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10/09/2018

AOWFL Ref: ABE-VF-MS-0015

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**Ref: EOWDC: Extension of Consent Period – Request for Screening Opinion**

Please accept this letter as a request for a screening opinion to inform an application to vary the Section 36 consent, granted on 26<sup>th</sup> March 2013 (the “s36 Consent”) to Aberdeen Offshore Wind Farm Ltd. (AOWFL) to develop the European Offshore Wind Deployment Centre (EOWDC).

**Background**

AOWFL currently holds a s36 Consent which is valid for 22 years after Final Commissioning of the Development. Final Commissioning took place on the 25<sup>th</sup> July 2018; therefore the s.36 Consent will remain valid until 25<sup>th</sup> July 2040. Furthermore, AOWFL's current Marine Licence 04309/18/3 remains in force until 31<sup>st</sup> December 2041 therefore is valid for approximately 23 years after Final Commissioning. Taking into account Condition 3.2.4.1 of this Marine Licence, which states “*this licence does not permit the Decommissioning of the Works for which a separate marine licence is required*”, AOWFL understands that neither the Marine Licence nor the s36 Consent cover decommissioning.

AOWFL is seeking to align the Project's consents (s36 and Marine Licence) and extend the consent for the operational life of the wind farm to 25 years (excluding decommissioning), in order to align with the design life of the wind farm assets. Specifically, the MHI Vestas V164-8.0 MW turbines have a structural design life of 25 years, indicating that they do not require additional maintenance in excess of manufacturers' recommendations over this time period.

Following a meeting with Marine Scotland Licensing and Operations Team (MS-LOT) on the 18<sup>th</sup> July 2018 to discuss the process to be followed to vary the consents, AOWFL is now submitting a screening request to inform an application for the extension of the Consent Period (25<sup>th</sup> July 2043). AOWFL has carried out an assessment based on information presented within the original Environmental Impact Assessment (EIA) and an assessment against the new EIA regulations. The results of the screening assessment are presented overleaf, followed by a brief assessment of benefits of extension.

**Legislative Framework**

Section 36 Variation: Section 36C of the Electricity Act 1989 (“the 1989 Act”) provides powers to the Scottish Ministers to vary a section 36 consent.

Marine Licence Variation: In terms of Section 30(3)(d) of the Marine (Scotland) Act 2010 the Scottish Ministers retain a residual power to vary a Marine Licence. In the circumstances outlined above, in the event that a section 36 variation is provided, AOWFL would request that the Scottish Ministers give consideration to varying the Marine Licence to ensure that the time limit applicable to it is consistent with the section 36 consent. We are aware that the Ministers have exercised such discretion in respect of other cases such as the variation of the section 36 consents relating to the Moray East project.

**Review of assessment within Environmental Statement, Supplementary Environmental Impact Statement & Appropriate Assessment**

The EIA submitted with the original application for consent to develop the EOWDC was based on a Project Description which specified a 22-year operational period. While this information was included within the Project Description, it is not considered to have been pertinent to any of the subsequent impact assessments relating to the operational life of the wind farm. Duration of effect was taken into account in order to determine the magnitude of effects on potential receptors, and was defined as part of the EIA methodology. An impact with an expected duration greater than 10 years was considered to be a long-term/permanent effect. By this definition, all operational-phase impacts were assessed as long-term impacts. Therefore extending the operational life of the wind farm assets for approximately 3 years will not change the conclusion of the impacts.

For reference, a summary of the operational phase impact assessment (based on the Environmental Statement (ES) and the Supplementary Environmental Impact Statement (SEIS) submitted in 2012 (also referred to as the Addendum)) is presented below, for those receptors which underwent formal assessment and a recommendation to be screened in to further assessments.

**Table 1: Summary of original EIA & Screening Recommendation**

<b>Receptor</b>	<b>Operational phase impact significance</b>	<b>Recommended to be screened in to further assessment?</b>
Coastal Processes	Negligible / Minor	No - no additional impact
Marine Ecology, Intertidal Ecology, Sediment and Water Quality	Negligible / Minor	No - no additional impact
Ornithology	Negligible / Minor	No - no additional impact
Bats	Negligible	No - no additional impact
Marine Mammals	Minor / Moderate	No - no additional impact
Electromagnetic Fields (EMF)	Negligible / Minor	No - no additional impact
Shipping and Navigation	Low	No - no additional impact
Aviation	“...not likely to be any detrimental effects...”	No - no additional impact
Ministry of Defence (firing range)	Negligible	No - no additional impact
Marine and Maritime Archaeology	Minor	No - no additional impact
Seascape Landscape and Visual	Moderate – Major	No - no additional impact

Receptor	Operational phase impact significance	Recommended to be screened in to further assessment?
Cultural Heritage	Minor to moderate	No - no additional impact
Commercial Fisheries	Negligible	No - no additional impact
Salmon and Sea Trout	Negligible to minor	No - no additional impact
Socioeconomics Recreation and Tourism	Significant positive	No - no additional impact
In Air Noise	Negligible	No - no additional impact
Electromagnetic Interference	Negligible	No - no additional impact
Other Marine Users	Negligible	No - no additional impact

The Licencing Authority's Appropriate Assessment (AA), which was based on information from AOWFL and guidance from consultees, concluded that the construction, operation and decommissioning of the Project would not have a Likely Significant Effect (LSE) on designated sites other than the Moray Firth, River Dee, River South Esk, Isle of May or Berwickshire and Northumberland Coast Special Areas of Conservation (SACs). The LSE was a result of proposed piling activities i.e. during construction phase only. The AA concluded that the Project would not adversely affect the integrity of those SACs as long as the specified mitigation measures were complied with. The measures relevant to the operation and maintenance (O&M) phase included development of a Vessel Management Plan (VMP) to minimise the risk of injury and disturbance to seals and cetaceans, adoption of pollution prevention measures and burying of cables to reduce EMF effects. The VMP was submitted to and approved by MS-LOT, in consultation with the relevant stakeholders, along with the Marine Pollution Contingency Plan (MPCP) and a Cable Lay Strategy (CLS). All relevant mitigation measures contained within these approved consent documents have been applied through construction and will be applied to the operational phase, and therefore the conclusions of the AA remain valid.

With respect to ornithological impacts, no LSE was concluded for any Special Protected Area (SPA). Furthermore, the detailed EIA indicated that for most species the EOWDC was only likely to have a negligible or at worst a minor effect on the species present. For red-throated diver and three species of tern (sandwich, little and common terns), the possible effect was considered to be of potentially moderate significance due to displacement effects arising from disturbance or reduced prey availability, during the construction phase.

Based on the review of the original application and determination, AOWFL considers that the request for extension of consent to 25 years does not constitute a material change to the licensed activities. Furthermore, it is expected that increasing the lifespan of the wind farm to 25 years will not significantly alter predicted O&M phase impacts and it is proposed that the O&M plan (currently in development) accounts for a 25 year O&M phase. The conclusions of the ES and AA are therefore considered to remain valid, and AOWFL consider that a further EIA, to cover the extension of consent duration (approximately an additional 3 years) is not required to be undertaken.

#### **Review of new EIA Regulations & potential additional impacts**

The screening request for variation will require to be considered in the context of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. The new Regulations transpose the additional requirement of Directive 2014/52/EU through amendments to Directive 2011/92/EU.

Regulations 4(2) and (3) of the 2017 Regulations requires the Environmental Assessment to identify, describe and assess the significant effects of the proposed development on the factors specified below and the interaction between them:

- (a) population and human health;*
- (b) biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Wild Birds Directive;*
- (c) land, soil, water, air and climate;*
- (d) material assets, cultural heritage and the landscape.*

In addition, Regulation 4(4) requires the assessment of the effects to include the expected effects deriving from the vulnerability of the development to risks, so far as relevant to the development, of major accidents and disasters.

AOWFL considers that of these topics, only human health was not clearly referenced within the original EIA. The Directive does not define the term human health however IEMA's Primer document<sup>1</sup> indicates how human health should be defined and assessed in EIA. IEMA refers to the World Health Organisation (WHO) definition of health, where health is 'a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity'. IEMA's guidance goes further to state that health improvement is reliant on a number of issues from different domains of public health practice, including addressing inequalities, and lifestyles, education, housing and employment. The original EIA assessed the impacts on Socioeconomics Recreation and Tourism (which included assessments on job creation) as "significant positive", and impacts on Other Marine Users, a receptor grouping which included recreational activities, were assessed as being negligible. Furthermore, the In Air Noise assessment determined that operational noise would have a negligible adverse impact. Negligible was defined as "very minor loss or detrimental alteration to one or more characteristics, features or elements". Thus while health was not specifically referred to within the original EIA, AOWFL considers that relevant potential effects were fully assessed.

It should be noted that there will be a number of additional environmental benefits which will result from the extension of the life of the EOWDC. Annually, the wind farm will displace 134,128 tonnes of CO<sub>2</sub>, produce enough electricity to meet the equivalent annual demand of 79,209 homes, and generate the equivalent of 70% of Aberdeen's domestic electricity demand and 23% of Aberdeen's total demand. These environmental effects are considered to be of considerable benefit to human health.

### **Changes to Screening**

Regulation 8 of the 2017 Regulations introduces new provisions for applicants to provide certain information on the characteristics of the project and its likely significant effects to enable a screening decision to be made. This requirement is set out in Regulations 8(2) and 8(4). Information on the likely significant effects (or lack of) is presented above, under review of the AA, and information on the characteristics of the project is included in Appendix A. It should be noted that the original application was based on a Design Envelope and the project parameters were subsequently refined, as detailed in the approved Consent Plans, with minor changes notified to MS-LOT. Specifically, the application stated that WTGs would be between 790 m and 1050 m apart. All WTGs are more than 790 m apart. However, the separation distance between AWF03 and AWF04 is 1102.1 m and between AWF04 and AWF08 is 1,113.0 m. It should be noted that distances provided were "indicative" and that each of the WTGs are within the 100 m micro siting allowance. This information was presented to MS-LOT in email correspondence dated 12/07/2018. AOWFL considers that this parameter does not constitute a material change and will not significantly alter the predicted impacts presented in the original application.

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<sup>1</sup> Cave,B. Fothergill,J., Pyper, R. Gibson, G. and Saunders, P. (2017) Health in Environmental Impact Assessment: A Primer for a Proportionate Approach. Ben Cave Associates Ltd, IEMA and the Faculty of Public Health. Lincoln, England. Available at [www.iema.net](http://www.iema.net)

As discussed in previous correspondence with MS-LOT (AOWFL letter dated 19/07/2017 ref: ABE-VF-MS-0004) AOWFL can confirm that, to the best of its knowledge, no other new information or assessment methodology has come to light since the original application that would lead to the identification of previously unforeseen significant environmental effects that were not previously described in the ES and the SEIS.

Acknowledging advice within the 2017 EIA regulations, which states that only proposals which are likely to have significant effects should be screened into EIA, I trust that the information presented within this letter will allow MS-LOT and Scottish Ministers to issue a screening opinion which confirms that the extension of the duration of consent does not necessitate a new EIA to be submitted. Upon receipt of the screening opinion AOWFL proposes to submit formal applications to vary the consent.

Yours sincerely,



Aberdeen Offshore Wind Farm Ltd

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## **Appendix A**

In order to meet Regulations 8(2) and 8(4) of the 2017 EIA Regulations, AOWFL has included further detail below on the characteristics of the Project, in line with the requirements set out in Regulation 8.

***(1) An applicant may request the Scottish Ministers to adopt a screening opinion.***

Please accept this letter as a request for screening opinion.

***(2) A request for a screening opinion under paragraph (1) must be accompanied by—***

***(a) a description of the location of the development, including a plan sufficient to identify the land;***

A description of the location of the works, along with a plan, was provided within the original application which can be accessed via the Scottish Government website, here - <http://marine.gov.scot/datafiles/lot/eowdc/>. The project location was later described within the MS-LOT approved consent plans, which can be accessed here - <https://www.gov.scot/Topics/marine/Licensing/marine/scoping/EOWDC>.

***(b) a description of the proposed development, including in particular —***

***(i) a description of the physical characteristics of the proposed development and, where relevant, of demolition works;***

***(ii) a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;***

This information was provided within the original application which can be accessed via the Scottish Government website - <http://marine.gov.scot/datafiles/lot/eowdc/> , and was later refined as presented within the MS-LOT approved consent plans, which can be accessed here - <https://www.gov.scot/Topics/marine/Licensing/marine/scoping/EOWDC>. No additional regulated activities are proposed, other than extension of the duration of consent for approximately 3 years.

***(c) a description of the aspects of the environment likely to be significantly affected by the proposed development; and***

This information was provided within the original application which can be accessed via the Scottish Government website - <http://marine.gov.scot/datafiles/lot/eowdc/>. No additional regulated activities are proposed, other than extension of the duration of consent for approximately 3 years. A description of the potential impacts on the environment, resulting from the proposed extension of project duration, is provided above within this screening request which has concluded that there are no likely significant effects.

***(d) a description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from—***

***(i) the expected residues and emissions and the production of waste, where relevant;***

***(ii) the use of natural resources, in particular soil, land, water and biodiversity.***

This information was provided within the original application which can be accessed via the Scottish Government website - <http://marine.gov.scot/datafiles/lot/eowdc/>. No additional likely significant effects are predicted resulting from the proposed extension of the duration of consent.

***(3) A request for a screening opinion may, in addition to the information required in accordance with paragraph (2), also be accompanied by a description of any features of the proposed development, or proposed measures, envisaged to avoid or prevent significant adverse effects on the environment.***

No likely significant effects are predicted to result from the proposed extension of the duration of consent, therefore no mitigation measures are proposed within this request for screening opinion.

**(4) The information referred to in paragraph (2) is to be compiled taking into account, where relevant,—**

**(a) the selection criteria set out in schedule 3; and**

**(b) the available results of any relevant assessment.**

The information referred to in paragraph (2) was presented within the original application which can be accessed via the Scottish Government website - <http://marine.gov.scot/datafiles/lot/eowdc/>, and took account of criteria set out in schedule 3, and the results of relevant assessment.