage to accompany the baseline photo and wireframe, it is not possible to properly assess the effect on the key understanding of this asset's function commanding the approaches from the east.

CH12 St Peter's Church and Cemetery

The analysis of the setting omits that many churches and graveyards in Orkney have coastal locations because they were accessed by boat as well as land, and this was a key part of how they functioned. Without a 40x25 MW photomontage to accompany the baseline photo and wireframe, it is not possible to properly assess the effect.

CH13 Isbister Chambered Cairn (Tomb of the Eagles)

The location of the tomb and the opening of its passage directly out to sea are key elements of the understanding, experience and appreciation of the asset. The tomb is open to the public and a promoted tourist destination. Without a 40x25 MW photomontage to accompany the baseline photo and wireframe, it is not possible to properly assess the effect on the asset, which could be Significant.

It is noted that the Cumulative Impact Assessment (CIA) does not include relevant onshore windfarms in Orkney, both existing and in the planning system, such as: Spur Ness, Sanday; Rothiesholm, Stronsay; Neven Point, Eday; and Hesta Head, South Ronaldsay. This is not satisfactory. Refer to the relevant comments above regarding the SLVIA/CIA.

The assessment of the effect on VP5 Balfour Castle with its associated Inventoried Garden and Designed Landscape in Chapter 20 (Seascape, Landscape and Visual Impact Assessment) is noted and supported.

It is noted that effects on neither the Tomb of the Eagles (Isbister) nor the Italian Chapel are included in Chapter 18 Socio-Economics, Tourism and Recreation (nor in Chapter 21 Cultural Heritage), despite the Italian Chapel being included in a list (18.6.30). Both of these are extensively promoted as visitor destinations. The list of nine Orkney attractions extracted from the Visit Scotland website is inadequate and a random selection of what is on the Visit Scotland portal and their interactive map, and does not reflect the range of cultural heritage attractions that is promoted in Orkney, or found on the Visit Scotland portal, which links through to 106 history- and archaeology-related attractions on Orkney.com. This is not satisfactory. Refer to the

relevant comments above regarding the identification of tourism and recreation assets.

Habitats Regulations – proposed compensation measures

Relevant planning policies:

- NMP GEN 9 Natural Heritage
- NMP GEN 13 Noise
- OIRMP General Policy 9: Nature
- OLDP Policy 9c: Natural Heritage and Landscape

Off-site compensation measures are proposed by the applicant, as shown in Table 5 of the Applicant’s Case for Derogation, below.

The Habitats Regulations Appraisal: Applicant’s Case for Derogation, does not identify any location within Orkney for delivery of the proposed compensation measures. Table 5 of the Applicant’s Case for Derogation identifies that selected island(s) would be chosen for target rat species eradication, to enhance target seabird breeding success at designated colony(ies).

The Applicant states: ‘Detailed evidence supporting proposed predator control compensation measures will be presented within an Ecological Evidence Report provided post-Application (alongside the Compensation Plan)’.

Table 5 provides an Overview of the Proposed Compensation Measures:

Compensation Measure and Species Covered	Measure Description
Rat Eradication Guillemot, razorbill and puffin	Eradicate target rat species (such as brown rats <i>Rattus norvegicus</i>) on selected island(s) in order to enhance target seabird breeding at designated colony(ies).
Mink Control Guillemot, razorbill, puffin, and kittiwake.	Implementation or continuation of a mink control programme, to maintain a reduced mink population across the control area.
Seabird Bycatch Reduction Gannet	This measure will decrease the bycatch mortality rates of gannet through the application of bycatch reduction techniques.

The Applicant states that to give Scottish Ministers confidence that the identified compensatory measures can be secured and will be effective, summary information on each measure and next steps has been provided in the Compensation Roadmap appended to the Derogation Case.

OIC notes that the Applicant intends to submit a detailed Compensation Plan post-application and prior to determination of the application. The Compensation Plan will present further detail on the potential sites, approach to securing delivery, and the organisations and partners which will help to deliver measures.

OIC notes that site selection for a rat eradication measure is currently underway, with engagement and negotiations to secure agreements with the relevant landowners and leaseholders ongoing. It is proposed that the Compensation Plan will set out the preferred site(s) for implementation, along with appropriate evidence such as site visit data, calculations for capacity, and written agreements with necessary parties. OIC requests that should sites in Orkney be proposed for such compensation measures, engagement with OIC takes place to ensure that the proposed compensatory measures and associated impacts on the Orkney environment, cultural heritage and communities are appropriately addressed.

It is proposed by the applicant that the requirement to implement compensatory measures can be secured by means of a suspensive condition on the Section 36 Consent and Marine Licences. OIC notes the alternative proposal that a payment to a Marine Recovery Fund could be made wholly or partly in substitution for the implementation of the compensatory measures. OIC agree that a suspensive condition would be appropriate.

Biodiversity and Environmental Enhancement

Relevant planning policies:

- NPF4 Policy 3b (Biodiversity)
- NMP GEN 9: Natural heritage
- OIRMP General Policy 3: Climate Change
- OIRMP General Policy 9: Nature

National Marine Plan policy GEN9 (c) states that *development and use of the marine environment must protect and, where appropriate, enhance the health of the marine area*. National Marine Plan, para. 4.40, states that *marine planners and other decision makers should act in the way best calculated to further the achievement of sustainable development and use, including the protection and, where appropriate, enhancement of the health of the Scottish marine area*. This reflects the statutory duty on Scottish Ministers and public authorities in Marine (Scotland) Act 2010, section 3.

OIRMP General Policy 9 b i. states that *proposals for development and/or activities should contribute, where appropriate, to the enhancement and/or restoration of the coastal and/or marine environment utilising best practice assessment and implementation methods*.

Marine restoration and enhancement proposals delivered as part of the proposed development should have regard to the appropriate guidance provided by NatureScot. Marine and coastal enhancement framework:

<https://www.nature.scot/professional-advice/land-and-sea-management/managing-coasts-and-seas/marine-enhancement>

Mitigations associated with the Project's Offshore Infrastructure are listed in Offshore EIA Volume 3, Technical Appendix 4.6 Schedule of Mitigation and Commitments. These include a range of measures such as implementation, management and monitoring of cable protection; adherence to a Navigational Safety and Vessel Management Plan and the development and adherence to an Entanglement Management Plan. The Applicant has also committed to the development of and adherence to an Environmental Management Plan (EMP). All these measures seek to protect the marine environment, its flora and fauna, through appropriate mitigation. However, within the EIAR, there are limited marine environmental enhancement proposals.

The Applicant proposes that specific enhancement proposals will be determined post consent as Matters Specified in Conditions, these include:

- *planning for Biodiversity Enhancement: the Project will go beyond simply avoiding environmental deterioration, aiming to deliver a net gain in biodiversity compared to the existing baseline for the onshore works. This will be assessed by professional ecologists.*
- *taking a phased approach: the exact form of enhancement will depend on design elements still in development, such as the final route of the onshore cables and the layout of the Substation. These details will be confirmed at the Matters Specified in Conditions stage of the planning process.*
- *responding to Planning Requirements: The Project is expected to be subject to planning conditions which will include requirements for detailed landscaping and biodiversity proposals as part of the Matters Specified in Conditions for the onshore elements. The Project is prepared to meet these expectations with plans to enhance local habitats and biodiversity.*

The Technical Appendix 18.2: Socio-economic, Tourism and Recreation Onshore and Offshore Technical Report states that '*biodiversity enhancement is a fundamental part of the Applicant's approach and embedded in the Project design*'. However, no specific proposals for marine enhancement have been proposed. In accordance with NMP policy GEN9 (c) and OIRMP General Policy 9 b i. on marine environmental and biodiversity enhancement, it is recommended that appropriate marine enhancement measures be secured as part of the relevant consents utilising best practice assessment and implementation methods. Potential options which have been utilised elsewhere which are not explored by the applicant include artificial reef creation through reef friendly rock placement/scour protection and cable materials, attachment of reef cages to foundations, marine litter removal projects, and the delivery of off-site restoration projects (e.g. native oyster bed restoration), for example.

Marine environmental enhancement measures could be identified and secured through these consent applications, including proposals within the Orkney Islands marine region.

Marine Physical and Coastal Processes, Water and Sediment Quality

Relevant planning policies:

- NMP GEN 10: Invasive and Non-Native Species
- NMP GEN 12: Water Quality and Resource
- NMP GEN 21: Cumulative Impacts
- NMP Cables 1
- NMP Cables 2
- NMP Cables 4
- OIRMP General Policy 6i: Water environment
- OIRMP General Policy 7b: Coastal processes

OIC broadly agree with the assessment of impacts made within the Physical Processes Chapter. Overall, it is concluded that there will be no likely significant environmental effects arising from the Proposed Development during the construction, O&M or decommissioning phases on physical processes receptors.

It should be noted that where scour protection is used, methods for combining this with biodiversity enhancement techniques (e.g. reef friendly materials) should be considered. See Biodiversity Enhancement comments above for further information.

Benthic Subtidal and Intertidal Ecology

Relevant planning policies:

- NMP GEN 9: Natural heritage
- NMP GEN 10: Invasive and non-native species
- NPF4 Policy 3 Biodiversity
- NPF4 Policy 4 Natural places
- OIRMP General Policy 6i: Water environment
- OIRMP General Policy 9: Nature
- OIRMP General Policy 13: Non-native and Invasive Non-native Species

The impacts assessed include:

- temporary habitat loss and/or disturbance;
- long term habitat loss and/or disturbance;
- introduction of artificial structures and subsequent colonisation;
- changes to SSC, bed levels and sediment type;
- changes in physical processes;
- increased risk of introduction and spread of INNS;

- removal of hard substrates; and
- impacts to benthic ecology due to EMFs.

Overall, it is concluded that there will be no likely significant environmental effects arising from the Proposed Development during the construction, O&M or decommissioning phases.

Regarding Invasive and non-native species, protocols such as The Great Britain Invasive Non-native Species Strategy and relevant policies listed above should be adhered to minimise any further introduction or spread of INNS. The prevention aspect of the three-stage approach (Prevention, Rapid Response, Control) is particularly important as, in most cases, it would not be possible to control a species once it has been introduced. Within Great Britain, the Non-Native Species Secretariat provides biosecurity advice to prevent the spread of invasive plants and animals in British waters and many of the best practice measures are applicable to the marine environment. The final Environmental Management Plan should identify areas where further action is needed.

Fish and Shellfish Ecology

Relevant planning policies:

- NMP GEN 9: Natural heritage
- OIRMP General Policy 9: Nature

The impacts assessed include:

- Temporary habitat loss and/or disturbance;
- Long term habitat loss and/or disturbance;
- Introduction of artificial habitat and subsequent colonisation of hard structures;
- Increased SSCs and associated deposition;
- Subsea noise impacting fish and shellfish receptors;
- Impacts to fish and shellfish receptors due to EMF;
- Impacts to fish and shellfish receptors due to entanglement;
- Accidental pollution to the surrounding environment.

Overall, it is concluded that there will be no likely significant environmental effects arising from the Proposed Development during the construction, O&M or decommissioning phases.

Although a likely significant effect (moderate adverse) was concluded for the herring Important Ecological Feature (IEF) resulting from piling during the construction phase. Mitigation measures within the Piling Strategy will be agreed as part of a stepped strategy post consent. It is expected by the Applicant that the mitigation measures will reduce the significance of effect to minor adverse which is not significant in EIA terms.

Marine Mammals and Megafauna

Relevant planning policies:

- NMP GEN 9: Natural heritage
- OIRMP General Policy 9: Nature
- OIRMP General Policy 11: Surface and Underwater Noise, and Vibration

No significant effects apart from cumulative disturbance from subsea noise generated during piling for harbour porpoise only. No Comment from OIC.

Summary of the key issues identified in the Council consultation response

Socio-economic impacts:

- It is requested that Orkney is defined as a separate socio-economic study area, and this should be supported by Orkney specific baseline data, impact assessments and mitigation to adequately address socio-economic impacts on Orkney communities.
- The response welcomes that the applicant has committed to deliver a Workforce Strategy and states that this strategy should be taken forward with close engagement with Orkney Islands Council (OIC) and representatives of the relevant Orkney supply chain to maximise opportunities for local training, apprenticeships and associated economic development benefits in Orkney.
- It is recommended that the Schedule of Mitigation and Commitments be updated to include a Workforce Strategy.
- The tourism and recreation impact assessment should include identified assets in North Ronaldsay, Sanday, Stronsay, Deerness, Copinsay, Holm, Lambs Holm, Burray and South Ronaldsay.

Housing and accommodation availability:

- The impact of the proposed development on Orkney housing and accommodation provision needs to be understood in the context of the current significant shortage of housing/accommodation and the high demand for housing for key workers.
- The response welcomes that the applicant has committed to deliver an Accommodation Strategy, and states that OIC will need to be closely engaged in the development of this Strategy to ensure that it is fit for purpose and that it identifies appropriate measures to address impacts on local accommodation provision and the housing market. These measures should seek to maximise long term housing legacy benefits for Orkney communities.

Community benefit:

- It is welcomed that the applicant proposes to establish a Community Benefit Fund (CBF).
- The Orkney Islands are a principal host community for the proposed offshore wind farm development and should significantly benefit from the utilisation of the associated natural resources via a commensurate community benefit package.

- It is recommended that a bespoke approach to community benefit be taken forward for Orkney in response to Orkney's circumstances and priorities including investment in physical infrastructure and connectivity. The proposed community benefit package should seek to address Orkney Community Planning Partnership and wider community priorities.
- OIC recommend that a CBF, associated governance and implementation strategy should be further developed in line with identified OIC policy, the Scottish Government Good Practice Principles for Community Benefits from Offshore Renewable Energy Developments, any emerging relevant government policy and/or legislation, and in close collaboration with OIC, Community Councils and the wider Orkney community.

Shipping and navigation:

- Orkney Islands Council Harbour Authority (OICHA) has confirmed that the proposed development will have minimal effect on the operation of the Eastern Exchange Zone identified in Ballast Water Management Policy for Scapa Flow. If the proposed development goes ahead, OICHA would amend the Policy to include a statement that there is an offshore wind turbine site in the location that would be inside the Eastern Exchange Zone, as defined in the Policy.
- OICHA has recommended how the applicant can address shipping and navigation matters for vessels sheltering or laying up in the Sinclair's Bay area (east coast of Caithness).

Commercial fisheries:

- OIC note that Orkney Fisheries Association has been consulted as requested in the OIC EIA Scoping response. The Applicant should consult the Orkney Regional Inshore Fisheries Group in accordance with the Scoping opinion and OIRMP: Commercial Fishing Policy.

Seascape, landscape and visual impacts:

- OIC considers that impacts on the identified Orkney viewpoints will be of at least moderate adverse significance in relation to direct impacts from the proposed Ayre Offshore Wind Farm.
- OIC recommend that onshore windfarms within the study area be included and assessed in the Seascape, Landscape and Visual Impact Assessment's (SLVIA) consideration of cumulative impacts.

Archaeology and Cultural Heritage:

- The Cultural Heritage Study Area and the assets selected to represent heritage receptors are acceptable, except for the absence of the Italian Chapel.

- The supporting visualisations and wireframes in Appendix 21.2 are acceptable, except for the omission of a visualisation for CH13 Isbister Chambered Cairn and one for the Italian Chapel, which has not been identified as a cultural heritage asset.
- It is recommended that identified cultural heritage assets be reassessed where OIC consider that impact has been underestimated and is likely to be significant.
- OIC recommend that onshore windfarms within the study area be included and assessed in the Cultural Heritage Impact Assessment's consideration of cumulative impacts.

Habitats Regulations proposed compensation measures:

- To deliver measures to compensate for identified impacts on birds, the Applicant's Case for Derogation states that selected island(s) would be chosen for target rat species eradication, to enhance target seabird breeding success at designated colony(ies).
- OIC requests that should sites in Orkney be proposed for such compensation measures, engagement with OIC takes place to ensure that the proposed compensatory measures and associated impacts on the Orkney environment, cultural heritage and communities are appropriately addressed.

Biodiversity/environmental enhancement:

- In accordance with National Marine Plan policy GEN9 (c) and Orkney Islands Regional Marine Plan General Policy 9 b i., it is recommended that appropriate marine biodiversity and environmental enhancement measures be secured as part of the relevant consents utilising best practice assessment and implementation methods.