



Mr Allan MacAskill  
Saltire Court  
20 Castle Terrace  
Edinburgh  
EH1 2EN

29<sup>th</sup> May 2018

Dear Mr MacAskill

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)**

**THE ELECTRICITY ACT 1989 (AS AMENDED)**

**DECISION NOTICE RELATIVE TO APPLICATION FOR MULTI-STAGE CONSENT**

**THE CONSTRUCTION AND OPERATION OF THE KINCARDINE FLOATING OFFSHORE WINDFARM, APPROXIMATELY - 15 km OFF THE COAST OF ABERDEEN.**

**1 Description of the Application**

- 1.1. On 7<sup>th</sup> March 2017 the Scottish Ministers, granted in favour of Kincardine Offshore Windfarm Ltd (Company Number SC475345) having its registered office at Saltire Court, 20 Castle Terrace Edinburgh, EH1 2EN (“the Company”) consent under section 36 (“s.36”) of the Electricity Act 1989 (as amended) relative to the above works. The said s.36 consent was subsequently varied by the Scottish Ministers on 15<sup>th</sup> May 2018 (“current s.36 consent”). As required by Annex 2 of the current s.36 consent prior to commencing works relative to the 2 megawatt (“MW”) wind turbine generator (“WTG”) the Company must submit a Lighting and Marking Plan (“LMP”) as detailed in condition 18 of the current s.36 consent for approval by the Scottish Ministers.
- 1.2. On 16<sup>th</sup> January 2018 the Company submitted to the Scottish Ministers the LMP for approval and applied for multi-stage consent in relation thereto in accordance with Annex 2 and condition 18 of the current s.36 consent.

**2 Summary of Consultation Responses**

- 2.1 The Scottish Ministers consulted with the Northern Lighthouse Board (“NLB”), the Maritime & Coastguard Agency (“MCA”), the Ministry of Defence (“MoD”) and the Civil Aviation Authority (“CAA”) in respect of the LMP.



- 2.2 The NLB confirmed that they were content with the detail contained within the LMP. The NLB highlighted the fact that while IALA O-139 recommends painting the column yellow up to a height of 15 metres, given the volume and area which is painted yellow on the Kincardine Floating Offshore Windfarm platform, they would accept this as meeting the daymark requirements.
- 2.3 The MCA confirmed that they were content with the detail contained within the LMP. The MCA highlighted that the windfarm should be fitted with lighting that is controllable from the development control room and which is National Voluntary Guidelines (“NVG”) compatible. The MCA advised that updated guidance is being developed to incorporate the requirement for Infrared (“IR”) for all red lights. The MCA stated that, due to the size of the development, perimeter turbines would be required to install IR.
- 2.4 KOWL subsequently confirmed that the 2 MW turbine conforms to the standards of the updated guidance. The MCA also stated that the lighting and marking should be carried out in accordance with MGN 543.
- 2.5 The MoD confirmed they had no comments on the LMP. No response was received from the CAA.
- 2.6 Following consultation on the LMP, the Company confirmed that the final paint height markings for the turbines was in excess of 9.5 metres from the float line. In light of the confirmed paint markings and the above comments, the Company amended the LMP. The NLB, MoD and MCA subsequently confirmed that they were content with the amended LMP.

### **3 Reasons and Considerations on which this decision is based**

- 3.1 The amended LMP was submitted to the Scottish Ministers by the Company on 17<sup>th</sup> April 2018.
- 3.2 The information contained in the LMP is within the parameters of what has already been assessed within the Environmental Statement (“ES”), the Environmental Statement Information Addendum (“ES Addendum”) and the Variation Environmental Statement (“Variation ES”) submitted in respect of the current s.36 consent.

### **4 Reasoned Conclusion**

- 4.1 As set out above, the Scottish Ministers are satisfied that they have sufficient information to enable them to reasonably conclude that there will be no new significant effects on the environment as a result of the approval of the LMP.
- 4.2 In taking into account the information set out above, the Scottish Ministers are satisfied that this information is relevant, appropriate and up to date.

### **5 Determination and Terms of Decision**

- 5.1 The Scottish Ministers, hereby approve the LMP as submitted on 17<sup>th</sup> April 2018 to the extent that it relates to the works relative to the installation of the 2 MW WTG and grant multi-stage consent in relation thereto.
- 5.2 In the event that the Company wishes to update or amend the LMP, in relation to the 2 MW WTG, the Company must submit, in writing, details of the proposed updates

or amendments to the Scottish Ministers for their written approval prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.

- 5.3 An updated LMP must be submitted to the Scottish Ministers for their written approval prior to the commencement of works relative to future tranches of the entire Development. In respect of such approval, if granted, and if appropriate a further Decision Notice will be issued.
- 5.4 Unless otherwise agreed, in writing by the Scottish Ministers, the works must be constructed and operated in accordance with the LMP.
- 5.5 This Decision Notice has been published on the Marine Scotland licensing page of the Scottish Government's website:  
<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Kincardine>
- 5.6 A copy of this Decision Notice has also been sent to the relevant planning authorities.

Authorised on behalf of the Scottish Ministers

By a member of staff of the Scottish Government

Marine Scotland  
Marine Planning and Policy  
Licensing and Operations Team  
375 Victoria Road  
Aberdeen  
AB11 9DB  
29<sup>th</sup> May 2018