

Marine Scotland Licencing and Operations Team
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

Friday, 20 May 2016

Dear Sir/Madam,

Application for Section 36 Consent under the Electricity Act 1989 (as amended) for the development of the 200MW Brims Tidal Array Project and Marine Licence under Section 25 of the Marine (Scotland) Act 2010 for the construction, deposit and operation of infrastructure for the 200MW Brims Tidal Array Project.

The Applicant

Brims Tidal Array Ltd (BTAL) is a joint venture partnership between SSE Renewables and OpenHydro Site Development Ltd. The sole purpose of BTAL is to progress the development of the tidal array project at Brims Ness. The company was awarded an Agreement for Lease (AfL) for the site by The Crown Estate (TCE) in 2010 which provides it with exclusive rights to investigate the feasibility of developing a commercial scale tidal energy array on the site.

Further information on BTAL can be found in Section 1.2 of the accompanying Environmental Statement (ES).

BTAL hereby submits an application ('the Application') for Section 36 and Marine Licence under the following acts:

- **Electricity Act 1989 (as amended)**
 - The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended)
 - The Electricity (Applications for Consent) Regulations 1990 (as amended)
 - The Energy Act 2004 (as amended)
- **Marine (Scotland) Act 2010**
 - The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)

The Project

The Brims Tidal Array Project will comprise of between 100 and 200 fully submerged tidal turbines and associated infrastructure, with a maximum installed capacity of 200MW. Electricity generated by the turbines will be transmitted to the national grid network via a series of inter-array, marine export cables and onshore cables.

The Project will consist of two stages. Stage 1 will have a maximum installed capacity of 30MW and Stage 2 will have a maximum installed capacity of 170MW. Both stages are covered by this application and accompanying ES.

This Application (and accompanying documentation) focusses on the offshore components of the Brims Tidal Array Project (up to Mean High Water Springs (MHWS)). Details of further consents to be applied for is provided under Other Consent below. The consent being sought is for 25 years (2019 – 2044) which is the duration of the project.

The Project is located to the south of Hoy in Orkney and within The Crown Estates Pentland Firth and Orkney Waters Strategic Area. It comprises of the Agreement for Lease (AfL) area and three offshore cable corridors. See enclosed plans (Appendix 1) showing the Project extent and location, level of MHWS and adjacent conservation sites.

Further detail is provided in ES Chapter 1 Introduction and ES Chapter 5 Project Description.

Documentation Enclosed and Application Fee

A hard copy of the following documents are enclosed (electronic copies have also been made available):

- Marine Licence Application Form
- Offshore Plans
 - Admiralty Chart with Project location
 - Admiralty Chart with Project location and designated sites
 - 1:10,000 Ordnance Survey map with Project location, MHWS and designated sites
- Environmental Statement and supporting documents
- Non-Technical Summary
- Habitat Regulations Appraisal Report

A copy of the Newspaper Advert is also provided. Details of where the advert has been placed is provided under Public Notices and Viewings below.

Following submission of these documents, Marine Scotland Licencing Operations Team (MS-LOT) will invoice the Applicant for the following fees:

- £43,265 For the Marine Licence Application
- £24,000 For the Section 36 application

Pre Application Consultation

The Marine Licensing (PAC) (Scotland) Regulations 2013 came into force on 1 January 2014 and apply to all relevant marine licence applications submitted to Marine Scotland Licensing Operations Team (MS-LOT) on or after 6 April 2014.

In compliance with the PAC Regulations, two public exhibition events were held in Orkney in July 2015. The first was held in Kirkwall Town Hall on 22 July 2015, and the second was held in North Walls Community School on 23 July 2015. During these events project information was presented on display boards allowing attendees to browse the information in their own time. The Project team were present to answer any questions or queries and to collect feedback from stakeholders.

In compliance with PAC requirements, the events were advertised in the Orcadian Orkney newspaper. Stakeholders were also notified 6 weeks in advance of the events. Full details of the events and feedback can be seen in the Appendices of the BTAL Pre-Application Consultation 2015 Report.

The Public Consultation Event Report (ES Vol. 3, Supporting Document: BTAL, 2015a) provides further information on these events.

Full details of pre-application consultation carried out is provided in ES Chapter 6 Consultation Process.

Other Consent

This Application (and accompanying documentation) focusses on the following offshore components of the Project (up to Mean High Water Springs (MHWS)):

- All offshore aspects of the Project including tidal turbines and turbine support structures;
- Electrical infrastructure - inter-array and export cables, and subsea cable connection hubs; and
- Landfall for export cables (up to Mean High Water Springs (MHWS)).

In addition to the components described above, the Project will also consist of the following onshore components:

- Cable landfall above Mean Low Water Springs (MLWS), and transition pit;
- Onshore underground cable route;
- Temporary works including construction compound(s) and laydown areas to facilitate landfall works;
- Possible road access improvements; and
- Onshore substation.

The onward connection of the project to the wider transmission network is the responsibility of SHE-T.

The Applicant will apply for planning permission for the onshore components of the Project through the Orkney Islands Council (OIC) under the appropriate Town and Country Planning (Scotland) Act 1997. As explained in ES Chapter 1 Introduction, at this stage in the consenting process, as the grid connection point is still to be confirmed by Scottish Hydro Electric Transmission Ltd (SHE-T), it has not been possible to progress the design of the onshore components in sufficient detail to enable a full EIA to be carried out at this stage. BTAL are currently progressing with the design, EIA and planning application of the Onshore Project (see ES Chapter 21).

ES Section 1.6 and ES Chapter 21 provide further information on the consenting strategy, the Onshore Project and the onward grid connection requirements.

Public Notices and Viewings

The Environmental Statement (and associated documents) will be made available for public viewing at the following locations:

- Longhope Post Office, Longhope, Stromness
- Kirkwall Public Library, Kirkwall
- Marine Laboratory Library, Aberdeen
- Scottish Government Library, Edinburgh

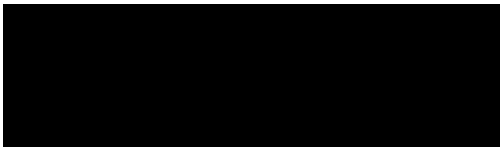
Public notices advertising the application will be placed as follows:

- The Orcadian
- The Edinburgh Gazette
- The Herald

Public notices will be displayed twice over two consecutive weeks in all papers with dates to be confirmed prior to formal submission.

The public notices will advise on how representations on the application can be made to MS-LOT and confirm the deadline for making representations. (See Appendix 2 for a copy of the draft public notice.)

Yours faithfully,



Robert East

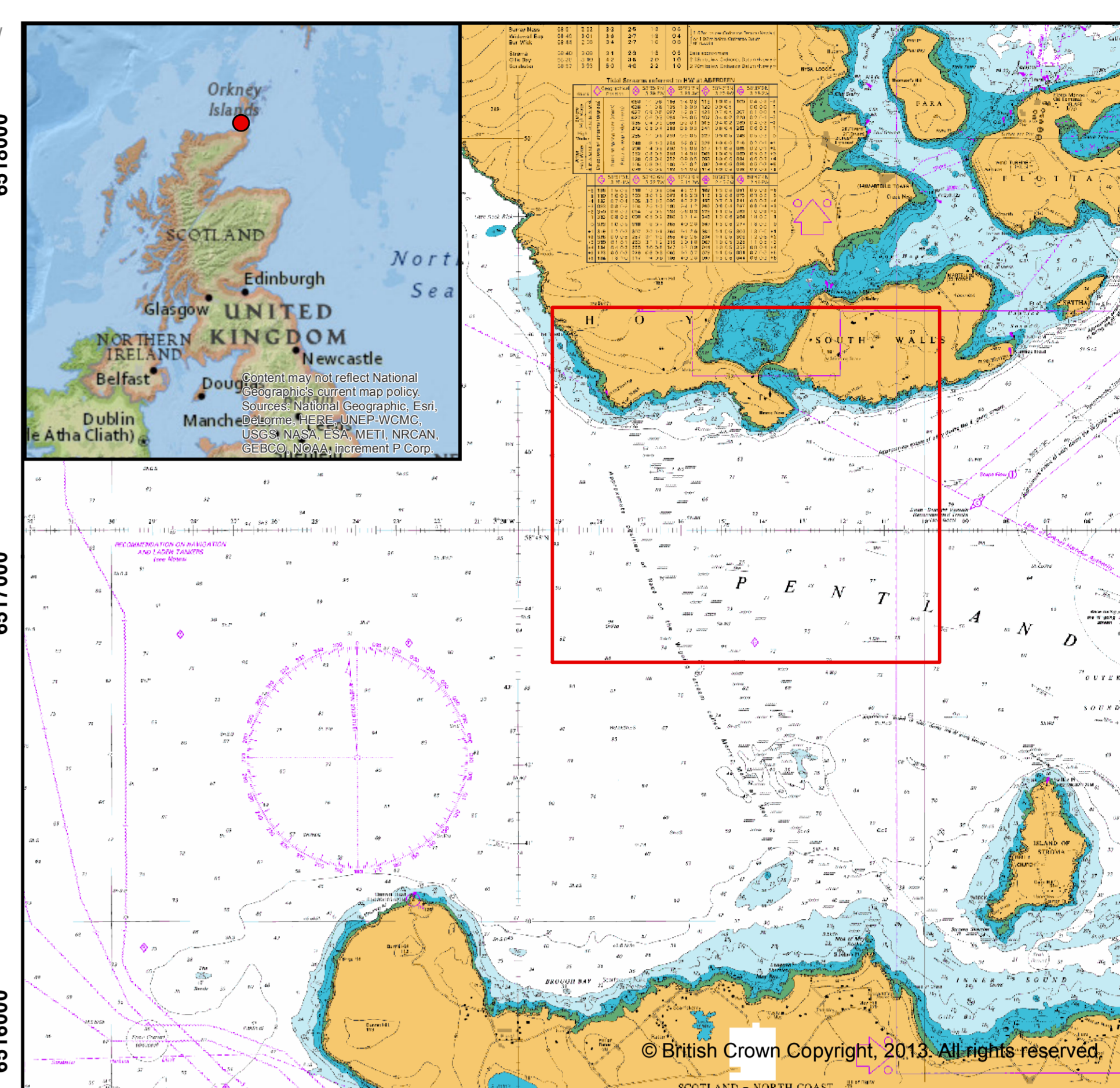
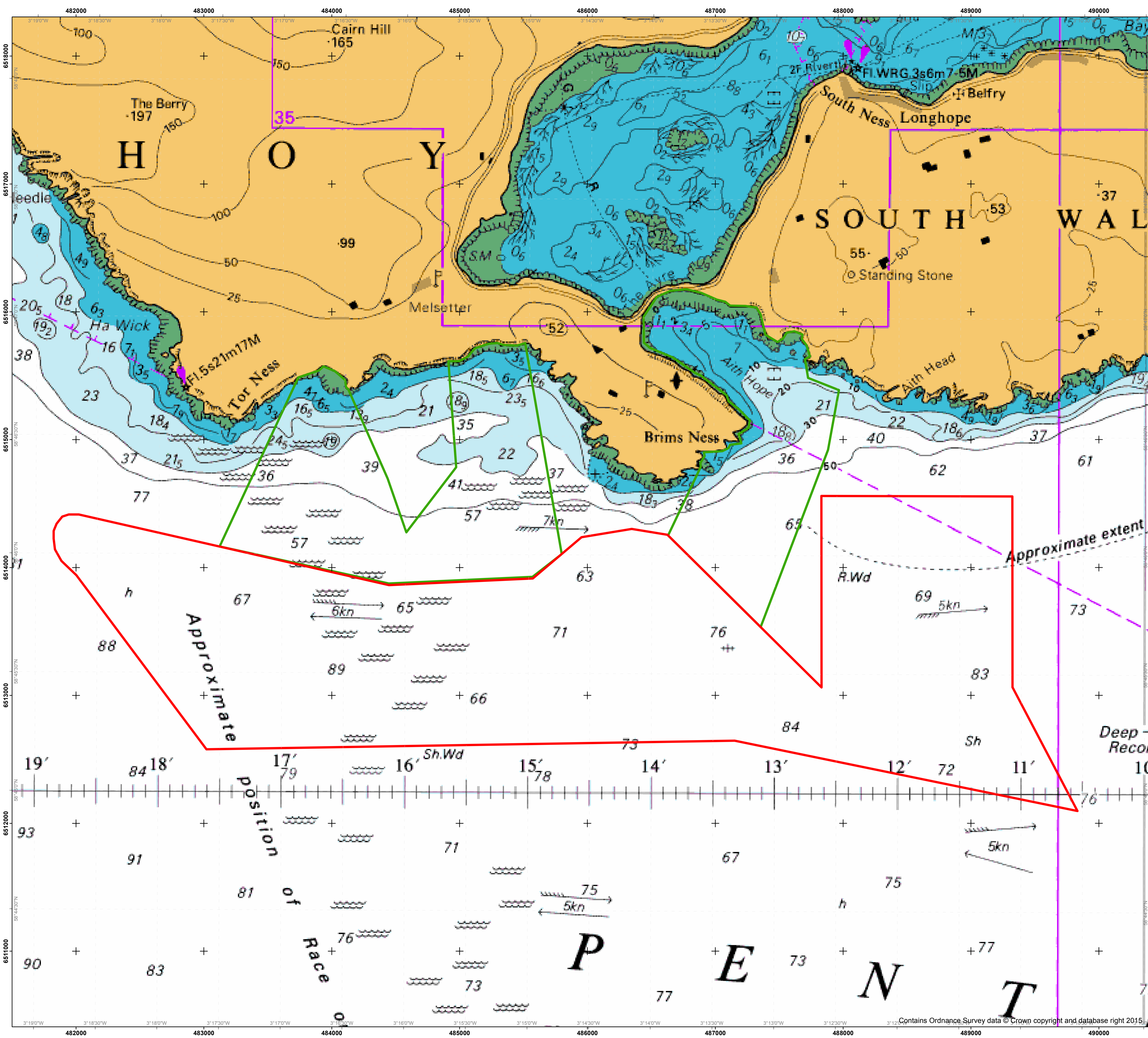
UK Development Manager

For and on behalf of Brims Tidal Array Limited

Email: robert.east@openhydro.com

Tel: +44 (0) 7917 061977

Appendix 1 – Application Plans



Brims Ness A0 Site Map

Date Printed: 10 May 2016

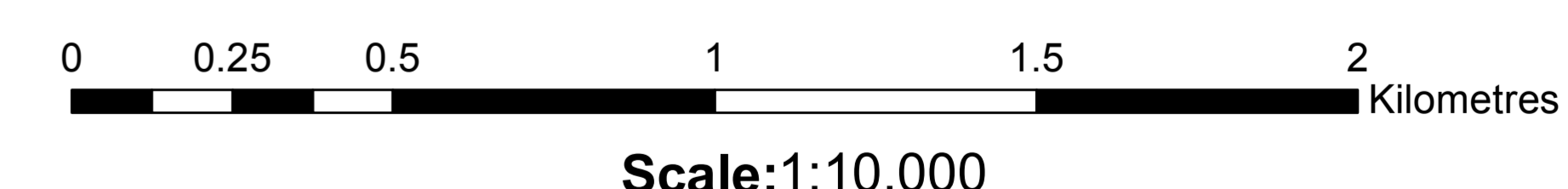


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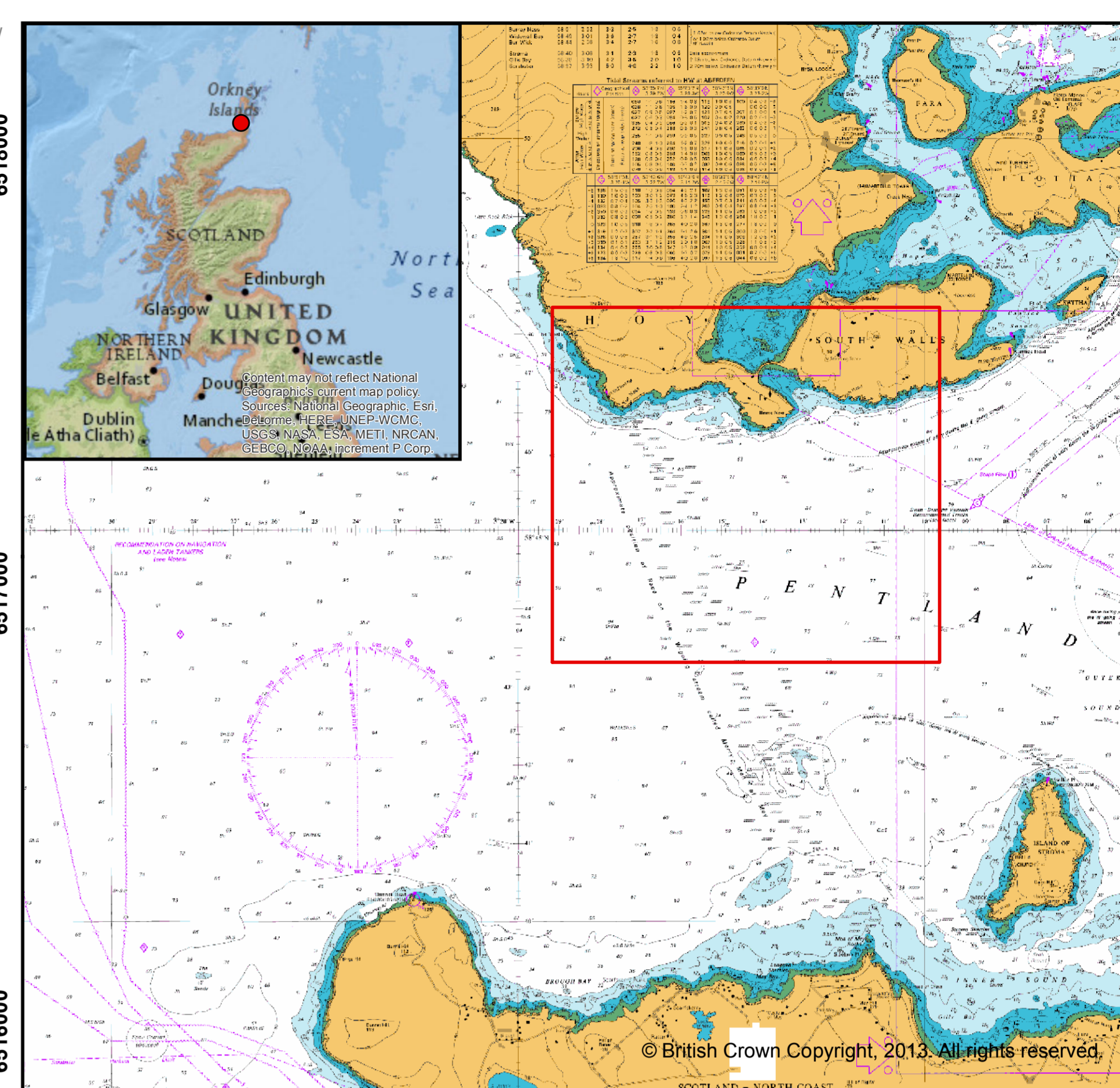
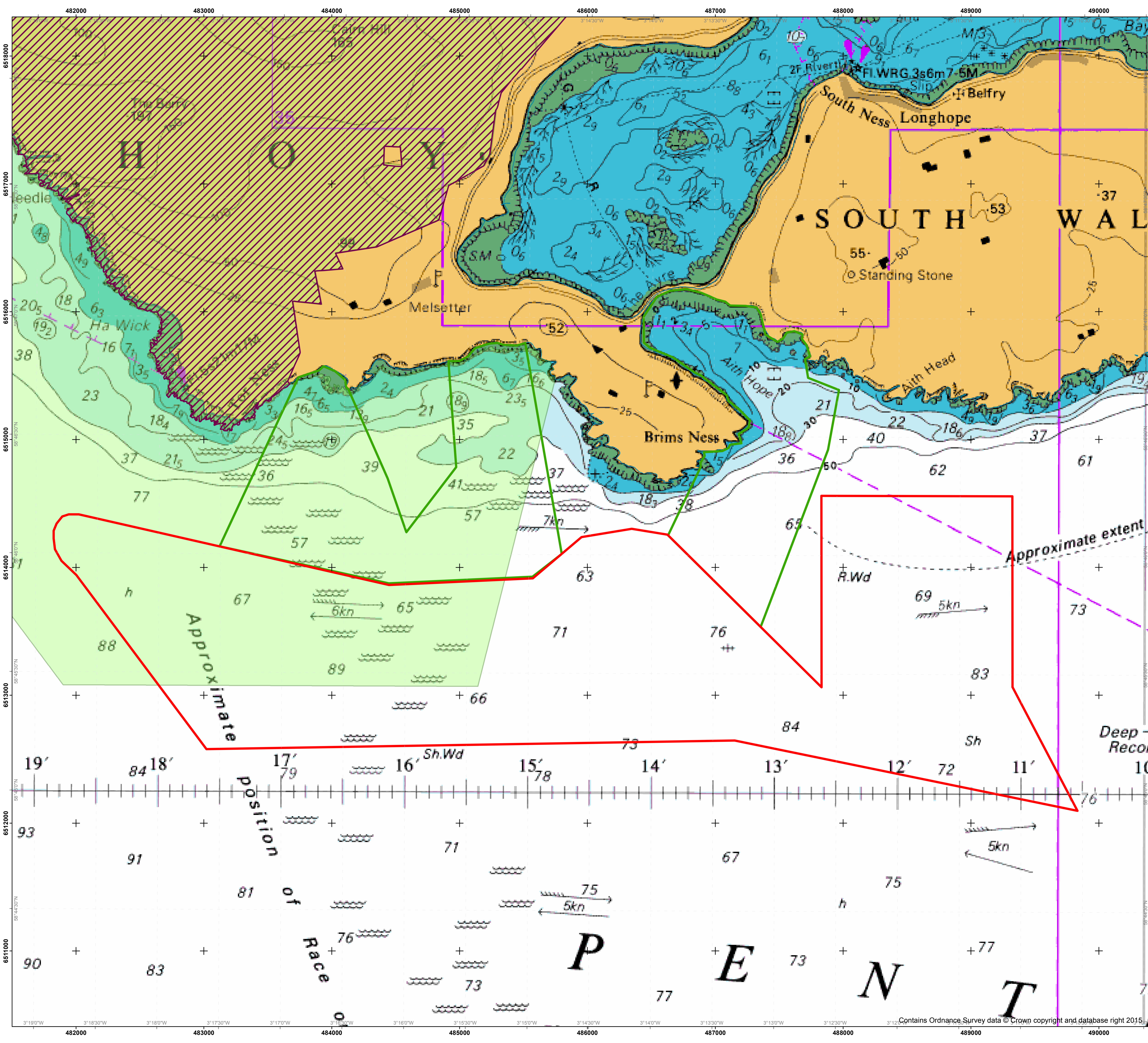
- Brims Ness Afl
- Potential Cable Corridor

Area For Lease		Western Cable Corridor	
Easting [m]	Northing [m]	Easting [m]	Northing [m]
487831.8	6514561.2	484447.6	6513862.1
487832.9	6513069.1	485571.8	6513914.6
486627.8	6514253.4	485798.7	6514105.7
486344.6	6514298.9	485513.7	6515754.1
485956.8	6514233.5	484914.8	6515605.3
485573.9	6513912.0	484973.7	6514784.7
484445.7	6513860.6	484583.3	6514275.6
482013.2	6514416.8	484437.8	6514695.2
481943.6	6514417.1	484143.4	6515353.6
481879.9	6514395.1	MHWS	MHWS
481839.2	6514339.6	483740.2	6515459.2
481821.6	6514284.1	483122.5	6514164.2
481821.3	6514228.4	Eastern Cable Corridor	
481826.7	6514139.3	Easting [m]	Northing [m]
481884.1	6514049.9	487354.9	6513534.5
481999.3	6513938.0	487882.1	6514920.1
483022.9	6512575.0	487966.5	6515387.9
487154.6	6512648.2	487726.1	6515483.5
489826.4	6512094.6	487700.3	6515635.9
489325.6	6513064.7	MHWS	MHWS
489323.9	6514556.8	486898.3	6514849.1
		486631.5	6514253.8

Warning: Not to be used for navigational purposes



Geodetic Parameters
 Coordinate System: WGS 1984 UTM Zone 30N
 Projection: Transverse Mercator
 Datum: WGS 1984
 False Easting: 500,000.0000
 False Northing: 0.0000
 Central Meridian: -3.0000
 Scale Factor: 0.9996
 Latitude Of Origin: 0.0000
 Units: Metre



IM_01559 Brims Ness A0 Site Map

Date Printed: 10 May 2016

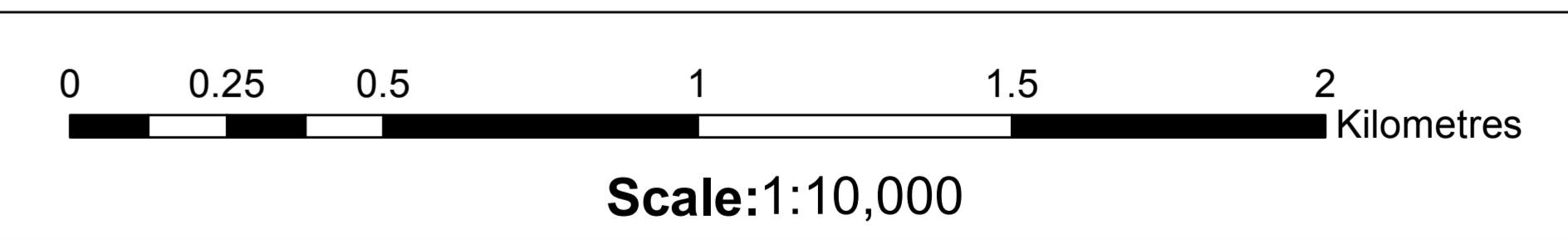


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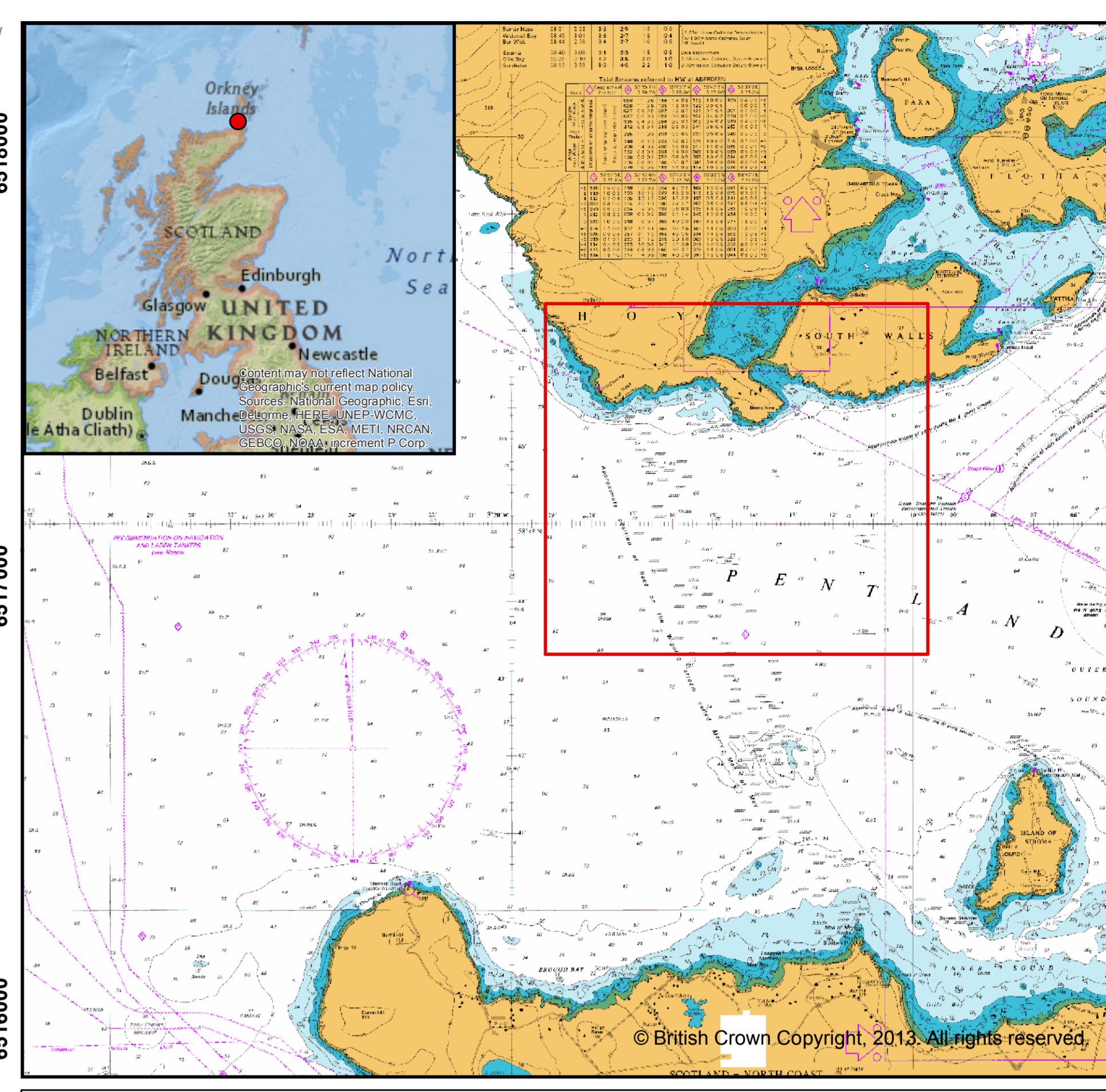
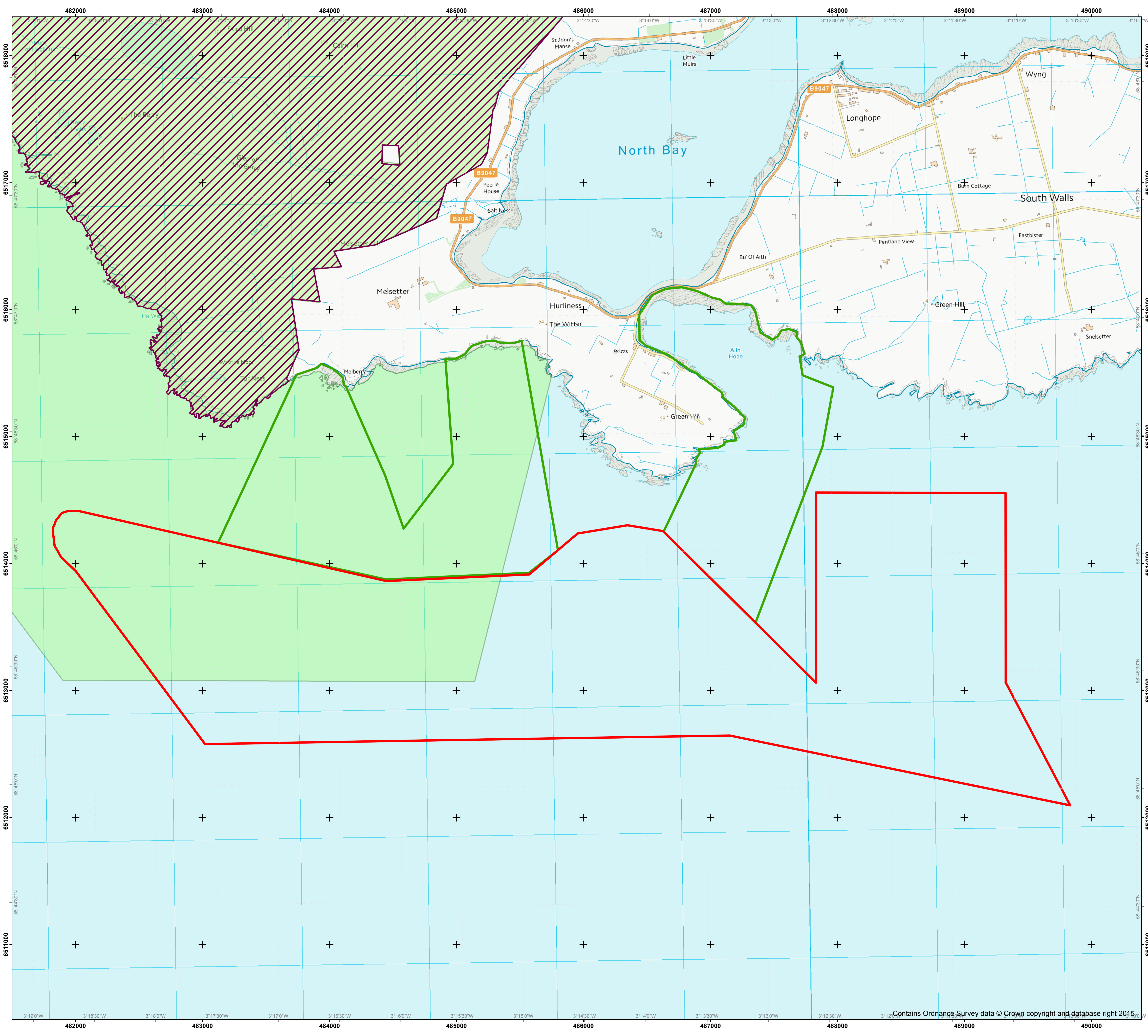
- Brims Ness Afl
- Potential Cable Corridor
- SSSI
- SPA
- MHWS Level

Area For Lease				Western Cable Corridor	
Easting [m]	Northing [m]	Easting [m]	Northing [m]	Easting [m]	Northing [m]
487831.8	6514561.2	484447.6	6513862.1	487832.9	6513069.1
487832.9	6513069.1	485571.8	6513914.6	486627.8	6514253.4
486627.8	6514253.4	485798.7	6514105.7	485956.8	6514233.5
486344.6	6514298.9	48513.7	6515754.1	485573.9	6513912.0
485956.8	6514233.5	484914.8	6515605.3	484445.7	6513860.6
485573.9	6513912.0	484973.7	6514784.7	482013.2	6514416.8
484445.7	6513860.6	484583.3	6514275.6	481943.6	6514417.1
482013.2	6514416.8	484437.8	6514695.2	481879.9	6514395.1
481943.6	6514417.1	484143.4	6515353.6	481839.2	6514339.6
481879.9	6514395.1	484143.4	6515353.6	481821.6	6514284.1
481839.2	6514339.6	484143.4	6515353.6	481821.3	6514228.4
481821.6	6514284.1	484143.4	6515353.6	481826.7	6514139.3
481821.3	6514228.4	484143.4	6515353.6	481884.1	6514049.9
481826.7	6514139.3	484143.4	6515353.6	481999.3	6513938.0
481884.1	6514049.9	484143.4	6515353.6	483022.9	6512575.0
481999.3	6513938.0	484143.4	6515353.6	487154.6	6512648.2
483022.9	6512575.0	484143.4	6515353.6	489826.4	6512094.6
487154.6	6512648.2	484143.4	6515353.6	489325.6	6513064.7
489826.4	6512094.6	484143.4	6515353.6	489323.9	6514556.8
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IM_01559 Brims Ness Site Map
Date Printed: 10 May 2016



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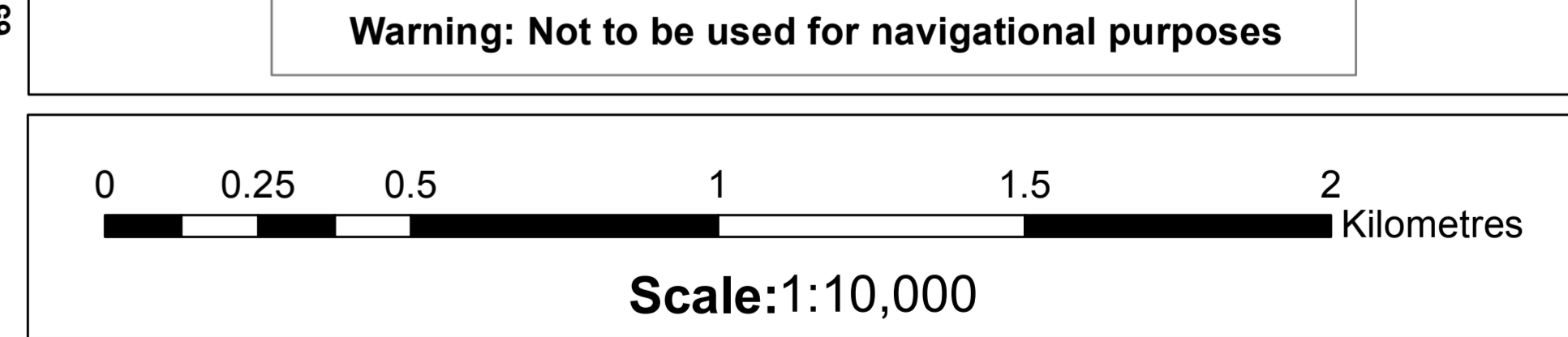
	Brims Ness Afl		SSSI		MHWS Level
	Potential Cable Corridor		SPA		

Western Cable Corridor

Area For Lease	Easting [m]	Northing [m]
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Eastern Cable Corridor

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Units:	Metre

Appendix 2 - Brims Advert

Brims Tidal Array Ltd (BTAL)

ELECTRICITY ACT 1989

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000 (AS AMENDED)

MARINE (SCOTLAND) ACT 2010

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED)

Notice is hereby given that Brims Tidal Array Ltd (BTAL), registered in Scotland SC373159, of 1 George Square, Glasgow, G2 1AL, has applied to the Scottish Ministers for:

1. Consent, pursuant to Section 36 of the Electricity Act 1989, to construct and operate an offshore generating station at a site with an area of 11.5 km² located approx. 0.4 km south of Hoy, Orkney, Central Grid Reference 58° 45.611' N, 03° 14.431' W (WGS84), the Brims Tidal Array. The installed capacity of the proposed generating station would be up to 200 MW comprising up to 200 tidal turbines, the operational life would be 25 years.
2. A Marine Licence, pursuant to Section 20 of the Marine (Scotland) Act 2010, for the deposit of substances and objects and the construction, alteration or improvement of works within the Scottish Marine Area in relation to the Brims Tidal Array and offshore transmission works.

Copies of the applications, with a plan showing the land to which they relate, together with a copy of the Environmental Statement discussing BTAL's proposals in more detail and presenting an analysis of the environmental implications, are available for inspection, free of charge, during normal office/opening hours at:

Longhope Post Office & Shop
Longhope
Stromness
Orkney
KW16 3PG

Kirkwall Public Library
44 Junction Road
Kirkwall
Orkney
KW15 1AG

Scottish Government
Marine Laboratory
Library
375 Victoria Road
Aberdeen
AB11 9DB

The Environmental Statement can also be viewed at the Scottish Government Library at Victoria Quay, Edinburgh, EH6 6QQ.

The Environmental Statement and Non-Technical Summary are available online for download at www.openhydro.com/brims.

Copies of the Environmental Statement may be obtained from BTAL (Tel: +353 42 934 9054 or email:

shane.quill@openhydro.com) at a charge of £260 per hard copy (including p & p) or on DVD (no charge). Copies of a short Non-Technical Summary may also be obtained free of charge from BTAL.

Any representation on the application should be made by email to The Scottish Government, Marine Scotland Licensing Operations Team mailbox at BTAL.Representations@gov.scot

or

by post to The Scottish Government, Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB identifying the proposal and specifying the grounds for representation, not later than 1 August 2016.

Representations must state the reasons for objecting or supporting a proposal, be dated and clearly state the name of the person, or persons, representing and include a full return email or postal address of those making the representation.

Representations that do not include all of the above information will be considered invalid. All representations to the Scottish Government will be copied in full to Orkney Islands Council.

When additional information (substantive information relating to the Environmental Statement from a statutory consultee or the applicant) is received, a further public notice will give advice on how this information may be viewed by members of the public, and how representations may be made to the Scottish Ministers. During the consideration of the proposal, the Scottish Ministers may formally request further information to supplement the Environmental Statement and this will also be publicised in such a manner.

Where Scottish Ministers decide to exercise their discretion to do so, Scottish Ministers can cause a Public Inquiry to be held.

Following receipt of all views and representations, Scottish Ministers will determine each application for consent in one of three ways:

- Consent the proposal without conditions attached; or
- Consent the proposal with conditions attached; or
- Reject the proposal

Fair Processing Notice

The Marine Scotland Licensing Operations Team process applications under The Marine (Scotland) Act 2010, the Marine and Coastal Access Act 2009 and The Electricity Act 1989. During the consultation process letters of representation can be sent to the Scottish Ministers in support of or objecting to these applications.

Should the Scottish Ministers call a Public Local Inquiry (PLI), copies of these representations will be sent to the Directorate of Planning and Environmental Appeals for the Reporter to consider during the inquiry. These representations will be posted on their website with address (home and email), signature and home telephone number redacted (blacked out).

Copies of representations will also be issued to the developer on request, again with address (home and email), signature and home telephone number redacted.

You can choose to mark your representation as confidential, in which case it will only be considered by the Scottish Ministers and will not be shared with the Planning Authority, the developer, the Reporter (should a PLI be called) or any other third party.

If you have any queries or concerns about how your personal data will be handled please visit

<http://www.scotland.gov.uk/Topics/marine/Licensing/marine> or contact the Marine Scotland Licensing Operations Team at: MS.MarineRenewables@gov.scot or in writing to The Scottish Government, Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB.