

## BEATRICE OFFSHORE WINDFARM LIMITED

### PLANNING & POLICY STATEMENT

#### 1. *INTRODUCTION*

- 1.1 Beatrice Offshore Windfarm Limited (BOWL) is seeking approval from Scottish Ministers (acting through Marine Scotland) to construct and operate the "Project" comprising an offshore wind farm (the Wind Farm) and associated offshore electricity transmission works (OfTW) within the Moray Firth, off the east Caithness coastline. Onshore transmission works (OnTW) are also proposed in order to provide the land-based connection to the electricity grid and these will be the subject of a separate planning application to Moray Council.
- 1.2 Approvals are being sought to construct and operate the Project. The applications are accompanied by a number of documents. In particular, the accompanying letter sets out in detail the consents and licences being applied for under both the marine and the electricity generation consenting regimes. In addition, an Environmental Statement (ES) with Non Technical Summary has been prepared. The covering letter and the ES should be referred to in full for their terms.

#### 2. *PROJECT OVERVIEW*

##### *BOWL*

- 2.1 The applicant is BOWL, a joint venture partnership formed between SSE Renewables (75%), SSE's renewable energy development division, and Repsol Nuevas Energias UK (25%) (formerly SeaEnergy Renewables).

##### *The application site*

- 2.2 The application site is defined by the Project Boundary which is shown in red on two location plans dated 23/2/2012 – Beatrice Offshore Wind Farm Site (Ref: BEA-MAP-EWF-BOWL-211) and Beatrice Offshore Transmission Works (Ref: BEA-MAP-OFTW-BOWL-212). A full description is given in Section 7 (Project Description) of the ES that accompanies the applications. In summary there are two elements to the application proposals:-
- The Wind Farm is located at the north end of the application site with an area of approx 131 sq km (19 km long and 9 km wide). It will lie on the north-westernmost point of the Smith Bank in the Outer Moray Firth, at a distance of approximately 13.5 km from the east Caithness coastline, 25 km from Wick. A number of existing features are located nearby: the Beatrice demonstrator turbines, Beatrice oil platforms and the Jacky oil platform.
  - The OfTW include cables, substations and other structures within the application site. The cable corridor will run from a point on the south edge of the Wind Farm site continuing almost due south for 65 km to a landfall point on the line of the Mean High Water Spring, west of Portgordon. The width of the cable corridor varies from 575 m to 1.54 km.

The application site lies mainly within Scottish territorial waters (up to 12 nautical miles) with a portion of the OfTW lying within Scottish Offshore Waters (12-200 nautical miles).

### *The Works Proposed*

- 2.3 Authorisations are sought both for construction works and for operation of the Wind Farm and the OfTW and these are described fully in Section 7 (Project Description) of the ES). A summary is given here.
- 2.4 The proposed Wind Farm will comprise:
- up to 277 wind turbine generators (sufficient to generate up to 1,000 MW of electricity), spaced no less than 600 m apart with a maximum height to blade tip of up to 198.4 m and a minimum blade clearance of 25.4 m:
  - inter-array cables;
  - up to three meteorological masts;
  - metocean equipment; and
  - all foundations, substructures, fixtures, fittings, fixings, protections and cable crossings.
- 2.5 The proposed OfTW will comprise:
- up to three subsea export power cables, depending on the final Wind Farm design, approximately 65 km in length;
  - up to three offshore substations; and
  - all foundations, substructures, fixtures, fittings, fixings, protections and cable crossings.
- 2.6 Full details of construction works will only be fully determined after detailed engineering is undertaken but will include the following:
- excavation for foundations;
  - transportation of construction materials;
  - construction of foundations and turbine bases;
  - transportation and erection of turbines;
  - construction of substations;
  - installation of inter array cables;
  - installation of subsea export power cables;
  - construction of meteorological masts; and

- installation of metocean equipment.
- 2.7 It is proposed that the operation of the installation will involve the generation of up to 1,000MW of electricity.
- 2.8 As noted above, details of all works are given in Section 7 in the ES. For the purposes of preparing the ES a worst case scenario has been devised. This allows the assessment of the likely significant effects of the worst case scenario which may arise from the Project, an approach known as using a 'Rochdale envelope'.

### 3. ***MATTERS RELEVANT TO THE DETERMINATION OF THE APPLICATIONS - POLICIES***

#### *Legal Requirements for Decision Making*

- 3.1 With regard to the marine consenting regime, within the Scottish Marine Area<sup>1</sup>, Section 15 of the Marine (Scotland) Act 2010 requires "public authorities" to take any authorisation decision "in accordance with the appropriate marine plans unless relevant considerations indicate otherwise". The appropriate marine plans include any National Marine Plan or Regional Marine Plan which is in effect.
- 3.2 Within the Scottish Offshore Region<sup>2</sup>, Section 58 of the Marine and Coastal Access Act 2009 similarly requires public authorities to take any authorisation decision "in accordance with the appropriate marine policy documents, unless relevant considerations indicate otherwise". The appropriate marine policy documents will include a UK Marine Policy Statement which is in effect.
- 3.3 The Scottish Ministers fall within the definition of "public authorities" and so their decisions must be taken in accordance with these provisions.
- 3.4 With regard to the electricity generation consenting regime, applications under Section 36 of the Electricity Act 1989 must be determined in accordance with material considerations which may include a National Marine Plan, a Regional Marine Plan, or a UK Marine Policy Statement. It may also include planning policies such as the statutory Development Plan, or other relevant statements of policy. Applications under Section 36A of the Electricity Act 1989 are usually determined in conjunction with Section 36 consent applications but would not be expected to give rise to additional considerations.
- 3.5 The relevant policy documents provide the starting point for determining the applications. The ES lists many of these (in Section 2) and this Statement focuses on the relevant provisions of these and other relevant policies, assessing whether or not the Project complies with these. Appendix 1 provides a detailed summary and assessment of each policy document. The findings of that assessment are set out below.

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<sup>1</sup> The Scottish Marine Area is defined in the Marine (Scotland) Act 2010 and is broadly equivalent to Scottish territorial waters

<sup>2</sup> The Scottish Offshore Region is defined in the Marine and Coastal Access Act 2009 and broadly equates to Scottish waters lying beyond 12 nautical miles.

## *Marine Policy Context*

- 3.6 The **UK Marine Policy Statement (UKMPS) 2011** is currently the only marine policy document in effect for this area. It sets out general principles and policy objectives influencing proposals affecting the marine environment and requires that decisions are consistent with obligations under international law<sup>3</sup>.
- 3.6.1 *Assessment: The UKMPS includes a presumption in favour of granting consent for sustainable development and a proposal for renewable energy generation is undoubtedly a sustainable form of development. However, the UKMPS also states that this has to be weighed against the environmental impacts including the extent to which development will impact on the ecosystem and other activities taking place within the marine environment. The ES has been prepared in order to address this and to identify mitigation measures to address adverse impacts.*
- 3.7 **Scotland's Draft National Marine Plan** is in the course of preparation but until it is finalised it has no statutory force. A key priority under the heading of renewables is to "provide 10 Giga Watts of capacity by 2020 in place and under construction", the majority of which is expected to be offshore wind. This advocates adopting a presumption in favour of development while at the same time taking account of various environmental issues such as cultural heritage assets, National Scenic Areas, air quality, the coastal environment, and avoiding harm to marine ecology, biodiversity and geological conservation interests through location, mitigation and consideration of reasonable alternatives.
- 3.7.1 *Assessment: This Plan, albeit a draft plan, gives clear support in principle to the Project. The Plan states that evidence suggests the above issues could be addressed through appropriate mitigation measures at project level. A broader finding was that implementing the draft plan could have "a major and permanent beneficial impact on climate, as it would help to reduce Scotland's greenhouse gas emissions and contribute to future renewable energy targets set by the EU." The ES has been prepared to ensure the environmental impacts are fully quantified and considered, including the interaction with other activities within the marine environment, and mitigation measures identified.*
- 3.8 **Scotland's seas – Blue Seas, Green Energy**, published in March 2011, is a sectoral marine plan relating to wind energy developments. It was developed from a draft plan which was subject to a Strategic Environmental Assessment (SEA) which assessed ten options for wind energy development, including the "Beatrice Project". The SEA findings in relation to the "Beatrice Project" were that it could be progressed between 2010 and 2020 if appropriate environmental mitigation is implemented. Key issues were identified which require to be addressed through appropriate mitigation measures at project level.
- 3.8.1 *Assessment: This Plan, although it has no statutory force, gives unambiguous support in principle to the development of an offshore wind farm described as the "Beatrice Project". The plan was subject to an SEA which resulted in three out of the nine short term potential wind farm locations being rejected. It also identified*

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<sup>3</sup> The UKMPS has been prepared within the context of international law and European Directives and is in conformity with their provisions.

*specific potential impacts such as fishing and the environment (potential adverse effects on bottlenose dolphins was raised as a key issue) whereas shipping appeared to be less significant. It suggested that these issues could be addressed through appropriate mitigation measures at project level. The ES has been prepared to consider these issues in detail; it describes embedded mitigation, identifies further mitigation measures and quantifies anticipated residual impacts*

### **National Planning Policies and the Statutory Development Plan**

3.9 **Scotland's National Planning Framework, NPF2**, provides overarching guidance for the terrestrial plan-led system and is required by statute to contribute to sustainable development. While the provisions of the plan are not statutorily binding, preparation of NPF2 is required by the Town and Country Planning (Scotland) Act 1997. Energy is noted as a key challenge, and there is support to realise the potential of Scotland's renewable energy resources and facilitate the generation of power and heat from all clean, low carbon sources. NPF2 gives encouragement to the development of offshore wind electricity generation and specifically refers to the potential for offshore wind farms in the Moray Firth. Support is tempered by the need to safeguard the environment and communities and hence a need to assess the impact of proposals on the range of economic activities, including fishing, aquaculture, energy production and tourism and on the environment and to demonstrate that the site has been carefully chosen to minimise adverse impacts.

3.9.1 *Assessment: This Plan recognises that the marine and coastal environment is a unique asset which helps to define Scotland's character and supports a wide range of economic activities, including fishing, aquaculture, energy production and tourism. However, the potential for offshore wind farms to be developed in the Moray Firth is clearly signalled subject to environmental assessment to inform the choice of location. Support in principle is tempered by recognition that there are key issues to be addressed at the consenting stage. The Project complies in principle with NPF2's overarching policy aim to develop Scotland's renewable energy potential whilst safeguarding the environment and communities and the ES has been prepared to identify and address these key issues.*

3.10 The **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters, but has no statutory effect. It gives general support for renewables, including offshore wind.

3.10.1 *Assessment: The purpose of this policy is to address nationally important land use planning matters, hence it is of limited relevance within the marine domain. Nevertheless, it makes clear that close-working is needed between terrestrial and marine planning regimes and gives support in principle to increasing the amount of electricity generated from renewable sources. It also points the way to reducing conflicts between development proposals and environmental protection.*

### **Development Plan for Moray**

3.11 Moray Council's Development Plan comprises a Structure and a Local Plan. These statutory plans are directly relevant to the Project as the OfTW will come ashore west of Portgordon and the intertidal area i.e. the area lying between the line of the Mean High Water Spring Tides and the line of the Mean Low Water Spring Tides is

part of the terrestrial planning domain. As noted above, planning permission will be sought for the work within this area through a planning application for the onshore transmission works.

3.12 In the **Moray Structure Plan**, Policy 2, relating to Environment and Resources, requires protection of the environment and environmental/scenic designations from inappropriate development, promotion of opportunities for environmental enhancement and restoration where possible; restriction of coastal development outwith settlements to that in which social and economic benefits outweigh environmental impact; protection of the countryside around Buckie; safeguarding from pollution and contamination; and promotion of opportunities for the sensitive development of renewable energy.

3.13 In the adopted **Moray Local Plan 2008**, Policy ER1 states that renewable energy proposals will be considered favourably where they meet certain criteria. Other policies require environmental protection (E1 and E2) and set out design and other requirements for development proposals (IMP1).

3.13.1 *Assessment: The Moray Structure Plan supports the promotion of economic growth and seeks to spread this "across the community". It confirms that even although the Moray Coast is not considered to be 'isolated' coast, it is still fragile and requires a degree of protection. While it should therefore be protected from inappropriate development, this policy does not rule out sensitive development of renewable energy infrastructure. The Wind Farm lies at a distance of more than 40 km from the Moray coast. Consultees have agreed that the potential for visual impact is not material and so it was excluded from the scope of the Seascape, Landscape and Visual Assessment. The Local Plan also supports renewable energy proposals in principle providing these are compatible with other facilities and do not cause unacceptable impacts, including cumulative impacts. Where development may affect the environment and biodiversity, proposals will have to demonstrate that the public benefits (economic or social) outweigh the environmental/nature conservation interest and that the integrity of the site will not be compromised. If international sites are affected the benefits will have to be shown to be of national importance. While the policies do not strictly apply within the marine domain, they are applicable to the intertidal area of the Spey Bay SSSI within which the landfall point is located. The findings of the ES and the Habitats Regulations Assessment (HRA) should provide confidence that the Project can comply with the policy tests by demonstrating fully what these impacts are, how the design has taken account of them and the extent to which further mitigation will address the impacts.*

#### ***Development Plan for Caithness***

3.14 **Highland Council's Development Plan** is also relevant to the Project as although there will be no direct physical impact of development on this area, there may be indirect impacts on coastal ports and facilities, and the Wind Farm will be visible from the Caithness coast. The development plan comprises the Highland Wide Local Development Plan (adopted on 5 April 2012) along with saved parts of the Caithness Local Plan (adopted in 2002, superseded in part on 5th April 2012)

3.15 The adopted **Highland-Wide Local Development Plan (HWLDP)** sets out a vision and strategy for Caithness and Sutherland which factors in renewable energy developments, particularly marine renewables as a key area for development to

underpin the economy of the area. However, the strategy and vision of this plan also commits the Council to safeguarding the environment through various actions such as protecting the special quality of the natural, built and cultural environment as well as providing clear guidance where renewable energy developments should and should not be located. In this regard it identifies, in diagrammatic terms, Smith Bank as a location for renewable energy development and possible renewables expansion.

3.16 The HWLDP also includes detailed policies relating to Renewable Energy Developments set out in Policy 67. This states that such proposals should be well-related to the "source of the primary renewable resources" (in this case, wind) and that the Council will also consider (a) the contribution which is made to meeting renewable energy generation targets and (b) any positive and negative effects on the local and national economy. It also sets out 12 criteria to be used in assessing proposals and includes detailed policies for assessing development affecting coastal land and "nearshore waters", and for protecting environmental resources.

3.17 The **Caithness Local Plan**, adopted in 2002, has largely been superseded by the provisions of the HWLDP. The individual settlement statements remain in force but these are of limited relevance to the proposals.

3.17.1 *Assessment: The HWLDP supports the principle of renewable energy developments through Policy 67 and transmission works through Policy 69. Several policies relate to environmental protection and Policy 57 makes it clear that in the event an Appropriate Assessment is required and this finds that a proposal may adversely affect the integrity of natural heritage features of international importance, development may still be allowed if there is no alternative solution and there are imperative reasons of overriding public interest, at the discretion of Scottish Ministers. The HWLDP has paved the way for the Project by identifying in the Vision and Spatial Strategy for Caithness and Sutherland a site for renewable energy development and possible expansion within the Moray Firth. The strategy also seeks to establish a centre of excellence for energy and engineering within the area and wants the area to become "an international centre of excellence for marine renewables". Accordingly, the HWLDP accords strong support for the Project albeit within the context of the need to address the environmental sensitivities.*

### ***Other Statements of Policy***

3.18 The Scottish Government has put in place a number of other plans, action plans and policy statements. Some of these have been prepared under the auspices of the Climate Change Act, others under the Electricity Act 1989, but none are statutorily binding for the consenting process in the way that they are for marine and terrestrial planning policies. Nevertheless, their provisions are relevant to consideration of the applications, as explained in more detail in Appendix 1.

3.19 The plans are the National Renewables Infrastructure Plan, Scotland's Economic Strategy, the UK Low Carbon Transition Plan, the UK Renewable Energy Roadmap 2011, the Renewables Action Plan, and the Scottish Government Draft Electricity Generation Policy Statement and 2020 Routemap.

3.19.1 *Assessment : These Plans, although they have no statutory force, give clear support to the development of offshore wind farms, and identify the east coast of Scotland as*

*a particularly suitable location. They create an imperative for the development of renewable energy projects and lend support in principle to the Project. Development of an offshore wind farm will clearly help to achieve the target for 100% of Scotland's demand for electricity to be met by renewables by 2020.*

#### **4. MATTERS RELEVANT TO THE DETERMINATION OF THE APPLICATIONS – RELEVANT CONSIDERATIONS**

##### ***Approach to the Determination***

- 4.1 As noted in Section 3, the Project is not required by statute to conform to any specific policy documents, with the exception of the works which fall outwith the Scottish territorial waters which should seek to conform to the UKMPS. For all other aspects of the Project there is no definitive policy guidance to which a decision must conform: there are only "relevant considerations" or "material considerations". These terms, deriving from different statutes, are considered to be synonymous. They include government policy, such as the UKMPS and terrestrial planning policy, and any other matters which Scottish Ministers may consider to be relevant to the determinations. It is only by assessing the Project against the relevant considerations that the determining issues will become clear. For the purposes of this Statement, material and relevant considerations are reviewed under the heading of "Relevant Considerations".
- 4.2 In order to review relevant considerations, it is important to consider the weight that should be attached to the various policy documents. It is also helpful in this case to consider the question of the principle of the Project separately from the details presented in the applications.

##### ***Relevant Considerations – In Principle***

- 4.3 With regard to the principle of the proposed Project, the statutory documents are considered to have the greatest weight, as these have gone through a complete process of preparation including public participation procedures and most of these are now outwith the most likely period for legal challenge. The statutory documents in this case are the UKMPS, NPF2 and the relevant approved Structure Plans and adopted Local Plans.
- 4.4 The UKMPS clearly states that there is a presumption in favour of sustainable development and supports the development of offshore wind generation noting in particular that offshore wind is expected to "provide the largest single renewable energy contribution". It also requires a healthy marine ecosystem to be maintained, and establishes the principle that development should aim to cause no harm to marine ecology, biodiversity and geological conservation interests. However, it is clear that "where significant harm cannot be avoided, then appropriate compensatory measures should be sought." The ES highlights where embedded mitigation is contained within the Project as well as the further mitigation measures that could be taken.
- 4.5 NPF2 also gives support to realising the potential of Scotland's renewable energy resources and facilitating the generation of power and heat from all clean, low carbon sources. It gives encouragement to the development of offshore wind and it



is specific about the potential for development in the Moray Firth, which it states the Crown Estate has identified as a location with the potential for development of offshore wind farms. This support is tempered by the need to safeguard the environment and communities, hence the need to assess the impact of proposals on the full range of economic marine-related activities, including fishing, aquaculture, energy production and tourism as well as on the environment. It is therefore necessary to demonstrate that the application site has been carefully chosen to minimise adverse effects. This is addressed in the ES which has been prepared.

- 4.6 The relevant Structure, Local and Local Development Plans relating to the landward area in both Moray and Highland Councils are also supportive in principle to renewable energy developments, although policies in both Councils recognise the sensitivity of their coastal zones.
- 4.7 In summary, therefore, the Project complies in principle with the terms of the statutory plans and policy statements and these are of the greatest importance. Underlying this support in principle is a requirement to maintain a healthy ecosystem.
- 4.8 Non statutory policies are also a relevant consideration to the principle of the development, although lesser weight should be attached to these. These also support the proposed development in principle. Of particular relevance are the sectoral plan for offshore wind energy in Scottish territorial waters - Blue Seas-Green Energy, the National Infrastructure Renewables Plan (NRIP) and the Pre-consultation Draft of Scotland's National Marine Plan. For instance Blue Seas-Green Energy states that the Beatrice Project "appears suitable for development by 2020." As these documents also demonstrate support in principle for the Project, it is clear that there is no reason in principle why the necessary authorisations should be withheld.

#### *Relevant Considerations - In Detail*

- 4.9 While the principle of the Project has been given previous consideration, the formal submissions now present the first opportunity for consideration to be given to the details of the Project such as the exact location of the application site, the number and layout of turbines and substations, how the turbines and substations will be constructed, what the turbines and substations will look like, the exact route of the cables and how these will be laid, any emissions or effects arising from these, and most importantly the detailed nature of environmental impacts. In coming to a decision Scottish Ministers must be satisfied that the details of the proposals meet the requirements or tests of the relevant legislation and policies. In this regard, Blue Seas-Green Energy states that in relation to mitigation, there are significant strategic issues to be resolved in the north east region relating to fishing and the environment. It refers to the "potential adverse effects on bottlenose dolphins" as a possible significant issue, whereas shipping appears to be less significant. While the plan makes clear that evidence suggests these issues could be addressed, the SEA notes that further information about fish, further discussion on proposals with Highland and Islands Airports Ltd, consideration of the potential impact on birds and marine mammals (including project specific HRA) and further liaison with the fishing and shipping industries will require further consideration.

- 4.10 Various matters are specified in the Marine Acts (i.e. the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009), and a robust decision should make reference to these matters as well as the policies which are relevant to them.
- 4.11 The issues set out in both Marine Acts are:
1. the need to protect the environment;
  2. the need to protect human health;
  3. the need to prevent interference with legitimate uses of the sea;
  4. such other matters as the Scottish Ministers consider relevant;
  5. the effects of any use intended to be made of the works in question when constructed, altered or improved; and
  6. any representations made by anyone with an interest in the outcome of the applications.
- 4.12 Other considerations that are relevant to the applications include case law relating to decisions for terrestrial planning permission (in which the equivalent term to "relevant considerations" is "material considerations"). This suggests that other benefits and impacts of the Project which do not fall into the categories above may also be relevant considerations.
- 4.13 The ES has been prepared to address these requirements. The preparation process has addressed the points raised in the Blue Seas-Green Energy SEA by providing further information with regard to the likely effects on fish and marine mammals, and has facilitated further discussion on proposals with Highland and Islands Airports Ltd, and the shipping and fishing industries as well as consideration of the potential impact on birds and marine mammals. A "Report to Inform an Appropriate Assessment" is being prepared and will be submitted for consideration alongside these applications. The effects on the matters referred to in the Electricity Act 1989 are also contained in the ES, and BOWL has had regard to these in preparing the ES. Mitigation measures are also contained in the ES and BOWL is committed to delivering these, as required.
- 4.14 A list of matters relating to the relevant considerations for the Project has been drawn together from the scope and the findings of the ES, the matters noted above, and recent practice with regard to other offshore wind projects in UK Waters. These relate to Designated Sites, European Protected Species, marine life (fish, shellfish, marine mammals and benthic creatures), birds, coastal areas, other environmental matters, landscape, seascape and visual impact, human health, noise and vibration, other uses of the sea (navigation, fishing, commercial shipping and sailing), interaction with other existing uses, aviation and air traffic control, cumulative impacts (with emerging proposals such as Moray Firth Round 3 Zone), sustainable development, contribution to renewable energy and climate change targets, grid connection, economic impact, and energy security.
- 4.15 In order to assist the decision-making process these matters are now drawn together in relation to the relevant considerations. The process of weighing these

considerations against each other will allow identification of the critical or determining issues on which Scottish Ministers should focus in their decision-making.

**4.15.1 Protecting the environment – Designated Sites and Marine Mammals -**

The location of the site for the proposed Wind Farm has been carefully chosen to take account of Designated Sites and largely avoids these in geographical terms. The Moray Firth SAC (designated to protect bottlenose dolphins), the Caithness Cliffs SPA (designated to protect certain birds), and the Dornoch Firth and Morrich More SAC (designated to protect harbour seals) have been avoided. The ES notes that the application site avoids areas where rare or protected bird species have been recorded and the ES identifies that there are no materially adverse effects on birds. The cable route necessarily links the Wind Farm to the onshore substation and grid connection, and although a connection offer was made to Blackhillock, cable routes from the Wind Farm to alternative substations, as well as alternative routes to Blackhillock were considered by BOWL. The landfall options were largely determined by the identification of Blackhillock as the connection point. Several landfall options were identified and appraised in order to select the preferred landfall location. The landfall location which emerged through this assessment at Portgordon West avoids the Spey Bay SAC (designated to protect salmon and sea trout) but may impinge on the Spey Bay SSSI. However, the Project will ensure there is no physical presence in the active part of the beach system during the operational lifetime of the Project. (The use of "directional drilling", was recommended by SNH).

4.15.2 The impact of construction works on the marine environment has been assessed in relation to the seabed and the ecosystem/habitats which exist within the area. The main issue is the effect of pile-driving foundations on marine mammals within the application site and surrounding area. Also of concern are effects on fish. In order to reduce the effect of such works, BOWL is committed to the use of "soft start" procedures when carrying out piling. Harbour seals are known to be regularly present within the application site. Bottlenose dolphins are present in the Moray Firth, but are found mainly within its inner reaches and along the south coast. The ES identified that the effects on marine mammals will be short term, are most likely to be behavioural (rather than physical injury) and may vary between species and individuals. While there is some uncertainty associated with the predictions, they could include exclusion from some foraging areas or breeding effects. No significant effects on marine mammals were identified as arising from the OfTW.

4.15.3 A precautionary approach has been taken in the ES based on a worst case scenario. For bottlenose dolphins the ES identified short and long terms effects of small to medium magnitude leading to the conclusion there would be a short term significant effect. The ES considered that recovery was likely in the long term (but acknowledged certain uncertainties due to limited scientific understanding of the population-level effect of displacement). For harbour seals, the ES assessed a large magnitude short term effect but this also is not expected to continue after completion of the piling works so the long-term effect is assessed to be of negligible magnitude and not

significant. The assessment of cumulative effects with, for example, the Moray Firth Round 3 Zone, did not alter these conclusions although a greater range of habitat loss was identified in the short to medium term.

- 4.15.4 Bottlenose dolphins are associated with the Moray Firth SAC and harbour seals are associated with the Dornoch Firth and Morrich More SAC. The ES assessed that the effects on these designated sites would be the same as for the populations of these species themselves, and because of this a further assessment, a Habitats Regulation Assessment (HRA) must be carried out. The HRA is a legal mechanism to ensure an appropriate balance between development and the conservation objectives of designated sites and if a likely significant effect is identified for either of the designated sites, Marine Scotland will be required to carry out an Appropriate Assessment to determine if there will be an adverse effect on the integrity of the site. A Report to Inform an Appropriate Assessment is therefore being prepared. and will be submitted to support the applications.
- 4.15.5 For other species of marine mammals (minke whale, harbour porpoise and grey seal) the effects from pile-driving were assessed as small to negligible and not significant. The avoidance of mortality and physical injury for marine mammals during construction can be helped by implementing soft-start procedures and BOWL is committed to employing this mitigation technique. Any effects arising from operation of the Wind Farm (such as operational noise or ship collision) are assessed in the ES as being of small to negligible magnitude and not significant.
- 4.15.6 **Protecting the environment - fish and shellfish** - the ES identifies that construction works, in particular pile-driving, could give rise to significant adverse effects on herring, cod and European eel. When cumulative effects are considered, significant effects are also identified for salmon and sea trout and, potentially, sandeel. However, for both cod and herring the probability of this effect actually occurring is identified as unlikely, and for salmon and sea trout and eels the ES highlights that this assessment is a conservative worst case taking into account uncertainties regarding population distributions and migration routes.
- 4.15.7 **Protecting the environment - Seascape, Landscape and Visual Considerations** - The likely significant visual impacts of the Wind Farm and OSPs have also been assessed. The Seascape, Landscape and Visual Assessment (Section 14 of ES) excluded from its scope, as agreed with consultees, any visibility from the Moray coast (as the Wind Farm will be barely visible at a distance of more than 40 km) and so the main impact will be experienced by those at sea (including recreational sailors) and at various points on the Caithness shore and coastal strip. These are considered to be significant only for users of the A99 between Latheron and John o'Groats, walkers on the Lybster path, and residents in Sarclet. There will be no material impact on the setting of Caithness visitor facilities, listed buildings or scheduled monuments, although the nature of the views obtained from these places by visitors will change. It is clear from the planning policies contained in the HWLDP that protecting scenic views is considered important for tourism and the ES has assessed the impact on key scenic

views. The findings are that while the Wind Farm will be visible, it will generally sit on the far horizon and will only be prominent in views from a few places. Overall the effects are considered to be not significant both in respect of the Wind Farm in isolation and cumulatively. In addition, the ES notes that there will be no significant effects on landscape character, including landscapes protected by designations. The greatest effect on seascape and the coastal environment will occur between the Wind Farm and the Caithness coast between Berriedale and Noss Head.

- 4.15.8 **Protecting the environment – geomorphology** - The effects of the OfTW construction works on geomorphology arising from increased deposition or scour are considered to be not significant. In addition, the ES found that the Wind Farm would not have any significant effect on the height, period or direction of waves ; correspondingly, it would have no effect on sedimentation or scour effect and no impact on designated coastal habitats. Similarly there would be no significant effect on surfing wave regime. Whilst construction of the turbine and other foundations for the Wind Farm will give rise to some disturbance of the sediment on the seabed, this is considered to be of no effect. Once foundations and substructures are in place, there would be no effect on waves and tides and so no effect on sediment and transport patterns. Foundations will have scour protection included in the design. Cumulative effects do not alter this conclusion.
- 4.15.9 **Protecting human health** – The design of the substructures and foundations has been subject to an engineering appraisal which included safety criteria and as a result safety will be embedded within the design. The location is fairly remote and so the potential for human interaction with the OSPs, turbines or cables during construction and once-built is limited. The impact of airborne noise from construction work and from operation of the Wind Farm affecting residents has been assessed and the effects of the Project itself and cumulatively in this regard are not considered to be significant. There are no commercial shipping routes affected and the risk of ship collision is considered to be low. Effect on aircraft and helicopter movements has also been assessed and mitigation measures have either been agreed or are subject to ongoing discussions with a view to ensuring there is no adverse impact on safety. Safety of fishing vessels has also been assessed and will be addressed through establishing and managing safety zones during construction, and proposals to either bury the OfTW and inter-array cables or protect them with 'mattressing' or rocks wherever feasible will minimise the risk of snagging affecting fishing safety. Recreational activities have been considered and as such activities are unlikely to be affected, there is no impact in this regard on human health. Within the intertidal area the cables will not be surface-laid and this will minimise the risk of any human interaction. Although there will be some electromagnetic radiation arising from the cables, the ES notes that this will be so weak that it will not affect human health. With regard to waste and pollution, much of the construction work and fabrication will be carried out onshore thus minimising waste production offshore. Where drilling is necessary, the fluids used will be biodegradable and non-toxic. The design of OSPs will allow for collection of oil and waste fluids for recovery and disposal onshore. Overall, it is not considered that there will be any significant

adverse effect on human health, and indirectly, in the longer term, the Project should benefit human health by contributing to the reduction of greenhouse gas emissions and progress towards meeting the climate change targets.

- 4.15.10 **Other uses of the sea – fishing** - The ES notes that fishing should still be able to take place within the application site once the Wind Farm and OfTW are built, but that some disruption to fishing activities will occur during construction works. Wind Farm substructure and foundation design options were rejected if they would have potential adverse impacts on fish, fishing, shipping and sailing. There is also mitigation embedded within the design of the cabling arrangements. Further survey work is required to determine seabed conditions; however as mentioned above, BOWL will either bury the cable or protect unburied cables with a protective 'mattress' or by rock placement, wherever feasible. The ES notes that the principal fishing activity occurring within the Wind Farm site is boat dredging for scallops but only limited activity has been recorded in this location in the past and if effective management is put in place during construction works, there should be no significant effect. BOWL has also established communications with stakeholders and will continue to liaise with the fishing community and work in partnership with them to ensure disruption to fishing activities is minimised.
- 4.15.11 **Other uses of the sea – general** - The effect on shipping and navigation is discussed below. With regard to impacts on the existing offshore oil and gas industry, the ES considered interaction with Beatrice A, B and C and the Jacky platform as well as military activities, telecommunications, pipelines and other cables. The ES notes a potential impact on helicopter operations relating to offshore oil and gas platforms in the Moray Firth with implications for platform evacuation and personnel transfer activities. However, the anticipated number of flights affected is calculated as no more than 1 flight per year for any platform. Cumulatively, this impact will be magnified. Liaison has taken place with representatives of these other uses and with helicopter operators and it is considered that adequate mitigation can be put in place to ensure the Wind Farm will be able to co-exist with these activities and uses. A number of measures have been proposed and BOWL is continuing to hold discussions with relevant parties to determine the most appropriate mitigation. Ongoing liaison with infrastructure operators, particularly oil operators, will also continue during construction and operation.
- 4.15.12 BOWL has worked jointly with Moray Offshore Renewables Limited (MORL) on details such as cable routes and this has been assessed in the cumulative assessments and so the impact on the potential for other renewables to develop within the Moray Firth has been addressed in bringing these proposals forward. The Project may have an impact on ports on the Moray and Caithness coasts, and overall there are considered to be wider benefits to the local economy.
- 4.15.13 **Effects of the use of the works** - the Project will generate electricity from renewable sources and will be beneficial in terms of reducing emissions,

helping to meet government renewables targets (some of which are legally binding on the UK) and assisting in the UK's contribution to the mitigation of climate change. As noted above, there will be no significant impact on fishing activities, commercial shipping routes, or recreational sailing once the Wind Farm is operating. Potential noise from the wind turbines has been modelled and will not affect local residents. The effects on aviation have also been assessed in the ES and although some specific concerns have been raised about the impact on aircraft and helicopter movement, the ES has also identified how these can be addressed by working with the regulatory authorities and relevant stakeholders to deliver mitigation measures. Once in operation, the Wind Farm will deliver significant benefits in terms of energy security and help to meet government targets for renewables. This project should generate significant amounts of power from wind thereby reducing the need to rely on power generated from resources such as gas and coal which are often imported. The Project will potentially supply up to 1,000 MW of electricity. As current government targets aim to provide 29 GW from renewable sources by 2020, the Project has the potential to make a significant contribution towards achievement of the target.

- 4.15.14 **Shipping and navigation** – the question of whether or not the Project would cause any interference with the use of any recognised sea-lanes essential to international navigation has been considered in Section 18 of the ES. The Electricity Act 1989 requires consideration of any effects arising from the Project, as well as the effects of extinguishment of rights of navigation, declaration of safety zones and requirement for decommissioning plans. Assessment of impacts from offshore generating activities upon recognised sea-lanes needs to take into account those impacts arising from nearby wind farm developments including activities proposed at the Moray Firth Round 3 Zone. The Wind Farm lies within an area of "low commercial ship density" and there is limited fishing and recreational vessel activity in the Wind Farm. Vessels should be able to safely increase their passing distance from the Wind Farm and smaller vessels should be able to pass through the area (subject to safety zones, sea state and weather conditions). For other offshore developments in the area, including offshore activity at Beatrice/Jacky Fields and the SHETL hub and cable, there is a low commercial, fishing and recreational shipping density within the Wind Farm area and OfTW; therefore it is considered that any effect will be of minor significance. Continuing consultation will be necessary with nearby oil and gas operators during the different stages of development of the Wind Farm. Overall, with industry standard mitigation measures either embedded within the design or accepted as necessary mitigation (including lighting/markings and publication on admiralty charts) the result is that the Project is predicted to have minor negative residual effects, i.e. no significant effect on the movements of vessels and no heightened risk of collision with commercial, recreational or emergency vessels.
- 4.15.15 **Representations** – public consultation has taken place and views have been received from people within the nearby communities. Focused consultations have also taken place between the Project team and relevant stakeholders and regulators. This is explained fully in the consultation report which accompanies the applications and also in Section 5 of the ES

(and Annex 5A 'Summary of Consultation Responses'). Overall, there is support for the Project (90% of respondents at the most recent events in November 2011 indicated that they were either 'supportive' or 'very supportive'), particularly as it may give rise to local jobs and a boost for the local economy. Issues and comments related to the perceived landscape and visual impacts, socio-economic concerns, impact on marine life, opportunities relating to the supply chain, impact on commercial fisheries and potential erosion at the landfall point. These points have all been addressed in the preparation of the ES and the emerging design. BOWL is also committed to an ongoing dialogue with local people and local interest groups/stakeholders throughout the period of construction and beyond.

- 4.15.16 **Any other potentially relevant matters** – Other relevant matters relate to the potential benefits which are likely to arise from the Project. The ES notes that there is potential for the Project to give rise to a positive impact on the local and wider economy of major significance. This has been calculated in terms of Gross Value Added (GVA) and number of construction jobs. This area is well-placed to accommodate the Project as it has a history of involvement in the oil and gas industry, the workforce has appropriate skills and knowledge of technology. Changes to regional employment patterns are already anticipated and are likely to result in additional labour becoming available. This project offers potential opportunities for local businesses to benefit and for jobs to be made available for the local labour force. Overall, the contribution that the Project could make to enhance the economy has been estimated in the ES: it could create between 3600 and 7817 'job years' within the northeast region and for Scotland as a whole the 'job years' generated could be as high as 20,450.
- 4.15.17 Tourism plays a significant role in the local economies of Moray and Caithness and this impact has been assessed. The impact on the setting of and views gained from tourist attractions and viewpoints is noted (paragraph 4.15.7 above). Noting that these effects will be on seascape rather than landscape, the ES concludes that this will have a moderate effect overall and hence it would be significant. However, the ES notes that a study carried out in 2008 concluded that only a small proportion of visitors are likely to be put off by the presence of wind farms. There is therefore no evidence to suggest that this would have a significant adverse effect on tourist activity. A second source of effect, temporary in nature, is the sensitivity of visitors attracted to watch the marine wildlife. This group would be sensitive to changes that alter the opportunities to do this. The impact on business-related tourism is also noted and although positive, is not considered to be significant. The ES notes that cumulative effects are difficult to assess because of the variables relating to the 'supply chain' and the demands placed by future projects, but overall these are not considered to be any greater in significance.



## 5. *CONCLUSIONS*

- 5.1 There are as yet no statutory marine plans in effect for the Moray Firth area: so far only a pre-consultation draft of Scotland's national marine plan has been published.
- 5.2 In the absence of these, the UKMPS is the only definitive policy document, and is in any case the main policy document relating to the Scottish Offshore Region and referred to in the Marine and Coastal Access Act 2009. It has also been adopted by the Scottish Ministers (and the national marine plan which is in preparation must conform to it unless relevant considerations indicate otherwise). The UKMPS clearly states that there is a presumption in favour of sustainable development and supports the development of offshore wind generation. Another general principle stated is that "development should aim to avoid harm to marine ecology, biodiversity and geological conservation interests (including geological and morphological features), including through location, mitigation and consideration of reasonable alternatives". However the UKMPS also notes that additional requirements (viz. the need to carry out an "Appropriate Assessment") apply to developments affecting Natura 2000 Sites (such as SACs) and that appropriate weight should be attached to designated sites and wildlife species and habitats enjoying statutory protection to ensure they are protected from the adverse effects of development in accordance with applicable legislation. Marine plan authorities are advised to "apply precaution within an overall risk-based approach"<sup>4</sup>.
- 5.3 There are various other plans which are relevant, including statutory plans for the terrestrial domain. In summary, all these plans and policy documents give support provided no harm will be caused to the environment, particularly the marine ecology, biodiversity and geological conservation interests.
- 5.4 The ES will allow the decision-maker to consider the key question of whether or not the adverse impacts of the proposals can be effectively mitigated or if there are residual concerns relating to the design, construction, and operation of the Wind Farm and the OfTW. If there are residual environmental or other adverse effects, the decision-maker will have to consider if these outweigh this support in principle, bearing in mind the need to apply precaution within an overall risk-based approach.
- 5.5 The determining issues to be weighed up in decision-making are expected to be as follows.
- 5.5.1 **Adverse effect on marine mammals and on designated sites** - having established that the Moray Firth is a suitable location for wind farm development, the choice of the application site combined suitability in terms of favourable wind resource and seabed with environmental sensitivities, specifically avoiding impinging on the boundaries of any marine Designated Sites. Although the cable crosses the Spey Bay SSSI at the landfall point/intertidal zone, it will take a short and direct route, the method of construction and cable depth are in accordance with SNH guidance and will

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<sup>4</sup> UKMPS (March 2011) paragraph 2.6.1.5

involve ensuring there is no physical presence in the active part of the beach system during the operational lifetime of the Project. This route for the cable allows for the most direct connection to the electricity grid and will make use of an agreed grid connection. Despite this careful site selection there are potential adverse effects associated with construction works, particularly piling. This is considered to be a short term effect on the marine mammal population and a long term recovery is expected. However, the ES takes a precautionary approach (in the case of bottlenose dolphins in particular, accounting for certain scientific uncertainties). Embedded mitigation has been identified to minimise the effects as far as possible and BOWL is working with the wider offshore wind industry to investigate the potential for new mitigation techniques. Nevertheless, the effect on these marine mammals may potentially affect the Moray Firth SAC (in relation to bottlenose dolphins) and the Dornoch Firth and Morrich More SAC (in relation to harbour seals). An Appropriate Assessment is to be carried out by Marine Scotland in order to determine if there will be an adverse effect on the integrity of these sites and a Report to Inform an Appropriate Assessment is therefore being prepared. We would invite the Scottish Ministers to conclude that the assessment of the effects of the Project on designated sites will be appropriately addressed through the HRA process.

- 5.5.2 **Adverse effect on fish and shellfish** - the ES identifies that construction works, in particular pile-driving, could give rise to significant adverse effects on herring, cod and European eel and significant cumulative effects on salmon and sea trout and, potentially, sandeel. For cod and herring the probability of this effect actually occurring is identified as unlikely. However, for salmon, sea trout and eels the ES highlights that there are uncertainties about population distributions and migration routes, and the assessment is based on a conservative worst case. In view of this, Scottish Ministers are asked to consider the relative importance of these species, none of which are protected species or associated with an affected designated site, along with the precautionary approach taken in the ES, the embedded mitigation and the careful site selection process. Accordingly we would invite Scottish Ministers to conclude that the adverse effects of the Project on fish should not be found to outweigh the benefits of the Project identified in this document.
- 5.5.3 **Adverse impact on scenic views, seascape and landscape character in Caithness** - this is a key issue for consideration because there may be potential implications for tourism in an area which relies heavily on attracting visitors through the high quality of its scenery, including views out to sea. BOWL recognises the sensitivity of the landscape, and the Seascape, Landscape and Visual Assessment has considered the impact on tourist routes, coastal paths and heritage features as well as on landscape and seascape character. The findings are that the Wind Farm will not have any significant effect on landscape character. The greatest effect on seascape character/coastal environment would be in the strip between Berriedale and Noss Head. While some significant effects would be experienced on the coastline between Wick and Dunbeath, there will be no adverse effect on the setting of cultural heritage features and visitor attractions. The only material impact on local residents is in terms of an adverse impact on the

views out to sea from the village of Sarclet. The cumulative assessment has identified potential significant effects on a similarly localised area of seascape character and similar receptors. In addition, the ES notes the conclusions of a study carried out in 2008 which found that the presence of a wind farm will not necessarily have an adverse effect on the appeal of an area to visitors and tourists. Accordingly we would ask Scottish Ministers to find that the impact on scenic views, seascape and landscape character is not an overriding concern.

- 5.5.4 **Impact on shipping, navigation and other uses of the sea** – there will be no material effect on existing commercial shipping routes. While some disruption to fishing activities is anticipated during construction, this should not be significant. There will be a degree of disruption to helicopter and other aviation movements which may potentially impact on oil platforms in the area, such as the Jacky platform. However, mitigation measures have been identified to address impacts and discussions with the relevant parties are continuing with a view to resolving the remaining impacts. The regulatory authorities for aviation matters will ensure that such measures will not have any adverse effect on public safety. Accordingly we would ask the Scottish Ministers accept that these various mitigation measures are sufficient to safeguard these activities.
- 5.5.5 **Impact on the economy** - the Project has the potential to deliver significant positive benefits to the local and regional economy as well as Scotland's wider economy. Scotland is already gearing up its engineering capability to maximise the opportunities arising from renewables developments, and potentially there are clear benefits for the economy at national scale. At regional level, there is engineering expertise and capability in Aberdeen which can potentially be adapted and harnessed for this Project. There will also be potential opportunities for local benefits to be secured. There is an overriding need to deliver renewable generation capacity in order to meet strategic targets in the short term. The Project demonstrates that it has the potential to be operational within a clearly defined timescale and would make a significant contribution to achieving renewables targets. We would ask Scottish Ministers to note the potential to deliver genuine sustainable economic growth through this project thereby meeting one of their key goals.
- 5.5.6 **Contribution towards achieving of Scotland's renewables target** - another positive benefit will arise through the potential to deliver a significant proportion of the current renewables target for 2020. The Project will generate up to 1,000MW of electricity from wind and will therefore make a significant contribution towards the UK Government's 29 GW target<sup>5</sup>. These targets have been adopted to help address the effect of climate change, meet the legal targets contained within the Climate Change Acts and meet international targets. This potential beneficial impact was identified in the SEA for Blue Seas – Green Energy as being of overriding importance,

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<sup>5</sup> The UK Renewable Energy Roadmap 2011 seeks delivery of an operational capacity of 29 Gigawatts of renewable energy by 2020. It also suggests that wind energy production needs to grow at an annual rate of 30%.

potentially sufficient to outweigh any negative impacts. The imperative to deliver climate change targets within the timescales set remains an overriding concern for Scotland and we would ask Scottish Ministers to attach overriding importance to the contribution which the Project will make in this regard.

- 5.5.7 **Contribution to security of supply** – in addition to helping to meet renewables targets, the Project will also generate significant amounts of electricity from wind thereby reducing the need to rely on resources such as gas and coal which are often imported. The Project will therefore make a significant contribution towards the goal of improving energy security. This is another overriding concern to delivering and supporting sustainable economic growth in Scotland.
- 5.6 We would conclude that in this case, the benefits and policy support for the Project outweigh any residual adverse impacts identified in the SEA and ES. Adequate mitigation works have been identified, are clearly defined in the ES, and will be delivered by BOWL.
- 5.7 As noted in the covering letter, Scottish Ministers must consider separately the requirements of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 and the Marine Works (Environmental Impact Assessment) Regulations 2007. These apply the requirements for an Environmental Impact Assessment (EIA) to the Project and the Scottish Ministers must take into consideration the findings of the EIA in reaching their decision. In addition, the Conservation of Habitats and Species Regulations 2010, the Conservation (Natural Habitats, &c.) Regulations 1994, and in relation to the Scottish Offshore Region, the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007, require a consideration of whether the Wind Farm or OfTW would be likely to have a significant effect on a European site or a European Offshore site, as defined therein, i.e. a Habitats Regulation Assessment (HRA), and, if yes, then an Appropriate Assessment is required. A Report to Inform an Appropriate Assessment is being prepared and will be submitted.
- 5.8 Under the 1989 Electricity Act, the Scottish Ministers are also required to undertake a two stage consideration of certain matters relating to navigational safety: first, they must refuse permission if they consider that interference with the use of recognised sea-lanes essential to international navigation is likely to be caused (assessment of impacts from “offshore generating activities” upon recognised sea-lanes needs to take into account those impacts arising from nearby wind farm developments – in this case the Moray Firth Round 3 Zone); second, they must have regard to the nature and extent of any obstruction of, or danger to, navigation which (without amounting to interference with use of recognised sea-lanes) is likely to be caused (this also needs to take into account effects arising from the same nearby wind farm developments as identified at the first stage). BOWL considers that information sufficient for the Scottish Ministers' to discharge this duty is contained in the ES.
- 5.9 Additionally, as potential licence holder under the Electricity Act 1989, BOWL has a duty to have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological and physiographical features of special interest and of

protecting sites, buildings and objects of architectural, historic or archaeological interest in forming proposals for the construction and operation of a generating station. This duty extends to mitigating any adverse effects that the development would have on these features. Scottish Ministers must also have regard to the desirability of preserving these features and must consider the extent to which the licence holder has complied with its duties in respect of them. BOWL considers that information sufficient for the Scottish Ministers' to discharge this duty is contained in the ES.

- 5.10 A further duty for the Scottish Ministers is to ensure compliance with the Water Framework Directive (2000/60/EC) for that part of the Project within 3 nautical miles of the coast. This will require prevention of deterioration in the status of the body of water affected. BOWL considers that information sufficient for the Scottish Ministers' to discharge this duty is contained in the ES.
- 5.11 Accordingly, we would ask Scottish Ministers to find that this submission contains sufficient information to allow discharge of all statutory duties. We would also request that Scottish Ministers find that the benefits and policy support for the Project outweigh any residual adverse impacts and therefore grant the applications.

## APPENDIX 1 POLICY ASSESSMENT

### MARINE POLICIES

#### 1 UK Marine Policy Statement

The UK Marine Policy Statement (UKMPS) 2011 sets out a high level approach, general principles, a vision and policy objectives. It takes account of climate change mitigation and adaptation, and looks to avoid and then mitigate adverse impacts at various stages of development. It recognises that a significant part of renewable energy will come from marine sources, with offshore wind expected to play a significant part up until 2020. The vision set out for the marine environment is for 'clean, healthy, safe, productive and biologically diverse oceans and seas'.

The policy objectives are:

- Achieving a sustainable marine economy
- Ensuring a strong, healthy and just society
- Living within environmental limits
- Promoting good governance
- Using sound science responsibly

UKMPS recognises that a significant part of renewable energy will come from marine sources, with offshore wind expected to play a significant part up until 2020. A healthy marine ecosystem is fundamental to supporting sustainable development. It will be important to contribute to vibrant coastal communities, particularly in remote areas. The effects of proposals and activities on the seascape should be considered<sup>6</sup>. In essence the UKMPS requires the weighing up of benefits and adverse effects, to achieve a sustainable marine economy. This will include weighing the cumulative impact of activities and the question of whether or not one activity may prevent another potentially beneficial activity within the same area or using the same resource. Appropriate weight should be attached to designated sites, protected species, habitats and other species important to biodiversity and geological interests. Nevertheless there is a presumption in favour of sustainable development in the marine planning system.<sup>7</sup>

*Assessment: The UKMPS includes a presumption in favour of granting consent for sustainable development and a proposal for renewable energy generation is undoubtedly a sustainable form of development. However, the UKMPS also states that this has to be weighed against the environmental impacts including the extent to which development will impact on the ecosystem and other activities taking place within the marine environment. The ES has been prepared in order to address this and to identify the mitigation measures which can address the adverse impacts.*

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<sup>6</sup> Paragraph 2.6.5.1 of the UKMPS

<sup>7</sup> Paragraph 2.5.2 of the UKMPS

## 2 Scotland's Draft National Marine Plan

The Draft National Marine Plan will have statutory force only once it is approved: it is currently a pre-consultation draft document – only 3 stages of a 9 stage preparation procedure have been completed. For renewables, the draft plan includes three objectives, summarised as follows:

- To turn Scotland's renewable energy resources into a fully developed industry;
- To minimise environmental impacts and facilitate development of sub-sea electricity grids; and
- To develop and reinforce onshore and offshore grids.

Several priorities are summarised (Fig 4.2) and include a commitment to "provide 10 Giga Watts of renewable capacity by 2020 in place and under construction". This reference includes offshore wind, wave and tidal, but the text elsewhere explains that the majority is expected to be offshore wind.

The Scottish Government's approach to development in the marine area is set out in the draft plan. In summary this is as follows:

- To treat different marine interests with fairness
- To adopt a presumption in favour of development
- Development should take account of the need to sustain and enhance the significance of cultural heritage assets
- Development should take account of impacts on the special qualities for which a National Scenic Area is designated
- Development should take air quality issues into account
- Development and activities will be resilient to and not unacceptably impact upon coastal change
- Development should not cause deterioration of the ecological status of water covered by the Water Framework Directive.
- Development should aim to avoid harming marine ecology, biodiversity and geological conservation interests through location, mitigation and consideration of reasonable alternatives

The Draft Plan also includes an "Interaction Matrix" (Fig 10.1), highlighting the degrees of interaction between the different forms of development and marine activities. Wind turbines are considered to be characterised by the following:

- High interaction with – other renewables (wave, tidal and construction), commercial sea fisheries, construction, ports and harbours, dredging, shipping, telecoms and cables, aggregates, historical assets, military operations, offshore oil and gas exploration, wild salmon and water abstraction.

- Medium-High interaction with – static commercial fishing gear, aquaculture (fish and shellfish), aviation, and carbon capture/exploration.
- Low-medium interaction – recreation, tourism and conservation

The draft plan states that all interactions "will require careful management".

*Assessment: This Plan, although in draft form, gives clear support in principle to the Project. The Plan states that evidence suggests the above issues could be addressed through appropriate mitigation measures at project level. A broader finding was that implementing the draft plan could have "a major and permanent beneficial impact on climate, as it would help to reduce Scotland's greenhouse gas emissions and contribute to future renewable energy targets set by the EU." The ES has been prepared to ensure the environmental impacts are fully quantified and considered, including the interaction with other activities within the marine environment, and mitigation measures identified.*

### 3 Blue Seas, Green Energy

On 18 March 2011, the Scottish Government published a plan for offshore wind development in Scotland's seas – Blue Seas, Green Energy. This is a sectoral plan in respect of only wind energy development in Scottish territorial waters. It referred to the main generic issues relating to shipping, fishing, and environmental impacts. It was developed from a draft plan which was subject to a SEA. This assessed ten options for wind energy development, including the "Beatrice Project". The SEA findings in relation to the "Beatrice Project" were that it could be progressed between 2010 and 2020 if appropriate environmental mitigation is implemented. Significant strategic issues to be resolved in the north east region (in which the application site is situated) were highlighted. These related to fishing, the environment and bottlenose dolphins. Shipping appeared to be less significant. Nevertheless, the plan made clear that evidence suggested these issues could be addressed through appropriate mitigation measures at project level. The summary of the plan (which addresses the findings of the SEA carried out in relation to this Plan) notes the following with regard to the north east.

"This region has favourable conditions and significant potential for the development of offshore wind both within Scottish territorial waters and beyond into Scottish Offshore Waters. The significant strategic issues to be resolved relate to fishing and the environment, with potential adverse effects on bottlenose dolphins also a significant issue. Shipping appears to be less significant. Evidence at this stage suggests these issues can be addressed through appropriate mitigation measures at the project level. There is 1 short term site within Scottish territorial waters which appears to be suitable for development by 2020. There is also a large Round 3 offshore wind development site just outside Scottish territorial waters which is adjacent to the Beatrice short term site. The cumulative impacts of these developments will require further consideration."

*Assessment: This Plan, although it has no statutory force, gives unambiguous support in principle to the development of an offshore wind farm described as the "Beatrice Project". The plan was subject to an SEA which resulted in three out of the nine short term potential wind farm locations being rejected. It also identified specific potential impacts such as fishing and the environment (potential adverse*



*effects on bottlenose dolphins was raised as a key issue) whereas shipping appeared to be less significant. It suggested that these issues could be addressed through appropriate mitigation measures at project level. The ES has been prepared to consider these issues in detail; it describes embedded mitigation, identifies further necessary mitigation measures and quantifies anticipated residual impacts.*

## **TOWN & COUNTRY PLANNING**

### **1. Scotland's National Planning Framework (NPF2)**

NPF2 was published in its final form in June 2009 and sets out strategic development priorities to support the Scottish Government's central purpose – to secure sustainable economic growth. It provides the spatial aspects of the Government's economic strategy and provides the strategic spatial policy context for decisions and actions taken by the Government and its agencies. NPF2 identifies strategic priorities for investment in energy and other infrastructure, and during its preparation it was subject to public participation and a SEA.

NPF2 is required by statute to contribute to sustainable development. In this regard, it notes that the main sources of greenhouse gas emissions are energy supply, transport and business.<sup>8</sup> It explains the factors which together with economic security considerations point to a strategy of reducing dependency on fossil fuels over time<sup>9</sup>, and have led to the adoption of ambitious statutory emission reduction targets through the UK and Scottish Climate Change Acts. Energy is noted as one of the key challenges, and reference is made to the EU target of 20% of the energy it uses to be derived from renewable sources by 2020. "Scottish Government supports this objective and has in place its own, higher target for electricity generated from renewable sources"<sup>10</sup>.

The strategy set out in NPF2 is founded on four key aims to be achieved by 2030, as follows:

- to contribute to a wealthier and fairer Scotland by supporting sustainable economic growth and improved competitiveness and connectivity;
- to promote a greener Scotland by contributing to the achievement of climate change targets and protecting and enhancing the quality of the natural and built environments;
- to help build safer, stronger and healthier communities, by promoting improved opportunities and a better quality of life; and
- to contribute to a smarter Scotland by supporting the development of the knowledge economy.

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<sup>8</sup> Paragraph 16 of NPF2

<sup>9</sup> Paragraph 17 of NPF2

<sup>10</sup> Paragraph 26 of NPF2

One of the key elements of the strategy is "making the most of Scotland's renewable energy potential and encouraging power and heat generation from clean, low carbon sources."<sup>11</sup> However, this is tempered by the statement "Economic development must be closely integrated with the promotion of environmental quality and the sustainable management of environmental resources. Areas of change must be seen as opportunities to build environmental capital and create high quality environments".<sup>12</sup>

In relation to offshore wind specifically, it states;

"The Government is committed to establishing Scotland as a leading location for the development of renewable energy technology and an energy exporter over the long term. It is encouraging a mix of renewable energy technologies, with growing contributions from offshore wind, wave, and tidal energy, along with greater use of biomass. The aim of national planning policy is to develop Scotland's renewable energy potential whilst safeguarding the environment and communities."<sup>13</sup>

Furthermore, it is specific about the potential for development in the Moray Firth, which it states the Crown Estate has identified as a location with the potential for development of offshore wind farms.<sup>14</sup> In addition, it identifies electricity grid reinforcements between Beaulieu and Keith as part of a national development.

*Assessment: This Plan recognises that the marine and coastal environment is a unique asset which helps to define Scotland's character and supports a wide range of economic activities, including fishing, aquaculture, energy production and tourism. However, the potential for offshore wind farms to be developed in the Moray Firth is clearly signalled subject, of course, to environmental assessment to inform the choice of location. Support in principle is tempered by recognition that there are key issues to be addressed at the consenting stage. The Project complies in principle with NPF2's overarching policy aim to develop Scotland's renewable energy potential whilst safeguarding the environment and communities and the ES has been prepared to identify and address these key issues.*

## 2. Scottish Planning Policy

The Scottish Planning Policy (SPP) was published in February 2010 and constitutes the statement of the Scottish Government's policy on nationally important land use planning matters. It includes a section on "Sustainable Development" as well as various subject policies.

With regard to sustainable development, the policy states that there is a need to tackle climate change and reduce emissions of the greenhouse gases. In the section relating to "Renewable Energy", the SPP states

"The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy

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<sup>11</sup> Paragraph 48 of NPF2

<sup>12</sup> Paragraph 49 of NPF2

<sup>13</sup> Paragraph 145 of NPF2

<sup>14</sup> Paragraph 147 of NPF2

generation will contribute to more secure and diverse energy supplies and support sustainable economic growth."<sup>15</sup>

"When granting planning permission, authorities should include conditions for the decommissioning of developments, including their ancillary infrastructure, and for site restoration. Authorities should also ensure that sufficient finance is set aside to enable operators to meet their restoration obligations, and should consider financial guarantees through a section 75 agreement."<sup>16</sup>

With regard specifically to offshore renewable energy generation, the advice given is "Offshore renewable energy generation presents significant opportunities to contribute to the achievement of Government targets. Although the planning system does not regulate offshore development, it is essential that development plans take into account the infrastructure and grid connection needs of the offshore renewable energy generation industry. Development plans should identify appropriate locations for facilities linked to the manufacture, installation, operation and maintenance of offshore wind farms and wave and tidal devices."<sup>17</sup>

In the section relating to "Coastal Planning", the SPP explains the position regarding marine planning, noting that the terrestrial planning system and the marine planning system are legally and functionally separate but overlap in the inter-tidal area. The advice asks that planning authorities and Marine Planning Partnerships work closely together along with neighbouring authorities to ensure that development plans and regional marine plans are complementary, particularly with regard to the inter-tidal area but also for the wider coastal zone.<sup>18</sup> It also refers to "Integrated Coastal Zone Management (ICZM)" as a useful strategic management tool, and clarifies that planning authorities should take into account the likely effect of proposals on the marine environment when making decisions on applications.

There is also a section on "Landscape and Natural Heritage" which considers the question of development impinging on local, national and international designations and development which may affect protected species.<sup>19</sup>

*Assessment: The purpose of this policy is to address nationally important land use planning matters, hence it is of limited relevance within the marine domain. Nevertheless, it makes clear that close-working is needed and gives support in principle to increasing the amount of electricity generated from renewable sources. It also points the way to reducing conflicts between development proposals and environmental protection.*

### **3. Moray Council's Development Plan**

Moray Council's Development Plan comprises the approved Moray Structure Plan 2007 and the adopted Moray Local Plan 2008.

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<sup>15</sup> Paragraph 182 of Scottish Planning Policy

<sup>16</sup> Paragraph 186 of Scottish Planning Policy

<sup>17</sup> Paragraph 192 of Scottish Planning Policy

<sup>18</sup> Paragraph 99 of Scottish Planning Policy

<sup>19</sup> Paragraphs 125-145 of Scottish Planning Policy

*Moray Structure Plan 2007 (SP)*

The SP sets out the overarching high level strategy for development in the Moray Council area and policies within this document are not site-specific.

The document lists Strategic Aims on which the strategy is founded. These are

- maintain and grow the population;
- promote economic opportunities and diversify the local economy;
- spread the benefits of economic growth across the community;
- safeguard and enhance the environment and mitigate any impacts caused by new development;
- seek improved accessibility within and external to the area; and
- allow sensitive small scale development in rural areas.

In relation to economic development the SP recognises that there is an over-reliance on the RAF presence. Hence there is support for various diversification initiatives.

In Section 4, relating to Environment and Resources, in the sub-section "Natural Environment" (page 26) the SP notes several points, including the following.

*"there are 43 SSSIs in the Moray Structure Planning area. Development proposals within national designations will only be supported where the objective of the designation and integrity of the area will not be compromised and social and economic benefits clearly outweigh adverse effects."*

The SP also notes that there are certain local sites important to nature conservation and one of these is the Spey Bay Nature Reserve. On page 27 it is noted that

*"the coast is a valuable resource in Moray in terms of its landscape, nature conservation, and recreation and tourism benefits. It is also a fragile resource that faces a range of development pressures."*

National guidance (NPPG13 "Coastal Planning"<sup>20</sup>) requires general protection policies to be set out within Structure Plans on isolated, undeveloped and developed areas of the coastline. However the SP confirms that within Moray there are no areas which fit the definition of isolated coastline. It also states that the coastal area should be safeguarded from inappropriate development through the identification of a Coastal Protection Zone. Policy 2: Environment and Resources includes a number of clauses of which the following may be of relevance:

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<sup>20</sup> Now superseded through the publication of the SPP.

- a. protecting international, national and local nature conservation and scenic designations from inappropriate development;
- b. protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible;
- d. resisting development within coastal areas outwith settlements to only that in which social and economic benefits outweigh environmental impact;
- e. providing protection from development to the countryside around the towns of Elgin, Buckie, Keith, Forres and Lossiemouth;
- l. promoting opportunities for the sensitive development of renewable energy and promoting renewable energy in new development;
- m. safeguarding resources for the production of minerals, preferred forestry areas, and prime quality agricultural land.

*Moray Local Plan 2008 (LP)*

The LP has a policy specifically relating to renewables, Policy ER1 which includes the following provisions.

*"Renewable energy proposals will be considered favourably where they meet the following criteria:*

- a. *they are compatible with policies to safeguard and enhance the built and natural environment;*
- c. *they are compatible with tourism/recreational interest and facilities, they do not interfere with aircraft activity;*
- d. *they do not result in an unacceptable impact in terms of visual appearance, landscape character, noise, electro-magnetic disturbance, watercourse engineering, peat land hydrological impacts, pollution, traffic generation or damage to the local ecology; and*
- e. *they do not result in an unacceptable cumulative impact.*

*"Proposals are required to provide "decommissioning arrangements" to illustrate how the site will be reinstated if and when the plant ceases to operate. This may be enforced through a section 75 agreement. Commercial wind energy developments should be located within a Preferred Search area identified in the Wind Energy Policy Guidance and meet the above criteria."*

Other LP policies which may have some relevance to the determination include those listed below.

Policy E1: Natura 2000 Sites and National Nature Conservation Sites states that development affecting SSSIs or NNRs will be refused unless a developer can prove a. that the objectives of designation and overall integrity of the site will not be compromised; and b. any significant adverse effects will be outweighed by social or economic benefits of national importance.

Policy E2: Local Nature Conservation Sites and Biodiversity requires any proposals affecting local nature reserves, etc to be refused unless it is demonstrated that: a.local public benefits clearly outweigh the nature conservation value of the site; and b.there is no suitable alternative site for the development. The policy requires acceptable mitigation measures to conserve and enhance the residual conservation interest of the site if development is permitted. It also states "*development proposals should protect and where appropriate, create natural and semi-natural habitats for their ecological, recreational, landscape and natural habitat values.*"

Policy IMP1: Development Requirements requires new development to be sensitively sited, designed and serviced, as appropriate to the amenity of the surrounding area. The criteria listed are as follows:

- a. scale, density and character must be appropriate to the surrounding area;
- b. the development must be integrated into the surrounding landscape;
- c. adequate roads, public transport etc including cycling and footpath must be available at a level appropriate to the development;
- d. adequate water, drainage and power provision must be made;
- e. SUDS should be used [sustainable urban drainage systems];
- f. there must be adequate availability of social, educational, healthcare and community facilities;
- g. development should where appropriate demonstrate how it will incorporate renewable energy systems and sustainable design and construction;
- h. provision for long term maintenance of public landscape and amenity areas must be made;
- i. conservation of natural and built environment resources must be demonstrated;
- j. appropriate provision to deal with flood related issues must be made including the possibility of coastal flooding from rising sea levels and coastal erosion;
- k. pollution including ground water must be avoided;
- l. appropriate provision to deal with contamination issues must be made;
- m. development must not sterilise significant reserves of various resources including prime quality agricultural land; and
- n. where appropriate, arrangements for waste management should be provided.

Policy IMP2 lists the various assessments which may be required to accompany a planning application such as environmental assessment.

***Assessment: The Moray Structure Plan supports the promotion of economic growth and seeks to spread this "across the community". It confirms that even***

*although the Moray Coast is not considered to be 'isolated' coast, it is still fragile and requires a degree of protection. While it should therefore be protected from inappropriate development, this policy would not rule out sensitive development of renewable energy infrastructure. The Wind Farm lies at a distance of more than 40 km from the Moray coast. Consultees have agreed that the potential for visual impact is not material and so it was excluded from the scope of the Landscape and Visual Assessment. The Local Plan also supports renewable energy proposals in principle providing these are compatible with other facilities and do not cause unacceptable impacts, including cumulative impacts. Where development may affect the environment and biodiversity, proposals will have to demonstrate that the public benefits (economic or social) outweigh the environmental/nature conservation interest and that the integrity of the site will not be compromised. If international sites are affected the benefits will have to be shown to be of national importance. While the policies do not strictly apply within the marine domain, they are applicable to the intertidal area of the Spey Bay SSSI within which the landfall point is located. The findings of the ES and HRA should provide confidence that the Project can comply with the policy tests by demonstrating fully what these impacts are, how the design has taken account of them and the extent to which further mitigation will address the impacts.*

#### **4. Highland Council's Development Plan**

Highland Council's adopted development plan relating to the Caithness coast comprises the Highland Wide Local Development Plan and the saved parts of the Caithness Local Plan.

*Highland wide Local Development Plan (HWLDP)*

The HWLDP was adopted on 5 April 2012.

The strategy and vision of this plan commits the Council to safeguarding the environment through the following actions (paragraph 5.2.2)

- ensuring that development of renewable energy resources are managed effectively with clear guidance on where renewable energy developments should and should not be located;
- ensuring that the special quality of the natural, built and cultural environment in Highland is protected and enhanced;
- taking a lead in reducing the amount of greenhouse gases released into the air, adapted to the effects of climate change and limited the amount of nonrenewable resources development uses; and

Marine Policies The strategy for Caithness and Sutherland seeks to achieve the following by 2030 (paragraph 6.2.1):

- be a regenerating place with a network of strong communities – through the promotion of attractive and thriving town centres, with the main centres having enhanced positions as service centres along with improved economic prospects of ports and harbours in the area;

- be a competitive place connected to the global economy – the exceptional environment, along with thriving local communities will provide an incentive to business location. The main east coast settlements complement each other, and there will be strong economic ties between the two counties and with the Inner Moray Firth area enabled by improved telecommunications networks and broadband coverage. Locally UHI will provide courses meeting local and international needs;
- be a connected and accessible place – A9 improvement schemes, including Berriedale Braes, will be delivered, as well as there being a significant increase in rail freight consolidating Lairg and Georgemas as distribution ‘hubs’ along with strategically located sidings with loading facilities. Developments will promote increased passenger numbers on the Far North rail line through a full peak time return Invernet commuter service extending to Lairg, Ardgay and Bonar Bridge. The case for twin-tracking locally important roads, which are currently single track, will be maintained. Residents will have adequate water and waste-water networks;
- be a place of outstanding heritage: safe in the custody of local people – by the protection and enhancement of the outstanding natural assets, including landscapes, geology, habitats and species of national and international importance. Economic opportunities will be realised associated with the Sutherland Geo-park, and the marketing of the ‘Green Firth’ around the Dornoch Firth. The Flow Country will have been inscribed on the World Heritage Site list and enjoys the support of local communities, land managers and visitors alike. The high quality of life will be helping to increase and maintain population levels;
- be a centre of excellence for energy and engineering – Dounreay's current 2,000 strong workforce will have found alternative sources of employment both on and off site in terms of decommissioning and throughout Caithness and North Sutherland where a more flexible approach to business and housing development has provided a fertile context for growth in jobs particularly in the new engineering and energy sectors where employers make good use of their transferred skills;
- have become an international centre of excellence for marine renewables – the Pentland Firth will be the location for marine renewables; related facilities and industries will be available locally. UHI through North Highland College will develop centres of excellence in marine engineering and environmental management. The spatial strategy supports the growth of this sector and will demonstrate that by effective cross-agency working an updated planning framework will be put in place to ensure opportunities are grasped as and when they present themselves;
- have a high quality tourist industry – tourists attracted by the outstanding natural heritage, outdoor activities and key tourist destinations providing high quality facilities e.g. John O'Groats, Wick. Developments at UHI Dornoch campus and elsewhere will support the sector; and



- have a more diverse economy - other enterprises will have been attracted by a more flexible planning regime throughout Caithness. This will have reduced the area's former dependence on the nuclear industry although decommissioning will still provide some employment opportunities in the early years of this Plan. All sectors are now represented and welcomed.

The plan setting out the Vision and Spatial Strategy for Caithness and Sutherland identifies the area around Smith Bank as a "Renewable Energy Development" and "Possible Renewables Expansion"

It includes a specific policy relating to Renewables, as follows.

Policy 67 "Renewable Energy Developments" states that renewable energy development proposals should be well-related to the "*source of the primary renewable resources*" (in this case, wind) and that the Council will also consider (a) the contribution which is made to meeting renewable energy generation targets and (b) any positive and negative effects on the local and national economy. Proposals will be assessed against the Council's supplementary guidance and other policies contained within the HWLDP. "*The Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments having regard in particular to any significant effects on the following.*" The list of 11 different aspects are:

- natural, built and cultural heritage features;
- species and habitats;
- visual impact and impact on landscape character;
- amenity at sensitive locations, "including residential properties, work places and recognised visitor sites (in or outwith a settlement boundary)";
- safety and amenity of any regularly occupied buildings (includes visual intrusion, noise, ice throw, flicker etc);
- ground and surface water, aquatic ecosystems and fisheries;
- safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems;
- other communications installations or the quality of radio or TV reception;
- the amenity of users of any core path or other established public access;
- Tourism and recreation interests;
- Land and water based traffic and transport interests.
- In addition to this specific policy, the other policies which may be considered relevant in assessing the proposals are as follows.

Other HWLDP policies which may have some relevance to the determination include those listed below.

Policy 28 "Sustainable Design" requires proposals to be assessed on the extent to which they impact on individual and community residential amenity, maximise energy efficiency, are accessible, have sought to minimise generation of waste, impact on habitats and ecosystems and also requires proposals to be sympathetic to existing patterns of development and compatible with local character.

Policy 49 "Coastal Development" sets out guidance for assessing proposals affecting coastal land and "nearshore waters" (defined as being within 3 miles of coast)

Policy 57 "Natural, Built and Cultural Heritage" sets out how proposals will be assessed for any impacts on heritage features, differentiating between features of local/regional importance, national importance and international importance. It states that if a proposal affects:

- features of local or regional importance - development will be allowed if it can be demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource;
- features of national importance - development that does not compromise the natural environment, amenity and heritage resource will be allowed. If there are significant adverse effects the development must demonstrate that these will be outweighed by social or economic benefits of national importance, for development to be allowed. Another test is that the development should support communities in fragile areas who are having difficulties in keeping their population and services; and/or
- features of international importance - an appropriate assessment will be required if development is likely to have a significant effect. If this finds that there is potential adverse effect on the integrity of a site, development will only be allowed if there is no alternative solution and there are imperative reasons of overriding public interest, including social or economic. If a priority habitat or species would be affected, development will only be allowed if the reasons of overriding public interest relate to human health, public safety "or other reasons subject to the opinion of the European Commission (via Scottish Ministers)".

The Proposals Map shows the Caithness coast is designated as an area of "International Importance".

Policy 58 "Protected Species" states that if a protected species is likely to be affected by proposals, a survey will be required and if necessary a mitigation plan devised to avoid or minimise the impact on such species. Development which is likely to have an adverse effect on such species will only be permitted in special circumstances.

Policies 59 and 60 "Other Important Species"/"Other Important Habitats and Article 10 Features" sets out additional controls to protect certain species of flora and fauna and landscape features of major importance.

Policy 61 "Landscape" requires development to relate to and enhance the landscape characteristics.

Policy 69 "Electricity Transmission Infrastructure" states that proposals for transmission lines, pylons, poles, plant etc will be supported if they do not have "an unacceptable significant impact on the environment, including natural, built and cultural heritage features".

Policy 72 "Pollution" requires major developments and those subject to EIA to follow a robust project environmental management process (along the lines set out in Highland Council's Guidance Note "Construction Environmental Management Process for Large Scale Projects")

*Caithness Local Plan (CLP) – adopted in 2002*

The strategy and vision contained in the CLP have been superseded by the provisions of the HWLDP. The individual settlement statements remain in force. However, as these focus on local development sites and environmental action within settlement boundaries, they are of limited relevance to the proposals.

*Assessment: The HWLDP supports the principle of renewable energy developments through Policy 67 and transmission works through Policy 69. Several policies relate to environmental protection and Policy 57 makes it clear that in the event an Appropriate Assessment is required and this finds that a proposal may adversely affect the integrity of natural heritage features of international importance, development may still be allowed if there is no alternative solution and there are imperative reasons of overriding public interest, at the discretion of Scottish Ministers. Such an Assessment will be carried out for the Project.*

*The HWLDP has paved the way for the Project by identifying in the Vision and Spatial Strategy for Caithness and Sutherland a site for renewable energy development and possible expansion within the Moray Firth. The strategy also seeks to establish a centre of excellence for energy and engineering within the area, wants the area to become "an international centre of excellence for marine renewables". Accordingly, the HWLDP accords strong support for the Project albeit within the context of the need to address the environmental sensitivities.*

#### **OTHER STATEMENTS OF POLICY**

##### **1. The National Renewables Infrastructure Plan (N-RIP)**

N-RIP was prepared by Scottish Enterprise together with Highlands and Islands Enterprise. The initial Stage 1 report was updated in July 2010 through the publication of a Stage 2 report.

"The Government's aim is to maximise the sustainable economic growth potential of a Scottish based offshore renewables industry that delivers offshore wind, wave and tidal energy with devices that are "made in Scotland". The objective of the N-RIP is to make sure that appropriate sites are available in the right locations to provide the platform for the growth of this industry. Having the right locations for

the industry is critical if Scotland is to become a home for the offshore renewables supply chain."<sup>21</sup>

N-RIP includes a separate section on offshore wind, including a table of the estimated number of turbines which are expected to be installed. It states "The development of appropriate locations is critical to Scotland becoming the base for construction and assembly of wind turbines and marine devices."<sup>22</sup>

Appropriate sites had been identified in a report "UK Ports – Time to Act" and N-RIP takes this earlier analytical work on board and highlights the readiness of Scotland's east coast to provide suitable locations for the renewables industry.

"As a result of experience of servicing the oil and gas industry there are a range of locations that are already able to service the needs of offshore wind operations and maintenance, particularly on the east coast."<sup>23</sup>

## 2. **Scotland's Economic Strategy**

**This document** includes a commitment to the development of a low carbon economy and the renewable energy industry. One of the key changes or transformations sought through the document is to decarbonise electricity generation by 2030. Stretching targets have therefore been set, including seeking the equivalent of 100% of Scotland's demand for electricity to be met by renewables by 2020.

The Scottish Economic Recovery Plan was refreshed and accelerated on 24 February 2011, and sets out various strands of action intended to increase sustainable economic growth. The key strand which is relevant is the preparation of a Low carbon economic strategy. The Plan states that the development of a low carbon economy provides a key opportunity for Scotland to develop and maintain a key comparative advantage in the global economy in the long-term.

"In line with these transformational changes, the Scottish Government has set itself stretching targets, one of which is for the equivalent to 100% of Scotland's demand for electricity to be met by renewables by 2020.

"The transition to a low-carbon economy will help us become more resilient and deal with commodity and energy price volatility, support economic recovery and provide us with a platform for greater international trade. Not taking the opportunity now means higher costs in the future: both in terms of future costs of carbon and lost growth opportunities as other countries embrace low carbon objectives."<sup>24</sup>

Opportunities exist under this strategy across the whole Scottish Economy for business and industry. Within the context of the low carbon transition for Scotland's entire economy, the strategy sets out the Scottish Government's ambition

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<sup>21</sup> From Chapter 2 of the National Renewables Infrastructure Plan

<sup>22</sup> From Chapter 2 of the National Renewables Infrastructure Plan

<sup>23</sup> From Chapter 3 of the National Renewables Infrastructure Plan

<sup>24</sup> Section C "Strategic Priorities" of Scottish Government Economic Strategy 2011

and immediate actions to increase the value of our low carbon environmental goods and services sector (LCEGS) to more than 10% of the Scottish economy by 2015. This sector includes Renewable Energy; Environmental Management and Low Carbon Technologies. Currently Scottish GDP is around £100bn with a LCEGS market of around £8.8bn predicted to grow to £12bn by 2015/16. Around 50% of sales in LCEGS are expected to emerge from low carbon sub sectors, e.g. sustainable building and transport technologies, energy management, carbon finance and carbon capture and storage.

### **3. The UK Low Carbon Transition Plan**

The UK Low Carbon Transition Plan document was published in July 2009, and presents the Government's plan to tackle climate change. The plan consists of five strands one of which is to build a low carbon UK.

It notes that the development of renewable energy proposals will improve energy security in addition to providing low-carbon energy generation and mitigating climate change. Renewable energy developments must be implemented in order for the aims of the Low Carbon Transition Plan to come to fruition and the UK to meet its own targets.

### **4. UK Renewable Energy Roadmap 2011**

The UK Renewable Energy Roadmap 2011 outlines the UK Government's commitment to increasing the use of renewable energy, noting that the UK has the potential to meet its 2020 target of 15% of UK electricity consumption from renewable resources, and deliver an operational capacity of 29 GW of renewable energy by the same year.

With specific regard to offshore wind, the UK Road Map advises that in July 2011, the UK had 1.3 GW of installed onshore wind in operation, although there is potential for this to reach up to 18 GW by 2020. This requires growth of wind energy at an annual rate of approximately 30%.

### **5. Renewables Action Plan (RAP)**

This published in 2009 and updated in February 2010 sets out the Scottish Government's key objectives to meet its targets for renewable energy. The target in 2009 was to meet 50% of electricity demand from renewable sources by 2020. The updated plan listed a "routemap" of key actions required to achieve the overall policy objective of making Scotland a leader in offshore wind development, building on its existing infrastructure, experience and skills. Other objectives include further development of offshore wind technologies, planning and investing in the necessary grid infrastructure for connecting proposed offshore wind developments, and ensuring the development of Scotland's offshore wind complements Scotland's marine environment,

A further update to this Plan has been prepared through the Routemap for Renewable Energy in Scotland 2011.

## 6. **The Scottish Government Draft Electricity Generation Policy Statement and 2020 Routemap**

The Draft Electricity Generation Policy Statement 2010: Scotland – A Low Carbon Society sets out the Scottish Government's position on the role of both renewable electricity and fossil fuel thermal generation (coal, gas, oil) in Scotland's future energy mix. It gives a clear view on the need for rapid expansion of renewable electricity across Scotland.

The Policy Statement acknowledges a greater than expected role to be played by wind energy in the future electricity generation mix and highlights the Offshore Wind Industry Group document, Scotland's Offshore Wind Route Map: Developing Scotland's Offshore Wind Industry to 2020 (2010), a tool which sets out the opportunities, challenges and the priority recommendations designed to help the Scottish renewables sector realise its full potential. This document is currently being updated.

The 2020 Renewable Energy Routemap for Scotland (also known as the Routemap for Renewable Energy in Scotland 2011 and published in February 2011) is to be read alongside this statement. The targets include:

- Target of 100% of electricity demand equivalent to be met from renewable sources by 2020; and
- A new target of 30% of all energy demand from renewable sources by 2020.

This document also notes that Scotland has the largest offshore renewable energy resources within the EU, quantified as 25% of EU offshore wind resource.

*Assessment: These Plans, although they have no statutory force, clearly support the development of offshore wind farms in general, and identifies the east coast as a particularly suitable location. They create an imperative for the development of renewable energy projects and lend support in principle to the Project. Development of an offshore wind farm will clearly help to achieve the target for 100% of Scotland's demand for electricity to be met by renewables by 2020.*