



Defence Infrastructure Organisation

DIO Ref. 6939

Ministry of Defence
Safeguarding
Kingston Road
Sutton Coldfield
West Midlands B75 7RL
United Kingdom

Telephone [MOD]: +44 (0)121 311 3790
Facsimile [MOD]: +44 (0)121 311 2218
E-mail: DIOSEE-EPSSG1@mod.uk

Mr James McKie
Marine Scotland Licensing Operations Team

17th August 2016

Dear Mr McKie,

CONSENT GRANTED BY THE SCOTTISH MINISTERS UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE THE BEATRICE OFFSHORE WIND FARM ELECTRICITY GENERATING STATION, OUTER MORAY FIRTH, APPROXIMATELY 25KM SOUTH EAST OF WICK, CAITHNESS

I am writing to you in respect of the consent granted pursuant to an application by Beatrice Offshore Windfarm Limited (“the Company”) to the Scottish Ministers (“the Consent”) for the construction and operation of the above-named wind farm (“the Development”).

The consent was granted subject to a condition (“the Condition”) to address Ministry of Defence (“MOD”) concerns in respect of the effects of the Development on the MOD Air Traffic Control Radar (ATC) at RAF Lossiemouth. The Condition states that:

21) The Company must, prior to the erection of any WTGs [wind turbine generators] on the Site, submit an Air Traffic Control Radar Mitigation Scheme (“ATC Scheme”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with the DIO [Defence Infrastructure Organisation].

No WTGs shall become operational until:

- a. the mitigation measures that are required under the approved ATC Scheme have been implemented;*
- b. any performance criteria, all as specified in the approved ATC Scheme as requiring to be satisfied, have been so satisfied; and*
- c. the implementation and satisfaction of the performance criteria have been approved by the Scottish Ministers in consultation with the DIO.*

The Company must, at all times, comply with all obligations under the approved ATC Scheme.

The MOD has been working closely with the Company and a number of other offshore developers pursuing projects to construct wind turbines to agree a process to identify, prove and implement an enduring mitigation solution to address the unacceptable interference that their proposed developments would have on MOD ATC radars. The MOD has established a three phase Wind Turbine Mitigation Programme : Phase One Scoping; Phase Two Proving Trial; and Phase Three

Implementation, to enable suitable enduring mitigation solutions in respect of the proposed developments to be identified, proven and implemented.

In August 2015 the Company entered into an Agreement to provide funding for Phase One of the Mitigation Programme to identify a number of potential enduring mitigation solutions for assessment during Phase Two of the Mitigation Programme. The Phase One Scoping Report was delivered on 26 May 2016.

The process to identify, prove and implement an appropriate enduring mitigation solution will take some time and therefore the MOD and the Company have agreed that an interim solution will also be required in respect of the proposed Development.

The Company and another offshore developer have therefore submitted an Airspace Change Proposal for the introduction of a Transponder Mandatory Zone (TMZ) in respect of their proposed developments and the MOD ATC radar at RAF Lossiemouth. The MOD has agreed that the TMZ, together with radar blanking in the area concerned and the operation of a Secondary Surveillance Radar only within the TMZ, will provide an appropriate interim solution until such time that an enduring solution, which satisfies the MOD's requirements, is identified, proven and implemented. The Phase One Scoping Report identified the work which will need to be undertaken in relation to the RAF Lossiemouth ATC radar to prove and implement the TMZ.

The Civil Aviation Authority confirmed its approval of the Moray Firth TMZ (an Airspace Change Proposal) subject to a number of conditions in a decision letter to the Company dated 26 January 2016.

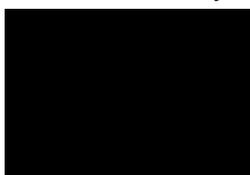
On 11 March 2016, the Company entered into a Radar Mitigation Scheme (RMS) Agreement with the MOD in connection with Phase Two Proving Trial and Phase Three Implementation of the Mitigation Programme for the MOD ATC radar at RAF Lossiemouth and the Company's proposed Development. The RMS Agreement contains conditions relating to the implementation of an interim solution, the identification, proving and implementation of an enduring solution and, if necessary, the identification, proving and implementation of an alternative solution should the enduring solution not satisfy the MOD's requirements. The RMS Agreement specifies the mitigation measures and performance criteria which are required to be satisfied by the Company. The RMS Agreement also places obligations on the Company to ensure that the specified mitigation measures will be implemented and the specified performance criteria will be satisfied.

Therefore, for the purposes of Condition 21 of the Consent, the MOD considers that the RMS Agreement can be regarded as the Air Traffic Control Radar Mitigation Scheme specified in the Consent. The MOD considers that if the Company complies with the obligations contained in the RMS Agreement, the mitigation measures specified in the RMS Agreement are implemented and the performance criteria specified in the RMS Agreement are satisfied by the Company, the RMS Agreement will provide suitable mitigation of the adverse effects of the proposed Development.

The DIO, on behalf of the MOD, therefore recommends to the Scottish Ministers that they may consider themselves to be in a position to inform the Company without delay that Condition 21 of the Consent has been satisfied and that it may be discharged in full.

Please contact me should you require any additional information.

Yours sincerely



Desmond Egan
Senior Safeguarding Officer