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Marine Scotland
25th March 2013

Minister for Energy, Enterprise and Tourism

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION AND OPERATION OF THE EUROPEAN OFFSHORE WIND DEPLOYMENT CENTRE (EOWDC) ELECTRICITY GENERATING STATION, ABERDEEN BAY, APPROXIMATELY 2 km EAST OF BLACKDOG, ABERDEENSHIRE.

Purpose

To seek your determination on the application by Aberdeen Offshore Wind Farm Limited (AOWFL) ('the Company'), for consent under section 36 of the Electricity Act 1989 to construct and operate a 100 MW demonstrator wind farm, known as the European Offshore Wind Deployment Centre (EOWDC) ('the Development'), in Aberdeen Bay, approximately 2 km east of Blackdog, Aberdeenshire.

Priority

Routine.

Background

On 1st August 2011 the Company applied for consent to construct and operate the Development, comprising of 11 turbines each with a maximum tip height of 195 metres.

As a result of issues raised during the consultation process supplementary environmental information was required and submitted on 6th August 2012. This Supplementary Environmental Information Statement (SEIS) to the application included, but was not limited to, an adjustment to the maximum tip height of the turbines, which was increased to 198.5 metres.

In accordance with standard procedure and statutory and regulatory requirements, this application has been subject to wide ranging consultation. We are satisfied that there are no outstanding issues that should prevent consent being granted if you determine that is appropriate.

An application for planning permission under the Town and Country Planning (Scotland) Act 1997 regarding the onshore infrastructure for the Development was submitted by the Company to Aberdeenshire Council on 20th December 2012. That application is currently under consideration by the Council.

Assessment

As well as delivering renewable electricity to the National Grid, making a valuable contribution to the renewables obligation and climate change targets in Scotland, the Development is first and foremost a test and deployment centre for offshore wind turbines. New technologies will be able to use the Development to demonstrate offshore wind turbine readiness, in a real time offshore environment, before full scale deployment.

The project would act as proof of concept for differing technologies that will be used in £multi-billion Round 3 developments providing experience that can de-risk deployment and increase investor confidence. If consented, the wind farm would provide energy equivalent to the needs of approximately 49,000 homes. Background and consultation information for the proposal is set out at **ANNEX B – BACKGROUND INFORMATION**

Consultation Summary

During the section 36 consultation process, objections were received from, amongst others, the Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH), the Royal Society for the Protection of Birds (RSPB), the Ministry of Defence (MoD), the Civil Aviation Authority (CAA), British Airports Authority (BAA), National Air Traffic Services (NATS) and the Blackdog, Mildren, Eigie and Berryhill Salmon Fishery.

Following the receipt of the SEIS, and further discussion between the applicant and the above named consultees, all their objections were withdrawn subject to conditions and/or agreements being in place to minimise the impact(s) of the Development.

Objections from the Trump Organization and Trump International Golf Links Scotland (TIGLS) who are the owners and operators of the golf and resort complex at the Menie Estate at Balmedie, Aberdeenshire ('the Menie Estate Golf and Resort Complex'), the Royal Aberdeen Golf Club, and Murcar Links Golf Club and from members of the public are being maintained.

Public Representations

This is a contentious development, receiving four hundred and sixty five (465) representations in support and one hundred and forty eight (148) objections from members of the public. These are summarised in **ANNEX F – CONSULTATION ANALYSIS**.

Subsequent to the consultation analysis being completed, a further number of representations were submitted to Scottish Ministers in response to two campaigns supporting and opposing the Scottish Governments renewable energy policy. Correspondence indicating support or opposition to the Development was included in the total representation numbers provided above but were not included in the consultation analysis.

Publicity

The announcement is likely to attract significant public and media attention and handling will be discussed with Communications Greener and Communications Wealthier and Fairer.

To meet any Freedom of Information requests, and in order for the determination process to be fully open and transparent, we recommend that this submission is published on the Marine Scotland Licensing page of the Scottish Government website alongside the key documentation relating to the application and the consent.

Recommendation

The Development offers a significant and strategic opportunity to drive the harnessing of Scotland's vast offshore renewable resources forward by developing technologies and providing a site for manufacturers to prove new and innovative solutions. Having taken all material issues into account, including the statutory consultation responses, public representations and all other material considerations, and being satisfied that all legislative requirements have been met, we are of the view that you should:

Determine that it is appropriate not to cause a public inquiry to be held and to grant consent under section 36 of the Electricity Act 1989;

Please note that an application for a Marine Licence under Part 4 of the Marine (Scotland) Act 2010 is being considered alongside this Application and will be determined in due course.

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Andrew Sutherland, Marine Renewables Licensing Advisor, Marine Planning & Policy, Ext: 785486

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Finance, Employment and Sustainable Growth			X		
Cabinet Secretary for Rural Affairs and the Environment					X
Minister for Environment and Climate Change					X
Minister for Transport and Veterans					X
Minister for Local Government & Planning					X
Lord Advocate					X

DG Enterprise & Environment
 Linda Rosborough – Marine Scotland
 David Palmer – Marine Scotland
 Jim McKie – Marine Scotland
 Phil Gilmour – Marine Scotland
 Mark Christie – Marine Scotland
 David Mallon – Marine Scotland
 David Wilson – Energy & Climate Change
 Colin Imrie – Energy & Climate Change
 Simon Coote – Energy & Climate Change
 Lesley McNeil – Energy & Climate Change
 Janine Kellett – Energy & Climate Change
 David Stevenson – Energy & Climate Change
 Murray Sinclair – SGLD
 Paul Cackette – SGLD
 Alan Williams - SGLD
 Lindsay Anderson – SGLD
 Ian Vickerstaff - SGLD
 Graeme Purves – Planning
 Keith Connal – E&RA
 Iain Malcolm - Freshwater Fisheries
 Chris Wilcock – Ports and Harbours
 John Mason – Enterprise
 David Patel – Tourism
 Malcolm Fleming - Advisor
 Carolyn Rae - Communications
 Communications - Greener
 Communications – Wealthier and Fairer

ANNEX A – REGULATORY REQUIREMENTS: LEGISLATION AND POLICY

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION AND OPERATION OF THE EUROPEAN OFFSHORE WIND DEPLOYMENT CENTRE (EOWDC) ELECTRICITY GENERATING STATION, ABERDEEN BAY, APPROXIMATELY 2 km EAST OF BLACKDOG, ABERDEENSHIRE.

LEGISLATION

The Electricity Act 1989

1. Consent under section 36 of the Electricity Act 1989 ('the Electricity Act') is required for any proposal to construct, extend or operate a generating station situated in the territorial sea with a permitted generation capacity of 1 megawatt and above. A section 36 consent may include conditions as appearing to the Scottish Ministers to be appropriate.
2. Any proposal to construct, extend or operate a generating station situated in the territorial sea (out to 12 nautical miles) and wholly driven by water or wind, with a generation capacity in excess of 1 megawatt requires consent under Section 36 of the Electricity Act (as amended). This substituted reduced capacity is implemented through the Electricity Act 1989 (Requirement of Consent for Offshore Generating Stations) (Scotland) Order 2002. A consent under section 36 may include such conditions (including conditions as to the ownership or operation of the station) as appear to the Scottish Ministers to be appropriate. The consent shall continue in force for such period as may be specified in or determined by or under the consent.
3. Paragraph 3 of Schedule 9 to the Electricity Act places a duty on operators of generating stations to have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest. Operators of generating stations are statutorily obliged to do what they reasonably can to mitigate any effect the proposals may have on these features
4. Paragraph 3 of Schedule 9 to the Electricity Act also provides that the Scottish Ministers must have regard to the desirability of these matters and the extent to which operators of generating stations have complied with their duty to mitigate the effects of the proposals. The Scottish Ministers must also avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.
5. Under section 36B of the Electricity Act the Scottish Ministers may not grant a consent in relation to any particular offshore generating station activities if they consider that interference with the use of recognised sea lanes essential to international navigation is likely to be caused by the carrying on of those activities or is likely to result from their having been carried on. The Scottish

Ministers, when determining whether to give consent for any particular offshore generating activities, must have regard to the extent and nature of any obstruction or danger to navigation which, without amounting to interference with the use of such sea lanes, is likely to be caused by the carrying on of the activities, or is likely to result from their having been carried on. In determining this issue the Scottish Ministers must have regard to the likely overall effect of the activities in question and such other offshore generating activities which are either already subject to section 36 consent or activities for which it appears likely that such consents will be granted.

6. The Scottish Ministers are required to obtain the advice of the Scottish Environment Protection Agency (SEPA) on matters relating to the protection of the water environment.
7. Under Schedule 8 to the Electricity Act and the Electricity (Applications for Consent) Regulations 1990, notice of applications for section 36 consent must be published by the applicant in one or more local newspapers and in the Edinburgh Gazette to allow objections to be made to the application. Under Schedule 8 the Scottish Ministers must serve notice of application for consent upon any relevant Planning Authority. As the Development is wholly offshore the closest planning authorities are not 'relevant Planning Authorities' in terms of the Electricity Act.
8. You can be satisfied that all the necessary tests set out within the Electricity Act when assessing the application and all procedural requirements have been complied with.
9. Paragraph 2(2) of Schedule 8 to the Electricity Act provides that where a relevant planning authority notifies the Scottish Ministers that they object to an application for section 36 consent and where they do not withdraw their objection then the Scottish Ministers must cause a public inquiry to be held in respect of the application. In such circumstances before determining whether to give their consent the Scottish Ministers must consider the objections and the report of the person who held the public inquiry.
10. The location and extent of the proposed development to which the Application relates being wholly offshore means that the development is not within the area of any local planning authority. The Scottish Ministers are not, therefore, obliged under paragraph 2(2) of Schedule 8 to the Electricity Act to require a public inquiry to be held. The nearest local planning authorities did not object to the Application. If they had objected to the Application, and even then if they did not withdraw their objections, the Scottish Ministers would not have been statutorily obliged to hold a public inquiry.
11. The Scottish Ministers are, however, required under paragraph 3(2) of Schedule 8 to the Electricity Act to consider all objections received, together with all other material considerations, with a view to determining whether a public inquiry should be held in respect of the application. Paragraph 3(2) of Schedule 8 provides that if the Scottish Ministers think it appropriate to do so,

they shall cause a public inquiry to be held, either in addition to or instead of any other hearing or opportunity of stating objections to the application.

Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000

12. The Environmental Impact Assessment Directive, which is targeted at projects which are likely to have significant effects on the environment, identifies projects which require an environmental impact assessment (EIA) to be undertaken. The Company identified the proposed development as one requiring an environmental statement in terms of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000.
13. The proposal for the Development has been publicised, to include making the environmental statement available to the public, in terms of those regulations. An Environmental Statement has been produced and the applicable procedures regarding publicity and consultation all as laid down in those regulations have been followed.
14. In compliance with those Regulations, consultation with SNH, SEPA, the planning authorities most local to the development, and such other persons likely to be concerned by the proposed development by reason of their specific environmental responsibilities on the terms of the environmental statement and the supplementary environmental information statement in accordance with the regulatory requirements. Marine Scotland have also consulted a wide range of relevant organisations including colleagues within the Scottish Government on the Application and on the environmental statement and as a result of the issues raised, upon the required supplementary environmental information statement.
15. Officials consider that you can be satisfied that the regulatory requirements have been met. They have taken into consideration the environmental information, including the Environmental Statement and Supplementary Environmental Information Statement, and the representations received from the statutory consultative bodies.

The Habitats Directive

16. The Habitats Directive on the conservation of natural habitats and wild fauna and flora has, in relation to the marine environment, been transposed into Scots law by the Conservation (Natural Habitats, & c.) Regulations 1994 ('the 1994 Regulations') and the Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007.
17. The key mechanism for securing compliance with the Directive is the carrying out of an Article 6(3) Appropriate Assessment under regulation 48 of the 1994 Regulations. Developments in, or adjacent to protected sites, or in locations which have the potential to affect such sites, must undergo what is commonly referred to as a Habitats Regulations Appraisal. The appraisal involves two

stages, and if the proposal is likely to have a significant effect on a protected site, then an Appropriate Assessment must be carried out

18. SNH and RSPB Scotland in particular flagged up issues in relation to the 1994 Regulations, as the proposal has the potential to impact on a number of Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). In SNH's view, the proposal is likely to have a significant effect on the qualifying interests of certain SPA and SAC sites.
19. In line with advice from SNH and to ensure compliance with EU obligations under the Habitats Directive, Marine Scotland have undertaken an Appropriate Assessment which has ascertained that the Development will not adversely affect the integrity of any European protected sites. Conditions can be imposed on any grant of consent ensuring that this is the case (**ANNEX E – APPROPRIATE ASSESSMENT**). The Appropriate Assessment will be published and available on Marine Scotland's Licensing Operations website.

Marine (Scotland) Act 2010 and the Climate Change (Scotland) Act 2009

20. The Marine (Scotland) Act 2010 regulates the territorial sea adjacent to Scotland in terms of marine environment issues. Subject to exemptions specified in subordinate legislation, under Part 4 of the Marine (Scotland) Act 2010 licensable marine activities may only be carried out in accordance with a marine licence granted by the Scottish Ministers.
21. Under Part 2 of the Marine (Scotland) Act 2010 the Scottish Ministers have general duties to carry out their functions in a way best calculated to achieve the sustainable development, including the protection and, where appropriate, the enhancement of the health of the area. The Scottish Ministers when exercising any function that affects the Scottish marine area under the Marine (Scotland) Act 2010, the Climate Change (Scotland) Act 2009 or any other enactment must act in a way best calculated to mitigate, and adapt to, climate change.
22. Also of relevance to the Application is that under the Climate Change (Scotland) Act 2009 annual targets have been agreed with relevant advisory bodies for the reduction in carbon emissions.
23. The Company estimates that throughout the 22 year lifespan of the development, the proposal could save up to between 2.9 million and 5.8 million tCO₂. Based on a similar load factor (0.35) Marine Scotland Licensing Operations Team also estimate that the proposal could provide renewable electricity for up to 49,000 homes, this is just under 50% of all the homes in Aberdeen City (2011 estimate of 103,843 Aberdeen city households by gro-scotland.gov.uk).
24. You can be satisfied that in assessing the Application you have acted in accordance with your general duties.

Water Environment (Controlled Activities) (Scotland) Regulations 2011

25. Amendments were made to the Electricity Act 1989 in light of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 ("CAR") to ensure that legislation pertaining to different aspects of the same operation is consistent and coherent. Accordingly, from 1 April 2006, before granting any section 36 consent, the Scottish Ministers are required to:
- (a) obtain the advice of the Scottish Environment Protection Agency (SEPA) on matters relating to protection of the water environment; and
 - (b) have regard to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003. The Water Environment (Controlled Activities) (Scotland) Regulations 2005 have been revoked, subject to transitional and savings provisions, on 31st March 2011 by the 2011 Regulations.
26. We consider that you are in a position to be satisfied that SEPA's advice has been considered, and due regard has been given to the Water Environment and Water Services (Scotland) Act 2003. We have consulted SEPA regarding a CAR licence in respect of the development proposals. SEPA have confirmed that, whilst a CAR licence is not required, the Company must comply with the relevant General Binding Rules (GBR) under the 2011 Regulations in relation to pollution control during the construction and operation of the Development.

MARINE AND TERRESTRIAL POLICY

The UK Marine Policy Statement 2011

27. The UK Marine Policy Statement 2011 prepared and adopted in accordance with Chapter 1 of Part 3 of the Marine and Coastal Access Act 2009 requires that when Scottish Ministers take authorisation decisions that affect, or might affect, the marine area they must do so in accordance with the UK Marine Policy Statement 2011.
28. The Statement which was jointly adopted by the UK Administrations sets out the overall objectives for marine decision making. It specifies issues that decision-makers need to consider when examining and determining applications for energy infrastructure at sea, namely– the national level of need for energy infrastructure as set out in the Scottish National Planning Framework; the positive wider environmental, societal and economic benefits of low carbon electricity generation; that renewable energy resources can only be developed where the resource exists and where economically feasible; and the potential impact of inward investment in offshore wind energy related manufacturing and deployment activity. The associated opportunities on the regeneration of local and national economies need also to be considered
29. Chapter 3, paragraphs 3.3.1 to 3.3.6, 3.3.16 to 3.3.19 and 3.3.22 to 3.3.30 of the Statement are relevant and have been considered by the Scottish

Ministers as part of the assessment of the Application. Paragraphs 3.11.1 to 3.11.6 make clear the importance to be attached to tourism.

30. Existing terrestrial planning regimes generally extend to mean low water spring tides. The marine plan area boundaries extend up to the level of mean high water spring tides. The UK Marine Policy Statement clearly states that the new system of marine planning introduced across the UK will integrate with terrestrial planning. The Statement also makes it clear that the geographic overlap between the Marine Plan and existing plans will help organisations to work effectively together and to ensure that appropriate harmonisation of plans is achieved. The Scottish Ministers have, accordingly, had regard to the terms of relevant terrestrial planning policy documents and Plans when assessing the Application for the purpose of ensuring consistency in approach.
31. The Scottish Ministers have had full regard to the Statement when assessing the Application. We consider the Development accords with the Statement.

Integrated Coastal Zone Management

32. The UK Marine Policy Statement states that UK Administrations are committed to ensuring that coastal areas, and activities taking place within them, are managed in an integrated and holistic way in line with the principles of Integrated Coastal Zone Management (ICZM). ICZM is an EU led strategy delivered at a local level and deals with the coastal and marine environment in a sustainable way. The ICZM seeks, over the long term, to balance environmental, economic, social, cultural and recreational objectives. At a local level, the East Grampian Coastal partnership has been set up to aid the delivery of ICZM in the East Grampian area. The Scottish Ministers are satisfied that the proposal is in accordance with the aims of ICZM.

Other Marine Policy

33. The Development, as a demonstrator, will contribute to Scotland's renewable energy targets via its connection to the National Grid. It will also provide wider benefits to the offshore wind industry which are reflected within Scotland's Offshore Wind Route Map and the National Renewables Infrastructure Plan.
34. The 2020 Renewable Routemap for Scotland - Update published on 30 October 2012 recognises the importance of availability of offshore renewable energy test sites, particularly in real sea conditions, as an essential and key part of Scotland's strategy for securing investment.
35. Published in September 2010 the Scotland's Offshore Wind Route Map sets out the opportunities, challenges and priority recommendations for action for the sector to realise Scotland's full potential for offshore wind. Regarding test and demonstration facilities, this document suggests that fit for purpose test and demonstration facilities are critical to de-risk technology for the offshore market.

Terrestrial Policy

36. Scottish Ministers have had regard to the terms of relevant terrestrial planning policy documents and Plans when assessing this Application for the purpose of ensuring consistency in approach.

Scottish Planning Policy (SPP)

37. Scottish Planning Policy sets out the Scottish Government's planning policy on renewable energy development. Whilst it makes clear that the criteria against which applications should be assessed will vary depending upon the scale of the development and its relationship to the characteristics of the surrounding area, it states that these are likely to include impacts on landscapes and the historic environment, ecology (including birds, mammals and fish), biodiversity and nature conservation; the water environment; communities; aviation; telecommunications; noise; shadow flicker and any cumulative impacts that are likely to arise. It also makes clear that the scope for the development to contribute to national or local economic development should be a material consideration when considering an application.
38. You can be satisfied that these matters have been addressed in full both within the Application and within the responses received to the consultation by the closest onshore Planning Authorities, SEPA, SNH and other relevant bodies.

National Planning Framework 2

39. Scotland's National Planning Framework 2 ("NPF2") sets out strategic development priorities to support the Scottish Government's central purpose, namely sustainable economic growth. Relevant paragraphs to the Application are paragraphs 65, 145, 146, 147, 203 and 204. NPF2 provides strong support for the offshore wind sector in Scotland and specifically identifies Aberdeen and Aberdeenshire and the Energetica project as building upon the energy sector and offshore strengths of the region.

Aberdeen City and Shire Structure Plan 2009

40. The purpose of the Structure Plan is to set a clear direction for the future development of the North East. All parts of the Structure Plan area fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. Relevant objectives of the Structure Plan to the proposed Development are:- the promotion of economic growth; the promotion of sustainable economic development to reduce carbon dioxide production; the adaptation to the effects of climate change and limitation of the amount of non-renewable resources used; the encouragement of population growth; the maintenance and improvement of the region's built, natural and cultural assets; the promotion of sustainable communities and the improvement in the accessibility of developments.

41. We consider that the Development can draw support from the objectives regarding economic growth, sustainable economic development and climate change, and to some extent the quality of the environment.
42. Regarding economic growth and sustainable economic development, the proposal is an opportunity to develop the economy with a potential capital expenditure of approximately £16m in the Aberdeen and Aberdeenshire area.
43. The proposal also accords with the Structure Plan objective for the region to increase the supply of energy from renewable resources. The developer estimates that throughout the 22 year lifespan of the proposed Development, the proposal has the potential to save up to between 2.9 million and 5.8 million tCO₂. Based on a similar load factor (0.35) it is estimated that the proposal could provide renewable electricity for up to 49,000 homes. This is just under 50% of all the homes in Aberdeen City (2011 estimate of 103,843 Aberdeen city households by gro-scotland.gov.uk)
44. It can be noted that the Structure Plan considers the significant potential in realising the potential of the Menie Estate golf resort. In terms of the objective relating to economic growth, the Structure Plan provides that a strong service sector, including all forms of tourism to include business tourism, is important to encouraging economic development and creating new employment that is appropriate and attractive to the needs of different industries.
45. In support of granting the Application for consent we recommend you note the important role of the Energetica project. It is listed in the Structure Plan as one of a range of proposals which will assist Aberdeen City Council and Aberdeenshire Council achieve their vision for the North East of Scotland.
46. We consider that the proposal complies with the Structure Plan.

Aberdeenshire local Plan 2006

47. This Plan was relevant at the time of the Company's application, but has since been superseded by the Aberdeenshire Local Development Plan 2012.

Aberdeenshire Local Development Plan 2012

48. The Aberdeenshire Local Development Plan 2012 looks at how Aberdeenshire will manage development in line with the principles of sustainable development, looking at the social, economic and environmental effects. Sustainable development is an essential element of its policies. The Plan recognises the need to protect and improve the quality of life for the local community, to protect natural resources and promote economic activity with a need to reduce greenhouse gases. The Plan aims to take precautions to reduce carbon emissions and promotes measures needed to adapt to a world where climate change is taking place
49. We have considered the terms of the supplementary guidance SG Bus 5: Development in the Energetica Framework Area. While all development in

the Energetica corridor is subject to the policies and strategies of the relevant constituent authority, in order to achieve the Energetica vision, supplementary guidance also applies in this area. Aberdeen City and Aberdeenshire Councils both support the Energetica framework, as supported in the National Planning Framework 2. The Development is consistent with the guidance in that the development must make a contribution to both environmental performance and economic development targets.

50. Consideration has also been given by officials to SG Rural Development 2: Wind farms and medium to large wind turbines. The aim of the policy is to encourage the sensitive development of wind energy facilities. The policy provides that the proposal must not have a significant adverse effect on tourism or recreation interests. We consider that there would be impacts upon both tourism and recreation, however when weighing up that impact on tourism with the considerations numbers (1) to (8) mentioned in **ANNEX C** below in relation to the planning judgment on the proposed location of the Development, it is officials their view and that those considerations outweigh the impact on tourism and recreation.
51. The proposed development complies with all other issues in relation to this policy.
52. Consideration has been given to the terms of the guidance SG LSD2: Layout, siting and design of new development. The purpose of this policy is to improve the standard of layout, siting and design of developments in Aberdeenshire. The proposed site location and design has been determined through a long process of examining constraints and undertaking consultations, surveys and assessments with many stakeholders, in particular the Aberdeen Harbour Board, the aviation industry, the MoD and key environmental bodies. We consider the siting and design of the wind farm as acceptable.
53. Consideration has been given to guidance SG Natural Environment 1: Protection of nature conservation sites. This policy promotes the protection of nature conservation sites from new development that may affect the qualifying interests of these protected areas. Officials have considered the relevant information and undertaken two Appropriate Assessments. These Appropriate Assessments conclude that the proposal would not adversely affect the integrity of any of the relevant designated sites so long as mitigation measures are implemented by means of enforceable conditions attached to any consent
54. SG Natural Environment 2: Protection of the wider biodiversity and geodiversity. This policy gives strong protection to habitats, species, geological features even when they are not associated with specifically designated conservation sites. The proposal was subject to an Environmental Statement and a Supplementary Environmental Information Statement. Scottish Natural Heritage and other nature conservation bodies are of the opinion that the proposal is acceptable subject to mitigation measures in the form of conditions. The proposal is considered consistent with this policy.

Aberdeen Local Development Plan 2012

55. The Aberdeen Local Development Plan's vision is for Aberdeen in 2030 to be a sustainable city, supporting the Aberdeen City and Shire Structure Plan. Relevant policies to the consideration of the development are set out below.
56. Policy D6 – Landscape: Natural topography and landscape play an important role in determining future development. Landscape character within Aberdeen ranges from rural, to informal and formal open spaces which, according to the Plan add to Aberdeen's unique setting. The plan seeks to maintain and manage these unique aspects. Although it is accepted that the Development would have an effect on the landscape and seascape as viewed from Aberdeen, these impacts are not deemed to be unacceptable and the proposal is seen to be consistent with this policy.
57. Policy NE8 – Natural Heritage: The protection, preservation and enhancement of the natural heritage (both sites and species) are important aims of the Plan. The Plan takes a broader approach to protecting natural heritage than just conserving designated or protected sites and species, it considers ecosystems and natural processes rather than individual sites. The proposal will not have unacceptable impacts on the natural heritage as long as mitigation measures are included as conditions. These conditions will be incorporated into any consent. Two Appropriate Assessments have been undertaken which conclude the proposal will not adversely affect the integrity of any designated site.
58. Policy R8 – Renewable and Low carbon Energy Developments: The development of all renewable energy generating technologies, on all scales, is supported in principle. The Plan recognises that a positive approach to renewable development will help meet Scottish Government targets. The proposal is consistent with this policy, although the impact on tourism is seen as a departure from the policy. This impact however is thought to be acceptable given the economic and climate change benefits the proposal will bring.

Material considerations

59. We have carefully considered the issues in connection with the Application and have identified the following matters as material considerations, for the purposes of deciding whether it is appropriate to cause a public inquiry to be held or for making a decision on the Application for consent under section 36 of the Electricity Act:
- efficiency of wind energy;
 - cumulative impacts;
 - the proposed location of the Development;
 - the visual impacts of the Development in its proposed location;
 - the impacts on the tourism industry both in Aberdeenshire and in Scotland;
 - the impacts on recreation in Aberdeenshire;

- the economic impact on the golf resort at the Menie Estate;
- the impacts on shipping and navigational safety;
- the impacts on aviation;
- the impacts on communications;
- the impacts on birds;
- the impacts on marine mammals;
- the impacts on environment;
- the impacts on fishing activity;
- development of the renewable energy sector.

Public Local Inquiry (PLI)

60. In terms of paragraph 2(2) of Schedule 8 to the Act, if the relevant Planning Authority made a valid objection and did not withdraw it, you must convene a PLI, which must be confined to so much of the application as it relates to land within the area of the authority whom the objection was made (except in so far as you direct otherwise) before you may determine the application, the objection and the report of the inquiry.
61. Neither Aberdeen City Council nor Aberdeenshire Council objected to the proposal.
62. Even if the Council(s) had objected, and did not withdraw their objection, a PLI is not a statutory requirement in this case due to the Development falling out with the Councils' jurisdiction. Paragraph 7A of Schedule 8 to the Act provides that paragraph 2(2) of the Schedule does not apply in cases like this where no part of the place to which the application relates is within the area of the local planning authority.
63. Paragraph 3(2) of Schedule 8 to the Act provides that where objections or copies of objections have been sent to the Scottish Ministers in pursuance of the Electricity (Applications for Consent) Regulations 1990 in those cases where a PLI must not be convened by them in terms of paragraph 2(2) of Schedule 8 (i.e. those cases where the Planning Authority either has not objected or objected and withdrawn their objection or where the "relevant planning authority" is the Scottish Ministers on account of the fact that all of the development being located at sea), then the Scottish Ministers "shall consider those objections together with all other material considerations" with a view to determining whether a PLI should be held with respect to the application and, if they think it appropriate to do so, they shall cause a PLI to be held.

Determination on whether to cause a Public Local Inquiry to be held

64. Before you can make a decision on the Application for section 36 consent you must determine whether it is appropriate to cause a PLI to be held. Advice regarding the matters you must consider before you may make a decision regarding the holding of a PLI is included in **ANNEX B**. If, following your consideration of that advice, you are content that causing a PLI to be held is

not appropriate in terms of the statutory provisions, then, and only then, can you proceed to make a decision on the Application for section 36 consent.

Decision on the Application for section 36 consent

65. If, having considered the application and the objections, together with all other material considerations as outlined in Annex B, you determine that it would not be appropriate for a PLI to be held, then it remains for you to grant or refuse section 36 consent to the development having regard to the considerations in Annex B.

ANNEX B – BACKGROUND INFORMATION AND SCOTTISH MINISTERS' CONSIDERATIONS

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION AND OPERATION OF THE EUROPEAN OFFSHORE WIND DEPLOYMENT CENTRE (EOWDC) ELECTRICITY GENERATING STATION, ABERDEEN BAY, APPROXIMATELY 2 km EAST OF BLACKDOG, ABERDEENSHIRE.

Background

On 1st August 2011 Aberdeen Offshore Wind Farm Limited ('the Company') applied for consent under section 36 of the Electricity Act 1989 ("the Act") to construct and operate the European Offshore Wind Deployment Centre (EOWDC), approximately 2 km East of Blackdog, Aberdeenshire being a demonstrator project with a limited lifespan (up to 22 years) and comprising 11 turbines with a total generating capacity of no more than 100 MW ("the Development").

Location of Development

The proximity of the Development to the Aberdeenshire coastline is clearly an important and defining issue to be considered. Aberdeen Bay was adjudged by the Company as a suitable location due to its relatively sheltered position with water depths thought to be indicative of Round 3 offshore wind farm sites. It is close to a major harbour facility which would allow for very close proximity to important construction/lay down areas, survey vessels and operations and maintenance vessels making it ideal for research and training purposes. These matters are largely a direct/indirect output from the major learning points from the Beatrice demonstration project; that deploying turbines at sea can take months longer than anticipated due to weather and logistical constraints. Aberdeen is also the centre for expertise in the offshore oil and gas supply chain, has excellent transport links and has offshore academic experience in its two universities and its proximity to the Scottish Government's world renowned Marine Laboratory. The Company believe that this makes the project strategically significant at a national, UK and European level in terms of delivering the research and development function.

The Company spent approximately six years (2004 – 2010) examining constraints, undertaking consultations, and conducting surveys, studies and assessments for the most suitable location for the development. Following a robust assessment of alternative locations on the east coast of Scotland, the selection of the location within Aberdeen Bay brought key advantages to the project. The current location and layout of turbines are a result of a long process of examining the constraints namely but not exclusively:

- Proximity to European designated sites
- Helicopter routes to the north
- Ministry of Defence
- Aviation industry
- Coastal bird populations to the west

- Shipping to the east
- Proximity to Aberdeen Harbour to the south

The Company claim that constraints outlined above mean there is little flexibility for further changes to the current location.

The Company state the unique characteristics of the location suit its use as a demonstration site, furthermore a feasibility study into its possible use as a demonstration site for new turbine designs led to a commitment by a joint venture with Vattenfall. The feasibility study also led to interest from the EU who subsequently announced they wished to invest 40 million Euros in the project to assist in this objective. The Development was one of 15 energy projects to receive funding from the EC who anticipated the project would significantly contribute to the recovery of the EU. The Company wish to establish the Development as a pioneer in the design and deployment of large scale offshore wind farms and associated infrastructure.

Officials recommend that the location of the Development is appropriate having regard to its many advantages.

Marine Scotland's Licensing and Operations Team have undertaken their own full and thorough consultation with relevant stakeholders and are of the opinion that there are no considerations which would lead us to conclude that consent cannot be granted to the wind farm in its current location. The application has been considered fully and carefully, as have the accompanying documents and all relevant responses from consultees. Third party representations received have also been considered.

Taking into account the extent to which any environmental effects will be modified and mitigated by measures the Company has agreed to take or will be required to take under the conditions attached to any consent and licence Marine Scotland are satisfied that environmental issues can be appropriately addressed by way of mitigation, and that any impacts which remain are outweighed by the benefits the Development will bring.

Aberdeen City and Shire Economic Future's Energetica project.

The wind farm, if consented, would become a major component of Aberdeen City and Shire Economic Future's (ACSEF) Energetica project. Energetica is a 25 year vision to create an exemplar low carbon, sustainable development corridor that could attract energy organisations and individuals to a natural and built coastal environment. It is an integral part of Aberdeen City and Shire's work to strengthen its position as a global energy hub building on the regions rich oil and gas heritage. The Development could present a significant opportunity for Energetica, helping to build a robust supply chain around offshore wind.

Scottish Government Planning Circular

Scottish Government Planning Circular 4/2009 – Development Management Procedures Annex A, para 6, states "The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business

against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.”

Landscape and Visual Impacts Issue

Scottish Natural Heritage (‘SNH’), Scottish Ministers statutory advisers on visual impacts on designated landscape features, did not object on landscape and visual grounds.

They did state that the proposal would be prominent due to it being a new, complex, large feature in the landscape and would have adverse impacts on the coastal character and visual amenity given its proximity to the coast and to the city of Aberdeen.

SNH were of the opinion however, that these impacts are on local landscape interests, and not on those that would pass the national interest test and so did not object. The Company submitted a Supplementary Environmental Information Statement to the application increasing the height of the turbines and radius of the rotor blades by 3.5m and 11m respectively. SNH reviewed the landscape information provided and concluded that the small increase in dimensions would only have a slight additional impact. SNH also advised that an actual Design Statement for the scheme could help to reduce these impacts by setting out the design principles.

Neither Aberdeen City, nor Aberdeenshire Council raised any significant concerns regarding the visual impact of the proposed Development.

A large portion of the public representations which objected to the proposal did so on the potential landscape and visual impacts. This was also a significant part of the reasons for objections being received from the Trump Organization and the Trump International Golf Links Scotland (“TIGLS”), Royal Aberdeen Golf Club and Murcar Links Golf Club.

Habitats Regulations Appraisal

Owing to SNH’s view that the proposal is likely to have a significant effect on the qualifying interests of a number of Special Protection Areas (SPAs) and Special Areas of Conservation (SACs), Marine Scotland carried out an Appropriate Assessment which is included at **ANNEX E – APPROPRIATE ASSESSMENT**. It has been ascertained with sufficient confidence that the proposal, subject to appropriate conditions being included the consent, will not have an adverse impact on the integrity of the relevant SPAs and SACs. Therefore it is concluded that impacts on site integrity can be avoided. This is backed up by the consultation responses from both SNH and RSPB Scotland.

Both SNH and RSPB recommended that certain conditions are included on any consent which would allow the Development to be implemented without serious adverse effects on the identified Natura sites. These conditions have been included

in the draft decision letter and consent attached at **ANNEX D – DECISION LETTER AND CONDITIONS**.

CONSULTATION EXERCISE

Under Schedule 8 to the Act and Regulations made under that Act, Ministers are required to consult any relevant Planning Authority (as the Development is wholly offshore the closest planning authorities are not ‘relevant Planning Authorities’ under the Act). In addition, to comply with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (the EIA Regulations), there is a requirement to consult Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA) and any other person likely to be concerned by the proposed development by reason of their specific environmental responsibilities.

In complying with the EIA Regulations, the Company identified the proposed development as an EIA development and hence would require an Environmental Statement. This statement should describe the environmental impacts and the proposed mitigation measures associated with the development.

We consulted a wide range of relevant organisations including colleagues within the Scottish Government on the application, Environmental Statement (ES), and as a result of issues raised, the required Supplementary Environmental Information Statement (SEIS). In accordance with the statutory requirements, as part of both the ES and the SEIS, we sought the advice of SNH, SEPA and the Planning Authorities most local to the development in accordance with the statutory requirements.

Aberdeen City Council (ACC), a statutory consultee, did not object to the Development and did not request that any conditions be placed on any consent. ACC acknowledged that the Development represents a significant investment in terms of enhancing the renewable energy infrastructure within Aberdeen City and Shire as well as contributing significantly to encourage diversification of the regional economy and the potential for job creation across Scotland.

However, some issues were raised which ACC felt warranted further exploration by the applicant. These were the terrestrial impacts of the Development, noise impact from the re-routing of helicopter flights, calculation of the partial increase in carbon emissions resulting from the change in helicopter flight patterns, landscape and visual impacts and socio economic impacts.

The Company sought to address these concerns via the submission of Supplementary Environmental Information which included additional visualisations from Girdle Ness Lighthouse (Viewpoint 21) as well as further visuals from nearby golf courses at Murcar, Royal Aberdeen and Menie Estate (Viewpoints 23, 25 – 30). ACC agreed that there would be a relatively limited impact on Girdle Ness Lighthouse but recommended that an alternative viewpoint where both the lighthouse and the turbines would be intervisible may enable a more useful analysis of the potential impact. The Company responded stating that the assessment of cultural heritage impacts upon Girdle Ness Lighthouse was conducted following a site visit with the use of wireframe visualisations, and concluded that the impact is

likely to be minor to moderate (Section 1.2.1.10 of Appendix 20.2 of the original ES submission). The provision of further visualisations would not alter this assessment.

ACC noted the additional impact assessment that has been undertaken in relation to golf courses located to the north of the River Don and stated that “the potential visual impact upon these recreational assets does not warrant refusal of the development.” ACC noted that none of the golf courses identified are included in Historic Scotland’s Inventory of Gardens and Designed Landscapes and that they were not aware that these golf courses include listed buildings.

The Company noted that terrestrial impacts of the Development would be dealt with through onshore planning applications which would be supported by Environmental Impact Assessments (EIAs) which will include consideration of cumulative and inter-relationship effects between the onshore and offshore elements of the overall project.

With respect to noise impact and carbon emissions the Company stated that the helicopter route change will be formally conducted by National Air Traffic Services (NATS) and that the route change will be optimised to ensure safety, efficiency and will not take place over land. Consequently, there is likely to be an imperceptible change in noise levels at residential properties. With respect to the potential for an increase in carbon emissions, the Company stated that helicopter routes are not compulsory routes for pilots to follow. Normally helicopter pilots will fly on their own route which is usually a straight line between 2 points if it is safe to do so (outside of controlled airspace). Helicopters can fly over the wind farm if visibility permits. Therefore it is not possible to calculate any potential additional fuel burn caused by this as it is not known how many pilots will follow this route and the number who do so will vary.

With respect to socio and economic impacts of the Development, the Company noted that an assessment of the direct and supply chain impacts of construction, operation and decommissioning activities; impacts on tourism; impacts on recreational activities; and impacts on the offshore wind energy sector was included with the original ES submission. The report identifies significant positive effects benefiting the Inner Study Area (Aberdeen and Aberdeenshire) as well as the Wider Study Area (Scotland) and the UK.

Aberdeenshire Council (ASC), a statutory consultee, did not object to the Development however it also noted that it did not take a position in favour of the project either. However, ASC noted that both the Buchan and Formartine Area Committees were broadly supportive of the proposal. ASC noted that there is support for diversifying the economy by encouraging the development of both tourism infrastructure and renewable energy.

However, ASC stated that there is concern about whether or not this is the best site for the development given the potential impacts on the environment. ASC believed that there is also a concern that this may be a first phase of a larger development and this should be borne in mind when determining the current application. The Company confirmed that they have no plans to extend the Development at a later date.

ASC queried the location for the proposed turbine siting in terms of possible impact;

- to the Menie Golf Course
- on the anchorage and shipping lane to and from Aberdeen Harbour, particularly in bad weather
- on the breeding bird population at Bullers O'Buchan given the bird flight paths and subsequent collision risk with the proposed turbines
- on the electro magnetic fields and the existing fish species, specifically the fish nursery areas
- to marine radar, citing the objection from the Ministry of Defence, as well as the MoD firing range at Blackdog
- on Forvie Sands at Newburgh, and
- on Balmedie Country Park surrounding beaches as these are significant visitor destinations and the Balmedie – Blackdog area

The Company noted the questions raised by ASC in respect to location of the development and commented that impacts on the Menie Estate were considered in the ES and were also investigated further through the submission of an Supplementary Sentimental Information Statement which contained additional photomontages from Menie

With respect to possible impact on Aberdeen Harbour it was noted that the Harbour had not objected to the Development nor had the Maritime & Coastguard Agency.

In response to ASC concerns about possible impacts on the breeding bird population at Bullers O'Buchan and EMF effects from cables the Company noted that these had been assessed as part of the Habitat Regulations Assessment (HRA). SNH and RSPB reviewed the HRA and did not object subject to appropriate conditions being placed on any consent. These conditions were recommended for inclusion on any consent so as to ensure that the Development will not adversely affect the integrity of relevant Natura sites such as the Buchan Ness to Collieston Coast Special Protected Area (SPA) which encapsulates the breeding bird population at Bullers O'Buchan.

Resolutions were identified through the application of suitable mitigation procedures such as a radar mitigation scheme, as discussed between the MoD and the Company, to resolve MoD concerns.

SNH advised on the potential impact of the Development on Forvie Sands SPA and SSSI, designated for its population of breeding and non breeding bird species. SNH stated that, subject to appropriate conditions being placed on any consent, the Development could be implemented without serious adverse effects on the natural heritage therefore maintaining the integrity of the SPA and SSSI. Scottish Ministers undertook an Appropriate Assessment in view of the conservation objectives for the site. The Company acknowledged that there would be a major – moderate visual impact from the Development on the National Nature Reserve.

With respect to impacts on Balmedie Country Park the Company noted that the original August 2011 ES assessment acknowledges that effects would occur. The Country Park is covered in the baseline report section 5.3.1 (also 5.2.2). Visitors are

covered as a receptor group in Appendix 19.2 - section 4.3.5; there are also various references to visitors in relation to various viewpoints, e.g. VP1 and VP2. The Company believes that the assessment has dealt adequately with these issues.

ASC recommended conditions that should be considered and attached to any consent should the Development be consented. These conditions are reflected in the draft decision letter and consent attached at **ANNEX D – DECISION LETTER AND CONDITIONS**.

Scottish Natural Heritage (SNH), a statutory consultee, commented that they were disappointed with the overall quality of the Environmental Statement. Despite this, SNH agreed with most of the conclusions in the ES although they considered that there were some issues which were not sufficiently addressed and required further attention before a final conclusion could be made. Following the Company's submission of Supplementary Environmental Information (SEI), SNH were of the opinion that the Development could be implemented without serious adverse effects on the natural heritage.

SNH, when commenting on the SEI, surmised that, when considering the further information provided to them, the proposal is likely to have a significant effect on the qualifying interests of a number of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). SNH advised Scottish Ministers to carry out an Appropriate Assessment in view of the conservation objectives for these sites. SNH went on to say that they had undertaken an appraisal of the Development and had concluded that the Development could be implemented without serious adverse effects on these sites and the wider natural heritage provided the consent is subject to a number of conditions to mitigate the effects. These conditions are reflected in the draft decision letter and consent attached at **ANNEX D – DECISION LETTER AND CONDITIONS**.

SNH made a number of recommendations including the following:

- establishment of an independent expert panel to provide scientific advice on a research and monitoring programme
- a construction method statement or similar document should be provided to Marine Scotland for agreement with relevant consultees including details of commencement dates, duration and phasing information of key elements of construction such as foundations, turbine placements etc. a Vessel Management Plan providing details on numbers and individual vessel details including use of ducted propellers, how vessel management will be coordinated, location of working ports
- an Environmental Management System / Plan detailing all measures through all phases of the windfarm to prevent adverse impacts to marine mammals, birds, fish and habitats and include species protection plans
- details of the location and construction methods for the grid export cables, landfall sites and substation should be submitted in advance of the project construction commencing
- a Design Statement is required to provide guiding principles for the deployment of turbines

- a detailed decommissioning plan is required for the entire scheme

SNH also looked at the landscape and visual impacts of the proposal and noted that:

- the Development would introduce a complex large feature into a coastal area currently characterised by uninterrupted, simple views across the sea.
- the location of the Development, given its proximity to the coast and to the city of Aberdeen, is sensitive and prominent.
- the very large size of the turbines, would result in the Development being dominant in views from north and east Aberdeenshire, and the city.
- The Development would set a new precedent of development of this type inshore rather than on land. It would necessitate cumulative impacts with onshore developments being considered in future.
- The uncertain nature of the Development being a “deployment centre” rather than a fully designed wind farm means it may not necessarily follow good design practice such as having the same turbine type, size, rotation speed and so on; or an evenly spaced ‘readable’ layout.

To successfully mitigate these concerns, SNH requested that a condition be included in any consent requiring a Design Statement to include guiding principles for the deployment of turbines.

The **Scottish Environment Protection Agency (SEPA)**, a statutory consultee, stated that it did not object to the Development provided that certain conditions were applied as follows:

- a project specific method statement setting out how the risks of introducing marine non-native species into the site shall be avoided during the construction, operation and decommissioning phases of the project and that the measures identified in this method statement shall be employed throughout the life of this project as set out in the method statement shall be in place before any work commences on site
- a site specific Construction Environmental Management Document (CEMD) must be submitted for the written approval of the planning authority (in consultation with SEPA) (and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with the approved CEMD

SEPA advised that the CEMD should form the basis of more detailed site specific Construction Environmental Management Plans (CEMPs) which along with detailed method statements. This approach provides a useful link between the principles of development which need to be outlined at the early stages of the project and the method statements which are usually produced following award of contract (just before development commences).

SEPA recommended that the CEMD should be submitted for approval at least two months prior to the commencement of any works on site to allow the necessary reviews to be undertaken and to ensure no impact on project timescales.

This document should incorporate detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution during all phases of construction, reinstatement after construction and final site decommissioning, as applicable. This document should also include any site specific CEMPs and Construction Method Statements provided by the contractor as required by the determining authority and statutory consultees. The CEMD and CEMP do not negate the need for various licences and consents if required. The requirements from the obtained licences and consents should be included within the final CEMPs.

SEPA also requested that a condition is attached to any consent requiring the preparation of a monitoring and mitigation scheme for potential impacts on the adjacent coastline. This request will be captured under a wider condition for environmental monitoring as reflected in the draft decision letter and consent attached at **ANNEX D – DECISION LETTER AND CONDITIONS**

SEPA has confirmed that no specific licences for the Development are required under the Water Environment (Controlled Activities) (Scotland) Regulations 2011, However, the applicant must ensure that they comply with the relevant General Binding Rules (GBR) under the above regulations in relation to pollution control during the construction and operation of the development.

Aberdeen Harbour (AH) did not object to the Development however AH did note some specific issues in the ES that required further comment or questioning such as erroneous assumptions made by the Company which were resolved via further discussions between the Company and AH. AH, whilst not requesting any conditions to be placed on any consent, will be consulted on the development of an Emergency Response Cooperation Plan (ERCoP) along with the Maritime & Coastguard Agency (MCA).

Blackdog, Milden, Eigie and Berryhill Salmon Fishings, originally objected to the Development citing incorrect information provided in the application documentation, impact on the salmon fishery due to electromagnetic fields (EMF), noise and vibrations impacting on migratory patterns. However, in response to the consultation on the Supplementary Environmental Information Statement, Blackdog, Milden, Eigie and Berryhill Salmon Fishings agreed to remove their objection.

BAA Airports Ltd initially objected to the Development due to the impact on the Aerodrome Reference Point for Aberdeen Airport which would be impacted by the turbines and therefore conflict with safeguarding criteria. When consulted on the Supplementary Environmental Information Statement, BAA Airports Ltd confirmed that, after reviewing the mitigation measures agreed, and subsequent discussions with NATS, they were in a position to remove their objection subject to conditions being attached on any consent. These conditions are reflected in the draft decision letter and consent attached at **ANNEX D – DECISION LETTER AND CONDITIONS**.

British Telecom (BT) did not object as it concluded the Development should not cause interference to its current and presently planned radio networks.

The **Chamber of Shipping (CoS)** did not object to the Development noting that the final iteration of the Development will allow for sufficient space for vessels operating on the NE / SW route and that any route deviation caused by the Development will be minimal and acceptable from a navigational safety point of view, provided the risk mitigation measures and monitoring outlined in Section 20 of the Navigational Risk Assessment (NRA) are applied. The CoS were also content that the 0.25 nm separation between the designated anchorage area in Aberdeen Bay and the nearest turbine will be sufficient to maintain the safety of anchored vessels.

The **Civil Aviation Authority (CAA)** objected to the Development as the proposed layout detailed in the ES would not meet current CAA guidance as they would expect 900 m spacing between lights which necessitated that all of the peripheral turbines be fitted with Aviation Warning Lights. The CAA noted that there was a need for an airspace change and requested that Marine Scotland liaise with National Air Traffic Services (NATS) and BAA to ascertain the potential impact this may have on helicopter flights out of Aberdeen Airport. On review of the Supplementary Environmental Information Statement, CAA were satisfied that the appropriate consultees had been consulted with regarding the proposals and provided further advice on appropriate lighting for the Development. CAA removed their objection.

The **Health and Safety Executive (HSE)** did not object to the Development and had no specific comments to make.

Historic Scotland (HS) did not object to the Development and agreed that there would be no significant impacts on the cultural heritage features within its statutory remit.

The **Inshore Fisheries Group (IFG)** raised no objections regarding the Development.

The **Joint Radio Company Limited (JRCL)** did not object to the Development.

Marine Scotland Science (MSS) did not object to the Development. MSS requested that water quality, sediment suspension / resuspension, habitat loss and noise and vibration be covered by various monitoring plans. The Applicant agreed to undertake this as part of any agreed monitoring programme. MSS stated that consideration should be given to exposure of the cable(s) by wave action and exposure of sensitive species to electromagnetic fields (EMF). The Applicant noted in the Supplementary Environmental Information Statement to the ES that studies have shown that chum salmon and other fish species have not been able to detect any effects from magnetic fields and that this is an issue which will be considered within the scope of the R & D programme including MSS's own ongoing research. It was also anticipated that cables will be buried to at least 0.6 m. A monitoring programme for diadromous fish was proposed which the applicant agreed would be investigated through an R & D working group. MSS recommended the implementation of appropriate mitigation strategies to minimise the impacts of construction noise on fish and other marine species. The Applicant agreed to investigate this accordingly with Marine Scotland. European Eel were considered by the Applicant within the wider assessment of the effects of noise and vibration and electromagnetic fields on fish species. It was noted by MSS that European Eel is not

a qualifying species of the regional SACs which were considered as part of the Company's HRA, although it was noted they could be considered as part of the R & D programme as appropriate.

Marine Scotland Compliance (MSC) consulted with the owners of the three inshore boats that work from Aberdeen and fish in the general area of the Development and received no objections.

The **Maritime & Coastguard Agency (MCA)** raised no objection to the Development subject to conditions being attached on any consent. These conditions are reflected in the draft decision letter and consent attached at **ANNEX D – DECISION LETTER AND CONDITIONS**. This includes the creation of a full Emergency Response Cooperation Plan (ERCoP) from the construction phase onwards, which remains to be fully completed and requires to be properly documented, before any construction works commence. The MCA noted an error in the ES regarding availability of Emergency Tug Vessels (ETVs) and that the MCA is responsible for funding any emergency salvage. This was acknowledged by the Company in later correspondence between the MCA and the Company who agreed to note the MCA comments and take them into account when preparing the ERCoP.

The **Ministry of Defence (MOD)** initially objected to the Development citing concerns with the Air Defence (AD) radar at Buchan. The MoD noted that the turbines would reduce the probability of the radar detecting aircraft flying over or in the vicinity of the turbines and that the RAF would be unable to provide a full air surveillance service in the area of the proposed wind farm. The MoD also noted continuing discussions with the Company regarding provision to allow vessel access associated with the Black Dog Firing Range and also the cabling / cable route to shore as the proposed route also affects the firing range. Following discussions with and further consideration of the mitigation proposals submitted by the Company to the MoD, the MoD confirmed that it was prepared to withdraw their objection subject to conditions being attached on any consent. These conditions are reflected in the draft decision letter and consent attached at **ANNEX D – DECISION LETTER AND CONDITIONS**. The MoD removed their objection.

NATS (National Air Traffic Services) objected to the Development on the grounds of conflict with safeguarding criteria due to predicted impact on radar systems at Perwinnes and Alanshill. Further discussions between the Company and NATS lead to an agreement between the companies whereby the objection from NATS Safeguarding could be removed subject to conditions being attached on any consent. These conditions are reflected in the draft decision letter and consent attached at **ANNEX D – DECISION LETTER AND CONDITIONS** and reflect the same conditions requested by **BAA Airports Ltd**. NATS removed their objection

The **Northern Lighthouse Board (NLB)** did not object to the proposal however they requested a number of conditions be attached on any consent. These conditions are reflected in the draft decision letter and consent attached at **ANNEX D – DECISION LETTER AND CONDITIONS**.

The **Royal Society for the Protection of Birds (RSPB) Scotland** initially objected to the Development on the grounds of uncertainty over the methods used to

calculate collision risk, the significant impacts predicted arising from the Development, lack of full survey data provided with the application and the belief that there was not a strong enough commitment given towards a full monitoring programme. In response to the consultation on the Supplementary Environmental Information Statement to the ES for the Development, RSPB Scotland removed their objection subject to the implementation of certain conditions being attached on any consent. These conditions are reflected in the draft decision letter and consent attached at **ANNEX D – DECISION LETTER AND CONDITIONS**. RSPB Scotland also recommended that ongoing research results from the Development, if consented, should be made publicly available to all legitimate users and that constraints that could potentially undermine projects such as the proposed Development do not restrict the utility of the facility.

The **Royal Yachting Association (RYA)** stated that they had no objection to the Development.

Transport Scotland, through their Term Consultants **JMP Consultants Limited**, did not object to the Development stating that the Development would not have any significant environmental impact on the trunk road network. Transport Scotland noted that a response will be provided separately relating to any potential impacts arising from the onshore works application.

Transport Scotland (Ports & Harbours) did not object to the Development however they recommended consulting with **Aberdeen Harbour** which had already been carried out.

The **Whale and Dolphin Conservation Society (WDACS)** did not object to the development however they expressed concern at, but not limited to, the possible negative effects on cetaceans and seals citing, in particular, impacts from pile driving, noise pollution generated throughout the lifetime of the project and displacement effects. WDACS made a number of recommendations to Marine Scotland in both their response to the ES and the Supplementary Environmental Information Statement. A number of these recommendations, such as the undertaking of adequate monitoring, have been incorporated into conditions on the consent. These conditions are reflected in the draft decision letter and consent attached at **ANNEX D – DECISION LETTER AND CONDITIONS**.

The **Association of Salmon Fishery Boards**, the **Marine Safety Forum**, **Surfers Against Sewage**, the **Scottish Canoe Association**, the **Scottish Fisherman's Federation**, the **Scottish Fisherman's Organisation**, the **Scottish Wildlife Trust** and **The Crown Estate** were consulted but no responses were received.

Public Representations

Four hundred and sixty five (465) representations in support of the proposal were received from members of the public. A total of one hundred and forty eight (148) representations objecting to the Development were received.

Representations in support of the Development cited support for the increase of renewable projects as a clean source of energy and belief that the Development offers

an opportunity to develop the economy and offer opportunities for skilled jobs in the area.

Representations objecting to the development raised concerns about the impacts on the areas leisure, tourism and golf industry. Negative visual impact was also cited as a reason for objecting in a number of representations received.

An analysis of the consultation responses received from members of the public and consultees was undertaken by the Scottish Governments Environmental Assessment Team. Further details are at **ANNEX F – CONSULTATION ANALYSIS**.

Subsequent to the consultation analysis being completed, a further number of representations were submitted to Scottish Ministers in response to two campaigns supporting and opposing the Scottish Governments renewable energy policy. Correspondence indicating support or opposition to the Development was included in the total representation numbers provided above but were not included in the consultation analysis.

There were objections from the Trump Organization on 14 September 2011 and the Trump International Golf Links Scotland ('TIGLS') who are the owners and operators of the golf and resort complex at the Menie Estate at Balmedie, Aberdeenshire ("the Menie Estate Golf and Resort Complex") on 18 September 2011, and from Murcar Links Golf Club and the Royal Aberdeen Golf Club.

Other golf courses near to offshore wind farms

A study was prepared by LDA Design into wind farms and golf courses as an Supplementary Environmental Information Statement to the Environmental Statement for the Development. This study included GIS mapping to identify the proximity of existing golf courses to offshore wind farm developments. The key findings were -

- 71 golf courses in the UK are within 25km of Round 1 offshore wind farms.
- The closest golf course to a Round 1 offshore wind farm is Cleveland golf club, which is 1.6km from Teeside offshore wind farm. The Great Yarmouth and Caister golf club is approximately 2.5km from Scoby Sands.
- The list of golf courses within 25km of round 1 offshore wind farms include various famous courses:-
 1. Royal Liverpool at Hoylake is 9.2km from Burbo Bank and 15.2km from North Hoyle. The club is the second oldest seaside links club in England and will host the 2014 Open. It held the Woman's Open last year (where the wind turbines could be seen in the background in the television coverage).
 2. Royal Birkdale is another classic links course and is 15.5km away from Burbo Bank. In 2014 it will hold the Woman's Open.

3. Wallesey is a final qualifying club for the Open Championship. The turbines at Burbo Bank are clearly visible from certain holes and on Wallesey's website can be seen in the picture they have of the 3rd green.

From this information it is clear that the potential visual effects of the Development on golfers is not unprecedented and other world famous courses have, or are likely to have in the future, views of offshore wind farms.

Other Material Issues – calls for a Public Local Inquiry

There is no presumption in law in favour of PLIs being held regarding applications for section 36 consent. The circumstances of the case are such that there is no statutory requirement under Schedule 8 to the Act for the Scottish Ministers to cause one to be held. The decision to hold a PLI in the case is entirely at the discretion of the Scottish Ministers; such discretion must always be exercised in accordance with the general principles of public law.

Under paragraph 3(2) of Schedule 8 to the Act the Scottish Ministers must be persuaded that it is appropriate for them to hold an inquiry (either in addition to or instead of any other hearing or opportunity of stating objections to the application).

Dundas & Wilson have in a number of letters repeatedly asked Ministers to cause a PLI to be held with respect to the objections by the Trump Organization and TIGLS. In a letter dated 7th December 2011 Dundas & Wilson stated that the investment at Menie Estate was being put at risk by the proposed Development, and requested Scottish Ministers exercise their discretion to call a PLI believing that the Application, and more particularly, the acceptability of its proposed location, engages issues of national importance. Dundas & Wilson believe that a PLI is necessary to “explore all the material considerations and to ensure a proper evidential base to inform the Scottish Ministers determination of the Application.”

Marine Scotland responded to Dundas & Wilson by letter on 26th January 2012 stating that “this correspondence, and all other representations from stakeholders, interested parties and members of the public which have been submitted to the Scottish Ministers in terms of the legislation will be considered by them in the determination process prior to making a decision on whether a public inquiry will be held.”

Dundas & Wilson submitted a further letter on 12th October 2012 again restating their belief for the need for a PLI into the Application. They claimed “the best use of evidence of whether or not the Development at its proposed location will undermine the Trump Resort must come from the Trump Organisation as funders, developers and operators of the resort”. Dundas & Wilson also stated that they believed the Menie Estate had been found to be of “national economic importance” and that Scottish Ministers should allow for appropriate scrutiny of the proposal requiring the hearing of oral evidence so as to meet the requirements of the European Convention of Human Rights. Dundas & Wilson advised that, should Scottish Ministers fail to hold a public inquiry into the Development, they would “strongly recommend” that their clients pursue “all legal remedies available to them, including judicial

proceedings, to protect their rights and to ensure that their legitimate expectations in respect of the Menie Resort are met by the Scottish Government.”

Marine Scotland responded on 2nd November 2012 requesting that Dundas & Wilson provide evidence in support of the above statements. Dundas & Wilson submitted information to Marine Scotland on 9th November 2012 including a copy of the letter and direction “calling in” the original Menie Estate application, the Reporters report for that application, and a copy of the decision letter. They quoted from the report-

‘Based on the evidence before the inquiry we find, as a matter of both fact and degree, that the likely economic impact is nationally significant. We find that there would be a significant contribution to achieving the Government’s overarching purpose set by the Economic Strategy. That policy envisages “creating a more successful country with opportunities for all of Scotland to flourish, through increasing sustainable economic growth – by building a dynamic and growing economy that will provide prosperity and opportunities for all, whilst ensuring that future generations can enjoy a better quality of life too.” ’

They also show that the Reporters addressed their minds to the following factors, as all being relevant to the decision regarding the golf resort development, namely:– the level of job creation; the promotion and enhancement of the reputation of Aberdeen on the wider national and international stage; the delivery of objectives for the local councils; the increase in revenue from tourism; and the under supply of high quality hotel accommodation in the Aberdeen area.

The Reporters stated that they were ‘in no doubt, based on the independently generated conclusions of EKOS who appeared at the inquiry for the council, that the **economic impact of the development would be nationally significant.**’

They concluded ‘that the economic and social advantages of the golf resort at national, regional and local level are such as to justify, uniquely, the adverse environmental consequences caused by a development on its scale and in this location.”

In their correspondence with Marine Scotland Dundas & Wilson rely upon the fact that the Scottish Ministers accepted the Reporters’ findings of fact, agreed with their reasoning and recommendation, and adopted them for the purpose of their own decision on the application.

Their main argument is that the Reporters’ findings and the decision of the Scottish Ministers in 2008 should not be undermined by a subsequent decision of the Ministers. They argue that the visual impact of the turbines on the golf course would result in a negative commercial impact on the golf business. They state that the Scottish Ministers must now ask themselves if the alleged environmental benefits of the Development in its proposed location uniquely justify the risk of losing the identified national, regional and local economic and social benefits of the trump development. They state that this is a key determining issue for the Development and state this can only be properly assessed by a public inquiry into the impact of the

Development on the golf resort. Given the circumstances of the case they argue that it is appropriate for the Ministers to call a PLI so that the evidence for the wind farm and the evidence regarding the potential impact to the golf resort can be scrutinised and cross-examined.

Dundas & Wilson wrote again to Marine Scotland on 4th December 2012 querying whether a decision had been reached on the procedure for the Application, and again stressing Mr Trump's request for a PLI. Marine Scotland replied on 5th December 2012 informing Dundas & Wilson that Scottish Ministers were still considering the application and, once more, made a request for the evidence which supported the claim that the Development in its proposed location would risk the identified national, regional and local economic and social benefits of the Trump development.

On 24th December 2012, Dundas & Wilson again declined to provide such evidence and referred to their previous letter of 9th November 2012 citing the documents enclosed with said letter.

Marine Scotland issued a final request for information on 8th January 2013, clearly stating that Scottish Ministers would decide, not only whether or not it was appropriate to hold an inquiry based on the evidence before them, but also to determine the application itself, and that Dundas & Wilson should lodge any such evidence or information should they be in receipt of it.

Dundas & Wilson responded on 29th January 2013 enclosing a "Statement of Case on Economic Impact including Tourism" (The Statement of Case is included at **ANNEX H**) The information provided did not contain any new information that was not already in the public domain and referenced tables from "The Economic Impact of the Menie Estate Development on the Scottish and local economy" report that was produced by the Fraser of Allander Institute and cited at the PLI into the original Menie Estate application. Dundas & Wilson stated that the Trump Organization would not proceed with the Golf Resort should the Development proceed in its proposed location. Dundas & Wilson again reiterated their clients request for a public inquiry to be held for the reasons laid out above.

Consideration

When considering whether to cause a PLI to be held the Ministers may have regard to whether—

- (a) they have been provided with sufficient information to enable them to weigh up all of the conflicting issues and, without a public inquiry, they can properly weigh any such issues;
- (b) those parties with a right to make representations have been afforded the opportunity to do so; and
- (c) they have sufficient information available to them on which to take their decision such that a public inquiry would not provide any further factual evidence which would cause them to change their view on the application.

Ministers also possess information as to the potential socio-economic impact of wind farms to tourism and recreation in general.

Ministers can draw upon information contained within -

- (i) the Environmental Statement;
- (ii) the addendum to the Environmental Statement;
- (iii) the independent review of the Environmental Statement;
- (iv) the economic impacts of wind farms on Scottish tourism, a report of the Scottish Government, dated March 2008;
- (v) the representations from the Company; and
- (vi) the representations made from members of the public.

Ministers also have the benefit of the report of the PLI held in 2008, the Fraser of Allander Institute (University of Strathclyde) Report dated May 2008, and the objections and representations made by the Trump Organisation, and the Royal Aberdeen and Murcar Links golf courses.

Analysis shows that attitudes of tourists towards wind farms have been assessed in many studies. The results of stated preference studies have found that generally the majority of tourists were positive towards wind farms. Omnibus Research, commissioned by Visit Scotland in 2011, found that 80% of the survey respondents stated that a wind farm would not affect their decision to visit an area. The attitudes of recreational users have been researched to a lesser extent. Landry, Allen, Cherry & Whitehead's 2012 study into the impact of wind farms on coastal recreational demand found that offshore wind farms overall had little impact on recreational visits by residents. However, there individual differences within the data which, averaged out, show an overall limited impact. Whilst some residents said they would take fewer trips to the beach if there was a wind farm within view, others indicated that they would actually take more trips

In addition, the Ministers have information before them supporting the argument that the impact of wind farms upon tourism is not significant. It is noted by the Ministers that the Scottish Government report 'The Economic Impacts of Wind farms on Scottish Tourism' dated March 2008 concludes that 'overall there is no evidence to suggest a serious negative economic impact of wind farms on tourists.'

In addition, the Ministers' note the terms of the Appeal Decision Letter dated 15th December 2011 concerning the wind farm proposed for Standingfauld Farm, Muthill where the Reporter, having been referred to previous appeal decisions, and to reports, concluded that there was nothing incompatible between a windfarm development with an acceptable landscape and visual impact, and the wider tourist related economy. That case is not alone in showing that wind farms and tourism can co-exist.

Ministers have also significant evidence provided by the Company concerning the benefits of the Development.

It is not possible to predict with accuracy what benefits would accrue from the Menie Estate Golf and Resort Complex were consent to be given to the Development in its

proposed location. Ministers could accept that there would be some impact on the Menie Estate Golf and Resort Complex were the Development to be built in its proposed location.

In this respect, Ministers might note that attitudes of tourists towards wind farms have been assessed in many studies. Ministers could accept, on the basis of the latest information as to the present intention of the Trump Organization that, were the Development to be given consent in its proposed location, the benefits described in the objector's Statement of Case (**ANNEX H**) would not be achieved because the Trump Organization state that it would not proceed further with the development of the golf resort. In this respect, what would actually happen to the Menie Estate were the Development to be given consent in its proposed location is in our view not amenable to answer at a public inquiry.

In accepting that the present intention of the Trump Organization and TIGLS is as stated above, the Ministers may recall that paragraph 6 of Annex A to the Scottish Government Planning Circular 4/2009 ("Development Management Procedures") states –

"The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests the basic question is whether the proposal would unacceptably affect the amenity and existing land use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development."

In all the circumstances, as outlined, Ministers can be satisfied that they have sufficient information to weigh up the conflicting issues and are able to do so.

It is clear that all interested parties (statutory consultees and other persons) have had more than sufficient opportunity to make representations upon the Application. Representations have been accepted, and have continued to be accepted, by the Ministers even following the expiry of the statutory consultation period. All such representations have been taken into account for the purposes of making a decision regarding the causing of a PLI to be held.

In light of the terms of the various reports that have been provided to the Ministers, taken together with all the other information on the subject that is publicly available, an inquiry into the issues as proposed by the Trump Organization would not be likely to provide any factual information to assist Ministers to resolve the issues of risk and planning judgment raised by the application.

On the evidence that is before the Ministers it is considered sufficient to reach a decision that a PLI would not provide further factual evidence which would require Ministers to take a different view on the substantive issues on the application for consent under section 36.

Socio-Economic Literature Review

A literature review was undertaken on the alleged socio-economic impact of the Development on golf resorts. The review considered the socio-economic impacts of onshore and offshore wind farms on tourism and recreation and in particular their impact on golf courses. How assessments of impacts on golf courses could be conducted was also considered. The aim of the literature review was to provide a review of the available evidence. Guidance and best practice in relation to economic valuation methods were reviewed as part of the study. Given the lack of evidence for this specific issue, the literature review was widened to cover the impacts of wind farms on tourism and recreation.

The key areas that have been reviewed include:

- the methodological approaches used in various studies to assess the socioeconomic impact of wind farms on tourism and recreation;
- how technical factors such as the number and size of turbines, the distance from the shore, the profile of the receptor and geographic conditions have been considered in the studies;
- the results of the studies; and
- the relevance of the studies in informing the impacts on golf.

The studies that have been reviewed in the literature review have not assessed the impacts on golf courses directly. Possible impacts on golf courses could potentially be inferred from the results of the studies.

The conclusions of the literature review confirm that there is currently no further relevant information publicly available to the Scottish Ministers to consider in respect of this issue at this time.

Environmental Benefits and Carbon Payback

The total annual CO₂ saving from the wind farm is estimated by the Company to be between 131,838 – 236,676 tonnes per year, using the coal CO₂ emission factor. (Environmental Statement, Chapter 5, page 7)

Calculation of the time required for the Development to generate enough carbon-free electricity to offset its own carbon footprint (known as the “CO₂ payback period”), based on a worst-case scenario, is estimated by the Company at 10 months. (Environmental Statement, Chapter 25, page 8)

If consented, the proposed project could result in an increase in the amount of renewable energy produced in Scotland and is consistent with the Government’s policy on the promotion of renewable energy. The electricity generated by this development would provide energy equivalent to the needs of approximately 49,000 homes.

Consultation Gap Analysis

Marine Scotland commissioned Halcrow to prepare a gap analysis to identify and produce an inventory of any issues that were identified in the process from scoping

the ES, through the preparation of the ES, the consultation on the ES including public and statutory responses, the addendum, and consultation on the addendum.

The gap analysis produced over 500 issues, of these 71 were reported as outstanding or uncertain as to whether they had been resolved at that time.

Consequently Marine Scotland sought clarification from consultees and the developer to gain a better understanding of the outstanding issues. Following this exercise, officials are content there are no outstanding issues which would prevent consent being granted.

Economic Benefits

Scottish Planning Policy (SPP) advises that economic benefits are material issues which must be taken into account as part of the determination process.

SPP also confirms Scottish Ministers aim to achieve a thriving renewables industry in Scotland. The focus being to enhance Scotland's manufacturing capacity, to develop new indigenous industries, particularly in rural areas, and to provide significant export opportunities. The planning system has a key role in supporting this aim and Scottish Ministers should consider material details of how the proposal can contribute to local or national economic development priorities as stated in SPP.

AOWFL state that "total capital expenditure during the two-year construction phase of the Development has been estimated at £260.4 million. It has been estimated that this would support 738 job-years worth of employment, and £40 m of Gross Value Added (GVA) in Scotland; of which 296 job-years and £16 million of GVA would be in the Inner Study Area (Aberdeen and Aberdeenshire). The impact related to the Inner Study Area would relate mainly to the construction and assembly of turbines and foundations. The additional impact in the rest of Scotland relates to the supply chain activity such as the manufacture of foundations and potentially also wind turbines.

The Development will require a local team of around 25 jobs for operational and maintenance activities. Over the 22 year operational life of the development, this would support 768 job-years worth of employment and £23 million of Gross Value Added (GVA) at the Scotland level."

The role of the Development as a demonstrator site could also lead to cost savings for the offshore wind industry in Scotland as well as the rest of the United Kingdom and Europe and help to accelerate the deployment of offshore wind projects progressing through the licensing process for 'Round 3' and Scottish Territorial Waters.

The Aberdeen City and Shire Economic Future (ASCEF) state that the construction of the Development is "essential for maintaining and building upon local economic activity, quality of life and the contribution that the energy industry makes to the Scottish economy." The Development would form part of the Energetica concept, the development of an energy corridor between Aberdeen and Peterhead, which has already attracted £260 million of investment and is viewed as a "major component" of this project.

Consideration of Objections by the Trump Organization and TIGLS

The objection to the location of the Development by The Trump Organization and TIGLS founds upon the impacts which the Development would have on the Menie Estate Golf and Resort Complex based on –

- Adverse visual impact;
- Adverse impact on tourism;
- Incompatibility with neighbouring land uses.

They also object on the basis of adverse economic impact on Aberdeenshire and Scotland.

The proposed location of the Development and the potential consequential visual impact on the Menie Estate Golf and Resort Complex and on the economic benefits of that resort and the wider impact on tourism and recreation are all material considerations raised in those objections.

On behalf of the Trump Organization, Dundas & Wilson have stated that the development on the Menie Estate is one of national economic importance. The term 'national economic importance' is one which does not confer any particular status in Scottish planning policy and the Menie Estate development is not designated as a 'national development' in the National Planning Framework. However, consistent with the fact that the Scottish Ministers accepted the Reporters' findings of fact, agreed with their reasoning and recommendation and adopted them for the purpose of their own decision on the application, our advice is that Ministers should consider that the Menie Estate development is one which has potential significant economic and social advantages at a national, regional and social level if it were built in full.

Officials recommend that you have sufficient evidence about the potential economic benefit of the Menie Estate Golf and Resort Complex and of the Development.

In relation to the economic benefits of the Menie Estate, these are referred to in the Statement of Case on Economic Impact including Tourism submitted by Dundas & Wilson on 29 January 2013 (**ANNEX H**) and which are assessed in detail in the Fraser of Allander Institute's report of May 2008 submitted to the public inquiry into the planning application for the Menie Estate.

It is not possible to predict what benefits would accrue from the Menie Estate Golf and Resort Complex if the Development were to be given consent. Officials accept that there would be some impact on the Menie Estate if the Development were to be built in its proposed location.

The attitudes of tourists towards wind farms have been assessed in many studies. The results of stated preference studies have found that generally the majority of tourists were positive towards wind farms. Omnibus Research, commissioned by Visit Scotland in 2011, found that 80% of the survey respondents stated that a wind farm would not affect their decision to visit an area. The attitudes of recreational users have been researched to a lesser extent. Landry, Allen, Cherry & Whitehead's

2012 study into the impact of wind farms on coastal recreational demand found that offshore wind farms overall had little impact on recreational visits by residents. However, there individual differences within the data which, averaged out, show an overall limited impact. Whilst some residents said they would take fewer trips to the beach if there was a wind farm within view, others indicated that they would actually take more trips.

The information as to economic benefits of the Menie Estate Golf and Resort Complex provided by the agents acting on behalf of the Trump Organization, and the information as to economic benefits of the Development provided by the Company in their Environmental Statement, has been considered by officials. A direct comparison between the 2 projects was technically inappropriate on the available information. Officials' analysis, however, is that the total identified economic impact (as per the respective reports) associated with the Menie Estate Golf and Resort Complex would be greater than that of the Development. To give an example for context, and based on the information provided by the Trump Organization and the Company respectively, the Development is estimated to generate a total of 1,754 job-years in Scotland, in comparison with the 1,237 estimated annual jobs created by the Menie Estate Golf and Resort Complex Resort during its operation under the 50% displacement scenario (i.e. accounting for jobs replacing those from other pre-existing activities in the area). We recommend that you note this comparison. Officials considered that the information provided by the Trump Organization and the Company does not take into account that, depending upon whether or not the Development proceeded, there would be externalities which are unquantified but should be noted. It is possible that there would be significant potential 'spillover' benefits associated with each development. A decision not to consent the Development would risk creating a perception that Scotland had stepped back from its support for offshore wind. Such a perceived change in strategic direction would be likely to impact negatively upon investor confidence, reducing the potential for emissions reductions and opportunities for jobs in offshore wind energy. Likewise, were the Trump Organization not to proceed with the Menie Estate Golf and Resort Complex, there would be a likelihood of a negative impact on business perceptions of Scotland. The magnitude of such impacts, by their very nature, are difficult to quantify.

Ministers could accept at face value the statement made on behalf of the Trump Organization that, if the Development were to proceed in its proposed location, the benefits outlined in the Statement of Case on Economic Impact including Tourism would not be achieved because they will not proceed with Menie Estate Golf and Resort Complex.

In accepting that the present intention of the Trump Organization and TIGLS is as stated above, officials note that paragraph 6 of Annex A to the Scottish Government Planning Circular 4/2009 ("Development Management Procedures") states –

"The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests the basic question is whether the proposal would unacceptably affect the amenity and existing land use of land and buildings which ought to be protected in the

public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.”

Ministers require to weigh up the material considerations arising from the objections by the Trump Organization and TIGLS with the following considerations:-

- (1) The benefits that the Development would be expected to bring in terms of contribution to the development of the renewable energy sector;
- (2) The need to achieve targets for renewable energy;
- (3) The economic and social importance of Scotland’s renewable energy sector;
- (4) The specific benefits of the Development being the first demonstrator wind turbine to be used by several companies which would provide a facility for testing in real conditions and assist in driving down the costs of developing wind turbines;
- (5) The role that the Development can play strategically in this context;
- (6) The clear advantages that the proposed location offers;
- (7) The potential to unlock a variety of economic benefits for Aberdeen and Scotland in the future;
- (8) The evidence that elsewhere in the United Kingdom golf courses co-exist with offshore wind farm developments;
- (9) The golf course already built at the Menie Estate has had an excellent reception from golfing commentators, as submitted on behalf of the Trump Organization by Dundas & Wilson on 29 January 2013, and would appear to have good prospects for expansion from its present state as a golf resort in future;
- (10) Part of the anticipated economic benefits of the Menie Estate Golf and Resort Complex are already being realised; and
- (11) The fact that the Development is a development of relatively limited duration in comparison with the potential duration of the Menie Estate Golf and Resort Complex.

Murcar Links Golf Club and the Royal Aberdeen Golf Course Club

Ministers also need to weigh up the material considerations as to visual impact and impact on tourism raised in the objections by the Murcar Links Golf Club and the Royal Aberdeen Golf Course Club with the considerations numbers (1) to (8) mentioned in the paragraph above.

ANNEX C – ADVICE TO MINISTERS AND RECOMMENDATION

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION AND OPERATION OF THE EUROPEAN OFFSHORE WIND DEPLOYMENT CENTRE (EOWDC) ELECTRICITY GENERATING STATION, ABERDEEN BAY, APPROXIMATELY 2 km EAST OF BLACKDOG, ABERDEENSHIRE.

Advice to Ministers in relation to public local inquiry

A key issue is whether it is appropriate to cause a public inquiry to be held and whether the Scottish Ministers are capable of weighing up the various competing considerations and of properly taking account of the representations that the various parties have made without an inquiry.

Having regard to the considerations set out in **ANNEX B**, our advice is that Ministers are able to identify the material considerations without the need for an inquiry.

Ministers have sufficient evidence provided by the Company concerning the benefits of the Development.

It is not possible to predict with accuracy what benefits would accrue from the Menie Estate Golf and Resort Complex were consent to be given to the Development in its proposed location. Ministers could accept that there would be some impact on the Menie Estate Golf and Resort Complex were the Development to be built in its proposed location.

Ministers could accept, on the basis of the latest information as to the present intention of the Trump Organization that, were the Development to be given consent in its proposed location, the benefits described in the objector's Statement of Case (**ANNEX H**) would not be achieved because the Trump Organization state that it would not proceed with the development of the golf resort. Our advice is that what would actually happen to the Menie Estate were the Development to be given consent in its proposed location is something which Ministers could conclude is not amenable to answer at a public inquiry.

In the circumstances, the Scottish Ministers can be satisfied that-

1. they possess sufficient information upon the benefits of both the Development and the Menie Estate in order to determine the Application; and
2. an inquiry into the issues proposed by the Trump Organization would not be likely to provide any further factual information to assist Ministers to resolve the issues of risk and planning judgment raised by the Application or to change their views on these matters,

and, accordingly, may conclude that it is not appropriate to cause an inquiry to be held into these matters. **We recommend that you determine that it is not appropriate to cause a PLI to be held.**

Advice to Ministers in relation to the decision whether to grant consent under section 36 of the Electricity Act 1989

Officials consider that you have sufficient information to weigh the issues and that adequate opportunity was afforded for public representation.

We are of the view that in considering the characteristics and location of the Development and the potential impacts, you may be satisfied that this proposal has had regard to the preservation of the environment and ecology and are of the view that you will have discharged your responsibilities in terms of Schedule 9 to the Electricity Act 1989 in this respect, if you decide to grant consent. We are also satisfied that whilst the Development would have an impact on the amenity of local residents, on the Menie Estate Golf and Resort Complex and operators of the other neighbouring golf courses, this is outweighed by economic benefits and the benefits of renewable generation.

We consider that where any adverse environmental impacts cannot be prevented, adequate mitigation or compensation measures can be put in place. An obligation has been placed on the Company to give effect to all the mitigation and compensatory measures through the attachment of conditions to the consent.

We recommend you accept at face value the statement of the Trump Organization that, if the Development were to proceed in its proposed location, the benefits outlined in the objector's Statement of Case on Economic Impact including Tourism (**ANNEX H**) would not be achieved because they would not proceed with Menie Estate Golf and Resort Complex.

In accepting that the present intention of the Trump Organization and TIGLS is as stated above, we would draw your attention to paragraph 6 of Annex A to the Scottish Government Planning Circular 4/2009 ("Development Management Procedures") states –

"The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests the basic question is whether the proposal would unacceptably affect the amenity and existing land use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development."

It is our recommendation that Scottish Ministers' planning judgment should be that whilst you accept that the present intention of the Trump Organization and TIGLS is not to proceed with the development of the Menie Estate Golf and Resort Complex if the Development were to be given consent in its proposed location, when weighing up that material consideration with the considerations mentioned in the next paragraph you can make an appropriate planning judgment nevertheless to grant consent to the Development in its proposed location.

The considerations mentioned in this paragraph are:-

1. The benefits that the Development would be expected to bring in terms of contribution to the development of the renewable energy sector;
2. The need to achieve targets for renewable energy;
3. The economic and social importance of Scotland's renewable energy sector;
4. The specific benefits of the Development being the first demonstrator wind turbine to be used by several companies which would provide a facility for testing in real conditions and assist in driving down the costs of developing wind turbines;
5. The role that the Development can play strategically in this context;
6. The clear advantages that the proposed location offers;
7. The potential to unlock a variety of economic benefits for Aberdeen and Scotland in the future;
8. The evidence from and the fact that elsewhere in the United Kingdom golf courses co-exist with offshore wind farm developments;
9. The golf course already built at the Menie Estate has had an excellent reception from golfing commentators, as submitted on behalf of the Trump Organization by Dundas & Wilson on 29 January 2013, and would appear to have good prospects for expansion from its present state as a golf resort in future;
10. Part of the anticipated economic benefits of the Menie Estate Golf and Resort Complex are already being realised;
11. The fact that the Development is of relatively limited duration in comparison with the potential duration of the Menie Estate Golf and Resort Complex.

It is also our recommendation that when weighing up the objections by the Murcar Links Golf Club and the Royal Aberdeen Golf Course Club as regards the proposed location with the considerations numbers (1) to (8) mentioned in the paragraph above it is our view an appropriate planning judgment nevertheless for Ministers to grant consent to the Development in its proposed location.

You can be satisfied that this proposal has had regard to the interference of recognised sea lanes essential to international navigation. None of the stakeholders responsible for navigational issues object to the application or raise any concerns regarding the Development's impact upon recognised sea lanes essential to international navigation. We are therefore of the view that you have discharged your responsibilities in terms of Section 36B to the Electricity Act 1989.

The Company did not make any application for a declaration under Section 36A of the Electricity Act 1989 and therefore you can be satisfied you have discharged your responsibilities in terms of rights of navigation.

An application for a Marine Licence under Part 4 of the Marine (Scotland) Act 2010 is being considered alongside this Application and will be determined in due course.

Recommendation

We recommend that you determine to **grant consent under section 36 of the Electricity Act to this application subject to the imposition of conditions**. The decision letter with conditions is enclosed (at **ANNEX D–DECISION LETTER AND CONDITIONS**).

Mark Christie, Policy Officer, Marine Planning & Policy, Ext: 41223

Andrew Sutherland, Marine Renewables Licensing Advisor, Marine Planning & Policy, Ext: 785486

ANNEX D – DECISION LETTER AND CONDITIONS

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Miss Edwina Sleightholme
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26th March 2013

Dear Ms Sleightholme

CONSENT GRANTED BY THE SCOTTISH MINISTERS TO CONSTRUCT AND OPERATE THE EUROPEAN OFFSHORE WIND DEPLOYMENT CENTRE (EOWDC) ELECTRICITY GENERATING STATION, ABERDEEN BAY, APPROXIMATELY 2 km EAST OF BLACKDOG, ABERDEENSHIRE.

The Application

I refer to the Application and the Supplementary Environmental Information Statement to the Application made by Aberdeen Offshore Wind farm Limited ('the Company') dated 1st August 2011 and 6th August 2012, respectively, for:

consent under section 36 of the Electricity Act 1989 ("the Electricity Act") for the construction and operation of the European Offshore Wind Deployment Centre ("EOWDC") electricity generating station approximately 2km off the coast of Aberdeenshire in Aberdeen Bay with a generation capacity of up to 100 MW.

At this time, the Company also applied for a Marine Licence under Part 4 of the Marine (Scotland) Act 2010. This is being considered alongside the Application under section 36 of the Electricity Act and will be determined in due course.

In this letter, "the Development" means the proposed EOWDC electricity generating station for which the Application is made and is described in **ANNEX 1** to this letter.

STATUTORY AND REGULATORY FRAMEWORK

The Electricity Act 1989

Consent under section 36 of the Electricity Act is required for any proposal to construct, extend or operate a generating station situated in the territorial sea with a permitted generation capacity of 1 megawatt and above. A section 36 consent may include conditions as appearing to the Scottish Ministers to be appropriate.

Paragraph 3 of Schedule 9 to the Electricity Act places a duty on operators of generating stations to have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest. Operators of generating stations are statutorily obliged to do what they reasonably can to mitigate any effect the proposals may have on these features.

Paragraph 3 of Schedule 9 to the Electricity Act also provides that the Scottish Ministers must have regard to the desirability of these matters and the extent to which operators of generating stations have complied with their duty to mitigate the effects of the proposals. The Scottish Ministers must also avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.

Under section 36B of the Electricity Act the Scottish Ministers may not grant a consent in relation to any particular offshore generating station activities if they consider that interference with the use of recognised sea lanes essential to international navigation is likely to be caused by the carrying on of those activities or is likely to result from their having been carried on. The Scottish Ministers, when determining whether to give consent for any particular offshore generating activities, must have regard to the extent and nature of any obstruction or danger to navigation which, without amounting to interference with the use of such sea lanes, is likely to be caused by the carrying on of the activities, or is likely to result from their having been carried on. In determining this issue the Scottish Ministers must have regard to the likely overall effect of the activities in question and such other offshore generating activities which are either already subject to section 36 consent or activities for which it appears likely that such consents will be granted.

The Scottish Ministers are required to obtain the advice of the Scottish Environment Protection Agency (SEPA) on matters relating to the protection of the water environment. SEPA's advice has been considered by the Scottish Ministers and due regard has been given to the Water Environment and Water Services (Scotland) Act 2003 and to the Water Environment (Controlled Activities) (Scotland) Regulations 2011.

Under Schedule 8 to the Electricity Act to the Electricity Act and the Electricity (Applications for Consent) Regulations 1990, notice of applications for section 36 consent must be published by the applicant in one or more local newspapers and in the Edinburgh Gazette to allow objections to be made to the application. Under Schedule 8 the Scottish Ministers must serve notice of application for consent upon any relevant Planning Authority. As the development is wholly offshore the closest

planning authorities are not 'relevant Planning Authorities' in terms of the Electricity Act.

The Scottish Ministers are satisfied that they have considered all the necessary tests set out within the Electricity Act when assessing the application and that all procedural requirements have been complied with.

Paragraph 2(2) of Schedule 8 to the Electricity Act provides that where a relevant planning authority notifies the Scottish Ministers that they object to an application for section 36 consent and where they do not withdraw their objection then the Scottish Ministers must cause a public inquiry to be held in respect of the application. In such circumstances before determining whether to give their consent the Scottish Ministers must consider the objections and the report of the person who held the public inquiry.

The location and extent of the proposed Development to which the Application relates being wholly offshore means that the development is not within the area of any local planning authority. The Scottish Ministers are not, therefore, obliged under paragraph 2(2) of Schedule 8 to the Electricity Act to require a public inquiry to be held. The nearest local planning authorities did not object to the Application. If they had objected to the Application, and even then if they did not withdraw their objections, the Scottish Ministers would not have been statutorily obliged to hold a public inquiry.

The Scottish Ministers are, however, required under paragraph 3(2) of Schedule 8 to the Electricity Act to consider all objections received, together with all other material considerations, with a view to determining whether a public inquiry should be held in respect of the application. Paragraph 3(2) of Schedule 8 provides that if the Scottish Ministers think it appropriate to do so, they shall cause a public inquiry to be held, either in addition to or instead of any other hearing or opportunity of stating objections to the application.

Integrated Coastal Zone Management

The UK Marine Policy Statement 2011 states that UK Administrations are committed to ensuring that coastal areas, and activities taking place within them, are managed in an integrated and holistic way in line with the principles of Integrated Coastal Zone Management (ICZM). Integrated Coastal Zone Management is an EU led strategy delivered at a local level and deals with the coastal and marine environment in a sustainable way. The ICZM seeks, over the long term, to balance environmental, economic, social, cultural and recreational objectives. At a local level, the East Grampian Coastal partnership has been set up to aid the delivery of ICZM in the East Grampian area. The Scottish Ministers are satisfied that the proposal is in accordance with the aims of ICZM.

Marine (Scotland) Act 2010 and the Climate Change (Scotland) Act 2009

The Marine (Scotland) Act 2010 regulates the territorial sea adjacent to Scotland for marine environment issues.

Subject to exemptions specified in subordinate legislation, under Part 4 of the Marine (Scotland) Act 2010 licensable marine activities may only be carried out in accordance with a marine licence granted by the Scottish Ministers.

Under Part 2 of the Marine (Scotland) Act 2010 the Scottish Ministers have general duties to carry out their functions in a way best calculated to achieve the sustainable development, including the protection and, where appropriate, the enhancement of the health of the area. The Scottish Ministers when exercising any function that affects the Scottish marine area under the Marine (Scotland) Act 2010, the Climate Change (Scotland) Act 2009 or any other enactment must act in a way best calculated to mitigate, and adapt to, climate change.

Also of relevance to the Application is that under the Climate Change (Scotland) Act 2009 annual targets have been agreed with relevant advisory bodies for the reduction in carbon emissions.

The Scottish Ministers are satisfied that in assessing the Application they have acted in accordance with their general duties.

Environmental Impact Assessment Directive and the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000

The Environmental Impact Assessment Directive, which is targeted at projects which are likely to have significant effects on the environment, identifies projects which require an environmental impact assessment (EIA) to be undertaken. The Company identified the proposed development as one requiring an environmental statement in terms of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000.

The proposal for the Development has been publicised, to include making the environmental statement available to the public, in terms of those regulations. The Scottish Ministers are satisfied that an Environmental Statement has been produced and the applicable procedures regarding publicity and consultation all as laid down in those regulations have been followed.

The Scottish Ministers have, in compliance with those regulations consulted with SNH, SEPA, the planning authorities most local to the development, and such other persons likely to be concerned by the proposed development by reason of their specific environmental responsibilities on the terms of the environmental statement and the supplementary environmental information statement in accordance with the regulatory requirements. Marine Scotland have also consulted a wide range of relevant organisations including colleagues within the Scottish Government on the Application and on the environmental statement and as a result of the issues raised, upon the required supplementary environmental information statement.

The Scottish Ministers are satisfied that the regulatory requirements have been met. They have taken into consideration the environmental information, including the Environmental Statement and Supplementary Environmental Information, and the representations received from the statutory consultative bodies.

The Habitats Directive

The Habitats Directive on the conservation of natural habitats and wild fauna and flora has, in relation to the marine environment, been transposed into Scots law by the Conservation (Natural Habitats, & c.) Regulations 1994 ('the 1994 Regulations') and the Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007.

The key mechanism for securing compliance with the Directive is the carrying out of an Article 6(3) Appropriate Assessment under regulation 48 of the 1994 Regulations. Developments in, or adjacent to protected sites, or in a location which has the potential to affect such a site, must undergo what is commonly referred to as a Habitats Regulations Appraisal. The appraisal involves two stages, and if the proposal is likely to have a significant effect on a protected site, then an Appropriate Assessment must be carried out.

The Scottish Ministers, as a competent authority under the Habitats Directive, have complied with their EU obligations in relation to the Development. They have, following the undertaking of an Appropriate Assessment, ascertained that the Development will not adversely affect the integrity of any European protected sites and have imposed conditions on the grant of the consent ensuring that this is the case. This is confirmed by consultation responses received from SNH and RSPB Scotland. The Appropriate Assessment will be published and available on the Marine Scotland's licensing operations team's website.

Applicable policies and guidance

Marine area

The UK Marine Policy Statement 2011

The UK Marine Policy Statement 2011 prepared and adopted in accordance with Chapter 1 of Part 3 of the Marine and Coastal Access Act 2009 requires that when Scottish Ministers take authorisation decisions that affect, or might affect, the marine area they must do so in accordance with the UK Marine Policy Statement 2011.

The Statement which was jointly adopted by the UK Administrations sets out the overall objectives for marine decision making. It specifies issues that decision-makers need to consider when examining and determining applications for energy infrastructure at sea, namely– the national level of need for energy infrastructure as set out in the Scottish National Planning Framework; the positive wider environmental, societal and economic benefits of low carbon electricity generation; that renewable energy resources can only be developed where the resource exists and where economically feasible; and the potential impact of inward investment in offshore wind energy related manufacturing and deployment activity. The associated opportunities on the regeneration of local and national economies need also to be considered.

Chapter 3, paragraphs 3.3.1 to 3.3.6, 3.3.16 to 3.3.19 and 3.3.22 to 3.3.30 of the Statement are relevant and have been considered by the Scottish Ministers as part of the assessment of the Application.

The Scottish Ministers have had full regard to the Statement when assessing the Application. It is considered that the Development accords with the Statement.

Terrestrial area

Existing terrestrial planning regimes generally extend to mean low water spring tides. The marine plan area boundaries extend up to the level of mean high water spring tides. The UK Marine Policy Statement clearly states that the new system of marine planning introduced across the UK will integrate with terrestrial planning. The Statement also makes it clear that the geographic overlap between the Marine Plan and existing plans will help organisations to work effectively together and to ensure that appropriate harmonisation of plans is achieved. The Scottish Ministers have, accordingly, had regard to the terms of relevant terrestrial planning policy documents and Plans when assessing the Application for the purpose of ensuring consistency in approach. In addition to high level policy documents regarding the Scottish Government's policy on renewables (2020 Renewable Routemap for Scotland - Update (published 30 Oct 2012) and Scotland's Offshore Wind Route Map 2010), the Scottish Ministers have had regard to the following documents.

Scottish Planning Policy

Scottish Planning Policy sets out the Scottish Government's planning policy on renewable energy development. Whilst it makes clear that the criteria against which applications should be assessed will vary depending upon the scale of the development and its relationship to the characteristics of the surrounding area, it states that these are likely to include impacts on landscapes and the historic environment, ecology (including birds, mammals and fish), biodiversity and nature conservation; the water environment; communities; aviation; telecommunications; noise; shadow flicker and any cumulative impacts that are likely to arise. It also makes clear that the scope for the development to contribute to national or local economic development should be a material consideration when considering an application.

The Scottish Ministers are satisfied that these matters have been addressed in full both within the Application and within the responses received to the consultation by the closest onshore Planning Authorities, SEPA, SNH and other relevant bodies.

National Planning Framework 2

Scotland's National Planning Framework 2 ("NPF2") sets out strategic development priorities to support the Scottish Government's central purpose, namely sustainable economic growth. Relevant paragraphs to the Application are paragraphs 65, 145, 146, 147, 203 and 204. NPF2 provides strong support for the offshore wind sector in Scotland and specifically identifies Aberdeen and Aberdeenshire and the Energetica project as building upon the energy sector and offshore strengths of the region.

Aberdeen City and Shire Structure Plan 2009

The purpose of the Structure Plan is to set a clear direction for the future development of the North East. All parts of the Structure Plan area fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. Relevant objectives of the Structure Plan to the proposed Development are:- the promotion of economic growth; the promotion of sustainable economic Development to reduce carbon dioxide production; the adaptation to the effects of climate change and limitation of the amount of non-renewable resources used; the encouragement of population growth; the maintenance and improvement of the region's built, natural and cultural assets; the promotion of sustainable communities and the improvement in the accessibility of developments.

The Scottish Ministers consider that the Development can draw support from the objectives regarding economic growth, sustainable economic development and climate change, and to some extent the quality of the environment.

Regarding economic growth and sustainable economic development, the proposal is an opportunity to develop the economy with a potential capital expenditure of approximately £16m in the Aberdeen and Aberdeenshire area.

The proposal also accords with the Structure Plan objective of the region increasing the supply of energy from renewable resources. The developer estimates that throughout the 22 year lifespan of the proposed Development, the proposal has the potential to save up to between 2.9 million and 5.8 million tCO₂. Based on a similar load factor (0.35) it is estimated that the proposal could provide renewable electricity for up to 49,000 homes. This is just under 50% of all the homes in Aberdeen City (2011 estimate of 103,843 Aberdeen city households by gro-scotland.gov.uk).

It is noted by Scottish Ministers that the Structure Plan considers the significant potential in realising the potential of the Menie Estate golf resort. They also note that in terms of the objective relating to economic growth, the Structure Plan provides that a strong service sector, including all forms of tourism to include business tourism, is important to encouraging economic development and creating new employment that is appropriate and attractive to the needs of different industries.

Scottish Ministers note the important role of the Energetica project. It is listed in the Structure Plan as one of a range of proposals which will assist Aberdeen City Council and Aberdeenshire Council achieve their vision for the North East of Scotland.

The Scottish Ministers consider that the Development complies with the Structure Plan.

Aberdeenshire Local Development Plan 2012

The Aberdeenshire Local Development Plan 2012 looks at how Aberdeenshire will manage development in line with the principles of sustainable development, looking at the social, economic and environmental effects. Sustainable development is an

essential element of its policies. The Plan recognises the need to protect and improve the quality of life for the local community, to protect natural resources and promote economic activity with a need to reduce greenhouse gases. The Plan aims to take precautions to reduce carbon emissions and promotes measures needed to adapt to a world where climate change is taking place.

The Scottish Ministers have considered the terms of the supplementary guidance SG Bus 5: Development in the Energetica Framework Area. While all development in the Energetica corridor is subject to the policies and strategies of the relevant constituent authority, in order to achieve the Energetica vision, supplementary guidance also applies in this area. Aberdeen City and Aberdeenshire Councils both support the Energetica framework, as supported in the National Planning Framework 2. The Development is consistent with the guidance in that the development must make a contribution to both environmental performance and economic development targets.

Consideration has also been given by the Scottish Ministers to SG Rural Development 2: Wind farms and medium to large wind turbines. The aim of the policy is to encourage the sensitive development of wind energy facilities. The policy provides that the proposal must not have a significant adverse effect on tourism or recreation interests. The Scottish Ministers consider that there would be impacts upon both tourism and recreation, however when weighing up that impact on tourism with the considerations numbers 1 to 8 mentioned on page 25 below in relation to the planning judgment on the proposed location of the Development, it is in their view that those considerations outweigh the impact on tourism and recreation.

The Development complies with all other issues in relation to this policy.

The Scottish Ministers have also considered the terms of the guidance SGLSD2: layout, siting and design of new development. The purpose of this policy is to improve the standard of layout, siting and design of developments in Aberdeenshire. The proposed site location and design has been determined through a long process of examining constraints and undertaking consultations, surveys and assessments with many stakeholders, in particular the Aberdeen Harbour Board, the aviation industry, the MoD and key environmental bodies. The Scottish Ministers consider the siting and design of the wind farm as acceptable.

Consideration has been given to guidance SG Natural Environment 1: Protection of nature conservation sites by the Scottish Ministers. This policy promotes the protection of nature conservation sites from new development that may affect the qualifying interests of these protected areas. The Scottish Ministers have considered the relevant information and undertaken two Appropriate Assessments. These Appropriate Assessments conclude that the proposal would not adversely affect the integrity of any of the relevant designated sites so long as mitigation measures are implemented by means of enforceable conditions attached to any consent.

SG Natural Environment 2: Protection of the wider biodiversity and geodiversity. This policy gives strong protection to habitats, species, geological features even when they are not associated with specifically designated conservation sites. The proposal was subject to an Environmental Statement and a Supplementary Environmental

Information Statement. Scottish Natural Heritage (SNH”) and other nature conservation bodies are of the opinion that the proposal is acceptable subject to mitigation measures in the form of conditions. The proposal is considered consistent with this policy.

Aberdeen Local Development Plan 2012

The Aberdeen Local Development Plan's vision is for Aberdeen in 2030 to be a sustainable city, supporting the Aberdeen City and Shire Structure Plan. Relevant policies to the consideration of the development are set out below–

Policy D6 – Landscape

Natural topography and landscape play an important role in determining future development. Landscape character within Aberdeen ranges from rural, to informal and formal open spaces which, according to the Plan add to Aberdeen's unique setting. The plan seeks to maintain and manage these unique aspects. Although it is accepted that the Development would have an effect on the landscape and seascape as viewed from Aberdeen, these impacts are not deemed by the Scottish Ministers to be unacceptable and the proposal is seen to be consistent with this policy.

Policy NE8 – Natural Heritage

The protection, preservation and enhancement of the natural heritage (both sites and species) are important aims of the Plan. The Plan takes a broader approach to protecting natural heritage than just conserving designated or protected sites and species, it considers ecosystems and natural processes rather than individual sites. The proposal will not have unacceptable impacts on the natural heritage as long as mitigation measures are included as conditions. These conditions will be incorporated into any consent. Two Appropriate Assessments have been undertaken by the Scottish Ministers which conclude the proposal will not adversely affect the integrity of any designated site.

Policy R8 – Renewable and Low Carbon Energy Developments

The development of all renewable energy generating technologies, on all scales, is supported in principle. The Plan recognises that a positive approach to renewable development will help meet Scottish Government targets. The proposal is consistent with this policy, although the impact on tourism is seen as a departure from the policy. This impact however is thought to be acceptable given the economic and climate change benefits the proposal will bring.

Consultation

In accordance with statutory requirements, advertisements of the Application had to be placed in the local and national press. The Scottish Ministers note that these requirements have been met. Notice of the Application for section 36 consent is required to be served on any relevant planning authority under Schedule 8 to the Electricity Act.

Notifications were therefore sent to Aberdeen City Council and Aberdeenshire Council, as the nearest onshore Planning Authorities, as well as to SNH and the Scottish Environment Protection Agency (SEPA).

Objections from the Trump Organization and the Trump International Golf Links Scotland ('TIGLS') who are the owners and operators of the golf and resort complex at the Menie Estate at Balmedie, Aberdeenshire ("the Menie Estate Golf and Resort Complex"), Murcar Links Golf Club and the Royal Aberdeen Golf Club and from members of the public are being maintained.

Representations and objections

A two-stage formal public consultation process was undertaken by the Scottish Ministers. The first, which related to the application for section 36 consent, the marine licence application and the Environmental Statement, was conducted in August 2011, and the second which related to the submission of additional information in the Supplementary Environmental Information Statement was conducted in August 2012.

The first consultation generated 583 valid responses in total, comprising mainly responses from individuals, with smaller proportions from businesses and organisations. In all, 131 respondents objected to the Development, 430 respondents supported the development, and the remainder did not provide a definitive view, mainly on the basis of the need for further information or the securing a range of stated conditions.

Many views for and against the Development related to its economic impact, renewable energy and the offshore wind sector overall. Beyond these largely general views, the key reasons for opposition related to visual impacts and associated impacts on tourism and recreation. There was strong opposition to the Development by the tourism and leisure sector, particularly those with interests in golf tourism in the North East.

The consultation on the Supplementary Environmental Information Statement generated 41 responses in total, comprising mainly responses from organisations, with smaller proportions from individuals and businesses.

Subsequent to those consultations, a further number of representations were submitted to the Scottish Ministers in response to two campaigns supporting and opposing the Scottish Government's renewable energy policy. That correspondence indicating support or opposition to the Development was not included in the consultation analysis of the responses received to the Application, the marine licence application, the Environmental Statement and the Supplementary Environmental Information Statement and is not included in the figures provided above.

Including the representations received under those campaigns 613 public representations were received, 148 of which were objections to the wind farm and 465 were in support.

Of the public representations made concerning the Application none was received from elected representatives.

Overall views of support or objection were less apparent in these responses than in the previous consultation, with most submitting either neutral or conditional responses. Some reiterated views on issues previously raised while others made recommendations for addressing these issues.

Objections were received from, amongst others, SEPA, SNH, the Royal Society for the Protection of Birds, the Ministry of Defence, the Civil Aviation Authority, British Airports Authority, National Air Traffic Services and the Blackdog, Mildren, Eigie and Berryhill Salmon Fishery.

Several respondents, including the MoD, NATS, and RSPB, stated their willingness to withdraw their objections provided certain stated conditions were met, while others used their responses to raise concerns or recommendations that they felt should be addressed. These included:

- The development of management plans for the construction, operation and decommissioning of the development agreed with appropriate parties prior to the commencement of the development, and adherence to these over its lifespan. These included a more detailed programme of works, detailed design statement, site-specific environmental management document, marine management protection plan, vessel movement plan, and adoption of an iterative process for development of a decommissioning strategy.
- The development and agreement over a radar mitigation scheme prior to commencement of the development.
- Greater emphasis on monitoring, establishment of an expert monitoring panel, and agreement on a detailed monitoring programme prior to commencement of the development. This included suggestions for additional studies and provision of research and monitoring results to be made available.

Additional mitigation above that currently proposed (i.e. above soft-start) be developed and implemented.

Like RSPB Scotland, SNH raised concerns about the proposal having the potential to impact upon a number of European protected areas, namely Special Protection Areas (SPA's) under the Wild Birds Directive and Special Areas of Conservation (SAC's) under the Habitats Directive. SNH considered that the proposal is likely to have a significant effect on the qualifying interests of certain SPA and SAC sites. An appropriate assessment was undertaken by the Scottish Ministers which concluded that impacts on the integrity of the protected sites would be avoided.

All objections received from all statutory consultees to the Application have been withdrawn either by agreement or by the inclusion of conditions to the consent. No objections were received from the two closest onshore local authorities, Aberdeen City Council and Aberdeenshire Council.

Objections from the Trump Organization and TIGLS, the Royal Aberdeen Golf Club and the Murcar Links Golf Club and from members of the public are being maintained.

The Trump Organization and TIGLS argue that the Development in its proposed location would have a significant negative impact upon their business and that in order to safeguard the golf resort it should be located elsewhere. The Royal Aberdeen Golf Club and Murcar Links Golf Club have also argued that granting the development would result in negative impacts upon the Aberdeen coast line and upon the golf, leisure and tourism industry in North East Scotland. The Trump Organization argue that the findings of the Reporters of the Inquiry into the Menie Estate application in 2008 and the related decision of the Scottish Ministers regarding that application should not be undermined by a subsequent decision of the Ministers.

Agents acting for the Trump Organization state that the Scottish Ministers must ask themselves if the alleged environmental benefits of the wind farm in its proposed location uniquely justify the risk of losing the identified national, regional and local economic and social benefits of the golf resort. They state that this is a key determining issue for the wind farm development and have repeatedly stated that this can only be properly assessed by a public inquiry into the impact of the development on the golf resort.

Agents for the Trump Organization wrote to Marine Scotland on 29th January 2013 enclosing a Statement of Case on Economic Impact including Tourism in relation to the Development and advising that were the Development to be given consent in its proposed location then the Trump Organization would not proceed further with the golf resort.

Material considerations

In light of all the representations, objections and outstanding objections received by the Scottish Ministers in connection with the Application, they have carefully considered the issues and identified the following matters as material considerations, for the purposes of deciding whether it is appropriate to cause a public inquiry to be held or for making a decision on the Application for consent under section 36 of the Electricity Act –

- efficiency of wind energy;
- cumulative impacts;
- the proposed location of the Development;
- the visual impacts of the Development in its proposed location;
- the impacts on the tourism industry both in Aberdeenshire and in Scotland;
- the impacts on recreation in Aberdeenshire;
- the economic impact on the golf resort at the Menie Estate;
- the impacts on shipping and navigational safety;
- the impacts on aviation;
- the impacts on communications;
- the impacts on birds;

- the impacts on marine mammals;
- the impacts on environment;
- the impacts on fishing activity;
- development of the renewable energy sector.

Public Local Inquiry

Paragraph 2(2) of Schedule 8 to the Electricity Act provides that where a relevant planning authority notifies the Scottish Ministers that they object to an application for section 36 consent and where they do not withdraw their objection then the Scottish Ministers must cause a public inquiry to be held in respect of the application. In such circumstances before determining whether to give their consent the Scottish Ministers must consider the objections and the report of the person who held the public inquiry.

The location and extent of the Development to which the Application relates being wholly offshore means that the Development is not within the area of any local planning authority. The Scottish Ministers are not, therefore, obliged under paragraph 2(2) of Schedule 8 to the Electricity Act to require a public inquiry to be held. The nearest local planning authorities did not object to the Application. Even if they had objected to the Application, and even then if they did not withdraw their objection, the Scottish Ministers would not have been statutorily obliged to hold a public inquiry.

The Scottish Ministers are, however, required under paragraph 3(2) of Schedule 8 to the Electricity Act to consider all objections received, together with all other material considerations, with a view to determining whether a public inquiry should be held with respect to the Application. If the Scottish Ministers think it appropriate to do so, they shall cause a public inquiry to be held, either in addition to or instead of any other hearing or opportunity of stating objections to the Application.

The Scottish Ministers have received objections to the Development as outlined above. In addition, a number of other matters were raised which constitute material considerations the context of considering whether they should decide to hold a public inquiry into this case. In summary, and in no particular order, these objections related to the following issues:

- (i) the efficiency of wind energy;
- (ii) visual impacts of the Development in its proposed location;
- (iii) the potential impact upon tourism industry both in Aberdeenshire and in Scotland and recreation in Aberdeenshire;
- (iv) the potential impact upon shipping and aviation; and
- (v) the potential impact upon birds.

The efficiency of wind energy

A number of respondents to the Application commented on a range of issues relating to the efficiency of wind energy. The Scottish Ministers consider that although the output of wind farms is variable, and cannot be relied on as a constant source of power, the electricity generated by wind is a necessary component of a balanced energy mix which is large enough to match Scotland's demand. Power supplied from wind farms reduces the need for power from other sources and helps reduce fossil fuel consumption.

The Scottish Ministers, therefore, consider that they have sufficient information available on the efficiency of wind energy to reach a conclusion on this matter, and do not consider that it is appropriate to cause a public inquiry to be held to further investigate this.

Visual impacts of the Development in its proposed location

Adverse visual impact of the Development in its proposed location was raised in the outstanding objections objection to the Development. The Company in its Environmental Statement indicates that the Development would have visual impacts that range from minor to major depending upon where the viewer is situated. SNH, the Scottish Ministers' statutory nature conservation advisers who advise on, amongst other matters, visual impacts on designated landscape features, advised that the Development would have an adverse impact on coastal character and visual amenity from within Aberdeen City. However, SNH advised that these impacts would be on local landscape interests and not on those that would pass their national interest test. SNH also advised that further consideration of an actual Design Statement for the scheme could help to reduce these impacts, by setting out the design principles for the scheme. The Scottish Ministers agree that a Design Statement would be a necessary mitigation to be included within any consent. The Company's Environmental Statement includes a number of visual photomontages that give an indication of the likely visual impacts. Although these are not definitive, the visualisation material acts as a tool to help inform the decision-making process. The Minister for Energy, Enterprise and Tourism carried out a site visit of a selection of viewpoints provided in the Company's Environmental Statement and in the course of which he was able to compare the views from those viewpoints using the visual photomontages. Officials also undertook a site visit at an earlier date.

The Scottish Ministers, therefore, consider that they have sufficient information available on the potential visual impacts to make a decision on this matter, and do not consider that it is appropriate to cause a public inquiry to be held to further investigate these impacts.

Impact upon tourism industry both in Aberdeenshire and in Scotland and recreation in Aberdeenshire

Concerns have been raised by various respondents to the Application regarding the development's potential impact upon tourism, leisure businesses and employment. In particular, Royal Aberdeen Golf Club, Murcar Links Golf Club and the Trump Organization and TIGLS all objected to the Application based upon the negative

socio-economic impact the Development would potentially have upon their respective businesses and more generally on tourism in Aberdeenshire and Scotland on account of the visual impact of the turbines.

Objection by the Trump Organization and TIGLS

The application for planning permission for the Menie Estate Golf and Resort Complex, which had been refused by Aberdeenshire Council, was granted by the Scottish Ministers following a public inquiry which was held in 2008. The Inquiry Reporters stated then that they were 'in no doubt, based on the independently generated conclusions of EKOS who appeared at the inquiry for the council, that the economic impact of the proposed resort development would be nationally significant.'

The Inquiry Reporters concluded 'that the economic and social advantages of [that development] at national, regional and local level are such as to justify, uniquely, the adverse environmental consequences caused by a development on its scale and in this location.'

The Trump Organization have argued that the findings of the Inquiry Reporters into the Menie Estate golf resort and the resulting decision of the Scottish Ministers, in which they agreed with, and for the purpose of their own decision on the application adopted, the reasoning and recommendations of the Inquiry Reporters, should not be undermined by a subsequent decision of the Ministers.

Graham and Sibbald submitted a letter of objection on behalf of TIGLS to the Scottish Ministers on 24th September 2012. At paragraphs 89 to 91 of their letter, when referring to the impacts of wind farms on tourism in Scotland, they note that it is difficult to argue that there is an overarching empirical evidence based case for the causal relationships between wind farms and tourism in Scotland. They state that attempting to calculate the precise level of harm to TIGLS's business interests from a proposed wind farm development, including cumulative and secondary effects, is difficult to do in terms of exact quantification and make reference to survey reports from Visit Scotland.

The Trump Organization have stated that the Scottish Ministers must ask themselves if the alleged environmental benefits of the Development in its proposed location uniquely justify the risk of losing the identified national, regional and local economic and social benefits of the Menie Estate golf resort. They state that this is a key determining issue for the Development and state that this can only be properly assessed by a public inquiry. Given the circumstances of the case, they argued that it is appropriate for the Scottish Ministers to cause a public inquiry to be held so that the evidence for the wind farm and the evidence regarding the potential impact to the golf resort can be scrutinised and cross-examined.

The Scottish Ministers requested that the Trump Organization provide evidence which supports their claim that the Development in its proposed location would risk the identified national, regional and local economic and social benefits of the golf resort. Agents acting for the Trump Organization advised that they consider that it would not be appropriate to lodge the evidence other than at a public inquiry, relying upon more general assertions about socio-economic impact in its various objection

documents, stating that it is relevant to the determination of the application for section 36 consent, and not to the question of whether or not to hold an inquiry.

On behalf of the Trump Organization, Dundas & Wilson in their letter of 29 January 2013 enclosed a Statement of Case on Economic Impact including Tourism. This sets out the case made by the Trump Organization that if the Development were to be given consent in its proposed location then the stated benefits of the golf resort would not be achieved because it would not proceed any further with the development of that resort.

Under the Electricity Act there is no presumption in favour of holding a public inquiry. It is a matter of discretion for the Scottish Ministers as to whether it is appropriate for a public inquiry to be held. When considering whether to cause a public inquiry to be held the Scottish Ministers may have regard to—

- (a) whether they possess sufficient information to enable them to decide upon and weigh up the various issues;
- (b) whether those parties with a right to make representations have been afforded the opportunity to do so; and
- (c) whether a public inquiry would provide any further factual evidence which would be likely to cause them to change their view on the application.

The Scottish Ministers have carefully considered the request by the Trump Organization that the Scottish Ministers should cause a public inquiry to be held. In considering that request Ministers have considered a significant amount of evidence about the potential benefits of the Menie Estate Golf and Resort Complex. These are referred to in the objector's recent Statement of Case on Economic Impact including Tourism and also include the Report by the Fraser of Allander Institute in May 2008.

The Scottish Ministers have also considered significant evidence provided by the Company concerning the benefits of the Development.

In the Scottish Ministers' view it is not possible to predict with accuracy what benefits would accrue from the Menie Estate Golf and Resort Complex were consent to be given to the Development in its proposed location. The Scottish Ministers accept that there would be some impact on the Menie Estate Golf and Resort Complex were the Development to be built in its proposed location.

In this respect, the Scottish Ministers note that attitudes of tourists towards wind farms have been assessed in many studies. The results of stated preference studies have found that generally the majority of tourists were positive towards wind farms. Omnibus Research, commissioned by Visit Scotland in 2011, found that 80% of the survey respondents stated that a wind farm would not affect their decision to visit an area. The attitudes of recreational users have been researched to a lesser extent. Landry, Allen, Cherry & Whitehead's 2012 study into the impact of wind farms on coastal recreational demand found that offshore wind farms overall had little impact

on recreational visits by residents. However, there are individual differences within the data which, averaged out, show an overall limited impact. Whilst some residents said they would take fewer trips to the beach if there was a wind farm within view, others indicated that they would actually take more trips.

The Scottish Ministers accept at face value the statement by the Trump Organization that, were the Development to be given consent in its proposed location, the benefits outlined in the objector's Statement of Case on Economic Impact including Tourism would not be achieved because they would not proceed with the development of the Menie Estate Golf and Resort Complex. In this respect, the Scottish Ministers consider that what would actually happen to the Menie Estate Golf and Resort Complex were the Development to be given consent in its proposed location is not amenable to answer at a public inquiry.

In accepting that the present intention of the Trump Organization and TIGLS is as stated above, the Scottish Ministers recall that paragraph 6 of Annex A to the Scottish Government Planning Circular 4/2009 ("Development Management Procedures") states –

"The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests the basic question is whether the proposal would unacceptably affect the amenity and existing land use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development."

In the circumstances, the Scottish Ministers are satisfied that-

- (1) they possess sufficient information upon the benefits of both the Development and the Menie Estate in order to determine the Application; and
- (2) an inquiry into the issues proposed by the Trump Organization would not be likely to provide any further factual information to assist Ministers to resolve the issues of risk and planning judgment raised by the Application or to change their views on these matters as expressed later in this letter,

and, accordingly, it is not appropriate to cause an inquiry to be held into these matters.

Shipping and aviation

Concerns were raised that the Development might present a hazard to vessels navigating in and out of Aberdeen Port. There were lengthy discussions between the Company and check the Aberdeen Harbour Board and other navigation bodies and the Scottish Ministers consider that the information provided to them by, amongst others, the Maritime Coastguard Agency and the Northern Lighthouse Board, provides them with sufficient information on which to take a decision in this matter. NATS (En Route) plc raised objections against the proposal on the basis of the

Development's impact upon its ability to provide safe and efficient air traffic services in the surrounding area. Following discussions between the Company and NATS, there is an agreed position which has allowed NATS to remove their objection and allow an aviation mitigation scheme. In the circumstances, the Scottish Ministers do not consider it appropriate to cause a public inquiry to be held, in addition to, or instead of, the opportunities that there have already been to give views on the Development.

Birds

Concerns were raised about the potential effects of the Development on a variety of bird species using Aberdeen Bay. SNH and the RSPB advised that the Company had used incomplete survey data within their Environmental Statement and so the data could not be sufficiently assessed for a final conclusion to be made. The Company therefore undertook further assessments, and submitted these in the form of an Supplementary Environmental Information Statement to the Application. The Scottish Ministers undertook a further round of statutory consultation and, based upon this additional information, the consultees were able to remove their objections, subject to conditions being attached to the section 36 consent.

The Scottish Ministers have fully and carefully considered the Application and accompanying documents and all relevant responses from Consultees, as well as all the third party representations that have been received. The Scottish Ministers have taken all material considerations into account. The Scottish Ministers consider that there are no significant issues which have not been adequately considered in the Environmental Statement, consultation responses and third party representations and that they have sufficient information to be able to make an informed decision on the Application without the need for a Public Inquiry.

Determination

In the circumstances, the Scottish Ministers are satisfied that-

- (1) they possess sufficient information upon which to determine the Application
- (2) an inquiry into the issues proposed by the Trump Organization and TIGLS would not be likely to provide any further factual information to assist Ministers to resolve the issues of risk and planning judgment raised by the Application or to change their views on these matters as expressed later in this letter; and
- (3) the objectors have been afforded every opportunity to provide information and to make representations.

Accordingly, having regard to all material considerations in this Application and the nature of the outstanding objections, the Scottish Ministers have decided that it is not appropriate to cause a public inquiry to be held.

The Scottish Ministers' consideration of the environmental information

The Scottish Ministers are satisfied that an Environmental Statement has been produced in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (“the 2000 Regulations”) and the applicable procedures regarding publicity and consultation laid down in the 2000 Regulations have been followed.

The Scottish Ministers have taken into consideration the environmental information, including the Environmental Statement and Supplementary Environmental Information, and the representations received from the consultative bodies, namely SNH and SEPA, and from Aberdeenshire Council too.

In terms of paragraph 3(1)(a) of Schedule 9 to the Electricity Act, the Company, when formulating a proposal to construct the generating station, must have regard to the desirability of preserving natural beauty, of conserving flora, fauna, and geological or physiological features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest. Paragraph 3(1)(b) of Schedule 9 to the Electricity Act requires the Company, when formulating such proposal, to do what it reasonably can to mitigate the effects that the generating station would have on these features.

In considering the Application, the Scottish Ministers have had regard to the desirability of the matters mentioned in paragraph 3(1)(a) and the extent to which the Company has complied with the duty under paragraph 3(1)(b). The Scottish Ministers consider that the Company has fulfilled the requirements of Schedule 9 to the Electricity Act and, by virtue of the Scottish Ministers undertaking an appropriate assessment in terms of the Habitats Directive based on the evidence, the requirements of Schedule 9 are capable of being met.

The Scottish Ministers’ consideration of the possible effects on a European Site

When considering an application for section 36 consent which might affect a European protected site, the competent authority must first determine whether the Development is directly connected with or necessary for the beneficial conservation management of the site. If this is not the case, the competent authority must decide whether the Development is likely to have a significant effect on the site. Under the Habitats Directive, if the proposal is likely to have a significant effect, the competent authority must undertake an appropriate assessment of its implications for the site in view of the site’s conservation objectives.

With regards to the Development, SNH advised that the wind farm could have a significant effect upon the qualifying interests of a number of sites – both Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). As the recognised competent authority under European legislation, Scottish Ministers have considered the relevant information and undertaken two appropriate assessments. The appropriate assessments conclude that the Development would not adversely affect the integrity of any of the designated sites if the mitigation measures outlined were implemented by means of enforceable conditions attached to any consent.

THE SCOTTISH MINISTERS' CONSIDERATION OF THE APPLICATION

The Scottish Ministers' consideration of the Application and the material considerations mentioned above is set out below.

Cumulative Impact

The issue of potential cumulative impact on landscape, visual amenity and natural heritage was considered by SNH. In particular, SNH raised concerns about the cumulative impacts arising from the Development and onshore wind farms at Keith Inch and Green Hill, Peterhead. The Company further assessed the cumulative impact issue on all relevant species in the Supplementary Environmental Information Statement (SEIS) submitted to Scottish Ministers on 6th August 2012. SNH considered this additional evidence and did not raise any objection on the grounds of cumulative impact with regards to natural heritage.

With respect to landscape and visual amenity, SNH acknowledged that the Development would set a new precedent of proposals of this type being situated close to shore rather than on land, and it would necessitate cumulative impacts with onshore developments being considered in the future. SNH did not raise any objection on the grounds of cumulative impacts with regards to landscape and visual amenity. The Scottish Ministers accept this view.

Location of Development

The proximity of the Development to the Aberdeenshire coastline is clearly an important and defining issue to be considered. The Scottish Ministers consider that the Company has carefully considered the location of the Development due to its many advantages. Aberdeen Bay was adjudged by the Company as a suitable location due to its relatively sheltered position and close to a major harbour facility which would allow for very close proximity to important construction/lay down areas, survey vessels and operations and maintenance vessels, making it ideal for research and training purposes. These matters are largely a direct/indirect output from the major learning points from the Beatrice demonstration project, namely that deploying turbines at sea can take months longer than anticipated due to weather and logistical constraints. Aberdeen is also the centre for expertise in the offshore oil and gas supply chain, has excellent transport links and has offshore academic experience in its two universities and is home to the Scottish Government's world renowned Marine Laboratory.

Approximately six years (2004 – 2010) were spent by the Company examining constraints, undertaking consultations, and conducting surveys, studies and assessments for the most suitable location of the development. With Aberdeen Bay identified as a suitable area following a robust assessment of alternative locations on the east coast of Scotland, the selection of the location within Aberdeen Bay brought key advantages to the project. The proposed location and layout of turbines are as a result of a long process of examining the constraints namely, but not exclusively, due to the:

- Proximity to European designated sites;

- Helicopter routes to the north;
- Ministry of Defence's concerns;
- Aviation industry;
- Coastal bird populations to the west;
- Shipping to the east; and
- Proximity to Aberdeen Harbour to the south.

The unique characteristics of the location suit its use as a demonstration site. The Aberdeen Renewable Energy Group ("AREG") undertook a feasibility study into the possible use of the sites as a demonstration site for new turbine designs which led to a commitment by a joint venture between AREG and Vattenfall. The feasibility study also led to interest from the EU who subsequently announced they wished to invest 40 million Euros in the project to assist in this objective. The Company wishes to establish the Development as a pioneer in the design and deployment of large scale offshore wind farms and associated infrastructure.

The Development could become a major component of Aberdeen City and Shire Economic Future's (ACSEF) Energetica project. Energetica is a 25 year vision to create an exemplar low carbon, sustainable development corridor that could attract energy organisations and individuals to a natural and built coastal environment. It is an integral part of Aberdeen City and Shire's work to strengthen its position as a global energy hub building on the region's rich oil and gas heritage. The Development presents a significant opportunity to contribute to the success of Energetica, helping to build a robust supply chain around offshore wind.

The Application has been considered fully and carefully, as have the accompanying documents and all relevant responses from consultees. Third party representations received have also been considered. Taking into account the extent to which any environmental effects would be modified and mitigated by measures the Company has agreed to take, or will be required to take, under the conditions attached to the consent and licence. The Scottish Ministers are satisfied that environmental issues can be appropriately addressed by way of mitigation, and that any impacts which remain are outweighed by the benefits the Development would bring.

The Scottish Ministers accept that the location of the Development is the significant factor in the objection made by the Trump Organization and by TIGLS. TIGLS also submitted supplementary objections on 3 October 2012. It is also a significant factor in the objections by the Murcar Links Golf Club and the Royal Aberdeen Golf Course Club.

Objection by the Trump Organization and TIGLS

The objection to the location of the Development by The Trump Organization and TIGLS founds upon the impacts which the Development would have on the Menie Estate Golf and Resort Complex based on –

- Adverse visual impact;
- Adverse impact on tourism;
- Incompatibility with neighbouring land uses.

They also object on the basis of adverse economic impact on Aberdeenshire and Scotland.

On behalf of the Trump Organization, Dundas & Wilson have stated that the development on the Menie Estate is one of national economic importance. The term 'national economic importance' is one which does not confer any particular status in Scottish planning policy and the Menie Estate development is not designated as a 'national development' in the National Planning Framework. However, consistent with the fact that the Scottish Ministers accepted the Reporters' findings of fact, agreed with their reasoning and recommendation and adopted them for the purpose of their own decision on the application, the Ministers consider that the Menie Estate development is one which has potential significant economic and social advantages at a national, regional and social level if it were built in full.

Agents acting on behalf of the Trump Organization and TIGLS subsequently made further submissions both in relation to the request for a public local inquiry and also in support of the objections. The most relevant recent correspondence is a letter of 29 January 2013 from Dundas & Wilson which enclosed a Statement of Case on Economic Impact including Tourism in relation to the objection that the Development in its proposed location would have significant adverse impact upon the economic benefits of the Menie Estate Golf and Resort Complex.

The Scottish Ministers have carefully considered the objections by the Trump Organization and TIGLS about the impacts of consenting to the Development in its proposed location.

The material considerations mentioned above require to be weighed against each other in considering those objections.

The Scottish Ministers consider that they have sufficient evidence about the potential economic benefits of the Menie Estate Golf and Resort Complex and of the Development.

In relation to the economic benefits of the Menie Estate, these are referred to in the Statement of Case on Economic Impact including Tourism submitted by Dundas & Wilson on 29 January 2013 and which are assessed in detail in the Fraser of Allander Institute's report of May 2008 submitted to the public inquiry into the planning application for the Menie Estate.

It is not possible to predict what benefits would accrue from the Menie Estate Golf and Resort Complex if the Development were to be given consent. The Scottish Ministers accept that there would be some impact on the Menie Estate if the Development were to be built in its proposed location.

In this respect, the Scottish Ministers note that attitudes of tourists towards wind farms have been assessed in many studies. The results of stated preference studies have found that generally the majority of tourists were positive towards wind farms. Omnibus Research, commissioned by Visit Scotland in 2011, found that 80% of the survey respondents stated that a wind farm would not affect their decision to visit an area. The attitudes of recreational users have been researched to a lesser extent.

Landry, Allen, Cherry & Whitehead's 2012 study into the impact of wind farms on coastal recreational demand found that offshore wind farms overall had little impact on recreational visits by residents. However, there are individual differences within the data which, averaged out, show an overall limited impact. Whilst some residents said they would take fewer trips to the beach if there was a wind farm within view, others indicated that they would actually take more trips.

The Scottish Ministers accept at face value the statement by the Trump Organization that, if the Development were to proceed in its proposed location, the benefits outlined in the objector's Statement of Case on Economic Impact including Tourism would not be achieved because they will not proceed with the Menie Estate Golf and Resort Complex.

In accepting that the present intention of the Trump Organization and TIGLS is as stated above, the Scottish Ministers recall that paragraph 6 of Annex A to the Scottish Government Planning Circular 4/2009 ("Development Management Procedures") states –

"The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests the basic question is whether the proposal would unacceptably affect the amenity and existing land use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development."

It is the Scottish Ministers' planning judgment that, whilst they accept that the present intention of the Trump Organization and TIGLS is not to proceed further with the development of the Menie Estate Golf and Resort Complex if the Development were to be given consent in its proposed location, when weighing up that material consideration with the considerations mentioned in the next paragraph it is in their view an appropriate planning judgment nevertheless to grant consent to the Development in its proposed location.

The considerations mentioned in this paragraph are:-

1. The benefits that the Development would be expected to bring in terms of contribution to the development of the renewable energy sector;
2. The need to achieve targets for renewable energy;
3. The economic and social importance of Scotland's renewable energy sector;
4. The specific benefits of the Development being the first demonstrator wind turbine to be used by several companies which would provide a facility for testing in real conditions and assist in driving down the costs of developing wind turbines;
5. The role that the Development can play strategically in this context;

6. The clear advantages that the proposed location offers;
7. The potential to unlock a variety of economic benefits for Aberdeen and Scotland in the future;
8. The evidence that elsewhere in the United Kingdom golf courses co-exist with offshore wind farm developments;
9. The golf course already built at the Menie Estate has had an excellent reception from golfing commentators, as submitted on behalf of the Trump Organization by Dundas & Wilson on 29 January 2013, and would appear to have good prospects for expansion from its present state as a golf resort in future;
10. Part of the anticipated economic benefits of the Menie Estate Golf and Resort Complex are already being realised; and
11. The fact that the Development is a development of relatively limited duration in comparison with the potential duration of the Menie Estate Golf and Resort Complex.

Murcar Links Golf Club and the Royal Aberdeen Golf Course Club

It is also the Scottish Ministers' planning judgment that when weighing up the objections by the Murcar Links Golf Club and the Royal Aberdeen Golf Course Club as regards the proposed location with the considerations numbers 1 to 8 mentioned in the paragraph above it is in their view an appropriate planning judgment nevertheless to grant consent to the Development in its proposed location.

Visual impacts of the Development in its proposed location

The Trump Organization and TIGLS, Murcar Links Golf Club and the Royal Aberdeen Golf Club all expressed in their objections strong concern about adverse visual impact on their respective golf courses (and in the case of TIGLS the wider golf resort) if the Development were to be built in its proposed location due to the closeness of the turbines to the shore.

As mentioned above in relation to the impacts on the Menie Estate Golf and Resort Complex, the Scottish Ministers accept that the Development would have a visual impact on that resort and on the golf courses at Murcar and Royal Aberdeen.

The Scottish Ministers note that there is evidence that golf courses elsewhere in the United Kingdom co-exist with offshore wind farm developments.

It is the Scottish Ministers' planning judgment that, whilst accepting that there would be some adverse visual impact resulting from the location of the Development on the Menie Estate Golf and Resort Complex and golf courses at Murcar and Royal Aberdeen, and more generally on the seascape from Aberdeenshire Coast, when weighing up that material consideration with the considerations numbers (1) to (8) mentioned in the paragraph above in relation to the planning judgment on the

proposed location of the Development, it is in their view an appropriate judgment nevertheless to grant consent to the Development in its proposed location.

Impacts on the tourism industry both in Aberdeenshire and in Scotland

In their objections, each of the Trump Organization and TIGLS, Murcar Links Golf Club and the Royal Aberdeen Golf Club expressed concern that the Development in its proposed location would have an adverse impact on tourism and recreation.

As noted above in relation to the objection by the Trump Organization and TIGLS as to the proposed location of the Development, it is argued by them that Development would have a direct impact on tourism due to the direct impact on the Menie Estate Golf and Resort Complex because the present intention of the Trump Organization and TIGLS is not to proceed further with the development of the resort in the event that consent is granted to the Development.

The Scottish Ministers accept that this is the present intention of the Trump Organization and TIGLS.

The Scottish Ministers also note what is said above in relation to the attitude of tourists generally towards wind farms.

It is the Scottish Ministers' planning judgment that, whilst they accept that-

- the present intention of the Trump Organization and the TIGLS is not to proceed further with the development of the Menie Estate Golf and Resort Complex if consent were to be granted;
- that resort might therefore remain in its present state of development; and
- there is a risk of some adverse effect on tourism both in relation to the other golf courses and more generally,

when weighing up that impact on tourism with the considerations numbers (1) to (8) mentioned in the paragraph above in relation to the planning judgment on the proposed location of the Development, it is in their view an appropriate planning judgment nevertheless to grant planning consent to the Development in its proposed location.

Navigational safety

There were concerns that the proximity of the Development to Aberdeen harbour could cause difficulties for vessels navigation in the general area of the wind farm, particularly in inclement weather.

The Chamber of Shipping is satisfied that issues surrounding shipping and navigation have been addressed in the wind farms final design iteration. They are of the opinion that the final turbine layout will allow sufficient space for vessels operating on the NE/SW route and that any route deviation caused by the construction of the wind farm will be minimal and acceptable from a navigational

safety point of view, provided the risk mitigation measures and monitoring outlined in Section 20 of the Company's Navigational Risk Assessment are applied. In addition, the chamber of Shipping is satisfied that 0.25nm separation between the designated anchorage area in Aberdeen Bay and the nearest turbine will be sufficient to maintain the safety of anchored vessels.

Aberdeen Harbour Board expressed some concern regarding the proposed development, however were content with the Navigational Risk Assessment prepared by the Company. The Harbour Board did raise certain issues within the NRA and the Anchoring Analysis, however these have since been alleviated by the Company. The Northern Lighthouse Board was content with the Development providing certain conditions were included in any section 36 consent.

The Scottish Ministers are satisfied that the adoption of the measures recommended by the Northern Lighthouse Board and other navigational Consultees adequately address the navigational safety concerns and that there are no concerns about navigational safety that would require consent to be withheld.

Impacts on Aviation

Aberdeen Airport and National Air Traffic Services (En Route) Limited ("NERL") objected because of potential impacts on the Perwinnes radar and associated air traffic operations without mitigation. An agreement has been entered into between the Company and NERL for the design and implementation of an identified and defined mitigation solution in relation to the Development. As such, both NERL and Aberdeen Airport have withdrawn their objection.

The Ministry of Defence also objected to the Application due to the potential unacceptable interference to the air defence radar at RAF Buchan. Following discussions with the Company, the Ministry of defence withdrew their objection subject to a section 36 condition being included in any consent.

The Scottish Ministers are therefore satisfied that, subject to the agreed mitigation measures recommended by NERL and the MOD, the aviation impacts would be suitably mitigated. Consequently, the Scottish Ministers consider there are no concerns about impact on aviation that would require consent to be withheld.

Marine mammals

The Scottish Ministers note that techniques used in the construction of most offshore renewable energy installations have the potential to impact on marine mammals. As this is a demonstrator project, there will be a variety of foundations used. The Company has confirmed that they do not believe monopoles will be used at the site, however, in considering the most likely worst case scenario the Scottish Ministers have considered the potential for a maximum of four monopoles to be used. If the Company uses no more than a maximum of four monopoles, this will reduce the duration and scale of underwater noise emissions which could impact on marine mammals.

SNH advised that the Development is unlikely to have an adverse effect on the integrity of the Moray Firth SAC and did not object subject to conditions being attached to any section 36 consent. Similarly the Whale and Dolphin Conservation Society (“WDCCS”) raised concerns regarding the potential impact on bottlenose dolphins that reside in Aberdeen harbour and local populations of harbour seals. The WDCCS did not object to the proposal, and also recommended conditions be included in any section 36 consent to help minimise the potential impacts on these species.

The Scottish Ministers are satisfied that the adoption of appropriate marine mammal mitigation measures within any section 36 consent will ensure that there are no significant impacts to marine protected species. In light of these measures, the Scottish Ministers consider there are no concerns about impact on marine protected species that would require consent to be withheld.

Birds

The RSPB and SNH expressed concerns about the potential impact of the Development on several bird species using Aberdeen bay. The species of most concern were common and velvet scoters, eiders, red throated divers, herring gulls, little, Sandwich and common terns.

As far as impacts on common and velvet scoters are concerned, they relate mostly to potential displacement and disturbance rather than collision as their general flight height suggests low collision risk under most conditions. RSPB advised it is important to minimise disturbance due to construction and maintenance with activity planned to coincide with periods of lowest use for both species.

Displacement and disturbance was also considered to be a potential impact on eiders and the RSPB advised there should be a construction plan and vessel movement schedule developed to reduce disturbance from these elements of the project. They went on to say that evidence from elsewhere suggests that an operating wind farm approximately 2km from the favoured feeding area is unlikely to deter eiders, but boat movements and construction/servicing activity are more critical.

Despite low numbers since the 1980’s, Aberdeen bay is thought to be of likely national importance for red-throated divers. Concerns were raised regarding the potential significant displacement of this species but following further boat based surveys by the Company, the RSPB confirmed that due to the usage patterns, displacement impacts in this part of Aberdeen bay are likely to be relatively small, based on the numbers of divers present.

The main concern for the Herring gull population in the area was that of collision risk. Previous radar studies showed large numbers of gulls moving, including at night and in adverse weather. The RSPB thought this suggested that the Company’s collision risk assessment of ‘moderate’ may have been too low. A revised collision risk assessment was submitted as part of the Supplementary Environmental Information Statement and the RSPB accepted the revised calculation and assessment of probable low impact on the SPAs (approximately 1% of baseline mortality).

Concerns raised over the impacts to little, Sandwich and common terns were focussed on collision risk. Evidence from other European sites suggests a relatively high risk of terns not being deterred from turbines, passing through them frequently, and colliding due to a high number of transits. However, the RSPB suggested that the mitigating factor in this case was the distance of the Development from the main nesting colony at Sands of Forvie, and the fact that migrating and foraging terns appear to favour areas within 2-3km of the shore. The RSPB therefore considered the collision risk and displacement impacts were likely to be low for the tern species.

In light of the above, the Scottish Ministers consider that, while the Development would have an impact on birds, this would not be so significant that it would require consent to be withheld.

Fishing activity

A joint consultation response from the Dee, Don and Ythan District Fishery Boards raised the importance of the location of the Development due to the presence of salmon and sea trout. The 2 key issues identified by the Boards included the potential impacts associated with noise and vibration, particularly avoidance behaviour by salmon at distances from 3.5 to 4.2 km from construction activities, and potential EMF impacts during the operation of the wind farm. There was interest expressed by the Boards in the potential for the Development to act as a useful trial to examine the deployment of offshore wind turbines in close proximity to three major rivers. The Boards requested that they work with the Company, not only during the construction phase for the development, but also through the operational lifespan of the project. The Company has indicated that as part of the mitigation proposals a representative of the Boards would be included.

Regarding commercial fishing activity, although the Scottish Fisherman's Federation and the Scottish Fisherman's Organisation were consulted on the Application, no responses were received. Additionally, Marine Scotland's Compliance Division, having consulted the owners of the three inshore boats that work from Aberdeen and fish in the general area where the Development will be located, also did not receive any comments or objections.

The Scottish Ministers consider that, having taken account of the information provided by the Company and the response of the Dee, Don and Ythan District Fishery Boards, the impact of fishing activity is not likely to be so significant, in light of the mitigation measures proposed, that it would require consent to be withheld.

Consideration of other material issues

The Scottish Ministers consider the following issues material to the merits of the section 36 consent application.

The Company has provided adequate environmental information for the Scottish Ministers to judge the impacts of the Development.

The Company has identified what can be done to mitigate the impact of the Development.

The matters specified in paragraph 3(2) of Schedule 9 to the Electricity Act 1989 have been adequately addressed by means of the Environmental Statement and the Scottish Ministers have judged that the likely environmental impacts are acceptable.

The Scottish Ministers are satisfied that the Development can be satisfactorily decommissioned and will take steps to ensure that any decommissioning programme required under the Energy Act 2004 is prepared in a timely fashion by imposing a condition requiring the submission of a draft decommissioning plan before construction of works can take place.

The Scottish Ministers have considered fully and carefully the Application and accompanying documents and all relevant responses from consultees and the 613 public representations received, 148 of which were objections to the wind farm and 465 were in support.

The representations received by the Scottish Ministers in response to the two campaigns supporting and opposing the Scottish Government's renewable energy policy are included in the total representation numbers provided above.

The 100 MW Development 2 km off the coast of Aberdeenshire will annually generate renewable electricity equivalent to the demand from approximately 49,000 homes. This increase in the amount of renewable energy produced in Scotland is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its target for renewable sources to generate the equivalent of 100% of Scotland's annual electricity demand by 2020. Scotland requires a mix of energy infrastructure in order to achieve energy security at the same time as moving towards a low carbon economy. Due to the intermittent nature of much renewables generation, a balanced electricity mix is required to support security of supply requirements. Scotland has the capability and the opportunity to generate a level of electricity from renewables by 2020 that would be the equivalent of 100% of Scotland's gross electricity consumption. This does not mean an energy mix where Scotland will be 100% reliable on renewables generation by 2020; but it supports Scotland's plan to remain a net exporter of electricity.

The Scottish Ministers aim to achieve a thriving renewables industry in Scotland, the focus being to enhance Scotland's manufacturing capacity, to develop new indigenous industries, and to provide significant export opportunities. The Scottish Ministers have considered material details of how this proposal can contribute to local or national economic development priorities.

Within their Environmental Statement, the Company state that total capital expenditure during the two-year construction phase of the Development has been estimated at £260.4 million. It has also been estimated that this would support 738 job-years worth of employment, and £40 m of Gross Value Added (GVA) in Scotland; of which 296 job-years and £16 million of GVA would be in Aberdeen and Aberdeenshire. The impact related to Aberdeen and Aberdeenshire would relate mainly to the construction and assembly of turbines and foundations. The additional impact in the rest of Scotland relates to the supply chain activity such as the manufacture of foundations and potentially also wind turbines.

The Development would require a local team of around 25 jobs for operational and maintenance activities. Over the 22 year operational life of the Development, this would support 768 job-years worth of employment and £23 million of Gross Value Added (GVA) at the Scotland level.

THE SCOTTISH MINISTERS' DETERMINATION

Subject to the conditions set out in **ANNEX 2** to this decision, the Scottish Ministers **GRANT CONSENT** under section 36 of the Electricity Act for the construction and operation of the Development, consisting of up to 11 turbines with a permitted capacity of up to 100 megawatts (as described in **ANNEX 1**).

At present the Scottish Ministers have no powers to grant deemed planning permission for any ancillary onshore development relating to the offshore electricity generating station, therefore consent is not granted for the onshore cabling as applied for by the Company.

The Scottish Ministers direct that this consent is to lapse on the expiry of a period of 5 years from the date of this direction if Commencement of the Development has not taken place within that period.

The Scottish Ministers direct that within 2 months of the date of this consent (and within 2 months of the final commissioning if there has been any variation on the original approved plan), the Company must provide a detailed plan showing the site boundary and all turbines in a format compatible with the Scottish Government's Spatial Data Management Environment (SDME), along with appropriate metadata to the Scottish Ministers.

The SDME is based around Oracle RDBMS and ESRI ArcSDE and all incoming data must be supplied in ESRI shapefile format. The SDME also contains a metadata recording system based on the ISO template within ESRI ArcCatalog (agreed standard used by the Scottish Government), all metadata should be provided in this format.

In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended), the Company must publicise this determination for two successive weeks in the Edinburgh Gazette and one or more newspapers circulating in the locality of the Development.

In reaching their decision they have had regard to all objections and relevant considerations and, subject to the conditions of this consent, are satisfied that it is appropriate for the Company to construct and operate the generating station in the manner as set out in the Application.

Copies of this letter and the consent have been sent to the nearest onshore Planning Authorities. This letter has also been published on the Marine Scotland's website.

The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism

by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine Applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts –

<http://www.scotcourts.gov.uk/session/rules/print/rules/CHAP58.pdf>.

Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely

ANDREW SUTHERLAND
Marine Scotland Licensing Operations Team
A member of the staff of the Scottish Ministers

ANNEX 1

DESCRIPTION OF THE DEVELOPMENT

The Development as shown on Figure 1, in **ANNEX I PROJECT LOCATION**, attached to this consent shall have a permitted generating capacity not exceeding 100 MW and shall comprise a wind-powered electricity generating station at Aberdeen Bay, approximately 2 kilometres east of Blackdog, Aberdeenshire, including:

1. not more than 11 three-bladed horizontal axis wind turbines each with a maximum blade tip height of 198.5 metres;
2. all foundations and scour protection;
3. inter array cabling and export cables to the shore; and
4. transition pieces including access ladders / fences and landing platforms.

all as specified in the Application, the Environmental Statement and the Supplementary Environmental Information Statement to the Application and to the Environmental Statement, and references in this consent shall be construed accordingly.

ANNEX 2

CONDITIONS OF THE SECTION 36 CONSENT

Part 1

Conditions of Section 36 Consent

The consent granted under section 36 of the Electricity Act 1989 is subject to the following conditions:

1. The consent is for a period from the date the consent is granted until the date occurring 22 years after the Final Commissioning of the Development. Written confirmation of the date of the Final Commissioning of the Development must be provided by the Company to the Scottish Ministers, Planning Authorities and SNH no later than one calendar month after the Final Commissioning of the Development.

Reason: *To define the duration of the consent.*

2. The Commencement of the Development must be a date no later than 5 years from the date the consent is granted, or such other date from the date of the granting of the consent as the Scottish Ministers may hereafter direct in writing.

Reason: *To ensure that the Commencement of the Development is undertaken within a reasonable timescale after consent is granted.*

3. In the event that for a continuous period of 12 months or more any wind turbine installed and commissioned and forming part of the Development fails to produce electricity on a commercial basis to the National Grid then, unless otherwise agreed in writing by the Scottish Ministers and after consultation with any advisors as required at the discretion of the Scottish Ministers, any such wind turbine and all associated foundations and fitments shall be deemed by the Scottish Ministers to cease to be required. If so deemed, the wind turbine and its ancillary equipment must be dismantled and removed from the Site by the Company within the period of 12 months from the date of the decision to deem the wind turbine as ceasing to be required, and the Site must be fully reinstated by the Company to the specification and satisfaction of the Scottish Ministers after consultation with any advisors as may be required at the discretion of Scottish Ministers.

Reason: *To ensure that any redundant wind turbine and ancillary equipment is removed from the Site, in the interests of safety, amenity and environmental protection.*

4. The Company is not permitted to assign the consent without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may grant consent (with or without conditions) or refuse such authorisation as they may, in their own discretion, see fit. The consent is not capable of being assigned,

alienated or transferred otherwise than in accordance with the foregoing procedure.

Reason: *To safeguard the obligations of the consent if assigned to another company.*

5. If any serious health and safety incident occurs on the Site requiring the Company to report it to the Health and Safety Executive then the Company must also notify the Scottish Ministers of the incident within 24 hours of the incident occurring.

Reason: *To inform the Scottish Ministers of any serious health and safety incident occurring on the Site.*

6. Commencement of the Development must not proceed until after the Company has submitted to the Secretary of State a decommissioning programme in compliance with a notice served upon the Company by the Secretary of State following consultation with the Scottish Ministers, pursuant to Sections 105(2) and (5) of the Energy Act 2004.

Reason: *To ensure that a decommissioning plan is submitted to the Secretary of State following consultation with the Scottish Ministers before any construction commences.*

Development

7. The Development must be constructed and operated in accordance with the terms of the Application and the accompanying Environmental Statement and the Supplementary Environmental Information Statement, except in so far as amended by the terms of the Section 36 consent and any direction made by the Scottish Ministers.

Reason: *To ensure that the Development is carried out in accordance with the application documentation.*

Aviation

8. To mitigate the impact of the Development on the Primary and Secondary Radar Installation at Perwinnes Radar no wind turbine shall be erected until the Company has agreed a Radar Mitigation Scheme ("RMS") with the Operator and until the RMS has been submitted to, and agreed in writing by, the Scottish Ministers in consultation with the Operator. No wind turbine shall be erected before the approved RMS has been implemented. The Development must at all times thereafter be operated fully in accordance with the approved Scheme.

Reason: *To mitigate the adverse impacts of the Development on the Primary and Secondary radar Installation at Perwinnes.*

9. Prior to the erection of any wind turbines on the Site the Company must submit a Defence Radar Mitigation Scheme (“the Scheme”) for the written approval of the Scottish Ministers, following consultation with the Ministry of Defence (“MOD”). The Company must meet all costs that are attributable to the Scheme, its delivery into service, and the implementation and support of the mitigation measures as set out within the Scheme. No wind turbines shall become operational until:
- (a) the mitigation measures that are required under the approved Scheme have been implemented; and
 - (b) any performance criteria, all as specified in the approved Scheme as requiring to be satisfied, have been so satisfied; and
 - (c) the implementation and satisfaction of the performance criteria has been approved by the Scottish Ministers in consultation with the MOD.

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

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

Construction

10. Prior to the erection of any wind turbines on the Site, the Company must submit a Black Dog Firing Range Management Plan (“Management Plan”) to the Scottish Ministers for their written approval, following consultation by the Scottish Ministers with the MOD. To ensure that the safety of vessels, installations and personnel deployed within the offshore danger area (X5703) whilst range activities are not compromised the Management Plan must identify the operational procedures requiring to be implemented by the Company. The Company must meet all costs attributable to the delivery of the Management Plan. The Company must comply with all operational procedures under the Management Plan.

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

11. The Development must be lit and marked in accordance with current Civil Aviation Authority Policy and Guidance, or any other relevant documents from time to time, that may supersede said guidance.

Reason: *To ensure that the Development is marked and lit in accordance with Civil Aviation Authority requirements.*

12. At a time to be agreed by the Scottish Ministers, in consultation with the Civil Aviation Authority, the positions and maximum heights of the wind turbines and construction equipment must be provided by the Company to the Defence Geographic Centre for aviation charting purposes.

Reason: *In the interests of aviation safety.*

13. Prior to the Commencement of Development a Construction Method Statement ("CMS") must be submitted by the Company to the Scottish Ministers and approved, in writing by the Scottish Ministers, following consultation with Scottish Natural Heritage, Scottish Environment Protection Agency, the Marine and Coastguard Agency, the Planning Authorities, Northern Lighthouse Board, and any such other advisors as may be required at the discretion of the Scottish Ministers. Unless otherwise agreed in writing by the Scottish Ministers, construction of the Development must proceed in accordance with the approved CMS. The CMS must include, but not be limited to, information on the following matters:

- (a) Commencement dates;
- (b) Working methods including the scope, frequency and hours of operations;
- (c) Duration and Phasing Information of key elements of construction, for example turbine structures, foundations, turbine locations, inter-array cabling and land fall cabling;
- (d) Method of installation including techniques and equipment and depth of cable laying and cable landing sites;
- (e) The use of Dynamic Positioning vessels and safety/guard vessels;
- (f) Pollution prevention measures including contingency plans; and
- (g) Design Statement

The CMS must be cross referenced with the Project Environmental Management Plan, the Vessel Management Plan and the Navigational Safety Plan.

Reason: *To ensure the appropriate construction management of the Development, taking into account mitigation measures to protect the environment and other users of the marine area.*

14. Prior to the Commencement of the Development, a detailed Design Statement must be submitted by the Company to the Scottish Ministers for their written approval, after consultation by the Scottish Ministers with SNH, Marine and Coastguard Agency, Northern Lighthouse Board, National Air Traffic Services and any such other advisors as may be required at the discretion of the Scottish Ministers. The Design Statement must provide guiding principles for the deployment of the wind turbines. This plan must detail:

- (a) Layout location for each phase and each turbine; and
- (b) Turbine height, finishes, blade diameter and rotation speed across each phase, rows and individual turbine locations; and
- (c) Lighting requirements (navigation and aviation) for each turbine / row, or, as the case may be, phase including any anemometer mast; and
- (d) further detailed assessment of visual impacts to inform the detailed layout and design of each location and phase of the deployment centre from selected viewpoints to be agreed with

the Scottish Ministers and any such other advisors as may be required at their discretion.

Reason: *To set out design principles to mitigate, as far as possible, the visual impact of the turbines.*

Environmental Management Monitoring

15. Within six months of the date of the granting of the Section 36 consent, an expert panel must be established by Scottish Ministers to provide scientific advice to them on a research and monitoring programme to inform, where appropriate and as timescales allow, the Project Environmental Management Programme. Membership, funding, the terms of reference and the functions of the panel are to be agreed by Scottish Ministers in consultation with any such advisors at the discretion of the Scottish Ministers. The programme must survey and monitor the impact of the Development on important species, habitats, and users of the sea within Aberdeen Bay all as agreed by the Scientific Panel. The programme must also monitor the habitats around, and the communities that develop on, the submerged structures. The monitoring programme must be subject to input from the expert panel, to consultation with agreed consultees and subject to agreed review periods. The programme must ensure that the monitoring is robust and covers pre, during and post construction aspects and must be agreed, so far as is possible, prior to the Commencement of Development.

The subjects to be included for monitoring, but not exclusively, are:

- (a) Agreed methods to consider any changes to species, densities and behavioural patterns during all phases of the wind farm;
- (b) Agreed measures to detect bird collisions e.g. blade sensors, targeted radar studies, thermal detection systems etc.
- (c) Gathering field measurements of under water and air borne noise during piling and operation of the turbines at the Development;
- (d) Operational under water and air borne noise emissions for an initial period of twelve months from the date of the Commencement of the Development and then for such further periods when considered necessary by the expert panel based upon the results received and as agreed by Scottish Ministers in consultation with advisors as identified at their discretion.
- (e) Deployment of Passive Acoustic Monitoring systems to record vocalisation of marine mammals before, during and after construction of the Development;
- (f) The agreement of a Marine Mammal Protection Plan (MMPP);
- (g) Impacts on the adjacent coastline and on other users and uses of the sea; and
- (h) Migration and behaviour of European eel, salmon and sea trout due to electro-magnetic fields.

The research and monitoring programme information and outputs must be reported annually to the Scottish Ministers who may consult with any advisors at their discretion before providing their written approval of said programme information and outputs. Subject to any legal restrictions regarding the treatment of the information, the results shall be made publicly available by the Scottish Ministers, or by such other party appointed at their discretion.

Reason: *To ensure that the best available evidence and most appropriate scientific and technical information is used to inform and develop a monitoring programme to allow evaluation of any impacts before, during and after the construction of the Development.*

16. Within six months of the date of the granting of the Section 36 consent, the Company must provide to the Scottish Ministers information on the funding mechanisms for the research and monitoring programme referred to in Condition 15.

Reason: *To ensure that the research and monitoring programme is implemented and that funding is available before construction work commences.*

17. No later than three months prior to the Commencement of the Development, a Project Environmental Monitoring Programme (PEMP) must be submitted to, and approved by, the Scottish Ministers in consultation with SNH and any other ecological, or such other advisors as required at the discretion of the Scottish Ministers. The PEMP must detail the measures through all the phases of the wind farm (before, during and after the construction work) to prevent adverse impacts to marine mammals, birds, fish, migratory fish including European eels, habitats, coastal processes, and other users and uses of the area and must include species protection plans where appropriate and necessary. Where appropriate and reasonable, the PEMP must take account of, and implement recommendations from, the Construction Noise Management Plan, the Design Statement, the Cable Laying Strategy, the Black Dog Firing Range Management Plan, the Construction Method Statement, the Research and Monitoring Programme, the Vessel Management Plan and the Navigational Safety Plan and from the Company's Environmental Statement and Supplementary Environmental Information Statement.

Reason: *To ensure that appropriate and effective monitoring of the impacts of the Development is undertaken.*

18. Prior to the Commencement of the Development, a Construction Noise Management Plan must be submitted to, and approved by, the Scottish Ministers, in consultation with any such advisors from Aberdeenshire Council and Aberdeen City Council, as identified at the discretion of the Scottish Ministers.

The Company must implement the approved Construction Noise Management Plan in full, unless otherwise agreed in writing by the Scottish Ministers.

Reason: *To ensure the proper environmental control in respect of noise, and to safeguard the amenities of the nearest residential properties.*

19. At wind speeds not exceeding 12 metres per second as measured or calculated at a height to be agreed by the Scottish Ministers following consultation with the Planning Authorities, the noise emission level emitting from the Development at any dwelling present at the date of the granting of consent must comply with the following:

- (a) During night time hours, as defined in ETSU-R-97 as 23.00 to 07.00 on all days, the wind farm noise emission level shall not exceed 38dB LA₉₀, 10 min or the ETSU-R-97 derived “night hours” noise limit based on the measured LA₉₀, 10 min background noise level plus 5dB(A), whichever is the greater.
- (b) At all other times, the wind farm noise emission level must not exceed 35dB LA₉₀, 10 min or the ETSU-R-97 derived “quiet waking hours” noise limit based on the measured LA₉₀, 10 min background noise level plus 5dB(A), whichever is the greater.

For the avoidance of doubt “quiet waking hours” refers to the periods between 1800 and 2300 every day, and between 1300 and 1800 on Saturday, and between 0700 and 1800 on Sunday.

Reason: *To ensure the proper environmental control in respect of noise, and to safeguard the amenities of the nearest residential properties.*

20. At the reasonable request of the Scottish Ministers, as enforcing authority, and following a complaint made to the Scottish Ministers relating to noise emissions arising from the operation of the Development, the Company must measure the level of noise emission from the Development at the property to which the complaint relates. The measurement and calculation of noise levels must be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule of pages 95 to 97 inclusive and Supplementary Guidance Notes to the Planning Obligation, Pages 99 to 109. The Company must provide to the Scottish Ministers the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information must be provided within 3 months of the date of the written request by the Scottish Ministers unless otherwise extended in writing by the Scottish Ministers.

Reason: *To ensure proper environmental control in respect of noise and to safeguard the amenities of the nearest residential properties.*

21. The Company must measure, at their own expense, the level of noise emissions from the Development within the first year of the operation of the turbines, and every two years thereafter, or other such period as directed by the Scottish Ministers. The frequency of measurement of the level of noise

emissions is subject to review every two years by the Scottish Ministers. The results of any measurement exercise must be provided to the Scottish Ministers as soon as is practicable.

Reason: To ensure proper environmental control in respect of noise, and to safeguard the amenities of the nearest residential properties.

22. That for the lifetime of the Development, the Company must log wind speed and wind direction data on a continual basis and must retain the data for a period of no less than 12 months. The data must include the average wind speed in metres per second for each 10 minute period at a height to be agreed by Scottish Ministers in consultation with the Planning Authorities. The measuring periods must be set to commence on the hour or in 10 minute increments thereafter. The wind speed data must be made available to the Scottish Ministers on request by way of a Microsoft Excel spreadsheet in electronic format. Where the wind speed is measured at a height other than that agreed by Scottish Ministers, this data must be supplemented by adjusted values which allow for wind shear, normalising to the original agreed height. Details of the wind shear calculation must be provided.

Reason: To ensure proper environmental control in respect of noise, and to safeguard the amenities of the nearest residential properties.

23. When directed by the Scottish Ministers, the Company must carry out an assessment for tonal noise in accordance with the procedure recommended in Section 6 of the document "The Assessment and Rating of Noise from Wind Farms"(ETSU-R-97), namely the procedure based on the Joint Nordic Method

Where the tone level above audibility is greater than 3dB a tonal penalty must be applied to permitted noise levels, in accordance with figure 16 of the aforementioned document to provide that the permitted levels specified in these conditions will be reduced by the tonal penalty.

Reason: To ensure proper environmental control in respect of noise and to safeguard the amenities of the nearest residential properties.

24. Prior to the Commencement of the Development, a Vessel Management Plan must be submitted to, and approved by, the Scottish Ministers in consultation with SNH and any such other ecological or other advisors as may be required at the discretion of the Scottish Ministers. The Vessel Management Plan must include, but is not limited to, the following issues:

- (a) Individual vessel details;
- (b) Number of vessels;
- (c) Whether ducted propellers will be in operation;
- (d) How vessel management will be coordinated, particularly during construction but also during operation; and

- (e) Location of working port(s), how often vessels will be required to transit between port(s) and the site and the routes used.

The Development must be constructed and operated in accordance with the Vessel Management Plan, and the Vessel Management Plan must be cross-referenced with the Project Environmental Management Plan, the Construction Method Statement, the Design Statement and the Navigational Safety Plan.

Reason: *To minimise the disturbance to marine mammals and birds.*

- 25. No later than six months prior to the commencement of cable laying, a Cable Laying Strategy ("the Strategy") must be submitted by the Company to the Scottish Ministers for approval by the Scottish Ministers following consultation with SNH and any such other advisors as may be required at the discretion of the Scottish Ministers. The Strategy must include the details of the location, the construction methods, and the monitoring methods for the grid export cables and cable landfall site. The Strategy must also include the survey results of an inter-tidal habitat and relevant species survey which will help inform the cable routing location. The Development must be constructed and operated in accordance with the Strategy.

Reason: *To safeguard coastal processes in the wider Aberdeen Bay. To ensure all environmental issues are considered in the location and construction of the export and inter array cables. This must include coastal processes and benthic and intertidal habitats.*

Navigation

- 26. Prior to the Commencement of the Development, a Navigational Safety Plan must be submitted to, and approved by, the Scottish Ministers in consultation with the Maritime and Coastguard Agency, the Northern Lighthouse Board, Aberdeen Harbour Board, the Chamber of Shipping and any other navigational advisors, or such other advisors, as may be required at the discretion of the Scottish Ministers. The Navigational Safety Plan must include, but is not limited to, the following issues:

- (a) Navigational safety measures;
- (b) Exclusion zones;
- (c) Notice(s) to Mariners and Radio Navigation Warnings;
- (d) Buoyage;
- (e) Anchoring areas; and
- (f) Lighting.

The Development must be constructed and operated in accordance with the Navigational Safety Plan at all times.

Reason: *In the interests of safe navigation.*

Definitions

In this consent

“the Application” means the Application and Environmental Statement submitted by the Company on 1 August 2011;

“Civil Aviation Authority Policy and Guidance” means “CAP 437 Standards for Offshore Helicopter Landing Areas”, “DAP Policy: Lighting of Wind Turbine Generators in United Kingdom Territorial Waters”, “DAP Policy: Guidance On Actions In The Event Of The Failure Of Aviation Warning Lights On Offshore Wind Turbines Listed In The UK Aeronautical Information Publication” or any other relevant documents that, from time to time, may supersede this guidance;

“Commencement of the Development” means the date on which the first vessel arrives on site to begin construction;

“the Company” means Aberdeen Offshore Wind Farm Limited, Johnstone House, 52 – 54 Rose Street, Aberdeen, Scotland, AB101HA, Company Registration No. SC278869;

"dB" means the measurement in decibels of the emitted sound power level of a wind turbine;

"dB(A)" means the measurement in decibels of the emitted sound power level of a wind turbine using the A-weighting network as referred to in ETSU-R-97;

“Defence Radar Mitigation Scheme” means a detailed scheme to mitigate the adverse impacts of the Development on the air defence radar at RAF Buchan and the air surveillance and control operations of the MOD;

“the Development” means the European Offshore Wind Deployment Centre (EOWDC) electricity generating station in Aberdeen Bay, approximately 2 km east of Blackdog, Aberdeenshire, as described in ANNEX 1;

“Environmental Statement” means the Environmental Statement submitted by the Company on 1 August 2011 as part of the Application as defined above;

"ETSU-R-97" means the ETSU Report number ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms' published in September 1996;

ETSU-R-97 derived "quiet waking hours" or "night hours" noise limit means the noise limits derived in accordance with paragraphs 1.2.3, 1.3.1 and 1.3.2 of the Supplementary Guidance Notes to the Planning Obligation, pages 101 to 102, of ETSU-R-97;

“Final Commissioning of the Development” means the date on which all wind turbine generators forming the Development have supplied electricity on a commercial basis or such earlier date as the Scottish Ministers deem the Development to be complete;

"Habitats Directive" means Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora as amended;

"LA90" means the decibel (dB) level exceeded for 90% of each sample period;

"Offshore Danger Area (Z5703)" means The seaward extent of the Blackdog Firing Range as X5703 depicted on Practise and Exercise Area (PEXA) Chart Q.6405 published by the UK Hydrographic Office;

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO157FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act);

"Planning Authorities" means Aberdeen City Council and Aberdeenshire Council;

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

"SEPA" means the Scottish Environment Protection Agency;

"Site" means the area outlined in red on Figure 1, attached to this consent;

"SNH" means Scottish Natural Heritage;

"Supplementary Environmental Information Statement" means the Supplementary Environmental Information Statement to the Application and Environmental Statement submitted by the Company on 6 August 2012; and

"Wind farm noise emission level" means the rated LA90 noise level due to the combined effect of all wind turbines including any tonal penalty incurred under the methodology described in ETSU-R-97, but exceeding the effect of background noise, as measured and correlated with 10 m height wind speed.

ANNEX E – APPROPRIATE ASSESSMENT

PROFORMA FOR RECORDING MARINE SCOTLAND'S CONSIDERATION OF A PROPOSAL AFFECTING A POTENTIAL/DESIGNATED SAC or SPA

SITE: Aberdeen Bay Offshore Wind Farm

FILE REF: 018/OW/AOWFL - 9

Appropriate Assessment Conclusion

Marine Scotland (the Licensing Authority) ascertains that the installation, operation and decommissioning of Aberdeen Bay Offshore Wind Farm will not adversely affect the integrity of the SACs and SPAs listed in section 1a. as long as the conditions detailed in section 3d are complied with.

1a. Name of Natura site affected & current status available from:

http://gateway.snh.gov.uk/sitelink/siteinfo.jsp?pa_code=8409

http://gateway.snh.gov.uk/sitelink/siteinfo.jsp?pa_code=8512

<p>Moray Firth SAC River Dee SAC River South Esk SAC Isle of May SAC Firth of Tay and Eden Estuary SAC Berwickshire and Northumberland Coast SAC</p> <p>Buchan Ness to Collieston Coast SPA Caithness & Sutherland Peatlands SPA Copinsay SPA East Caithness Cliffs SPA Fair Isle SPA Fetlar SPA Firth of Forth SPA Firth of Tay and Eden Estuary SPA Forth Islands SPA Foula SPA Fowlsheugh SPA Hermaness, Saxa Vord and Valla Field SPA Hoy SPA Loch of Strathbeg SPA Montrose Basin SPA North Caithness Cliffs SPA Noss SPA Orkney Mainland Moors SPA Otterswick & Graveland SPA Ronas Hill - North Roe & Tingon SPA Sumburgh Head SPA Troup, Pennan and Lion's Head SPA Upper Solway Flats and Marshes SPA Ythan Estuary, Sands of Forvie and Meikle Loch SPA</p>

1b. Name of component SSSI if relevant

Not relevant for this assessment

1c. European qualifying interests & whether priority/ non-priority

Moray Firth SAC Bottlenose Dolphins Subtidal sandbanks	River Dee SAC Freshwater Pearl Mussel Atlantic Salmon Otter
River South Esk SAC Freshwater Pearl Mussel Atlantic Salmon	Isle of May SAC Grey seals Inshore sublittoral rock reefs
Firth of Tay and Eden Estuary SAC Harbour seals Subtidal sandbanks Estuaries Intertidal mudflats and sandflats	Berwickshire and Northumberland Coast SAC Grey seals Intertidal mudflats and sandflats Reefs Sea caves Shallow inlets and bays

Buchan Ness to Collieston Coast SPA Black-legged kittiwake Common guillemot Fulmar Herring gull Shag	Caithness & Sutherland Peatlands SPA Red-throated diver
Copinsay SPA Fulmar	East Caithness Cliffs SPA Fulmar
Fair Isle SPA Fulmar Northern gannet	Fetlar SPA Fulmar
Firth of Forth SPA Common scoter	Firth of Tay and Eden Estuary SPA Common eider Common scoter
Forth Islands SPA Fulmar Northern gannet	Foula SPA Fulmar Red-throated diver
Fowlsheugh SPA Black-legged kittiwake Common guillemot Fulmar Herring gull Razorbill	Hermaness, Saxa Vord and Valla Field SPA Red-throated diver
Hoy SPA Red-throated diver	Loch of Strathbeg SPA Sandwich tern Barnacle goose Pink-footed goose
Montrose Basin SPA Common eider Pink-footed goose	North Caithness Cliffs SPA Fulmar
Noss SPA Fulmar Northern gannet	Orkney Mainland Moors SPA Red-throated diver
Otterswick & Graveland SPA Red-throated diver	Ronas Hill - North Roe & Tingon SPA Red-throated diver

Sumburgh Head SPA Fulmar	Troup, Pennan and Lion's Head SPA Fulmar
Upper Solway Flats and Marshes SPA Barnacle goose	Ythan Estuary, Sands of Forvie and Meikle Loch SPA Common eider Common tern Sandwich tern Pink-footed goose

1d. Conservation objectives for qualifying interests:

SAC Species Conservation Objectives

Moray Firth SAC

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

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

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

Rivers Dee and River South Esk SACs

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

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

- Population of the species, including range of genetic types for salmon, as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species
- Distribution and viability of freshwater pearl mussel host species
- Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species

Isle of May, Firth of Tay and Eden Estuary and Berwickshire and Northumberland Coast SACs

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

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

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

SPA Species Conservation Objectives

To avoid deterioration of the habitats of the qualifying species listed above for the Special Protection Areas or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

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

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

PROPOSAL DETAILS

2a. Proposal title & name of consultee (i.e. applicant or competent authority)	
Application for consent under Section 36 of the Electricity Act 1989 and a Marine Licence under Part 4, Section 20 of the Marine (Scotland) Act 2010 to construct and operate an offshore wind farm, Aberdeen Bay	Marine Scotland
2b. Date of Consultation: SNH responses to consultation on 2 nd November 2011 and 3 rd October 2012. Advice from Marine Scotland Science on 30 th and 31 st January 2013.	
2c. Type of Case: Offshore Wind Farm, Aberdeen Bay	

2d. Details of proposed operation (inc. location, timing, methods):
Installation and operation of a European Offshore Wind Deployment Centre consisting of 11 turbines, inter-array and export cables. To be located 2-4.5km off the coast at Blackdog, Aberdeenshire and likely to be constructed in 2013 and 2014. The developer predicts that the installation of the 11 turbine foundations will take place over approximately 2 weeks (within a 2 year time period) and at most 4 turbines might be installed using piling techniques.

ASSESSMENT IN RELATION TO REGULATION 20 or 48

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

The operation is not connected with or necessary to conservation management of the site.

*If yes and it can be demonstrated that the tests in 3b have been applied to all the interest features in a fully assessed and agreed management plan then consent can be issued but rationale must be provided, including reference to management objectives. If no, or if site has several European qualifying interests and operation is not directly connected with or necessary to the management of **all** of these then proceed to 3b.*

3b. Is the operation likely to have a significant effect on the qualifying interest? Repeat for each interest on the site.

During the consultation phase of the licensing process, SNH concluded that the Aberdeen Bay Offshore Wind Farm development would have a likely significant effect on the following:

Moray Firth SAC – Bottlenose dolphin
River Dee SAC – Salmon and Freshwater Pearl Mussel
River South Esk SAC – Salmon and Freshwater Pearl Mussel
Isle of May SAC – Grey seal
Berwickshire and Northumberland Coast SAC – Grey seal

Due to the large distance (90km) between the Firth of Tay and Eden Estuary SAC and the proposed wind farm site no LSE was concluded for harbour seal as this species tends to forage over distances up to approximately 50km. Therefore this site will not be considered further in this assessment.

During the consultation phase of the licensing process, SNH concluded that the Aberdeen Bay Offshore Wind Farm development would have likely significant effect (LSE) on the qualifying species from the SPAs listed in table 1c above based on the level of connectivity.

The Licensing Authority believe that the identification of LSE by SNH is precautionary as other factors that relate to the magnitude of the effect, such as collision risk based on numbers of birds recorded at the site/ flight height were not included in predicting LSE.

3c. Appropriate assessment of the implications for the site in view of the site's conservation objectives.

- i) Describe for each European qualifying interest the potential impacts of the proposed operation detailing which aspects of the proposal could impact upon them.*
- ii) Evaluate the significance of the potential impacts, e.g. whether short/long term, reversible or irreversible, and in relation to the proportion/importance of the interest affected, and the overall effect on the site's conservation objectives. Record if additional survey information or specialist advice has been obtained.*

SAC appraisal

SNH carried out a detailed appraisal of the proposed development submitted to The Licensing Authority on 2nd November 2012, this is summarised below:

For all the mobile species, impacts will occur away from the designated site area, so it is for the following conservation objectives to be considered against the potential impacts:

- Will the proposal cause significant disturbance to mobile species (bottlenose dolphins, grey seal and salmon) while they are outwith the SAC such that the viability of the SAC population is adversely affected?
- Will the proposal in any other way adversely affect the population viability of the SACs from which the mobile species are connected? This could include indirect impacts – such as the degradation or loss of supporting habitats or feeding grounds which are outwith the SAC but which help to maintain the population of mobile species in the SACs in the long-term.

For freshwater pearl mussels, the conservation objective that requires consideration is:

- Distribution and viability of freshwater pearl mussel host species i.e. impacts on salmon may have an indirect effect on freshwater pearl mussel and if the salmon in the Rivers Dee and South Esk are assessed not to be at risk from an adverse effect on site integrity, then FWPM can also be ruled out as being at risk in both these SACs.

Several aspects of the development could have impacts on the qualifying features of the SACs listed above, during construction, operation and decommissioning:

Construction

- increased vessel traffic may lead to disturbance/ displacement or injury/death to seals through corkscrew injury
- Underwater noise from piling may lead to death, physical damage or behavioural avoidance in marine mammals or fish.
- Indirect effects including effects on prey species through water quality

Operation and Maintenance

- Vessel movements associated with maintenance could result in disturbance/ displacement
- Electro magnetic fields (EMF) could impact on salmon
- Activities could give rise to pollution

Decommissioning

- Similar impacts as construction although impacts should be less than those associated with construction.

SNH advised that these impacts could be reduced through mitigation:

- Vessel management plan to minimise the risk of injury and disturbance to seals and cetaceans

- Soft start procedures for piling
- Use of marine mammal observers and Passive Acoustic Monitoring (PAM) prior to piling commencing
- restriction to percussive piling to avoid the months of July and August, and to avoid periods of darkness in order to reduce impacts on salmon migration and to marine mammals. This mitigation does not apply to drilled piles and other non-piling construction activities.
- Pollution prevention measures
- Burying of cables to reduce EMF

Advice received from Marine Scotland Science has suggested that piling restrictions during July and August would not be necessary to ensure no adverse effect on site integrity and may actually lead to an increased impact on bottle nose dolphins as the most sensitive time for them is winter and early spring. Avoiding those times when the weather is more likely to be calm may actually extend the period of impact, thus making it worse. Therefore this restriction has not been included in the conditions in section 3d below.

Impacts during construction and decommissioning are short term. Aberdeen harbour is in close proximity to the proposed wind farm area (approximately 7km). Seals and cetaceans have been recorded at the mouth of the harbour and are therefore accustomed to frequent vessel movements, however they are still likely to take avoiding action at certain levels of activity.

SNH advised that noise from piling is likely to lead to a temporary displacement of bottlenose dolphins and seals during and possibly after the piling activity. The noise could also act as a barrier to movement north and south of the wind farm, due to the preference by bottlenose dolphins and harbour seals to remain in coastal waters. Any displacement or barrier effect should be short lived, with a piling event lasting for a maximum of 4-6 hours. There are also alternative foraging areas available either side of the development area.

Adult salmon returning to their natal river are likely to take avoidance action during piling events, thus delaying entry into the natal river, however this can be mitigated against by diurnal restrictions preventing piling at night.

Soft start piling, and the use of marine mammal observers and PAM will reduce any physical impacts on dolphins, seals and salmon.

Disturbance and/ or displacement of seals and bottlenose dolphins during operation from vessel movements and activities associated with operation and maintenance are likely to be of lower intensity than during construction and mitigation detailed above will help minimise any impacts.

Pollution prevention measures will minimise the risk of polluting substances being released into the water.

The effects of EMF can be reduced by burying cables, this would minimise any impact on salmon migration.

SNH concluded that for the various SAC interests (bottlenose dolphins, grey seal, Atlantic salmon and freshwater pearl mussel that no adverse effects on site integrity will occur so long as conditions are attached to the consent to minimise impacts. These conditions are detailed in section 3d below.

In-Combination Effects

The key consideration for this part of the assessment is the anticipated brief duration of the most significant effects (i.e. construction noise) and the very small magnitude of the operational effects (e.g. vessel disturbance). It is recognised that the potential exists for an in-combination impact with a number of developments in the Moray Firth and Firth of Forth areas, particularly offshore wind

farm proposals:

- Bottlenose dolphins from the Moray Firth SAC also occur in the Tay and Firth of Forth area and therefore must at least transit through the development area
- Grey seals from the Isle of May SAC and the Berwick and Northumberland Coast SAC are likely to occur in areas of other potential offshore renewable projects, particularly in the Firth of Forth
- Atlantic salmon from the River Dee SAC and River South Esk SAC may also occur in either the Moray Firth or Firth of Forth.

No simultaneous cumulative effects have been identified in-combination with other licensed projects. In the event that other projects propose construction at the same time as this project their in-combination effects will be considered in the relevant appropriate assessment undertaken to inform licensing decisions for those projects.

The Licensing Authority agree with conclusions reached by SNH that in light of the SAC interests (bottlenose dolphins, grey seal, Atlantic salmon and freshwater pearl mussel) that no adverse effects on site integrity will occur so long as conditions are attached to the consent to minimise impacts.

iii) In the light of the assessment, ascertain whether the proposal will not adversely affect the integrity of the site for the European interests. Separate conclusions must be provided if the SAC and/or SPA and/or Ramsar site. If conditions required, proceed to 3d.

In light of the assessment, The Licensing Authority ascertains that the installation, operation and decommissioning of Aberdeen Offshore Wind Farm will not adversely affect the integrity of the Moray Firth, River Dee, River South Esk, Isle of May or Berwickshire and Northumberland Coast SACs as long as the conditions detailed in section 3d are complied with.

SPA Appraisal

This assessment draws together the key conclusions reached as part of the iterative process and where necessary refers to the relevant correspondence.

During the consultation phase SNH advised in their 1st appraisal (2nd November 2011) that the ES did not contain sufficient information to make a robust enough assessment to demonstrate that there would be no adverse effect on site integrity. SNH recommended that further work be undertaken in order to inform the Appropriate Assessment.

SNH recommended further work on:

Red-throated diver
Common scoter
Common eider
Northern gannet
Black-legged kittiwake
Common guillemot
Razorbill
Sandwich tern

Common tern
Herring gull
Puffin
Pink-footed goose
Barnacle goose
Fulmar
Shag

Following the submission of the addendum SNH advised (on 3rd October 2012) that the Aberdeen Bay Offshore Wind Farm has the potential to impact seabirds in the area directly through death from collision or indirectly through a loss of fitness by disturbing and displacing birds from an important feeding and moulting area, or by acting as a barrier. SNH concluded the following:

Displacement

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

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

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

Barrier

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

The Licensing Authority agree with this therefore only collision risk is considered further. The methodology used for collision risk modelling in the addendum was approved by SNH. As the final turbine dimensions are not known yet the approach was to model the turbine option that gives the highest predicted collision rate. The avoidance rate used in the collision risk modelling was 98% and 99% for geese.

Further work presented in the addendum concluded that there would be no adverse effect on:

Red-throated diver – low risk of collision, low flight heights and low numbers in wind farm area.

Common scoter – modelling predicted up to 1 collision per year (taken from bird chapter, missing from HRA)

Common eider - low risk of collision less than 1 bird per year), low flight heights and low numbers in wind farm area

Northern Gannet – Modelling predicted up to 17 collisions per year, most gannets at wind farm site likely to come from the closest colony (Troup, Pennan and Lion's Head SPA), however gannet is not a qualifying species of this SPA.

Common guillemot – low risk of collision (less than 3 birds per year), low flight heights.

Razorbill - very low risk of collision, (less than 1 bird per year), low connectivity, low flight heights.

Puffin - very low risk of collision, low flight heights.

Pink-footed goose – modelling predicted 4 collisions per year.

Barnacle goose - modelling predicted 9 collisions per year.

Fulmar – low risk of collision, low flight heights (up to 7 birds per year)(taken from bird chapter)

The Licensing Authority agree with the conclusions reached in the addendum that there will be no adverse effect on site integrity for the above species for the SPAs listed in table 1c.

For the 5 species: common tern, herring gull, shag, black-legged kittiwake and sandwich tern which SNH had most concerns about in their first appraisal, further information was supplied by the applicant in the addendum. SNH also conducted their own assessment using the latest version of the collision model (SOSS, Band 2012). The collision rates were in line with those reported in the addendum.

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

Shag – collision mortality calculated at less than one bird per year.

Common tern – collision mortality calculated at 1 bird per year for the current population, or 5 birds per year for a recovered population (see SNH appraisal 3rd October 2012 for full explanation).

Sandwich tern – SNH agreed with the addendum assessment that this species was uncommon across the development site and not considered to be at risk from collision.

Herring gull – the revised Rochdale envelope parameters presented in the addendum give a significantly lower rate of predicted mortality. The total breeding season mortality of 11 birds is apportioned to Aberdeen City non-SPA colonies (8 birds), Buchan Ness to Collieston Coast SPA (2 birds), Fowlsheugh SPA (1 bird) and Troup, Pennan and Lion's Head SPA (<1 bird). SNH were content with how these collisions were apportioned between the SPAs.

SNH concluded that there would be no adverse effect on site integrity for all species and all SPAs. The Licensing Authority agree with this conclusion.

In-combination Effects

Based on the known foraging ranges of breeding seabirds occurring in the proposed Aberdeen Bay Wind Farm site (Thaxter et al. 2012) it was identified in addendum that there was potential for in-combination effects with the following:

- Beatrice Demonstrator Project (operational)
- Beatrice Offshore Wind Farm (proposed)
- Moray firth Offshore Wind Farm (proposed)
- Inch Cape Offshore Wind Farm (proposed)
- Firth of Forth Offshore Wind Farm (proposed)
- Neart na Gaoithe Offshore Wind Farm (proposed)

The applicant carried out an assessment of the potential in-combination effects where data was available for these proposals (see pages 61 – 99 of addendum). Based on the information available The Licensing Authority agree with the conclusions reached by the applicant that the impacts predicted by the Aberdeen Bay Win Farm will make only a very small contribution to the in-combination effects.

iii) In the light of the assessment, ascertain whether the proposal will not adversely affect the integrity of the site for the European interests. Separate conclusions must be provided if the SAC and/or SPA and/or Ramsar site. If conditions required, proceed to 3d.

In light of the assessment, The Licensing Authority ascertains that the installation, operation and decommissioning of Aberdeen Offshore Wind Farm will not adversely affect the integrity of the SPAs listed in table 1a.

3d. Conditions required.

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

<u>Condition</u>	<u>Reason</u>
<p><u>Construction Method Statement</u></p> <p>A construction method statement must be provided to The Licensing Authority 3 months prior to construction for agreement with relevant consultees. This should provide details on the following:</p> <p><i>1. General Construction</i></p> <p>This should include details of commencement dates, duration and phasing information of key elements of construction e.g. foundations, turbine placements, inter-array cabling and landfall cabling as well as details of onshore activities for the substation. This statement should include measures to protect the marine environment (e.g. method and diurnal timing of piling, soft-start procedure, use of Marine Mammal Observers, Passive Acoustic Monitoring, method and depth of cable laying, pollution prevention measures etc) and be cross referenced with the Project Environmental Monitoring Programme. It must include piling restrictions out with daylight hours.</p> <p><i>2. Vessel Management</i></p> <p>Vessel details will be required prior to the Marine Licence being issued.</p> <p><i>3. Export Cables</i></p> <p>Details of the location and construction methods for the grid export cables, landfall site and substation, taking into account coastal processes and other environmental considerations</p> <p>The export cables to be buried to a minimum depth to be agreed with The Licensing Authority and relevant consultees.</p> <p><u>Project Environmental Monitoring Programme</u></p> <p>A Project Environmental Monitoring Programme should be provided to The Licensing Authority 3 months prior to construction for agreement with relevant consultees. This plan should detail measures through all phases of the windfarm (pre, during and post construction) to prevent adverse impacts to marine mammals, birds, fish and habitats, and include species protection plans.</p> <p>The plan should also detail how each and all contractors and sub contractors will be made aware of environmental sensitivities, what requirements they are expected to adhere to, how chains of command will work</p>	<p>To ensure all environmental issues are taken into account in designing the construction of the windfarm</p> <p>To minimise disturbance and injury to marine mammals and fish, including Atlantic salmon (SACs/EPS).</p> <p>To safeguard coastal processes in the wider Aberdeen Bay. To ensure all environmental issues are considered in the location and construction of the export cables.</p> <p>To lessen potential EMF effects on salmon.</p> <p>To ensure all environmental issues are taken into account during construction and operation of the windfarm. To minimise disturbance to marine mammals (SACs/EPS) and birds (SPAs).</p>

<p>including shore to vessel communications etc. In addition, we advise on the need for regular updates on construction activity, issues encountered and how these have been addressed.</p> <p>There should be monitoring of the cables to see if they become re-exposed and, if so, action taken to remedy this.</p> <p><u>A Decommissioning Plan.</u></p> <p>A decommissioning plan will be required for the entire scheme. We recommend that this is an iterative process and that an initial decommissioning strategy is produced. Timescale for the production, consultation and implementation of a decommissioning plan will be captured in the section 36 consent conditions.</p> <p>In addition to decommissioning the entire scheme, details of decommissioning / replacing individual turbines should be set out taking into account criteria developed with The Licensing Authority on if / when individual turbines should be removed.</p>	<p>To lessen potential EMF effects on salmon.</p> <p>To ensure all environmental issues are taken into account in decommissioning of the wind farm or individual turbines</p>
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4. RESPONSE

a) The Licensing Authority Comments

For The Licensing Authority advice to other authorities:

Will not adversely affect integrity of the protected sites listed in 1a.

For The Licensing Authority response to request for opinion on effects of permitted development:

Will not adversely affect integrity of the protected sites detailed in 1a.

For The Licensing Authority response to application:

Licence process will continue with conditions

Name of assessor	Finlay Bennet – EIA/HRA Specialist
Date	16/01/2013
Name of approver	Gayle Holland – EIA/HRA Compliance manager
Date	26/02/2013

ANNEX F – CONSULTATION ANALYSIS

European Offshore Wind Deployment Centre

Environmental Statement and Addendum

Consultation Analysis Report

Marine Scotland

December 2012

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Figure 4.1 Breakdown of Overall Support and Opposition in Responses

Figure 4.2 Frequency of Key Issues Raised in Responses

Figure 4.3 Views on landscape and Visual Effects

Figure 5.1 Distribution of Respondents to the Consultation for the Addendum

Figure 6.2 Frequency of Key Issues Raised in Responses for the Consultation of the Addendum

Figure 7.1 Summary of Issues Raised in the Consultations

1. EXECUTIVE SUMMARY

- 1.1.1 An application for consent for the European Offshore Wind Deployment Centre (EOWDC) was submitted by Aberdeen Offshore Wind Farm Ltd. (AOWFL) to Marine Scotland in August 2011. The proposal consisted of 11 wind turbines and their connecting cables, sited between 2 and 4.5km off the Aberdeenshire coast.
- 1.1.2 An Addendum to the Environmental Statement was prepared by AOWFL and submitted to Marine Scotland in August 2012. It included a number of revisions to the original proposal relating to the maximum height of the turbines, tip height of the front (landward) turbines, and placement of the larger turbines in the seaward rows. The Addendum also presented supplemental information on marine mammal survey analyses, additional bird assessment and photomontages created to consider a number of additional view points.
- 1.1.3 A two-stage formal public consultation process was undertaken. The first, related to the Marine Licence application (the Application) and Environmental Statement and was conducted in August 2011, and the second related to the submission of additional information in the Addendum in August 2012. This report presents the findings of the analysis for these two consultations.

Consultation on the Application and Environmental Statement

- 1.1.4 The first consultation generated 583 valid responses in total, comprising mainly responses from individuals, with smaller proportions from businesses and organisations.
- 1.1.5 In all, 131 respondents objected to the development, 430 respondents supported the development, and the remainder did not provide a definitive view, mainly on the basis of the need for further information or the securing a range of stated conditions.
- 1.1.6 The content of responses varied markedly, with some providing short statements of support or objection, and others providing detailed responses with comments or recommendations on specific issues.
- 1.1.7 A substantial number of responses objecting to the development appeared to emerge from a campaign supported by businesses and organisations with an interest in the golf, tourism and leisure sector. Similarly, many responses supporting the development may also have originated from a campaign. However, it is noted that neither could be fully verified given the way in which many of these statements were presented.
- 1.1.8 Many views for and against the development related to its economic impact, renewable energy and the offshore wind sector overall. Beyond these largely general views, the key reasons for opposition related to visual impacts and associated impacts on tourism and recreation. There was strong opposition to the development by the tourism and leisure sector, particularly those with interests in golf tourism in the North East.

- 1.1.9 The key reasons for supporting the development included general support for wind farm and renewables development, although many of these responses appeared to reflect opposition to the Menie Estate development.
- 1.1.10 Detailed responses were provided by a number of environmental organisations and representatives of other maritime users that raised a range of key environmental challenges that they felt required further consideration. These broadly included the mitigation of aviation, radar, shipping and navigation impacts associated with the development, a need for further analysis of impacts on biodiversity (i.e. European protected sites and species, birds and marine mammals), and impacts of the terrestrial aspects of the development.
- 1.1.11 A number of detailed responses were submitted by environmental organisations that limited their responses to reviewing the Application and Environmental Statement rather offering support or objection to the proposal. These responses largely focused on environmental topics and discussed the assessment work undertaken on ornithology, marine fauna and coastal processes. The key issues raised included requests for additional detail on the modelling undertaken, uncertainty in potential impacts on birds and marine fauna, and monitoring.

Consultation on the Addendum

- 1.1.12 The consultation on the Addendum generated 41 responses in total, comprising mainly responses from organisations, with smaller proportions from individuals and businesses.
- 1.1.13 Overall views of support or objection were less apparent in these responses than in the previous consultation, with most submitting either neutral or conditional responses. Some reiterated views on issues previously raised while others made recommendations for addressing these issues.
- 1.1.14 One respondent stated their support for the proposed development, and 15 respondents stated their objection. However, 11 of these objections were submitted by individuals in the form of campaign responses, with a further two from individuals and two from businesses associated with the golf and leisure sector.
- 1.1.15 The respondents largely discussed similar issues to those raised in the previous consultation on the Application and Environmental Statement, with views largely centred on visual and tourism impacts, communications and transport (i.e. radar and shipping) and environmental issues (i.e. biodiversity, impacts on birds and marine mammals).
- 1.1.16 Many respondents indicated that progress had been made in resolving a number of issues raised in the previous consultation, particularly relating to the mitigation of radar impacts and navigation. Some commented that the Addendum contained sufficient additional information to alleviate other stated concerns raised in the consultation for the Application and Environmental Statement, particularly those related to biodiversity (i.e. bird collisions).

- 1.1.17 However, concerns over visual impacts of the proposed development, and mitigation of impacts on marine mammals, particularly during the construction stages, were reiterated by some respondents. The development of a range of construction and management plans was discussed by several respondents.
- 1.1.18 Some respondents (i.e. MoD, NATS, and RSPB) stated their willingness to withdraw previous objections to the proposed development, provided that certain stated conditions were met.
- 1.1.19 Other respondents raised concerns or recommendations in their responses that they felt should be addressed. These recommendations included the development and agreement of a range of management plans for the construction, operation and decommissioning of the development; agreement over a radar mitigation scheme prior to commencement of the development; provision of greater emphasis on monitoring of environmental factors; establishment of an expert monitoring panel and agreement on a detailed monitoring programme; and the implementation of additional mitigation above that currently proposed (i.e. above soft-start).

2. INTRODUCTION

Summary

- *This section introduces the report and explains the context within which it has been prepared.*
- *An overview of the consultation process is provided, and the method used to analyse the consultation, including reference to the relevant guidance, is summarised.*

2.1 Background

- 2.1.1 An application for consent for the European Offshore Wind Deployment Centre (EOWDC) was submitted by Aberdeen Offshore Wind Farm Ltd. (AOWFL) to Marine Scotland in August 2011. The proposal consisted of 11 wind turbines and their connecting cables, sited between 2 and 4.5km off the Aberdeenshire coast. A formal public consultation was opened in August 2011 for the proposal and its Environmental Statement (the Application).
- 2.1.2 An Addendum to the EOWDC application (the Addendum) was prepared by AOWFL and submitted to Marine Scotland in August 2012. The Addendum was submitted as part of the marine consents application process and contained supplemental information to the Environmental Statement, including revisions to the original proposal to increase the maximum height of the turbines by up to 3.5m, reduction in the maximum tip height of the front (landward) row turbines from 180.5m to 195m, and placement of the larger turbines in the seaward rows. The Addendum included supplemental marine mammal survey analyses, additional bird assessment considering the larger turbines and slower moving rotors proposed, and photomontages created to consider a number of additional view points. The Addendum was submitted to Marine Scotland and opened for formal public consultation.

2.2 Consultations

- 2.2.1 In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 and its 2008 amendment, and the Marine Works (EIA) Regulations 2007 (as amended), the application and its Environmental Statement and Addendum were advertised publicly. The application and Environmental Statement were advertised in the Edinburgh Gazette, Press and Journal and the Scotsman on 5 and 12 August 2011, the Buchan Observer on 9 and 16 August 2011, and in the Ellon Times on 11 and 18 August 2011. Respondents to the consultation were initially asked to submit responses no later than 16 September 2011, identifying the proposal and specifying grounds for objection or support.
- 2.2.2 Five public consultation events were undertaken for the Application submission. These events were held at Palace Hotel, Peterhead (29 August 2011); Udney Arms, Newburgh (30 August 2011); Kirk Centre, Ellon

(31 August 2011); Whitehorse Inn, Balmedie (1 September 2011); and Doubletree Hilton, Aberdeen (2 September 2011). Additional public notices were placed by the applicant in the Edinburgh Gazette and Buchan Observer on 26 June 2012 and 3 July 2012, and in the Ellon Times on 28 June 2012 and 5 July 2012 in accordance with the 2008 amended Regulations to provide notification that Scottish Ministers had received responses from the statutory respondents.

- 2.2.3 The Addendum was advertised publicly in the Edinburgh Gazette, Press and Journal, the Scotsman and the Buchan Observer on 7 and 14 August 2012, and in the Ellon Times on 9 and 16 August 2011. Respondents to this consultation were asked to submit responses no later than 20 September 2012, identifying the addendum to the proposal and specifying grounds for objection or support.
- 2.2.4 Respondents to both consultations were asked to clearly state their name and address, and date when making responses. Analysis of the responses received from both consultations was undertaken, and this report sets out the findings of this analysis.

2.3 Distribution and Availability

- 2.3.1 The Application, Environmental Statement and Addendum were made available online¹ and at free of charge at key locations including Vattenfall Wind Power Ltd, Edinburgh, Balmedie Library, Aberdeen Central Library, Peterhead Library, Ellon Library, Bridge of Don Library, and the Scottish Government, Victoria Quay Edinburgh. Copies of both sets of documents were also made available in hard copy or on CD from the developer at a cost, on request.

Application and Environmental Statement

- 2.3.2 The Application, Environmental Statement and Addendum were distributed directly to the respondents listed in Table 2.1.

¹ <http://www.vattenfall.co.uk/en/aberdeen-bay.htm>

Table 2.1: Distribution List for the Consultations on the Application/Environmental Statement and the Addendum

Organisation	Consent Application Response Received in Consultation?	Addendum Response Received in Consultation?
Aberdeen City Council	Yes	Yes
Aberdeen Harbour	Yes	Yes
Aberdeenshire Council	Yes	Yes
Association of Salmon Fishery Boards (ASFB)	No	No
BAA Airports (Aberdeen Airport)	Yes	Yes
Blackdog, Milden, Eigie and Berryhill Salmon Fishings	Yes	Yes
British Telecom (BT) (Radio Network Protection Team)	Yes	Yes
Civil Aviation Authority (CAA)	Yes	Yes
Chamber of Shipping	Yes	Yes
Crown Estate	No	No
Defence Estates	Yes	Yes
East Grampian Coastal Partnership	No	Yes
Health and Safety Executive (HSE)	Yes	Yes
Historic Scotland	Yes	Yes
Inshore Fisheries Group	No	Yes
Joint Radio Company (JRC)	Yes	Yes
Maritime and Coastguard Agency (MCA)	Yes	Yes
Marine Safety Forum	No	No
Marine Scotland Science	Yes	Yes
NATS	Yes	Yes
Northern Lighthouse Board (NLB)	Yes	Yes
River Dee Trust & Dee District Salmon Fishery Board	Yes	No
River Don Trust	Yes	No
Royal Society for the Protection of Birds (RSPB)	Yes	Yes
Royal Yachting Association Scotland (RYA Scotland)	Yes	Yes
Scottish Canoe Association	No	No
Scottish Environment Protection Agency (SEPA)	Yes	Yes
Scottish Fisherman's Federation	No	No
Scottish Fisherman's Organisation	No	No
Scottish Natural Heritage (SNH)	Yes	Yes
Scottish Wildlife Trust	No	No
Surfers Against Sewage	No	No
Whale and Dolphin Conservation Society (WDACS)	Yes	Yes

2.4 Analysis Method

- 2.4.1 The consultation analysis has been undertaken following the Scottish Government's Good Practice Guidance². This guidance ensures that the responses to consultations undertaken by the Scottish Government are analysed objectively and accurately, and that the reporting of the findings from such consultations are accessible and transparent.
- 2.4.2 The guidance sets out a number of requirements specifically relating to publishing the findings of consultation analysis. These include using appropriate methods of analysis, combining qualitative discussion with quantitative assessment of views, and using methodologies to ensure that the full range of views submitted via the consultation process are properly recognised.
- 2.4.3 The consultation analysis for both the Application and Addendum has been undertaken by the Scottish Government's Environmental Assessment Team on behalf of Marine Scotland.

2.5 Report Structure

- 2.5.1 This report is structured as follows:
- Section 2 presents background information on the Consent Application, the Environmental Statement and the Addendum; and introduces the two-stage consultation process.
 - Section 3 provides an overview of the responses received in the consultation on the Application and Environmental Statement.
 - Section 4 sets out the key findings from the consultation process on the Application and Environmental Statement.
 - Section 5 provides an overview of the responses received in the consultation on the Addendum to the Environmental Statement.
 - Section 6 sets out the key findings from the consultation process on the Addendum to the Environmental Statement.
 - Section 7 outlines the conclusions to the two consultations, and details the next steps for the consenting process.

2.6 Consultation Analysis Report Distribution and Availability

- 2.6.1 Whilst this report is not a statutory requirement, in line with best practice, this analysis is being made available to ensure that the decision making process is undertaken in a transparent way. This report can be viewed on the Scottish Government Marine Licensing website³. Section 7.2 provides details on how respondents can comment on the findings set out in this report.

² Scottish Government's Good Practice Guidance [online] Available at: <http://www.scotland.gov.uk/Resource/Doc/160377/0079069.pdf>

³ Scottish Government, Marine Licensing – Current Projects: <http://www.scotland.gov.uk/Topics/marine/Licensing/marine/scoping>

3. APPLICATION AND ENVIRONMENTAL STATEMENT – OVERVIEW OF CONSULTATION RESPONSES

Summary

- *This Section provides an overview of the responses to the consultation.*
- *The consultation generated 635 responses in total comprising 583 valid responses and 62 from respondents that did not satisfy the requirements of the Public Notice Statement or submitted more than one response.*
- *Most of the responses were from individuals, with smaller proportions from businesses and organisations.*
- *Organisations responding represented a range of sectors, including business, energy, other marine users and environmental interests.*
- *Businesses responding including a number with an interest in golf, as well as several from the tourism and leisure sector, and others with interests in energy including renewables, oil and gas.*
- *While 42% of respondents declined to provide address details in their responses, over half of those that did were from the local area and the North East, a quarter from other parts of Scotland, and smaller proportions from the rest of the UK and further afield.*

3.1 Number of Responses

- 3.1.1 A total of 635 responses were received to the consultation on the Application and Environmental Statement.
- 3.1.2 The Public Notice Statement for the consultation issued in August 2011 specified that all responses should state the relevant project that it addresses (i.e. EOWDC), state either support or objection to the relevant project, and contain the name and contact details of the respondent. While all responses were read and considered in the consultation analysis process, a total of 583 responses were received that met the stated requirements. The remaining 62 responses were not included in the quantitative analysis of the consultation as they did not meet these stated requirements. This also included a number of instances where respondents had submitted more than one representation to the consultation. In such cases, the comments in the additional responses were read and considered, but the additional responses were not recorded in the quantitative analysis.
- 3.1.3 In all, 583 valid responses were received to the consultation on the Application and Environmental Statement. The respondents comprised:
- 528 individuals.
 - 30 organisations.

- 23 businesses.
- One Member of Parliament and one Member of the Scottish Parliament, each forwarding the views of a constituent.

3.2 Sectoral Distribution of Responses

3.2.1 The following 30 organisations responded in the consultation on the Application and Environmental Statement, including 22 organisations listed as respondents in Table 2.1:

- Aberdeen and Grampian Chamber of Commerce.
- Aberdeen City and Shire Economic Future.
- Aberdeen City Council.
- Aberdeenshire Council.
- Aberdeen Harbour.
- BAA Airports Ltd.
- British Telecom (BT).
- Chamber of Shipping.
- Civil Aviation Authority (CAA).
- Dee District Salmon Fishery Board.
- Denny & Dunipace Development Group.
- Don District Salmon Fishery Board.
- Health and Safety Executive (HSE).
- Historic Scotland.
- Joint Radio Company Ltd (JRC).
- Maritime and Coastguard Agency (MCA).
- Marine Scotland Science (MSS).
- Ministry of Defence Estates (MoD Estates).
- National Air Traffic Services (NATS) / NERL.
- Northern Lighthouse Board (NLB).
- Royal Society for the Protection of Birds (RSPB).
- Royal Yachting Association Scotland (RYA Scotland).
- Save Cash and Reduce Fuel (SCARF).
- Scottish Council for Development and Industry (SCDI).
- Scottish Government – Ports and Harbours.
- Scottish Environment Protection Agency (SEPA).
- Scottish Natural Heritage (SNH).

- Transport Scotland.
- Whale and Dolphin Conservation Society (WCDS).
- Ythan District Salmon Fishery Board.

3.2.2 These responses included representations from the business development sector, two local authorities, other Government bodies, and organisations with interest in shipping and ports, aviation, communications, defence, fisheries, recreation, renewables, and the environmental and transport sectors.

3.2.3 Of the 23 businesses that responded, 14 were businesses that for the purposes of this case, had primary interests in the golf and leisure sector, two in the oil and gas industry, one in the renewables sector, and six were considered to be miscellaneous. For the purposes of this review, golf clubs have been classed as businesses, but they could alternatively be viewed as organisations. It should also be noted that a small number of these respondents had a direct or potential involvement in the project. The business respondents included:

- Absolutely Golf.
- Amec.
- Balmoral Group Holdings Ltd.
- Buchanness Island Ltd.
- Divex.
- Douglas Robertson Photography.
- Dril-Quip.
- Golfers (Scotland) Ltd.
- Helma Scheffler Public Relations.
- Marcliffe Hotel.
- Malmaison Aberdeen.
- Murcar links Golf Club.
- Newburgh on Ythan Golf Links.
- Uniconn.
- Royal Aberdeen Golf Club.
- Safetynet.
- Scottish European Green Energy Centre.
- Scottish Golf Trails.
- Taylormade Adidas Golf.
- The Flower Room.
- The International Golfing Experience Register.

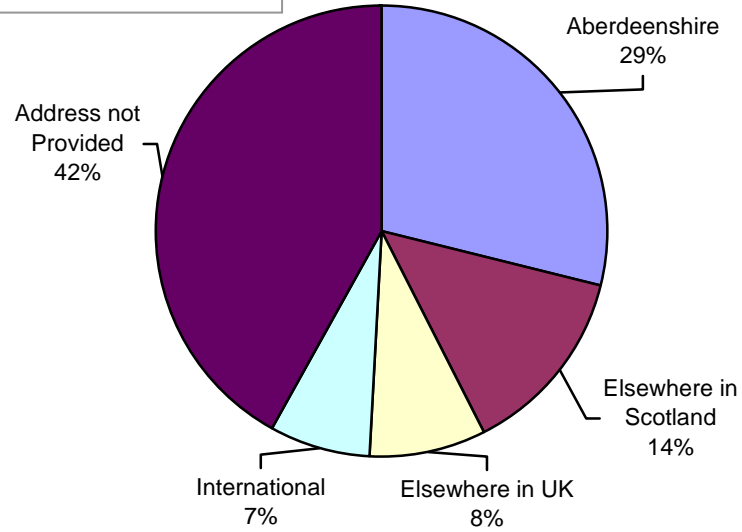
- The Trump National Golf Club.
- The Trump Organization.

3.3 Geographic Distribution of Respondents

- 3.3.1 Some 244 respondents (42%) to the consultation declined to provide details of their address in their responses. Of those who did include this information, around half indicated they were from Aberdeenshire (168 respondents), nearly a quarter from elsewhere in Scotland (80 respondents), 14% from elsewhere in the UK (49 respondents) and 12% from overseas (42 respondents). The full distribution is shown in Figure 2.1.
- 3.3.2 There was a distinct local prominence in respondents objecting to the proposed development. Excluding respondents who did not provide addresses, over 80% of those that objected stated that they were from Aberdeenshire (71 responses). Smaller proportions of respondents indicated they lived elsewhere, with around 8% indicating they were from overseas (7 responses), around 7% from elsewhere in Scotland (6 respondents) and some 5% from elsewhere in the UK (4 responses).
- 3.3.3 In terms of those who expressed support for the proposal, the distribution of respondents was far less pronounced. Excluding those who declined to provide an address in their response, around 39% of respondents were from Aberdeenshire (89 responses), around 30% from elsewhere in Scotland (68 responses), around 17% from elsewhere in the UK (39 responses) and around 15% from overseas (35 responses).

Figure 3.1: Distribution of Respondents to the Consultation for the Application and Environmental Statement

Aberdeenshire	168 responses
Other Scotland	80 responses
Other UK	49 responses
International	42 responses
Not Provided	244 responses



4. ENVIRONMENTAL STATEMENT – CONSULTATION ANALYSIS

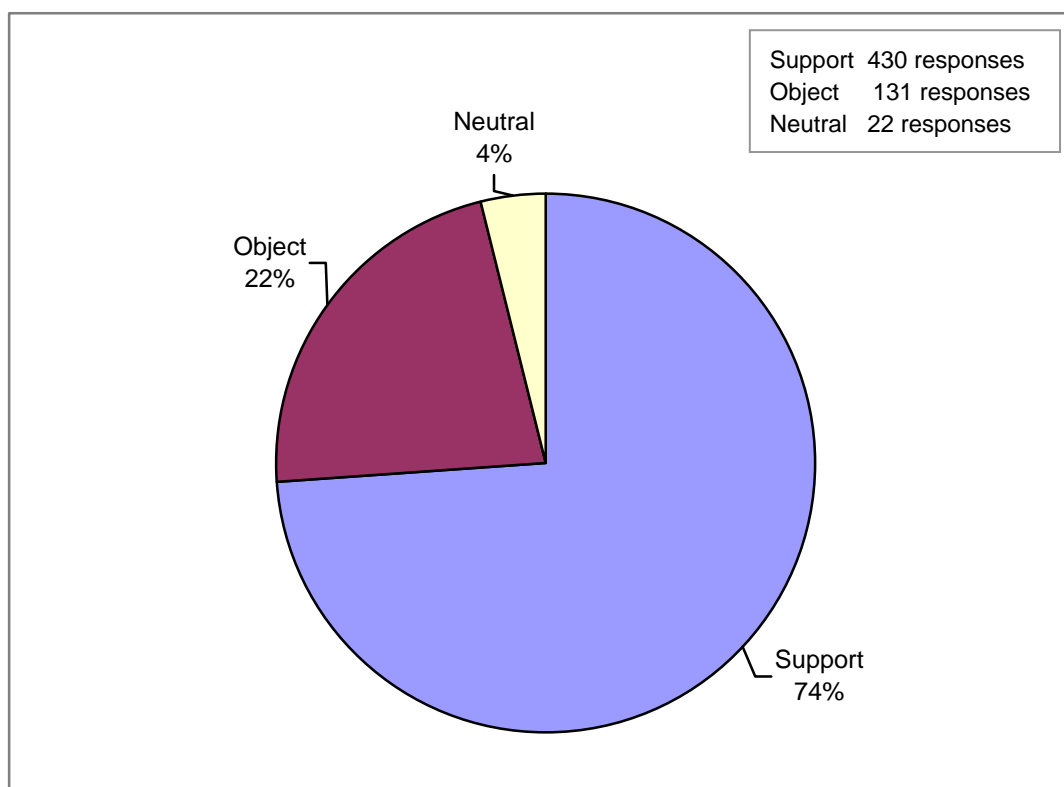
Summary

- *This Section sets out a summary of the key issues raised by respondents in the consultation on the Application and Environmental Statement.*
- *A total of 131 objections, and 430 statements of support were received. The remaining respondents neither supported nor opposed the development.*
- *Some responses are thought to have been generated from campaigns relating to the development.*
- *Key issues raised by respondents related to: economic development and renewables, visual impacts, impacts on tourism and recreation, transport and communications, biodiversity, communities, population and health, cultural heritage, and water and pollution.*
- *Many responses took the form of general comments in support of, or opposing the development on the basis of its economic impact.*
- *Visual impacts (and associated consequences for tourism and recreation) were the second most frequently raised reason for objecting to the development, but views on this issue were mixed.*
- *A smaller number of views were raised in relation to other issues, and these tended to be more detailed and technical in character.*

4.1 Overall support and opposition

- 4.1.1 Of the 583 valid responses considered in the quantitative analysis, there were 430 respondents stating their support for the proposed development, 131 stating objections to the proposed development, and a further 22 respondents submitting neutral responses or declining to comment on the proposal. Some of the responses declaring support or objecting to the proposal were in the form of campaign responses, while many of the neutral responses were made on the basis that the respondents felt that additional information or assessment was needed to establish a more definitive view on the development proposal.
- 4.1.2 The breakdown of responses is illustrated in Figure 4.1.

Figure 4.1: Breakdown of Overall Support and Opposition in Responses



- 4.1.3 Some responses to the consultation took the form of campaign responses, comprising supporting or objecting views on the development. The number of these campaign responses opposing the development has been estimated to be around a quarter of the 131 objections originating largely from the tourism and leisure sector. Similarly, it is estimated that under a fifth of the 430 statements of support for the proposal may be campaign responses. It was noted that a portion of the responses supporting the development provided no reason for this, other than opposition to the views of the developers of the Menie Estate.
- 4.1.4 However, definitive numbers of campaign responses cannot be provided for these responses as the form in which they presented varied between respondents. Given that the actual numbers for these responses could not be accurately defined, and as many had been tailored by some respondents, all responses received in this consultation have been treated on an equal basis as individual responses in accordance with the Scottish Government's Good Practice Guidance⁴.
- 4.1.5 Further comments on interpretation of the findings of the analysis in light of this situation are provided in the following sections of this report.

⁴ Scottish Government's Good Practice Guidance [online] Available at: <http://www.scotland.gov.uk/Resource/Doc/160377/0079069.pdf>

4.2 Objections to the Development

- 4.2.1 Of the 30 organisations that responded to the consultation, just five organisations stated their objection to the proposal whilst a further five stated their support. However, these objections were largely conditional, with many organisations (20) maintaining a neutral stance on the proposal as explained including those listed below:
- Scottish Natural Heritage (SNH) made a provisional objection, subject to key biodiversity issues, including data, analysis and further assessment of impacts on protected sites and species, being resolved.
 - RSPB also registered an objection on the basis of impact on birds, assessment methods and data.
 - The Civil Aviation Authority objected on the basis of lighting proposals.
 - BAA objected on the basis of aerospace safeguarding requirements.
 - Defence Estates objected on the basis of impacts on Air Defence Radar.
 - National Air Traffic Services (NATS) / NERL objected on the basis of radar interference.
- 4.2.2 The majority of responses from businesses (18) objected to the development, including all 14 respondents from the golf and leisure sectors. A total of 108 individuals objected to the development.
- 4.2.3 Of those who objected, visual impacts (111) were the most frequently noted reason, followed by impacts on tourism and recreation (102). In most cases, respondents noted both of these reasons and viewed them as closely related. Other reasons included economic, renewables and climate change views (19), other environmental impacts (15), and shipping, aviation and communications (16). Conflict with the proposed development of the Menie Estate was explicitly raised as a key reason for the objection by a number of respondents.

4.3 Support for the Development

- 4.3.1 Of the 30 organisations that responded to the consultation, five organisations supported the proposal. These included the Aberdeen and Grampian Chamber of Commerce, Aberdeen City and Shire Economic Future, Denny and Dunipace Development Group, Scottish Council for Development and Industry (SCDI), and Save Cash and Reduce Fuel (SCARF).
- 4.3.2 Of the 18 responses from businesses, five supported the development including one response received from the renewable energy sector and four from miscellaneous businesses.
- 4.3.3 The remainder of support for the proposed development was from individuals respondents (420). As noted in Section 4.1, around a fifth of

these views may have originated from a campaign in support of the development.

- 4.3.4 The most frequently given reason for supporting the development was support for renewable energy and/or economic growth (335). Some 70 respondents in support of the development noted the topic of visual impacts as a reason for supporting it. These comments included views that visual impacts would be positive, as well as disagreement with objectors to the project who contended that the development would have negative visual effects. This issue is explored in more detail later in this section.
- 4.3.5 Of all of the responses that supported the development, some 237 responses noted disagreement with objectors' views as a key reason for this view. As noted previously, some of these responses are thought to relate to a campaign.

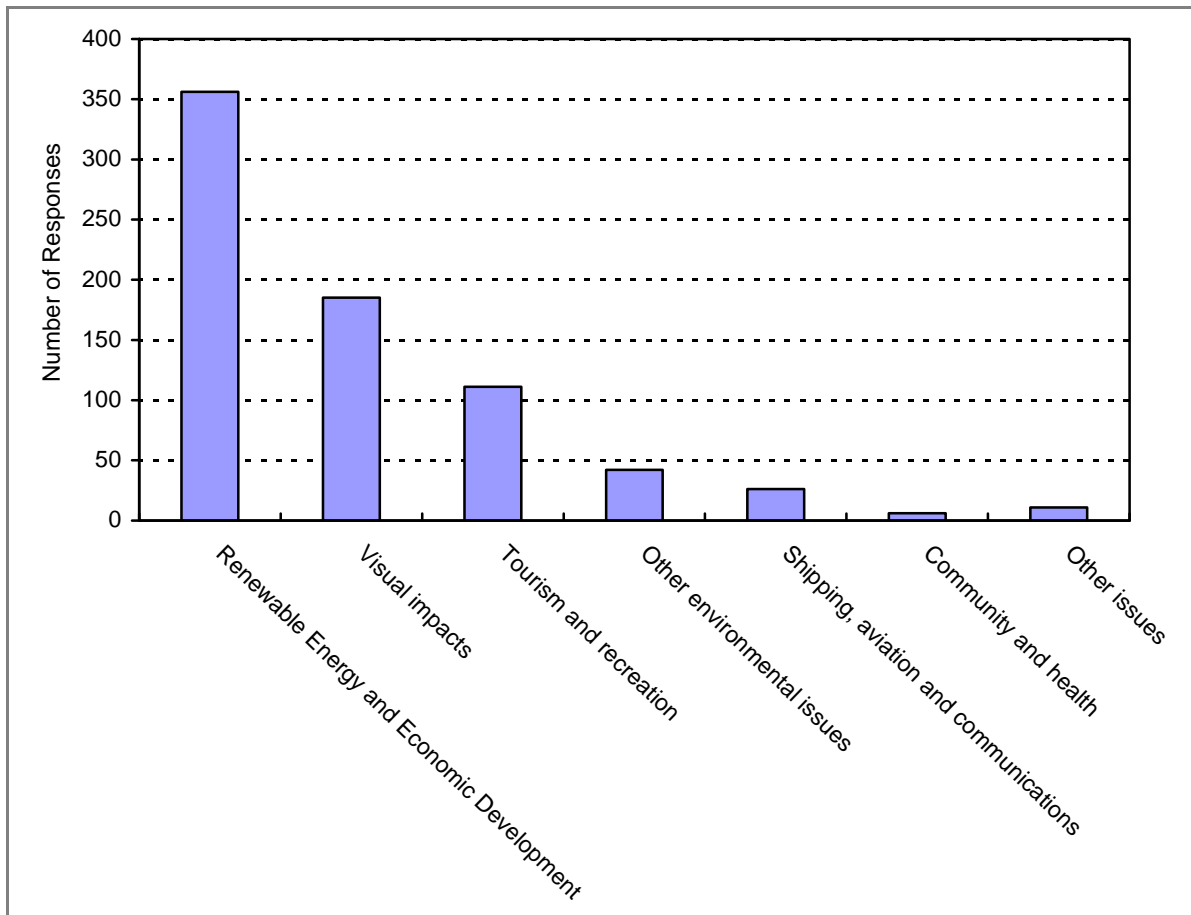
4.4 Neutral Responses

- 4.4.1 Several key respondents reserved their final view on the development proposal, stating neither support for, nor opposition to the application. Some 19 of the 30 organisations that responded stated that they had not reached a final position, and that their support for, or objection to the project would depend on the provision of further information and assessment, or specified conditions being met. These included Scottish Natural Heritage (SNH), Scottish Environment Protection Agency (SEPA), the Northern Lighthouse Board (NLB) and the Dee, Don and Ythan District Salmon Fishery Boards.
- 4.4.2 The other respondents did not comment on the basis that the proposal lay beyond their remit or interests, some simply commented that the development did not raise matters of concern, or elected to comment on the proposal documentation without stating a view of support or objection.

4.5 Analysis of Issues

- 4.5.1 The following sections of this report explore the key issues raised by respondents in the consultation undertaken for the Application and Environmental Statement. Figure 4.2 shows the frequency of issues raised by the respondents.

Figure 4.2: Frequency of Key Issues Raised in Responses



4.6 Issue 1: Renewable Energy and Economic Development

4.6.1 A total of 356 responses referred to issues under this heading. Within the topic, several key strands were identified, and are explored in the following section. Some respondents raised several specific issues together, whilst others focused on one particular aspect. The key sub-issues included:

- Economic development and employment
- Research and innovation
- Comments on the efficiency of renewable energy
- Views on the need to replace fossil fuels with renewable energy;

Economic and Employment Benefits for the North East

4.6.2 A total of 42 respondents felt that the development would provide specific economic benefits for the North East of Scotland, whilst 46 respondents felt the development was important for Scotland. Many of these also referred to other reasons explained below, such as the renewables sector generally and its role in replacing oil and gas.

- 4.6.3 Some 73 respondents referred specifically to the employment opportunities that they felt the development could generate. Many of these views linked with comments in relation to the need to evolve the oil and gas sector and the availability of skills within the North East. Some respondents noted that the development could generate skilled jobs and/or assist in developing the skills of those living in the area in this sector. Several felt that these jobs could be highly paid.
- 4.6.4 Several respondents referred to the Energetica Project and felt that the project could provide an opportunity to develop this further. Some noted that the renewables sector represented a global business opportunity. Several felt that investment in this location would present a message that Aberdeen and the North East was a centre for excellence in renewable energy, or an “energy hub”. Some felt that this would consolidate and refresh the established reputation of the North East of Scotland as an area for energy investment. One respondent noted that the development would complement investment in Aberdeen Harbour.
- 4.6.5 Some respondents countered more positive views by suggesting that the economic impact of the development on the North East’s tourism sector would be negative. This included views that the visual impacts of the development on visitors to the area would be negative, and concerns that the development could undermine the anticipated benefits of the investment in the Menie Estate Golf Development. This included a lengthy response from a respondent from the leisure and tourism sector who which strongly contended that the industrial character of the development was incompatible with investment in a leisure and tourism development. It also noted that there have been no other comparable cases of such a development being sited close to a championship links golf course.
- 4.6.6 In economic terms, the same respondent acknowledged that whilst the windfarm development is a commercial undertaking, it is of less significance than the investment in the Menie Estate development. As a result this respondent strongly opposed the development on the basis of its visual impacts, impact on tourism and incompatibility with neighbouring land uses. These issues are explored in more detail under “visual impacts” and “tourism and recreation” below.
- 4.6.7 Aberdeen City Council noted that the development has the potential to provide economic development opportunities, but expressed concern about the extent to which this had been assessed within the Environmental Impact Assessment (EIA) process, particularly in terms of employment creation. Nevertheless opportunities for diversifying the regional economy through renewable energy development, research and development and employment particularly during construction were viewed positively by the Council. It concluded that the application was therefore in line with national planning policy set out in the Scottish Planning Policy, the National Planning Framework 2 (NPF2), the overall Scottish Government objective of sustainable economic growth, and the sustainable development target of the Approved Structure Plan.

- 4.6.8 Aberdeen City and Shire Economic Future noted that the development would link with the development of skills in the sector and the Energetica Project.

Research and Innovation

- 4.6.9 Some 46 responses referred to the opportunity provided by the proposal for investment in research, development and innovation. As with the previous theme, all of these responses gave this as a reason for supporting the development. Respondents raising this theme included individuals, some businesses (from the renewable energy sector and miscellaneous businesses) and organisations including Aberdeen and Grampian Chamber of Commerce, Aberdeen City and Shire Economic Future and SCARF.
- 4.6.10 Within this theme, comments included those supporting the elements of the project that would allow for different technologies to be applied, several linking this with skills, talent and innovation. The Aberdeen and Grampian Chamber of Commerce noted that the development would provide a centre of excellence that explores the specific challenges for renewable energy development in the North Sea. SCARF stated:
- “It is my opinion that this new project will utilise the technical expertise of those involved in the partnership and create sustainable employment in the NE whilst at the same time providing opportunities to test reliability and capacity in real time offshore environment for both new and existing products. The North East of Scotland has been to the forefront of the North Sea Oil industry and has a reliable skills base along with education facilities and is therefore well placed to support such a facility.”
- 4.6.11 One of the respondents from the business sector had been involved in the bid for European funding to support the project, and was therefore keen to see it implemented to achieve its aims of research and development.
- 4.6.12 Some of these respondents felt that the research and innovation elements of the proposal would benefit not only Aberdeen and the North East, in terms of reputation and creation of opportunities for industry development, but would also benefit Scotland and beyond.

Comments on the efficiency of renewable energy

- 4.6.13 Some respondents commented on a range of issues relating to the efficiency of wind energy, and the financial implications of renewable energy more generally. These ranged from those who opposed the development, who were concerned, for example about the impact of renewables on consumer costs to supporters of the development who felt that the development could provide an opportunity to explore and improve the efficiency and cost effectiveness of wind energy generation.
- 4.6.14 Others raised concerns about the overall efficiency of wind energy, with some suggesting that other forms of generation including wave and tidal, had potential for more reliable generation. Some questioned the financial viability of such developments citing inefficiencies and cost as reasons for

their opposition. For example, one respondent stated their support for renewables in principle, but felt that the inefficiency and construction involved nullifies any “green savings” they may offer. In contrast, others who supported the development, viewed wind as a favourable option when compared with sources such as nuclear.

- 4.6.15 In terms of subsidies, some respondents linked this with potential changes to consumer markets, with one, for example being of the view that the renewables sector is dependent on UK consumer support.

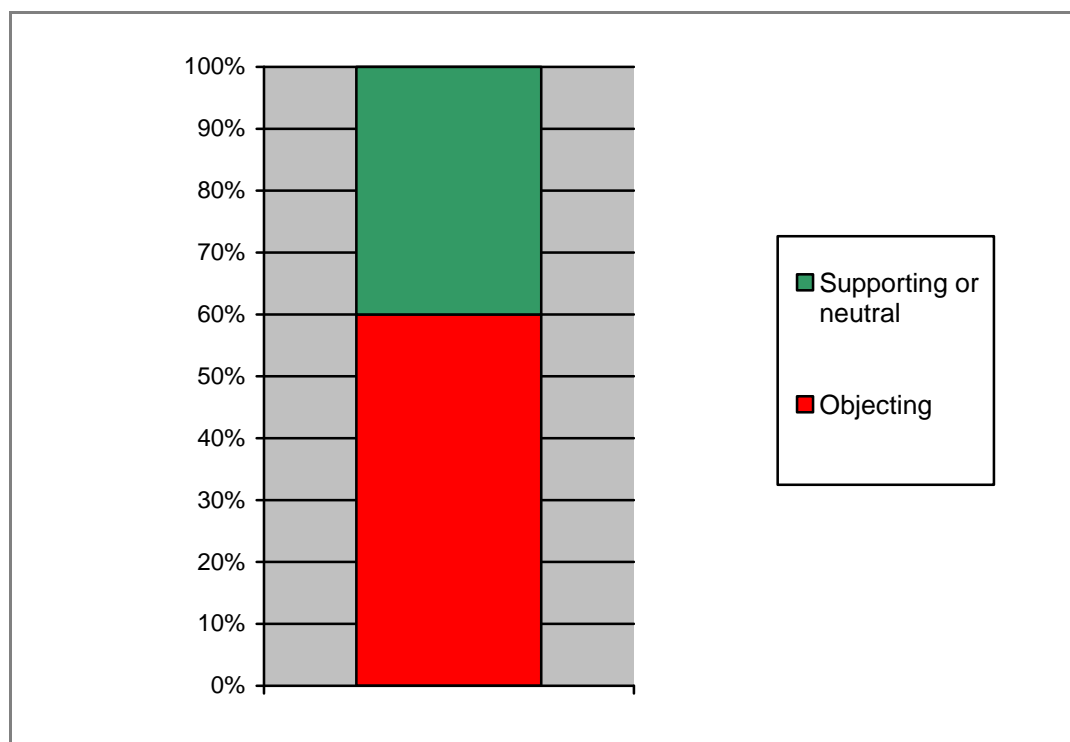
Replacing Fossil Fuels with Renewable Energy

- 4.6.16 Some 61 respondents referred to the need to replace the emphasis on the oil and gas sector in Aberdeen and the North East with investment in renewable energy. All of these respondents were expressing support for the proposed development. Most of these respondents were individuals, although a small number of businesses with interests in the renewable energy sector also raised this view.
- 4.6.17 Views on this issue varied, but included the general preference for renewable energy sources to replace fossil fuels over the long term for environmental reasons, as well as more economically driven views that the North East already has skills and expertise established in relation to the oil and gas sector that could evolve and transfer to support renewables including offshore wind. This included references to direct employment, and also views that the established engineering and support services in the North East would benefit. For example, several respondents felt that the existing industries and experience in Aberdeen and the North East could be used to support the proposed development.
- 4.6.18 Some of these responses also referred to the need for Scotland to establish long term energy security in the light of the finite nature of fossil fuels. Several respondents felt that Scotland’s wind and wave resources should be utilised, and as such, were in favour of renewable developments moving forward in general terms. Others noted that the project would provide scope for innovation and technical development of the renewable energy sector.

4.7 Issue 2: Visual and landscape impacts

- 4.7.1 A total of 185 responses referred to the visual impacts of the development. Landscape impacts were also commonly raised within these responses.
- 4.7.2 This is a complex, and partly subjective issue. More than any other issue raised in the consultation, perceptions of visual impacts divided the views of supporters and opponents to the development most markedly. Views were divided between supporters of the development and those respondents who did not express a clear view, of whom 74 commented on this issue, and those who opposed it, of whom 111 referred to this issue. This is illustrated in Figure 4.3.

Figure 4.3: Views on landscape and Visual Effects



Negative Visual and Landscape Effects

- 4.7.3 Visual impact was the most frequently raised reason for objecting to the development, and this issue correlated closely with associated views that these visual effects would negatively impact on tourism and recreation. Of those objecting to the development, people were most commonly of the view that the development would have a significant negative visual impact. Some respondents held strong views on this issue, for example, one respondent felt that “it will have a detrimental effect on the wonderful scenery we enjoy off the Aberdeen Coast and will become a blight on the landscape”.
- 4.7.4 While most respondents raising this topic referred briefly to visual impacts, either positive or negative, several respondents commented on the methods for assessing visual impacts of the development. Some commented that, in their view, the assessment was inadequate. For example, one respondent felt that there had been insufficient assessment of cumulative effects arising from offshore and onshore elements of the development. Some called for further visual impact assessment and questioned the work that had been undertaken within the EIA, including representativeness of the project visualisations and appropriateness of the viewpoints.
- 4.7.5 With regard to the viewpoints, Aberdeen City Council felt that those used did not necessarily represent a “worst case scenario” for the development, and advised that further work was required to address a number of shortcomings. The Council highlighted the following concerns:

- Some of the chosen viewpoints are of limited relevance and do not demonstrate a worst case scenario in terms of the potential visual impact of the development.
- One viewpoint is from a point within the city from which the coast is not visible.
- Other areas of the undeveloped coast from where the development would be visible have not been assessed including the coastal path within the city in the vicinity of Girdle Ness and Greg Ness.
- A viewpoint within the Forvie National Nature Reserve (NNR) is in a location where views of the coast are limited, despite the fact that the NNR contains areas of undeveloped coast where distant views along the coast are a significant component of its landscape quality and setting. As this area is an important area for recreation for Aberdeen's residents, further assessment was recommended.
- Further assessment of the impact of the development on the setting of key historic sites including Torry Battery and a listed lighthouse was also recommended.

- 4.7.6 A respondent from the tourism and leisure sector also raised concerns that the views from the golf course and resort development at Menie Estate had not been included as viewpoints in the landscape and visual impact assessment. As a result a photomontage was prepared, suggesting to the respondent that the impact would be similar to the impact shown in the Environmental Statement on Balmedie Beach, which had been concluded as major. The response also questioned whether visual impacts had been taken into account, given that changes had been made to the application which took into account the MoD firing range, shipping and helicopter routes. It also asked why they had not been consulted during the long process of preparing the proposal, given that environmental bodies and other stakeholders had been.
- 4.7.7 This response on visual impact also contended that the application lacked substantive detail, given its reliance on an indicative layout. Given the need for flexibility in turbine size and layout as a result of the research role of the development, the respondent suggested that locating the development in an industrial or low value area would be more appropriate. Further details arising from this response are provided in relation to tourism below, and have also been discussed under the heading of economic development above.
- 4.7.8 A detailed response from an individual with relevant professional expertise stated an objection to the development on the basis of its likely visual impacts on people living and working in the area. The response made reference to the designation of the coastal strip adjacent to the site as an Area of Landscape Significance in the Aberdeenshire Structure Plan. They felt that this confers a level of protection from inappropriate development that the respondent viewed as being breached by the application. The seascape was considered to be incompatible with the introduction of the proposed structures, given its open, large and horizontal character. Views from specific areas including local housing, the country park and Balmedie

dunes were raised as particular receptors that would experience negative impacts as a result. The respondent disagreed with the assessment of the sensitivity of these receptors and the magnitude of the change. There was also concern that the light pollution arising from the development had not been recognised in the Environmental Statement.

- 4.7.9 Of the more general views on negative visual impacts, most linked this with key receptors including coastal recreation areas such as beaches and country parks. Many respondents felt that the negative visual impact would have an impact on golf (including existing and planned golf courses) and associated aspects of the economy, specifically the tourism and leisure sector.
- 4.7.10 Two respondents felt that the proximity of the development to the shore would generate significant visual effects that would impact particularly on the local resident population and other recreational users of coastal areas. Another referred to wider public opinion on the visual impacts of wind energy development generally. One felt that the visual impact of the development would negatively affect the overall tranquillity of the coast.
- 4.7.11 Several objections on the basis of this issue arose from the specific characteristics of the location of this development. A few respondents suggested that alternative locations could be found for the development, including adjacent to less sensitive or uninhabited coasts, and further offshore.
- 4.7.12 In addition to comments on the landscape and visual impact assessment methodology outlined above, Aberdeen City Council concluded that the impact of the development on the setting of Aberdeen would not be sufficient to warrant refusal of the development. However, points were also made in relation to the need for further visual analysis including to address comments on the chosen viewpoints (see paragraph 4.7.5).
- 4.7.13 Another respondent raised concerns about shadow flicker. Impacts on the undeveloped coast were raised, as well a proximity to an Area of Landscape Significance and the particular effects arising from rotating structures.
- 4.7.14 SNH advised that the development would generate adverse landscape effects, including the coastal character and visual amenity from within Aberdeen, and coastal areas within wider Aberdeenshire. As a result, mitigation to create visual cohesiveness was recommended. However, SNH advised that this would not make a significant difference to the impacts of the development.

Negligible / Positive Visual and Landscape Impacts

- 4.7.15 In contrast to the above views on negative impacts, 74 respondents felt that visual impacts were either positive or, if negative or negligible, that they were insufficient reason to refuse consent for the development.
- 4.7.16 Again, a range of views were given on this matter. At one end of the scale, some specifically noted that, in their view, wind turbines generally and/or in this location were visually pleasing. For example, one respondent stated:

“Personally I think wind generators are beautiful works of art which will not only add to the beauty of the coastline, but also contribute to the economic stability of the country and citizens.”

- 4.7.17 Another compared the development to the Gwynt y Mor development on the North Wales Coast, adding that they felt that in that development, the turbines “were barely visible from the shore”. Words such as “majestic”, “beautiful” and “pleasing” were used by some of these respondents, reflecting the subjective nature of this type of impact. Several of these responses suggested that the development could be a visual symbol, of the North East’s commitment to engineering and future energy development, and welcomed the creation of as a new landmark on the coast. It should be noted however, that some raised this view as an explicit counter to views of those opposing the development who considered the visual effects to be unacceptable.
- 4.7.18 Others acknowledged that there may be negative landscape and/or visual effects, but felt that these effects would be less significant than the alternative of onshore wind energy development. One respondent felt that the electricity generated outweighed the objections over view and noise, adding that the wind, waves and seagulls are far noisier. A few respondents noted that the visual impacts of the development would be limited as the development proposal had been scaled down. Some felt that the coast already has an industrial character, as a result of frequent marine traffic and helicopter movements at present, and the development’s impacts would therefore be less significant. Another argued that the view from the coast would not be obstructed by the development.
- 4.7.19 A few responses debated whether visual impact was a valid reason for refusing consent. Some commented that preservation of views is not a valid reason for objecting to a development. Several of these responses also contended that whilst there may be visual impacts from the development, these were outweighed by a need for renewable energy development to ensure security of supply and economic development. One respondent felt that although there would be impacts in the short-term, in time the development would become an accepted part of the seascape.
- 4.7.20 The Addendum contained additional information in relation to visual issues, including several photomontages created to consider a number of additional view points. The response to the consultation on the Addendum in Section 6.6 explores this issue further.

Offshore versus onshore wind energy development

- 4.7.21 Some 36 responses gave views on offshore wind energy as compared to onshore wind. All of these respondents were supportive of the proposed development. Most commonly, respondents felt that offshore wind was preferable to onshore development in general terms. Of those who explained why they considered this to be the case, a perception that visual impacts were lower from offshore wind developments was raised most frequently. Some also felt that offshore development could reduce pressure for onshore development and its associated cumulative and

individual impacts. One respondent felt that offshore development in this specific location would have less impact than both on-shore sites and development in other sensitive coastal locations such as on the west coast of Scotland. Another raised reduced noise impacts from offshore development in addition to lower level visual impacts.

- 4.7.22 Beyond landscape and visual impacts, the terrestrial implications of the development were also noted by a small number of respondents as an important issue in more general terms. Three respondents raised the issue of the onshore impacts arising from the development, with one noting for example that the electricity substation, onshore cabling, maintenance buildings and grid connection had not been identified and assessed. The same respondent suggested that an onshore location in an industrial area would be more appropriate.
- 4.7.23 Transport Scotland raised no issues in relation to the impact of the offshore element of the development, but stated that it would comment further when the application for onshore elements is brought forward. One individual also raised concern that the impact of the onshore elements had not been considered in the Environmental Statement.
- 4.7.24 Aberdeen City Council noted that the terrestrial impacts of the development had not been considered within the assessment. This was viewed as significant failing that required addressing by the developer. Concerns included impacts on landscape, ecology and road safety from onshore works, requiring analysis and mitigation as part of the Environmental Statement.

4.8 Issue 3: Tourism and Leisure Impacts

- 4.8.1 A total of 111 responses discussed the issue of impacts to tourism and recreation associated with the proposed development, of which 102 held the view that the development may result in negative impacts, and just 8 felt that positive or negligible impacts may occur.
- 4.8.2 Some 103 respondents discussed both visual impacts and tourism and recreation in their responses. Of these, 96 respondents objected to the development, indicating that the two issues were closely linked amongst these responses. In contrast, just seven supporting or neutral respondents on the development commented on both visual impacts and tourism in their responses suggesting that those in support of the development did not feel this topic was an issue.
- 4.8.3 The majority focused on visual effects adversely impacting on existing and proposed golf courses and the implications this would have for tourism and leisure business and employment. One respondent from the golf and leisure sector stated “it is not considered the Environmental Statement adequately assesses the impact on tourism within the area”. They also felt that “no assessment has been made of the land-based recreational activities such as golf, which will take place opposite the wind farm”.
- 4.8.4 A small number were not linked with this group of responses but nevertheless reflected concerns about impacts on tourism and recreation more generally. As well as golf, those visiting the area generally, or who

were undertaking leisure boating, windsurfing, walking were noted as potential receptors.

4.8.5 A detailed response to the consultation was received from a tourism and leisure developer expressing major concern that the golf resort development located close to the site would be jeopardised by the development. The response noted that repeated assurances had been given by the developer and others that the development would not be visible from the site, which compounded their concern that the proposal had nevertheless been taken forward. Examples of areas where windfarms have been rejected on the basis of their visual and noise impacts were provided, and concern was also raised about bird strike.

4.8.6 This respondent :

- Disagreed fundamentally with the conclusion of Vattenfall's Tourism Report that the impact would be of negligible significance.
- Contended that the basis of the assessment, a study focusing on the Beatrice Wind Farm Demonstrator Project located more than 22 km offshore, was not appropriate to this proposal given that this development would be much closer to the coast.
- Consideration of their development had been inaccurate, superficial and lacked an evidence base. The response indicated that the applicant's assumptions about their development and associated commercial risks were inaccurate. It also sought clarification on the significance of the location of the development to the south east of the their development, as alluded to in the Environmental Statement, and suggested that impacts of the windfarm on the golf course element of their development has been dismissed simply because it is already being constructed
- Contended that impacts on their resort would be significant, to the extent that the remaining elements would be at risk.
- Noted distinction between this case and others considered in more general studies on the tourism impact of windfarms.
- Compared the case with rejection of a windfarm on the grounds that it would be visible from Gleneagles and would have a negative economic impact. The response also noted that the assessment of impacts of the Kintyre proposal on Machrihanish Dunes had concluded that they would be very high or major.

4.8.7 Of the small number of supporters or neutral respondents who referred to tourism and leisure in their responses, views ranged from those who felt that there would be no or negligible impacts, to those who thought that the windfarm could become a tourist attraction in its own right. One respondent stated that there is no research to support claims that this type of development would have a negative impact on tourism. Most of these views were expressed in terms of disagreement with others who had expressed concerns about this issue.

- 4.8.8 The Royal Yachting Association (Scotland) stated that they had no objections to the proposed development.

4.9 Issue 4: Transport and Communications

- 4.9.1 Some individuals and some organisations commented on the impact of the development on navigation and aviation, with 26 responses in total referring to this issue.

Shipping and navigation

- 4.9.2 With regard to shipping and navigation, the Maritime and Coastguard Agency (MCA) commented on the proposals for mitigation of the development and clarified that measures including an Emergency Response Co-operation Plan would need to be completed and approved prior to consent being granted. It also asked for amendment of statements implying that responsibility for safeguarding the development lies with the Government, as opposed to the applicant itself. Conditions were also set out in the response by the MCA including meeting MCA recommendations, and a number of more detailed safety and information requirements. If these requirements are met, the MCA indicated that it would have no objection to the development.
- 4.9.3 The Chamber of Shipping response stated that the issues it had previously raised had now been addressed, and that the proposal included sufficient scope for navigation and minimal impacts with respect to route deviation, providing risk management measures are adhered to. It was of the view that the safety of anchored vessels will also be maintained. On this basis, it confirmed acceptance of the proposed development.
- 4.9.4 The Northern Lighthouse Board (NLB) identified requirements for mitigation in its response, including the need to clearly mark the windfarm in line with guidance on the matter. It recommended further work with stakeholders to ensure co-ordinated management of the risks, and confirmed that it would advise further as more detail becomes available. Various requirements for detailed mitigation were also outlined in the response.
- 4.9.5 Aberdeen Harbour stated that the navigation risk assessment appears adequate, subject to some points raised in their response, and commented on the proposed mitigation measures. It would welcome further consultation on the operational measures that would be put in place. Detailed points raised by Aberdeen Harbour included the following:
- The proposal was noted to be outwith the published limits of the Aberdeen Vessel Traffic Services (VTS), and as a result would be unable to rely on this in the event of poor visibility or in relation to other issues potentially arising from the development.
 - Comments in the Environmental Statement that recreational vessels could use mobile phones or the VTS in the event of bad weather are inaccurate as the proposal lies beyond the extent of the VTS and reliance on mobile phones is not recommended.

- The statement in the Environmental Statement that Aberdeen Harbour have been consulted on mitigation should the turbines affect the VTS radar was noted to be inaccurate. This measure was not considered appropriate in the light of the above.
- The area covered by the Aberdeen VTS could be affected by operational measures and therefore Aberdeen Harbour would welcome the opportunity to comment further on these measures.
- Comments on the method used to assess the impact of the development on the MCA designated anchorage, including the view that the focus on users of Aberdeen Harbour was inappropriate as any vessel using the area may require the use of the anchorage.
- The Environmental Statement should be revised to take into account recent changes to provision of Emergency Towing Vehicles (ETVs).

4.9.6 Aberdeen Harbour also requested that the location of the proposed ocean laboratory be moved to the north of the designated anchorage.

4.9.7 Several general objections to the development referred to the potential impact on commercial and leisure shipping, viewing this as a potential danger. One of these responses felt that the development was too close to an area where shipping moors in storms. Several individual respondents felt that the development could pose a navigation hazard for shipping and vessel traffic accessing Aberdeen Port, with one adding that this could be particularly dangerous during periods of thick fog. In contrast, one supporter of the development felt that it was in a preferable location to an alternative area further south, where interference with shipping was more likely.

Aviation, Radar and Defence

4.9.8 With regard to aviation, the Civil Aviation Authority (CAA) raised concerns about a number of issues. It stated that the proposed lighting detailed in the Application does not meet current CAA guidance on fulfilling legal requirements on turbine lighting under the Air Navigation Order (2009) Article 220. Clarification of the rationale behind the lighting scheme was requested to identify how the applicant will meet legal requirements.

4.9.9 The CAA also expressed concern that overall, the aviation elements of the assessment and associated consultation lacked clarity. It noted that the proposed mitigation relating to airspace changes/helicopter activity will require statutory procedures and consultation periods, and that Marine Scotland will be required to confirm the impact with NATS En Route plc (NERL) and BAA Aberdeen Airport to inform mitigation. This issue was also raised by several individual respondents, with one questioning why the proposed development was being located in a busy helicopter fly zone.

4.9.10 BAA (Aberdeen Airport) stated an objection to the development on the basis that it conflicts with safeguarding criteria. BAA and NATS indicated that they were undertaking a mitigation study to inform an assessment of effects on helicopter operations and associated air traffic procedures. BAA

stated that this objection would be removed if a solution to this issue can be found.

- 4.9.11 NERL objected to the development on the basis of its conflict with their safeguarding criteria. Its analysis stated that the development is located where there is insufficient shielding by terrain from the Primary Radar Service at Alanshill and Perwinnes.
- 4.9.12 The Ministry of Defence Estates (MoD Estates) also objected to the development on the basis of its potential to create a physical obstruction to military operations and air traffic movements and radar interference. Unacceptable interference with the Air Defence Radar at Buchan would be generated and this objection will only be removed if acceptable mitigation can be identified. MoD Estates stated they will work with the developer to address issues, specifically around the cable route, at Black Dog Firing Range, and confirmed that the developer is seeking a mitigation to identify a solution to the impact on the Air Defence Radar. They added that they will continue to work with them to achieve this if possible.
- 4.9.13 Aberdeen City Council asked for an assessment of the noise that would arise from the diversion of helicopters. The Council noted that predicted carbon emissions from operation of the windfarm should be considered alongside a partial increase in carbon emissions arising from the likely increase in helicopter movements and flying time arising from required changes to flight paths.
- 4.9.14 It is noted that these respondents also discussed these issues in their responses to the consultation on the Addendum. In their responses, several respondents stated that in their view, mitigation had either been agreed with the Applicant or was in the process of being agreed for issues relating to radar mitigation, access and potential impacts of defence facilities. This is discussed in greater detail in Section 6.7.

Telecommunications

- 4.9.15 In terms of telecommunications, BT confirmed that the development would not interfere with current and proposed networks. The Joint Radio Company Ltd confirmed that they did not anticipate any interference based on the information provided at this stage.

4.10 Issue 5: Biodiversity and Other Environmental Issues

- 4.10.1 In addition to the comments on visual impacts, some 42 responses commented on other environmental issues. Some respondents commented on the overall impact of the development on biodiversity, including wildlife and natural areas. A proportion of these comments related to biodiversity generally, whilst others were more specific. Several of the consultation responses analysed below were very detailed and technical, of a significantly different nature to the majority of the responses received overall which tended to be brief and focused on opinion rather than evidence.

Biodiversity

- 4.10.2** Views varied between supporters and objectors. One respondent who opposed the development expressed concerns about the impacts of development on horses on land, while others held concerns over impacts to protected sites (i.e. RAMSARs, Marine Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)) and waterways (i.e. the River Don Estuary) and particularly on the wildlife associated with them. In contrast, one supporter of the development stated that although they had concerns about the impact of the development on wildlife, the mitigation set out in the Environmental Statement had reassured them that this had been adequately addressed. Another expressed a similar view but noted that investment will be required to deliver on these commitments to mitigation. Two supporters of the development felt that the windfarm would create a habitat that would enhance biodiversity, including by providing refuges for fish and other sealife.
- 4.10.3 Impacts on birds was raised as an issue of concern by a number of respondents from a range of backgrounds including individuals and organisations. Views ranged from those of individuals and non-specialists who expressed general concern about impacts on sea and migratory birds, to detailed responses from expert organisations.
- 4.10.4 The Royal Society for the Protection of Birds (RSPB) expressed concern about the methodology used to assess the risk of bird collision, the incomplete survey data used to inform the impact assessment (insufficient survey time), and the lack of availability of raw data that had formed the basis for this part of the EIA (bird count data underpinning bird distributions).
- 4.10.5 Marine Scotland Science (MSS) felt that the ornithology was thorough and well presented, with sufficient information to allow a Habitat Regulation Assessment (HRA)/Appropriate Assessment (AA) to be undertaken. However, MSS also queried how the estimates of displacement were obtained and how the consequences of displacement were assessed.
- 4.10.6 Potentially significant impacts on several bird species using Aberdeen Bay therefore remain a concern. Whilst negative effects may be offset to some extent by positive effects such as creation of reefs on and between turbines, the RSPB considered the scope for this to be limited. Whilst acknowledging that most negative effects on birds would be small, the RSPB remain concerned about potential for larger effects on some species until adequate survey data is provided. Issues of greatest concern noted were:
- Disturbance to common and velvet scoters, and eiders, especially during construction and servicing. This could be mitigated through a construction plan.
 - Displacement of red-throated divers, during construction and as a result of the presence of turbines.
 - Collision risk to herring gulls and possible other gull species.
 - Collision risk to little, Sandwich and common terns, identified as being of possible moderate significance.

- 4.10.7 RSPB recommended strongly that no decision on the application should be made until minimum data standards and assessments are met. This was viewed as particularly important given the role of the proposed development as a test centre. Recommended mitigation in the form of conditions were also set out including minimising of vessel disturbance, appropriate construction, minimising of turbine lighting within safety standards, and a programme for environmental research and monitoring.
- 4.10.8 The RSPB was also of the view that insufficient environmental and biodiversity monitoring had been proposed. It recommended that a commitment is made a full and proper monitoring programme, and that a scientific group be established to develop this in line with the most pressing research questions. The Whale and Dolphin Conservation Society (WDCS) (see below) made the same recommendation with regard to scientific consideration of cetaceans.
- 4.10.9 The applicant included additional information on these issues in the Addendum to the Environmental Statement, and the RSPB, WDCS and MSS responses in the consultation to the provision of this information in the Addendum is included in Section 6.8 of this report.
- 4.10.10 Marine mammals were also noted as key receptors of concern in several responses from both individuals and organisations. As the response from the WDCS included serious concerns about effects on cetaceans, and the Society felt that the assessment did not reflect a proper understanding and consideration of their existing legal protection, data on cetaceans resident or migrating through the areas was also viewed as insufficient.
- 4.10.11 WDCS were disappointed with the assessment of the development on marine mammals, and were of the view that the approach taken had not been precautionary. It contended that Aberdeen Bay is a significant area for cetaceans including the Moray Firth Bottlenose Dolphins, for which an SAC is designated. The WDCS also stated that Priority Marine Features including minke whales and white-beaked dolphins were also present, and that Risso's dolphins may also use the area. As a result it called for an impact assessment on these species.
- 4.10.12 The WDCS advised that in relation to marine mammals, noise generated throughout the life of the project is a key concern, including noise generated from pile driving and its potential disturbance effects. MSS also raised this issue in relation to salmon and sea trout, stating that while the operational noise represented a potentially persistent problem and seemed to present a higher risk. They noted that there is uncertainty over both noise and EMF impacts to salmonids, particularly given relatively little information is available.
- 4.10.13 The WDCS also stated that other effects can arise from general interaction of species with new structures in the water. They disagreed that the risk of these impacts is low and called for better information to inform the assessment and improved monitoring proposals. Overall, it noted that uncertainties around the impacts of foundation structures and pile driving and associated mitigation measures were a key concern. It remained

unconvinced of the findings of the assessment in relation of impacts on cetaceans.

- 4.10.14 MSS provided a range of comments on the Application and Environmental Statement, largely based around the content of the documents and the use of data sets. A number of comments on salmon and sea trout behaviours were made, including a recommendation that the proposal should consider year-round migration to rivers. On the whole, MSS felt that there is a high degree of uncertainty over the significance of potential impacts on salmonids from the proposed development, highlighting the likely need for monitoring. MSS also noted that potential impacts on the European Eel was not explicitly considered in the documentation, adding that this is requested by MSS Freshwater Laboratory as part of a standard scoping exercise.
- 4.10.15 MSS also stated felt that the marine mammals sections of the Environmental Statement appeared to be thorough, however added that the application did not detail the sampling methodologies for epifaunal and fish assemblage data sets use. They felt that this may explain some of the differences in survey results. It was also noted that the Environmental Statement did not include any publications generated by MAFCONS.
- 4.10.16 SNH provided a detailed response on issues relating primarily to biodiversity. Whilst it concluded that it would be possible to take forward the consent without serious adverse effects on natural heritage, a number of outstanding issues need to firstly be resolved. As a result SNH provisionally objected to the development.
- 4.10.17 SNH advised that issues to be resolved include further assessment of the impacts of the development on SPAs, SACs and their respective qualifying features. They felt that as the competent authority, Marine Scotland will be required to satisfy itself that the project will not generate adverse effects on these sites and species, prior to consent being granted. SNH also advised that for impacts on European Protected Species, a licence would be required. SNH noted that there is potential to affect various SPAs and SACs in North and Eastern Scotland because the species for which they have been designated are mobile and occur in the development area.
- 4.10.18 To assist with the assessment of these impacts, further information on the relevant interests is provided. For SPAs, this includes a range of bird species. Whilst adverse effects on the integrity of sites for most of these species are considered low, there remains concern about the common tern. As a result, further assessment is needed. With regard to SACs, the qualifying interests include bottlenose dolphins, grey seals, Atlantic salmon and freshwater pearl mussels. To avoid adverse effects SNH advise that strict adherence to specified conditions will be required. Reference is also made to European Protected Species, namely cetaceans, and potential impacts from noise and disturbance by vessels. Further advice on the required licence application will be provided.
- 4.10.19 As with the WDCS, SNH was critical of the quality of data used in the assessment, as well as its analysis and interpretation. This was a matter of disappointment for SNH, given their extensive involvement in the

assessment process to date. Key data gaps, omissions (such as from the list of Local Biodiversity Action Plan (LBAP) species and Priority Marine Features), errors and inconsistencies were raised. Notwithstanding this, SNH stated that they largely concur with the findings of the EIA process, subject to the matters raised above being addressed.

Monitoring

- 4.10.20 MSS commented on the topic of monitoring, and recommended that an agreed monitoring plan should be put in place prior to construction. They felt that the putting monitoring in place following decisions on deployment was sensible, and felt that given the uncertainty over impacts to migratory species, a monitoring proposal that assesses diadromous fish movement through the area may be desirable. A number of suggestions were made for undertaking the behavioural studies of fish passage (i.e. acoustic tags and receivers, local observation using Didson-style cameras).
- 4.10.21 SNH also commented on monitoring requirements and noted that a proposal has been made to secure significant funding from the European Commission in addition to the developer's contribution that would facilitate environmental studies over the lifetime of the project. This was welcomed and SNH requested that particular emphasis is given to non-laboratory based monitoring, in light of their concerns about the adequacy of data collected so far.

Fish and Fishing

- 4.10.22 Several respondents discussed potential impacts to fishing in their responses, with most making general comments expressing concern from potential impacts from the development. Several respondents; the Dee, Don and Ythan District Salmon Fishery Boards; and the Blackdog, Milden, Eigie and Berryhill Salmon Fishings; provided more detailed comments on the effects of the development on fish in their responses.
- 4.10.23 Noting that the area is important for salmon and sea trout, the Fishery Boards stated that, in principle, the development would be a useful trial to explore the effects of offshore wind on these species. It noted that the Dee is designated as a SAC, that sea trout is a priority species and that three-year fisheries management plans are in place. As a result, comment was reserved until more detailed construction plans are produced, and a condition to support this was requested. The Board explained that the main effects of this type of development would arise from noise and vibration, and that their significance would depend on mitigation. Consequently, consent should not be granted until these have been identified. Further work on the potential effects of electro-magnetic fields on these species is also required and the Board suggested that a monitoring and research programme should be required, as a condition attached to any consent. Conditions on the removal of turbines at decommissioning and contingency plans to cover uncertainty within the assessment findings were also recommended.

- 4.10.24 The Blackdog, Milden, Eigie and Berryhill Salmon Fishings disagreed with the assessment findings, contending that salmon fishing had not been properly recognised. It disputed the comment that salmon fishing in the area is confined to hobby fishing. Like the Fishery Boards, it expressed concern about a range of potential effects including EMF impact on fish migration, concern about down draft from turbines, and the impacts of vibration, noise, pollution and effects arising from the construction process generally.
- 4.10.25 Marine Scotland Science (MSS) felt further consideration should be given to potential exposure of sensitive species (i.e. salmonids, plaice and eels) to EMF, particularly due to cable exposure from wave action. They added that there is substantial variance in the EMF figures quotes throughout the Environmental Statement, and that there is a high degree of uncertainty regarding potential impacts. MSS also added that cables could pose a hazard to fishing vessels through snagging.
- 4.10.26 MSS felt that there would be minimal impact on current commercial fishing activities due to the low level of fishing activity. However, they added that restricting the Vessel Monitoring System (VMS) data set to consider VMS pings with recorded vessel speeds of between 1 and 4.5 knots may provide a clearer indication of potential fishing events in and around the site. They also added that the possibility of the turbines acting as fish attracting devices may be worth considering as an in-combination or cumulative effect, citing the potential for an increase in commercial fishing opportunities if vessels could safely work within the farm area.

4.11 Issue 6: Communities, Population and Health

- 4.11.1 Six respondents referred directly or indirectly to the impacts of the development on people and health. A number of additional respondents felt the development could be a hazard for shipping and aviation navigation, with implications for human health, these issues have been discussed in Section 4.9 of this report.
- 4.11.2 Aberdeen City Council felt that the potential social impacts of the development arising from the creation of a community fund by the developer requires further consideration. In contrast, a small number of supporters including SCARF (a local fuel poverty organisation) were of the view that the development would provide benefits by reducing fuel poverty.
- 4.11.3 The Health and Safety Executive had no comment to make in response to the Environmental Statement.
- 4.11.4 One individual expressed concern that the proposed location contravened health guidelines, which recommend that developments of this type should be sited at least 10km from habitation. As a result the respondent was concerned about potential impacts on local people. Another broadly agreed, stating that the development would have an adverse effect on the lives of those who live close by. Another respondent felt that the impacts of the development on the local population had not been sufficiently addressed in the assessment and a third concurred that impacts on people's homes had not been fully considered. Noise and shadow flicker

were raised as concerns by a small number of respondents. However, one respondent disputed this view, adding that in their experience with onshore turbines in the North East of Scotland, the ambient countryside noise and birdsong exceeds the volume of turbines.

4.12 Issue 7: Cultural Heritage Impacts

- 4.12.1 Two responses referred specifically to the impact of the development on the historic built environment.
- 4.12.2 Historic Scotland agreed with the assessment findings that the development was unlikely to significantly affect the setting of historic sites on the coast. However, Aberdeen City Council raised concerns that the impact of the development on the setting of two key sites: a listed lighthouse and the Torry Battery, required proper consideration within the landscape and visual impact assessment.

4.13 Issue 8: Water and Pollution

- 4.13.1 The Scottish Environment Protection Agency (SEPA) stated that it supported the development, subject to a number of conditions. It added that if these conditions are not met, an objection would be made. SEPA was satisfied that the development would not prejudice the objectives of the Water Framework Directive. It advised that controls will be required to avoid introduction of non-native species and that these should take the form of a condition attached to the consent. Further sources of information to inform the development of a method statement to achieve this were provided.
- 4.13.2 SEPA requested a condition relating to the Construction Environmental Management Document to be approved prior to work progressing, to avoid pollution and protect amenity. It also requested a draft Schedule of Mitigation to minimise potential environmental effects, taking into account timing.
- 4.13.3 Both MSS and SEPA commented on the consideration of coastal processes in the Environmental Statement, with MSS in particular providing detailed comments on this topic area. These largely consisted of comments based around the modelling methodology, the conclusions made and the presentation of the findings in the documentation provided.
- 4.13.4 While MSS stated that Chapter 8 and Appendices 8.1 and 8.2 were detailed and well thought out, they also felt that some additional work could have been undertaken to provide evidence for several conclusions made. They noted the basis for the statement that “because the wind farm is unlikely to radically change the currents and wave heights, the sediment transport is unlikely to change” and the consideration for potential interactions between waves and currents within Aberdeen Bay to act in a non-linear way, as two such topics. On the second point, MSS noted that Mike21 tidal modelling was used in the assessment, adding that Mike21 could model these interactions and querying whether this was investigated during the EIA process.

- 4.13.5 MSS also felt that additional detail on the numerical modelling could have been provided, adding that it was hard to assess the quality of the modelling undertaken. A number of comments were made regarding both the Baseline and EIA Technical Report sections (Appendices 8.1 and 8.2) including broad requests for details on modelling methodologies during the operation phase, on wave and current conditions that were modelled, the boundaries considered, and on modelling of specific potential impacts (i.e. suspended sediment concentrations, impacts on tidal currents, and processes relating to the Aberdeen Bay coastline).
- 4.13.6 Consideration of the long term implications of the development on coastal stability and morphology was also recommended by SEPA. This will be relevant if stability of an important near shore parallel feature, which controls the wave regime, is found to be affected. Again, SEPA suggested a condition be attached to the consent requiring monitoring and mitigation for the potential impacts on the adjacent coastline.
- 4.13.7 Broadly relating to this issue, several individual respondents made general reference to their support for the project on the basis that they considered offshore wind to be a means of reducing pollution from the energy sector.

5. ADDENDUM TO THE ENVIRONMENTAL STATEMENT – OVERVIEW OF CONSULTATION RESPONSES

Summary

- *This Section provides an overview of the responses to the consultation on the Addendum to the Environmental Statement.*
- *The consultation generated 41 further responses comprising 24 organisations, 14 individual respondents and three businesses.*
- *The organisations that responded represented a range of sectors including business, energy, defence, public bodies, other marine users and environmental interests.*
- *The businesses that responded represented the fuel and power industry, the fisheries sector, and the golf and leisure industry.*
- *Most of the individual responses appeared to be in the form of campaign responses objecting to the proposed development.*
- *Over half of the responses received were from the local area and the North East, with around a third of responses from other parts of Scotland, and smaller proportions of responses received from rest of the UK or further afield.*

5.1 Number of Responses

5.1.1 A total of 41 responses were received to the consultation undertaken on the Addendum. The respondents comprised:

- 24 organisations.
- 14 individuals.
- 3 businesses.

5.2 Sectoral Distribution of Responses

5.2.1 The following 24 organisations responded to this consultation, including the 22 organisations listed as respondents in Table 2.1:

- Aberdeen Airport.
- Aberdeen City Council.
- Aberdeenshire Council.
- Aberdeen Harbour.
- British Telecom (BT).
- Chamber of Shipping.
- Civil Aviation Authority (CAA).

- Defence Infrastructure Organisation (DIO) (for the Ministry of Defence Estates).
- East Grampian Coastal Partnership.
- Health and Safety Executive (HSE).
- Historic Scotland.
- Joint Radio Company Ltd (JRC).
- Marine Scotland Science (MSS).
- Maritime and Coastguard Agency (MCA).
- NATS.
- Northern Lighthouse Board (NLB).
- Royal Society for the Protection of Birds (RSPB).
- Royal Yachting Association Scotland (RYAS).
- Scottish Environment Protection Agency (SEPA).
- Scottish Natural Heritage (SNH).
- South East Inshore Fisheries Group (SE IFG).
- Transport Scotland Ports and Harbours.
- JMP Consultants Ltd (for Transport Scotland).
- Whale and Dolphin Conservation Society (WDCS).

5.2.2 These responses included representations from organisations in the aviation sector, ports and shipping, telecommunications, the fuel and power industry, the voluntary sector, and a range of public bodies including local authorities, consulting authorities, marine science bodies, health and safety, and transport.

5.2.3 Three businesses responded to the Addendum consultation, including one listed in Table 2.1. These included one respondent from the fisheries sector and two businesses that stated in their responses they were acting for clients in the golf and leisure sector.

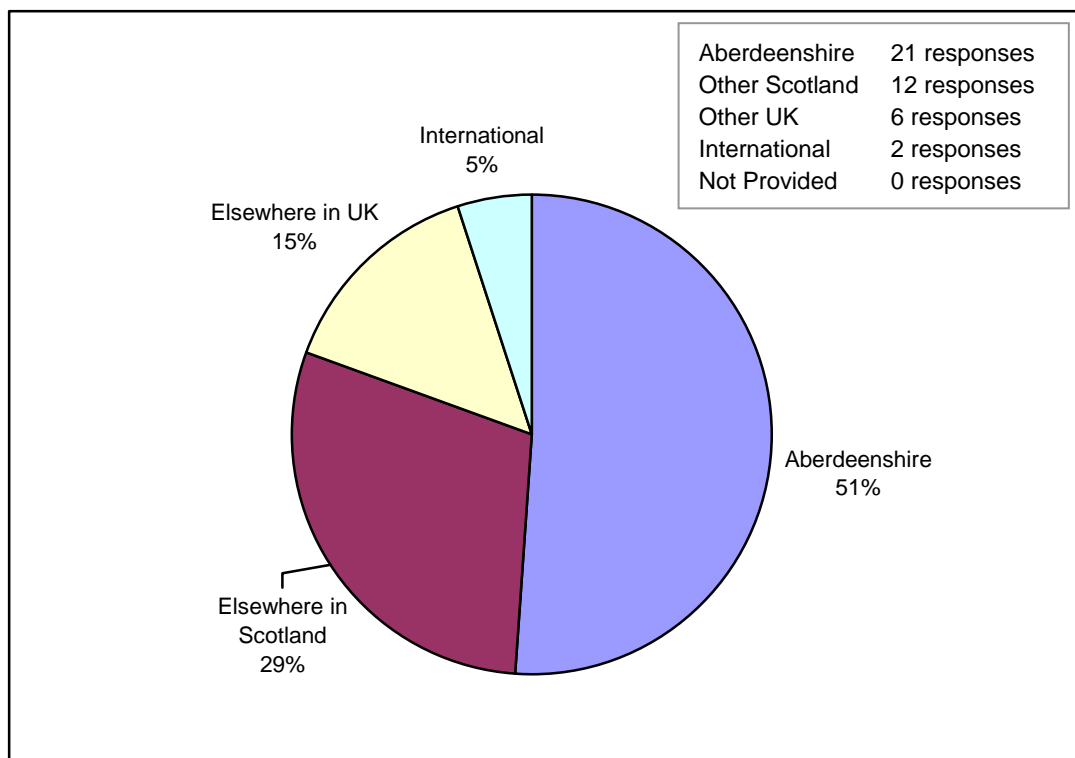
5.2.4 While 14 individual responses were received, 11 of these were identical in content and are believed to have been submitted as campaign responses. These responses have been assessed and their content considered as individual responses for the purposes of this analysis.

5.3 Geographic Distribution of Respondents

5.3.1 Half of respondents indicated they were from Aberdeenshire (21 respondents), around 29% from elsewhere in Scotland (12 respondents), 15% from elsewhere in the UK (6 respondents) and 5% from overseas (2 respondents). In cases where respondents have stated they were acting for a client, the address of the client has been used in this analysis. All respondents to the consultation provided details of their addresses, and this distribution is shown in Figure 5.1.

- 5.3.2 In terms of opposition, 87% of respondents indicated they were from Aberdeenshire (13 respondents) and one the remainder from outside the UK (2 respondents). However, it was noted that most of the individual responses appeared to be in the form of campaign responses objecting to the proposed development.
- 5.3.3 One respondent that stated their support for the proposed development and indicated they were from Aberdeenshire. Of the remaining respondents that held neutral or conditional views in their responses, over a quarter indicated they were from Aberdeenshire (7 responses), nearly half were from elsewhere in the UK (12 responses) and under a quarter from elsewhere in the UK (6 responses).

Figure 5.1: Distribution of Respondents to the Consultation for the Addendum



6. ADDENDUM TO THE ENVIRONMENTAL STATEMENT – ANALYSIS OF CONSULTATION RESPONSES

Summary:

- *This Section sets out a summary of the key issues raised by respondents in the consultation on the Addendum to the Environmental Statement.*
- *There were 41 respondents to this consultation.*
- *Many responses could not clearly be separated into support and objection.*
- *Some 25 respondents neither supported nor opposed the development, with some providing conditional support in their responses, and others reiterating their views from the consultation on the Application.*
- *One individual respondent stated their support for the proposed development.*
- *Some 15 respondents stated their objection to the proposed development, comprising individuals and businesses associated with the golf and leisure sector. However, it was noted that 11 of these were likely campaign responses.*
- *Key issues raised by respondents related to: economic development and renewables, visual impacts, impacts on tourism and recreation, communications and transport, biodiversity and pollution, communities and health, historic environment and construction management.*
- *Visual impacts, tourism, communities and health, transport and shipping, and environmental impacts were the most frequently raised issues.*
- *A smaller number of views were raised in relation to other issues including construction management procedures.*
- *Many respondents indicated that progress had been made in resolving issues raised in the previous consultation (i.e. mitigation of radar impacts, navigation) with some commenting that the Addendum contained sufficient additional information to alleviate other concerns previously raised (i.e. biodiversity).*
- *Concerns over visual impacts and mitigation of impacts on marine mammals were reiterated by some respondents.*
- *Several respondents stated their willingness to withdraw their objections provided certain stated conditions were met.*

6.1 Breakdown of Responses

- 6.1.1 While the first consultation was seen by many respondents as an opportunity to comment on the proposed development, the responses received from the consultation on the Addendum was approached by respondents in a number of ways. Some respondents commented specifically on information presented in the Addendum, while others reiterated concerns from the previous consultation of the application.
- 6.1.2 While 16 of the 41 respondents stated either their outright support (1 respondent) or opposition (15 respondents) to the development, the

remainder provided conditional, neutral or “no comment” responses. Further, 11 of the 13 individual respondents objecting to the development were believed to be campaign responses, with each identical in content. As such, undertaking quantitative analysis of these results was not considered to be of value in this instance, and no quantitative assessment of overall support and opposition amongst respondents has been undertaken.

- 6.1.3 The focus of this consultation analysis has therefore been qualitative, to capture the range of specific views and issues raised by all respondents on the content of the Addendum and the proposed development.

6.2 Support and Objection to the Development

- 6.2.1 One respondent stated their outright support for the development, adding that “the modifications improve what is already and excellent and timely proposal”. They supported wind energy more generally, and noted the opportunity for the development to contribute to test and refine offshore wind technologies.
- 6.2.2 There were 13 individual respondents that stated their objection to the development in their responses. Of these, 11 were believed to be campaign responses, identical in content. In all, the reasons for the individual objections were broadly similar to views expressed in the consultation on the Application. These responses expressed concerns over visual impact of the development, negative impacts to the tourism and fishing industries, health issues associated with noise, vibration and flicker effects, environmental impacts on wildlife, and on the effectiveness and economical aspects of renewables in general.
- 6.2.3 Two respondents acting for a business associated with the golf and leisure sector, reiterated objections made in the previous consultation. The first provided a detailed response elaborating on their client’s objection to the proposed development. They noted that a number of factors contributed to their stance on the proposed development, outlining visual and landscape impacts; impacts on tourism and recreation, largely relating to conflict with a nearby golf course development; environmental concerns; and questions on the environmental benefit of the proposed development as reasons for their objection. The second reiterated their previously stated opposition to the proposed development as outlined in their response to the consultation on the Application.

6.3 Conditional and Neutral Responses

- 6.3.1 In the previous consultation undertaken for the Application and Environmental Statement, several respondents stated their conditional objection to the development, either in whole or in part, in their responses. In a similar way, many respondents in this consultation also provided conditional objections to the proposed development. Some stated that progress had been made on issues that they had raised in the previous consultation (i.e. MoD Estates and RSPB). Other respondents, such as

SNH, reiterated views provided in their previous consultation response, with either small additions or subtractions.

6.3.2 In many responses, these organisations detailed conditions for a range of issues that they felt should be applied to the development. Some respondents stated that the inclusion of these conditions in the consenting process or implemented by the developer was a requirement for the removal of their objection over the development. In some cases, these conditions were variations of those stated in responses from the previous consultation, updated after consideration of the additional information provided in the Addendum.

6.3.3 The conditions raised by respondents in the consultation included:

- Scottish Natural Heritage (SNH) reiterated their provisional objection from the previous consultation. This objection was subject to biodiversity issues, including data, analysis and further assessment of impacts on protected sites and species, being resolved, and SNH recommended that a range of conditions be adopted for these issues.
- RSPB stated they were prepared to withdraw their objection provided their conditions for reducing impacts on birds, improving assessment methods and dissemination data were implemented.
- The Civil Aviation Authority referred to their policy statement and reiterated lighting requirements for the proposal.
- Aberdeen Airport (BAA) stated they held no safeguarding objection, provided that a Radar Mitigation Scheme was agreed and adhered to prior to the development commencing. NATS/NERL stated they were prepared to withdraw their objection if this condition was met for the development.
- Defence Estates stated they were prepared to withdraw their objection provided stated conditions on Air Defence Radar mitigation, use of management planning, and consultation with MOD Estates prior to any consent being granted.
- SEPA reiterated their concerns from the previous consultation, requesting that conditions relating to the introduction of non-native species and construction practices/pollution be implemented.

6.3.4 A small number of respondents stated that they held no objections to the application or did not foresee any potential problems based on the data provided (i.e. RYA Scotland, Chamber of Shipping and JRC). However, as in the previous consultation, a number of respondents have reserved their final view on the development proposal, and as such, stated neither their support for, nor opposition to the application.

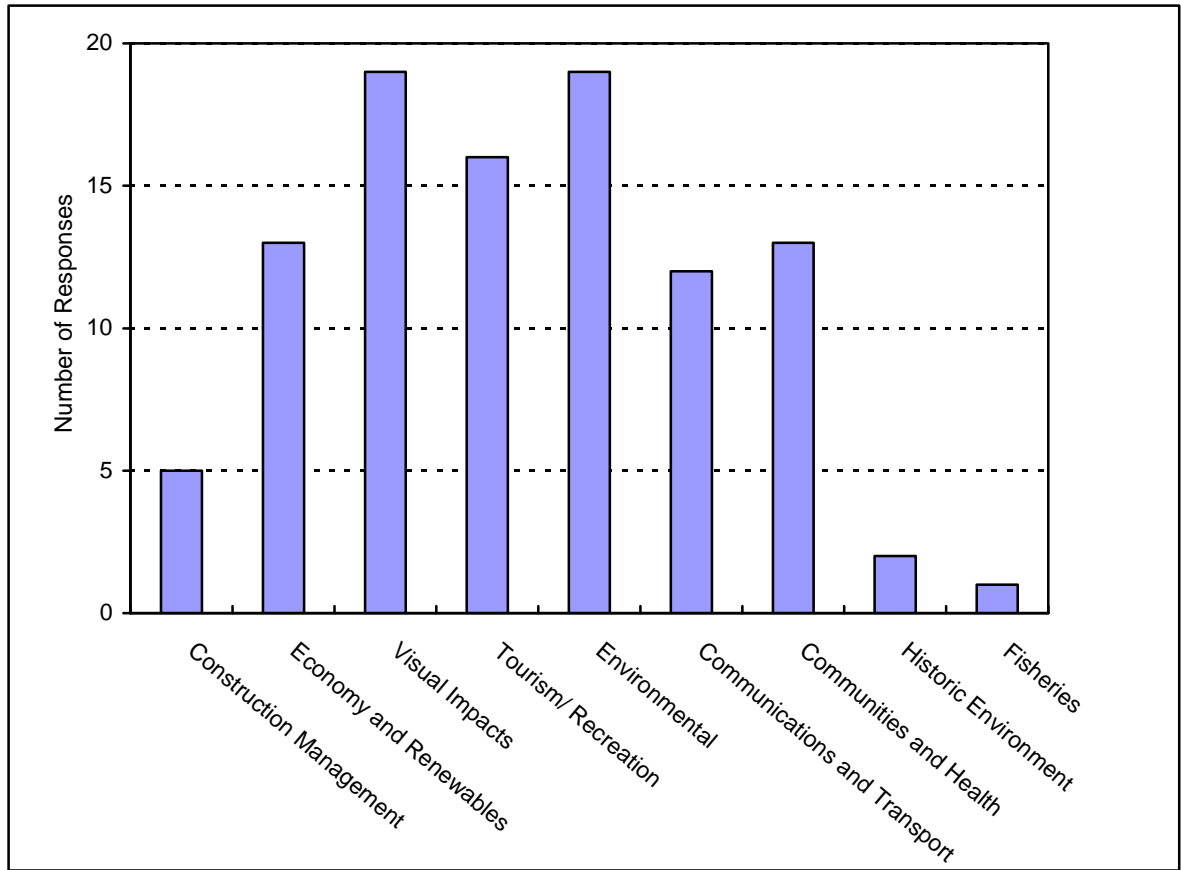
6.3.5 As such, a large proportion of respondents to the Addendum elected to provide neutral responses to the consultation. Some stated that they had no new comments to add (i.e. NLB, BT and South East Inshore Fisheries Group), with several referring to their responses in the previous consultation, while others felt that the changes to the proposal contained within it were not relevant to their remit (i.e. HSE) or did not change their

views on the development (i.e. Aberdeen Harbour, MSS and MCA). A small number of respondents used their responses to convey information or make recommendations they felt were important to the development, whilst updating their previous responses to consider the additional information released in the Addendum (i.e. CAA, RSPB and WDCS).

6.4 Analysis of Issues

- 6.4.1 While there was significant interest from respondents on a range of issues in the previous public consultation, the issues identified and discussed in responses to the addendum were much narrower in scope. However, as in the previous consultation, the content and scope of the responses varied, ranging from short comments to detailed responses addressing specific environmental issues.
- 6.4.2 The following sections of this report explore the key issues raised by respondents in relation to the publication of the Addendum. In those instances where respondents have referred to or reiterated issues raised in their response to the previous consultation, no additional analysis has been undertaken. Instead, reference has been made to the Environmental Statement analysis presented earlier in this report. However, in a number of instances where wider issues on the development have been raised, these have been identified and included in the analysis.
- 6.4.3 Figure 6.2 shows the frequency of issues raised by all respondents.

Figure 6.2: Frequency of Key Issues Raised in Responses for the Consultation of the Addendum



6.5 Issue 1: Economy and Renewables

- 6.5.1 Some 13 respondents discussed economic and/or renewables issues in their responses, although both had different views. The first, an individual respondent, expressed strong support for the proposal, stating that they felt this development “will be of enormous benefit to Scotland through the opportunities to test and refine offshore wind technology”.
- 6.5.2 However, a respondent from the golf and leisure sector took a different view questioning the economics behind such developments. The response questioned the Scottish Government policy on renewables, particularly the Routemap 2020 document and the published SEA undertaken for it, and queried the environmental benefit of renewable energy installations, stating “that the range of claimed benefits of the proposal is limited”.
- 6.5.3 This view was also broadly held by a number of other respondents, including the 11 campaign responses objecting to the development, who questioned the economic aspects and the efficiency of wind power.

6.6 Issue 2: Visual, Tourism and Recreation Impacts

- 6.6.1 Almost half of responses to the Addendum publication referred to the visual or tourism impacts of the development, largely due to the large proportion of campaign responses objecting to the development. These responses largely reflected the views on visual issues from the previous consultation. Of the other responses, the respondents were split over this issue. Aberdeenshire Council noted that concerns around the visual impacts had been raised in the Local Development Plan in the Balmedie-Blackdog areas. The Aberdeen City Council felt that a detailed design statement would aid the assessment of visual impacts prior to deployment. They acknowledged the provision of additional visualisation for the vicinity of Girdle Ness Lighthouse, and added that while the turbines would be seen at considerable distance from the lighthouse, they felt that any impact on the lighthouse setting itself would be limited.
- 6.6.2 However, they also suggested that the consideration of alternate viewpoint locations where both the lighthouse and turbines were visible may enable more useful analysis of potential visual impacts (i.e. at the golf course south west of viewpoint 21, from Torry Battery or on the coastal path near Greg Ness). This respondent raised the same concern regarding alternate viewpoints in their response for the previous consultation, but added that in their view that potential visual impacts upon recreational sites, particularly golf courses near the River Don, did not warrant refusal of the development.
- 6.6.3 However, a respondent from the golf and leisure sector took a different view, and reiterated their view that the development would have visual and landscape impacts on the area. The respondent felt that the changes to the development described in the Addendum had not changed their view, stating that “the scale, location and design of the EOWDC are not appropriate to the landscape character of the area” and that the proposal would have “adverse effects on the natural landscape character, adverse effects on the composition and quality of the landscape character, and

adverse cumulative effects”. They felt that the development was contrary to existing and upcoming local development plans, whilst stating the windfarm would be visible from the golf course and proposed hotel, and that it would have subsequent adverse impacts on tourism and the local economy.

6.6.4 RYA Scotland stated that they have no objections to the Application.

6.7 Issue 3: Transport and Communications

6.7.1 A total of 12 respondents commented on navigation, aviation and communications in their responses.

Shipping and navigation

6.7.2 Aberdeen Harbour agreed that as the proposed infrastructure under the development has not changed in the Addendum, the change to the Rochdale Envelope would not affect the conclusions of the assessment in relation to shipping and navigational purposes. The NLB broadly agreed that the slight alterations to the proposal would not require them to alter their previous response. Likewise, the Chamber of Shipping reiterated its statement from the previous consultation that the issues it had previously raised in relation to shipping and navigation had been addressed.

6.7.3 Whilst not taking a position either in favour or opposed to the application, Aberdeenshire Council reiterated their view from the previous consultation, stating that concerns had been raised on the possible impact of the development on shipping lanes to and from Aberdeen Harbour. They felt that Marine Scotland should take this into account in reaching a decision on the development application.

6.7.4 The CAA noted the requirement for details on the construction and operation of the development (i.e. maximum positions of the turbines, meteorological masts and construction equipment) be provided to both the UK Hydrographic Office and Defence Geographic Centre for maritime and aviation charting respectively.

6.7.5 The MCA stated that as the addendum focuses on golf courses, and as such, do not have a bearing on safety in navigation. They added that their response to the consultation on the Application still applied.

Aviation, Radar and Defence

6.7.6 Several respondents commented on potential interference on air defence radar from the development. Defence Infrastructure Organisation Safeguarding (DIO Safeguarding) stated that while they objected to the application in the original consultation, they added that a mitigation proposal had been received from the applicant for their consideration. They were satisfied that a technical solution could be realised within a reasonable timeframe to resolve this issue. Another respondent recommended that Marine Scotland consider the possible impact of the turbine development on MoD radar, largely due to turbine clutter and impact on radar.

- 6.7.7 Both NATS and Aberdeen Airport stated that a Radar Mitigation Scheme should be developed by the operator to mitigate impacts on the primary and secondary radar installations at Perwinnes Radar. Both respondents added that this scheme should be agreed in writing with the responsible authorities (i.e. Aberdeenshire Council or Scottish Ministers) prior to commencement of the development. One stated that an agreement has been entered into by NERL and AOWL for development of such a mitigation solution, and highlighted the importance of the development operating in full accordance with the approved scheme.
- 6.7.8 Several respondents, including the DIO Safeguarding, raised the potential impact of the development on defence facilities in their responses to the addendum. They stated their intention to work with the applicant to progress their issues with the applicant, including access issues for Blackdog Firing Range Management Plan and other issues. They added the importance of ensuring range activities were not compromised and that project activities could be undertaken safely if addressed by development of a Firing Range Management Plan, adding that the cost of this should be met by the applicant.
- 6.7.9 DIO Safeguarding also requested that a condition for Scottish Ministers to consult with them prior to consent being given, be included in the assignation of consent for the development. They stated that the MoD was prepared to withdraw its objection provided that any Section 36 consent was granted subject to these conditions.

Lighting

- 6.7.10 A number of respondents discussed lighting requirements in their responses. The CAA noted that standards for lighting of offshore wind turbines are in place, and added that the lighting of wind turbine generators in UK Territorial Waters contains information that is superseded by Edition 7 of CAP 437.
- 6.7.11 RSPB felt that turbine lighting should be kept to the legal minimum for safety, in order to reduce the attraction of the development to birds and avoid potential bird-turbine collisions. They suggested that this be agreed by Marine Scotland, SNH and other appropriate parties before development commences.

Terrestrial Impacts

- 6.7.12 Transport Scotland Ports and Harbours and JMP Consultants (on behalf of Transport Scotland) stated that as the changes in the Addendum do not concern impacts to onshore transmission infrastructure, they felt that the offshore activities described in the Addendum would not have a significant environmental impact on the trunk road network. However, they also noted their intention to comment on potential trunk road impacts once these activities have been identified, and a planning application made under the Town and Country Planning (Scotland) Act.

Telecommunications

- 6.7.13 In terms of telecommunications, BT confirmed that the development would not interfere with current and proposed networks. Similarly, JRC Ltd confirmed that they did not anticipate any problems based on the known interference scenarios and the data provided. However, they noted that the clearance they have provided pertains only to the date of issue, and as the use of the band changes on an ongoing basis. As such, they advise that the applicant should seek re-coordination prior to submitting a planning application.

6.8 Issue 4: Biodiversity and Other Environmental Issues

- 6.8.1 Some 19 respondents commented on other environmental issues in their responses, including the 11 campaign responses objecting to the development.

Non-native Species

- 6.8.2 SEPA reiterated their request from the previous consultation that a project-specific method statement be produced for the development, setting out how the risk of the introduction of non-native species are to be avoided during the construction, operation and decommissioning phases.

Birds

- 6.8.3 As in the previous consultation, impacts on birds was discussed by a several respondents, including one voluntary respondent, one consultation authority and a number of individual respondents. The voluntary and consultation authority respondents both referred to their responses from the previous consultation. RSPB discussed their previous concerns on the methodology used to assess the risk of bird collision, the incomplete survey data used to inform the impact assessment, and the lack of availability of raw data that had formed the basis for this part of the EIA.
- 6.8.4 They added that significant progress has been made on these issues, stating that the “assessment has improved substantially and allows clearer conclusions to be drawn”. However, as in the previous consultation, they felt that the commitment to the monitoring of birds and potential impacts of the turbines was still unclear, and added that the extension of research should ideally be underpinned by planning conditions.
- 6.8.5 RSPB added to comments they made on a range of specific disturbance, displacement and collision risk issues in the previous consultation. The respondent stated:
- Disturbances to common and velvet scoters, and eiders could be mitigated through compliance with a well-designed vessel movement and construction plan.

- Displacement impacts on red-throated divers in Aberdeen Bay, especially during the construction phase and due to the presence of turbines, are likely to be relatively small based on the average number of divers present.
- Collision risk impacts to herring gulls and possible other gull species are likely to have low population impact on local SPAs.
- Collision risk and displacement impacts to other species (including little, sandwich and common terns, pink-footed goose, barnacle goose, gannet, shag, guillemot, razorbill and puffin) are likely to be low.

6.8.6 Aberdeenshire Council also raised concerns over collision risk, particularly relating to the breeding birds populations and Buller's O'Buchan as identified in the Buchan Area Committee Report attached to their consultation response. In this report, the Committee requested that this be considered in the determination of the application. The campaign responses shared this view, stating that sea and migratory birds may be affected by the turbines, and also raised concerns that cumulative impacts from multiple developments may have adverse impacts on these species.

6.8.7 While in the previous consultation, RSPB objected to the development based on these points, they added that they were willing to withdraw this objection subject to the implementation of a series of conditions and recommended that the following be attached to any consent:

- Boat traffic and disturbance on the landward side of the wind farm is minimised using management plans detailing vessel movements, activity and timing to reduce potential impacts on scoters and eider, particularly during moulting.
- Development of a turbine construction and servicing plan specifying temporal and spatial restrictions on particular types of activities to minimise disturbance to scoters, eiders and divers.
- Keep turbine lighting to the legal safety minimum to reduce the attraction of the development to birds and reduce potential collisions.
- Development of a programme for research and monitoring the impacts of the turbines on birds and bird behaviour in relation to turbines, including the establishment of acceptable collisions rates and reduction in collisions rates by shutting down turbines or other methods. They added a range of other components of such a programme, including monitoring methods, research into other specific aspects of the proposed development (i.e. benthic impacts) and incorporation of environmental impacts into the turbine design process. This condition supports the respondent view that for greater emphasis be given to on monitoring and research.
- A commitment to ensure ongoing research results are made available to all legitimate users, suggesting early posting of preliminary results on a public website with appropriate caveats where applicable.

- 6.8.8 They added that plans produced for the development should be agreed in advance of works commencing with Marine Scotland, SNH and other appropriate parties, a point also held by SEPA. RSPB also commented that two other bird species (long-tailed duck and velvet scoter) have been reclassified by Birdlife International as globally threatened species, and that the development area could be used to learn more about these species and their interactions with offshore windfarms.

Marine Mammals

- 6.8.9 As for the previous consultation, possible impacts to marine mammals were also discussed by a number of respondents. One respondent from the golf and leisure sector felt that there could be potential adverse significant effects on the marine environment from the proposed development. They suggested that a precautionary approach be adopted until there is a higher level of understanding of the marine environment and the likely significant effects identified.
- 6.8.10 WDCCS went into greater detail on this issue, referring to their response for the previous consultation, stating that their concerns about potential impacts from pile driving, mitigation and monitoring remain. However, another respondent felt that the potential development impacts for marine mammals are short in duration and of limited scale.
- 6.8.11 The piling and construction phase was of particular concern, with the respondent stating that since the Environmental Statement was produced, the likely effects of pile driving in offshore wind farm construction has been demonstrated on a mixed population of harbour seals and grey seals elsewhere in the UK ⁵. Their concern was in relation to both physical and noise impacts, with the respondent stating that they felt the use of “soft start” as the only proposed mitigation measure did not demonstrate best practice. WDCCS considered this to be insufficient to ensure the protection of species (i.e. bottlenose dolphins and harbour seals), and alternatives such as suspension of piling in the event of marine animals approaching pile driving works, adopting seasonal restrictions for pile driving activities, the use of other measures (i.e. bubble curtains, jackets or other form of sleeve) were suggested to reduce noise levels around the pile and reduce disturbance distances on other marine mammals. MSS and SNH also commented on underwater noise levels, stating that the omission of monopiles from the construction phase, if undertaken by the applicant, could be beneficial in reducing underwater noise levels. MSS stated that they had no additional comments regarding the Addendum
- 6.8.12 WDCCS raised concerns that seals and dolphins could become curious about the construction works, and endangering themselves in the process. They felt that these options may be beneficial in addressing this potential impact. They also considered that a Marine Mammal Protection Plan should be developed to consider monitoring during construction and operation of the development, and to ensure that effective mitigation

⁵ Respondent referred to: Skeate ER, Perrow MR and Gilroy JJ (2012) Likely effects of construction of Scroby Sands offshore wind farm on a mixed population of harbour *Phoca vitulina* and grey *Halichoerus grypus* seals, Marine Pollution Bulletin, 64, 872-881.

measures reduce the potential death or injury of mammals during these works.

- 6.8.13 Both the WDCS and SNH noted that legal requirements must be met for European Protected Species (EPS) and SACs, and that an EPS licence would be required. WDCS added that they felt that questions remain on the number of animals that will be impacted, their potential impacts on the population and on the possible displacement of these animals.
- 6.8.14 WDCS stated that there were inconsistencies in reporting in the Environmental Statement and Addendum (i.e. dolphin occurrence between report and surveys) and differences in sighting rates between surveys (i.e. 2007-08 and 2010-11), stating that they demonstrate considerable variability in the marine environment, and that two years of baseline surveys may not always be sufficient to understand local habitats and behaviours. In addition, they noted the inclusion of several “untested assumptions”, using the likelihood of proximity of a bottlenose dolphin to piling works as an example. As in the previous consultation, WDCS felt that the assessment did not reflect a proper understanding of these issues and stated the importance of this in managing and mitigating potential impacts on marine mammals.
- 6.8.15 As for their response to the initial consultation, SNH provided a detailed response focused largely on biodiversity issues, referring to a range of issues raised in their previous response. SNH attached a Natura appraisal with their response, updating that included in their previous response for the Environmental Statement. In this appraisal, SNH stated that “the additional information and analyses included in the Addendum allowed the conclusion to be reached that the proposed development presented no adverse effect on site integrity for all species and SPAs.”
- 6.8.16 However, SNH also stated that “as the proposal raises natural heritage issues of international interest, we object to this proposal unless it is made subject to appropriate conditions”. These conditions, detailed in an Annex to the response, were largely reiterations of the previous response on the Environmental Statement. However, SNH made the following two additions relating to the provision of an independent expert panel and development of a Monitoring Programme for the development:
- Inclusion of measures to detect bird collisions (e.g. blade sensors, targeted radar studies, thermal detection systems, etc).
 - Preparation of a document outlining the sources and duration of funding for the research and monitoring programme, agreed with Marine Scotland in consultation with relevant respondents, prior to the commencement of construction works.
- 6.8.17 Aberdeenshire Council raised concerns over potential impacts on Forvie Sands at Newburgh, requesting that this be considered in the determination of the application. This respondent attached a Buchan Area Committee Report with their response where possible impacts from electro-magnetic fields associated with the proposed turbines on existing fish species, specifically fish nursery areas. The Committee requested that this be considered in the determination of the application.

6.9 Issue 5: Historic Environment

- 6.9.1 In their response to the Addendum, Historic Scotland stated that they were content that the proposed development is unlikely to result in significant adverse impacts on assets within their area of remit.
- 6.9.2 However, Aberdeen City Council felt that Girdle Ness and its associated historic and heritage assets should merit further evaluation under the assessment. They also noted that none of the golf courses located north of the River Don are included in Historic Scotland's Inventory or Gardens and Designed Landscapes, nor were they aware that they contained any listed buildings.

6.10 Issue 6: Construction and Management Documentation

- 6.10.1 Several respondents felt that many of the issues raised the two consultations could be addressed via the development of management documentation, with some recommending the development of this documentation be a condition of consent for the proposal.
- 6.10.2 SEPA stated that a site-specific Construction Environmental Management Document (CEMD) should be developed in consultation with SNH, themselves and other appropriate authorities two months prior to commencement of works onsite. SNH held a similar view, reiterating their views from their previous consultation response that it should be a condition on consent that a documented survey and monitoring programme, construction method statement, vessel management plan, helicopter management plan (if intended to be used), details of export cabling and an Initial decommissioning strategy be developed for the project. As for SEPA, they felt that these documents should be agreed with appropriate authorities prior to commencement of works.
- 6.10.3 The WDCS commented that a Marine Management Protection Plan was not included in the Addendum, but added that this would be developed in the future once the construction technologies and techniques are finalised. They felt this was important in understanding potential impacts and requested involvement in its development and the opportunity to provide comment on it.
- 6.10.4 As discussed in Section 6.8, the RSPB felt that a more detailed programme of works should be developed, and that a "well-designed and comprehensive research and monitoring programme should be developed" for the EOWDC. While they stated that their interests lie with ornithological research and development work, there would be logical extension for greater research and monitoring of other marine issues and interactions. As for other respondents, RSPB stated that this programme should be agreed with Marine Scotland in consultation with other appropriate parties before consent is given for the development.

6.11 Other Issues

Communities and Health

- 6.11.1 An individual respondent expressed concern with potential health impacts associated with noise, vibration and flicker effects from wind turbines. They felt that such turbines should not be located within 10km of a community citing research undertaken in Australia and Japan on health effects of turbines. This view was also expressed in the campaign responses objecting to the development.
- 6.11.2 However, HSE stated that they had no comment to make on the Addendum.

Public Enquiry

- 6.11.3 One respondent expressed concern that a decision taken by Scottish Ministers on the proposal could be challengeable in court unless a public enquiry was undertaken to consider all representations made on the proposed development. Another respondent, representing a business from the golf and leisure sector, requested that a Public Local Inquiry (PLI) be called, adding that this would enable the “fullest possible assessment” of such major wind farm applications to take place.

Marine Planning

- 6.11.4 One respondent expressed concern that the proposal undermined the role of the forthcoming Regional Marine Planning Partnerships, noting that there was no reference to the National Marine Plan (pre-consultation draft) in the proposal.

7. CONCLUSION AND NEXT STEPS

Summary:

- *This concluding section reflects on the key themes emerging from the assessment.*
- *A wide range of views were received from respondents on issues relating to renewable energy and economic development; landscape and visual impacts; tourism and leisure impacts; transport and communications; environmental factors and biodiversity; communities, population and health; cultural heritage impacts; and water and pollution.*
- *The next steps in processing and determining the application are set out.*
- *Respondents are invited to review the findings of this report and highlight any clarifications or omissions as soon as possible.*

7.1 Key themes emerging from the consultations

- 7.1.1 A total of 583 valid responses were received to the Application and Environmental Statement, with 41 additional responses to the consultation on the Addendum.

Consultation on the Application and Environmental Statement

- 7.1.2 In summary, views from the consultation on the Application and Environmental Statement for the proposed development were mixed. In all, 131 respondents objected to the development, 430 respondents supported the development, and the remainder did not provide a definitive view in support or objecting, mainly on the basis of the need for further information or the securing a range of stated conditions.
- 7.1.3 Many views for and against the development related to its economic impact, renewable energy and the offshore wind sector overall. Beyond these largely general views and comments, the key reasons for opposition to the development were in relation to visual impacts and associated impacts on tourism and recreation. This included strong opposition to the development by the tourism and leisure sector, particularly those with interests in golf tourism in the North East. In addition, substantial number of responses supporting this view appeared to emerge from a campaign supported by businesses and organisations with an interest in the golf, tourism and leisure sector.
- 7.1.4 The key reasons for supporting the development were general support for wind farm development. However, as with the opposition, many of these responses may have originated from a campaign supporting the development, although neither can be fully verified given the way in which many of these statements of opposition and support were presented. Despite this, it is important to note that many of the respondents supporting the development reflected opposition to the Menie Estate development implicitly or explicitly.

- 7.1.5 Both consultations generated comments in relation to a number of other issues, some raised by both supporters and opponents of the development.
- 7.1.6 Some detailed responses were provided by a number of environmental organisations and representatives of other maritime users, that raise a number of key environmental challenges requiring further consideration including:
- Mitigation of the aviation and radar impacts of the development.
 - Mitigation of the shipping and navigation issues of the development.
 - The need for further analysis of impacts on biodiversity including European protected sites and species, birds and marine mammals. This includes concerns about data available to inform the assessment, its presentation, analysis and conclusions.
 - Impacts of the terrestrial aspects of the development.
- 7.1.7 Several detailed responses were submitted by environmental organisations commenting on the methodology and technical content of the Application and Environmental Statement. These responses were largely limited to reviewing the documentation rather than supporting or objecting to the proposed wind farm, largely focusing on the environmental topics of ornithology, marine fauna and coastal processes were discussed. Key issues raised included the request for additional detail regarding the modelling undertaken, uncertainty in potential impacts on birds and marine fauna, and monitoring.

Consultation on the Addendum to the Environmental Statement

- 7.1.8 Views of support or objection were less apparent in responses to the consultation on the Addendum, with most respondents submitting either neutral or conditional responses. Some reiterated views on issues previously raised while others made recommendations for addressing these issues.
- 7.1.9 One respondent stated their support for the proposed development, and 15 respondents stated their objection. However, 11 of the objections were submitted by individuals in the form of campaign responses, with a further two from individuals and two from businesses associated with the golf and leisure sector.
- 7.1.10 The respondents largely discussed issues raised in the previous consultation on the Application and Environmental Statement, the development of construction and management plans were also introduced for the first time in this consultation and commented on. Views were largely centred on visual and tourism impacts, communications and transport (i.e. radar and shipping) and environmental issues (i.e. biodiversity, impacts on birds and marine mammals), all topic areas discussed by respondents in the first consultation.
- 7.1.11 Many respondents indicated that progress had been made in resolving a number of issues raised in the previous consultation (i.e. mitigation of radar impacts, navigation). Some commented that the Addendum contained

sufficient additional information to alleviate other stated concerns raised in the consultation for the Application and Environmental Statement, particularly those related to biodiversity (i.e. bird collisions). However, concerns over visual impacts of the proposed development, and mitigation of impacts on marine mammals, particularly during the construction stages, were reiterated by some respondents.

7.1.12 Several respondents, including MoD, NATS, and RSPB, stated their willingness to withdraw their objections provided certain stated conditions were met, while others used their responses to raise concerns or recommendations that they felt should be addressed. These included:

- Development of management plans for the construction, operation and decommissioning of the development agreed with appropriate parties prior to the commencement of the development, and adherence to these over its lifespan. These included a more detailed programme of works, detailed design statement, site-specific environmental management document, marine management protection plan, vessel movement plan, and adoption of an iterative process for development of a decommissioning strategy.
- Development and agreement over a radar mitigation scheme prior to commencement of the development.
- Greater emphasis on monitoring, establishment of an expert monitoring panel, and agreement on a detailed monitoring programme prior to commencement of the development. This included suggestions for additional studies and provision of research and monitoring results to be made available.
- Additional mitigation above that currently proposed (i.e. above soft-start) be developed and implemented.

Summary of Findings

7.1.13 Table 7.1 sets out a summary checklist of issues raised during both consultations:

Table 7.1: Summary of Issues Raised in the Consultations

Issue: Renewable energy and economic development	
Support	Objections / Concerns
<ul style="list-style-type: none"> • Climate change and economic benefit of renewable energy • Economic development – positive effects from the development • Employment generation • Support for broader economic aspirations • North East as a centre for energy innovation • Support for research and innovation in renewables • Development of offshore technologies • Preferable to other types of generation (nuclear) • Need to replace fossil fuels / security of energy supplies • Links with existing support services in the North East 	<ul style="list-style-type: none"> • Economic development – negative effects on tourism, leisure and golf • Requirement for fuller economic assessment • Inefficiency of wind • Dependence on public subsidy
Issue: Landscape and visual impacts	
Support	Objections / Concerns
<ul style="list-style-type: none"> • Impact on the setting of Aberdeen insufficient grounds for refusal • Perceived positive visual impacts • View that impacts would be negligible • Creation of a landmark / statement • Negative effects would be outweighed by benefits of the development • Set within area of industrial character • Scaling down of development has reduced impacts • View is invalid reason for refusal • Would become an accepted feature over time • Offshore preferable to onshore (direct and cumulative impacts, reduce pressure onshore) • Terrestrial elements not assessed 	<ul style="list-style-type: none"> • Perceived negative visual impacts • Impact on an Area of Landscape Significance • Impact on character of the seascape • Inadequate assessment • Industrial development within a natural environment • Lack of consideration of cumulative effects and light pollution • Questioning of visualisations and of viewpoints, suggestion of additional visualisation locations, impacts on key receptors • Impact on the Menie Estate development • Proximity to shore – impact on local residents and recreational users • Alternative locations would reduce impacts • Mitigation required to reduce significant impacts (coherence)
Issue: Tourism and Leisure Impacts	
Support	Objections / Concerns
<ul style="list-style-type: none"> • Could become a tourist attraction in its own right • Negligible impacts • No research supporting claims of 	<ul style="list-style-type: none"> • Perceived negative visual impacts with implications for tourism • Impact on golf courses • Impact on wider economy,

<ul style="list-style-type: none"> negative impacts No objections on the basis of RYA interests 	<ul style="list-style-type: none"> employment, etc. No developments affecting other championship golf links
Issue: Transport and Communications	
Support	Objections / Concerns
<ul style="list-style-type: none"> Mitigation available to address potential shipping issues Navigation risk assessment is adequate, subject to outstanding issues Preferable location compared to other areas where interference with shipping is likely No telecommunications issues Progress on agreement with MoD over radar mitigation and vessel movements Chamber of shipping accepting of proposal 	<ul style="list-style-type: none"> Requirement for more work on shipping mitigation Ocean laboratory indicative location should be moved to avoid impacts on designated anchorage General impact on commercial and leisure shipping Non compliant lighting plans Lack of clarity in aviation assessment Route changes require statutory procedures and consultation periods Impact on Air Defence Radar at Buchan Conflict with Aberdeen Airport safeguarding criteria – mitigation required Impact on NATS criteria – radar Need to assess noise and carbon impacts of helicopter re-routing
Issue: Biodiversity	
Support	Objections / Concerns
<ul style="list-style-type: none"> Mitigation may reduce significant impacts on natural heritage interests including adoption of mitigation and management plans Respondents reassured by proposed mitigation Information in Addendum clarifies views on issues (i.e. bird collisions) and expected collision and displacement impacts likely to be low Information in Application and Environmental Statement on ornithology, mammals, fishing activity and coastal processes generally detailed and thorough Opportunity for site to contribute to research and monitoring Habitat creation / biodiversity enhancement Conditional objection / support with a range of recommendations and conditions provided by some respondents (i.e. monitoring programme, additional mitigation, etc). 	<ul style="list-style-type: none"> Requires further assessment of impacts on protected sites and qualifying interests (SACs and SPAs) and associated species Errors and inconsistencies in assessment findings Requests for additional detail on modelling undertaken, particularly relating to coastal processes Significant impacts on birds including large scale effects on specific species (disturbance) Insufficient bird data / inappropriate assessment and a request for detail over displacement estimates and how consequences of displacement were assessed. Request for detail on sampling (i.e. epifaunal and fish assemblage data sets) and modelling methodologies (i.e. coastal processes) Extensive mitigation required Impacts on marine mammals (noise, construction, presence of structures) Insufficient information on marine mammals

	<ul style="list-style-type: none"> • Lacks precautionary approach on the basis of inadequate information • Significant commitment to monitoring of biodiversity effects (birds, salmonids and marine mammals in particular) required, suggested monitoring programme and expert panel • Impact on livestock (horses) • Concerns about marine wildlife generally • Concern over potential impacts on sensitive species such as salmon, sea trout and eel (noise, vibration and EMF) • Mitigation of impacts on fish and marine mammals required • Further research on impacts on fish required
Issue: Communities, population and health	
Support	Objections / Concerns
<ul style="list-style-type: none"> • Potential benefits of community fund requires further assessment • No health and safety issues raised by HSE • Reduction in fuel poverty 	<ul style="list-style-type: none"> • Contravenes health guidelines due to proximity to homes • Impacts on local people requires further consideration • Noise impacts on local people • Shadow flicker impacts
Issue: Cultural Heritage Impacts	
Support	Objections / Concerns
<ul style="list-style-type: none"> • Historic Scotland has no concerns about impacts on the setting of historic sites on the coast 	<ul style="list-style-type: none"> • Aberdeen City Council suggest further assessment of impacts on two key historic sites
Issue: Water and Pollution	
Support	Objections / Concerns
<ul style="list-style-type: none"> • Support from SEPA subject to conditions • General preference for renewables to reduce pollution from the energy sector. 	<ul style="list-style-type: none"> • Conditions required to avoid adverse impacts • Potential for introduction of non-native species • Appropriate mitigation required to address construction impacts

7.2 Next steps

- 7.2.1 These views, and the issues they raise, will now be taken into account when drafting the recommendation to the Scottish Ministers. Scottish Ministers will reach a decision taking into account, amongst other considerations, these views, the marine Licence Application, Environmental Statement and information submitted in support, the addendum and Marine Scotland's assessment the proposals.
- 7.2.2 This Report has been published in order to ensure that the decision making process, and the information used to inform it, is as transparent as possible. Whilst the consultation process for the Marine Licence application, Environmental Statement and the Addendum have now closed, any views on omissions within the analysis or points of clarification should be submitted to Marine Scotland by email at ms.marinelicensing@scotland.gsi.gov.uk.

ANNEX G – LEGAL ADVICE

This Annex has been removed from the submission in the terms of the Scottish ministerial code.

ANNEX H – THE FRASER OF ALLANDER INSTITUTE REPORT

APPENDIX I



The Economic Impact of the Menie Estate Development on the Scottish and local economy

**A report for Trump International Golf Links Scotland
by the Fraser of Allander Institute**

May 2008

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SC015263.

1. Introduction

Trump International Golf Links Scotland (TIGLS) has asked the Fraser of Allander Institute (FAI) at the University of Strathclyde to assess the total economic impact on the Scottish economy of the proposed 1400 acre golf and hotel development by TIGLS at the Menie Estate in Balmedie, some seven miles north of Aberdeen. The next section discusses some brief background on the Menie development, while the following section explains the methods used to estimate the economic impact of the TIGLS development on both the Scottish and local economies. Estimates of the economic impact of the development are detailed in sections 4 and 5 below.

2. Background

The Menie Estate Development

The main elements of TIGLS's proposed development at the Menie Estate are detailed in Table 1 below.

Table 1- Proposed Menie Estate developments
2 championship golf courses
Golf clubhouse
Golf academy
Golf maintenance building
Short game area and driving range
450 unit hotel
Conference area and spa
Staff accommodation unit
36 golf villas
950 holiday apartments
500 private residential houses
Parking and access infrastructure

3. Study Methods

Total Economic Impacts – Direct, Indirect and Induced Impacts

Our assessment of the economic impact of the Menie Estate development covers two main elements:

- i) The activity created during construction of the above facilities
- ii) The activity created once the ranges of facilities are operational

As noted above, this study aims to estimate the total economic impact of TIGLS development at Menie on Scotland, and it is appropriate to explain the meaning of this.

The total activity created by Menie can be measured at two levels. For example, the golf, hotel and associated activities at Menie will create economic activity in Scotland, simply as a result of their ongoing business operations in the golf and hotel sectors. This is termed the initial, or direct, effect of Menie, and comprises the employment and Gross Value Added (GVA, see below) that these ongoing activities create in both the Scottish and local economies¹. For example, the hotel will create employment in the hotel industry, and the number of jobs created is the initial (or direct) hotel employment impact. Similarly, construction of the development will create direct jobs in the construction sector.

However, as part of their ongoing business operations, the hotel and golf activities at Menie will pay wages to Scottish residents. Both will also purchase goods and services, some proportion of which will be spent on goods and services either produced or distributed by companies located in Scotland. Two further additional economic effects result from these wage and supplier expenditures, in both cases because the recipients of this initial expenditure will subsequently re-spend some of the monies received in Scotland. The first, known as the induced impact, occurs because employees will spend wages and salaries paid by TIGLS on other goods and

¹ The local economy comprises both Aberdeenshire and Aberdeen City.

services that are either produced or distributed within Scotland. The second effect, known as the indirect impact, results because suppliers to the Menie development will themselves make expenditures on staff and other goods and services produced or distributed within Scotland.

This re-expenditure of the initial payments made by Menie therefore means that the total amount of economic activity created by TIGLS is greater than the initial amount created by its initial operations. The creation of the initial output at Menie generates further demand for other Scottish goods and services, and its total economic impact on Scotland is measured by the sum of the direct, induced and indirect impacts.

Multipliers

The total effect of the Menie development, on both the Scottish and local economies, are usually summarised by deriving a multiplier. For example, a (hypothetical) Scottish employment multiplier of 1.50 can be interpreted as meaning that every one job at Menie supports an additional 0.5 of a job elsewhere in Scotland, once the re-expenditure effects outlined above have been taken into account. Multipliers therefore indicate the extent to which other jobs in Scotland rely on the initial activity at Menie.

Employment and Gross Value Added

Multiplier estimates are reported for both employment – the number of Full Time Equivalent (FTE) jobs created by the Menie development net of displacement and leakage – and for Gross Value Added (GVA). GVA is, as the term suggests, a measure of the value added to the economy by any economic activity. It is defined as the value produced by the activity itself, for example by the construction of the Menie development, less the value of goods and services purchased from other producers². It thus measures the value that the activity adds to the inputs it buys from others (hence value-added) and is equivalent to the activity's contribution to Gross Domestic Product (GDP) at basic prices.

² These are termed intermediate products.

Additionality

It should also be noted that the results reported here do not include any allowance for additionality. Additionality is generally measured within the context of government policy interventions in the economy, and attempts to measure the net impact of such interventions. For example¹, suppose that the government introduces a policy to create employment in some area and employment increases from 10,000 to 20,000 over a ten year period. If employment would have grown to 15,000 anyway (i.e., without any government intervention) the net additional impact of the intervention is to create 5,000 jobs.

However, our understanding is that no policy support is proposed for the Menie development. If so, any activity created because of the development is wholly additional – the activity estimated for the Menie development will not be generated if TIGLS does not invest to create the facilities at Menie outlined in Table 1 above. We have therefore assumed that all activity created by the Menie development will be additional, during both the construction and the operational phases.

Leakage

As the Menie development will take place in Aberdeenshire, it is clear that any employment and/or GVA created will be generated there. However, it is equally clear that some employment may be taken up by residents from outwith the area, and our estimates have been adjusted to allow for this.

Displacement

Displacement arises where an economic activity takes market share from local firms producing the same good or service, and the net economic impact of the Menie development should make an allowance for this. Our assumptions, which are based on English Partnerships guidance, are spelt out below.

¹ This example is taken from English Partnerships, Additionality Guide, 2004, page 4.

4. Menie Development Impact Estimates - Construction

Construction Impacts

Table 2 below details the estimated expenditure involved in constructing all elements of the Menie development detailed in section 2 above, estimated at £720 million⁴ and the initial Full Time Equivalent (FTE) employment created. Note that the figure of 6,095 FTE jobs refers to the number of direct jobs created across Scotland (local estimates are given below) and that this figure has not been adjusted for either displacement or leakage.

Note that the estimated costs shown (£720 million) are for construction only, and that TIGLS also expects to spend a further £115 million on Fixtures, Fittings and Equipment (FFE). However, as it was not possible to estimate the goods and services composition of this spending or the extent to which it be spent in Scotland, it was not possible to include an estimate of the employment or GVA this expenditure will create in Scotland or the local economy.

Table 2 - Menie Estate Development Expenditure and Employment	
	Total
Expenditure (£million)	720.0
Direct employment created (FTE)	6,095

We obtained our estimate of the direct employment in construction created by using Scottish Government figures to estimate the amount of expenditure necessary to create one construction FTE job in 2008 (£117,984). This figure was derived from 2005 Scottish Government output and employment figures⁵ which were then updated to 2008 values by using a construction cost index produced by the Department for Business, Enterprise and Regulatory Reform (DBERR)⁶.

⁴ Derived from construction costs estimates provided by Hardies Property and Construction Consultants.

⁵ Output/Employment ratios derived from "Scotland by Division: 1998-2005", Scottish Government.

⁶ Construction Statistics, 2007, Table 5.1, Resource cost index of building non-housing.

Displacement

We adopt two assumptions with regard to displacement, 25% and 50%. These figures are based on English Partnerships guidance⁷, and the first assumes that the activity at the Menie Estate will cause a 25% reduction in activity in the construction sector in Scotland, while the 50% assumption assumes that construction activity elsewhere in Scotland will fall by 50%. While the 50% assumption may seem high, and causes a considerable reduction in the number of jobs attributable to the project, we believe that adopting a conservative assumption reduces the risk of overstating the construction impacts.

Using the 25% assumption, the net impact is that the construction element of the development will create a net 4,572 jobs once we allow for displacement. Adopting the 50% displacement assumption means that the number of net jobs created falls to 3,048.

Leakage

We have assumed that leakage (the fact some employment may be taken up by residents from outwith the area) will be 20%. Net employment after allowing for displacement and leakage is therefore estimated at 3,657 (25% displacement) and 2,438 (50% displacement)

Multiplier Impacts

We have estimated the total number of jobs created in Scotland (including the additional jobs that result from the indirect and induced impacts discussed above) by applying the employment multiplier for the Construction sector (1.93) estimated by the Scottish Government. On the 25% displacement assumption, therefore, we estimate is that the golf elements will create 7,042 FTE jobs and on the 50% assumption will create 4,694 FTE jobs. Table 3 below shows the net construction FTE jobs created under both assumptions.

Table 3	
FTE Jobs Estimate - Scotland	Construction
25% Displacement	7,042
50% Displacement	4,694

⁷ See English Partnerships, *Additionality Guide*, 2004, page 21.

Gross value Added⁸

We have estimated GVA after allowing for both displacement and leakage as discussed above. We estimate that the construction of the Menie developments will create £399.9 million worth of GVA across Scotland using the 25% displacement assumption and £266.6 million if displacement is assumed to be 50% (Table 4).

Table 4 - Menie Estate GVA Estimate (£M) - Scotland	
	Construction
25% Displacement	399.9
50% Displacement	266.6

Local Estimates

Using the 25% displacement assumption, the above implies that the wage and supply expenditures made during the construction phase of the development will create an additional 3,384 FTE jobs (i.e., 7,042 - 3,657) across Scotland as a whole. Using the 50% assumption implies that the construction phase will create an additional 2,256 (4,694 - 2,438) jobs.

However, while the net direct employment⁹ (3,657 or 2,438 jobs) will create employment in the local economy (because this is where the construction activity is located), the additional jobs will be created across Scotland as a whole, and we must estimate the number that will be created locally. Note also that while the net direct jobs are in the construction sector, the additional jobs will be created in a range of Scottish sectors as the wage and supplier expenditures that drive them work through the Scottish economy.

We have estimated the distribution of the additional jobs by developing a reduced (11 sector) Input Output model that reflects the sectoral distribution of the expenditures made during the development of the Menie development. From this, we have estimated the impact of a £1 million construction expenditure and distributed the additional jobs that result from expenditure of £720 million according to this.

⁸ GVA has been estimated by applying GVA per worker ratios for 2005 from Scottish Government data published in Scotland by Division, 1998-2005, updated to 2008.

⁹ After allowing for displacement and leakage.

We then assume that the additional jobs will be distributed by the proportion of the local economy (Aberdeenshire and Aberdeen City) share of any Scottish industry. If, for example, 10 of the additional jobs are created in the Scottish computer industry and the local economy accounts for 20% of the Scottish computer industry, it is assumed that 2 of the 10 jobs created in the Scottish computer industry will be created in the local computer industry. This appears to be a reasonable assumption of how the additional jobs will be shared out within Scotland, effectively distributing local job by the regional market share of all Scottish industries.

We must also allow for the fact that local leakage may arise because some of the net direct jobs may be taken by residents from outside the local economy¹⁰. We have assumed that half of the 3,657 net direct jobs (estimated using the 25% displacement assumption) will be taken by residents from outwith the local economy, so that 1,829 net direct jobs will be taken by local residents. The number of additional jobs created locally is estimated at 336, meaning that a total of 2,165 local jobs will be created by the construction spending undertaken to develop the Menie estate.

Using the 50% displacement assumption, half of the 2,438 net direct jobs (1,219) jobs will fall to local residents and we estimate that number of additional jobs created locally at 224. In total, this means that 1,443 jobs are created locally (Table 5).

Table 5	
Local FTE Jobs Estimate	Construction
25% Displacement	2,165
50% Displacement	1,443

Using the same assumptions (half of all direct GVA is created locally and additional GVA is distributed using the regional market share assumption), we estimate that the construction element will increase local GVA by £120.7 million (25% displacement) and £80.5 million (50% displacement). These estimates are shown in Table 6.

¹⁰ This is in addition to the Scottish leakage assumption made above, and reflects the fact that some of the net direct jobs created in Scotland may be taken by residents of areas outside Aberdeenshire and Aberdeen City.

Table 6 - Menie Estate Local GVA Estimate (£M)		Construction
25% Displacement		120.7
50% Displacement		80.5

5. Menie Development Impact Estimates - Operations

Operational Impacts

We have estimated the operational impacts for three separate parts of the Menie development, Golf (which covers the two golf courses, the golf clubhouse, golf academy, golf maintenance building, short game area and driving range), the Hotel related (the 450 unit hotel with conference area and spa) and the Holiday Homes and Villas.

Golf Related Developments¹¹

We obtained our estimate of the initial direct employment created in the Golf-related elements by estimating a total output figure from an output/wage ratio derived from the Scottish Input Output tables and applying this ratio to the estimated wage payments made for the golf element of the Menie development¹². Direct employment was then estimated from a 2008 output per employee ratio for the Recreational, Cultural and Sporting Services sector (£57,884) derived from Scottish Government data¹³. Our estimate is that 300 (299.9) initial FTE jobs will be created once the golf element of the Menie development is operational.

Displacement

We again adopt two 25% and 50% assumptions with regard to displacement. Using the 25% assumption implies that the net impact is that the golf element of the Menie development will create a net 225 (224.9) FTE jobs once we allow for this. If we adopt the 50% assumption, net jobs created falls to 150 (149.9).

¹¹ This comprises the expenditures on the golf courses, the golf clubhouse, golf academy, golf maintenance facilities, short game area and driving range

¹² Wage figures were supplied by Johnston Carmichael.

¹³ Output/Employment ratios were derived from Scotland by Division: 1998-2005. Figures were uprated to 2008 values by assuming that output per employee would increase in line with the trend in Scottish GVA.

Leakage

Again, we must include an estimate for leakage (the fact some employment may be taken up by residents from outwith the area). However, these are, at the Scottish level, these are unlikely to be significant¹⁴, and we have assumed that there will be no leakage of jobs from Scotland. Net direct employment (after allowing for both displacement and leakage) is therefore as shown in the paragraph immediately above (225 with a 50% displacement ratio and 150 with a 25% ratio).

Multiplier Impacts

We have estimated the total number of jobs created in Scotland (including the additional jobs that result from the indirect and induced impacts discussed above) by applying the employment multiplier for the Recreational, Cultural and Sporting Services sector (2.12) estimated by the Scottish Government. On the 25% displacement assumption, therefore, we estimate that the golf elements will create 478 FTEs and on the 50% assumption 319 FTE jobs (See Table 7).

Table 7 - Menie Estate FTE Jobs Estimate - Scotland	Golf Element
25% Displacement	478
50% Displacement	319

Gross value Added

We have again estimated GVA after allowing for both displacement and leakage, and estimate that the golf element will create £22.6 million worth of GVA (25% displacement) and £15.1 million worth of GVA (50% displacement), see Table 8.

Table 8 - Menie Estate GVA Estimate (£M) - Scotland	Golf Element
25% Displacement	22.6
50% Displacement	15

¹⁴ This would mean that people travel from outwith Scotland to work at Menie.

Local Estimates

Given that the development is within a few miles of Aberdeen City centre, we have assumed that there will be no additional local leakage – all direct employment will be taken up by residents of Aberdeenshire and/or Aberdeen City. The additional employment has been assessed using the regional market share assumption outlined above.

Using the 25% displacement assumption, we therefore estimate that all of the net direct golf jobs (225) will go to local residents. We estimate that the golf element will create a further 25 local jobs, a total of 250 jobs. Using the 50% displacement assumption, the number of local jobs created is estimated at 167 (Table 9).

Table 9 - Menie Estate Local FTE Jobs Estimate	Golf Element
25% Displacement	250
50% Displacement	167

Local GVA has been estimated similarly, that is by assuming that all direct GVA is created locally and by distributing additional GVA by regional market share. We estimate that the golf element of the development will create £14 million worth of GVA locally if displacement is assumed to 25% and £ 9.3 million worth of GVA if displacement is 50% (Table 10).

Table 10 Menie Estate Local GVA Estimate (£M)	Golf Element
25% Displacement	14.0
50% Displacement	9.3

Hotel and Related Developments¹⁵

Our estimate of the direct employment created in the Hotel element of the Menie development by estimating a total output figure from an output/wage ratio derived from the Scottish Input Output tables and applying this ratio to the estimated wage payments made for the hotel element of the Menie development. Direct employment was then estimated by deriving a 2008 output per employee ratio (£27,458) for the

¹⁵ This consists of the 450 bed hotel, conference centre and spa facilities.

Hotels and Catering sector from Scottish Government data. Our estimate is that 1,453 initial jobs will be created by the hotel element of the Menie development.

Displacement

We again adopt the 25% and 50% displacement assumptions. Using the 25% assumption implies that the net impact is that the golf element of the Menie development will create a net 1,090 FTE jobs once we allow for this. If we adopt the 50% assumption, net jobs created falls to 726 FTE jobs.

Leakage

We again assume that leakage will be zero at the Scottish level. Net employment after allowing for displacement and leakage is therefore as shown above, 1,090 FTE jobs with a 25% displacement ratio and 726 with a 50% ratio.

Multiplier Impacts

We have estimated the total number of jobs created in Scotland (including the additional jobs that result from the indirect and induced impacts discussed above) by applying the employment multiplier for the Hotels and Catering sector (1.20). On the 25% displacement assumption, therefore, we estimate that the hotel element will create 1,036 FTEs and on the 50% assumption it will create 870 FTE jobs (Table 11).

Table 11 - Menie Estate FTE Jobs Estimate - Scotland	
	Hotel Element
25% Displacement	1,306
50% Displacement	870

Gross value Added

GVA created, after allowing for displacement and leakage is estimated to be £ 24.9 million (25% displacement) and £ 16.6 million (50% displacement, see Table 12).

Table 12 - Menie Estate GVA Estimate (£M) - Scotland	
	Hotel Element
25% Displacement	24.9
50% Displacement	16.6

Local Estimates

We have again assumed that there will be no local leakage and that all net direct employment will be taken up by local residents. This results in an estimated number of 1,111 local jobs on the 25% displacement assumption and 741 if displacement is 50% (Table 13).

Table 13 - Menie Estate Local FTE Jobs Estimate	Hotel Element
25% Displacement	1,111
50% Displacement	741

Local GVA is estimated at £ 18.4 million (25% displacement) and £ 12.3 million (50% displacement, see Table 14).

Table 14 - Menie Estate Local GVA Estimate (£M)	Hotel Element
25% Displacement	18.4
50% Displacement	12.3

Holiday Homes and Villas

Our estimate of the initial employment created by Holiday Homes and Villas is much smaller at 74 (73.8) FTE jobs. This was obtained in a similar fashion to the golf and hotel estimates, by estimating a total output figure from an output/wage ratio derived from the Scottish Input Output tables and applying this ratio to the estimated wage payments made for the Holiday Homes and Villas element of the Menie development. Direct employment was then estimated from a 2008 output per employee ratio for the Other Services sector (£18,982) derived from Scottish Government data.

Displacement

Using the 25% assumption as above, we estimate that the Holiday Homes and Villas element will create a net 55.3 FTE jobs once we allow for this. If we adopt the 50% assumption, the number of net direct jobs created totals 36.9.

Leakage

We again assume no Scottish leakage and net employment after allowing for displacement and leakage is thus 55.3 FTE jobs (25% assumption) and 36.9 FTE jobs (50% assumption).

Multiplier Impacts

The total number of jobs created in Scotland (including additional jobs) is estimated by applying the Scottish Government employment multiplier for the Other Services sector in Scotland (1.30). On the 25% displacement assumption, therefore, we estimate is that the golf elements will create 72 FTEs and on the 50% assumption this equates to 48 FTE jobs (Table 15).

Table 15 - Menie Estate FTE Jobs Estimate - Scotland	Holiday Homes/Villas
25% Displacement	72
50% Displacement	48

Gross value Added

GVA created, after allowing for displacement and leakage is estimated to be £ 1.7 million (25% displacement) and £ 1.1 million (50% displacement, see Table 16).

Table 16 - Menie Estate GVA Estimate (£M) - Scotland	Holiday Homes/Villas
25% Displacement	1.7
50% Displacement	1.1

Local Estimates

We have again assumed that there will be no local leakage and that all net direct employment will be taken up by local residents. This results in an estimated net direct number of 57 local jobs on the 25% displacement assumption and 38 if displacement is assumed to be 50% (Table 17).

Table 17 - Menie Estate Local FTE Jobs Estimate	Holiday Homes/Villas
25% Displacement	57
50% Displacement	38

Local GVA is estimated at £ 1.1 million (25% displacement) and £ 0.7 million (50% displacement), see Table 18.

Table 18 - Menie Estate	
Local GVA Estimate (£M)	Holiday Homes/Villas
25% Displacement	1.1
50% Displacement	0.7

Table 19 below summarises the estimated operational impacts of the Menie Development.

Table 19 - Menie Estate Operational Impacts - Summary		Scotland	Local
FTE Jobs			
	25% Displacement	1,856	1,418
	50% Displacement	1,237	945
GVA			
	25% Displacement	49.2	33.5
	50% Displacement	32.8	22.3

ANNEX I – PROJECT LOCATION

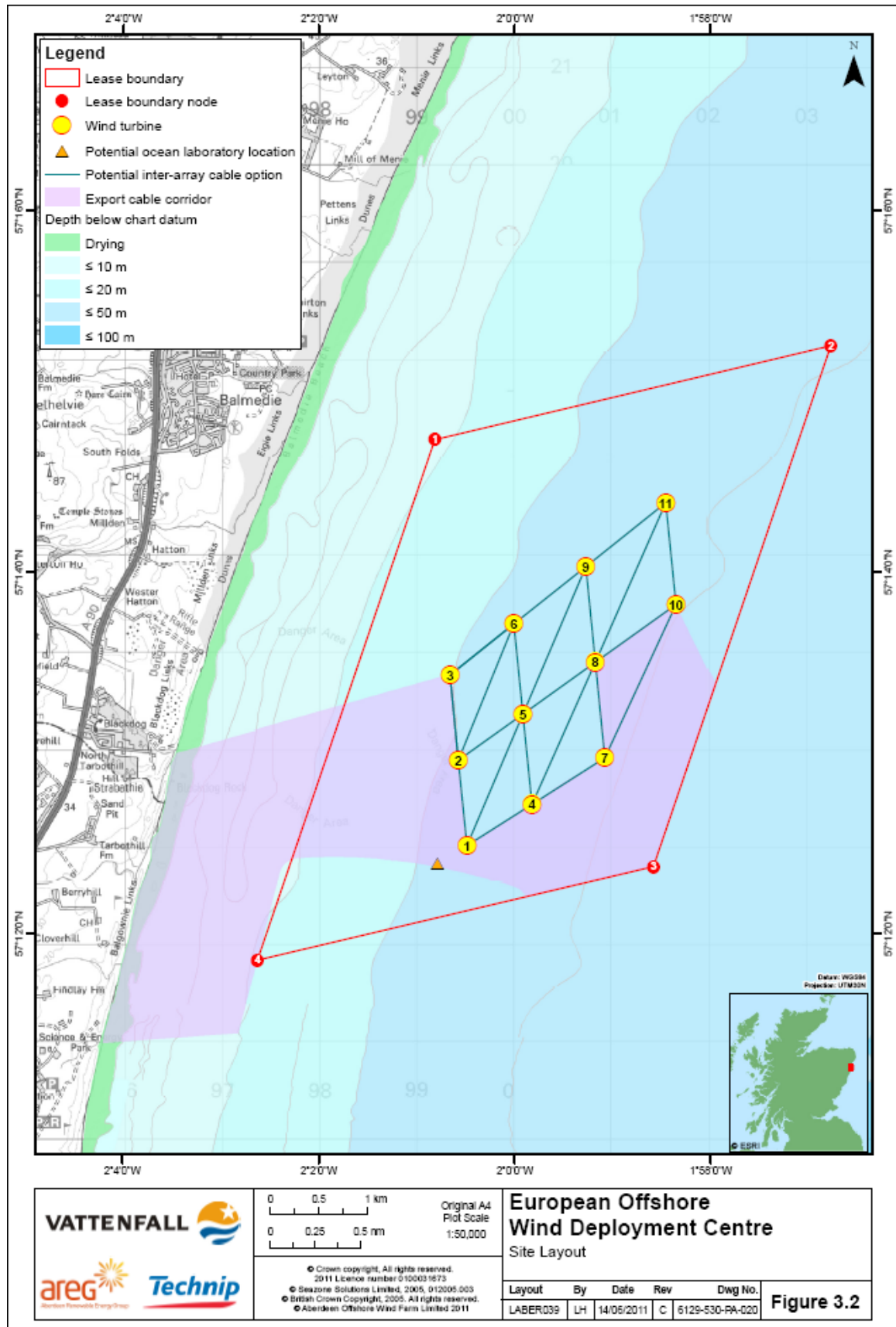


Figure 1. Turbine locations, lease boundary and export cable route