

Our Ref. REF/P090100 [ZEF]  
Your Ref. 018/OW/AOWFL-9  
Contact Robert Forbes  
Email pi@aberdeencity.gov.uk  
Direct Dial 01224 522390  
Direct Fax 01224 523180



## ABERDEEN CITY COUNCIL

19/09/2012

Marine Scotland  
375 Victoria Road  
Torry  
ABERDEEN  
AB11 9DB

Fao Andrew Sutherland

Planning & Sustainable  
Development  
**Enterprise, Planning &  
Infrastructure**  
Aberdeen City Council  
Business Hub 4  
Ground Floor North  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Tel 01224 523470  
Fax 01224 523180  
Minicom 01224 522381  
DX 529452, Aberdeen 9  
www.aberdeencity.gov.uk

Dear Sir

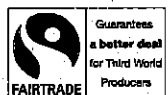
### **Aberdeen Bay, Aberdeen – Proposed Offshore Wind Farm Application for Consent under Section 36 of the Electricity Act 1989 Environmental Statement Addendum**

I refer to the above matter and your letter dated 7th August 2012 which requests a response by 20<sup>th</sup> September 2012. Thank you for the opportunity to provide comment in relation to the addendum to this significant proposal. I also refer to the related letter from the project developer (Vattenfall) dated 6 August 2012.

It is noted that much of the additional / amended information provided is in response to comments made by other statutory consultees (e.g. additional ecological / baseline information). It is therefore considered that there is no need for this authority to comment in relation to such matters as I understand that this will be provided by such expert consultees. As regards the minor changes to the turbine dimensions, it is considered that this does not raise any new issues or substantively affect the comments / conclusions made in relation to the previous consultation response dated 16/9/11.

As regards the additional visualisation that has been provided in the vicinity of Girdle Ness Lighthouse (viewpoint 21), it is noted that this is a response in part to the comments made in section 4 (Landscape and Visual Assessment) of my letter of 16/9/11. It is recognised that the turbines would be seen at considerable distance from this viewpoint so that, any impact on the setting of Girdle Ness lighthouse itself

GORDON McINTOSH  
DIRECTOR



Choose products with the FAIRTRADE Mark



would be relatively limited. However, it is considered that an alternative viewpoint location, or preferably locations, where both the lighthouse and the turbines would be intervisible with the viewpoint may enable more useful analysis of this impact (e.g. from the public golf course to the south west of viewpoint 21, or from Torry Battery and form the coastal path in the vicinity of Greg Ness).

As regards the additional impact assessment that has been undertaken in relation to golf courses located to the north of the River Don, it is considered that the potential visual impact upon these recreational assets does not warrant refusal of the development. It is noted that none of the golf courses identified are included in Historic Scotland's Inventory of Gardens and Designed Landscapes and I am not aware that these golf courses include listed buildings. However, the comments made above and previously in relation to Girdle Ness and its associated historic / heritage assets are considered to merit further evaluation.

I would appreciate clarification of the developer's intentions / response in relation to the other matters raised in my letter dated 16/9/11. I trust that the above comments are of some help in your analysis of this important development and would happy to provide further input if required. Should you wish to discuss any of the above, please contact my colleague Robert Forbes directly.

Yours faithfully



**Dr Margaret Bochel**  
Head of Planning and Sustainable Development

GORDON McINTOSH  
DIRECTOR

Our ref: W.12

29 August 2012

Aberdeen Offshore Wind Farm Limited  
Vattenfall Wind Power  
Bridge End  
Hexham  
Northumberland  
NE46 4NU

For the attention of:- [REDACTED]

Dear [REDACTED]

**Submission Of Addendum In Support Of Application For Consent Under Section 36 Of The Electricity Act 1989 And A Marine Licence Under Part 4, Section 20 Of The Marine (Scotland) Act 2010 To Construct And Operate An Offshore Windfarm, Aberdeen Bay, Aberdeen**

Thank you for giving us the opportunity to comment on the Addendum to the application for consent to construct and operate the European Offshore Wind Deployment Centre (EOWDC) at Aberdeen Bay, Aberdeen.

We would concur with your opinion that for Shipping and Navigational purposes, the Rochdale envelope change will not affect the conclusions of the assessment as the location of the proposed development infrastructure has not changed.

Yours sincerely

[REDACTED]  
[REDACTED]  
Operations Director & Harbour Master



Our ref SA/ED  
Your ref

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

Please ask for Stephen Archer  
Direct Dial 01224 665520  
Email [stephen.archer@aberdeenshire.gov.uk](mailto:stephen.archer@aberdeenshire.gov.uk)

**Stephen Archer**

*Director of Infrastructure Services*

Woodhill House

Westburn Road

Aberdeen AB16 5GB

Tel 01467 620981

Fax 01224 662005

[www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk)

[stephen.archer@aberdeenshire.gov.uk](mailto:stephen.archer@aberdeenshire.gov.uk)

LP-3 Aberdeen 3

11 October 2012

Dear Sir / Madam

**Proposal: Notification under S36 Electricity Act 1989 for Application for Consent Under Section 36 of the Electricity Act 1989 and a Marine Licence Under Part 4, Section 20 of the Marine (Scotland) Act 2010 to Construct and Operate an Offshore Windfarm and Deployment Centre**  
**Address: Aberdeen Bay, Aberdeen**

I write with reference to the above notification. The additional information submitted as an addendum to the application was considered by Aberdeenshire Council Infrastructure Services Committee on the 4 October 2012 following consideration by both the Formartine Area Committee and the Buchan Area Committee.

Aberdeenshire Council wish to reiterate the previous points submitted on 30 January 2012 and in addition request that the following comments are taken into consideration in the determination of the application:

- Concerns have been raised regarding the visual and noise impact of the proposed developments identified in the Local Development Plan around the Balmedie-Blackdog area.
- Concerns are raised on the possible impact by the test site on shipping lanes to and from Aberdeen Harbour.
- Concerns in relation to any potential impact to marine radar given that the MoD have now clearly outlined their position in relation to turbine clutter and potential impact on radar.



- The location for the proposed turbine siting was questioned in terms of the possible impact-
  - (i) the potentially negative impact on the anchorage at Aberdeen Harbour;
  - (ii) the impact on the operation of the Ministry of Defence Firing Range at Blackdog;
  - (iii) potential impact on Forvie Sands at Newburgh.

The points listed above are those agreed by the Council's Infrastructure Services Committee of 4 October 2012 and are in addition to the previous points forwarded in January 2012. These represent the list of issues which the Council consider Marine Scotland should take into account in reaching a decision. Aberdeenshire Council has not taken a position in favour of or opposed to the development. However, I would draw your attention to the Minute of the Formartine Area Committee and the Buchan Area Committee that both of these Area Committees were broadly supportive of the proposal. The Committee Report is appended for information, and the formal Minute of the Infrastructure Services Committee will be forwarded for completion of the consultation process once ratified by Members at the next Full Council meeting.

Yours faithfully

**Stephen Archer**  
**Director of Infrastructure Services**

Enc: Infrastructure Services Committee Report  
Extract from Formartine Area Committee Minute – 4 September 2012  
Extract from Buchan Area Committee Minute – 18 September 2012



## Infrastructure Services Committee – 04 October 2012

Reference Number: F/APP/2011/2815

**Notification under S36 Electricity Act 1989 for Application for Consent Under Section 36 of the Electricity Act 1989 and a Marine Licence Under Part 4, Section 20 of the Marine (Scotland) Act 2010 to Construct and Operate an Offshore Windfarm and Deployment Centre at, Aberdeen Bay, Aberdeen**

**Applicant:** Aberdeen Offshore Windfarm Limited, Johnstone House, 52-54 Rose Street, Aberdeen,

**Agent:** Aberdeen Offshore Windfarm Limited, Johnstone House, 52-54 Rose Street, Aberdeen,

Grid Ref:	NO/NJ 400433.1 814578.4
Ward No. and Name:	EWV08 Mid-Formartine
Application Type:	Notification under S36 Electricity Act 1989
Representations:	599 (462 Support, 137 Objection)
Consultations:	3
Relevant Proposals Map	Local Plan
Designations:	Offshore
Complies with Development Plan:	Yes
Main Recommendation:	Seek Members Views

### 1. Reason for Report

- 1.1 The above proposal is referred to the Infrastructure Services Committee in accordance with the Standing Orders of the Council for consideration of a planning application whereby the Council have been consulted by a Government body under Section 36 of the Electricity Act 1989 and under part 4 Section 20 of the Marine (Scotland) Act 2010. The views of the Area Committees (Formartine and Buchan) within closest proximity to the application site have been sought prior to referral to the Infrastructure Services Committee. The views of Aberdeenshire Council will then be forwarded to Marine Scotland who is the determining body for this application.
- 1.2 This was previously referred to the Infrastructure Services Committee on 26 January 2012. The points raised by both Area Committees were forwarded to Marine Scotland as the formal response of Aberdeenshire Council. A copy of the Minute of the ISC of 26 January 2012 is attached at **Appendix 2**. On 3 August 2012, Aberdeen Offshore Wind Farm Ltd (AOWFL) submitted further information in the form of an addendum to Marine Scotland Licensing Operations Team. The addendum has been distributed to those originally consulted on the application in August 2011 for review and comment on the proposal.

## 2. Principal Planning Issues (Summary)

- 2.1 The application has been submitted to Marine Scotland under Section 36 of the Electricity Act 1989 and a Marine Licence Under Part 4, Section 20 of the Marine (Scotland) Act 2010 to Construct and Operate an Offshore Windfarm and Deployment Centre at Aberdeen Bay. The development is for a total of eleven turbines which will be located offshore within Aberdeen Bay. The distance to shore will be approximately 2.4km at the closest point. The addendum proposes an increase in the size of the turbines of 3.5m to a maximum height to tip of 198.5m.
- 2.2 The main issues that Aberdeenshire Council should be assessing in relation to this proposal are the impact of the turbines on the character of the area. It must be emphasised that due to the size of the turbines proposed they will be visible from some distance from coastal locations throughout the eastern coast of Aberdeenshire. As there are no offshore turbines in this area at present the installation of these will create a significant visual effect on these coastal areas of Aberdeenshire, north of Aberdeen. A full discussion of the relevant planning issues is contained within both the Formartine and Buchan Area Committee reports at **Appendix 3** and **Appendix 5** respectively.
- 2.3 For clarity the points below summarise the amendments made to the proposal.
- Increase in potential tip height by 3.5m to a maximum height of 198.5m
  - Maximum hub height 120m (likely to be below) and blades increased by 11m (22m diameter)
  - Turbine models vary with respect to rotor dimensions and hub heights, any combination **will not exceed 198.5m**
  - No change in the turbines once constructed

## 3. Representations (Summary)

- 3.1 Marine Scotland has received 599 letters of representation regarding this application. Of these, 462 letters of representation have been received in support of the application and 137 letters of objection. The content of these will be reviewed by Marine Scotland as part of their consideration of the application.

## 4. Area Committee Decision (Summary)

- 4.1 The Formartine Area Committee on 4 September 2012 resolved to reaffirm its comments recorded at it's meeting of 6 December 2011 and in addition request the following issues should be taken into account:
- the visual and noise impact of the proposed developments identified in the Local Development Plan around the Balmedie-Blackdog area;
  - the potentially negative impact on the anchorage at Aberdeen Harbour; and
  - the impact on the operation of the Ministry of Defence Firing Range at Blackdog.

4.2 The Buchan Area Committee on 18 September 2012 resolved to reaffirm its comments recorded at its meeting of 20 December 2011 and in addition highlighted concerns in relation to:

- Potential impact to marine radar given that the MoD have now clearly outlined their position in relation to turbine clutter and potential impact on radar,
- The marine eco system and shipping lane having now received confirmation of the laying of the underwater cabling, and
- Forvie Sands at Newburgh and any potential impact

A copy of the extract of the draft minute of the Buchan Area Committee of 18 September is contained in **Appendix 6**.

4.3 The following documents are attached as appendices to this report:

- **Appendix 1:** Location Plan and Site Plan
- **Appendix 2A** Extract Minute of ISC Meeting of 26 January 2012
- **Appendix 2B** Copy of letter to Marine Scotland of January 2012 (Aberdeenshire Council Views)
- **Appendix 3** Copy of the Formartine Area Committee report of 4 September 2012
- **Appendix 4:** Extract of Draft Minute of the Formartine Area Committee meeting of 4 September 2012
- **Appendix 5** Copy of the Buchan Area Committee report of 18 September 2012
- **Appendix 6** Extract of Draft Minute of the Buchan Area Committee meeting of 18 September 2012

## 5. Officers' Recommendation

5.1 That the Infrastructure Services Committee agrees that the views of the Formartine Area Committee and the Buchan Area Committee and any points raised at the Infrastructure Services Committee Meeting be forwarded to Marine Scotland as the formal response of Aberdeenshire Council in response to the above Notification under S36 Electricity Act 1989, and part 4 Section 20 of the Marine (Scotland) Act 2010.

Stephen Archer  
Director of Infrastructure Services  
Author of Report: Victoria Moore VM/  
07/09/2012





**Appendix 3**

**Formartine Area Committee Report 04 September 2012**

**Reference No: APP/2011/2815**

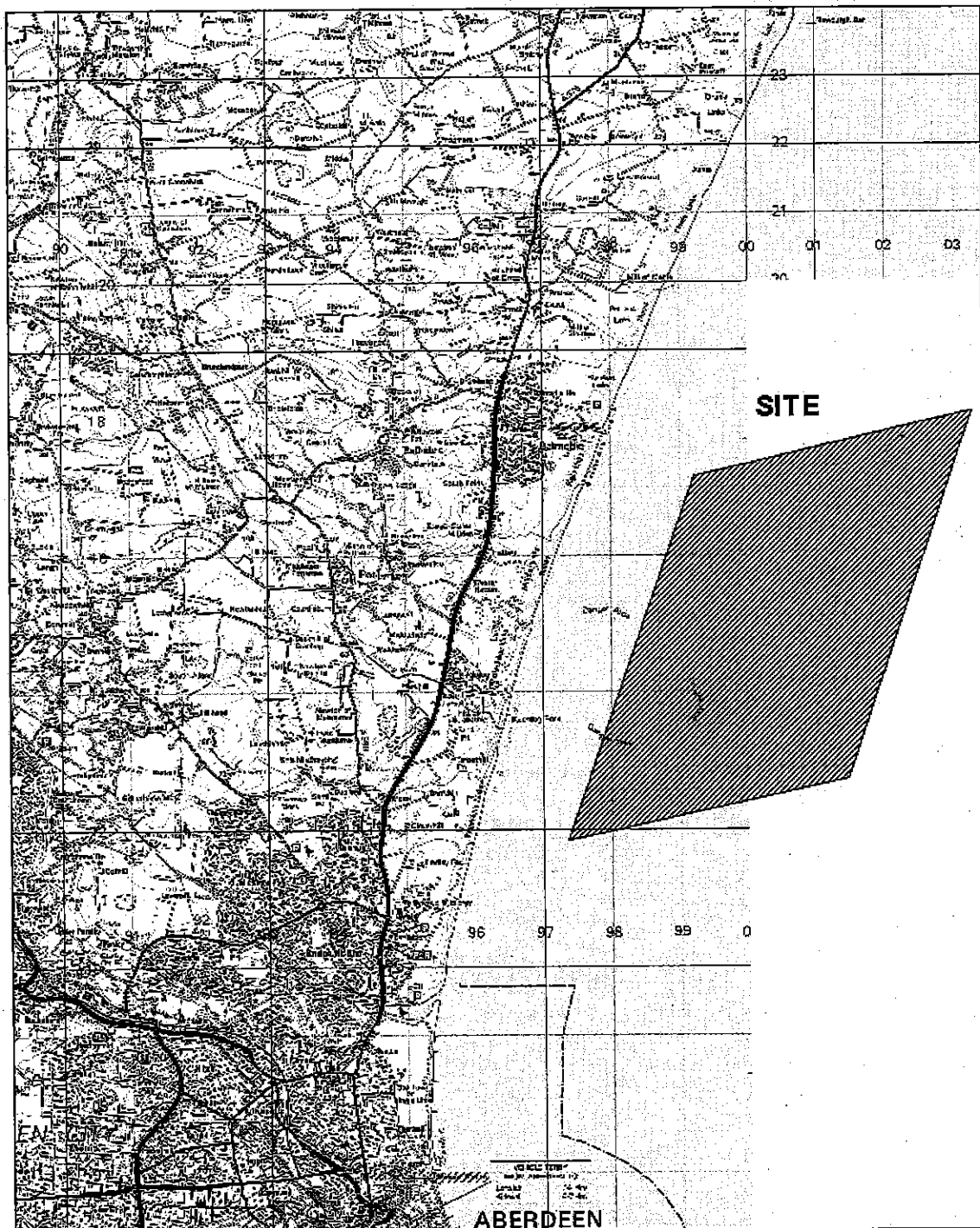
**Notification under S36 Electricity Act 1989 for Application for Consent Under Section 36 of the Electricity Act 1989 and a Marine Licence Under Part 4, Section 20 of the Marine (Scotland) Act 2010 to Construct and Operate an Offshore Windfarm and Deployment Centre at Aberdeen Bay, Aberdeen**

**Applicant: Aberdeen Offshore Windfarm Limited, Johnstone House, 52-54 Rose Street, Aberdeen AB10 1HA**

**Agent: Aberdeen Offshore Windfarm Limited, Johnstone House, 52-54 Rose Street, Aberdeen**

Grid Ref:	400433.1 814578.4
Ward No. and Name:	W08 Mid-Formartine
Application Type:	Notification under S36 Electricity Act 1989
Representations:	599 (462 Support 137 Objections)
Consultations:	0
Relevant Proposals Map	Local Plan
Designations:	Offshore
Complies with Development Plans:	Yes
Main Recommendation:	Seek Members Views

### Development Management & Building Standards



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2009. All rights reserved.  
Ordnance Survey Licence number 0100020767

22 August 2011  
APP/2011/2815

Aberdeenshire Council

Scale - 1:75000



## 1. Reason for Report

- 1.1 This report relates to a planning application which Aberdeenshire Council has been consulted on. The views of the nearest Area Committees (Formartine and Buchan) are sought prior to referral to the Infrastructure Services Committee. The views of Aberdeenshire Council will then be forwarded to Marine Scotland which is the determining Authority for this application.

## 2. Background and Proposal

- 2.1 This application has previously been discussed at the Formartine Area Committee of 06 December 2011 and the Buchan Area Committee on 20 December 2011. It was then referred to the Infrastructure Services Committee on 26 January 2012. They agreed with the points raised by both Area Committees and these views were forwarded to Marine Scotland as the formal response of Aberdeenshire Council in response to the above Notification under S36 Electricity Act 1989, and part 4 Section 20 of the Marine (Scotland) Act 2010.
- 2.2 On 3 August 2012, Aberdeen Offshore Wind Farm Ltd (AOWFL) submitted further information in the form of an addendum to Marine Scotland Licensing Operations Team. The addendum has been distributed to the consultees originally consulted on the application in August 2011 for review and comment on the proposal.
- 2.3 The addendum contains additional baseline information as well as updated environmental assessment information. It also includes a review of existing offshore wind farms in close proximity to golf courses and visualisations from Menie Estate, Royal Aberdeen and Murcar Golf Courses.
- 2.4 The original application proposed to install 11 wind turbines which will be located offshore within Aberdeen Bay. The distance to shore would be approximately 2.4km. The exact turbines have not been manufactured and therefore the total height and specifications have not been identified. Since the submission of the ES in August 2011 a number of manufacturers have proposed to manufacture new wind turbines that are marginally outwith the previous range of hub heights and blade lengths that were submitted. This addendum proposed turbines of a maximum 120m hub height and maximum blade length of 86m. The total height of a turbine would not exceed 198.5m although there could be several turbine types of varying sizes erected.
- 2.5 In order to maintain the project vision to "Deploy new equipment...to improve the competitiveness of offshore wind energy production...and to increase the supply chain capabilities in Scotland, the wider UK and Europe they wish to modify the size range of the turbines to enable the very latest wind turbines to be considered for the project. The applicant still proposes to construct 11 wind turbines off Aberdeen Bay, each with an output of up to 7MW and a maximum output for the wind farm of 77MW. This is reduced from the previous output of 10MW and total output of 100MW.
- 2.6 The offshore turbines are much larger than any which have been approved onshore within the Aberdeenshire area. The proposed amendments will

increase the size of the turbines from a maximum height of up to 195m to 198.5m. The turbine positions have not been amended.

2.7 Following the Infrastructure Services Committee, Aberdeenshire Council responded to Marine Scotland requesting the following points be taken into consideration in the determination of that application:

- There is support for diversifying the economy by encouraging the development of both tourism infrastructure and renewable energy. An application for wind turbines offshore is welcomed given the cumulative impacts onshore.
- Consideration should be given to potential impact on marine biodiversity of the excess heat generated by the turbines.
- Aberdeenshire Council has concerns about whether or not this is the best site for the development given the potential impacts on the environment. There is also concern that this may be a first phase of a larger development and this should be borne in mind when determining the current application.
- The location for the proposed turbine siting was questioned in terms of the possible impact:
  - (i) to the Menie golf course;
  - (ii) on the shipping lane to and from Aberdeen harbour, particularly in bad weather;
  - (iii) on the breeding bird population at Bullers O' Buchan given the bird flight paths and subsequent collision risk with the proposed turbines;
  - (iv) on the electro magnetic fields and the existing fish species, specifically the fish nursery areas;
  - (v) Concern about visual impact on Balmedie Country park and surrounding beaches as these are significant visitor destinations.

2.8 In addition should the turbines be given approval the following should be considered and appropriate conditions attached:

- Noise levels should be conditioned and in addition to the noise measurements already taken, further measurements should be taken at the sites of future effective housing developments identified in the Local Development Plan, notably the Cornerstone Development south of Balmedie and at Blackdog which lie on lower level ground significantly closer to the proposed site than the areas where noise measurements have already been taken;
- Consideration should be given to the landing sites for the transmission cables: not least due to the proximity of a number of active landfill sites in the area and care should be taken to avoid laying cables through or over these sites;
- Consider the provisions for decommissioning of the site;

- Take into account the cumulative impact of different designs of turbines as they are selected and changed;
- Give consideration to the impact on shipping which regularly uses the bay to shelter from the weather;
- Consider what finishes will be used on the turbines especially if experimental finishes are to be used; and
- Give consideration to what kind of exclusion zone will be implemented.

### **3. Representations**

3.1 Marine Scotland has received 599 letters of representation regarding this application. Of these 462 letters of representation have been received in support of the application and 137 letters of objection. The content of these will be reviewed by Marine Scotland as part of their consideration of the application

### **4. Consultations**

4.1 Marine Scotland has carried out consultations in relation to the application. Aberdeenshire Council has previously consulted internally on the main issues that affect the area. Previous comments have been taken into consideration and no additional consultations are required.

### **5. Relevant Planning Policies**

#### **5.1 Scottish Planning Policy**

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

#### **5.2 Aberdeen City and Shire Structure Plan**

The purpose of this Structure Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Structure Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as

regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

### 5.3 Aberdeenshire Local Development Plan 2012

Policy 3 Development in the countryside

SG Rural Development2: Wind farms and medium to large wind turbines

Policy 8 Layout siting and design of new development

SG LSD2: Layout siting and design of new development

Policy 9 Developer contributions

SG Developer Contributions1: Developer contributions

Policy 11 Natural heritage

SG Natural Environment2: Protection of the wider biodiversity and geodiversity

Policy 12 Landscape conservation

SG Landscape1: Landscape character

Policy 13 Protection, enhancement and conservation of historic environment

SG Historic Environment1: Listed buildings

SG Historic Environment4: Archaeological sites and monuments

### 5.4 Other Material Considerations

Aberdeenshire Council Planning Advice 2 /2012 Wind Turbines - Distance and Noise Calculations;

Aberdeenshire Council Planning Advice 2/2005 Use of wind energy in  
Aberdeenshire Guidance for assessing wind energy developments.

## 6. **Discussion**

6.1 The application has been submitted to Marine Scotland under S36 Electricity Act 1989 and a Marine Licence Under Part 4, Section 20 of the Marine (Scotland) Act 2010 to Construct and Operate an Offshore Windfarm and Deployment Centre at Aberdeen Bay. As a neighbouring Authority Aberdeenshire Council has been consulted on these proposals and Members' views are being sought prior to the application being considered by the Infrastructure Services Committee. The Planning Service will then submit the comments of Aberdeenshire Council to Marine Scotland for their consideration in the determination of the application.

6.2 In terms of the additional information provided the following table details the proposed changes of turbine. It should be noted this is a demonstrator site and due to the nature of this scheme the exact turbine details are not available at the pre-consent stage. There would be variations of turbines although the same

type of turbine would be on the same cable string and a maximum of 4 export cables are proposed from the wind farm.

	Turbine size range as submitted	Turbine size range as requested	Differential
Tip Height	Up to 195m	Up to 198.5m	3.5m
Hub Height	Up to 120m	Up to 120m	Nil (likely reduction)
Rotor Radius (Diameter)	Up to 75m (150m)	Up to 86m (172m)	11m (22m)

- 6.3 The Planning Service considers that if the turbines erected were of significantly different sizes within the scheme this would result in negative visual impacts. The applicants have requested approval of a range of turbine sizes which would allow a maximum of 198.5m. Due to the scale of the turbines and their distance from the shoreline it is acknowledged that minor variations between the turbines would not be detrimental to the overall scheme, however, major variations would potentially be more detrimental. The very nature of the project, as a demonstration site, suggests that a variation in height and design is likely and that the "make -up" of the site will also change over time, the extent of such changes cannot be readily stated nor the impact fully assessed.
- 6.4 It should be noted that this Service has previously recommended refusal of extensions to onshore schemes where the additional turbine has been out of character and significantly different in terms of proportion to the other turbines. The visualisations provided may not accurately reflect the scheme that could be installed nor how it might change over the lifetime of the project.
- 6.5 In terms of noise there is now a reduction of the number of piled foundations required from 11 to 4 which will reduce the magnitude of impact previously identified. This is due to further assessment of ground conditions.
- 6.6 As requested by Aberdeenshire Council, Marine Scotland and SNH the applicants have considered landscape and visual design principles in addition to previous work carried out. They have attempted to maintain a good visual balance and cohesiveness of views of the wind farm from the closest receptors. In relation to Aberdeenshire additional visualisations have been submitted in relation to Menie Golf Course.
- 6.7 The proposed changes identified result in no material increase in environmental effects over and above those already outlined in the August 2011 Environmental Statement submission.
- 6.8 Members have previously identified the visual impact on local golf courses and Balmedie Country Park as a concern. As a result a golf course and offshore wind farm study was carried out in July 2012 and submitted within the addendum currently being considered. The potential visual effects of the proposed wind farm on golfers are not unprecedented and the research has demonstrated that some world famous courses have views of offshore wind farms from parts of the course. The coastal links courses north of Aberdeen (and Balmedie Country Park) do not always offer uninterrupted sea views. The dune systems have complex local topography and from low-lying areas behind

the first set of dunes behind the beach the sea may not be visible. This can be appreciated by walking through the dunes at Balmedie Country Park.

- 6.9 The applicants study identifies that recreational users of the landscape tend to have a heightened sensitivity to changes in views where appreciation or prolonged viewing of the landscape is part of their recreational pursuit. This would be the case for some golfers on these coastal courses. They suggest that for many golfers their concentration, in the main will be focussed on the terrain of the golf course itself rather than the surrounding landscape or seascape. Notwithstanding this a photomontage has been submitted from the hotel site within Menie Estate. No details are available of the exact position or orientation of the building however the turbines will be visible to residents of the future hotel.
- 6.10 Members' views on the proposal set out in the addendum to install eleven wind turbines within Aberdeen Bay are sought and Members are asked to confirm if the previously issued comments should be carried forward, provide advice on the new addendum and/or provide any additional comments.

## **7. Area Implications**

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

## **8. Financial Implications**

- 8.1 There are no financial implications arising from this report.

## **9. Sustainability Implications**

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## **10. Departures, Notifications and Referrals**

### **10.1 Structure Plan Departures**

None

### **10.2 Local Development Plan Departures**

None

- 10.3 The application is not a Departure from the Local Plan or Structure Plan and no departure procedures apply.

- 10.4 The application would have to be referred to the Infrastructure Services Committee following the Area Committee to determine the views of Aberdeenshire Council prior to notification to Marine Scotland.



**11. Recommendation**

- 11.1 Seek Members views regarding the Notification under S36 Electricity Act 1989.**

**pp Head of Planning and Building Standards  
Author of Report: Victoria Moore VM/  
20/08/2012**

**Extract of Draft minutes of the Formartine Area Committee 04  
September 2012**

**P.APP/2011/2815**

**Notification under S36 Electricity Act 1989 for Application for Consent Under Section 36 of the Electricity Act 1989 and a Marine Licence Under Part 4, Section 20 of the Marine (Scotland) Act 2010 to Construct and Operate an Offshore Windfarm and Deployment Centre at Aberdeen Bay, Aberdeen**

The Committee **resolved** to re-affirm its comments recorded at its meeting of 6 December 2011 submitted to the Infrastructure Services Committee as follows:

- The majority of the Committee were **broadly in favour** of the development in principle but requested that Marine Scotland take the following issues into account:
- concern about visual impact on Balmedie Country Park and surrounding beaches as these are significant visitor destinations;
- noise levels should be conditioned and in addition to the noise measurements already taken, further measurements should be taken at the sites of future effective housing developments identified in the Local Development Plan, notably the Cornerstone Development south of Balmedie and at Blackdog which lie on lower level ground significantly closer to the proposed site than the areas where noise measurements have already been taken;
- consideration should be given to the landing sites for the transmission cables not least due to the proximity of a number of active landfill sites in the area and care should be taken to avoid laying cables through or over these sites;
- give consideration to potential impact on marine biodiversity of the excess heat generated by the turbines;
- consider the provisions for decommissioning of the site;
- take into account the cumulative impact of different designs of turbines as they are selected and changed;
- give consideration to the impact on shipping which regularly uses the bay to shelter from the weather;
- consider what finishes will be used on the turbines especially if experimental finishes are to be used; and
- give consideration to what kind of exclusion zone will be implemented.

In **addition** the following issues should be taken into account:

- the visual and noise impact of the proposed developments identified in the Local Development Plan around the Balmedie-Blackdog area;
- the potentially negative impact on the anchorage at Aberdeen Harbour; and
- the impact on the operation of the Ministry of Defence Firing Range at Blackdog



**Appendix 5**

**Buchan Area Committee Report 18 September 2012**

**Reference No: APP/2011/2815**

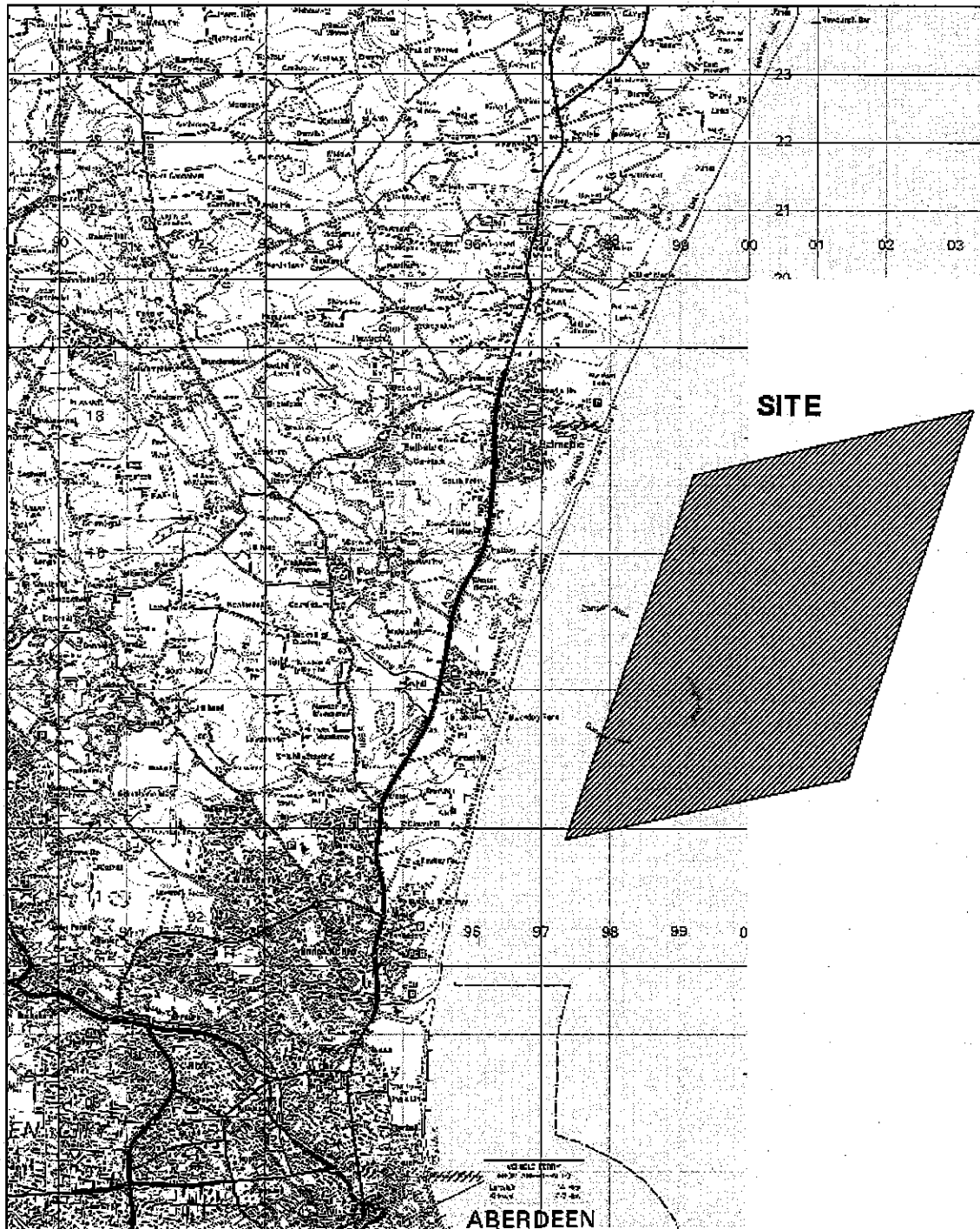
**Notification under S36 Electricity Act 1989 for Application for Consent Under Section 36 of the Electricity Act 1989 and a Marine Licence Under Part 4, Section 20 of the Marine (Scotland) Act 2010 to Construct and Operate an Offshore Windfarm and Deployment Centre at Aberdeen Bay, Aberdeen**

**Applicant: Aberdeen Offshore Windfarm Limited, Johnstone House, 52-54 Rose Street, Aberdeen AB10 1HA**

**Agent: Aberdeen Offshore Windfarm Limited, Johnstone House, 52-54 Rose Street, Aberdeen**

Grid Ref:	400433.1 814578.4
Ward No. and Name:	W08 Mid-Formartine
Application Type:	Notification under S36 Electricity Act 1989
Representations:	599 (462 Support 137 Objections)
Consultations:	0
Relevant Proposals Map	Local Plan
Designations:	Offshore
Complies with Development Plans:	Yes
Main Recommendation:	Seek Members Views

Development Management & Building Standards



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2009. All rights reserved.  
Ordnance Survey Licence number 0100020767

22 August 2011  
APP/2011/2815

Aberdeenshire Council

Scale - 1:75000



## 1. Reason for Report

- 1.1 This report relates to a planning application which Aberdeenshire Council has been consulted on. The views of the nearest Area Committees (Formartine and Buchan) are sought prior to referral to the Infrastructure Services Committee. The views of Aberdeenshire Council will then be forwarded to Marine Scotland which is the determining Authority for this application.

## 2. Background and Proposal

- 2.1 This application has previously been discussed at the Formartine Area Committee of 06 December 2011 and the Buchan Area Committee on 20 December 2011. It was then referred to the Infrastructure Services Committee on 26 January 2012. They agreed with the points raised by both Area Committees and these views were forwarded to Marine Scotland as the formal response of Aberdeenshire Council in response to the above Notification under S36 Electricity Act 1989, and part 4 Section 20 of the Marine (Scotland) Act 2010.
- 2.2 On 3 August 2012, Aberdeen Offshore Wind Farm Ltd (AOWFL) submitted further information in the form of an addendum to Marine Scotland Licensing Operations Team. The addendum has been distributed to the consultees originally consulted on the application in August 2011 for review and comment on the proposal.
- 2.3 The addendum contains additional baseline information as well as updated environmental assessment information. It also includes a review of existing offshore wind farms in close proximity to golf courses and visualisations from Menie Estate, Royal Aberdeen and Murcar Golf Courses.
- 2.4 The original application proposed to install 11 wind turbines which will be located offshore within Aberdeen Bay. The distance to shore would be approximately 2.4km. The exact turbines have not been manufactured and therefore the total height and specifications have not been identified. Since the submission of the ES in August 2011 a number of manufacturers have proposed to manufacture new wind turbines that are marginally outwith the previous range of hub heights and blade lengths that were submitted. This addendum proposed turbines of a maximum 120m hub height and maximum blade length of 86m. The total height of a turbine would not exceed 198.5m although there could be several turbine types of varying sizes erected.
- 2.5 In order to maintain the project vision to "Deploy new equipment...to improve the competitiveness of offshore wind energy production...and to increase the supply chain capabilities in Scotland, the wider UK and Europe they wish to modify the size range of the turbines to enable the very latest wind turbines to be considered for the project. The applicant still proposes to construct 11 wind turbines off Aberdeen Bay, each with an output of up to 7MW and a maximum output for the wind farm of 77MW. This is reduced from the previous output of 10MW and total output of 100MW.
- 2.6 The offshore turbines are much larger than any which have been approved onshore within the Aberdeenshire area. The proposed amendments will

increase the size of the turbines from a maximum height of up to 195m to 198.5m. The turbine positions have not been amended.

2.7 Following the Infrastructure Services Committee, Aberdeenshire Council responded to Marine Scotland requesting the following points be taken into consideration in the determination of that application:

- There is support for diversifying the economy by encouraging the development of both tourism infrastructure and renewable energy. An application for wind turbines offshore is welcomed given the cumulative impacts onshore.
- Consideration should be given to potential impact on marine biodiversity of the excess heat generated by the turbines.
- Aberdeenshire Council has concerns about whether or not this is the best site for the development given the potential impacts on the environment. There is also concern that this may be a first phase of a larger development and this should be borne in mind when determining the current application.
- The location for the proposed turbine siting was questioned in terms of the possible impact:
  - (i) to the Menie golf course;
  - (ii) on the shipping lane to and from Aberdeen harbour, particularly in bad weather;
  - (iii) on the breeding bird population at Bullers O' Buchan given the bird flight paths and subsequent collision risk with the proposed turbines;
  - (iv) on the electro magnetic fields and the existing fish species, specifically the fish nursery areas;
  - (v) Concern about visual impact on Balmedie Country park and surrounding beaches as these are significant visitor destinations.

2.8 In addition should the turbines be given approval the following should be considered and appropriate conditions attached:

- Noise levels should be conditioned and in addition to the noise measurements already taken, further measurements should be taken at the sites of future effective housing developments identified in the Local Development Plan, notably the Cornerstone Development south of Balmedie and at Blackdog which lie on lower level ground significantly closer to the proposed site than the areas where noise measurements have already been taken;
- Consideration should be given to the landing sites for the transmission cables not least due to the proximity of a number of active landfill sites in the area and care should be taken to avoid laying cables through or over these sites;
- Consider the provisions for decommissioning of the site;

- Take into account the cumulative impact of different designs of turbines as they are selected and changed;
- Give consideration to the impact on shipping which regularly uses the bay to shelter from the weather;
- Consider what finishes will be used on the turbines especially if experimental finishes are to be used; and
- Give consideration to what kind of exclusion zone will be implemented.

### **3. Representations**

- 3.1 Marine Scotland has received 599 letters of representation regarding this application. Of these 462 letters of representation have been received in support of the application and 137 letters of objection. The content of these will be reviewed by Marine Scotland as part of their consideration of the application

### **4. Consultations**

- 4.1 Marine Scotland has carried out consultations in relation to the application. Aberdeenshire Council has previously consulted internally on the main issues that affect the area. Previous comments have been taken into consideration and no additional consultations are required.

### **5. Relevant Planning Policies**

#### **5.1 Scottish Planning Policy**

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

#### **5.2 Aberdeen City and Shire Structure Plan**

The purpose of this Structure Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Structure Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as

regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

### 5.3 Aberdeenshire Local Development Plan 2012

Policy 3 Development in the countryside

SG Rural Development2: Wind farms and medium to large wind turbines

Policy 8 Layout siting and design of new development

SG LSD2: Layout siting and design of new development

Policy 9 Developer contributions

SG Developer Contributions1: Developer contributions

Policy 11 Natural heritage

SG Natural Environment2: Protection of the wider biodiversity and geodiversity

Policy 12 Landscape conservation

SG Landscape1: Landscape character

Policy 13 Protection, enhancement and conservation of historic environment

SG Historic Environment1: Listed buildings

SG Historic Environment4: Archaeological sites and monuments

### 5.4 Other Material Considerations

Aberdeenshire Council Planning Advice 2 /2012 Wind Turbines - Distance and Noise Calculations;

Aberdeenshire Council Planning Advice 2/2005 Use of wind energy in  
Aberdeenshire Guidance for assessing wind energy developments.

## 6. Discussion

6.1 The application has been submitted to Marine Scotland under S36 Electricity Act 1989 and a Marine Licence Under Part 4, Section 20 of the Marine (Scotland) Act 2010 to Construct and Operate an Offshore Windfarm and Deployment Centre at Aberdeen Bay. As a neighbouring Authority Aberdeenshire Council has been consulted on these proposals and Members' views are being sought prior to the application being considered by the Infrastructure Services Committee. The Planning Service will then submit the comments of Aberdeenshire Council to Marine Scotland for their consideration in the determination of the application.

6.2 In terms of the additional information provided the following table details the proposed changes of turbine. It should be noted this is a demonstrator site and due to the nature of this scheme the exact turbine details are not available at the pre-consent stage. There would be variations of turbines although the same



type of turbine would be on the same cable string and a maximum of 4 export cables are proposed from the wind farm.

	Turbine size range as submitted	Turbine size range as requested	Differential
Tip Height	Up to 195m	Up to 198.5m	3.5m
Hub Height	Up to 120m	Up to 120m	Nil (likely reduction)
Rotor Radius (Diameter)	Up to 75m (150m)	Up to 86m (172m)	11m (22m)

- 6.3 The Planning Service considers that if the turbines erected were of significantly different sizes within the scheme this would result in negative visual impacts. The applicants have requested approval of a range of turbine sizes which would allow a maximum of 198.5m. Due to the scale of the turbines and their distance from the shoreline it is acknowledged that minor variations between the turbines would not be detrimental to the overall scheme, however, major variations would potentially be more detrimental. The very nature of the project, as a demonstration site, suggests that a variation in height and design is likely and that the "make-up" of the site will also change over time, the extent of such changes cannot be readily stated nor the impact fully assessed.
- 6.4 It should be noted that this Service has previously recommended refusal of extensions to onshore schemes where the additional turbine has been out of character and significantly different in terms of proportion to the other turbines. The visualisations provided may not accurately reflect the scheme that could be installed nor how it might change over the lifetime of the project.
- 6.5 In terms of noise there is now a reduction of the number of piled foundations required from 11 to 4 which will reduce the magnitude of impact previously identified. This is due to further assessment of ground conditions.
- 6.6 As requested by Aberdeenshire Council, Marine Scotland and SNH the applicants have considered landscape and visual design principles in addition to previous work carried out. They have attempted to maintain a good visual balance and cohesiveness of views of the wind farm from the closest receptors. In relation to Aberdeenshire additional visualisations have been submitted in relation to Menie Golf Course.
- 6.7 The proposed changes identified result in no material increase in environmental effects over and above those already outlined in the August 2011 Environmental Statement submission.
- 6.8 Members have previously identified the visual impact on local golf courses and Balmedie Country Park as a concern. As a result a golf course and offshore wind farm study was carried out in July 2012 and submitted within the addendum currently being considered. The potential visual effects of the proposed wind farm on golfers are not unprecedented and the research has demonstrated that some world famous courses have views of offshore wind farms from parts of the course. The coastal links courses north of Aberdeen (and Balmedie Country Park) do not always offer uninterrupted sea views. The dune systems have complex local topography and from low-lying areas behind

the first set of dunes behind the beach the sea may not be visible. This can be appreciated by walking through the dunes at Balmedie Country Park.

- 6.9 The applicants study identifies that recreational users of the landscape tend to have a heightened sensitivity to changes in views where appreciation or prolonged viewing of the landscape is part of their recreational pursuit. This would be the case for some golfers on these coastal courses. They suggest that for many golfers their concentration, in the main will be focussed on the terrain of the golf course itself rather than the surrounding landscape or seascape. Notwithstanding this a photomontage has been submitted from the hotel site within Menie Estate. No details are available of the exact position or orientation of the building however the turbines will be visible to residents of the future hotel.
- 6.10 Members' views on the proposal set out in the addendum to install eleven wind turbines within Aberdeen Bay are sought and Members are asked to confirm if the previously issued comments should be carried forward, provide advice on the new addendum and/or provide any additional comments.

## **7. Area Implications**

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

## **8. Financial Implications**

- 8.1 There are no financial implications arising from this report.

## **9. Sustainability Implications**

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## **10. Departures, Notifications and Referrals**

### **10.1 Structure Plan Departures**

None

### **10.2 Local Development Plan Departures**

None

- 10.3 The application is not a Departure from the Local Plan or Structure Plan and no departure procedures apply.

- 10.4 The application would have to be referred to the Infrastructure Services Committee following the Area Committee to determine the views of Aberdeenshire Council prior to notification to Marine Scotland.

**11. Recommendation**

- 11.1 Seek Members views regarding the Notification under S36 Electricity Act 1989.**

**pp Head of Planning and Building Standards  
Author of Report: Victoria Moore VM/  
20/08/2012**

DRAFT MINUTE EXTRACT

BUCHAN AREA COMMITTEE MEETING  
18 SEPTEMBER 2012

**Present:** Councillors S Pratt (Chair), A Allan, A Buchan, E Chapman, A Gardiner, J Ingram, F McRae, T Malone, L Pirie, N Smith and S Smith

**Officers:** Chris White, Buchan Area Manager (Chief Executives Service); Lauren Yule, Solicitor (Corporate Services); Wendy Forbes, Area Planning Officer (Infrastructure Services); Hamish Robertson, Environment Planner (Infrastructure Services); David Naismith, Principal Engineer (Infrastructure Services); William Murdoch, Project Manager (Infrastructure Services); Amanda Roe, Performance Manager (Corporate Services); Beth Reader, Performance Assistant (Corporate Services); Lorraine Grant, Cultural Services Manager (Education, Learning and Leisure); and Theresa Wood, Area Committee Officer (Chief Executives Service)

APPENDIX B

NEW PLANNING APPLICATION

- (a) **Notification under S36 Electricity Act 1989 for Application for Consent Under Section 36 of the Electricity Act 1989 and a Marine Licence Under Part 4, Section 20 of the Marine (Scotland) Act 2010 to Construct and Operate an Offshore Windfarm and Deployment Centre at Aberdeen Bay, Aberdeen**

For: Aberdeen Offshore Windfarm Limited, Johnstone House,  
52-54 Rose Street, Aberdeen, AB10 1LA

Per: Aberdeen Offshore Windfarm Limited, Johnstone House,  
52-54 Rose Street, Aberdeen, AB10 1LA

**Reference: APP/2011/2815**

The Area Planning Officer advised that the Formartine Area Committee had considered this application at their Committee meeting on 4 September 2011. Since that time the Applicant, Aberdeen Offshore Wind Farm Limited, had submitted a letter providing clarification on two issues as referred to within the Committee report as follows –

- (1) paragraph 6.3 of the Committee report states –

“...The very nature of the project, as a demonstration site, suggests that a variation in height and design is likely and that the “make-up” of the site will also change over time.”, and

paragraph 6.4 of the Committee report states –

“...The visualisations provided may not accurately reflect the scheme that could be installed nor how it might change over the lifetime of the project.”

in response the Applicant's letter, dated 14 September 2011, provided the following clarification –

“... there are no plans to replace turbines throughout the project lifetime, and as such the statements referred to (above) are erroneous and somewhat misleading. Once installed, the turbines will continue to be operated for the duration of the project.”, and

(2) the Applicant's letter further confirmed –

“... the maximum proposed height of the wind turbines is 198.5m to blade tip...”

Having noted the above clarifications, the Committee **agreed**:-

(1) to re-affirm its comments as recorded at the Buchan Area Committee meeting of 20<sup>th</sup> December 2011 as follows –

(a) their general support for the Notification under the Section 36 Electricity Act 1989, and

(b) to put forward the following points for the Infrastructure Services Committee's due consideration -

(i) that an application for wind turbines offshore was welcomed given the cumulative impacts onshore, particularly in Buchan and Banff and Buchan,

(ii) whilst acknowledging that the wind turbines will be visible from onshore, they would be no more visible than ships anchored offshore, and

(iii) the location for the proposed wind turbines was questioned in terms of the possible impact –

- to the Menie Golf Course,
- on the shipping lane to and from Aberdeen harbour, particularly in bad weather,
- on the breeding bird population at Bullers O' Buchan given the bird flight paths and subsequent collision risk with the proposed turbines, and
- on the electro magnetic fields and the existing fish species, specifically the fish nursery areas

- (2) to emphasise its concerns in relation to –
- (a) the effects on the breeding bird population, and
  - (b) the effects on the electro magnetic fields and fish nursery areas
- both in regard to the proposed turbines and subsequent collision risk and the proposed underwater cables
- (3) further, to highlight concerns in relation to -
- (a) any potential impact to marine radar given that the MoD has now clearly outlined their position with regard to turbine clutter and potential impact on radar, this being a particular concern in that marine radar is more susceptible to interference,
  - (b) the marine eco system and shipping lane to and from Aberdeen harbour as a result of the Applicants having now confirmed the positioning of the proposed underwater cabling, and
  - (c) any potential impact to local wildlife at the nearby Sands of Forvie National Nature Reserve

**Sutherland AI (Andrew)**

---

**From:** [REDACTED]  
**Sent:** 03 October 2012 07:25  
**To:** Sutherland AI (Andrew)  
**Subject:** Re: 018/OW/AOWFL - 9: Update On EOWDC Application: 02 October 2012

Andrew

I withdraw my objection on the basis that there is a Caveat put in place or a clause that permission is granted subject to the proposer reaching a agreement with myself the proposers have advised that they will reach a settlement with myself once they get permission as long as there is a clause inserted I have no objection

[REDACTED]

Sent from my iPhone

On 2 Oct 2012, at 17:20, <[Andrew.Sutherland@scotland.gsi.gov.uk](mailto:Andrew.Sutherland@scotland.gsi.gov.uk)> wrote:

Good afternoon [REDACTED]

I was hoping you could update MS LOT with regards to your position on the proposed European Offshore Wind Deployment Centre? Previous correspondence received (14<sup>th</sup> September 2011) indicates that you objected to the development with further correspondence received 5<sup>th</sup> January 2012 indicating that you were meeting with the applicants to discuss the proposal.

MS LOT last contacted you on 26<sup>th</sup> September 2012 with regards to this application and we would welcome an update on the status of any objection i.e. is it maintained or are you in a position to withdraw it?

Best regards,

Andrew

**Andrew Sutherland**

Marine Renewables Licensing Advisor  
Marine Scotland – Marine Planning & Policy Division  
Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria Road | Aberdeen AB11 9DB

Tel: + 44 (0) 1224 295486  
S/B: + 44 (0) 1224 876544  
Fax: + 44 (0) 1224 295524

Email: [andrew.sutherland@scotland.gsi.gov.uk](mailto:andrew.sutherland@scotland.gsi.gov.uk)  
[ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)  
Web: <http://www.scotland.gov.uk/marinescotland>  
<http://www.scotland.gov.uk/topics/marine/licensing/marine>  
<http://www.scotland.gov.uk/topics/marine/science/msinteractive>

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) On leaving the GSi this email was certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

\*\*\*\*\*

This email has been received from an external party and

has been swept for the presence of computer viruses.

\*\*\*\*\*



**Sutherland AI (Andrew)**

---

**From:** [REDACTED] baa.com]  
**Sent:** 27 September 2012 13:58  
**To:** Sutherland AI (Andrew)  
**Cc:** [REDACTED]  
**Subject:** RE: 018/OW/AOWFL - 9: Addendum EOWDC: 26 September 2012  
**Attachments:** ABZ1540 Final.pdf

Good afternoon Andrew

Based on discussions with NATS in relation to the mitigation measures recently agreed for the Aberdeen Bay Offshore Wind Farm Development, please see attached letter from BAA Aberdeen.

A hard copy of this letter will be sent out today.

Should you wish to discuss this further, please do not hesitate to contact me.

Kind regards

[REDACTED]  
Safeguarding Manager

**Aberdeen Airport**   
*North Scotland's gateway to the world*

Aberdeen Airport Limited  
Dyce, Aberdeen AB21 7DU

t: [REDACTED] m: +[REDACTED]  
w: aberdeenairport.com t: twitter.com/abz\_airport

---

**From:** Andrew.Sutherland@scotland.gsi.gov.uk [mailto:Andrew.Sutherland@scotland.gsi.gov.uk]  
**Sent:** 26 September 2012 14:40  
**Subject:** 018/OW/AOWFL - 9: Addendum EOWDC: 26 September 2012

Good afternoon,

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4, SECTION 20 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE AN OFFSHORE WINDFARM, ABERDEEN BAY, ABERDEEN**

On 3<sup>rd</sup> August 2012, Aberdeen Offshore Windfarm Limited (the applicant), submitted an addendum in support of the application previously submitted to the Scottish Ministers on 1<sup>st</sup> August 2011 for consent under Section 36 of the Electricity Act 1989 and a Marine Licence under Part 4 Section 20 of the Marine (Scotland) Act 2010 to construct and operate the European Offshore Wind Deployment Centre (EOWDC) at Aberdeen Bay, Aberdeen. Comments were invited by 20<sup>th</sup> September 2012.

Our records indicate that no response has been forthcoming from you and we would be grateful if you could confirm, as soon as possible, whether or not that is the case.

Yours faithfully,

Andrew Sutherland

**Andrew Sutherland**  
Marine Renewables Licensing Advisor

Marine Scotland – Marine Planning & Policy Division  
Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria Road | Aberdeen AB11 9DB  
Tel: + 44 (0) 1224 295486  
S/B: + 44 (0) 1224 876544  
Fax: + 44 (0) 1224 295524

Email: [andrew.sutherland@scotland.gsi.gov.uk](mailto:andrew.sutherland@scotland.gsi.gov.uk)  
[ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)  
Web: <http://www.scotland.gov.uk/marinescotland>  
<http://www.scotland.gov.uk/topics/marine/licensing/marine>  
<http://www.scotland.gov.uk/topics/marine/science/msinteractive>

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) On leaving the GSi this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

CONFIDENTIAL NOTICE: The information contained in this email and accompanying data are intended only for the person or entity to which it is addressed and may contain confidential and / or privileged material. If you are not the intended recipient of this email, the use of this information or any disclosure, copying or distribution is prohibited and may be unlawful. If you received this in error, please contact

the sender and delete all copies of this message and attachments.

Please note that BAA monitors incoming and outgoing mail for compliance with its privacy policy. This includes scanning emails for computer viruses.

COMPANY PARTICULARS: For particulars of companies within the BAA Group, please visit <http://www.baa.com>

BAA Airports Limited is a private limited company registered in England under Company Number 01970855, with the Registered Office at The Compass Centre, Nelson Road, Hounslow, Middlesex, TW6 2GW.

---

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

\*\*\*\*\*

This email has been received from an external party and has been swept for the presence of computer viruses.

\*\*\*\*\*

Andrew Sutherland  
The Scottish Government  
Marine Scotland  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

26 September 2012

Dear Andrew

**Your Ref: 018/OW/AOWFL - 9**

**Section 36 application for the erection of 11x195m wind turbines at Aberdeen Bay, Aberdeen**

**Our Ref: ABZ1540**

Further to our letter dated 20 September 2011 noting our objection to the proposed development, after reviewing the mitigation measures agreed, and subsequent discussions with NATS, we are now in a position to remove our objection.

As such, BAA Aberdeen has no safeguarding objection to the development, based on the following conditions being met;

1. No development shall commence until the Developer has agreed a Radar Mitigation Scheme (RMS) with the Operator which has been submitted to and agreed in writing by Aberdeenshire Council in order to mitigate the impact of the development on the Primary and Secondary Radar Installation at Perwinnes Radar.
2. No turbine shall be erected unless and until the approved Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.

For the purpose of conditions 1 and 2 above:


**"Operator"** means NERL (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).



**"Radar Mitigation Scheme" or "Scheme"** means a detailed scheme agreed with the Operator which sets out the measures to be taken to mitigate at all times the impact of the development on the Perwinnes primary and secondary radar and air traffic management operations of the Operator.

Yours sincerely

  
**Safeguarding Manager**

@baa.com

*Office* 

*Mobile* 

**Sutherland AI (Andrew)**

---

**From:** [REDACTED]@bt.com on behalf of radionetworkprotection@bt.com  
**Sent:** 08 August 2012 08:33  
**To:** Sutherland AI (Andrew); MS Marine Licensing  
**Subject:** RE: 018/OW/AOWFL - 9: Request For Comments Addendum EOWDC: 07 August 2012

Dear Sir/Madam

BT do not have any further comments to make

*Regards*

[REDACTED]  
**BT Radio Frequency Allocation & Network Protection**

Tel [REDACTED]  
mobile : [REDACTED]  
[REDACTED]@bt.com

Web: <http://operate.intra.bt.com/operate>

---

**From:** Andrew.Sutherland@scotland.gsi.gov.uk [mailto:Andrew.Sutherland@scotland.gsi.gov.uk]  
**Sent:** 07 August 2012 14:17  
**To:** [REDACTED]  
**Subject:** 018/OW/AOWFL - 9: Request For Comments Addendum EOWDC: 07 August 2012

Dear [REDACTED]

On 3<sup>rd</sup> August 2012, Aberdeen Offshore Wind Farm Ltd (AOWFL) submitted further information in the form of an addendum to Marine Scotland Licensing Operations Team. The addendum was accepted on 3<sup>rd</sup> August 2012 and has been distributed to the consultees originally consulted on the application in August 2011 for review and comment on the proposal.

Please find attached a copy of the consultation letter for this proposal, a signed copy of which has also been sent to you by recorded delivery. We would welcome any comments you may wish to make in light of this further information.

I would be grateful for your consultation response on the submitted addendum which you should, by now, have received directly from the applicant. I would also welcome your advice in the following format:

- Carry forward previously issued consultation recommendations/conditions in this response, if they remain relevant to the revised proposal; and
- Provide advice to Ministers on the new addendum; and
- Present all recommendations/conditions in a separate Annex to your response.

I would be grateful if you could submit your addendum response electronically to [ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk) by **20th September 2012**. If you require an extension to the consultation deadline I would be grateful if you let us know before the deadline date.

Yours sincerely,

Andrew Sutherland

07/01/2013

**Andrew Sutherland**

Marine Renewables Licensing Advisor

Marine Scotland – Marine Planning & Policy Division

Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria Road | Aberdeen AB11 9DB

Tel: + 44 (0) 1224 295486

S/B: + 44 (0) 1224 876544

Fax: + 44 (0) 1224 295524

Email: [andrew.sutherland@scotland.gsi.gov.uk](mailto:andrew.sutherland@scotland.gsi.gov.uk)

[ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)

Web: <http://www.scotland.gov.uk/marinescotland>

<http://www.scotland.gov.uk/topics/marine/licensing/marine>

<http://www.scotland.gov.uk/topics/marine/science/msinteractive>

<<BT.pdf>>

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) On leaving the GSi this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

\*\*\*\*\*

This email has been received from an external party and has been swept for the presence of computer viruses.

\*\*\*\*\*



**Sutherland AI (Andrew)**

---

**From:** [REDACTED]@british-shipping.org]  
**Sent:** 24 September 2012 16:22  
**To:** Sutherland AI (Andrew)  
**Subject:** RE: EOWDC Addendum Response

Andrew,

As the Chamber of Shipping was happy to accept the proposals based on the ES submitted last year, I would like to submit a 'nil return' in response on this occasion.

Kind regards

[REDACTED]

[REDACTED]

Policy Advisor, Safety & Environment  
The Chamber of Shipping  
12 Carthusian Street  
London EC1M 6EZ

Tel: [REDACTED]  
Email: [REDACTED]@british-shipping.org

---

**From:** Andrew.Sutherland@scotland.gsi.gov.uk [mailto:Andrew.Sutherland@scotland.gsi.gov.uk]  
**Sent:** 24 September 2012 15:52  
**To:** [REDACTED]  
**Subject:** EOWDC Addendum Response

Hi [REDACTED]

I was just checking our records and we don't appear to have received a response from you regarding the proposed EOWDC and the addendum which was recently sent out for consultation.

I would be grateful if you can assist so that I can seek to close this down. If you have already sent a response please accept my apologies for any inconvenience caused however could I ask that you send the response again to me for actioning.

Best regards,

Andrew

---

**Andrew Sutherland**

Marine Renewables Licensing Advisor  
Marine Scotland – Marine Planning & Policy Division  
Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria Road | Aberdeen AB11 9DB  
Tel: + 44 (0) 1224 295486  
S/B: + 44 (0) 1224 876544  
Fax: + 44 (0) 1224 295524

Email: [andrew.sutherland@scotland.gsi.gov.uk](mailto:andrew.sutherland@scotland.gsi.gov.uk)  
[ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)  
Web: <http://www.scotland.gov.uk/marinescotland>  
<http://www.scotland.gov.uk/topics/marine/licensing/marine>  
<http://www.scotland.gov.uk/topics/marine/science/msinteractive>

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) On leaving the GSi this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

\*\*\*\*\*

This email has been received from an external party and has been swept for the presence of computer viruses.

\*\*\*\*\*

**Sutherland AI (Andrew)**

---

**From:** Windfarms [Windfarms@caa.co.uk]  
**Sent:** 16 August 2012 10:24  
**To:** MS Marine Licensing  
**Cc:** [REDACTED]@vattenfall.com  
**Subject:** RE: 018/OW/AOWFL - 9: Request For Comments Addendum EOWDC: 07 August 2012

Dear Sir/Madam,

Having reviewed the addendum and other information provided, the appropriate aviation consultees (NATS/NERL, BAA and MOD) have been consulted regarding the proposed increase to the Rochdale envelope. I would also like to draw your attention to the following Documents:

<http://www.caa.co.uk/docs/33/CAP437RFS.pdf> - Standards for Offshore Helicopter Landing Areas.

[http://www.caa.co.uk/docs/33/DAP\\_LightingOffshoreWindTurbines.pdf](http://www.caa.co.uk/docs/33/DAP_LightingOffshoreWindTurbines.pdf) - Policy Statement: The Lighting of Wind Turbine Generators in United Kingdom Territorial Waters.

<http://www.caa.co.uk/docs/33/20120427PolicyStatementFailureofOffshoreAviationLighting.pdf> - Policy Statement: Guidance on Actions in the Event of the Failure of Aviation Warning Lights on Offshore Wind Turbines Listed in the UK Aeronautical Information Publication.

Please be aware that the Policy Statement - The Lighting of Wind Turbine Generators in United Kingdom Territorial Waters contains some information that has been superseded by edition 7 of CAP437. The Policy Statement will be re-issued in due course to reflect this correction as well as to reflect guidance regarding the potential use of flashing red Morse Code Letter 'W' aviation warning lighting to resolve potential issues for the maritime community.

In addition to the above lighting requirements there is also a requirement to ensure that positions and maximum heights of wind turbines, meteorological masts and construction equipment are provided to the UK Hydrographic Office for maritime charting and subsequent forwarding to the Defence Geographic Centre for aviation charting purposes.

Should you have any further questions please feel free to contact me, details below.

Yours Faithfully

*Neal Henley*

N R HENLEY

Squadron Leader (RAF)

Surveillance and Spectrum Management

Directorate of Airspace Policy

Civil Aviation Authority

45-59 Kingsway London WC2B 6TE

Tel: 020 7453 6534 Fax: 020 7453 6565

[windfarms@caa.co.uk](mailto:windfarms@caa.co.uk)

---

**From:** Andrew.Sutherland@scotland.gsi.gov.uk [mailto:Andrew.Sutherland@scotland.gsi.gov.uk]  
**Sent:** 07 August 2012 14:19  
**To:** Windfarms  
**Subject:** 018/OW/AOWFL - 9: Request For Comments Addendum EOWDC: 07 August 2012

Dear Sir / Madam,

07/01/2013

On 3<sup>rd</sup> August 2012, Aberdeen Offshore Wind Farm Ltd (AOWFL) submitted further information in the form of an addendum to Marine Scotland Licensing Operations Team. The addendum was accepted on 3<sup>rd</sup> August 2012 and has been distributed to the consultees originally consulted on the application in August 2011 for review and comment on the proposal.

Please find attached a copy of the consultation letter for this proposal, a signed copy of which has also been sent to you by recorded delivery. We would welcome any comments you may wish to make in light of this further information.

I would be grateful for your consultation response on the submitted addendum which you should, by now, have received directly from the applicant. I would also welcome your advice in the following format:

- Carry forward previously issued consultation recommendations/conditions in this response, if they remain relevant to the revised proposal; and
- Provide advice to Ministers on the new addendum; and
- Present all recommendations/conditions in a separate Annex to your response.

I would be grateful if you could submit your addendum response electronically to [ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk) by **20th September 2012**. If you require an extension to the consultation deadline I would be grateful if you let us know before the deadline date.

Yours sincerely,

Andrew Sutherland

**Andrew Sutherland**

Marine Renewables Licensing Advisor

Marine Scotland – Marine Planning & Policy Division

Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria Road | Aberdeen AB11 9DB

Tel: + 44 (0) 1224 295486

S/B: + 44 (0) 1224 876544

Fax: + 44 (0) 1224 295524

Email: [andrew.sutherland@scotland.gsi.gov.uk](mailto:andrew.sutherland@scotland.gsi.gov.uk)

[ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)

Web: <http://www.scotland.gov.uk/marinescotland>

<http://www.scotland.gov.uk/topics/marine/licensing/marine>

<http://www.scotland.gov.uk/topics/marine/science/msinteractive>

<<CAA.pdf>>

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadachd a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) On leaving the GSi this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

\*\*\*\*\*

This email has been received from an external party and has been swept for the presence of computer viruses.

\*\*\*\*\*

**Sutherland AI (Andrew)**

---

**From:** Luke.Frissing@hse.gsi.gov.uk  
**Sent:** 01 October 2012 11:32  
**To:** Sutherland AI (Andrew)  
**Subject:** FW: 018/OW/AOWFL - 9: Addendum EOWDC: 26 September 2012

Hi Andrew,

Environmental Impact Assessments are concerned with projects which are likely to have significant effects on the environment. HSE's principal concerns are the health and safety of people at work and those affected by work activities. HSE has no comments to make.

Regards,

Luke Frissing  
Tel 0131 247 2053

---

**From:** Luke Frissing **On Behalf Of** Landuseplanning Scotland  
**Sent:** 01 October 2012 11:12  
**To:** Luke Frissing  
**Subject:** FW: 018/OW/AOWFL - 9: Addendum EOWDC: 26 September 2012

---

**From:** Andrew.Sutherland@scotland.gsi.gov.uk [mailto:Andrew.Sutherland@scotland.gsi.gov.uk]  
**Sent:** 26 September 2012 14:40  
**Subject:** 018/OW/AOWFL - 9: Addendum EOWDC: 26 September 2012

Good afternoon,

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4, SECTION 20 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE AN OFFSHORE WINDFARM, ABERDEEN BAY, ABERDEEN**

On 3<sup>rd</sup> August 2012, Aberdeen Offshore Windfarm Limited (the applicant), submitted an addendum in support of the application previously submitted to the Scottish Ministers on 1<sup>st</sup> August 2011 for consent under Section 36 of the Electricity Act 1989 and a Marine Licence under Part 4 Section 20 of the Marine (Scotland) Act 2010 to construct and operate the European Offshore Wind Deployment Centre (EOWDC) at Aberdeen Bay, Aberdeen. Comments were invited by 20<sup>th</sup> September 2012.

Our records indicate that no response has been forthcoming from you and we would be grateful if you could confirm, as soon as possible, whether or not that is the case.

Yours faithfully,

Andrew Sutherland

---

**Andrew Sutherland**

Marine Renewables Licensing Advisor  
Marine Scotland – Marine Planning & Policy Division  
Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria Road | Aberdeen AB11 9DB  
Tel: + 44 (0) 1224 295486  
S/B: + 44 (0) 1224 876544  
Fax: + 44 (0) 1224 295524

07/01/2013

Email: [andrew.sutherland@scotland.gsi.gov.uk](mailto:andrew.sutherland@scotland.gsi.gov.uk)  
[ms.marinelicencing@scotland.gsi.gov.uk](mailto:ms.marinelicencing@scotland.gsi.gov.uk)  
Web: <http://www.scotland.gov.uk/marinescotland>  
<http://www.scotland.gov.uk/topics/marine/licensing/marine>  
<http://www.scotland.gov.uk/topics/marine/science/msinteractive>

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

\*\*\*\*\*  
Please note : Incoming and outgoing email messages are routinely monitored for compliance with our policy on the use of electronic communications and may be automatically logged, monitored and / or recorded for lawful purposes by the GSI service provider.

Interested in Occupational Health and Safety information?

Please visit the HSE website at the following address to keep yourself up to date

[www.hse.gov.uk](http://www.hse.gov.uk)

\*\*\*\*\*

\*\*\*\*\*

This email has been received from an external party and  
has been swept for the presence of computer viruses.

\*\*\*\*\*







HISTORIC SCOTLAND  
ALBA AOSMHOR

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Direct Line: 0131 668 8730  
Robin.Campbell@scotland.gsi.gov.uk

Our ref: AMN/16/GA  
Our Case ID: 201202991  
Your ref: 018/OW/AOWFL-9

13 September 2012

Mr Andrew Sutherland  
Marine Scotland  
Scottish Government  
Marine Laboratory  
375 Victoria Road  
ABERDEEN  
AB11 9DB

Dear Mr Sutherland

**The Electricity Act 1989 - The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended)  
The Marine (Scotland) Act 2010 – The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)  
Section 36 Application – To construct and operate an offshore Wind Farm, Aberdeen Bay, Aberdeen (European Offshore Wind Deployment Centre)  
Environmental Statement Addendum**

Thank you for the consultation letter and the accompanying Environmental Statement (ES) Addendum requesting comments on the above. For information, this letter covers our comments on the ES for our role as consultees through the Scottish Ministers under the terms of the above Regulations. The comments in this letter relate to our statutory remit for scheduled monuments and their settings, category A listed buildings and their settings, gardens and designed landscapes appearing in the Inventory and designated wreck sites (Protection of Wrecks Act 1973). Please also seek information and advice from the Council's archaeology and conservation service if you have not already done so.

**The Proposed Development**

I understand the proposed development (known as the European Offshore Wind Deployment Centre) still consists of 11 no. wind turbines (and associated works), however, that the parameters of the proposed wind turbines have been amended. I understand that the maximum blade tip height is now 198.5m and the maximum rotor radius is now 86m. I acknowledge that three Rochdale envelope zoning scenarios have been proposed, however, that the actual location of the wind turbines is unchanged.

**Historic Scotland's Position**

Having reviewed the submitted information and taking into account the proposed amendments to the Rochdale envelope, we remain content that the proposed development is unlikely to result in significant adverse impacts on assets within our statutory remit. As such, we can confirm that we offer no objection to the proposed development and have no further comment to make on either the proposed scheme or its environmental impact assessment. Please do not hesitate to contact me should you wish to discuss any of the issues raised in this letter.

Yours sincerely

  
**Robin Campbell**

Senior Heritage Management Officer (EIA)



[www.historic-scotland.gov.uk](http://www.historic-scotland.gov.uk)

**Sutherland AI (Andrew)**

---

**From:** [REDACTED]  
**Sent:** 27 September 2012 10:04  
**To:** Sutherland AI (Andrew)  
**Subject:** Re: 018/OW/AOWFL - 9: Addendum EOWDC: 26 September 2012

Andrew

No response from the SE IFG.

Regards

[REDACTED]

On 26/09/2012, Andrew.Sutherland@scotland.gsi.gov.uk  
<Andrew.Sutherland@scotland.gsi.gov.uk> wrote:

> Good afternoon,  
>  
>  
>  
> APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989  
> AND A MARINE LICENCE UNDER PART 4, SECTION 20 OF THE MARINE (SCOTLAND)  
> ACT 2010 TO CONSTRUCT AND OPERATE AN OFFSHORE WINDFARM, ABERDEEN BAY,  
> ABERDEEN

>  
>  
> On 3rd August 2012, Aberdeen Offshore Windfarm Limited (the  
> applicant), submitted an addendum in support of the application  
> previously submitted to the Scottish Ministers on 1st August 2011 for  
> consent under Section  
> 36 of the Electricity Act 1989 and a Marine Licence under Part 4  
> Section 20 of the Marine (Scotland) Act 2010 to construct and operate  
> the European Offshore Wind Deployment Centre (EOWDC) at Aberdeen Bay,  
> Aberdeen. Comments were invited by 20th September 2012.

>  
>  
> Our records indicate that no response has been forthcoming from you  
> and we would be grateful if you could confirm, as soon as possible,  
> whether or not that is the case.

> Yours faithfully,

> Andrew Sutherland

> -----  
> Andrew Sutherland

> Marine Renewables Licensing Advisor

> Marine Scotland - Marine Planning & Policy Division

> Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria  
> Road  
> | Aberdeen AB11 9DB

> Tel: + 44 (0) 1224 295486

> S/B: + 44 (0) 1224 876544

> Fax: + 44 (0) 1224 295524

>  
>  
>  
> Email: andrew.sutherland@scotland.gsi.gov.uk  
>  
> ms.marinelicensing@scotland.gsi.gov.uk  
>  
> Web: http://www.scotland.gov.uk/marinescotland  
>  
> http://www.scotland.gov.uk/topics/marine/licensing/marine  
>  
> http://www.scotland.gov.uk/topics/marine/science/msinteractive  
>  
>  
>  
>  
>

> \*\*\*\*\*  
> This e-mail (and any files or other attachments transmitted with it)  
> is intended solely for the attention of the addressee(s). Unauthorised  
> use, disclosure, storage, copying or distribution of any part of this  
> e-mail is not permitted. If you are not the intended recipient please  
> destroy the email, remove any copies from your system and inform the  
> sender immediately by return.  
>

> Communications with the Scottish Government may be monitored or  
> recorded in order to secure the effective operation of the system and  
> for other lawful purposes. The views or opinions contained within this  
> e-mail may not necessarily reflect those of the Scottish Government.  
>  
>

> Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach  
> neo luchd-ainmichte a-mhàin. Chan eil e ceadachd a chleachdadh ann  
> an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo  
> sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun  
> fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an  
> t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.  
>

> Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba  
> air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam  
> ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh  
> nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.  
> \*\*\*\*\*  
>  
>  
>

> The original of this email was scanned for viruses by the Government  
> Secure Intranet virus scanning service supplied by Cable&Wireless  
> Worldwide in partnership with MessageLabs. (CCTM Certificate Number  
> 2009/09/0052.) On leaving the GSi this email was certified virus free.  
> Communications via the GSi may be automatically logged, monitored  
> and/or recorded for legal purposes.

This email was received from the INTERNET and scanned by the Government Secure  
Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with  
MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call  
your organisation's IT Helpdesk.  
Communications via the GSi may be automatically logged, monitored and/or recorded for  
legal purposes.

\*\*\*\*\* This email has  
been received from an external party and has been swept for the presence of computer  
viruses.  
\*\*\*\*\*

**Sutherland AI (Andrew)**

---

**From:** Windfarms Team [windfarms@jrc.co.uk]  
**Sent:** 09 August 2012 15:29  
**To:** MS Marine Licensing  
**Cc:** [REDACTED]@scottish-southern.co.uk  
**Subject:** Planning Ref: 018/OW/AOWFL-9 -- Aberdeen Bay Offshore Wind Farm

Dear Mr Sutherland,

Site Name: Aberdeen Bay Offshore Wind Farm

Site Centre 400642,814710

Development Radius 2.15km

Hub Height 120m Rotor Radius 86m

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, you are advised to seek re-coordination prior to submitting a planning application, as this will negate the possibility of an objection being raised at that time as a consequence of any links assigned between your enquiry and the finalisation of your project.

JRC offers a range of radio planning and analysis services. If you require any assistance, please contact us by phone or email.

Regards

[REDACTED]  
Wind Farm Team

The Joint Radio Company Limited  
Dean Bradley House,  
52 Horseferry Road,  
LONDON SW1P 2AF  
United Kingdom

DDI: [REDACTED]  
TEL: +44 20 7706 5199  
Skype: [REDACTED]

[REDACTED]  
NOTICE:

This e-mail is strictly confidential and is intended for the use of the addressee

only. The contents shall not be disclosed to any third party without permission of the JRC.

JRC Ltd. is a Joint Venture between the Energy Networks Association (on behalf of the UK Energy Industries) and National Grid.  
Registered in England & Wales: 2990041  
<<http://www.jrc.co.uk/about>>

\*\*\*\*\* This email has been received from an external party and has been swept for the presence of computer viruses. \*\*\*\*\*

**Sutherland AI (Andrew)**

---

**From:** FO Aberdeen  
**Sent:** 27 September 2012 16:17  
**To:** Sutherland AI (Andrew)  
**Subject:** RE: 018/OW/AOWFL - 9: Addendum EOWDC: 26 September 2012

Andrew

I have no comments on the Addendum.

Regards

Uilleam

**Uilleam Fraser**

Senior Fishery Officer

marine scotland – compliance

Scottish Government | Fishery Office | Room A30 | 375 Victoria Road | Aberdeen | AB11 9DB

Tel: +44 (0) 300 244 9163

S/B: +44 (0) 300 244 9166

Fax: +44 (0) 300 244 9169

e: [uilleam.fraser@scotland.gsi.gov.uk](mailto:uilleam.fraser@scotland.gsi.gov.uk)

w: <http://www.scotland.gov.uk/marinescotland>

---

**From:** Sutherland AI (Andrew)  
**Sent:** 26 September 2012 14:40  
**Subject:** 018/OW/AOWFL - 9: Addendum EOWDC: 26 September 2012

Good afternoon,

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4, SECTION 20 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE AN OFFSHORE WINDFARM, ABERDEEN BAY, ABERDEEN**

On 3<sup>rd</sup> August 2012, Aberdeen Offshore Windfarm Limited (the applicant), submitted an addendum in support of the application previously submitted to the Scottish Ministers on 1<sup>st</sup> August 2011 for consent under Section 36 of the Electricity Act 1989 and a Marine Licence under Part 4 Section 20 of the Marine (Scotland) Act 2010 to construct and operate the European Offshore Wind Deployment Centre (EOWDC) at Aberdeen Bay, Aberdeen. Comments were invited by 20<sup>th</sup> September 2012.

Our records indicate that no response has been forthcoming from you and we would be grateful if you could confirm, as soon as possible, whether or not that is the case.

Yours faithfully,

Andrew Sutherland

**Andrew Sutherland**

Marine Renewables Licensing Advisor

Marine Scotland – Marine Planning & Policy Division

Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria Road | Aberdeen AB11 9DB

Tel: + 44 (0) 1224 295486

S/B: + 44 (0) 1224 876544

Fax: + 44 (0) 1224 295524

Email: [andrew.sutherland@scotland.gsi.gov.uk](mailto:andrew.sutherland@scotland.gsi.gov.uk)  
[ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)

Web: <http://www.scotland.gov.uk/marinescotland>  
<http://www.scotland.gov.uk/topics/marine/licensing/marine>  
<http://www.scotland.gov.uk/topics/marine/science/msinteractive>



## **Sutherland AI (Andrew)**

---

**From:** Jones G (Gareth) (MARLAB)  
**Sent:** 20 September 2012 09:57  
**To:** Sutherland AI (Andrew)  
**Subject:** 018/OW/AOWFL - 9: Request For Comments Addendum EOWDC: 07 August 2012

Hi Andrew

I have no additional comments to make regarding the addendum for the aberdeen wind farm. I havent received any additional comments from the other advisors however Ianin Malcolm may have additional comments once he has re-read the original comments. Below are the correspondence I have received.

Regards

Gareth

### **Gareth Jones**

Marine Ecologist  
Offshore Energy Environmental Advice Group  
Marine Scotland – Science

Scottish Government | Room C302 | Marine Scotland Science | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Tel: +44 (0)1224 295347  
S/B: +44 (0)1224 876544  
Mob: +44 (0)7740 463010  
Fax: +44 (0)1224 295511  
e: [Gareth.Jones@scotland.gsi.gov.uk](mailto:Gareth.Jones@scotland.gsi.gov.uk)  
w: <http://www.scotland.gov.uk/marinescotland>

Hi Andrew,

I was wondering what the previous advice from FL was on this development?

The changes to the actual turbines are unlikely to be of any consequence unless it also alters the underwater noise levels during operation. The issue of bases still seems uncertain, although the suggestion of reducing monopiling would seem to be beneficial. There does not appear to be any new material on salmon and sea trout. So my initial assessment is that our original advice would remain unchanged, given the new proposal is no worse than the previous one. However, I should check what the original advice was.

Cheers, Iain

Hi Gareth, Cc LOT,

I have no comments on the EOWDC ES addendum. There were no changes to the physical and coastal processes sections of the ES.

Regards,

Rory

## **Sutherland AI (Andrew)**

---

**From:** Malcolm I (Iain) (MARLAB)  
**Sent:** 20 September 2012 13:04  
**To:** Sutherland AI (Andrew)  
**Cc:** Jones G (Gareth) (MARLAB); Gardiner R (Ross) (MARLAB)  
**Subject:** RE: 018/OW/AOWFL - 9: Request For Comments Addendum EOWDC: 07 August 2012

Hi Andrew,

As discussed by phone, the recent addendum which contains no new data on diadromous fish would not influence our previous comments and we have no new comments to make.

Best wishes, Iain.

---

**From:** Sutherland AI (Andrew)  
**Sent:** 19 September 2012 17:58  
**To:** Malcolm I (Iain) (MARLAB)  
**Cc:** Jones G (Gareth) (MARLAB); Gardiner R (Ross) (MARLAB)  
**Subject:** RE: 018/OW/AOWFL - 9: Request For Comments Addendum EOWDC: 07 August 2012

Hi Iain,

Original MSS FL comments attached. Apologies for the delay in getting these to you.

<< Message: RE: 018/OW/AOWFL - 9: Marine Licence And Section 36 Application For European Offshore Wind Deployment Centre (EOWDC) >>

Best regards,

Andrew

---

### **Andrew Sutherland**

Marine Renewables Licensing Advisor  
Marine Scotland – Marine Planning & Policy Division  
Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria Road | Aberdeen AB11 9DB  
Tel: + 44 (0) 1224 295486  
S/B: + 44 (0) 1224 876544  
Fax: + 44 (0) 1224 295524

Email: [andrew.sutherland@scotland.gsi.gov.uk](mailto:andrew.sutherland@scotland.gsi.gov.uk)  
[ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)  
Web: <http://www.scotland.gov.uk/marinescotland>  
<http://www.scotland.gov.uk/topics/marine/licensing/marine>  
<http://www.scotland.gov.uk/topics/marine/science/msinteractive>

---

**From:** Malcolm I (Iain) (MARLAB)  
**Sent:** 19 September 2012 12:54  
**To:** Sutherland AI (Andrew)  
**Cc:** Jones G (Gareth) (MARLAB); Gardiner R (Ross) (MARLAB)  
**Subject:** RE: 018/OW/AOWFL - 9: Request For Comments Addendum EOWDC: 07 August 2012

Hi Andrew,

I was wondering what the previous advice from FL was on this development?

The changes to the actual turbines are unlikely to be of any consequence unless it also alters the underwater noise levels during operation. The issue of bases still seems uncertain, although the suggestion of reducing

monopiling would seem to be beneficial. There does not appear to be any new material on salmon and sea trout. So my initial assessment is that our original advice would remain unchanged, given the new proposal is no worse than the previous one. However, I should check what the original advice was.

Cheers, Iain

---

**From:** Sutherland AI (Andrew)  
**Sent:** 07 August 2012 17:08  
**To:** Jones G (Gareth) (MARLAB); Davies I (Ian) (MARLAB); Hayes P (Peter) (MARLAB); Rory O'Hara Murray; Robertson M (Mike) (MARLAB); Malcolm I (Iain) (MARLAB)  
**Subject:** 018/OW/AOWFL - 9: Request For Comments Addendum EOWDC: 07 August 2012

Dear all,

On 3<sup>rd</sup> August 2012, Aberdeen Offshore Wind Farm Ltd (AOWFL) submitted further information in the form of an addendum to Marine Scotland Licensing Operations Team. The addendum was accepted on 3<sup>rd</sup> August 2012 and has been distributed to the consultees originally consulted on the application in August 2011 for review and comment on the proposal. MS LOT has hard copies available in room A114 should you wish to obtain one to review. A link to the addendum is provided below.

<G:\Renewables\Environmental Statements\Offshore Wind\EOWDC\Addendum\Addendum>

In terms of new environmental information, the only new information relates to additional ornithological survey data and marine mammal data collected in support of the application. However, I would be grateful if you could all review Table 1.3 of the attached document Introduction to "*Environmental Statement Addendum and Rochdale Adjustments*" which summarises the perceived effects from the change in the Rochdale envelope on various receptors and confirm whether or not you are content with the statements made and / or whether or not you are content with comments previously submitted to MS LOT.

We would be grateful for comments from you on the following chapters:

Consultee	Section (s)	Title
Gareth Jones	All	Introduction to Environmental Statement Addendum and Rochdale Adjustmer
Iain Malcolm	All	Introduction to Environmental Statement Addendum and Rochdale Adjustmer
Ian Davies	All	Introduction to Environmental Statement Addendum and Rochdale Adjustmer Volume 2 ES Addendum : Ornithology and Marine Mammals
Mike Robertson	All	Introduction to Environmental Statement Addendum and Rochdale Adjustmer
Peter Hayes	All	Introduction to Environmental Statement Addendum and Rochdale Adjustmer
Rory O'Hara Murray	All	Introduction to Environmental Statement Addendum and Rochdale Adjustmer

Please send any comments to Gareth Jones, copying in [ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk), by **20<sup>th</sup> September 2012**.

Kind regards,

Andrew

---

**Andrew Sutherland**

Marine Renewables Licensing Advisor  
Marine Scotland – Marine Planning & Policy Division  
Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria Road | Aberdeen AB11 9DB  
Tel: + 44 (0) 1224 295486  
S/B: + 44 (0) 1224 876544  
Fax: + 44 (0) 1224 295524

Email: [andrew.sutherland@scotland.gsi.gov.uk](mailto:andrew.sutherland@scotland.gsi.gov.uk)  
[ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)  
Web: <http://www.scotland.gov.uk/marinescotland>  
<http://www.scotland.gov.uk/topics/marine/licensing/marine>  
<http://www.scotland.gov.uk/topics/marine/science/msinteractive>



**Sutherland AI (Andrew)**

---

**From:** Nicholas Salter [Nicholas.Salter@mcga.gov.uk]  
**Sent:** 18 September 2012 10:45  
**To:** MS Marine Licensing  
**Subject:** Aberdeen Offshore Windfarm Limited  
**Follow Up Flag:** Follow up  
**Flag Status:** Blue

Dear Andrew,

Ref: 018/OW/AOWFL - 9

Thank you for your letter dated 7 August 2012 regarding the addendum in support of the application for the above development.

The new addendum focuses on golf courses which do not have a bearing or impact of the safety of navigation therefore we have no further comments to make. Our response on 9 September 2011 still applies.

Best regards,

Nick

Nick Salter  
Navigation Specialist Support  
Navigation Safety Branch  
MCA, Bay 2/04  
105 Commercial Road  
Southampton, SO15 1EG  
Tel: 023 8032 9448



Subject to the need to keep up to date file records, please consider your environmental responsibility before printing this email

\*\*\*\*\*  
This email and any files transmitted with it are private and intended solely for the use of the addressee.

If you are not the intended recipient, the email and associated files have been transmitted to you in error: any copying, distribution or other use of the information contained in them is strictly prohibited.

Nothing in this email may be interpreted as a contractual or other legal commitment on the part of the Maritime and Coastguard Agency

unless confirmed by a communication signed by or on behalf of the  
Chief Executive.

The MCA's computer systems may be monitored and communications  
carried on them recorded, to secure the effective operation of the  
system and for other lawful purposes.

If you are of the opinion that you have received this email in error,

please contact [postmaster@mcga.gov.uk](mailto:postmaster@mcga.gov.uk)

\*\*\*\*\*

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus  
service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number  
2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk.  
Communications via the GSI may be automatically logged, monitored and/or recorded for legal purposes.

\*\*\*\*\*

This email has been received from an external party and  
has been swept for the presence of computer viruses.

\*\*\*\*\*



Ministry  
of Defence

Defence Infrastructure Organisation  
Safeguarding  
Kingston Road  
Sutton Coldfield  
B75 7RL  
United Kingdom

DIO Ref. 9064

Telephone [MOD]: [REDACTED]  
Facsimile [MOD]: [REDACTED]  
E-mail: [REDACTED]@mod.uk

Mr Andrew Sutherland

Marine Scotland – Marine Planning and Policy

Licensing Operations Team

Scottish Government: Marine Laboratory

375 Victoria Road

Aberdeen

AB11 9DB

27<sup>th</sup> Sept 2012

Dear Mr Sutherland

**ELECTRICITY ACT 1989 AND MARINE (SCOTLAND) ACT 2010**

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4, SECTION 20 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE AN OFFSHORE WIND FARM, ABERDEEN BAY, ABERDEEN**

**Reference number: 018/OWA/AOWFL**

I refer to the Ministry of Defence (MOD) consultation response to Marine Scotland regarding the above application dated 15 September 2011 and the further consultation received from Marine Scotland dated 7 August 2012 regarding the submitted addendum.

The MOD response, 15 September 2011, stated that the proposed offshore wind farm will cause unacceptable interference to the air defence radar at RAF Buchan and that the MOD objects to the application. It also noted that the MOD will work with the applicant to progress the matter relating to vessel access associated with the Black Dog Firing Range. The MOD agreed to continue working with the applicant to overcome the MOD issues.

Following discussions with and further consideration of the mitigation proposal submitted by the applicant, the MOD is prepared to withdraw its objection provided that any Section 36 consent, if granted, is subject to the conditions set out in Annex A to this letter.



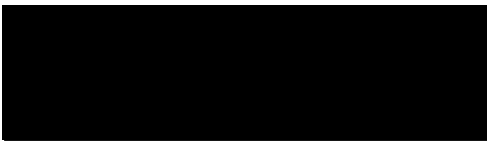
In respect of the Air Defence radar objection, the applicant has submitted a mitigation proposal to the MOD for consideration. The MOD has undertaken an assessment of the mitigation proposal, which is specific to the proposed offshore wind farm, and is satisfied that a technical solution is capable of being realised within a reasonable timeframe.


In respect of the Black Dog Firing Range matter, the applicant in Section 17.3.2 of the July 2011 Environmental Statement recognises that it would be necessary to agree access provisions to the offshore danger area (X5703) with the MOD and that operational procedures should be agreed for the lifetime of the project. The MOD accepts that such operational procedures could be addressed in a Black Dog Firing Range Management Plan that would ensure that range activities are not compromised and that project activities can be undertaken safely.

The MOD also requests that a condition relating to the assignation of the consent should make provision for the Scottish Ministers to consult the MOD prior to allowing an assignation of the consent. The MOD consider that this is a necessary and important protection. Consultation would allow the MOD to request of the Scottish Ministers that a new operator signs up to the Radar Mitigation Scheme and Range Management Plan on assignation, thereby providing the MOD with equivalent contractual rights as they will have against the applicant.

I hope that this adequately explains the MOD position. Please do not hesitate to contact me should you require any further information on this matter.

Yours sincerely



  
Principal Safeguarding Officer  
Defence Infrastructure Organisation

Encs. Annex A

## **Annex A**

### Air Defence Radar

Prior to the erection of any turbines on the site, the Company shall submit a Radar Mitigation Scheme for the written approval of the Scottish Ministers, following consultation with the Ministry of Defence ("MOD").

"Radar Mitigation Scheme" means a detailed scheme to mitigate the adverse impacts of the Development on the air defence radar at RAF Buchan and the air surveillance and control operations of the MOD. The scheme will set out the appropriate measures to be implemented to that end. The Company will meet all costs that are attributable to the development, delivery into service, implementation and support of the mitigation solution contained within the scheme.

No turbines shall become operational until:

- (a) the mitigation measures which the approved scheme requires to be implemented prior to the operation of the turbines have been implemented; and
- (b) any performance criteria specified in the approved scheme and which the approved scheme requires to have been satisfied have been satisfied; and
- (c) that implementation and satisfaction of the performance criteria have been approved by the Scottish Ministers in consultation with the MOD.

The Company shall thereafter comply with all other obligations contained within the Radar Mitigation Scheme.

Reason: To mitigate the adverse impacts of the Development on the air defence radar at RAF Buchan and the operations of the MOD.

### Black Dog Firing Range

Prior to the erection of any turbines on the site, the Company shall submit a Black Dog Firing Range Management Plan for the written approval of the Scottish Ministers, following consultation with the Ministry of Defence ("MOD").

The Management Plan will identify the operational procedures to be implemented by the Company to ensure the safety of vessels, installations and personnel deployed within the offshore danger area (X5703) whilst range activities are not compromised. The Company will meet any costs that are attributable to the delivery of the Management Plan.

The Company shall thereafter comply with all operational procedures within the Black Dog Range Management Plan.

Reason: To ensure that Black Dog Firing Range Activities are not compromised.

### Assignment of Consent

The Company shall not be permitted to assign this consent without the prior written authorisation of the Scottish Ministers. The Scottish Ministers shall consult with the Ministry of Defence before issuing such authorisation and may grant consent (with or without conditions) or refuse such authorisation as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure.

Reason: To safeguard the obligations of the consent if transferred to another Company.

NATS LTD

Safeguarding Office

Corporate and Technical Centre

4000 Parkway

Whiteley

Fareham

Hampshire

PO15 7FL

☎: 01489 444687

✉: [natssafeguarding@nats.co.uk](mailto:natssafeguarding@nats.co.uk)

🌐: <http://www.nats.co.uk/windfarms>

Marine Renewables Licensing Advisor  
Marine Scotland – Marine Planning & Policy Division  
Scottish Government  
Marine Laboratory  
PO Box 101  
375 Victoria Road  
Aberdeen  
**AB11 9DB**

**2nd October 2012**

Sent via email: [andrew.sutherland@scotland.gsi.gov.uk](mailto:andrew.sutherland@scotland.gsi.gov.uk)  
[ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)

## **SCHEDULE 3 Withdrawal Letter**

**FAO Andrew Sutherland  
The Scottish Ministers**

**NATS CRM Reference: 2126**

Dear Sir,

### **Aberdeen Offshore Wind farm**

We refer to the application submitted by the Developer dated 01-08-2011 for the construction of 11 turbines.

NERL has objected to the proposed development as it believes the development will cause an adverse impact to the Perwinnes radar and associated air traffic operations of NATS (En-Route) plc ("NERL") without suitable mitigation.

An agreement has been entered into between NERL and Aberdeen Offshore Wind Farm Limited dated 2<sup>nd</sup> October 2012 for the agreement of a suitable planning condition and design and implementation of an identified and defined mitigation solution in relation to the development that will be implemented under agreement.

NERL is therefore prepared to withdraw its objection to the application subject to the imposition of the agreed conditions set out below:

1. No turbine shall be erected until the Developer has agreed a Radar Mitigation Scheme (RMS) with the Operator which has been submitted to and agreed in writing by the Scottish Ministers in order to mitigate the impact of the development on the Radar Installation at Perwinnes.
2. No turbine shall be erected unless and until the approved Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.

For the purpose of conditions 1 and 2 above;

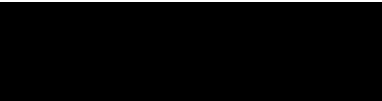
**"Operator"** means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

**"Radar Mitigation Scheme" or "Scheme"** means a detailed scheme agreed with the Operator which sets out the measures to be taken to mitigate at all times the impact of the development on the Perwinnes primary and secondary radar and air traffic management operations of the Operator.

In view of the agreement entered into and the progress made in relation to the proposed mitigation, NERL is content for the development to commence at this stage subject to the above conditions.

Please acknowledge receipt of this letter.

Yours faithfully



Sacha Rossi (Mr)  
For and on behalf of NATS (En-Route) plc

# Northern Lighthouse Board

**CAPTAIN PHILLIP DAY**  
**DIRECTOR OF MARINE OPERATIONS**

**FAO: Mr Andrew Sutherland – Licensing Advisor**

84 George Street  
Edinburgh EH2 3DA  
Switchboard: 0131 473 3100  
Fax: 0131 220 2093  
Website: [www.nlb.org.uk](http://www.nlb.org.uk)  
Email: [enquiries@nlb.org.uk](mailto:enquiries@nlb.org.uk)



Your Ref: 018/OW/AOWFL – 9 - Addendum  
Our Ref: AJ/OPS/CPA/O6\_03\_143

Marine Renewables Licensing  
Marine Scotland – Marine Planning and Policy Division  
Scottish Government  
Marine Laboratory  
PO Box 101  
375 Victoria Road  
ABERDEEN  
AB11 9DB

15 August 2012

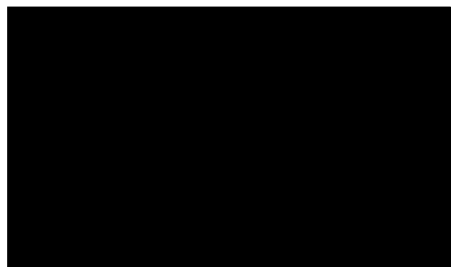
Dear Andrew

**Electricity Act 1989 and Marine (Scotland) Act 2010 – Part 4.**

Thank you for your letter dated 07 August 2012 advising of the addendum to the application submitted by **Aberdeen Offshore Windfarm Limited** to construct and operate the European Offshore Wind Development Centre

We can confirm that we are in receipt of correspondence dated 06 August 2012 from Vattenfall Wind Power Ltd on behalf of **Aberdeen Offshore Windfarm Limited** including the 2012 Environmental Statement Addendum regarding the European Offshore Wind Development Centre within Aberdeen Bay.

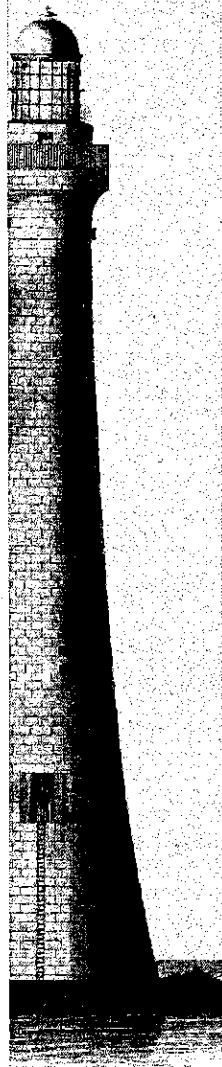
We note the information and slight alterations to the information contained therein and would confirm that we would not require to alter our response (Ref; O6-03-083) dated 24 August 2011, a copy of which is attached for your records.



Enc O6-03-083

*For the safety of all*

Certified to: ISO 9001:2000 · The International Safety Management Code (ISM) · OHSAS 18001



# Northern Lighthouse Board

**CAPTAIN PHILLIP DAY**  
**DIRECTOR OF MARINE OPERATIONS**

**FAO: Mr Andrew Sutherland – Licensing Advisor**

Dear Andrew

Your Ref: 018/OW/AOWFL - 9  
Our Ref: AJ/OPS/CPA/O6\_03\_083

Marine Renewables Licensing  
Marine Scotland – Marine Planning and Policy Division  
Scottish Government  
Marine Laboratory  
PO Box 101  
375 Victoria Road  
ABERDEEN  
AB11 9DB

84 George Street  
Edinburgh EH2 3DA  
Switchboard: 0131 473 3100  
Fax: 0131 220 2093  
Website: [www.nlb.org.uk](http://www.nlb.org.uk)  
Email: [enquiries@nlb.org.uk](mailto:enquiries@nlb.org.uk)



24 August 2011

## Electricity Act 1989 and Marine (Scotland) Act 2010 – Part 4.

Thank you for your letter dated 03 August advising of the application by **Aberdeen Offshore Windfarm Limited** to construct and operate the European Offshore Wind Development Centre

We can confirm that we are in receipt of correspondence dated 01 August 2011 from **Aberdeen Offshore Windfarm Limited** including technical documentation supporting the application for a Marine Licence regarding the European Offshore Wind Development Centre within Aberdeen Bay.

We note the intention to construct 11 support bases of varying design, construction and materials in order that testing may be carried out on prototype wind energy conversion devices of varying size and generating capacity.

With regard to the consultation and the scope of the Environmental Statement, we would only comment on any part relating to Shipping and Navigational Safety contained within the supporting documentation, particularly the Navigational Risk Assessment contained within Volume 4.

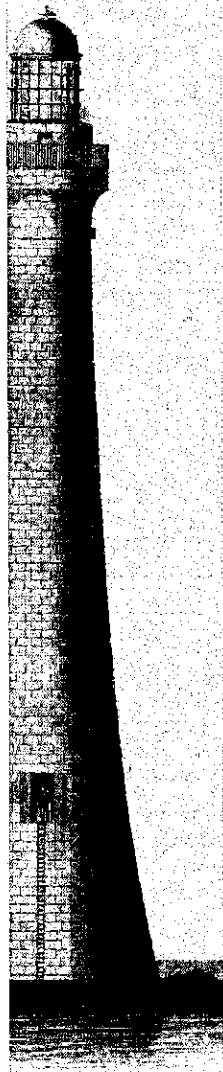
### Installation Phase

We would require that Notice(s) to Mariners, Radio Navigation Warning and publication in appropriate bulletins will be required stating the nature and timescale of any works carried out in the marine environment relating to this project.

Noting that the installation phase of the 11 bases is as yet undecided and that the options of a 2 year phased construction or a single phase installation over one year has still to be confirmed, we would require that the development area be charted as a quadrilateral (diamond) shaped area and marked with an appropriate lit cardinal mark buoy at each corner, prior to any installation work. The buoyage should be of suitable construction and be capable of surviving in the sea conditions commonly experienced

*For the safety of all*

Certified to: ISO 9001:2000 · The International Safety Management Code (ISM) · OHSAS 18001



over the winter period; and should have a minimum diameter of 2.5 metres, a minimum light focal plane of 3 metres, a minimum light range of 4 nautical miles, and be fitted with a radar reflector.

The buoys should remain on station until the installation phase is complete and the marking appropriate to the operational phase has been commissioned.

We would recommend that the prescribed buoy station pattern should be deployed at the edge of the 250m radius from the nearest SPS base centre to the buoy station mooring. Typically 250m south of A1 for the South Cardinal buoy, 250m west of A3 for the West Cardinal buoy etc. The buoys should be repositioned towards the associated turbine base, as near to the operational safety zone limit (50m), and as soon as practicably possible after construction of the base is completed in order to reduce the impact on marine traffic routeing.

#### Operational Phase

Once installed, the turbines should be marked in accordance with IALA Recommendation O-139 on The Marking of Man-Made Offshore Structures as follows:

- a) The tower of each wind generator should be painted yellow all round from the level of Highest Astronomical Tide (HAT) to 15 metres or the height of the Aid to Navigation, if fitted, whichever is greater.
- b) Towers 1,3,7,10 & 11 are designated as Significant Peripheral Structures. These should be fitted with lights visible from all directions in the horizontal plane. These lights should flash yellow once every 5 seconds, with a range of 5 nautical miles (2 nautical miles on Tower 3). All lights on these structures should be synchronised. These lights should comply with IALA recommendations and have an availability of not less than 99.8% (IALA Category 1), calculated over a rolling 3 year period. Given the proximity to the shore, lights exhibited on SPS towers 1,7,10 & 11 may have the nominal range reduced to 2 miles in the direction of the shore with applicable arcs to be agreed when final plans are produced.
- c) Towers 2,4,6 & 9 are designated as Peripheral Structures. These should be fitted with lights visible from all directions in the horizontal plane. These lights should flash yellow once every 10 seconds, with a range of 2 nautical miles. All lights on these structures should be synchronised. These lights should comply with IALA recommendations and have an availability of not less than 99.0% (IALA Category 2), calculated over a rolling 3 year period.
- d) All navigation lights should be mounted below the lowest point of the arc of the rotor blades. They should be exhibited at a height of at least 6 metres above HAT.
- e) Towers 7 & 11 should also be fitted with synchronised sound signals with a nominal range of two nautical miles, placed not less than 6 metres and not more than 30 metres above MHWS. The character should be rhythmic blasts corresponding to morse letter 'U' every 30 seconds. The minimum duration of the short blast shall be 0.75 seconds and the sound signal should be operated when the meteorological visibility is two nautical miles or less. The sound

Andrew Sutherland

AOWFL – Aberdeen Bay

signal should comply with IALA recommendations and have an availability of not less than 99.0% (IALA Category 2), calculated over a rolling 3 year period.

- f) Each structure shall display identification panels with black letters or numbers 1 metre high on a yellow background visible in all directions. These panels shall be easily visible in daylight as well as at night, either by the use of illumination or retro-reflecting material.
- a) Aviation lighting should be fitted as required by the Civil Aviation Authority.

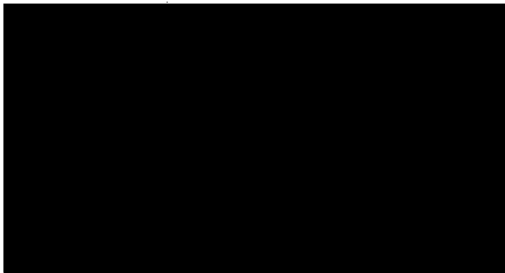
We note this is a demonstration and test site, and that various turbine designs may be assessed on different foundation types. We would therefore require that the permanent Aids to Navigation as prescribed above should remain exhibited and unaffected throughout any such change over.

We would require that the installation procedure, timescale and methodology, once finalised should be communicated to the Northern Lighthouse Board in order that we can review our recommendations and amend should it be necessary. We would likewise require information on the selected cable route(s) and landing site(s) as marking and lighting of the beach crossing(s) may also be required.

We would also welcome and encourage engagement with the Marine Safety Group, Fishing Associations, the Oil Industry, the Civil Aviation Authority and the Harbour Board in order to work together to minimise the cumulative impact of site development in the vicinity.

All navigational marking and lighting of the site or its associated marine infrastructure will require the Statutory Sanction of the Northern Lighthouse Board prior to deployment.

Please advise if we can be of any further assistance, or require clarification any of the above.





**Sutherland AI (Andrew)**

---

**From:** [REDACTED]@ryascotland.org.uk  
**Sent:** 03 October 2012 09:02  
**To:** Sutherland AI (Andrew)  
**Subject:** RE: 018/OW/AOWFL - 9: Addendum EOWDC: 26 September 2012

Hi Andrew

I write to inform you that RYA Scotland has no objections to this application. Sorry for the delay in getting back to you.

Kind Regards

[REDACTED]

[REDACTED]

Senior Administrator  
Royal Yachting Association Scotland  
**T:** [REDACTED]  
**E:** [REDACTED]@ryascotland.org.uk



RYA Scotland, Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ  
[www.ryascotland.org.uk](http://www.ryascotland.org.uk) T: 0131 317 7388 F: 0844 556 9549



---

**From:** Andrew.Sutherland@scotland.gsi.gov.uk [mailto:Andrew.Sutherland@scotland.gsi.gov.uk]  
**Sent:** 28 September 2012 18:25  
**To:** [REDACTED]  
**Subject:** RE: 018/OW/AOWFL - 9: Addendum EOWDC: 26 September 2012

Hi [REDACTED]

Yes this is fine. RYA previously had no objections and whilst there are no changes to the turbines in terms of location we obviously wish to ensure that the RYA are still content with the proposal.

Best regards,

Andrew

---

**Andrew Sutherland**  
Marine Renewables Licensing Advisor  
Marine Scotland – Marine Planning & Policy Division  
Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria Road | Aberdeen AB11 9DB  
Tel: + 44 (0) 1224 295486  
S/B: + 44 (0) 1224 876544  
Fax: + 44 (0) 1224 295524

07/01/2013

Email: [andrew.sutherland@scotland.gsi.gov.uk](mailto:andrew.sutherland@scotland.gsi.gov.uk)  
[ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)  
Web: <http://www.scotland.gov.uk/marinescotland>  
<http://www.scotland.gov.uk/topics/marine/licensing/marine>  
<http://www.scotland.gov.uk/topics/marine/science/msinteractive>

---

**From:** [REDACTED]@ryascotland.org.uk]  
**Sent:** 27 September 2012 16:51  
**To:** Sutherland AI (Andrew)  
**Subject:** RE: 018/OW/AOWFL - 9: Addendum EOWDC: 26 September 2012  
**Importance:** High

Hi Andrew

Many thanks for your email. I am so sorry that we have not responded to this, our officer that would deal with the response for this one is currently on holiday and will return early next week, is it possible to get an extension so that we can respond then?

Kind Regards

[REDACTED]  
[REDACTED]  
Senior Administrator  
Royal Yachting Association Scotland  
T: [REDACTED]  
E: [REDACTED]@ryascotland.org.uk



RYA Scotland, Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ  
[www.ryascotland.org.uk](http://www.ryascotland.org.uk) T: 0131 317 7388 F: 0844 556 9549



---

**From:** [Andrew.Sutherland@scotland.gsi.gov.uk](mailto:Andrew.Sutherland@scotland.gsi.gov.uk) [<mailto:Andrew.Sutherland@scotland.gsi.gov.uk>]  
**Sent:** 26 September 2012 14:40  
**Subject:** 018/OW/AOWFL - 9: Addendum EOWDC: 26 September 2012

Good afternoon,

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4, SECTION 20 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE AN OFFSHORE WINDFARM, ABERDEEN BAY, ABERDEEN**

On 3<sup>rd</sup> August 2012, Aberdeen Offshore Windfarm Limited (the applicant), submitted an addendum in support of the application previously submitted to the Scottish Ministers on 1<sup>st</sup> August 2011 for consent under Section 36 of the Electricity Act 1989 and a Marine Licence under Part 4 Section 20 of the Marine (Scotland) Act 2010 to construct and operate the European Offshore Wind Deployment Centre (EOWDC) at Aberdeen Bay, Aberdeen. Comments were invited by 20<sup>th</sup> September 2012.

Our records indicate that no response has been forthcoming from you and we would be grateful if you could confirm, as soon as possible, whether or not that is the case.

07/01/2013

Yours faithfully,

Andrew Sutherland

**Andrew Sutherland**

Marine Renewables Licensing Advisor  
Marine Scotland – Marine Planning & Policy Division  
Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria Road | Aberdeen AB11 9DB  
Tel: + 44 (0) 1224 295486  
S/B: + 44 (0) 1224 876544  
Fax: + 44 (0) 1224 295524

Email: [andrew.sutherland@scotland.gsi.gov.uk](mailto:andrew.sutherland@scotland.gsi.gov.uk)  
[ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)  
Web: <http://www.scotland.gov.uk/marinescotland>  
<http://www.scotland.gov.uk/topics/marine/licensing/marine>  
<http://www.scotland.gov.uk/topics/marine/science/msinteractive>

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) On leaving the GSi this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal

purposes.

Royal Yachting Association Scotland is a company limited by guarantee and is registered in Scotland. Registered business number SC219439. Registered business address is Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ. VAT Registration number 345 0456 69. Email Disclaimer - <http://www.rya.org.uk/general/footer/legaldisclaimers/emaildisclaimer.htm>

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

\*\*\*\*\*

This email has been received from an external party and has been swept for the presence of computer viruses.

\*\*\*\*\*

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) On leaving the GSi this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Royal Yachting Association Scotland is a company limited by guarantee and is registered in Scotland. Registered business number SC219439. Registered business address is Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ. VAT Registration number 345 0456 69. Email Disclaimer - <http://www.rya.org.uk/general/footer/legaldisclaimers/emaildisclaimer.htm>

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation's IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

\*\*\*\*\*

This email has been received from an external party and has been swept for the presence of computer viruses.

\*\*\*\*\*



nature's voice

Andrew Sutherland  
Marine Scotland,  
Marine Laboratory,  
375 Victoria Road,  
Aberdeen AB11 9DB

RSPB SCOTLAND

20 September 2012

Your ref: 018/OW/AOWFL - 9

Dear Andrew,

**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)***

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4, SECTION 20 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE AN OFFSHORE WINDFARM, ABERDEEN BAY, ABERDEEN**

Thank you for your letter of 7 August. Our comments on the content of the Addendum are given below and recommended conditions appended. In summary, RSPB Scotland accepts that considerable progress has been made in dealing with the issues we raised, both in our 2011 objection letter and in the response we made to the requests for comments on bird monitoring in April 2012. In our view, the assessment has improved substantially and allows clearer conclusions to be drawn. Therefore, subject to the implementation of conditions as set out in Annex 1 below, RSPB Scotland is prepared to withdraw its objection to the proposal.

The major issues we raised are set out below, using the previous headings and order of the earlier RSPB response and objection. We also assess the results contained within the new Addendum and make recommendations as requested.

Thank you for consulting RSPB Scotland.

Yours sincerely

Area Manager, NE Scotland

East Scotland  
Regional Office  
10 Albyn Terrace  
Aberdeen  
AB10 1YP

Tel 01224 624824  
Fax 01767 685571

[www.rspb.org.uk/scotland](http://www.rspb.org.uk/scotland)



**Assessment of the additional data presented in the new Addendum, and the implications for issues raised in RSPB Scotland's previous objection**

- 1 **Collision risk estimates, obtained using a methodology which raised numerous queries, were considered to be of limited reliability.** The methodology and its justification have now been adequately amended and explained and we are content that a sufficient basis for assessment of numbers of birds likely to collide with turbines has been provided. We note that various adjustments have been made to Rochdale envelope parameters, in particular an increase in rotor radius from 75m to 86m which increases the swept area by 31% and hence substantially increases the collision risk. Other changes will have mixed impacts.
- 2 **Assessments were based on incomplete surveys (especially boat-based) but gave rise to some potentially significant impacts.** We now consider that the surveys undertaken reach at least the minimum industry standard of accepted practice and provide a sufficient basis for assessment of impacts.
- 3 **Insufficient raw data are provided.** Although full, raw data have still not been provided, we are content that the additional, summarised data presented are sufficient to permit the validation of calculations.
- 4 **Commitment to environmental monitoring insufficient.** Although a further document was presented by the developers in February 2012 (*Proposals for Delivering Environmental R&D Programme for EOWDC*), the commitment to suitable monitoring relevant to birds and the potential impacts of the turbines remains unclear, especially since the European component of the Environmental R&D funding has to be expended by the end of 2016. We welcome the proposal by Vattenfall that such research may be extended using its own funding. This should, however, be stated more strongly and ideally be underpinned by planning conditions. Our concerns about this aspect still remain, therefore, though they do not in themselves constitute sufficient grounds for sustaining our objection. We still believe that it is essential that research and monitoring should be a major component of a development that is promoted and funded as a test centre. See Annex 1 below for further comments on this.

Having established (above) that methodological issues are now satisfactorily addressed, the main issue of whether the impacts on key bird species as assessed by the applicants are acceptable then remains. This is considered in the next section.

## Comments and advice to Ministers on the new Addendum

### Species and issues potentially of most concern in relation to this proposed development.

We raised these issues in our previous response and provide further comments on them again now:

- Disturbance to **common and velvet scoters, and eiders**, especially during construction and servicing of the development. *This could be substantially mitigated by compliance with a well-designed vessel movement and construction plan, since these birds are found mainly well inshore of the turbine zone. It is important that a planning condition is imposed to address this.*
- Displacement of **red-throated divers**, during construction and as a result of turbine presence. *Evidence from all sources suggests numbers in Aberdeen Bay overall are nearer the peak levels recorded in the survey work than the averages calculated from samples; we consider that numbers are regularly higher than 1% of the Great Britain winter population estimate. Despite some contradictions in assessment of significance, for example between Table 10.7 of Revised Ornithology chapter (minor to negligible) and Table 4-31 p.154 in Ornithology baseline chapter (moderate), we accept that due to usage patterns described as a result of the boat surveys, displacement impacts in this part of Aberdeen Bay are likely to be relatively small, based on the average numbers of divers present. In the absence of any established links with specific Special Protection Area (SPA) breeding populations, it is difficult to predict significant population level impacts.*
- Collision risk to **herring gulls, kittiwakes** and possibly other gull species. *Both of these gull species are likely to be linked in part to local SPAs (Buchan Ness to Collieston and Fowlsheugh) as well as (in the case of herring gull) to the substantial breeding population in Aberdeen City. However, we accept the revised collision risk calculations and the assessment of probable low population impact on the SPAs (approximately 1% of baseline mortality).*
- Collision risk to **little, Sandwich and common terns**. *With the revised work, we accept that even if common tern numbers at the Sands of Forvie SPA were to return to citation levels, given the location of the windfarm, collision risk and displacement impacts are likely to be low for this and the other tern species.*

Having examined the relevant parts of the revised addendum, we also accept that collision and displacement impacts on other species we included in our previous response, such as pink-footed goose, barnacle goose, gannet, shag, guillemot, razorbill and puffin, are likely to be small and within acceptable limits.

Our assessment of all the potential impacts above is based on a small number of turbines (11) within a relatively compact geographic layout. Should there be further variations to this, or relocation/extension to other areas, these conclusions may not apply.

## **Annex 1. Recommendations and suggested conditions by RSPB Scotland – summary**

The recommendations we have made previously are still strongly relevant to any approval of this application and we restate them here.

RSPB Scotland recommends that conditions be attached to any consent requiring that:

1. Boat traffic and disturbance on the landward side of the wind farm is minimised using management plans for vessel movements, timing and activity. These should be agreed by the Applicant with Marine Scotland, SNH and other appropriate parties before any development commences. RSPB Scotland would be keen to comment on these.  
*Reason: to reduce potential impacts on scoters and eiders, especially when moulting.*
2. Turbine construction and servicing should be undertaken according to a plan to be agreed by the Applicant with Marine Scotland, SNH and such other parties as may be appropriate before the commencement of any development. The Plan will specify temporal and spatial restrictions on particular types of activity.  
*Reason: to minimise disturbance to scoters, eiders and divers, allowing for work to be undertaken at different parts of the site during different summer months.*
3. Turbine lighting is to be kept to the legal safety minimum, to be agreed by the Applicant with Marine Scotland, SNH and such other parties as may be appropriate before the commencement of any development.  
*Reason: to reduce the attraction of the development to birds and potential collisions.*
4. A programme for monitoring the impacts of the 11 turbines on birds (including collisions, which may include testing of novel methodologies and technology – see below), is to be agreed by the Applicant with Marine Scotland, SNH and such other parties as may be appropriate before the commencement of any development. Thresholds of acceptable collision rates are to be established and, should a higher level occur for any species, reduction by turbine shutdown or other methods should be carried out, all as part of the remit of the centre to test mitigation methods. RSPB Scotland would be happy to comment on the development of such a programme. Information so collected should also be placed in the public domain.  
*Reason: to inform judgements on the acceptability of other offshore, windfarm proposals and ensure that methods of mitigating collision risk are effective.*
5. **Further ornithological research and monitoring work**  
We believe strongly that a further and much more detailed programme of works should also be developed, as part of the operations of the EOWDC. RSPB Scotland's main interest lies with ornithological R&D work, though clearly there are substantial and logical extensions to a range of marine habitat issues and their interactions with other



organisms. A well-designed and comprehensive research and monitoring programme should be developed that is innovative, inclusive and long-lasting. We note the table on page 9 of *Proposals for Delivering Environmental R&D Programme for EOWDC* showing suggested R&D ideas from Genesis. The subjects suggested there are valid but are general high level topics.

We stress once more that a well-designed and comprehensive research and monitoring programme should be developed and recommend that the outline of this is produced and approved by Marine Scotland in consultation with SNH and such other parties as may be appropriate before any consent is issued, as part of the remit of the centre (funded in part by the European Union) as a test-bed for offshore wind technology and assessing its environmental impacts. Such a programme should include:

- Methods of detecting and monitoring bird collisions in a marine environment (with emphasis on electronic monitoring and instrumentation)
- Deterrent methods to prevent bird collisions designed into the turbines
- Methods of turbine shutdown at times of high bird movements
- Studies of behaviour of birds in relation to turbines, especially during periods of bad weather (observational and instrumentation studies)
- Use of radar to determine bird movement in relation to turbine operation
- Impacts of turbines on benthic ecosystems and food chains, and especially the ecology of any 'reef effects' that might develop
- The use of the turbine envelope for feeding by birds, and research into their food supply and how it changes
- A facility for the accommodation of bird observers in the offshore laboratory should be considered
- Tracking of movements of birds from nearby colonies should be funded (the RSPB's 'FAME' project is rapidly gaining cutting edge expertise here which could help inform this)
- The design of turbines and associated technology that not only test parameters relevant to the turbines themselves but which also plan in advance to test their environmental impacts.

Improved knowledge of these issues is imperative, not only to inform decisions on the potential impacts of other, larger offshore developments, but also because better information on these issues is required before any possible application for an extension to this site is proposed. We believe strongly that a detailed monitoring and research programme is an integral part of the underlying philosophy of this test centre, and is necessary to discharge elements of the European funding package. RSPB Scotland would be happy to become involved in discussions over how these aspects could be taken forward.

*Impacts of wind turbine operation on key species*

In addition to the known important species covered by the monitoring studies for the EOWDC proposal, long-tailed duck and velvet scoter have just been reclassified by BirdLife International as globally threatened species. This is an example of how the changing conservation status of species can suggest adaptation in research methods to address their needs and potential problems. The Aberdeen offshore area could be a good place to learn more about these species interactions with offshore wind farms.

At this stage, then, many details of the potential R&D programme remain to be determined, but establishing a group that can advise of issues and begin to plan project work would seem to be an urgent priority.

**Dissemination of data and research results, and storage of biological records**

We believe that at a very early stage, a commitment should be made to ensure that ongoing research results are made available to all legitimate users and that constraints that can potentially undermine projects such as this, such as commercial confidentiality, do not restrict the utility of this R&D facility. There should be a presumption, for example, of early posting of preliminary results to a public website, with appropriate caveats. A clear statement of an open, interactive approach to this issue would be very welcome, as this would be a strong hallmark for a partly publicly-funded project that must be transparent in its ongoing work in order to maximise the public benefits.

Our ref: PCS/121778  
Your ref: Aberdeen Bay

Andrew Sutherland  
Marine Scotland  
Marine Laboratory  
375 Victoria Street  
Aberdeen  
AB11 9DB

If telephoning ask for:  
Nicola Abrams

13 September 2012

By email only to: [ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)

Dear Andrew

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989  
AND A MARINE LICENCE UNDER PART 4, SECTION 20 OF THE MARINE  
(SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE AN OFFSHORE  
WINDFARM  
ABERDEEN BAY, ABERDEEN**

Thank you for your consultation letter of 7 August 2012 which SEPA received on 08 August 2012. We have no additional comments to make on the Addendum. We confirm that we continue to request that the previously requested conditions are applied to any grant of consent. To assist those conditions are summarised in Appendix 1.

If you have any queries relating to this letter, please contact me by telephone on 01224 266698 or e-mail at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

Yours sincerely

Nicola Abrams  
Senior Planning Officer  
Planning Service

Copy to: [sue.lawrence@snh.gov.uk](mailto:sue.lawrence@snh.gov.uk)



Chairman  
David Sigsworth  
Chief Executive  
James Curran

Aberdeen Office  
Inverdee House, Baxter Street  
Torry, Aberdeen AB11 9QA  
tel 01224 266600 fax 01224 896657  
[www.sepa.org.uk](http://www.sepa.org.uk)

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in How and when to consult SEPA, and on flood risk specifically in the SEPA-Planning Authority Protocol.*

## Appendix 1-Summary of Previously Requested Conditions

- 1.1 We recommend that controls should be included in the project relating to marine non-native species in line with Water Framework and Marine Strategy Framework Directive objectives. We request that this matter be addressed by a condition attached to any grant of consent. To assist, the following wording is suggested:

*"Prior to the commencement of any works on site a project specific method statement setting out how the risks of introducing marine non-native species into the site shall be avoided during the construction, operation and decommissioning phases of the project and that the measures identified in this method statement shall be employed throughout the life of this project as set out in the method statement.*

*Reason: In the interests of protecting the water environment from the impacts on non native species."*

- 1.2 To ensure that construction practices are managed to avoid pollution we request a condition be attached to any grant of consent, the following wording is suggested:-

*"prior to the commencement of development, a site specific Construction Environmental Management Document (CEMD) must be submitted for the written approval of the planning authority [in consultation with SEPA] [and other agencies such as SNH as appropriate] and all work shall be carried out in accordance with the approved CEMD.*

*Reason: In the interests of pollution prevention and protection of amenity."*

Note: We suggest that the CEMD is submitted at least 2 months prior to commencement of any works on site to allow the necessary reviews to be undertaken and to ensure no impact on project timescales.



## Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

Andrew Sutherland  
Marine Scotland Licensing  
375 Victoria Road  
Torry  
Aberdeen  
AB11 9DB  
Ms.marinelicensing@scotland.gsi.gov.uk

3<sup>rd</sup> October 2012  
By post and email

Your ref: 018/OW/AOWFL -9  
Our ref: CNS/REN/OSWF/DS EOWDC application

Dear Mr Sutherland

**Application for consent under Section 36 of the Electricity Act 1989 and a Marine Licence under part 4, section 20 of the Marine (Scotland) Act 2010 to construct and operate an offshore wind deployment centre, Aberdeen Bay, Aberdeen.**

Thank you for your letter of 7<sup>th</sup> August 2012 consulting us on an addendum to the Environmental Statement for this proposal.

### **Background**

We provided advice on the application for the deployment centre in our response of 2<sup>nd</sup> November 2011 and further advice on 27<sup>th</sup> February this year.

The proposal as described in the August 2011 Environmental Statement (ES) was for 11 turbines, each with a maximum output of 10MW, and a combined maximum for the wind farm of 100MW.

The Addendum is also based on 11 turbines. The new parameters for the turbines are:

- Maximum turbine height –198.5m height (an increase of 3.5m)
- rotor radius - up to 86m (an increase of 11m per rotor)

There would be no adjustment to the layout of the proposed wind farm and while the design and size of the 11 turbines may vary, none would exceed the above parameters. Each turbine would have a nominal output of up to 7MW with a maximum for the wind farm of 77MW (as per table 1.2).

We note that at this stage the applicant is unable to confirm the detailed numbers of larger/mid range/smallest turbines, and indeed cannot be certain that larger turbines would be present. There is relative certainty of potential rotor diameters but less on hub and tip heights.

Given these uncertainties, a design (Rochdale) envelope has been used in both the ES and the addendum to inform and assess impacts on a worst case scenario. We support this approach.

Scottish Natural Heritage, Inverdee House, Baxter Street, Aberdeen, AB11 9QA  
Tel 01224 266500 Fax 01224 895958 [www.snh.gov.uk](http://www.snh.gov.uk)



INVESTOR IN PEOPLE

### **SNH Advice**

The proposal is likely to have a significant effect on the qualifying interests of a number of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Marine Scotland is therefore required to undertake an appropriate assessment in view of the conservation objectives for these sites. We advise that we have undertaken appraisals of the proposal and have concluded that the deployment centre could be implemented without serious adverse effects on these sites and the wider natural heritage, provided the consent is subject to a number of conditions to mitigate the effects.

**As the proposal raises natural heritage issues of international interest, we object to this proposal unless it is made subject to appropriate conditions. The subjects required to be covered by conditions are attached - Annex A.**

### **Landscape**

We have reviewed the information in the addendum and our advice on landscape and visual impacts remains as in our letter of 2<sup>nd</sup> November 2011. The small increase in height would have only a slight impact on visibility of the turbines, as identified in the revised Zone of Theoretical Visibility (ZTV).

In our response in November 2011, we advised there should be a condition requiring a design statement. In response, the addendum includes five Design Objectives (Addendum section 7, Appendix D) that would guide this. We support these objectives.

In summary, we:

- **confirm the advice and recommended condition in our letter of 2<sup>nd</sup> November 2011.**

### **Birds**

The addendum includes a full assessment of the impacts on birds in response to our advice of 2<sup>nd</sup> November 2011 and 27<sup>th</sup> February 2012. It considers additional boat survey data, and a revised collision risk assessment.

The additional information and improved analyses contained in the Addendum are sufficient for us to conclude no adverse effect on site integrity for all species and SPAs. Our Natura appraisal of the impacts to SPAs is attached as Annex B.

In summary, we:

- **advise there would be no adverse effect on site integrity for all species and SPAs.**
- **confirm the conditions recommended in our letter of 2<sup>nd</sup> November 2011.**

### **Marine Mammals**

Although the number of sightings of various marine mammals have increased, the potential development impacts for marine mammals are still of short duration and limited scale. In addition, we note that it is now thought that monopile foundations would not be used at the site, although this cannot be confirmed until the applicant has more information on ground conditions. Omission of monopiles could substantially reduce the levels of underwater noise.

In summary, we:

- **confirm the advice in our letter of 2<sup>nd</sup> November 2011 that the deployment centre would be unlikely to have an adverse effect on the integrity of the Moray Firth SAC. Our Natura appraisal of SAC interests attached to the above letter remains unchanged.**
- **confirm the conditions recommended in our letter of 2<sup>nd</sup> November 2011.**

#### European Protected Species (EPS)

We reiterate the advice in our letter of 2<sup>nd</sup> November 2011 that the proposal has the potential to affect marine EPS, namely cetaceans, through impacts such as construction noise and disturbance from vessel movements. The construction of the wind farm would therefore require a European protected species licence. We will provide advice on any licence application. The conditions required to mitigate impacts on mobile marine SAC species detailed in the November letter will also help to avoid impacts on the favourable conservation status of the various cetaceans.

#### Research and Development Proposals

As we have stated previously, we consider it very important that as an integral part of being a deployment centre, there is a thorough, long term research development and monitoring programme to examine impacts to sea based wildlife (mainly birds and cetaceans). The information collected by this deployment centre could benefit other proposals in Scotland's developing offshore wind energy industry. The centre is an opportunity to test and calibrate the models and assumptions used to assess the potential impacts of these wind farms. It is also a chance to develop mitigation that may be important for much bigger wind farms. The relatively inshore location provides an opportunity that would not be so readily available further offshore.

The proposal in the addendum is the same as that on which we have previously commented.

The addendum adds an introduction and we welcome the statement that the environmental studies will be over and above what would be required in a general consenting process. We also welcome the statement that the data and research will be made publically and widely available. We recommend that there is a clear distinction made between the studies required by conditions attached to any consent and those which arise from the broader research and development programme.

We understand that the European funding for research may be time limited. We therefore seek assurance that sufficient funds will be made available for monitoring post construction, whether as part of the consent or as part of any research and development strategy.

In summary, we:

- **confirm the condition requiring the establishment of an Expert Panel and Monitoring Programme, set out in our letter of 2<sup>nd</sup> November 2011.**
- **reiterate the comments in our letter of 1<sup>st</sup> June 2012.**
- **advise that there should be an additional condition which requires confirmation of adequate funding for the agreed research and monitoring programme,**

#### Conditions

We continue to recommend that any consent is subject to the suggested conditions set out in our letter of 2<sup>nd</sup> November 2011. These are reproduced (with some slight



amendments) together with the additional condition recommended above as Annex A to this letter.

We would welcome the opportunity to advise further on the detail of these conditions.

We hope that our comments are helpful to you. If you would like to discuss any issue further please do not hesitate to contact Sue Lawrence, Operations Officer, Tayside & Grampian ([sue.lawrence@snh.gov.uk](mailto:sue.lawrence@snh.gov.uk) or 01224 266517) or Erica Knott, Senior Casework Manager, Marine Renewables ([Erica.knott@snh.gov.uk](mailto:Erica.knott@snh.gov.uk) or 01738 458674).

Yours sincerely

Dr David Bale  
Area Manager  
Tayside & Grampian

cc [REDACTED] Vattenfall Wind Power Limited

## Annex A

### List of Proposed Conditions

As stated in each of our responses (2<sup>nd</sup> November 2011 and 3<sup>rd</sup> October 2012), we would welcome the opportunity to advise further on the detail of these conditions. Changes from the list enclosed with our letter of 2<sup>nd</sup> November 2011 are highlighted.

**NB** The table below does not suggest the particular phrasing of any condition, but indicates what each should be designed to achieve.

Condition	Reason
<p><b><u>Expert Panel and Monitoring Programme</u></b>            An independent expert panel should be established to provide scientific advice on a research and monitoring programme. The programme will include survey and monitoring of the impact of the windfarm on important species and habitats in Aberdeen Bay. The programme should also include monitoring of the habitats and communities that develop on the submerged structures. The monitoring programme should be subject to input from the expert panel, consultation with consultees and subject to agreed review periods. The programme should ensure monitoring is robust and covers pre, during and post construction aspects.</p> <p>Amongst the subjects to be included for monitoring (but not exclusively) are:</p> <ul style="list-style-type: none"> <li>• Boat or aerial based surveys to consider any changes to species, densities, behavioural implications during all phases of the windfarm and</li> <li>• Measures to detect bird collisions <u>e.g. blade sensors, targeted radar studies, thermal detection systems etc.</u></li> <li>• Field-measurements of noise during piling at EOWDC to validate the results of the model and also during operation of the turbines.</li> <li>• Deployment of appropriate Passive Acoustic Monitoring systems to record vocalisation of marine mammals, pre, during and post construction.</li> </ul> <p>The research and monitoring programme advised by this panel will be agreed and implemented prior to the commencement of any works. Membership and function of the panel will be agreed by Marine Scotland in agreement with relevant consultees.</p> <p>The data collected should be reported on and results made available publicly.</p>	<p>To ensure best available and most appropriate scientific information is used to inform and develop a monitoring plan to allow evaluation of any actual pre, during and post construction impacts.</p>
<p><u>A document providing information on the sources and duration of funding for the research and monitoring programme should be submitted to and approved by</u></p>	<p>To ensure that the research and monitoring programme is implemented and that funding is</p>

<p>Marine Scotland, in consultation with relevant consultees, before any site preparation and construction works are permitted to commence.</p>	<p>available for a sufficient period of time post-construction.</p>
<p><b><u>Details on Construction Methodology</u></b>  A construction method statement or similar document should be provided to Marine Scotland for agreement with relevant consultees. This should include details of commencement dates, duration and phasing information of key elements of construction e.g. foundations, turbine placements, inter-array cabling and landfall cabling as well as details of onshore activities for the substation. This statement should include measures to protect the marine environment (e.g. method and diurnal/seasonal timing of piling, soft-start procedure, use of Marine Mammal Observers, method and depth of cable laying, pollution prevention measures etc) and be cross-referenced with the Environmental Management System/Plan. It must include construction restrictions to avoid July/August and piling outwith daylight hours.</p> <p>This statement should be submitted prior to the commencements of any works within a timescale to be agreed with Marine Scotland.</p>	<p>To ensure all environmental issues are taken into account in designing the construction of the windfarm.</p> <p>To minimise disturbance to birds during the moult periods (SPAs) and to minimise disturbance and injury to marine mammals and fish, including Atlantic salmon (SACs/EPS).</p>
<p><b><u>Vessel Management Plan</u></b>  A vessel management plan providing details on numbers and individual vessel details- including whether ducted propellers will be in operation; how vessel management will be coordinated, particularly during construction, but also during operation. Location of working port(s), how often vessels will be required to passage between port(s) and site, and the routes used i.e. creation of high and low disturbance areas. We also recommend that this plan is drafted and then finalised in consultation with Marine Scotland and relevant consultees prior to commencement of any construction activity. This plan should be cross-referenced with the Environmental Management System/Plan and aim to reduce disturbance impacts to mobile species.</p> <p>If during construction or operation the use of helicopters is required, a similar plan outlining timings, type, numbers etc. should be provided.</p>	<p>To minimise disturbance to marine mammals (SACs/EPS) and birds (SPAs).</p>
<p><b><u>An Environmental Management System/Plan</u></b>  This system/plan should detail measures through all phases of the windfarm (pre, during and post construction) to prevent adverse impacts to marine mammals, birds, fish and habitats, and include species protection plans. The system/plan should take account of and implement recommendations of the expert panel. It should be cross-referenced to the construction methodology documents and vessel management plans as well as recommendations</p>	<p>To ensure all environmental issues are taken into account during construction and operation of the windfarm. To minimise disturbance to marine mammals (SACs/EPS) and birds (SPAs).</p>

<p>within the ES.</p> <p>The system/plan should also detail how each and all contractors and sub contractors will be made aware of environmental sensitivities, what requirements they are expected to adhere to, how chains of command will work including shore to vessel communications etc. In addition, we advise on the need for regular updates on construction activity, issues encountered and how these have been addressed.</p> <p>The system/plan should be submitted within a timescale specified by Marine Scotland in advance of the project construction commencing. It should be agreed by Marine Scotland in consultation with relevant consultees.</p>	
<p><b><u>Export Cables</u></b></p> <p>Details of the location and construction methods for the grid export cables, landfall site and substation, taking into account coastal processes and other environmental considerations, to be submitted within a timescale specified by Marine Scotland in advance of the project construction commencing.</p> <p>A survey of the intertidal habits and species to inform the routing shall be carried out before the export cable routes are selected.</p> <p>The export cables to be buried to a minimum depth to be agreed with Marine Scotland and relevant consultees. This will require consideration of the depth cables should be buried at to lessen any potential EMF effects on fish species.</p> <p>There should be monitoring of the cables to see if they become re-exposed and, if so, action taken to remedy this.</p>	<p>To safeguard coastal processes in the wider Aberdeen Bay. To ensure all environmental issues are considered in the location and construction of the export cables. This should include coastal processes and benthic and intertidal habitats (see comments above).</p>
<p><b><u>Design Statement</u></b></p> <p>A detailed design statement is required to provide guiding principles for the deployment of turbines. This plan should detail:</p> <ol style="list-style-type: none"> <li>i. Layout location for each phase and each turbine location and anemometer mast;</li> <li>ii. Guiding principles for turbine height, blade diameter and rotation speed across each phase, rows and individual turbine locations;</li> <li>iii. Lighting requirements (navigation and aviation) for each turbine / row and phase and any anemometer mast and</li> </ol> <p>Further detailed assessment of visual impacts to inform the detailed layout and design of each location and phase of the deployment centre from selected viewpoints to be agreed with Marine Scotland and relevant consultees.</p>	<p>To ensure visual impacts are fully understood in advance of construction and deployment.</p>

<p><b>A Decommissioning Plan.</b>  A decommissioning plan will be required for the entire scheme. We recommend that this is an iterative process and that an initial decommissioning strategy is produced. Timescale for the production, consultation and implementation of a decommissioning plan should be set out as part of any consent.</p> <p>In addition to decommissioning the entire scheme, details of decommissioning / replacing individual turbines should be set out taking into account criteria developed with Marine Scotland on if / when individual turbines should be removed.</p>	<p>To ensure all environmental issues are taken into account in decommissioning of the windfarm or individual turbines.</p>
--	---

We also request that all environmental survey and monitoring information is made publicly available.

## Annex B

### Natura appraisal - SPECIAL PROTECTION AREAS

This appraisal updates the incomplete Natura appraisal that formed Annex B of SNH consultation response dated 2<sup>nd</sup> November 2011 (casework ref 70703). Taken in combination these two appraisals complete our advice to Marine Scotland in respect of advice on Natura sites (SACs and SPAs)

Casework Recording System Ref.

CLC116707

File Ref.

qB56167

#### SITE DETAILS

##### 1a. Name of Natura site affected & current status

Please see detailed ornithological assessment (A599615) that accompanied SNH letter of for the list of all SPAs being considered in this appraisal and the relevant qualifying interests being considered.

##### 1b. Name of component SSSI if relevant

##### 1c. European qualifying interest(s) & whether priority/non-priority:

Red-throated diver  
Common scoter  
Common eider  
Northern gannet  
Black-legged kittiwake  
Common guillemot  
Razorbill  
Sandwich tern  
Common tern  
Little tern  
Herring gull  
Puffin  
Pink footed goose  
Barnacle goose  
Fulmar  
Cormorant  
Shag

##### 1d. Conservation objectives for qualifying interests:

To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

#### PROPOSAL DETAILS

##### 2a. Proposal title

Application for consent under Section 36 of the Electricity Act 1989 and a Marine Licence under Part 4, Section 20 of the Marine (Scotland) Act 2010 to construct and operate an offshore windfarm, Aberdeen Bay.

##### 2b. Date consultation sent:

7<sup>th</sup> August 2012

2c. Date consultation received  
2d. Name of consultee  
2e. Name of competent authority  
2f. Type of Case:

8 <sup>th</sup> August 2012
SNH
Marine Scotland
Marine Renewables – Offshore Wind - Application

**2g. Details of proposed operation (inc. location, timing, methods):**

Installation and operation of a European Offshore Wind Deployment Centre consisting of 11 turbines, inter-array and export cables. To be located 2-4.5km off the coast of Blackdog, Aberdeenshire and likely to be constructed in 2013 and 2014. Method of construction not yet known, nor the operation period of the different turbines to be deployed and how they would be replaced.

**APPRAISAL IN RELATION TO REGULATION 48**

**3a. Is the operation directly connected with or necessary to conservation management of the site? YES/NO If YES give details:**

No.

**3b. Is the operation likely to have a significant effect on the qualifying interest? Consider each qualifying interest in relation to the conservation objectives.**

**SPA Qualifying Interests**

In providing advice to marine renewables developers we provide advice on identifying what qualifying interests and from which SPA may need to be considered. This advice recommends using the meta-data on seabird foraging ranges available from the Birdlife International database<sup>1</sup> to determine which qualifying species from which sites are included. For some seabird species, the meta-data are such that they allow the use of cumulative frequency plots to determine the foraging range at which 95% of the population will be included. If these data are not available, or of poor quality, then we recommend using the mean of the species maximum foraging range. Foraging ranges of each qualifying species should be plotted from the SPA to the windfarm area to determine which foraging ranges overlap with the windfarm area and, therefore, which qualifying species (and which SPAs) should be included.

In this appraisal the relative likelihood of connectivity was determined using four metrics of foraging range:

1. mean foraging range
2. mean of the maximum foraging range
3. maximum foraging range
4. the cumulative foraging range at 95% (this should include 95% of the population).

These metrics were chosen because the forage range distribution curve for foraging ranges of seabirds is not normal and tends to be strongly right skewed. This means that relatively few birds make a disproportionate contribution to the mean value. However, the mean of a normally distributed function excludes 50% of the population by definition. The mean of the maximum foraging range tends to be similar in scale to the point on a cumulative frequency distribution where 95% of all foraging flights are included. This roughly equates to 95% of the population foraging within this distance. Thus level of connectivity was determined if an SPA was:

- within the mean foraging range, the mean maximum and/or the 95% cumulative frequency distribution of the proposed development site the connectivity would be **high**.
- within the maximum foraging range *and* either the mean maximum or 95% cumulative frequency distribution (or close to these) than connectivity was **moderate**.
- within the maximum (but out with the mean maximum or mean range) the connectivity was **low**.
- further than the maximum foraging range there was **no connectivity**.

For each distance the shortest flight route that did not cross land was used. The results of the assessment of connectivity are shown in the accompanying detailed ornithological assessment and

<sup>1</sup> <http://seabird.wikispaces.com/>

summarised below are those sites and species where connectivity is possible, moderate or high.

Breeding Period including post breeding qualifying interests:

Black-legged kittiwake – **Yes** – high connectivity with:

- Buchan Ness to Collieston Coast
- Fowlsheugh

Common eider – **Yes** – high connectivity with:

- Ythan estuary, Sands of Forvie and Meikle loch
- Montrose Basin
- Firth of Tay and Eden Estuary

Common quillmot – **Yes** – high connectivity with:

- Buchan Ness to Collieston Coast
- Fowlsheugh

Common tern – **Yes** – high connectivity with:

- Ythan estuary, Sands of Forvie and Meikle Loch

Fulmar – **Yes** – high connectivity with:

- Buchan Ness to Collieston Coast
- Fowlsheugh
- Forth Islands
- Troup, Pennan and Lion's Heads
- East Caithness Cliffs
- North Caithness Cliffs
- Copinsay
- Fair Isle
- Sumburgh Head
- Noss
- Fetlar
- Foula

Herring gull – **Yes** – high connectivity with:

- Buchan Ness to Collieston Coast
- Fowlsheugh

Northern gannet – **Yes** – connectivity with:

- Forth Islands
- Fair Isle
- Noss
- Troup, Pennan and Lion's Heads

Shag – **Yes** – high connectivity with:

- Buchan Ness to Collieston Coast

Razorbill – **Yes** – moderate connectivity with:

- Fowlsheugh

Sandwich tern – **Yes** – connectivity with:

- Ythan estuary, Sands of Forvie and Meikle loch
- Loch of Strathbeg

Little tern – **No** – only low connectivity as no terns observed in boat surveys and low numbers in vantage point surveys.

Puffin – **No** – only low connectivity with SPAs

Qualifying interests connected with Aberdeen bay either due to migratory patterns and/ or wintering aggregations.



Barnacle goose – Yes – high connectivity with:

- Loch of Strathbeg
- Upper Solway Flats and Marshes

Common scoter – Yes – connectivity possible with:

- Firth of Forth
- Firth of Tay and Eden Estuary

Pink-footed goose – Yes – high connectivity with multiple SPAs:

- Ythan estuary, Sands of Forvie and Meikle loch
- Loch of Strathbeg
- Montrose basin

Red-throated diver – Yes - connectivity possible with breeding populations in:

- Caithness and Sutherland Peatlands
- Hoy
- Orkney Mainland Moors
- Foula
- Hermaness, Saxa Vord and Valla Field
- Otterswick and Graveland
- Ronas Hill – North Roe and Tingon

Cormorant – No – no connectivity with SPAs

### 3c. Appraisal of the implications for the site in view of the site's conservation objectives.

This Natura appraisal for SPAs is based on the draft that was provided with SNH's letter of 2 November 2011 and has been completed using the information provided in the June 2012 Addendum to the Environmental Statement.

The EOWDC has the potential to have a combination of displacement, barrier and collision impacts on seabirds in the area. These impacts are discussed in the Addendum.

In summary, the wind farm has the potential to adversely affect the populations of the bird species and SPAs listed in 3b either directly, through death from collisions by turbines or indirectly, as a result of loss of fitness by disturbing and displacing them from an important feeding and moulting area, or by acting as a barrier. These impacts are discussed below.

#### **Displacement**

The turbine envelope does not appear to coincide with any regularly-used or significant 'hotspots' of activity for any species; this includes birds on the surface (and therefore assumed to be using the site for foraging or other maintenance activities), and birds in flight. These findings are consistent with the physical characteristics of the site which, although relatively sheltered and suitable for foraging by a range of species, are similar to other sections of the coast to north and south.

For Eider and Common Scoter there was strong evidence that shallower water closer to the shore was preferred. For others, such as Red-throated Diver, Fulmar, Cormorant, Shag and terns, there was moderate evidence that adjacent sections of coast were preferred over the development site, at least during certain seasons and years. In the case of terns, concentrations of birds to the North of the site are probably linked to the proximity of important nesting colonies at Forvie, around 10km from the centre of the turbine array.

The moderate number of turbines and the relatively restricted turbine envelope suggests that displacement effects will be small relative to the total available foraging resource. Impacts could be mitigated by requiring a vessel management plan to minimise disturbance in areas where birds occur more frequently, and particularly at times of year when birds are moulting and therefore most vulnerable.

### **Barrier**

The moderate number of turbines, relatively restricted turbine envelope and location of the deployment centre away from the Ythan estuary suggests that any barrier effects will be sufficiently restricted not to cause concern for any species.

### **Collision Risk Modelling (CRM)**

The methodology used for CR modelling in the Addendum was approved by SNH. As the final turbine dimensions are not known yet, the approach was to model the turbine option that gives the highest predicted collision rate (p.406). SNH has re-run the calculations for some species using the latest version of the model (SOSS, Band 2012). When modelled for common and sandwich tern, herring gull, shag and kittiwake ('basic' mode, option 1), the collision rates were in line with those in the Addendum.

Overall flight activity at risk height, as indicated from two years of survey, was lower than might have been expected for this coastal location. Predicted mortality from the revised collision risk assessments is relatively low for all species and is not expected to give rise to any detectable population-level impacts at any of the SPAs for which SNH has identified 'connectivity'.

For the five species that we identified in our letter of 2 November 2011 as needing more analysis:

#### Black-legged kittiwake

Breeding-season adult mortality through turbine collisions is predicted to be 25 birds, which is attributable to Buchan Ness to Collieston Coast SPA (19 birds) and Fowlsheugh SPA (6 birds). These levels of mortality would be too low to give rise to any detectable population-level effects at these sites.

#### Shag

Very few Shag were recorded within the turbine envelope and none at all at collision risk height. Even with generic flight height information from other sites, predicted collision risk is calculated at less than one bird per year, and is too low to be of concern. Although Buchan Ness to Collieston Coast SPA is within the mean and the maximum foraging range of the development, we would not expect much foraging activity associated with SPA birds at this distance from the site.

#### Common tern

Common Terns currently nest at Ythan Estuary, Sands of Forvie and Meikle Loch SPA in numbers well below those that were present at SPA designation. The Addendum contains an appraisal of possible collision mortality in the event of a 'recovered' SPA at various population levels (p.248-251, and Appendix A2) and predicts annual mortality for a population of 500 birds to be 49 individuals.

SNH has re-calculated this by comparing 2011 tern nesting records for Forvie with observed flight activity and predicted collision mortality for that year. This provides estimates of 1 bird a year for the current population, or 5 birds for a recovered population.

Putative mortality of 5 Common Terns per year to the Ythan Estuary, Sands of Forvie and Meikle Loch SPA population needs to be assessed in the context of a shifting population that readily uses alternative sites for nesting. Some of these alternative sites are much further away from the proposed development; collision risk to birds when utilising such sites would be much reduced. The relatively low predicted levels of collision mortality (both currently and post-recovery), combined with the use of alternative sites, allows us to conclude that the development would not impede recovery of the SPA population nor threaten it in the event of a recovery of numbers to SPA-designation levels.

#### Sandwich tern

Sandwich Tern were uncommon across the development site, with most birds foraging well to the North and close to the SPA colonies at Forvie. We agree with the conclusion of the Addendum that collision mortality to this species will be very small and not of concern.

#### Herring gull

The revised Rochdale envelope parameters give a significantly lower predicted rate of mortality to Herring Gull compared with the original (19 birds/yr as opposed to 26 birds/yr). The approach taken in the Addendum is to apportion the predicted mortality for the months April to August to adjacent colonies, with mortality at other times of year not being apportioned (and therefore effectively

disregarded in terms of SPA impacts). The issue of mortality outwith the breeding season and how it might affect SPAs is difficult to address; it is actively being considered by the Statutory Nature Conservation Bodies.

The total breeding season mortality of 11 birds is apportioned to Aberdeen City non-SPA colonies (8 birds), Buchan Ness to Collieston Coast SPA (2 birds), Fowlsheugh SPA (1 bird) and Troup, Pennan and Lion's Heads SPA (<1 bird). The detailed calculations are not presented but the results are broadly consistent with the current SNH recommendation, which is to apportion impacts based both on colony size and on the inverse of the square of distance to the colony.

Although Herring Gulls at these SPAs are currently in unfavourable condition, the rates of predicted mortality are too low to affect recovery or to drive the SPA populations into further decline.

**In conclusion, the additional information and improved analyses contained in the Addendum allow SNH to conclude no adverse effect on site integrity for all species and SPAs.**

*iii) In the light of the appraisal, ascertain whether the proposal will not adversely affect the integrity of the site for the qualifying interests. If SAC and/or SPA and/or Ramsar site, give separate conclusions. If conditions or modifications are required, proceed to 4.*

**4. Conditions or modifications required.**

*Indicate conditions/modifications required to ensure adverse effects are avoided, & reasons for these.*

Please see conditions recommended in the draft Natura appraisal with SNH letter of 2 November 2011 and the annex on conditions contained in that letter and enclosed with this.

**5. Advice sought.**

*Include here details of or clear reference to, advice sought from AS, colleagues etc. If no advice sought give brief reasons/justification.*

Advice was sought from:  
SNH Marine Renewables Ornithological Adviser (A763279)

**6. RESPONSE**

**a) Natura Comments**

See also Natura appraisal for SACs attached to SNH letter of 2 November 2011.

**b) SNH Comments (**

For SNH advice to other authorities:

The proposal could raise natural heritage issues of national interest and we therefore object to this proposal unless it is made subject to the conditions in section 4 above.

Appraised by	Sue Lawrence
Date	1 <sup>st</sup> October 2012
Checked by	Erica Knott
Date	2 <sup>nd</sup> October 2012

## Sutherland AI (Andrew)

---

**From:** Ferguson V (Val)  
**Sent:** 27 August 2012 16:05  
**To:** Sutherland AI (Andrew)  
**Subject:** RE: 018/OW/AOWFL - 9: Request For Comments Addendum EOWDC: 07 August 2012

Andrew,  
Thanks for the addendum on which I have no comments to make.

*Val Ferguson*  
*Ports and Harbours Branch*  
*Area 2G North*  
*Victoria Quay*  
*Edinburgh*  
*EH6 6QQ*  
*0131 244 7878*  
[val.ferguson@transportscotland.gsi.gov.uk](mailto:val.ferguson@transportscotland.gsi.gov.uk)

---

**From:** Sutherland AI (Andrew)  
**Sent:** 07 August 2012 15:07  
**To:** Ferguson V (Val)  
**Subject:** 018/OW/AOWFL - 9: Request For Comments Addendum EOWDC: 07 August 2012

Dear Ms. Ferguson,

On 3<sup>rd</sup> August 2012, Aberdeen Offshore Wind Farm Ltd (AOWFL) submitted further information in the form of an addendum to Marine Scotland Licensing Operations Team. The addendum was accepted on 3<sup>rd</sup> August 2012 and has been distributed to the consultees originally consulted on the application in August 2011 for review and comment on the proposal.

Please find attached a copy of the consultation letter for this proposal, a signed copy of which has also been sent to you by recorded delivery. We would welcome any comments you may wish to make in light of this further information.

I would be grateful for your consultation response on the submitted addendum which you should, by now, have received directly from the applicant. I would also welcome your advice in the following format:

- Carry forward previously issued consultation recommendations/conditions in this response, if they remain relevant to the revised proposal; and
- Provide advice to Ministers on the new addendum; and
- Present all recommendations/conditions in a separate Annex to your response.

I would be grateful if you could submit your addendum response electronically to [ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk) by **20th September 2012**. If you require an extension to the consultation deadline I would be grateful if you let us know before the deadline date.

Yours sincerely,

Andrew Sutherland

---

### Andrew Sutherland

Marine Renewables Licensing Advisor  
Marine Scotland – Marine Planning & Policy Division  
Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria Road | Aberdeen AB11 9DB

Tel: + 44 (0) 1224 295486  
S/B: + 44 (0) 1224 876544  
Fax: + 44 (0) 1224 295524

Email: [andrew.sutherland@scotland.gsi.gov.uk](mailto:andrew.sutherland@scotland.gsi.gov.uk)  
[ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)

Web: <http://www.scotland.gov.uk/marinescotland>  
<http://www.scotland.gov.uk/topics/marine/licensing/marine>  
<http://www.scotland.gov.uk/topics/marine/science/msinteractive>

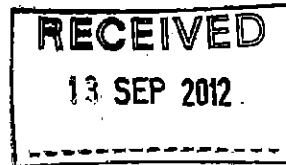
<< File: TS (P&H).pdf >>



Our Ref SCT6735B  
Your Ref 018/OW/AOWFL - 9

12 September 2012

Andrew Sutherland  
Renewables Licensing Operations Team  
Scottish Government  
Marine Scotland  
Marine Laboratory  
375 Victoria Road  
ABERDEEN  
AB11 9DB



JMP Consultants Limited  
Mercantile Chambers  
53 Bothwell Street  
Glasgow  
G2 6TS

T 0141 221 4080  
F 0800 066 4367  
E glasgow@jmp.co.uk

[www.jmp.co.uk](http://www.jmp.co.uk)

Dear Sirs,

**ELECTRICITY ACT 1989  
MARINE (SCOTLAND) ACT 2010-  
SECTION 36 APPLICATION TO CONSTRUCT AND OPERATE AN OFFSHORE  
WINDFARM, ABERDEEN BAY, ABERDEEN**

As Term Consultants to Transport Scotland – Trunk Road and Bus Operations (TS-TRBO) we have been issued a copy of the Environmental Statement Addendum report produced in support of the Section 36 application for an Offshore Wind Farm at Aberdeen Bay, Aberdeen.

We previously reviewed the full ES in September 2011 and issued comments at that time on behalf of Transport Scotland in relation to the proposed wind farm which we understand lies approximately 2.4 kilometres offshore from the coastline of Aberdeenshire at Blackdog

It is our understanding that this Addendum report has been produced subsequent to changes to the proposed turbine parameters, in terms of an increase in tip height and rotor radius. We note there is no change to the proposed number of turbines.

Transport Scotland's concern involves any effect the construction, operation and decommissioning of the wind farm will have on the Trunk Road network, including traffic and transportation associated with the wind farm and the construction of any associated onshore transmission infrastructure.

It is noted that the addendum report does not deal with any issues pertaining to the impact of the onshore transmission infrastructure. Additionally, it is our understanding that a planning application to cover the onshore operations of the proposed development will be made separately under the Town and Country Planning (Scotland) Act once those activities have been identified. We will therefore review and comment upon any potential trunk road impacts at the time of this separate application.

We can therefore confirm that the Addendum report does not change our previous conclusion on this application which was that the offshore activities will not have any significant environmental impact on the trunk road network.

I trust that the above clarifies the position of Transport Scotland but if you have any queries, please do not hesitate to contact me.

Yours faithfully

[Redacted Signature]

[Redacted Name]  
Associate Director

Tel: [Redacted]  
Email: [Redacted]@jmp.co.uk

CC: Mr Malcolm Forsyth, Transport Scotland Development Management



**WDCS Scottish Dolphin Centre**

Spey Bay, Moray  
Scotland

Phone [REDACTED]  
[REDACTED]  
[REDACTED]@wdcs.org  
[www.wdcs.org](http://www.wdcs.org)

Andrew Sutherland  
Marine Renewables Licensing Advisor  
Licensing Operations Team  
Marine Scotland - Marine Planning & Policy  
Scottish Government  
Marine Laboratory  
PO Box 101  
375 Victoria Road  
Aberdeen AB11 9DB  
[Ms.marinelicensing@scotland.gsi.gov.uk](mailto:Ms.marinelicensing@scotland.gsi.gov.uk)

10<sup>th</sup> September 2012

Dear Andrew

**WDCS comments on EOWDC Addendum**

In 2013-2014, AOWFL proposes to construct 11 wind turbines off Aberdeen Bay each with a nominal output of up to 7 MW and a maximum output for the wind farm of up to 77 MW. The project team *"do not believe that monopile foundations will be used at the site, however for flexibility purposes we have decided to retain the potential for up to (i.e. a maximum) of 4 monopiles at the site."*

WDCS previously provided comments on the EOWDC in October 2011. Our concerns about pile driving, mitigation and monitoring remain, including the requirement to answer specific research questions to meet legal requirements for European Protected Species (EPS) and Special Areas of Conservation (SACs), such as how many animals will be impacted, whether this will be detrimental to the population or where they might go if/when they are displaced.

There appears to be considerable difference in sightings rates between surveys undertaken in 2007-2008, and those undertaken in 2010-2011. This demonstrates the considerable variability that can exist in the marine environment between years and goes some way to demonstrate that two years baseline surveys may not always be adequate to understand local habitat use.

**Volume 2 - Marine mammal baseline Addendum**



We note that the surveys determine that the area is a “*high-density porpoise area*” and efforts should be made to ensure that disturbance issues are adequately dealt with for all EPS, including harbour porpoises and that an EPS licence is obtained.

The report states that “*there appears to be an increase in occurrence [of bottlenose dolphins] between November and May*” yet the surveys determined that the “*majority of the sightings occurred in the spring and summer months*”. Accurate understanding of dolphin occurrence will be important for management and mitigation purposes, where adequate mitigation should include seasonal restrictions.

Table 4.2 is helpful to inform the sensitivities of all marine mammals likely to be encountered in the region and to direct appropriate mitigation and impact survey planning.

## **Volume 2 - Revised Habitat Regulation Appraisal**

### **Harbour seals**

Since the Environmental Statement was produced, likely effects of construction due to pile driving during installation of offshore wind farms have been demonstrated on a mixed population of harbour and grey seals on the east coast of the UK (Skeate et al., 2012). We note that this development consisted of only 30 turbines. Despite this, and the declining population of the Scottish east coast harbour seals, the HRA considers the risk to this species to be low. However we note the HRA states that there will be a Likely Significant Effect. The only proposed mitigation measure is ‘soft start’ which will not protect vulnerable harbour seals once construction commences and certainly does not demonstrate best practise.

Monitoring of this population should be sufficient to detect further declines due to construction and operation of this development. The use of soft start is not considered to be a deterrent to curious seals that may approach during pile driving activities.

### **Bottlenose dolphins**

Some of our concerns about untested assumptions in the Environmental Statement remain. This sentence (page 111 of the Habitat Regulation Appraisal) is an example, “*although bottlenose dolphins frequently occur in Aberdeen Bay it is predicted that it is unlikely for a bottlenose dolphin to be within 3 m of the wind turbine during installation and therefore not at risk of mortality*”. No evidence is provided to support this statement. In fact, the survey report states elsewhere that “*There were 10 observations of 58 bottlenose dolphins collected on effort that would have been available for distance analysis (if statistically feasible)... **A higher number of individuals were observed in the wind farm survey area in comparison to the control site.***” Were one animal to be killed in a small population of less than 200 animals, this could have a population impact. Should animals approach when pile driving activities are underway, these activities should be suspended until the animal(s) move out of the area.

The HRA determines the risk to bottlenose dolphins to be moderate. We note the HRA states that there will be a Likely Significant Effect. However, the use of soft start alone, as suggested in the HRA, is not a mitigation measure and would not be sufficient to ensure the protection of the bottlenose dolphins, or to meet the requirements of the SAC. We recognise the short period of pile driving, and

hope that displacement for this period will not have long term impacts, but mortality of any individual will clearly have a detrimental impact on this small population. Whilst the number of turbines is low, the only proposed mitigation measure is 'soft start' which, we reiterate, will not protect vulnerable bottlenose dolphins once piling commences and certainly does not demonstrate best practise.

Best practise would include use of bubble curtains, jackets or other forms of 'sleeve' to reduce noise levels around the pile, to reduce distances of disturbance impacts to marine mammals in the area and to inform the use of such mitigation techniques for other, larger developments.

Finally, a Marine Mammal Protection Plan was not included in the Addendum. We assume this will be developed as the technologies and techniques are pinned down. Given that it is fundamental to successfully understanding any potential impacts, WDCS requests the opportunity to be involved in the development of and to comment on the MMPP.

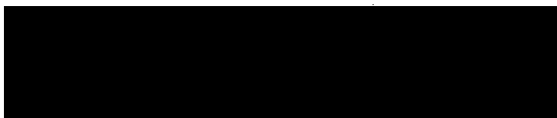
#### **In summary**

Whilst this development consists of only 11 turbines, we have outstanding concerns about the Natura species that are protected by SACs in the region, namely bottlenose dolphins that reside in Aberdeen harbour and local populations of harbour seals. We are also concerned about other EPS, including harbour porpoises, which are found in high numbers in the area.

We reiterate that the use of soft start alone, considering the level of risk the populations are considered to face from this development, is inadequate. As a result, we request that the Marine Mammal Protection Plan considers monitoring during construction and operation and that tested and effective mitigation measures ensures that activities stop should animals appear within a zone where death or injury could occur. Seasonal restrictions should be put in place for pile driving activities (May – September as identified in Table 4.2) and adequate population monitoring undertaken to determine disturbance and other longer term impacts. Our detailed recommendations (as provided in our previous response) are provided in the Annex.

We would be happy to discuss these comments in person.

Yours sincerely



Head of Policy for Scotland

#### **References**

Skeate, E.R, Perrow, M.R. and Gilroy, J.J. 2012. Likely effects of construction of Scroby Sands offshore wind farm on a mixed population of harbour *Phoca vitulina* and grey *Halichoerus grypus* seals. *Marine Pollution Bulletin*, 64, 872-881.

## ANNEX

The specific recommendations that WDCS made to Marine Scotland Licencing Team on the EOWDC in our comments in October 2011 remain:

1. An independent scientific panel should be formed to ensure adequate scientific consideration is given to all relevant cetacean species in the design, scale and implementation of all stages of monitoring and mitigation;
2. Adequate monitoring should be undertaken (determined by the scientific panel) to take full account of disturbance, and to the distances that are reported in scientific literature, not theoretical assumptions;
3. A longer term scientifically robust monitoring programme should be set up and maintained to ensure that any potential impacts are monitored and mitigated effectively;
4. The Marine Mammal Protection Plan (MMPP) should be designed based on the expertise of the scientific panel;
5. The MMPP should consider the difference between monitoring and mitigation, and should only rely on tested mitigation measures to reduce impacts of development;
6. A disturbance (EPS) licence should be required, to include a detailed assessment of how many animals of each species are likely to be disturbed, what percentage of the population is likely to be disturbed and what behaviours are likely to be impacted as determined by the scientific panel;
7. A detailed scientific report of monitoring results should be provided to SNH within a suitable timeframe of the development;
8. Given the potential for wide-ranging impacts of pile driving especially, and the critical calving period of some species between April and September (Table 4.2 of the Addendum), any pile driving should occur outside of these spring and summer months, but taking full account of bottlenose dolphins, grey seal and other marine species biologically important activities;
9. The EOWDC ES should be peer-reviewed to ensure that it is accurate in its interpretation of the existing science, appropriately identifies data gaps and generally reaches a suitable standard to make an informed decision; and,
10. Data should be publicly available within a suitable timeframe and in an appropriate format so that they can be included in the JNCC Joint Cetacean Protocol.

In addition to these recommendations previously made, WDCS also makes the following recommendation:

11. Ducted propellers should not be allowed, unless they are guarded or potential impacts can be effectively mitigated in some other way, especially for harbour seals.

Recommendations to enable industry best practise in marine renewable energy development:

1. Primarily, detailed guidance on disturbance licencing should be produced, with key stakeholder input, as a priority;
2. As JNCC has done with marine mammal data collected on seismic survey vessels (see Stone, 1997; 1998; 2000; 2003a; 2003b; 2003c; Stone and Tasker, 2006), an annual and publicly available review of all scientific data collected from renewables developments should be produced to inform future plans through an adaptive approach;

3. Quieter and more benign alternatives to pile-driving are an important and viable option that governments and other key stakeholders, including The Crown Estate, should be funding to develop. Similarly, there may be methods that can be used to limit noise;
4. The Scottish Government and The Crown Estate should fully consider how to understand and effectively monitor and mitigate against cumulative impacts of wider renewables developments on mobile species whose range includes more than one development site or animals that move from one development site to the next as a result of activities being undertaken;
5. Prioritise and assist in funding those data gaps which are most important, to ensure that strict protection of species are maintained;
6. The COWRIE research fund should be continued and extended to include full consideration of the range of species found in Scottish waters; and,
7. An independent environmental audit should be planned once the MS licencing department has been in operation for a year to assess the level of adequacy of supporting material for environmental assessments and to ensure an adequate standard is maintained.

#### **References**

Stone, C.J., 1997. The Effects of Seismic Activities on Marine Mammals in UK Waters 1996. JNCC Report 228, Joint Nature Conservation Committee, Peterborough.

Stone, C.J., 1998. The Effects of Seismic Activities on Marine Mammals in UK Waters 1998. JNCC Report 278, Joint Nature Conservation Committee, Peterborough.

Stone, C.J., 2000. The Effects of Seismic Activities on Marine Mammals in UK Waters 1998. JNCC Report 301, Joint Nature Conservation Committee, Peterborough.

Stone, C.J., 2003a. The Effects of Seismic Activities on Marine Mammals in UK Waters 1998–2000. JNCC Report 323, Joint Nature Conservation Committee, Peterborough.

Stone, C.J., 2003b. The Effects of Seismic Activities on Marine Mammals in UK Waters 1999. JNCC Report 316, Joint Nature Conservation Committee, Peterborough.

Stone, C.J., 2003c. The Effects of Seismic Activities on Marine Mammals in UK Waters 2000. JNCC Report 322, Joint Nature Conservation Committee, Peterborough.

Stone, C.J., 2006. Marine Mammal Observations During Seismic Surveys in 2001 and 2002. JNCC Report 359, Joint Nature Conservation Committee, Peterborough.

Stone, C.J. and Tasker, M.L., 2006. The effects of seismic airguns on cetaceans in UK waters. *Journal of Cetacean Research and Management* 8, 255–263.