Our Ref. Planning/Kincardine OS Windfarm
Your Ref.
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ABERDEEN CITY COUNCIL

20 July 2016

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Dear Catarina

PROPOSAL: CONSENT TO CONSTRUCT AND OPERATE KINCARDINE OFFSHORE WINDFARM

SECTION 36 AND 36A OF THE ELECTRICITY ACT 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000
The Electricity (Applications for Consent) Regulations 1990

MARINE (SCOTLAND) ACT 2010, PART 4: MARINE LICENCE

MARINE AND COASTAL ACCESS ACT 2009
The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)

Thank you for your consultation of 8 April 2016 on the proposed Kincardine Offshore Windfarm. We have considered the Environmental Statement (ES) and supporting documents and have the following comments:

1. We support the proposal in principle. It helps to deliver Scottish Government policy for renewable energy and sustainable development. Although the development is offshore, the proposal aligns with terrestrial planning policy, including Aberdeen City and Shire Strategic Development Plan targets for renewable energy generation and the objectives of Aberdeen Local Development Plan Policy R8 Renewables and Low Carbon Energy Development.

PETE LEONARD
DIRECTOR

2. Development and implementation of transformational renewable energy solutions at all scales, and their associated benefits, is also a key City Region ambition as articulated through a number of documents; City Region Deal; Regional Economic Strategy, Shaping Aberdeen and Powering Aberdeen: Aberdeen's Sustainable Energy Action Plan (draft). This proposal feeds directly into the realisation of these ambitions.

3. The proposed windfarm is a demonstrator project which will explore technical issues for offshore wind energy. This strategically important project has the potential for creating access to greater economic opportunities in Aberdeen, including diversification for the oil and gas industry. When operational, the windfarm will help to deliver national objectives for sustainable energy supplies and will contribute to reductions in climate change emissions. One of the potential outcomes is a better understanding of how windfarms could be deployed further offshore, helping to deliver renewable energy whilst reducing the impacts of such developments on the landscapes, seascapes and wildlife enjoyed at the coast by residents and visitors to Aberdeen.

4. However we consider that ES inadequately addresses some aspects of the social, economic and environmental effects. We advise that the ES should be expanded to include further information and mitigation measures as a condition of consent, and the developer should be encouraged to prepare a local community benefit package, as outlined below. The developer will also need to consider the environmental effects of the onshore works at the appropriate time through the terrestrial planning process.

5. Our comments are set out below. For further detail, see Appendix 1.

Socio-economic impacts and community benefits

6. Fixed offshore wind energy is a prime diversification opportunity for the oil and gas industry. Floating offshore wind energy is the next generation of technology and represents a further opportunity. The presence of this development in waters off the Aberdeen coast would be significant in terms of lessons that can be applied to other, bigger projects and if successful should lead to access to much greater opportunities for local companies in the future.

7. However, whilst there would be some direct beneficial local economic effect, this would be small scale. The ES contains little evidence about the characteristics of employment being created (e.g. skills group). The assessment suggests some economic benefits to the city and region, though these cannot be automatically translated into benefits to the local economy or communities of Altens and Cove.

8. Local socio-economic disruption, and the impacts on tourism are assessed as 'negligible' but there is no evaluation or measurement in the ES so this cannot be substantiated. The impact on fisheries is assessed as 'no

impact/negligible/minor' but there is no quantification in economic terms so this cannot be substantiated.

Mitigation advised

9. The use of community benefit clauses in the procurement process to target local recruitment and training between the delivery of the project and neighbouring communities, including targeting the unemployed. It should be borne in mind however, that the overall level of job creation is quite small so the opportunities may be limited.

10. Information on local employment opportunities should be publicised whilst complying with acceptable recruitment practice, including:
    - Working with the Job Centre to deal with employment enquiries and applications during the construction process.
    - Establishing a local training and employment committee with the aim of early matching of job opportunities, local supply and training provision.

11. Sponsor a set number of schoolchildren/school leavers from regeneration areas through secondary schools, with mentoring, work experience and apprenticeships, for example in construction/cabling trades.

12. Advertise local suitable business opportunities associated with the construction and operation of the development.

13. Work with Aberdeen City Council to identify opportunities to promote local supply chain and employment opportunities.

14. Develop and deliver an educational programme about windfarms for schools which promotes an understanding of the wide range of career opportunities in this sector.

Landscape and visual

15. The Kincardine Offshore Windfarm (KOW) introduces a built element into an otherwise undeveloped seascape which is located off a largely undeveloped coastline. On its own, the small number of turbines in KOW and distance from shore limits the impact of this proposal. However the ES does not consider the impacts of lighting at night time, nor does it adequately address the cumulative effects with the Nigg harbour proposals and Aberdeen Offshore Windfarm (also known as European Offshore Windfarm Deployment Centre or EOWDC). In combination the three developments will result in significant change occurring over large areas of the coastal landscapes and seascapes around Aberdeen.

Information requested

16. The following additional information is requested to assess the effects of the proposal:

- Night-time lighting assessment of the proposed windfarm.
- A thorough and documented assessment, using appropriate baseline data, of the cumulative effects (including night-time lighting) with Nigg Harbour Extension and Aberdeen Offshore Windfarm
- Recommendations for mitigating any identified adverse night-time lighting and cumulative effects.

Historic Environment

17. Several terrestrial historic assets will be visually impacted upon by the proposed development, including Torry Battery, Girdleness Lighthouse, Dunnottar Castle, and Stonehaven War Memorial. These sites have been considered in the assessment and while the impact is acceptable in this instance, any future offshore development will have to take into consideration cumulative visual impact.

Habitats Regulations Appraisal (HRA)

18. The information provided in the HRA is sufficient to inform the Appropriate Assessment of the proposals as far as it affects the Council's interests on land. The Council defers to SNH's response to Marine Scotland in relation to the marine environment.

Onshore proposals

19. Onshore works are to be the subject of a separate application for planning permission and pre-application discussions have taken place. The application will need to follow due process. We are supportive of the overall project in light of its alignment with local, regional and national planning and energy policies, however consideration will be required of the land-based environmental effects of the proposal as set out in Appendix 1.

20. Aberdeen has a prominent and leading position in the development of hydrogen technology and as part of this is considering the integration of hydrogen technology with renewable energy generation sources, including wind power. We request that the developer be asked to investigate how this project could contribute to the development of local hydrogen production, as this would comprise part of the mitigation measures for socio-economic impact and community benefit.

Yours sincerely

Pete Leonard
Director of Communities, Housing and Infrastructure

Appendix 1: Detailed comments on Kincardine Offshore Windfarm proposal from Aberdeen City Council.

Socio-economic impacts and community benefits

Assessment of economic impacts

1. While the positive economic impacts of the proposed project are noted, a major weakness of the socio-economic impact assessment is its treatment of the "local project zone" (LPZ) as being synonymous with the "construction daily commuting zone" (CDCZ) or the "wider impact zone" (WIZ). Impacts arising from any project are likely to affect surrounding geographical areas, starting from LPZ (Altens and Cove), CDCZ (Aberdeen, Aberdeenshire) and the WIZ (Scotland and UK). The overall benefits of the project to Aberdeen City or the region do not automatically translate into benefits for the communities in the LPZ (Altens and Cove). For example there are aspects of the project relating to onshore works (i.e. landfall, cable corridor and substation site) and these works have implications for the local community or LPZ.

Evidence of employment creation and local benefits

2. There is little evidence from the report of
   - Characteristics of employment (e.g. skills group) which benefits the local economy
   - Output, income and employment for the local community
   - local labour supply and training and potential wage levels

3. The figures in the ES are unclear. In terms of job creation they seem to be:

   - Fabrication of substructures - 40 over 2 years
   - Wind turbines – not counted as will be manufactured outside Scotland
   - Assembly and installation – 40 over 2 years at "installation port"
   - Cable laying – 20 over 3-6 months
   - Onshore substation – not stated, could be included in the cable laying figure
   - Operations and maintenance – 4 offshore engineers and 4 onshore personnel for 25 years
   - Plus some unquantified small numbers of jobs in offshore construction workers, vessel operators and engineers during construction
   - Decommissioning – no information

4. There seems to be some overlap in the way the figures are presented and there is lack of clarity about where the jobs will be created. Fabrication of the substructures for example is not likely to be carried out at either Aberdeen or

Peterhead port. There is reference to the "installation port" but it is not specified. The following is our understanding of the figures:

- Operations and maintenance - 4 offshore engineers and 4 onshore personnel for 25 years from either Aberdeen or Peterhead (the ES does say that the vessel and personnel may be shared with another windfarm so this might have to be discounted)

- Unquantified small numbers of jobs in offshore construction workers, vessel operators and engineers, also either from Aberdeen or Peterhead.

5. It is highly possible but not guaranteed that because of the nature of the local industry that the cable laying work (20 jobs) could go to a local company. The value of the operations and maintenance should not be underestimated as over the life of the project because it usually equates to about the same as the construction costs.

Assessment of community effects

6. There is little evidence in the ES of how the project will affect:
   - The demographics of the local community
   - Housing tenure, types and prices for the local people as the result of the new project
   - Social services like schools, health, social support, police, fire, recreation, transport, community stress, conflict, integration, cohesion and alienation because of workers in around the area.

7. There are no proposals to provide community benefits.

Seascape/landscape and visual impact assessment

8. Aberdeen City Council was consulted during the pre-application process and made recommendations for improving the standard and scope of visualisations. The majority of the comments were taken on board. We note a discrepancy in the scale of the windfarm which appears larger / closer to the shore in the wireline diagram for Viewpoint 7 at Doonies Farm (Figure D-3) when compared with the photomontage (Figure D-4). We have assumed that the photomontage is the correct image in the comments that follow.

Operational phase (lifespan 25 years) – landscape/seascape impacts

9. There are 27 Landscape Character Areas in Aberdeen. These exclude urban areas, but include coastal landscapes.
   - Adverse impacts of moderate/major significance are identified for two Landscape Character Areas (LCAs), both of which are within Aberdeen, and coastally located (LCA 8 Aberdeen Links and LCA 23

Girdleness/Nigg Bay). This affects a large proportion of Aberdeen's coastline.

- Moderate adverse impacts on seven LCAs, five of which are in Aberdeen (LCA 25 on the coast (Doonies/Cove) and LCAs 5, 6, 7 and 24 - located just inland of the coast)). This affects a large proportion of Aberdeen's coastline.

10. Adverse impacts of minor significance are noted for national Seascape Unit 4.

Operational phase - Visual impacts

11. The visual assessment considers impacts on 23 viewpoints. Of these, four (viewpoints 4, 5, 6 and 7) are located within Aberdeen, and one (viewpoint 3) is from ferry routes off the coast of Aberdeen Harbour.

- The ES identifies adverse impacts of moderate/major significance on viewpoints 8, 10 and 16, all in Aberdeenshire.
- For viewpoints in Aberdeen City, there are no identified major impacts. Moderate effects are found on the walkers and visitors at VP4 (Eastern Boulevard) and the seascape of VP7 Doonies farm. Minor/moderate impacts are found for the remaining city viewpoints.

Night-time effects

12. Potential for night time impacts (that is, from any lighting of the development) is noted (Table 11-7) however this has not been assessed.

Cumulative effects

13. Although it is stated that cumulative effects with Aberdeen Offshore Windfarm are considered as part of the Landscape and Visual Impact Assessment this is not evident in the ES.

14. The assessment of cumulative impacts with Nigg Harbour is addressed in one sentence, and on the basis of information available appears inaccurate, stating that the windfarm will be significantly masked by the southern breakwater. The Nigg harbour EIA photomontage from the viewpoint at Girdleness, the (Nigg Harbour EIA Chapter 17, Figure 4(b)) illustrates that the horizon where the turbines would be located would be visible above the southern breakwater. There is at least an additive effect (the two developments being seen in the same views), resulting in increased impacts along this stretch of the coast.

15. Cumulative effects need to be considered from more than one viewpoint, for example there are sequential effects experienced by travelling (by foot e.g. along the coastal path, or by road and rail) along the coast and how the two

development inter-relate. As both developments (harbour extension harbour and windfarm) will be visible from key viewpoints such as Girdleness and Gregness, there would be expected to be additional sequential impacts along the coast. Given the current undeveloped nature of the seascape and coastal landscapes the combination of effects are expected to result in significant adverse effects on the seascape and visual characteristics of the Aberdeen coast in this area.

Assessment baseline and scope

16. Reference is made to SNH guidance 'Offshore Renewables – guidance on assessing the impact on coastal landscape and seascape'. However the baseline information used is dated (Aberdeen Landscape Character Assessment 1996) and at an inappropriate scale (An assessment of the sensitivity and capacity of the Scottish Seascape in relation to offshore windfarms (SNH 2005). The latter is a national scale assessment, not suitable as baseline assessment of the coast for detailed EIAs. The ES relies on a land-based landscape character assessment which is not focused on coastal and seascape character. No further coastal character or seascape assessment appears to have been carried out to inform the assessment.

17. There has been no assessment of impacts on routes, and movement corridors, including how the coast is experienced sequentially along the coastal path, national cycle route and roads.

18. A map is needed to illustrate the location of LCAs, identify which are within Aberdeen City and which are within Aberdeenshire, and showing the boundaries of seascape units to aid understanding of the assessment.

19. Page 521. A map of other windfarms in Table 11-15 should be provided to aid understanding of the assessment.

Historic Environment and Archaeology

20. Chapter 12 Marine Historic Environment. Currently responsibility for commenting on archaeological matters relating to offshore development lies with Historic Environment Scotland, with devolved comments being requested from the Council's Archaeology Service. Taking this into account, and having reviewed the chapter, we can confirm that the proposed mitigation methodology is acceptable and requires no additions or changes.

21. Chapter 16 Onshore (Section 16.5 Cultural Heritage). We agree with the assessment of the low potential direct impact upon archaeological remains, and that where appropriate, an archaeological watching-brief during topsoil

stripping will be required. Where directional drilling is used no mitigation will be required.

22. Chapter 11 Seascape and Landscape Visual Impact Assessment. Several terrestrial historic assets will be visually impacted upon by the proposed development, including Torry Battery, Girdleness Light House, Dunnottar Castle, and Stonehaven War Memorial. These sites have been considered in the assessment and while the impact is acceptable in this instance, any future offshore development will have to take into consideration cumulative visual impact.

Onshore proposals

23. Onshore works will be subject to a separate application for planning permission and pre-application discussions have taken place in regards to that element. The application will need to follow due process.

24. We are supportive of the overall project in light of Scottish Planning Policy for renewables and sustainable development, the structure plan targets for renewable energy generation and the objectives of local plan policy R8. The developer will need to consider the environmental effects of the proposal as set out in this consultation response.

25. Any disturbance to existing trees / vegetated areas resulting from the onshore works will require mitigatory planting to be agreed with the Council in accordance with the objectives of local plan policies NE1, NE2, NE5, NE7, NE8 and D6. Provision of Sustainable Urban Drainage Systems (SUDS) and screening to mitigate the impact of the compound will be required in accordance with policies NE6 and D6. The preferred cable routing and substation compound location is Route C, which is largely within an industrial area.

<u>Ecology</u>

26. As stated in the ES, the considerations for impacts to terrestrial ecology will be part of a separate planning application. Comments are provided below on the desk based assessment within the ES which will inform the forth coming planning application.

- Local Natures Reserves (LNR's) are statutory designated sites as per the National Parks and Access to the Countryside Act 1949, and should be classed and assessed as such within the planning application. They are wrongly noted as non-statutory within the ES.

- Include Kincorth Hill Local Nature Conservation Site (LNCS) in the list of non-statutory designated sites. The LNCS covers a larger area than the Kincorth Hill LNR and is designated for different reasons to the LNR. Potential impacts on both the Kincorth Hill LNR and LNCS should both be assessed in the planning application process.

- The coastline LNCS is called the Balnagask to Cove LNCS and covers a larger area than that shown on the map (Figure 16-4).

- Section 16.4.3 – number 41. SSSI's are national designated sites, not international as stated in the ES, and should be assessed as such as part of the planning application process.

- From the information provided, direct impacts will likely be on the Balnagask to Cove LNCS and, we note that the Council's Environmental Policy team will be contacted during the planning application process to agree protection and mitigation measures. Other designated sites in the surrounding area should be assessed for potential indirect impacts.

- We agree that an ecological survey should be conducted at the appropriate time of year in advance of submitting the planning application. The scope and timing of surveys should be agreed with the Council and will include habitats and species associated with the designated sites as well as the wider area affected by the development, including protected species (bats, badger, otter and great crested newts). The surveys should be conducted at the correct time of year for that species, e.g. refer to the Bats and Development Supplementary Guidance. The surveys should be submitted as part of the planning application supporting information.

- We agree that SEPA Pollution Prevention Guidance should be followed at all times during construction to protect all water bodies identified/affected by the development.

Landscape

27. The proposed landfall is within Doonies to Cove Coast Landscape Character Area which is currently an undeveloped, open coastline identified as sensitive to development in the Aberdeen Landscape Character Assessment (1996). The ES states that the landfall and cable corridor works will be underground once operational, and that there will be a landfall marker, but no significant landscape and visual effects. Given the sensitivity of the site, a landscape and visual appraisal will be required to enable the landscape impacts of proposal to be assessed.

Aberdeenshire COUNCIL

Our Ref: APP/2016/1726
Your Ref:

Ask for: Clara Thompson
Direct Dial: [redacted]
Email: clara.thompson@aberdeenshire.gov.uk

Marine Scotland Licensing Operations Team
Ms.marinelicensing@scotland.gsi.gov.uk

03 August 2016

Dear Sir/Madam

Consultation response from Aberdeenshire Council on Marine License application under the Marine (Scotland) Act 2010 and application under Section 36 of the Electricity Act (1989) for a large scale wind energy development off the Kincardine and Mearns Coast (Kincardine Offshore Windfarm).

Thank you for your consultation email dated 8 April 2016

Aberdeenshire Council Planning Service consider that Marine Scotland is well placed to provide the expertise required to determine both applications in line with the relevant legislation. The Planning Service is currently working with the applicant in order to address some issues which were identified through the course of agreeing this consultation response, all as noted below.

Having considered the information contained within the Environmental Statement and supporting documents and having sought the expert input from a number of internal services, please find below a summary of all issues identified by Aberdeenshire Council:

In general the Planning Service supports the principle of the Kincardine Offshore Windfarm (KOW) as it will help in the delivery of national renewable energy targets. Furthermore, there is not considered to be any policy conflict with the Development Plan.

Whilst no part of the development either on or offshore will be within Aberdeenshire Council's administrative boundary, we recognise the strategic and economic significance of the project to the region. It is outlined that the project will create jobs within the local economy. This is supported by Aberdeenshire Council, as is the proposal to use this project as a demonstrator for the development of offshore wind.

The Planning Service initially had some concerns about the robustness of the assessment contained within the ES, specifically in relation to the visual and cumulative assessment. These issues were further highlighted at Kincardine and Mearns Area Committee. The issues identified will be discussed in more detail below however, it should be noted that the Planning Service has now held two meetings with the applicant to discuss these issues, with the applicant providing further information including additional photographs and wire frame diagrams in order to address these concerns. The Planning Service is happy to continue to work with the applicant on this basis.

Ecology

In assessing the impact on ecology, it is recognised that this will largely be the responsibility of Marine Scotland in relation to the offshore work and Aberdeen City Council in relation to the onshore work. One aspect which is not referred to in the ES is the presence of a number of Local Nature Conservation Sites (LNCS) along the Aberdeenshire part of the coastline. These are:

- Findon LNCS
- Portlethen to Muchalls Coast LNCS
- Muchalls to Stonehaven Bay LNCS

These sites extend approximately 2km offshore to take into account the associated ornithological and cetacean interest. Information on the location of the LNCS can be obtained from the North East Scotland Biological Records Centre (NESBReC). Aberdeenshire Council would request that further information and assessment should be sought from the applicant and included in the ES in relation to these LNCS's.

Landscape/ Seascape and Visual Impact

It is recognised that the Kincardine Offshore Windfarm project effectively breaks down into the offshore (windfarm) and onshore (substation) parts of the proposed development. Particularly regarding the onshore proposals the level of design and environmental impact mitigating detail should be on a par with a standard onshore planning application for substation facilities etc.

Eight turbines have been used for illustrative purposes, however the full final proposal may be for the locating of 6 no turbines. In relation to seascape/landscape and visual issues a degree of certainty is required with regard to the turbine specification, the number and layout of the turbines as well as visually how the proposed development relates to other similar scale developments that potentially can be seen in combination with the project being proposed. In relation to these detailed site specific issues, and predicted cumulative affects there is currently an unconcluded aspect to this application.

It is outlined in the ES that the colour of the wind turbines is likely to be matt light grey. The turbines will be three bladed and will rotate clockwise when viewed from the windward direction. This is considered appropriate in terms of the local climate and wider seascape/ landscape. In terms of general visual design best practice, it is not recommended that advertising appear on any part of the turbines or associated equipment.

The applicant has provided landscape and visual assessment visualisation information in the form of the Kincardine Site and Viewpoint Locations plan PORL _MAP0033_01 which identifies 23 viewpoints and other areas of identified environmental sensitivity. Appendix D 'Visualisations' provides visualisations for 6 of the identified viewpoints.

For a wind energy development of the scale it would be anticipated that a higher number of viewpoints be illustrated with visualisations, including receptors at inland locations to provide a reasonably comprehensive assessment of predicted visual effects. All the viewpoints assessed should have a clear indication of the sensitivity of the receptor, the magnitude of change to perceived seascape/landscape character and the significance of effects. This is standard practice in relation to the principles of landscape (seascape) and visual impact assessment and should be primarily based on visualisations, but also have text based accompanying information. Aberdeenshire Council have discussed this with the applicant and environmental consultant who outlined further the methodology behind identifying the viewpoints and are working with Aberdeenshire Council to provide more information. The need for a greater number of visualisations was also highlighted by Members at the Kincardine and Mearns Area Committee, the specific viewpoints highlighted are identified below.

It's noted that the proposed height for the turbines is indicated as 176m to tip height. These would effectively be among the tallest wind turbines ever proposed for the north east area of Scotland. In clear weather conditions it is known that 100m wind turbines can be seen at distances of 35-40km. On this basis it can be assumed that a development featuring 176m high wind turbines has potential for significant visual affects to 35km and beyond. Based on the potential visibility we would again stress that we would have preferred to see a more comprehensive visual assessment which included visualisations from more inland locations. On the basis of what has been provided it is not felt that a full assessment of the impact is possible.

In discussions with the applicant and environmental consultant, Aberdeenshire Council advised that a viewpoint from Balmedie beach would be useful. The applicant has agreed to provide this however, to date this has not been received and we would continue to request this. It is felt that this is an important viewpoint on the basis of potential for in combination visual impact between KOW and Aberdeen Bay Windfarm.

Cumulative Impact

The applicant has started to address the issue with reference to offshore wind energy projects listed such as:

- Beatrice Offshore Windfarm
- Moray Firth R3 Zone 1
- Seagreen Alpha Offshore
- Inch Cape Offshore Windfarm
- Neart ne Gaoithe Offshore Windfarm
- Hywind Demonstration Site
- Aberdeen Bay Windfarm

It is felt that the applicant needs to further address the issue of cumulative impact as part of the seascape, landscape and visual impact assessment process to fully address the potential combined visual affects between the Kincardine Offshore proposed development and the above offshore wind energy projects, but also with the onshore wind energy projects that fall within the agreed extent of a cumulative ZTV.

The proposal will potentially be seen in combination with other onshore wind energy developments in Kincardine & Mearns, other parts of Aberdeenshire, and potentially in Aberdeen City, and this issue should be further explored. For the cumulative impact assessment, it is felt that appropriate common viewpoints and sensitive receptors that may have been used for other wind energy applications should be identified and assessed. The Kincardine onshore area has a number of wind energy projects, a number of which are operational which offer potential for cumulative impacts. It is felt that a more comprehensive cumulative assessment including a sequential visual assessment along coastal transport corridors with this regard the offshore/onshore visual impact is required.

An assessment of cumulative visual affects should be supplied in accordance with up to date SNH guidance etc. and as well as the visualisations include text based information on landscape/seascape and visual cumulative issues.

Feedback from Kincardine and Mearns Area Committee

The consultation request for KOW was reported to the Kincardine and Mearns Area Committee on 28 June 2016 in order to get Members' comments. Support for the principle of the development was voiced by Local Members however, concerns were also raised that the visual assessment contained within the ES dis not satisfactorily assess the impact from key coastal communities of:

- Newtonhill;
- Muchalls;
- Findon;

- Old Portlethen;
- Portlethen; and
- Hillside

It was also highlighted that visualisations from Downies should be provided however, it is recognised that this did in fact form part of the visual assessment within the ES. As already mentioned, the Planning Service has been in discussions with the applicant and in a meeting held on 18 July 2016 with the applicant and environmental consultant, it was explained that the omission of certain settlements form the visual assessment was done on the basis that KOW would not be visible due to the surrounding topography or on the basis that visualisations had been provided from locations closer to the development. However, the Planning Service would suggest that visualisations from a greater number of locations would allow a more comprehensive assessment of the impacts and the visual assessment is still considered to be lacking a level of robustness. Dialogue is ongoing to address this.

Concerns were highlighted at Area Committee with regard the lack of consultation by Marine Scotland with the coastal Community Councils. Members also highlighted similar concerns with regard the need for a more robust visual and cumulative assessment. Concerns were also highlighted with regard the impact on shipping however, it is recognised that all the appropriate bodies have been consulted in this regard.

A suggestion was made by Members that in order to minimise the visual impact that the turbines could potentially be moved further out to sea. During discussions between the Planning Service and the applicant, it became apparent that this was not an option due to the location of a deep water trench as well as the location of aviation radar.

Conclusion

In conclusion and whilst Aberdeenshire Council still have concerns about the overall robustness of a number of the assessments contained within the ES we **do not object** to the granting of Marine License and Section 36 application. This is on the basis that the applicant has worked with us on addressing a number of concerns and continues to do so. Furthermore it is not our assessment that the development will create a significantly negative visual impact, rather that parts of the assessment are somewhat lacking. Given that the applicant is working with us to address this we would feel it unreasonable to object to a project which offers significant strategic and economic benefits to north east Scotland.

We would however, request that further information be requested by Marine Scotland to address the deficiencies in the cumulative and visual assessments in line with the above comments, specifically we would ask that information be provided on:

Aberdeenshire COUNCIL

- Inclusion of LNCS's of Findon; Portlethen to Muchalls Coast and Muchalls to Stonehaven Bay in the assessment contained within the ES;
- Further details on the final specification, location and number of turbines;
- A visualisation/ photomontage taken from Balmedie beach showing any potential in combination visual impact of KOW and Aberdeen Bay Windfarm;
- Further written justification as to why visualisations have not been provided for the coastal communities of Newtonhill; Muchalls; Findon; Old Portlethen; Portlethen; and Hillside. If considered necessary further visualisations should be provided;
- A more comprehensive cumulative assessment including a sequential visual assessment to include coastal transport corridors in relation to the offshore/onshore visual impact.

I trust the above is in order but if you have any questions then please do not hesitate to contact me on the above details.

Yours faithfully

[redacted]

Head of Planning and Building Standards

Aberdeen International Airport

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Catarina Aires
Marine Renewables Casework Officer
Marine Scotland

Via Email

ABZ Ref: ABZ2610

16th May 2016

Dear Catarina

APPLICATION FOR CONSENT UNDER SECTION 36 AND 36A OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 AND THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT AND OPERATE KINCARDINE OFFSHORE WINDFARM

I refer to your consultation request received in this office on 16th May 2016.

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria. Accordingly, a more detailed assessment requires to be undertaken regarding the potential impact on Aberdeen Airport.

Whilst every effort will be made to reply as soon as possible, we may not be able to reply within 21 days of receipt of your consultation request. We, therefore, submit a holding objection until we are able to advise you of the results of our investigations.

You should note that where a Planning Authority proposes to grant permission against the advice of Aberdeen Airport, it shall notify Aberdeen Airport, the Civil Aviation Authority and the Scottish Ministers as per Circular 2/2003: Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003.

Yours Sincerely

[redacted]

Kirsteen MacDonald

Safeguarding Manager
Aberdeen Airport
[redacted]
abzsafeguard@aiairport.com

Aires C (Catarina)

From: [redacted]
Sent: 19 May 2016 09:48
To: MS Marine Renewables
Subject: Kincardine Windfarm ASYC response

I am writing as Commodore of the Aberdeen and Stonehaven Yacht Club. Despite our name we are a dinghy racing club, based at Stonehaven with virtually no yacht cruising. Our racing takes place in Stonehaven Bay up to one mile offshore.
We have discussed this at our committee and feel that it will have no impact on our activities. We are not sure what effect the Windfarm will have on the wind in an easterly, but feel the distance is sufficient for it not to be a problem.
We hope that if it goes ahead the town of Stonehaven might benefit from some improved infrastructure.
Regards

[redacted]

Sent from my IPad

[redacted]

Dinsdale R (Rosanne)

From: Windfarms <Windfarms.Windfarms@caa.co.uk>
Sent: 18 April 2016 18:49
To: MS Marine Renewables
Cc: Aires C (Catarina)
Subject: 201604REConsultationOnKincardineOffshoreWindfarmApplicationBy20thMay

Dear Sir or Madam,

APPLICATION FOR CONSENT UNDER SECTION 36 AND 36A OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 AND THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT AND OPERATE KINCARDINE OFFSHORE WINDFARM

Having reviewed the Environmental Statement provided, the appropriate aviation consultees (NATS, the MOD and Aberdeen Airport) have been identified although the positions of each consultee regarding the proposed development should be established by consultation. It is also recommended that the Maritime and Coastguard Agency are consulted with regard to any impact on offshore Search and Rescue helicopter operations.

There is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or more to be charted on aeronautical charts. Accordingly such structures should be reported to the Defence Geographic Centre (DGC) which maintains the UK's database of tall structures (the Digital Vertical Obstruction File) at least 10 weeks prior to the start of construction. The point of contact is Nigel Whittle (0208 818 2702, mail to dvof@mod.uk). The DGC will require the accurate location of the turbines/meteorological masts, accurate maximum heights, the lighting status of the turbines and / or meteorological masts and the estimated start / end dates for construction together with the estimate of when the turbines are scheduled to be removed.

In order to ensure that aviation stakeholders are aware of the turbines and / or meteorological masts while aviation charts are in the process of being updated, developments should be notified through the means of a **Not**ice to **A**ir**m**en (NOTAM). To arrange an associated NOTAM, a developer should contact CAA Airspace Regulation (AROps@caa.co.uk / 0207 453 6599); providing the same information as required by the DGC at least 14 days prior to the start of construction.

It is noted that the intention would be to assemble the turbines at an onshore assembly point and tow them to their final position. This has the potential to create an aviation obstacle and therefore it is requested that should consent be granted, a NOTAM is also issued for the turbines when under tow.

Any structure the height of which is 60m or more above the level of the sea at the highest astronomical tide which is situated in waters within or adjacent to the United Kingdom up to the seaward limits of the territorial sea should be lit in accordance with the Air Navigation Order and should be appropriately marked. It is likely that the CAA would require aviation lighting to be fitted to the turbines during the tow but the CAA would be happy to discuss this requirement with the developers should consent be granted.

Should you have any further questions please feel free to contact me, details below.

Mark Deakin
Surveillance Policy
Policy
Civil Aviation Authority

Tel: 020 7453 6534

Follow us on Twitter: @UK_CAA

Dinsdale R (Rosanne)

From: [redacted]
Sent: 16 May 2016 09:28
To: MS Marine Renewables
Subject: Consultation on Kincardine Offshore Windfarm

Dear Marine Scotland,

The UK Chamber of Shipping welcomes the opportunity to respond to the consultation however has no comment.

You faithfully,

Robert

Robert Merrylees
Policy Advisor & Analyst

UK Chamber of Shipping
30 Park Street, London, SE1 9EQ

[redacted]
www.ukchamberofshipping.com

Dinsdale R (Rosanne)

From: [redacted]@aol.com
Sent: 16 May 2016 08:28
To: Bova D (David) (MARLAB)
Subject: Re: Consultation on Kincardine Offshore Windfarm Application - One Week Remin...

Dear David

Thank your for your invitation to respond to the above consultation.
Representing the Esk District Salmon Fishery Board and the Esks Rivers & Fishery Trust we wish to ensure that the following issues are fully considered and no adverse effects occur.

Salmon and sea trout migration routes are not affected in any way

Sandeel spawning areas are not affected by the development

kind regards

[redacted]

[redacted]
Clerk to the Esk Board
Director Esk Rivers & Fishey Trust

In a message dated 13/05/2016 10:12:15 GMT Daylight Time, David.Bova@gov.scot writes:

> Dear Sir /Madam,
>
> **ELECTRICITY ACT 1989**
>
> *The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000*
>
> *The Electricity (Applications for Consent) Regulations 1990*
>
> **MARINE (SCOTLAND) ACT 2010**
>
> **MARINE AND COASTAL ACCESS ACT 2009**
>
> *The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)*
>
> **APPLICATION FOR CONSENT UNDER SECTION 36 AND 36A OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 AND THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT AND OPERATE KINCARDINE OFFSHORE WINDFARM**
>
> Please find attached the consultation email for the above application. I would be grateful for any comments you have by Friday 20 May 2016. If you are unable to meet this deadline, please contact us to arrange an extension to the consultation period. If you have no comments to make please submit a “nil return” response.

Historic Environment Scotland
Àrainneachd Eachdraidheil Alba

By Email: MS.MarineRenewables@gov.scot

Ms Catarina Aires
Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Street
ABERDEEN
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: [redacted]
Switchboard: 0131 668 8600
victoria.clements@hes.scot

Our ref: AMN/16/GB
Our Case ID: 201600171
Your ref: 024/OW/KOWF - 9

19 May 2016

Dear Ms Aires

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000
Marine Scotland Act 2010
Kincardine Offshore Windfarm

Thank you for your correspondence dated 14 April 2016 and the accompanying Environmental Statement (ES), which we received for our role as a statutory consultee under the terms of the above regulations. With effect from 1 October 2015, Historic Environment Scotland took up its full statutory role under the Historic Environment Scotland Act 2014. Historic Environment Scotland has therefore assumed the role in this consultation process which was previously performed by Historic Scotland as an executive agency of the Scottish Government.

This letter contains our comments for our historic environment interests. That is scheduled monuments and their settings, category A listed buildings and their settings, Inventory gardens and designed landscapes (GDL), Inventory battlefields, World Heritage Sites and Historic Marine Protected Areas (Marine (Scotland) Act 2010). In this case, our advice also includes matters relating to marine archaeology outwith the scope of the terrestrial planning system.

Historic Environment Scotland's Position
We do not wish to object to the above proposed development. I attach our comments on the adequacy of the ES and our views on the application as an annex to this covering letter.

Historic Environment Scotland's Advice
We would suggest that a suspensive condition be applied to any license granted regarding the proposed mitigation relating to marine assets. Further details are included in the attached annex.

The relevant local authority's archaeological and conservation advisors will also be able to give advice on cultural heritage issues, including potential impacts on unscheduled archaeology and category B and C listed buildings.

I hope this letter is of assistance to you. Please do not hesitate to contact me on the details given above, should you have any questions regarding this letter.

Yours sincerely

[redacted]

Victoria Clements
Senior Heritage Management Officer, EIA

Annex

Background
I understand that the proposed development is a commercial demonstrator site using floating foundation technology comprising up to 8 wind turbines to a maximum blade tip height of 176m mounted on a semi-submersible sub-structure, connected by inter-array cables and 2 export cables.

Our predecessor body, Historic Scotland, responded to a scoping opinion for this development in 2014. In their response they identified that the proposed development may have setting impacts on a scheduled monument, Dunnottar Castle (SM 986) which should be assessed within the ES. They suggested that other terrestrial assets within their remit should be scoped out of the assessment. They welcomed the assessment of potential impacts to undesignated marine historic environment assets. Historic Environment Scotland is content that the ES has provided an assessment of these assets.

Terrestrial Assets
I note that the impacts to the setting of Dunnottar Castle (SM 986) have been assessed in the Seascape, Landscape and Visual Impact (SLVIA) chapter of the ES. We do not consider that this is an appropriate methodology to assess impacts to historic environment assets or their setting. Various criteria and attributes which may well be relevant to identifying sensitivity in SLVIA are not considered relevant to assessing a historic environment designation such as a scheduled monument. Criteria for magnitude of impact will also be different and therefore the overall assessment of significance of effects may well also be different. A more appropriate historic environment methodology utilising our Setting Managing Change guidance note would have been preferable.

There is a very limited amount of information provided directly relating to the assessment of Dunnottar Castle and as such it is difficult to be certain how the conclusions reached in the assessment (moderate impact) were arrived at. Historic Scotland had requested specific visualisations in their scoping response and we note that these were not provided. Nevertheless, using the visualisation provided (VP20 fig. D-18) we have carried out our own assessment of the potential impacts to the setting of the scheduled monument.

We are content that as a result of the offshore works, there shall be no direct impacts on designated terrestrial assets. In terms of setting impacts, we have considered the potential for impacts on the setting of Dunnottar Castle (SM 986). Despite the limited information provided we are content that although there will be an impact to the setting of the monument it will not be so significant as to raise issues of national significance.

Marine Assets
We are content that there are no assets within the Project Area that are subject to statutory protection.

We note that a full geophysical and geotechnical assessment of the Project Area has still to be completed. We are content that the mitigation proposed in sections 12.3.2 and 12.5 is appropriate and would suggest the production of a written scheme of

investigation (WSI) and adoption of a suitable protocol for archaeological discoveries (PAD) be applied as suspensive conditions of any license granted, with both documents to be approved by Historic Environment Scotland / Marine Scotland prior to the commencement of works on site.

Summary
Overall, we are content in principal with the proposals, and consider that there shall be no adverse impacts on marine or terrestrial assets within our remit which would raise significant concerns. We are content with the proposed mitigation strategy providing that the above suggested conditions are implemented. As such we have no significant concerns with the application.

Historic Environment Scotland

19 May 2016

Dinsdale R (Rosanne)

From: [redacted]
Sent: 25 April 2016 16:24
To: Bova D (David) (MARLAB)
Cc: MS Marine Licensing
Subject: FW: Kincardine Offshore Windfarm - Public Consultation

Dear David,

Please see email below from Atkins on behalf of Kincardine Offshore Windfarm Ltd (KOWL). It is our understanding that while the development area includes a small section in offshore waters, the turbines themselves and all associated works will be within inshore waters. JNCC have not been consulted by Marine Scotland on this wind farm to date, given its location, and hence will not be responding to this consultation and defer to SNH.

Regards,

Dr Sarah Canning

Offshore Industries Advisor
PhD, BSc(Hons)
Joint Nature Conservation Committee
Inverdee House, Baxter Street, Aberdeen, AB11 9QA
Tel: 01224 266 550
Direct Tel: [redacted]
[redacted]

http://jncc.defra.gov.uk

25 years delivering innovative solutions to realise the value of nature.

From: Parry, Amy [mailto:Amy.Parry@atkinsglobal.com]
Sent: 08 April 2016 13:42
Subject: Kincardine Offshore Windfarm - Public Consultation

Good Afternoon,

Further to recent correspondence, we are contacting you on behalf of Kincardine Offshore Windfarm Limited as we are now starting the Public Consultation period regarding the application that has been submitted for the development of the Kincardine Offshore Windfarm. You are receiving this email as you indicated to us that your preference would be to receive the application documents electronically.

KOWL is a new company formed by Pilot Offshore Renewable Energy (PORL) and Atkins Ltd. PORL is an Aberdeen based joint venture between MacAskill Associates Limited and Renewable Energy Ventures (Offshore) Limited. Both are Scottish companies with extensive experience in the wind industry. KOWL has been established in order to develop, finance, construct, operate, maintain and decommission the Kincardine Offshore Windfarm.

KOWL is applying for the consents required for the windfarm and for the associated transmission works. The Project is considered a commercial demonstrator site, which will utilise floating foundation technology, and will be one of

the world's first array of floating wind turbines. It has been included within the Survey, Deploy and Monitoring scheme for offshore renewable systems (similar to wave and tidal devices).The Project is located south-east of Aberdeen approximately 8nm (15km) from the Scottish coastline and provides suitable water depth for a floating offshore wind demonstrator development (approximately 60-80m).

KOWL plan to use a semi-submersible sub-structure such as the Windfloat semi-submersible prototype (designed by Principle Power) for the proposed development. The proposed sub-structure will require anchors and associated mooring lines to maintain position over the lifetime of the development (25 years).The Project will involve the installation of between six and eight 6-8MW (Mega Watt) wind turbine generator (WTG) units, to a maximum capacity of 50MW. The WTGs will be connected by inter-array cables with the resultant power being exported directly to the onshore grid by two 33KV (Kilovolt) Export Cables, buried to a depth of 1.5m where possible (where burial is not possible, cable protection in the form of concrete mattresses and rock will be required). These will then connect into the power grid at Redmoss onshore substation.

A copy of KOWL's consents application, together with a copy of the Environmental Statement discussing the proposals in more detail and presenting an analysis of the environmental implications can be accessed via the Marine Scotland website (http://www.gov.scot/Topics/marine/Licensing/marine/scoping) for your inspection. You will also receive a consultation letter from Marine Scotland Licensing Operations Team which will explain how and until when you can make representation regarding this application.

Yours Faithfully,
ATKINS

75 years of design, engineering and project management excellence
200 Broomielaw, Glasgow, G1 4RU | Email: amy.parry@atkinsglobal.com | Web: www.atkinsglobal.com |
Twitter: http://www.twitter.com/atkinsglobal | Facebook: www.facebook.com/atkinsglobal | LinkedIn: http://www.linkedin.com/company/atkins | YouTube: http://www.youtube.com/wsatkinsplc

********** **********

This email has been received from an external party and

has been swept for the presence of computer viruses.

****

Dinsdale R (Rosanne)

From: JRC Windfarm Coordinations <windfarms@jrc.co.uk>
Sent: 11 April 2016 10:43
To: Aires C (Catarina)
Subject: Consultation on Kincardine Offshore Windfarm Application, by 20th May [WF564108]

Dear catarina,

A Windfarms Team member has replied to your coordination request, reference **WF564108** with the following response:

Dear Sir/Madam,

Planning Ref: *Scoping Opinion*

Site Name*:*

Kincardine Offshore

Turbine at NGR*:*

402000 789000

Hub Height*: 107m* ***Rotor Radius****: 85m*

This proposal ****cleared**** *with respect to radio link infrastructure operated by:*

The local electricity utility and Scotia Gas Networks

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal. Please note that due to the large number of adjacent radio links in this vicinity, which have been taken into account, clearance is given specifically for a location within the declared grid reference (quoted above).

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, you are advised to seek re-coordination prior to submitting a planning application, as this will negate the possibility of an objection being raised at that time as a consequence of any links assigned between your enquiry and the finalisation of your project.

JRC offers a range of radio planning and analysis services. If you require any assistance, please contact us by phone or email.

Regards

Wind Farm Team

The Joint Radio Company Limited
Dean Bradley House,
52 Horseferry Road,
LONDON SW1P 2AF
United Kingdom

TEL: [redacted]

JRC Ltd. is a Joint Venture between the Energy Networks Association (on behalf of the UK Energy Industries) and National Grid.
Registered in England & Wales: 2990041
http://www.jrc.co.uk/about-us

We hope this response has sufficiently answered your query.
If not, please **do not send another email** as you will go back to the end of the mail queue, which is not what you or we need. Instead, **reply to this email keeping the subject line intact or login to your account** for access to your coordination requests and responses.

http://breeze.jrc.co.uk/tickets/view.php?auth=o1xoycaaabicyaaaRkXvvefh6lZYpA%3D%3D

Aires C (Catarina)

From: JRC Windfarm Coordinations <windfarms@jrc.co.uk>
Sent: 11 April 2016 15:08
To: Aires C (Catarina)
Subject: Consultation on Kincardine Offshore Windfarm Application, by 20th May [WF564108]

Dear catarina,

A Windfarms Team member has replied to your coordination request, reference **WF564108** with the following response:

Good Afternoon Catarina,

Apologies, yes the clearance still stands, please let me know if you would like me to re send without scoping opinion in the response.

Kindest Regards,

[redacted]

We hope this response has sufficiently answered your query.
If not, please **do not send another email** as you will go back to the end of the mail queue, which is not what you or we need. Instead, **reply to this email keeping the subject line intact or login to your account** for access to your coordination requests and responses.

http://breeze.jrc.co.uk/tickets/view.php?auth=o1xoycaaabicyaaaRkXvvefh6lZYpA%3D%3D

Maritime & Coastguard Agency

Bay 2/20
Spring Place
105 Commercial Road
Southampton
SO15 1EG
UK

Tel: +44 (0)23 8032 9448
Fax:
E-mail: nick.salter@mcga.gov.uk

Catarina Aires
Marine Scotland Licensing
Operations Team

By email to: MS.MarineRenewables@gov.scot

Your ref:
Our ref: MNA/053/008/0028

13 May 2016

Dear Catarina

APPLICATION FOR CONSENT UNDER SECTION 36 AND 36A OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 AND THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT AND OPERATE KINCARDINE OFFSHORE WINDFARM

Thank you for your email dated 8 April 2016 inviting comment on the Environmental Statement (ES) for the proposed Marine Licence application to construct and operate the Kincardine Offshore Windfarm.

The MCA's remit for offshore renewable energy development is to ensure that safety of navigation is preserved, as progress is made towards government targets for renewable energy. The full ES is a necessarily large and wide ranging series of documents, this response is focused on the shipping and navigation elements of the ES and Navigation Risk Assessment (NRA).

Published Guidance
The latest version of the MCA's *Methodology for Assessing the Marine Navigational Safety Risks of Offshore Wind Farms* document was published in 2013 and MGN 371 was superseded by MGN 543 in January 2016. The applicant should ensure the guidance in both updated documents have been followed.

MGN Checklist
A completed MGN Checklist has been provided as part of the NRA assessment and MCA is content that all recommendations have been addressed.

Survey Data
MGN 543 Annex 2 Paragraph 6 requires that hydrographic surveys should fulfil the requirements of the International Hydrographic Organisation (IHO) Order 1a standard, with the final data supplied as a digital full density data set, and survey report to the MCA Hydrography Manager. This information has yet to be submitted.

Cumulative Impacts
The cumulative impact assessment in section 9.6, provides a comprehensive overview. Traffic in the area will be displaced by the development and the effects therefore need to be carefully monitored.

Mooring system
It is noted under section 9.5 that a third party verification of the mooring system will be conducted and this is supported.

Safety Zones
Safety zones during the construction, maintenance and decommissioning phases are supported, however it should be noted that operational safety zones may have a maximum 50m radius from the individual turbines. A detailed justification would be required for a 50m operational safety zone, with significant evidence from the construction phase in addition to the baseline NRA required supporting the case.

Cable Routes
Export cable routes, cable burial protection index and cable protections are issues that are yet to be fully developed. However due cognisance needs to address cable burial and protection, particularly close to shore where impacts on navigable water depth may become significant. Any consented cable protection works must ensure existing and future safe navigation is not compromised. The MCA would accept a maximum of 5% reduction in surrounding depth referenced to Chart Datum. Existing charted anchorage areas should be avoided.

The MCA is concerned on possible wear and tear on the export cable resulting from the movement of the turbines from waves, tides and currents.

Emergency Response Co-operation Plans
An Emergency Response Cooperation Plan is required to meet the requirements of MCA guidance. The template is available on the MCA website at www.gov.uk. An approved ERCOP will need to be in place prior to construction.

Aviation Lighting
The turbines must be lit with a single 2000 candela, red aviation light, flashing Morse 'W' in unison with all other turbines. Further consultation with the CAA and MCA should be sought by the applicant where additional mitigation may be identified.

Other Proposed Mitigation Measures
The list of embedded mitigation in section 9.3.3 (Table 9-4) is welcomed.

As part of their traffic monitoring plans, the applicant should clarify if they intend to install AIS receivers and how they intend to communicate with vessels e.g. if VHF radio systems are to be installed access should be provided to HM Coastguard.

The risks and mitigation of mooring line failure should be clarified. In the event of any failure, the UKHO and HMCG would need to be notified to promulgation of navigation warnings.

Future Consultations

I note that Aberdeen MRCC provided comment at the scoping stage on 3 July 2015, however the applicant should note this is not the official and full MCA position. All future consultation with the MCA should be through Navigation Safety Branch in the Southampton office (HQ) who will refer to relevant branches/offices within the MCA as appropriate.

Conclusion
It is noted that the NRA does not draw any formal conclusions from its assessment; it has been used as a tool to outline impacts on traffic, its purpose purely to highlight risks, and consider any mitigation that may be appropriate in ensuring shipping will not be adversely impacted from the safety of navigation perspective.

The comments detailed above are not considered to be blocks to development, but provided to highlight areas of concern. Subject to the developer meeting requirements addressed in this letter, it provides a cautious acceptance of the licence request, detailed consent conditions will be provided once highlighted concerns are addressed.

Yours sincerely

Nick Salter
Offshore Renewables Advisor
Navigation Safety Branch

cc. Joao.Queiros@scotland.gsi.gov.uk
MS.MarineLicensing@scotland.gsi.gov.uk

Dinsdale R (Rosanne)

From: Murcar Links Golf Club <golf@murcarlinks.com>
Sent: 13 May 2016 10:39
To: Bova D (David) (MARLAB)
Subject: RE: Consultation on Kincardine Offshore Windfarm Application - One Week Reminder

Dear Sir
We do appreciate you forwarding details of the Consultation on Kincardine Offshore Windfarm Application.

Murcar Links Golf Club submits a 'nil return'.

We'd appreciate if there is further information to be copied in on this.

Regards
[redacted]
Secretary
Murcar Links Golf Club
Bridge of Don
Aberdeen
AB23 8BD
Tel: [redacted]
Fax: +44 (0) 1224 704354
www.murcarlinks.com
Official venue for the 2016 Scottish Boys Championship - 4-9 April

---

From: David.Bova@gov.scot [mailto:David.Bova@gov.scot]
Sent: 13 May 2016 10:12
To: [redacted]
Subject: Consultation on Kincardine Offshore Windfarm Application - One Week Reminder
Importance: High

Dear Sir /Madam,

Dinsdale R (Rosanne)

From: Murcar Links Golf Club <golf@murcarlinks.com>
Sent: 13 May 2016 10:39
To: Bova D (David) (MARLAB)
Subject: RE: Consultation on Kincardine Offshore Windfarm Application - One Week Reminder

Dear Sir
We do appreciate you forwarding details of the Consultation on Kincardine Offshore Windfarm Application.

Murcar Links Golf Club submits a 'nil return'.

We'd appreciate if there is further information to be copied in on this.

Regards
[redacted]
Secretary
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Official venue for the 2016 Scottish Boys Championship - 4-9 April

---

From: David.Bova@gov.scot [mailto:David.Bova@gov.scot]
Sent: 13 May 2016 10:12
To: [redacted]
Subject: Consultation on Kincardine Offshore Windfarm Application - One Week Reminder
Importance: High

Dear Sir /Madam,

Defence Infrastructure Organisation

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

Telephone [MOD]: +44 (0)121 311 3781
Facsimile [MOD]: +44 (0)121 311 2218
E-mail: DIOSEE-EPSSG3@mod.uk

Your Ref. Kincardine Offshore
DIO Ref. DE/C/SUT/43/10/1/20585

Via Email

Catarina Aires
Catarina.Aires@gov.scot

26 May 2016

Dear Ms Aires,

APPLICATION FOR CONSENT UNDER SECTION 36 AND 36A OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 AND THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT AND OPERATE KINCARDINE OFFSHORE WINDFARM

The Ministry of Defence (MOD) objected to the above application in the letter to Marine Scotland dated 23rd May 2014.

The MOD objected on the grounds that the proposed development would have an adverse impact upon the Air Defence (AD) radar at RAF Buchan. The MOD noted that if the developer is able to overcome these unacceptable impacts that the turbines should be fitted with appropriate aviation lighting.

You may be aware that the MOD has been in discussions with the applicant since the submission of this objection letter with a view to reaching agreement on appropriate mitigation to address the unacceptable impacts of this development. The updated MOD position is set out below:

AD Radar at RAF Buchan

The applicant submitted a technical proposal to mitigate the unacceptable affects of the proposed development on the AD radar at RAF Buchan in February 2016. The proposal has been accepted by the MOD, and a planning condition has been agreed with the applicant. A draft is included at Annex A for the Scottish Government's consideration.

Aviation Lighting

In the objection letter of 23rd May 2014 the MOD identified that if the developer is able to overcome the radar issue, the MOD will request that the turbines are fitted with suitable aviation lighting. The MOD has agreed a planning condition with the applicant and a draft is also included in Annex A for the Scottish Government's consideration.

In light of the above, the MOD would be prepared to remove its objection to this application subject to appropriate conditions being imposed upon the consent, if granted. Should the Scottish Government be minded to amend any of the conditions in Annex A, the MOD would welcome the opportunity to discuss these amendments with the Council.

If planning permission is granted, the MOD would like to be advised of the following information;

- The date construction starts and ends;
- The maximum height of construction equipment;
- The latitude and longitude of the turbine erected

Please do not hesitate to contact me should you require any additional information, or should you wish to discuss matters.

Yours faithfully

Marie Neenan
Senior Safeguarding Officer

Enc. Annex A

Annex A

Air Defence Radar

No development shall commence unless and until an Air Defence Radar Mitigation Scheme ("the ADRM scheme") has been submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition, the ADRM 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 scheme will set out the appropriate measures to be implemented to that end.

No turbines shall become operational until:

(a) the mitigation measures which the approved ADRM Scheme requires to be implemented prior to the operation of the turbines have been implemented; and
(b) any performance criteria specified in the approved ADRM Scheme and which the approved ADRM Scheme requires to have been satisfied prior to the operation of the turbines have been satisfied.

The Company shall thereafter comply with all other obligations contained within the approved ADRM Scheme for the duration of the operation of the Development.

Aviation Lighting

The Company shall install MOD-accredited 200cd visible red lighting or infrared lighting to all turbines at the highest practicable point. The turbines will be erected with this lighting installed and the lighting will remain operational throughout the duration of this consent.

marinescotland science

T: +44 (0)1224 876544 F: +44 (0)1224 295511
MS_Renewables@scotland.gsi.gov.uk.

The Scottish Government

Catarina Aires
Licensing Operations Team
Marine Scotland
375 Victoria Road
Aberdeen
AB11 9DB

KINCARDINE OFFSHORE WIND FARM (PER ATKINS): SOUTH EAST OF ABERDEEN – REQUEST FOR MSS COMMENTS

Marine Scotland Science has reviewed the submitted application and has provided the following comments.

marine mammals

MSS advise MS-LOT that in several places, the KOWL environmental statement relies upon data previously presented in other applications. There are two main areas where this arises; the noise assessments and the baseline marine mammal distribution. All of the technical information on the range at which different noise levels may be perceived by marine mammals is copied directly from the Inch Cape environmental statement. This is a concern to MSS because noise propagation in water is dependent upon various site specific factors such as water depth and seabed type. Although we are less concerned about noise impacts from this development, due to the commitment not to use pile driving, we would not recommend using the values that are presented in section 8 (or where they are used in section 6).

Additionally, much of the text relating to baseline conditions for marine mammals is taken from the AOWFL environmental statement and is consequently focussed on Aberdeen Bay, rather than the development area. In many cases, the pattern of distribution is comparable with what would be expected at the development area (e.g. the most abundant cetacean is harbour porpoise), but in some cases, the text is irrelevant. For example, there is discussion about the presence of bottlenose dolphins at Aberdeen harbour. However, we are content that the HiDef surveys have covered the development area and have found animal distributions that are consistent with expectations.

MSS is content that the risk of auditory injury through exposure to noise is very much reduced through the commitment not to use pile driving to install the turbines. However, specific details of the geophysical surveys have yet to be provided and we consider that these may require EPS licensing, due to their potential to disturb cetaceans (inshore Scottish legislation has a greater focus on disturbance than the offshore legislation). The assessment carried out for this should also consider the potential for injury to cetaceans, and mitigation options to avoid this. The developer should contact MS-LOT well in advance of any survey campaign to ensure that EPS licensing does not delay the works. MS-LOT may also consider that the geophysical surveys require to be included on the Noise Registry for

purposes of monitoring impulsive noise under the European Marine Strategy Framework Directive.

MSS agree that operational noise of the turbines is unlikely to be a risk to marine mammals. However, for floating wind developments, the noise inputs to the marine environment will be different from those measured from turbines pinned to the seabed. In these turbines, much of the sound generated is through vibrations of the fixed underwater structures, which are absent in the floating turbines. MSS consider that recordings of the sound profiles produced by the operational floating turbines would improve understanding in this area.

MSS also agree that the issue of corkscrew seals and ducted propellers can be removed from further consideration, given the evidence that such mortalities may in fact be caused by grey seals.

MSS would not suggest that ADDs are used during the construction, unless there is demonstrated to be a risk that marine mammals will be injured (either physically or acoustically). Since the applicant does not intend to use pile driving to install the wind turbines, we consider that the risk of this, and it is unlikely that ADDs would provide a useful mitigation.

We agree that vessel transit routes can be addressed in the PEMP. We would also appreciate further information in the PEMP on the frequency with which mooring lines will be monitored for derelict fishing gear. Monitoring of load on the moorings should provide useful data on whether marine mammals become entangled in the moorings, and the frequency of this should it occur. MSS would consider that this could usefully be reported as part of the survey, deploy and monitor policy, should this be applied.

ornithology
MSS will await the SNH response and then respond to both at the same time.

marine fish ecology
The Environmental Statement correctly identifies relevant species of concern. MSS is generally in agreement with the assessed significance and is content that the risk of effects is appropriately minimised by the commitments to mitigation.

MSS is content that potential effects from noise are reduced through the commitment not to use pile driving. MSS is also content that the commitment to bury the transmission cable to a depth of 1.5m is acceptable mitigation against effects from EMF.

MSS welcomes the commitment to avoid sensitive spawning or migration times but notes, however, that not all spawning periods across all identified species could be avoided. MSS suggests that, with regard to marine fish species, consideration be given to cod, herring and sandeel spawning times. Whilst it is anticipated that construction will take place during the summer months, note that the herring spawning period for the Buchan component is considered to be September / October (Payne, 2010).

Reference

Payne, M. R. (2010). Mind the gaps: a state-space model for analysing the dynamics of North Sea herring spawning components. *ICES Journal of Marine Science: Journal du Conseil*, fsq036.

commercial fisheries
It is suggested that the anchoring systems associated with the floating offshore structures may require an exclusion zone extending to an appropriate distance from the anchor points. An estimate of the total area footprint lost to fisheries should be provided.

Table 3-4 providing a summary of the export cable options but includes a conflicting statement around cable burial recommendation. Initially, it is stated that the target burial depth is 1.5m and later it is suggested that there is no proposed cable burial. It is understood that export cable(s) will be buried and additional protection measures will be deployed for exposed cable sections.

Section 5.1 on the consultation process should be exptended to provide a summary table of consultation responses and concerns raised from the fishing industry and how this have been/ will be address(ed) duting the EIA process.

Table 11-14 mispelled SFF's acronym. It should be the Scottish Fishermen's Federation. Furthermore, consultation row should be expanded to explicitly list all fishing organisations to be consulted.

Section 11.4.3 mentions Marine Scotland's National Marine Plan Interactive (NMPi) tool and the fact that relevant data to commercial fisheries are hosted online. However, there is no explicit reference to the data layers to be used as part of the EIA process. Please add.

Section 11.4.4.2 offers a very limited list of data sources with key resources (e.g. ScotMap Inshore Fisheries Mapping project) being omitted. Data sources are not listed in Appendix B either. Please also consider the following sources:

- Marine Scotland Analytical Unit provides landings data for species by ICES rectangle – Fishing effort and quantity and Value of landings by ICES Rectangles (SG, 2014)
- Marine Scotland Compliance - VMS data detailing vessel type, location and speed (vessels > 15m) – SG VMS data for spatial distribution and speed of fishing vessels
- Agriculture and Fisheries – Publications – Scottish Sea Fisheries Statistics
- ScotMap – Inshore Fisheries Mapping Project
- MMO's Statistics and Analysis Team - UK-wide over-10m and under 10m Fleet register - https://www.gov.uk/government/collections/uk-vessel-lists
- Marine Scotland's Marine Scotland Interactive Fish & Fisheries Theme – http://www.gov.scot/Topics/marine/science/MSInteractive/Themes/fish-fisheries

Typically, existing fisheries information suffices to assess the significance of potential impacts on commercial fisheries and meet EIA requirements. However, applicants state the possibility of an additional field surveys as part of section 11.4.4.2 (a radar plot study for small commercial fishing vessels). Please provide additional information.

Figures between 11-7 to 11-9 are citing wrong data sources. Please see here. Furthermore, to account for inter-annual variability, it is common to use data from the last 5 years of available information as the reference time period. KOWL Environmental Scoping Assessment currently uses data from 2000 to 2008. Please update your report with more recent data. Maps of the predominant interacting fisheries from inshore fishing vessels (ScotMap) with any of the project's components should also be provided.

Table 11-15 lists the Potential impacts on commercial fishing. Loss of fishing grounds needs to expand beyond mobile gears to include interactions with static gears. Due to high risk to fishing gear entangled, impacts on static gears can also be considered significant. The potential impact of increased fishing pressure on other fishing grounds resulting from any

displacement of existing fishing activity is not covered. Please also incude. Finally, please include proposed mitigation measures for each potential significant impact on commercial fisheries.

Applicants should consider additional best practice guidance documents relevant to commercial fisheries beyond those listed as part of Table 11-16, including:

- Best Practice Guidance for Fishing Industry Financial and Economic Impact Assessments (Seafish, 2009);
- Guidance on overlaps with fishing (Subsea Cables UK, 2012);
- Emergency procedures for fouling gear (Subsea Cables UK, 2015); and
- Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Liaison (FLOWW, 2014).
- SeaPlan. Options for Cooperation between Commercial Fishing and Offshore Wind Energy Industries. A Review of Relevant Tools and Best Practices. 2015.

Appendix D provides an exclusive overview of the commercial fisheries landings values in overlapping ICES rectangles. More recent data (2010-15) should be used. Please add totals in the tables provided. The information is incomplete and should expand to include fishing effort (days or KW days) and landing catches (Tonnes) as well as number of active fishing vessels by neighbouring districts. All table should be broken down by length classes (over / under 15m vessels) to highlight underrepresentation from VMS data layers in respective ICES rectangles. Graphical representation will aid easier review of the information.

benthic ecology
MSS previously submitted and presented comments on the Scoping Opinion document. Further to this, the use of the term “positive” in the ESA Potential Impacts (Table 10-11) and Potential Significance (Table 10-12) is not helpful. The changes and impacts described need not be positive or have any impact at all.

diadromous fish
This is an application for an array of eight floating turbines.

That there will be no pile driving greatly reduces noise concerns during the construction phase. There will be a need consider the geophysical surveys being planned for the detailed design stage of the project.

The embedded mitigation measures (5.3.2) to minimise environmental effects on fish and shellfish that are satisfactory.

- Cables will be buried to a target depth of 1.5m in accordance with DECC Guidelines (2011) which will reduce the potential for impacts relating to EMF;
- Cables will be specified to reduce EMF emissions as per industry standards and best practice such as the relevant IEC (International Electrotechnical Commission) specifications; and
- Sensitive migration or spawning times will be avoided were possible during construction.

It is also noted that directional drilling at the cable landing will be used.

The question of what contribution to the National Research and Monitoring Strategy for Diadromous Fish (NRMSD): to investigate the potential for interactions between diadromous fish and wind, wave and tidal renewable energy developments http://www.gov.scot/Topics/marine/marineenergy/Research/NatStrat will be made does not appear to have been considered and needs to be, and MSS looks forward to consideration of this as soon as possible.

MSS also noted some points of detail in the information provided.

Appendix E: Commercial Fisheries Baseline includes an overview of salmon and sea trout fisheries and their catches, with a description of fishing methods in 4.1.1.3. Things have moved on since it was written – no salmon can currently be retained by any fishery operating in coastal waters.

Main Environmental Statement.
5.2.6 “Atlantic salmon, sea trout and lampreys spend the majority of their lives at sea, returning to freshwater to reproduce.” “adult” should be inserted in front of “lives”

Tables 5-11, 5-15, 5-17, 5-22. Some of the available information on salmon and eels at sea may have been misinterpreted, and there is also new published information showing movements away from the coast of adult salmon which had returned to the coast (Godfrey et al (2014a,b)

(http://icesjms.oxfordjournals.org/content/early/2014/07/16/icesjms.fsu118.full.pdf?keytype=ref&ijkey=y9lmPDRLdC04n7B
http://www.gov.scot/Resource/0046/00466487.pdf).

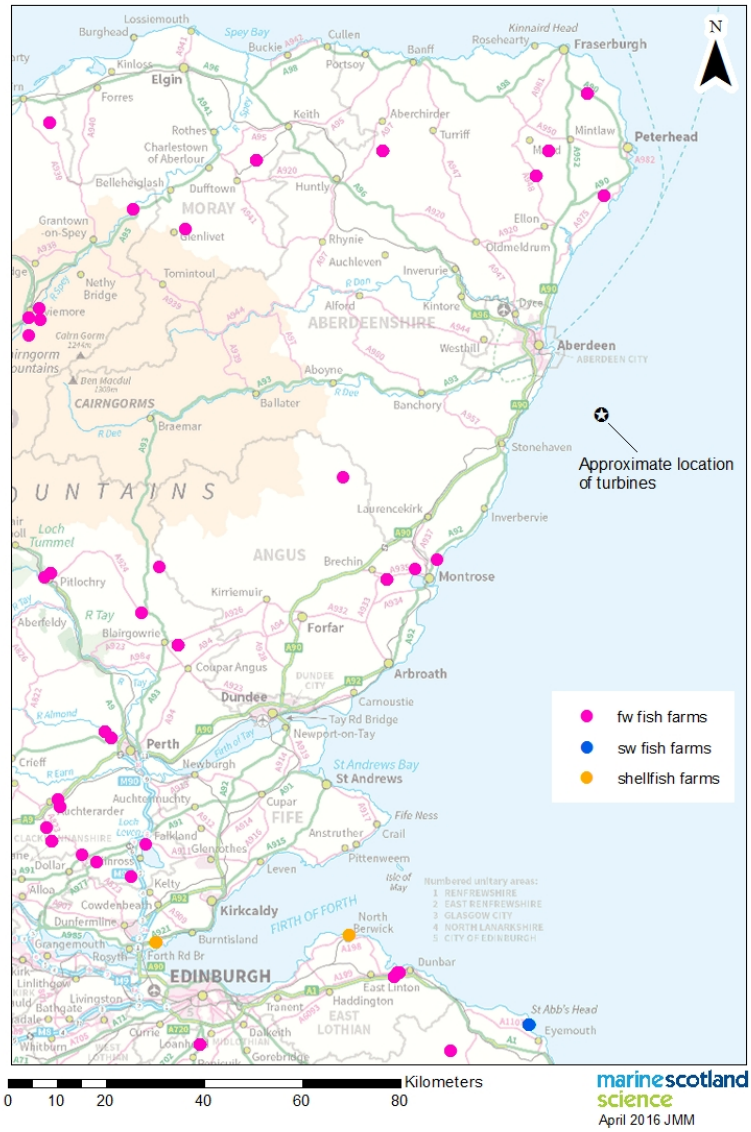
Salmon smolts and returning adult salmon and eels would all be likely to be present in the Development Area at the relevant times of year.

aquaculture
There are no specific comments to be made on the Kincardine Offshore Wind Farm (Per Atkins): South East of Aberdeen - Marine Licence Application and Supporting Information. The comments made on previous applications have not fundamentally changed however the registration status of some sites may have changed since our previous responses, therefore for clarity, the proximity comments have been re-drafted and re-mapped.

The nearest marine aquaculture sites are situated over 100 km south of the proposed development (see map). These are both active land based tank sites using seawater which is pumped ashore. The shellfish site at North Berwick holds European lobsters and is operated by The Firth of Forth Lobster Hatchery. The finfish site near St Abbs Head is operated by St Abbs Marine Station and holds a variety of marine finfish species.

The nearest aquaculture sites in the vicinity are all freshwater land based sites and are therefore not relevant to the development or the request for information.

Location of aquaculture sites on the east coast of Scotland



socio economics

Hopefully these comments are helpful to you. If you wish to discuss any matters further contact the MSS Renewables in-box MS_Renewables@scotland.gsi.gov.uk.

Yours sincerely

[redacted]

[redacted]

Marine Scotland Science

Dinsdale R (Rosanne)

From: [redacted]@nats.co.uk> on behalf of NATS Safeguarding <gmb-bdn-000913@nats.co.uk>
Sent: 13 April 2016 10:42
To: MS Marine Renewables
Cc: NATS Safeguarding; AULD, Alasdair E
Subject: Kincardine Offshore Windfarm Application - Our Ref : SG19087
Attachments: 19087_Tech Op Assess_final.doc

Follow Up Flag: Follow up
Flag Status: Completed

We refer to the application above. The proposed development has been examined by our technical safeguarding teams and conflicts with our safeguarding criteria.

Accordingly, NATS (En Route) plc objects to the proposal. The reasons for NATS's objection are outlined in the attached report TOPA **SG19087**

We would like to take this opportunity to draw your attention to the legal obligation of local authorities to consult NATS before granting planning permission for a wind farm. The obligation to consult arises in respect of certain applications that would affect a technical site operated by or on behalf of NATS (such sites being identified by safeguarding plans that are issued to local planning authorities).

In the event that any recommendations made by NATS are not accepted, local authorities are obliged to follow the relevant directions within Planning Circular 2 2003 - Scottish Planning Series: Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003 or Annex 1 - The Town And Country Planning (Safeguarded Aerodromes, Technical Sites And Military Explosives Storage Areas) Direction 2002.

These directions require that the planning authority notify both NATS and the Civil Aviation Authority ("CAA") of their intention. As this further notification is intended to allow the CAA to consider whether further scrutiny is required, the notification should be provided prior to any granting of permission.

It should also be noted that the failure to consult NATS, or to take into account NATS's comments when determining a planning application, could cause serious safety risks for air traffic.

Should you have any queries please contact us using the details below.

Yours faithfully

[redacted]
NATS Safeguarding
natssafeguarding@nats.co.uk

Technical and Operational Assessment (TOPA)

For Kincardine Offshore

Windfarm Development

Issue 2

NATS reference: SG19087

Publication history

Issue	Month/Year	Changes in this issue
Issue 1	August 2014	
Issue 2	April 2016	Receipt of application for consent

Contents

1. Background

1.1. En-route Consultation

NATS is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. To undertake this responsibility it has a comprehensive infrastructure of radars, communication systems and navigational aids throughout the UK, all of which could be compromised by the establishment of a wind farm.

In this respect NATS is responsible for safeguarding this infrastructure to ensure its integrity to provide the required services to Air Traffic Control (ATC).

In order to discharge this responsibility NATS is a statutory consultee for all wind farm applications, and assesses the potential impact of every proposed development in the UK.

The En-route radar technical assessment section of this document defines the assessments carried out against the development proposed in section 2.

2. Application details

The Scottish Government submitted a request for a NATS technical and operational assessment (TOPA) for the development at Kincardine Offshore as detailed in the table below.

Turbine	Latitude	Longitude	Easting	Northing	Hub Height (m)	Tip Height (m)
1	57.0053	-1.8812	407317	790468	-	192
2	56.9973	-1.8738	407766	789574	-	192
3	56.9892	-1.8665	408214	788681	-	192
4	56.9812	-1.8591	408663	787787	-	192
5	57.0266	-1.8624	408453	792841	-	192

6	57.0186	-1.8550	408901	791948	-	192
7	57.0105	-1.8477	409350	791054	-	192
8	57.0025	-1.8403	409799	790160	-	192

Table 1 – Potential turbine coordinates and height

3. Assessments Required

The proposed development falls within the assessment area of the following systems:

NERL Radar Sites	Latitude	Longitude	Range(nm)	Range(km)	Azimuth(deg)	Type
Alanshill Radar	57.6431	-2.1655	38.4	71.0	165.4	CMB
Great Dun Fell Radar	54.6841	-2.4509	139.5	258.4	7.9	CMB
Lowther Hill Radar	55.3778	-3.7530	115.4	213.8	32.2	CMB
Perwinnes Radar	57.2123	-2.1309	14.2	26.3	144.6	CMB
NERL Nav Aid Sites	**Latitude**	**Longitude**	**Range(nm)**	**Range(km)**	**Azimuth(deg)**	**Type**
None						
NERL AGA Comms Sites	**Latitude**	**Longitude**	**Range(nm)**	**Range(km)**	**Azimuth(deg)**	**Type**
None						

Table 2 – Impacted Infrastructure

3.1. En-route radar technical assessment

3.1.1. Predicted impact on Perwinnes Radar

Using the theory as described in Appendix A and development specific propagation profile it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated.

A reduction in the radar's probability of detection, for real aircraft, is also anticipated.

3.1.2. En-route operational assessment of radar impact

Where an assessment reveals a technical impact on a specific NATS radar, the users of that radar are consulted to ascertain whether the anticipated impact is acceptable to their operations or not.

Unit or role	Comment
Aberdeen En Route ATC	**Unacceptable**
Prestwick Centre ATC	**Unacceptable**

Note: The technical impact, as detailed above, has also been passed to non-NATS users of the affected radar, this may have included other planning consultees such as the MOD or other airports. Should these users consider the impact to be unacceptable it is expected that they will contact the planning authority directly to raise their concerns.

3.2. En-route navigational aid assessment

3.2.1. Predicted impact on navigation aids.

No impact is anticipated on NATS's navigation aids.

3.3. En-route radio communication assessment

3.3.1. Predicted impact on the radio communications infrastructure.

No impact is anticipated on NATS's radio communications infrastructure.

4. Conclusions

4.1. En-route consultation

The proposed development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, this has been deemed to be **unacceptable**.

Appendix A – background radar theory

Primary Radar False Plots

When radar transmits a pulse of energy with a power of $\mathbf{P_t}$ the power density, **P**, at a range of **r** is given by the equation:

$$P = \frac{G_t P_t}{4\pi r^2}$$

Where $\boldsymbol{G_t}$ is the gain of the radar's antenna in the direction in question.

If an object at this point in space has a radar cross section of **σ**, this can be treated as if the object re-radiates the pulse with a gain of **σ** and therefore the power density of the reflected signal at the radar is given by the equation:

$$P_a = \frac{\sigma P}{4\pi r^2} = \frac{\sigma G_t P_t}{(4\pi)^2 r^4}$$

The radar's ability to collect this power and feed it to its receiver is a function of its antenna's effective area, $\mathbf{A_e}$, and is given by the equation:

$$P_r = P_a A_e = \frac{P_a G_r \lambda^2}{4\pi} = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4}$$

*Where $\boldsymbol{G_t}$ is the Radar antenna's receive gain in the direction of the object and **λ** is the radar's wavelength.*

In a real world environment this equation must be augmented to include losses due to a variety of factors both internal to the radar system as well as external losses due to terrain and atmospheric absorption.

*For simplicity these losses are generally combined in a single variable **L**.*

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4 L}$$

Secondary Radar Reflections

When modelling the impact on SSR the probability that an indirect signal reflected from a wind turbine has the signal strength to be confused for a real interrogation or reply can determined from a similar equation:

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r_t^2 r_r^2 L}$$

Where $\mathbf{r_t}$ and $\mathbf{r_r}$ are the range from radar-to-turbine and turbine-to-aircraft respectively. This equation can be rearranged to give the radius from the turbine within which an aircraft must be for reflections to become a problem.

$$r_r = \sqrt{\frac{\lambda^2}{(4\pi)^3}} \sqrt{\frac{\sigma G_t G_r P_t}{r_t^2 P_r L}}$$

Shadowing

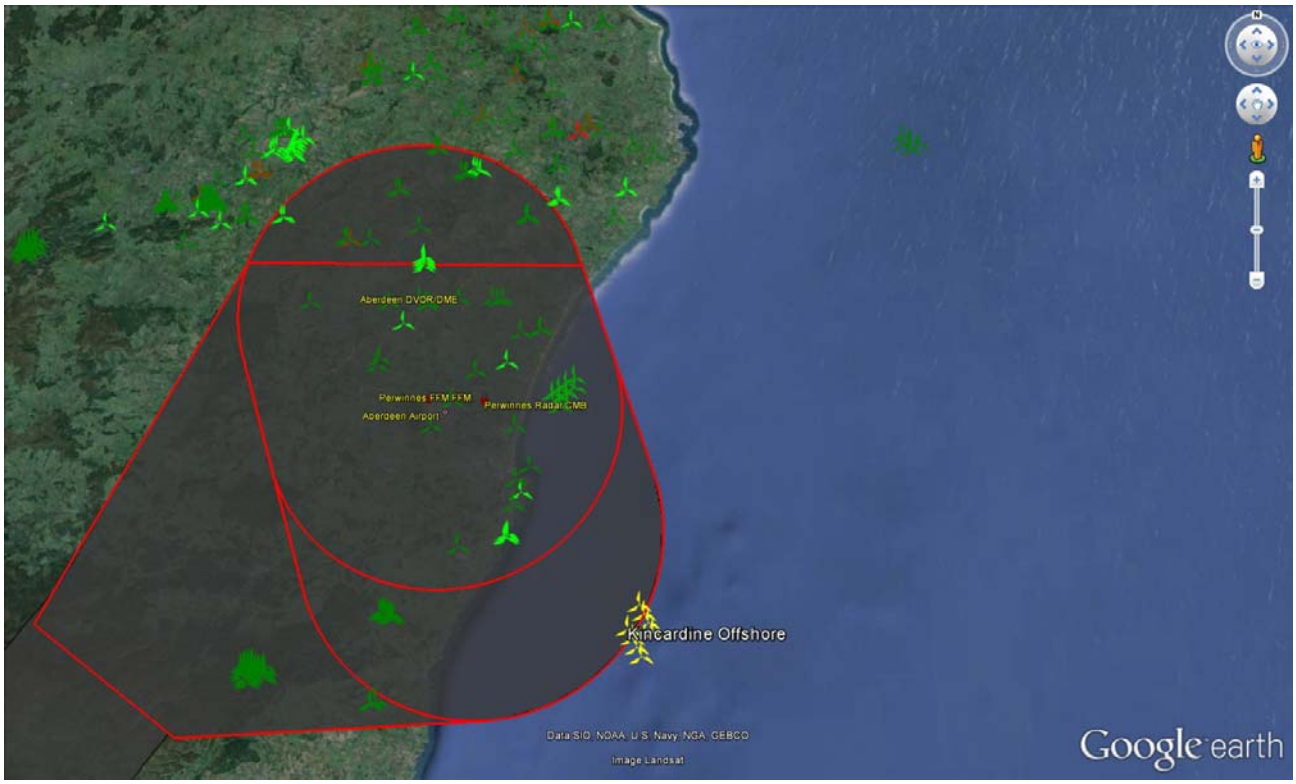
When turbines lie directly between a radar and an aircraft not only do they have the potential to absorb or deflect, enough power such that the signal is of insufficient level to be detected on arrival.

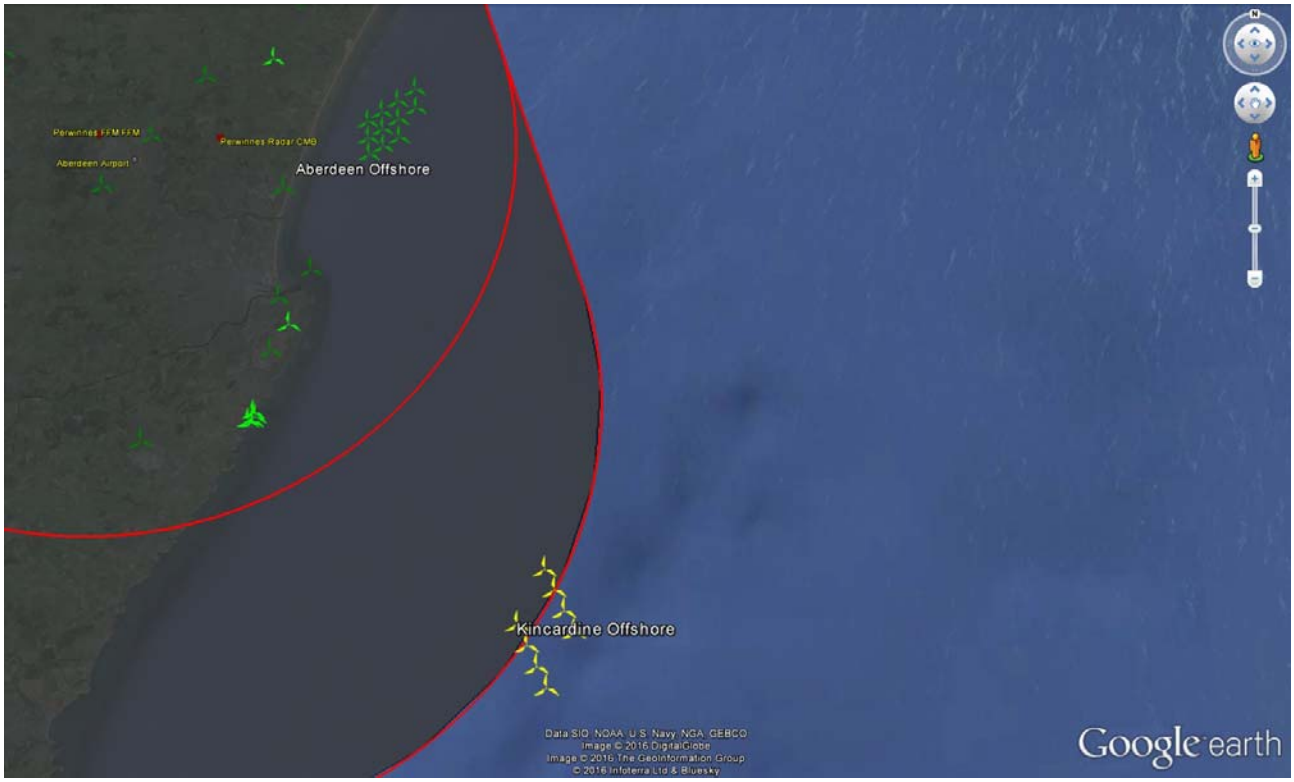
It is also possible that azimuth determination, whether this done via sliding window or monopulse, can be distorted giving rise to inaccurate position reporting.

Terrain and Propagation Modelling

All terrain and propagation modelling is carried out by a software tool called ICS Telecom (version 11.1.7). All calculations of propagation losses are carried out with ICS Telecom configured to use the ITU-R 526 propagation model.

Appendix B – Supporting Diagrams





Northern Lighthouse Board

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Our Ref: AJ/OPS/ML/O6_15_311

Catarina Aires
Marine Licensing Casework Officer
Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

13 May 2016

Dear Catarina

APPLICATION FOR CONSENT UNDER SECTION 36 AND 36A OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 AND THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT AND OPERATE THE KINCARDINE OFFSHORE WIND FARM, SOUTH EAST OF ABERDEEN.

We are in receipt of correspondence dated 08 April 2016 requesting comments to the above application submitted by **Kincardine Offshore Windfarm Ltd (KOWL)** regarding offshore works for a floating offshore wind turbine development including an export cable and grid connection at their site south east of Aberdeen.

With regard to the proposed consultation and the scope of development, we would only comment on that part relating to Shipping and Navigational Safety.

We would require that Notice(s) to Mariners, Radio Navigation Warning and publication in appropriate bulletins will be required stating the nature and timescale of any works carried out in the marine environment relating to this project.

Installation and Preparation Phase
Noting that it is intended that the installation of the subsea mooring systems will take place prior any floating base and turbine unit we are content that it is intended to have a guard vessel on station throughout this phase.

During these operations any vessel engaged in the pre lay of the moorings or installation of the anchoring system shall be marked in accordance with the Standard Marking Schedule for Offshore structures if moored to the seabed in the case of any MODU or Jack-Up barges deployed.

We would require that the developers ensure, through the formation of a Lighting and Marking Plan, that the site is marked and lit with regard to the safety of the Mariner at all times, and that the deployment of the turbine structures is programmed in such a manner such that at no time will any unlit structure (Turbines 2,3,6 and 7) remain unattended until such times as the Significant Peripheral Structures are in place and

all Aids to Navigation are fully operational.

Operational Phase

Once installed, the turbines should be marked in accordance with IALA Recommendation O-139 on The Marking of Man-Made Offshore Structures as follows:

a) The structure of each wind generator should be painted yellow all round from sea level to 15 metres or the height of the Aid to Navigation, if fitted, whichever is greater.
b) Structures 1,4,5, & 8 shall be designated as Significant Peripheral Structures. These shall be fitted with lights visible from all directions in the horizontal plane. These lights should flash yellow once every 5 seconds, with a range of 5 nautical miles. All lights on these structures should be synchronised. These lights should comply with IALA recommendations and have an availability of not less than 99.8% (IALA Category 1), calculated over a rolling 3 year period.
c) All navigation lights should be mounted below the lowest point of the arc of the rotor blades. They should be exhibited at a height of at least 6 metres above HAT.
d) Towers 4 & 5 should also be fitted with synchronised sound signals with a nominal range of two nautical miles, placed not less than 6 metres and not more than 30 metres above sea level. The character should be rhythmic blasts corresponding to morse letter 'U' every 30 seconds. The minimum duration of the short blast shall be 0.75 seconds and the sound signal should be operated when the meteorological visibility is two nautical miles or less. The sound signal should comply with IALA recommendations and have an availability of not less than 97.0% (IALA Category 3), calculated over a rolling 3 year period.
e) Each structure shall display identification panels with black letters or numbers 1 metre high on a yellow background visible in all directions. These panels shall be easily visible in daylight as well as at night, either by the use of illumination or retro-reflecting material.
f) Aviation lighting should be fitted as required by the Civil Aviation Authority. With a derogation to synchronised red morse 'W' required.

All navigational marking and lighting of the site or its associated marine infrastructure will require the Statutory Sanction of the Northern Lighthouse Board prior to deployment.

As with the development of the site, any preparation and installation of inter-turbine cables or cables for the export of power to shore would require Notices to Mariners, Radio Navigation Warning and publication in appropriate bulletins stating the nature and timescale of any works being carried out. The warnings should be promulgated before any commencement of any work and mobilisation of vessels engaged in the works.

We would require that the United Kingdom Hydrographic Office (UKHO), Admiralty Way, Taunton, Somerset, TA1 2DN be informed of the development and associated cable route(s) in order that the appropriate admiralty charts can be updated.

Please advise if we can be of any further assistance, or require clarification any of the above.

Dee District Salmon Fishery Board

Catarina Aires
Marine Renewable Casework Officer
Marine Scotland
Marine Scotland Licensing Operations Team
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

17th May 2016

Dear Ms Aires,

APPLICATION FOR CONSENT UNDER SECTION 36 AND 36A OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 AND THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT AND OPERATE KINCARDINE OFFSHORE WIND FARM

On behalf of the Dee District Salmon Fishery Board (Dee DSFB) we welcome the opportunity to respond to the above mentioned proposal and to engage with the developer to ensure the respective populations of salmon and sea trout are not adversely impacted upon.

1. **Background**

The location of the proposed wind farm is approximately 15km south east of Aberdeen. Due to the close proximity of the cable export corridor to the Rivers Dee, Cowie and Carron and the presence of protected populations of Atlantic salmon and migratory lamprey species, along with sea trout, migratory species are expected to transit across the cable landfall area. This area of coast is very important for salmon and sea trout in three ways

1. Smolts are believed to move offshore in schools to deep-sea feeding areas. The route that these fish take is not known when they first leave their estuaries, nor is their timing.
2. Returning adult fish are known to approach the Dee from south of Aberdeen. The route and point at which they come inshore is not known.
3. The inshore environment is important as a feeding ground for migratory salmonids. This is particularly true for sea trout which are thought to spend the majority of their marine phase within 30 km of the estuary of their river of origin.

Designations & Conservation Status

The Dee has been designated as a Special Area of Conservation under the EC Habitats Directive 92/43 EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna for Atlantic salmon. The Dee DSFB is a competent body under the terms of this designation.

The only internationally accredited stock assessment tool for salmon is the Rod Catch Management Tool from the international treaty operated by the North Atlantic Salmon Conservation Organisation. The rod catch management tool indicates that salmon stocks on the Dee failed that assessment for each month of the fishing season in 2015. Research conducted independently by Marine Scotland Science and the River Dee Trust indicate that the likely cause of the issue with salmon stocks is a marine survival issue. The River Dee Trust is of the opinion that this is a local problem to the Dee and that the cause is likely to be within the local marine environment. As such this development must take a precautionary approach to protect these threatened fish stocks.

Sea trout, common to all of the rivers within the Dee District, are a priority species under the United Kingdom's Biodiversity Action Plan (UKBAP).

All lamprey species are protected under the EC Habitats Directive, whilst river and sea lampreys are additionally protected under the UKBAP priority list. Eels are a UKBAP priority species, critically endangered under the IUCN red list and protected under CITES.

2. Specific Comments

Construction Phase

The Dee DSFB notes the lack of piling within the proposed scheme. This removes a significant area of potential concern. If the level of piling was to increase then the Dee DSFB would request that it is re-consulted on the proposed methods.

It is noted that the route for the landfall cable has not been determined. In terms of the construction phase the route of the cable may have a bearing on the potential impact through dredging and associated excavation methods. As such the Dee DSFB would request that it is consulted on the route and implications of the cable when this is being determined.

Operation of Wind Farm

The Dee DSFB consider that the electromagnetic fields (EMF) associated with the cabling for the scheme have not been adequately addressed in terms of potential impact on the migration of salmon and sea trout and their associated foraging habitats. It is acknowledged that the level of understanding of this situation is weak due to the lack of clear scientific information. However due to the potential impacts on a nearby SAC river this needs to be quantified and mitigated against.

3. Mitigation

The Dee DSFB, with technical input from the River Dee Trust, would request that a monitoring plan and research programme be designed, approved and included as a condition of the consenting process.

Due to the lack of available scientific information it has been difficult to appropriately assess the level of predicted impact for a river with SAC status for its Atlantic salmon. As such safeguards and a contingency should be put in place in case damage is detected through the monitoring programme.

To this end we would request that part of the planning gain for this development should be to agree a programme to monitor migratory fish movements through the area of development. This improvement in knowledge of fish movements will enable a greater understanding of the potential impacts that future offshore developments may have.

In conclusion the Dee DSFB does not want to delay progress on a novel development for the north east of Scotland. However that progress should not be to the detriment in any way to the ecology and conservation status of the Dee and neighbouring rivers. To this end we hope that we can work positively with the developer, not only during the consenting phase for this scheme but also through the construction and operation of the site.

The Dee DSFB also recognises that this trial development provides an excellent opportunity to gain a greater understanding on the impacts that such marine renewable developments can have on migratory salmonids. To this end the Dee DSFB would wish to meet with the licensing authorities and developer to discuss this response and to agree a clear way forward.

Yours faithfully

[redacted]

Dee District Salmon Fishery Board

River Office, Mill of Dinnet, Dinnet, Aboyne, Aberdeenshire, AB34 5LA

Tel No: 013398 80411 e-mail: info@riverdee.org www.riverdee.org.uk

RSPB Scotland

Catarina Aires (Marine Renewables Licensing Advisor)
Marine Scotland - Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

19th May 2016

Dear Ms Aires,

APPLICATION FOR CONSENT TO CONSTRUCT AND OPERATE KINCARDINE OFFSHORE WINDFARM

RSPB Scotland welcomes the opportunity to comment on the proposed Kincardine offshore floating wind farm. We recognise the substantial potential of renewable energy capacity that could be unlocked through deployment of innovative new marine technologies such as floating wind turbines. A potential major environmental benefit is the opportunity to site arrays further offshore in deeper waters where there are likely fewer ecological sensitivities and greater siting flexibility. However this and other demonstration projects are located in relatively near-shore waters. Near-shore waters can support higher densities of seabirds and other species and the summary of survey data for Kincardine confirms the relative importance of this region for a range of species including kittiwake, puffins, razorbill and guillemots (see section 6.3 of the HRA report).

At present the consented Forth and Tay offshore wind projects, including Inch Cape, Seagreen Alpha and Bravo and Neart na Gaoithe, are subject to judicial review proceedings. These projects represent significant cumulative and in-combination impacts to important and internationally protected seabird populations that are also the receptors of impacts from the Kincardine proposal. Should these existing consents remain unchanged, **RSPB Scotland objects to the Kincardine application for the following reasons:**

- The Kincardine environmental assessment provides insufficient and inaccurate information to support the Appropriate Assessment. In any event, even if the necessary information was provided we consider a conclusion of no adverse effect on site integrity of relevant SPAs could not be reached. This is primarily due to existing unacceptable cumulative or in-combination effects arising from consented offshore wind in the Forth and Tay region. The existing consent decisions were based upon inappropriate methodologies[1] that misrepresented the full scale of risk of adverse effects on a number of protected seabird populations.

[1] Cook, A.S.C.P. and Robinson, R.A. 2016. The Scientific Validity of Criticisms made by the RSPB of Metrics used to Assess Population Level Impacts of Offshore Wind Farms on Seabirds. BTO Research Report No.665

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- Potential impacts on draft marine Special Protection Areas (dSPAs) have not been considered.

Should the existing Forth and Tay consents change as a result of the judicial review such that their impacts reduce significantly then RSPB Scotland would be willing to review our current position on the Kincardine offshore wind project.

Notwithstanding our major concerns should Kincardine be granted consent, we recommend a requirement by condition is made for a monitoring programme that take full advantage of the unique opportunity provided by the design of the floating structures for mounting observation devices and monitoring equipment.

Yours sincerely,

[redacted]

[redacted]
Conservation Manager, East Scotland

Annex 1 – Detailed RSPB Scotland response to Kincardine_May 2016

Insufficient and inadequate information to inform the Appropriate Assessment.

a) The collision risk assessment for the project alone presents several Options of the Band (2012) Collision Risk Model. The RSPB welcomes the presentation of this range. However we note that, in alignment with BTO and the SNCBs, in the absence of avoidance rates for the extended model for gannet and kittiwake, a complete assessment of collision risk using the extended model (Options 3 and 4) cannot be carried out. Furthermore there is no specific avoidance rate for guillemot recommended for the extended model, only the basic model, and as such the extended model also cannot be used for this species.

b) The use of different model Options is partly determined by the source data on flight height; Option 1 and 4 use site specific data while Options 2 and 3 use generic data from Johnston *et al* (2014). While the assessment presents a range of options the preferred options, Option 2 for gannet and kittiwake and Option 3 for guillemot, are presented without any justification. Notwithstanding that Option 3 is not suitable for guillemot, as discussed above, these options all rely on generic data. It is unclear why the site specific height data gathered during survey have been disregarded. Considerable debate is ongoing as to whether boat based or aerial survey produce more accurate height data, and whether it is preferable to use site specific or generic data. Site specific data may better characterise the locational aspects of a site, whereas generic data may better characterise the potential variability. The generic data are almost entirely derived from boat based surveys, whereas, in the instance, the site specific data are from aerial survey. The aerial surveyors present arguments for the accuracy of their height measurements in Appendix B of the Environmental Statement. It would be very informative to the assessment if it were explained why these arguments were rejected by the Applicant.

c) In their guidance note in response to the BTO Avoidance Rate review, the SNCBs recommend that an account of uncertainty and variability is given in collision risk assessments, using both the confidence intervals around avoidance rates presented in the BTO review and, when the generic data are used, the upper and lower confidence intervals given in the generic flight height distributions. The omission of this account of uncertainty and variability means that there is inadequate information on which to base the Appropriate Assessment.

d) The assessment of displacement uses a 1km buffer around the development. There is evidence of displacement effects on auks from a larger area than this, therefore the displacement analysis is inadequate for Appropriate Assessment.

e) The in-combination assessment in section 7.2.1 of the HRA document does not consider what the effects of the estimated impact are on the integrity of the SPAs in question. In contrast, the HRA conclusions in section 8.1 do provide this

assessment yet consider only the impacts of the project in isolation. An assessment of the effects of both the project in-isolation and in-combination on all relevant SPAs is required.

f) The in-combination assessment of collision mortality relies upon the CRM Option 3 outputs for kittiwake and gannet as shown in Table 7-14. The SNCBs recommend that use of Option 3 of the model is not currently appropriate for these two species. To base the Kincardine in-combination assessment on existing yet incorrect collision risk modelling from other projects that use Option 3 undermines the assessment. Furthermore this approach contradicts the in-isolation assessment, which uses Option 2 for kittiwake and gannet. The in-combination assessment should make use of predicted collision mortalities using updated and corrected CRMs where necessary.

Impacts on draft marine Special Protection Areas (dSPAs) have not been considered.

a) We agree that the Scottish Ministers, as competent authority, must carry out an Appropriate Assessment (AA) as per the Conservation (Natural Habitats & c.) Regulations 1994 (as amended) (the Habitats Regulations). However, whilst existing SPAs have been considered there has been no assessment of the potential effects on the suite of draft marine SPAs that SNH and JNCC proposed in summer 2014. Our position is that, where relevant, projects must consider the potential impacts on the suite of draft SPA sites. In any case, if not completed at this stage, the sites will come forward for public consultation in the near future and at this stage the sites will certainly require a retrograde HRA. We recommend that initial steps are taken at this stage to assess the potential impacts of the project on the suite of draft marine sites to avoid potential project delays in the near future.

RYA SCOTLAND

Royal Yachting Association Scotland

RYA Scotland

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Catarina Aires
Marine Renewables Casework Officer
Marine Scotland Licensing Operations Team
Scottish Government
Marine Laboratory,
375 Victoria Road,
Aberdeen,
AB11 9DB

MS.MarineRenewables@gov.scot

Dear Ms Aires,

APPLICATION FOR CONSENT UNDER SECTION 36 AND 36A OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 AND THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT AND OPERATE KINCARDINE OFFSHORE WINDFARM

RYA Scotland is in principle not opposed to the granting of consent. However, we do have concerns about some of the detail that is implicit in the documentation. We also feel that the number of recreational craft passing between the windfarm site and the shore has been underestimated. In the scoping opinion the MCA noted the need to include radar and visual observations as well as AIS. Visual observations are needed as it can be difficult to pick up small craft on radar and it is often the smaller vessels that do not carry an AIS transponder. On the basis of experience in the Pentland Firth and Orkney Waters Shipping Study, an approximation to the number of recreational vessels passing is the number transmitting an AIS signal times five. Moreover the number passing will vary from month to month as many sailors use this route to get to or from the Caledonian Canal and the Northern Isles. The RYA is currently finalising the third edition of the UK Coastal Atlas of Recreational Boating which uses AIS signals and additional information to plot cruising route corridors rather than the straight lines in the previous edition. Nevertheless, we agree that most recreational vessels currently pass either inside or outside the windfarm location.

The RYA does not believe that the simple declaration of operational safety zones for what can only be described as procedural purposes is effective mitigation in itself without some form of proactive safety management system. In this respect it is not known and neither is it stated how infringements would be detected nor how infringers would be warned. At the Hazard Workshop held on the 20th August 2015 at Anatec's Aberdeen office, the RYA questioned the need for an operational safety zone and no credible evidence or data was submitted to support the case that floating turbines are any more hazardous for recreational craft than any other type of turbine. We note from Table 9.3 of the KOWL ES outlining the Rochdale envelope that the maximum excursion area of WTGs is 25m. No data is given on how fast a floating turbine would move but there is no evidence to show that this would be any faster that the slowest of recreational craft due to their inertia. Similarly there is no data given on the below water clearance in the vicinity of the floating turbines, but it is clear that it will be in excess of 3m which is the average draught of recreational craft with an air draught of 22m which is required for blade clearance.

We recognise that there is a need for safety zones during the construction and decommissioning phases where guard boats are deployed and such a zone can be 'policed'. However these should be no larger than the minimum justifiable. There is certainly no need to inhibit navigation between the windfarm and the shore at any time. Rolling safety zones round a cable laying vessel are sensible. However, there needs to be an effective way of communicating this information to recreational sailors, some of whom come from continental Europe. Notices to Mariners and uploads to Kingfisher are not an effective way of disseminating this information to recreational sailors, As adverse weather may mean that the proposed schedule cannot be met, frequent updates should be sent to marinas and harbours, say between Amble in the south and the Orkney marinas in the north. The Forth Replacement Crossing has a dedicated website for the decking schedule that lays out on a daily basis which channel is closed.

[redacted]

pp. Dr G. Russell FRMetS MCIEEM

Planning and Environment Officer, RYA Scotland

Dinsdale R (Rosanne)

From: Planning Aberdeen <planning.aberdeen@sepa.org.uk>
Sent: 19 May 2016 10:36
To: MS Marine Renewables
Cc: Planning Aberdeen
Subject: PCS146076 Consultation on Kincardine Offshore Windfarm Application, by 20th May

Dear Ms Aires

Thank you for your email consultation below.

SEPA does not now provide site specific advice on marine licence consultations. Instead, please refer to our standing advice for marine licence consultations within guidance document LUPS-GU13 *Marine Scotland consultations: SEPA standing advice for Marine Scotland on marine licence consultations* which is available from www.sepa.org.uk/planning.aspx.

If, after consulting this guidance, you consider that a particular development is novel or raises a particular environmental issue relevant to our interests which is not addressed by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of your consultation request.

Regards
Clare

Clare Pritchett
Senior Planning Officer
Planning Service, SEPA, Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA
Direct line: [redacted] Email: planning.aberdeen@sepa.org.uk
Part Time: Monday, Wednesday & Thursday
Are you using the new CIRIA SUDS manual C753 yet? After 31st May we expect all SUDS proposals to be designed in accordance with it – www.susdrain.org/resources/SuDS_Manual.html

---

From: Catarina.Aires@gov.scot [mailto:Catarina.Aires@gov.scot]
Sent: 08 April 2016 16:21
Subject: frwd 11.04 to upload against PCS/146076 , thanks) Consultation on Kincardine Offshore Windfarm Application, by 20th May

Dear Sir /Madam,

ELECTRICITY ACT 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000
The Electricity (Applications for Consent) Regulations 1990
MARINE (SCOTLAND) ACT 2010
MARINE AND COASTAL ACCESS ACT 2009
The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)

APPLICATION FOR CONSENT UNDER SECTION 36 AND 36A OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 AND THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT AND OPERATE KINCARDINE OFFSHORE WINDFARM

On 23rd March 2016 Kincardine Offshore Windfarm Limited ("the applicant") submitted an application to the Scottish Ministers to construct and operate the Kincardine Offshore Windfarm at a site 15 km offshore from the

SCOTTISH FISHERMEN'S FEDERATION

Our Ref: MM/fl: 16-026

Your Ref:

12th May 2016

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Marine Scotland Licensing Operations Team
Marine Laboratory
375 Victoria Road
ABERDEEN
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By email: MS.MarineRenewables@gov.scot

Dear Sirs,

Application for Consents to Construct and Operate Kincardine Offshore Windfarm

The Scottish Fishermen's Federation (SFF), is pleased to respond to this application on behalf of the 500 plus fishing vessels in membership of the Anglo-Scottish Fishermen's Association, the Clyde Fishermen's Association, the Fishing Vessel Agents & Owners Association (Scotland) Limited, the Mallaig and North-West Fishermen's Association Ltd, the Orkney Fishermen's Association, Scallop Association, the Scottish Pelagic Fishermen's Association Ltd, the Scottish Whitefish Producers' Association Ltd and the Shetland Fishermen's Association.

The SFF acknowledges that the project engaged with them in discussions on the plan, but must clearly state that the application does not seem to have considered the intelligence provided. In line with this, the SFF previously wrote to MS(LOT) in October of 2015 to outline our objection to the process used to define the final development site within the Agreement For Lease area. These concerns have, to date, not been addressed by the developer to our satisfaction and the SFF stands by this objection, indeed it is our belief that the UKFIM data shared with KOWL, as described in para 3.5.3 of the commercial fisheries baseline corroborates our view. Finally the SFF would state that this lack of attention to the problem contradicts General Planning Principle (GPP) 4 – Co existence, GPP 17 – Fairness and also Fisheries Policy 1 and 3 in Scotland's National Marine Plan.

With regard to the Commercial Fisheries Baseline, paragraphs 3.8.2 whilst presumably attempting to illustrate an overview of Scottish fisheries is very vague, especially in the use of terms such as "intensity of fishing has increased" and "the fishing industry in the UK is generally in decline".

These bland statements discount the legal, political, biological and environmental issues which have beset the fishing industry over the last 30 years which should be a key component of the Socio Economics impact of Fisheries Plan 2 in Scotland's National Marine Plan.

During the initial consultation with SFF, the UKFIM data was explained, including the cyclical nature of some fisheries, especially scallops. The descriptions in the baseline do not take these details into account, especially where the developer was clearly shown that the scallop fishery was concentrated in the area they have chosen to develop. Again in contradiction of GPP 4 – Co-existence and GPP17 – Fairness.

The application seems to have completely missed the growth in the squid fishery which now exists on grounds between Aberdeen and Bell Rock. This will have a material impact on the development's interaction with fisheries. This highlights the problem of cyclical fishing activity not being represented by a snapshot, even here when using 2009-13 as the reference period.

The SFF therefore maintains an objection to this development as in our viewt it has failed to grasp the concept that fisheries do not use all the space at sea and are prepared to co-exist with developments which seek to cause the least impact on their activities, as per GPP4

The application acknowledges that by its nature will lead to a complete loss of fishing grounds so the SFF would expect that in the event of a licence being granted there would be a consent condition to ensure that mitigation in some form is found.

The export cable route also needs to be carefully considered and the SFF would expect the developers to examine alternatives to rock dumping and mattresses in the event of non-burial, appropriate to the seabed and the fishery concerned.

Yours faithfully,

[redacted]

Bertie Armstrong
Chief Executive
Scottish Fishermen's Federation

Scottish Natural Heritage
Dualchas Nàdair na h-Alba
All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Catarina Aires
Marine Scotland
Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

By email only:
ms.marinelicensing@scotland.gsi.gov.uk

Your ref: KOWL Application Consultation

Our ref:
CNS/REN/Wind/Demonstrator sites/Kincardine offshore floating wind/CEA140927

Date: 18th May 2016

Dear Catarina,

PROPOSAL: CONSENT TO CONSTRUCT AND OPERATE KINCARDINE OFFSHORE WINDFARM

SECTION 36 AND 36A OF THE ELECTRICITY ACT 1989
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000
The Electricity (Applications for Consent) Regulations 1990

MARINE (SCOTLAND) ACT 2010, PART 4: MARINE LICENCE

MARINE AND COASTAL ACCESS ACT 2009
The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)

Background
Thank you for your consultation of 8 April 2016 requesting our advice on the proposed Kincardine Offshore Windfarm.

Use of Design Envelopes
Our advice is based on the following features of the design envelope:

- up to eight 6 or 8 MW turbines with a total array capacity of up to 50MW, effective height to blade tip of 176m with floating (semi-submersible) substructures;
- associated mooring system of catenary anchors with alternative anchor options and mooring lines;
- inter-array cables (surface laid or buried) and export cables to be laid in trenches in a cable corridor to connect the turbines to the onshore elements of the development.

The final wind farm design, to be confirmed post-consent, will fall within the limits outlined within the project envelope. The applicant advises that assessment for each natural heritage interest is based on the scenario that is considered 'worst case' for that interest.

KEY ADVICE

From our review of the supporting information for the application, including both the Environmental Statement (ES) and Habitat Regulations Appraisal (HRA) reports, we conclude that for this proposal alone there is no adverse effect on site integrity for bird interests.

However, when we consider the Kincardine proposal in combination with other developments, specifically other wind farms consented for the east coast, HyWind and the three Forth and Tay offshore wind farms (Neart na Gaoithe, Seagreen - Alpha and Bravo, and Inch Cape) within species' mean-max foraging range (mmfr), we cannot advise that there will be no adverse effect on site integrity with respect to:

- Black-legged kittiwake - Fowlsheugh Special Protection Area (SPA)
- Atlantic puffin - Forth Islands SPA

We have assessed all other natural heritage interests and can confirm that we raise no other issues which could significantly impact on international or national interests.

Environmental Management and Monitoring

We support the commitment provided in the ES (Chapter 2) to agree and implement a Project Environmental Management Plan (PEMP). In addition, if the project is consented we would welcome further discussion on monitoring requirements for Kincardine in order to validate some of the ES predictions and consider the environmental impacts of this demonstrator project.

Appendices A - C contain detailed advice on our appraisal of the proposal in relation to HRA including for Special Areas of Conservation (SACs) (Appendix B) and SPAs (Appendix C).

Appendix D contains further advice and comments on the content of the Environmental Statement (ES).

Appendix E provides our detailed advice on conditions.

Appendix F contains advice in respect of onshore ancillary requirements and nature conservation interests.

We hope these comments are helpful. If further information or advice is required please contact Tracey Begg in the first instance: [redacted]

Yours sincerely,

[redacted]

Andrew Bachell
Director – Policy and Advice

Cc Aberdeenshire Council
Aberdeen City Council

APPENDIX A

KINCARDINE OFFSHORE WIND FARM

**HABITATS REGULATIONS APPRAISAL – NATURA SITES -
SPECIAL AREAS OF CONSERVATION (SAC) AND SPECIAL PROTECTION AREAS (SPA)**

I. Where a plan or project could affect a Natura site, the Habitats Regulations require the competent authority (Marine Scotland) – the authority with the power to undertake or grant consent, permission or other authorisation for the plan or project in question, to consider the provisions of regulation 48. This means that the competent authority has a duty to:

   - determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not;
   - determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then;
   - make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

II. This process is now commonly referred to as **Habitats Regulations Appraisal** (HRA). HRA applies to any plan or project which has the potential to affect the qualifying interests of a Natura site, even when those interests may be at some distance from that site.

III. The competent authority, with advice from SNH, decides whether an appropriate assessment is necessary and carries it out if so. It is the applicant who is usually required to provide the information to inform the assessment. Appropriate assessment focuses exclusively on the qualifying interests of the Natura site affected and their conservation objectives. A plan or project can only be consented if it can be ascertained that it will not adversely affect the integrity of a Natura site (subject to regulation 49 considerations).

APPENDIX B

HABITATS REGULATIONS APPRAISAL – SPECIAL AREAS OF CONSERVATION

1. Following submission of the HRA report and the ES, we conclude that the proposal is unlikely to have a significant effect on the following qualifying interests and their SACs:

   Moray Firth SAC
   – bottlenose dolphins

   River Dee SAC, River South Esk SAC and River Spey SAC
   - Atlantic Salmon
   - Freshwater Pearl Mussel

Appraisal of impacts of Kincardine offshore wind farm in relation to the Moray Firth SAC

2. The proposed development is located approximately 160 km south of the Moray Firth SAC.

Step 1:	Is the proposal directly connected with or necessary for the conservation management of the SACs?

The Kincardine offshore wind farm proposal is not directly connected with or necessary for the conservation management of Moray Firth SAC.

Step 2:	Is the proposal likely to have a significant effect on the qualifying features of the SACs either alone or in combination with other plans or projects?

The conservation objectives of the site are:

(i) to avoid deterioration of their habitat or **(ii)** significant disturbance to them, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for the qualifying feature; and

To ensure for bottlenose dolphins that the following are maintained in the long term:

(iii) Population of bottlenose dolphins as a viable component of the site.

(iv) Distribution of bottlenose dolphins within site.

(v) Distribution and extent of habitats supporting bottlenose dolphins.

(vi) Structure, function and supporting processes of habitats supporting bottlenose dolphins.

repeat of (ii) No significant disturbance of bottlenose dolphins.

3. Using the information provided in the ES, our knowledge of bottlenose dolphin ecology and the SAC we offer the following advice:

4. **We advise that, in our view, the proposal will have no likely significant effect on the bottlenose dolphin qualifying interest for Moray Firth SAC.**

5. In assessing whether the operation is likely to have a significant effect on the qualifying interests, we have considered the following:

- the wide ranging behaviour of bottlenose dolphins: individuals may range across the project site and cable corridor route, hence there is potential connectivity between the project site and the SAC;
- whether bottlenose dolphins were observed and in what numbers in the project area / cable corridor during the site characterisation or other relevant surveys;
- whether bottlenose dolphins are sensitive to any of the potential impacts identified;
- whether or not there is potential for any of the conservation objectives to be undermined.

6. The appraisal we carried out considered the following factors:

- The lack of bottlenose observations recorded during digital aerial site characterisations surveys;
- Population data for bottlenose dolphin within the SAC and the wider east coast of Scotland area;
- The low risk of entanglement for bottlenose dolphin during the operational phase. This could be managed with appropriate mitigation so that any entanglement risk is minimised;
- The wind farm proposal area is far enough away from SAC for there to be no direct impacts, or disturbance, to bottlenose dolphins while they are within the SAC;
- The small development footprint relative to the large extent of alternative foraging habitat / prey available to bottlenose dolphins, should localised displacement occur due to disturbance as a result of works during construction;
- Most work associated with the proposal is of short duration, notably during the construction phase and could be managed with appropriate mitigation so that any disturbance is limited and minimises displacement of bottlenose dolphin on a long-term basis.

Appraisal of impacts of Kincardine offshore wind farm in relation to River Dee SAC, River South Esk SAC and River Spey SAC

7. The proposed development is located approximately 17 km east of the River Dee SAC, approximately 51 km north east of the River South Esk SAC and approximately157 km south of the River Spey SAC.

Step 1:	Is the proposal directly connected with or necessary for the conservation management of the SACs?

The Kincardine offshore wind farm proposal is not directly connected with or necessary for the conservation management of River Dee SAC, River South Esk SAC and River Spey SAC.

Step 2:	Is the proposal likely to have a significant effect on the qualifying features of the SACs either alone or in combination with other plans or projects?

The conservation objectives of the sites are:

(i) to avoid deterioration of the habitats of Atlantic salmon and freshwater pearl mussel or **(ii)** significant disturbance to them, 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 Atlantic salmon and freshwater pearl mussel that the following are maintained in the long term:

(iii) Population of Atlantic salmon and freshwater pearl mussel, including range of genetic types for salmon, as a viable component of the site,

(iv) Distribution of Atlantic salmon and freshwater pearl mussel of within site.

(v) Distribution and extent of habitats supporting Atlantic salmon and freshwater pearl mussel.

(vi) Distribution and viability of freshwater pearl mussel host species.

(vii) Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species.

8. Using the information provided in the ES, our knowledge of Atlantic salmon and freshwater pearl mussel ecology and the SAC we offer the following advice:

9. **We advise that, in our view, the proposal will have no likely significant effect on the Atlantic salmon and freshwater pearl mussel qualifying interests for the River Dee, River South Esk and River Spey SACs. This is due to the fact that the proposal is located at a considerable distance from any of these SACs.** We have considered impacts to Atlantic salmon under EIA – see Appendix D, Section civ: Fish (including diadromous fish) and shellfish.

APPENDIX C

HABITATS REGULATIONS APPRAISAL – SPECIAL PROTECTION AREAS (SPA)

Appraisal of impacts of Kincardine offshore wind farm in relation to relevant SPAs

1. Following submission of the HRA report and the ES, this proposal in combination with the Forth and Tay and HyWind consented windfarms, we conclude: adverse effect on site integrity for the following qualifying interests and their SPAs:

    - Black-legged kittiwake (breeding) - **Fowlsheugh SPA**
    - Atlantic puffin (breeding) - **Forth Islands SPA**

2. Following submission of the HRA report and the ES, we conclude: no adverse effect on site integrity for the following qualifying interests and their SPAs:

Common guillemot (breeding) Fowlsheugh SPA Buchan Ness to Collieston Coast SPA Troup, Pennan and Lions Heads SPA	**Black-legged kittiwake (breeding)** Buchan Ness to Collieston Coast SPA Troup, Pennan and Lions Heads SPA
Herring gull (breeding) Fowlsheugh SPA Buchan Ness to Collieston Coast SPA Troup, Pennan and Lions Heads SPA	**Northern fulmar (breeding)** Fowlsheugh SPA Buchan Ness to Collieston Coast SPA Troup, Pennan and Lions Heads SPA Forth Islands SPA
Northern gannet (breeding) Forth Islands SPA	**Razorbill (breeding)** Fowlsheugh SPA

3. We also conclude that the proposal is unlikely to have a significant effect (LSE) on the following qualifying interests and their SPAs:

Common guillemot (breeding) Forth Islands SPA East Caithness Cliffs SPA North Caithness Cliffs SPA	**Black-legged kittiwake (breeding)** Forth Islands SPA East Caithness Cliffs SPA North Caithness Cliffs SPA
Herring gull (breeding) Forth Islands SPA East Caithness Cliffs SPA North Caithness Cliffs SPA	**Northern fulmar (breeding)** East Caithness Cliffs SPA North Caithness Cliffs SPA
Northern gannet (breeding) Fair Isle SPA Flamborough Head and Bempton Cliffs SPA	**Sandwich tern (breeding)** Ythan Estuary, Sands of Forvie and Meikle Loch SPA
Common eider (non-breeding) Montrose Basin SPA	**Lesser black-backed gull (breeding)** Forth Islands SPA

Pink footed goose (migratory non-breeding) Montrose Basin SPA Loch of Strathbeg SPA	**Greylag goose (migratory non-breeding)** Loch of Skene SPA Montrose Basin SPA Loch of Strathbeg SPA
Svalbard barnacle goose (migratory non-breeding) Loch of Strathbeg SPA	**Whooper swan (migratory non-breeding)** Loch of Strathbeg SPA

No LSE for the qualifying interests / sites as identified above. This is due to **l**ow numbers recorded or low proportion recorded flying at collision risk height or collision risk mortality is not significant; displacement is not a significant impact or project area is not considered important for these species.

Appraisal in relation to the SPA qualifying features

Step 2: Is the proposal likely to have a significant effect on the qualifying features of the SPAs either alone or in combination with other plans or projects?

The Kincardine offshore wind farm proposal is not directly connected with or necessary for the conservation management of the above SPAs.

The conservation objectives of the sites are:

(i) to avoid deterioration of their habitat or **(ii)** significant disturbance to them, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for the species; and

To ensure that the following are maintained in the long term:

(iii) Population of the species as a viable component of the site.

(iv) Distribution of the species within site.

(v) Distribution and extent of habitats supporting the species.

(vi) Structure, function and supporting processes of habitats supporting the species.

repeat of (ii) No significant disturbance of the species.

In assessing whether the proposal is likely to have a significant effect (LSE) on the qualifying interests, we have considered the following:

- whether the project area overlaps with the species foraging range during the breeding season or wintering period;
- whether the project lies within an identified migratory path;
- whether a species was observed in the project area during the site characterisation and other relevant surveys;
- whether a species is sensitive to any of the potential impacts identified;
- whether or not there is potential for any of the conservation objectives to be undermined.

Using the information provided in the ES and HRA, our knowledge of seabird ecology and SPAs, we provide the following appraisal.

LSE for the following qualifying interests / sites: **Black-legged kittiwake (breeding)** Fowlsheugh SPA Buchan Ness to Collieston Coast SPA Troup, Pennan and Lions Heads SPA **Atlantic puffin (breeding)** Forth islands SPA **Common guillemot (breeding)** Fowlsheugh SPA Buchan Ness to Collieston Coast SPA Troup, Pennan and Lions Heads SPA **Herring gull (breeding)** Fowlsheugh SPA Buchan Ness to Collieston Coast SPA Troup, Pennan and Lions Heads SPA **Northern fulmar (breeding)** Fowlsheugh SPA Buchan Ness to Collieston Coast SPA Troup, Pennan and Lions Heads SPA Forth Islands SPA **Northern gannet (breeding)** Forth Islands SPA **Razorbill (breeding**) Fowlsheugh SPA	**Reason**: Project area within foraging range, species recorded during site surveys and sensitive to potential impacts, notably collision risk or displacement.

4. **We advise that, in our view, the proposal is likely to have significant effect on the above qualifying interests (i.e. those where LSE is confirmed). As a consequence Marine Scotland, as competent authority, is required to carry out an appropriate assessment in view of the conservation objectives for the qualifying features. We provide an appraisal of the proposal below.**

Step 3: Can it be ascertained that the proposal will not adversely affect the integrity of the SPAs either alone or in combination with other plans or projects?

Appraisal of the potential impacts from this development for each qualifying interest

<u>Black-legged kittiwake (breeding)</u>

- Fowlsheugh SPA
- Buchan Ness to Collieston Coast SPA
- Troup, Pennan and Lion's Heads SPA

5. Apportioning kittiwakes to relevant SPAs was carried out to assess the relative impacts on kittiwake populations at these three sites. Collision risk modelling predicts 28 breeding season collisions per year, 16 are attributed to Fowlsheugh SPA, 6 to Buchan Ness to Collieston coast SPA and 1 to Troup, Pennan and Lion's Heads SPA.

6. Table 7-12 of the HRA indicates that 19 kittiwake will be displaced from Fowlsheugh. This is treated here in terms of loss of productivity, and the loss is small. A

precautionary 50% mortality rate is also applied to adults. This means that 10 birds are expected to die each year. Added to the collision mortality the total would be 26 birds.

7. To assess the significance of the predicted impacts to populations of breeding seabirds at SPAs a simple matrix model has been deployed to give predicted population sizes after 25 years and the counterfactual of population size value.

8. Applying apportioned impacts to the Fowlsheugh population of 19,310 birds (0.22%) indicates that after 25 years the population will be approximately 700 birds (350 pairs) smaller than without the predicted impacts of the Kincardine development. The counterfactual of mean population size is 0.9817 (98.17%). Despite the impact of a reduction of 700 birds over the 25 years, the conservation objectives of the site will be maintained and therefore no adverse impact on site integrity will be expected for kittiwakes for Fowlsheugh SPA.

9. For Buchan Ness to Collieston Coast SPA, apportioned impacts indicate that after 25 years, the population will be approximately 115 birds (63 pairs) smaller than without the predicted impacts of the Kincardine development. The counterfactual of mean population size is 0. 9975 (99.75%). The conservation objectives of the site will be maintained and therefore no adverse impact on site integrity will be expected for kittiwakes for Buchan Ness to Collieston Coast SPA.

10. Only 1 breeding season collision per year is attributed to Troup, Pennan and Lion's Heads SPA, therefore predicted impacts on kittiwakes from this SPA are lower than for the other 2 SPAs considered. The conservation objectives of the site will be maintained and therefore no adverse impact on site integrity will be expected for kittiwakes for Troup, Pennan and Lion's Heads SPA.

Cumulative / in combination impacts

11. For black-legged kittiwake interests of Fowlsheugh SPA we cannot advise that there will be no adverse effects on integrity as a result of the proposal's effects in combination with other developments. This development adds to impacts already identified in cumulative assessments for other relevant developments.

Conclusion

12. We advise that, in our view, the proposal will have no adverse effect on site integrity for the black-legged kittiwake qualifying interests for Fowlsheugh SPA, Buchan Ness to Collieston Coast SPA and Troup, Pennan and Lion's Heads SPA, alone.

13. For cumulative / in combination impacts in relation to black-legged kittiwakes at Fowlsheugh SPA, we cannot advise that there will be no adverse effects on integrity as a result of the proposal's effects in combination with other developments – specifically other wind farms consented for the east coast. However, the increase in mortality or decrease in productivity contributed by this development is considered small in comparison to the other East Coast wind farm developments, in particular the Forth and Tay consented wind farms.

Atlantic puffin (breeding)

- Forth Islands SPA

14. Displacement is the key impact for Atlantic puffins with no puffin deaths predicted to result from collisions for this development. Only a small number of Atlantic puffins, totalling 5 birds, are predicted to die due to displacement. Three of these birds are apportioned to Forth Islands SPA. The conservation objectives of all SPAs with Atlantic

puffin interests will be maintained and there is no adverse impact on site integrity for individual SPAs.

Cumulative / in combination impacts

15. For Atlantic puffin interests of Forth Islands SPA we cannot advise that there will be no adverse effects on integrity as a result of the proposal's effects in combination with other developments. This development adds to impacts already identified in cumulative assessments for other relevant developments.

Conclusion

16. We advise that, in our view, the proposal will have no adverse effect on site integrity for the Atlantic puffin qualifying interests for any of the relevant SPAs alone.

17. For cumulative / in combination impacts in relation to Forth Islands SPA, we cannot advise that there will be no adverse effects on integrity as a result of the proposal's effects in combination with other developments – specifically other wind farms consented for the east coast. However, the increase in mortality or decrease in productivity contributed by this development is considered small in comparison to the other East Coast wind farm developments, in particular the Forth and Tay consented wind farms.

Common guillemot (breeding)

- Fowlsheugh SPA
- Buchan Ness to Collieston Coast SPA
- Troup, Pennan and Lions Heads SPA

18. The number of collision predicted for guillemots as a result of the development is relatively low. For option 2 and option 3 models no guillemot collisions are predicted. The option 1 model, predicts 13 collisions per year. The most likely source of birds is the closest large colony at Fowlsheugh SPA, but this is a relatively low proportion of the total colony population.

19. Precautionary figures are used for displacement which results in relatively high impacts to displaced birds. The assumption in the treatment of displacement is that 50% of birds displaced will die as a result. Following modelling work from CEH in the Forth and Tay wind farms mortality rates are considered much more likely to be within single figures, and therefore these values should be treated as highly precautionary.

20. Displacement rates of 50% for auks, including guillemots, are used. 158 guillemots are displaced from the development area. The resulting displacement calculations attribute 65 guillemot deaths apportioned to Fowlsheugh SPA. Displacement impacts for other SPAs are not considered significant.

21. Although some guillemots are predicted to suffer mortality according to the calculations provided within the HRA, the likelihood is that these will not be sufficiently large impacts to cause an adverse effect on site integrity.

Cumulative / in combination impacts

22. We advise that for common guillemot interests of Fowlsheugh SPA, Buchan Ness to Collieston Coast SPA and Troup, Pennan and Lions Heads SPA that there will be no adverse effects on integrity as a result of the proposal's effects in combination with other developments.

Conclusion

23. We advise that, in our view, the proposal will have no adverse effect on site integrity on the common guillemot qualifying interests for Fowlsheugh SPA, Buchan Ness to Collieston Coast SPA and Troup, Pennan and Lion's Heads SPA, alone or cumulatively / in combination with other developments.

Herring gull (breeding)

- Fowlsheugh SPA
- Buchan Ness to Collieston Coast SPA
- Troup, Pennan and Lions Heads SPA

24. Key impacts considered for this interest are collision risk and displacement. The results of the collision risk modelling predict a low total annual mortality of 1 herring gull per year through collisions with turbine blades.

25. Displacement impacts are not significant. The development would result in a loss of 0.1% of the foraging area for herring gull originating from Fowlsheugh SPA.

Cumulative / in combination impacts

26. We advise that for herring gull interests of Fowlsheugh SPA, Buchan Ness to Collieston Coast SPA and Troup, Pennan and Lions Heads SPA that there will be no adverse effects on integrity as a result of the proposal's effects in combination with other developments.

Conclusion

27. We advise that, in our view, the proposal will have no adverse effects on site integrity on the herring gull qualifying interests for Fowlsheugh SPA, Buchan Ness to Collieston Coast SPA and Troup, Pennan and Lion's Heads SPA, alone or cumulatively / in combination with other developments.

Northern fulmar (breeding)

- Fowlsheugh SPA
- Buchan Ness to Collieston Coast SPA
- Troup, Pennan and Lions Heads SPA
- Forth Islands SPA

28. Key impacts considered for this interest are collision risk and displacement. Collision risk modelling predicts that no fulmar will be lost through collisions with turbine blades.

29. Fulmar foraging ranges are extensive and any displacement impacts for this species are considered to be insignificant.

Cumulative / in combination impacts

30. We advise that for fulmar interests of relevant SPAs that there will be no adverse effects on integrity as a result of the proposal's effects in combination with other developments.

Conclusion

31. We advise that, in our view, the proposal will have no adverse effects on site integrity on the fulmar qualifying interests for relevant SPAs either alone or cumulatively / in combination with other developments.

Northern gannet (breeding)

- Forth Islands SPA

32. Collision risk modelling for option 2 model predicts 6 breeding season collisions per year for gannets. The 6 predicted deaths resulting from collision risk modelling are all apportioned to Forth Islands SPA.

33. As discussed with respect to guillemots, precautionary figures are used for displacement which results in relatively high impacts to displaced birds. Displacement rates of 75% are used for gannets. 25 gannets are displaced from the development area, resulting in a prediction of 12 deaths due to displacement. The total number of predicted deaths as a result of the development for gannet is therefore 18 birds per year.

Cumulative / in combination impacts

34. The estimated collision mortality from Kincardine for gannets is 6 adult birds per breeding season. Taking this figure in combination with the Forth and Tay, and HyWind consented wind farms, collision calculations result in a total of 1015 adult breeding birds collisions per season. This is below the re-calculated threshold for gannets from the Forth Islands SPA (Bass Rock colony) of 1169 as used most recently in the appropriate assessment for HyWind[1]. The cumulative total for gannet, including Kincardine, is below this threshold.

35. We therefore advise that for gannet interests of Forth Islands SPA, that there will be no adverse effects on integrity as a result of the proposal's effects in combination with other developments.

Conclusion

36. We advise that, in our view, the proposal will have no adverse effect on site integrity for the gannet qualifying interests for Forth Islands SPA, alone or cumulatively / in combination with other developments.

Razorbill (breeding)

- Fowlsheugh SPA

37. Key impacts considered for this interest are collision risk and displacement. Collision risk modelling predicts that no razorbills will be lost through collisions with turbine blades.

38. Precautionary assumptions were made for displacement of razorbills with 50% displacement from the project area and 1 km buffer. The breeding failure of displaced birds was assumed to be 100%. It is estimated that 8 adult breeding razorbills from Fowlsheugh SPA will be displaced by the development. This figure equates to 0.15% of the population of Fowlsheugh SPA. The number of chicks per pair per year for this SPA is estimated to be 0.60. If 8 individual adult breeding birds are displaced there is the potential for 5 chicks to be lost as a result of displacement. This figure equates to a very small predicted reduction in breeding success of 0.16%.

[1] http://www.gov.scot/Resource/0048/00488335.pdf

Cumulative / in combination impacts

39. We advise that for razorbill interests of Fowlsheugh SPA that there will be no adverse effects on integrity as a result of the proposal's effects in combination with other developments.

Conclusion

40. We advise that, in our view, the proposal will have no adverse effects on site integrity on the razorbill qualifying interests of Fowlsheugh SPA either alone or cumulatively / in combination with other developments.

APPENDIX D

ADVICE ON NATURAL HERITAGE INTERESTS CONSIDERED IN THE ENVIRONMENTAL STATEMENT (ES)

We provide advice on the following issues:

ci. Designated Sites
cii. Coastal processes
ciii. Protected species
civ. Fish and shellfish
cv. Benthic ecology
cvi. Ornithology
cvii. Seascape, landscape and visual impact assessment

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ci. Designated sites

Natura sites

41. Please see Appendix B and Appendix C respectively for our HRA advice for SACs and SPAs.

cii. Coastal processes

Summary

42. Overall, we agree with the conclusions that the impacts on physical processes will be minor / negligible, based on the sensitivities of the features and the (estimated) duration / magnitude of activities.

ciii. Protected species

European Protected Species (EPS) - cetaceans

Summary

43. We broadly agree with the general conclusions that the impacts on marine mammals are likely to be minor / negligible based on the sensitivities of the features and the (estimated) duration / magnitude of the activities.

Detailed comments

European Protected Species (EPS)

44. A Marine Mammal Observer (MMO) should be used following agreed protocols prior to all noisy construction activities. Given the short duration of the construction period, and relatively low importance of the area for cetaceans **we advise an EPS licence will not be required.**

45. The development will not involve any piling so potential impacts are limited to entanglement and disturbance due to vessel movements as well as potential disturbance during cable laying.

46. Entanglement is potentially the key impact for this development with regard to marine mammals. Risks are greater for medium-sized cetaceans e.g. minke whale rather than smaller cetaceans such as dolphins and porpoises. A regular monitoring programme is proposed by the developers whereby mooring and cables are checked twice annually and load cell readings monitored. We recommend a detailed entanglement monitoring and reporting schedule is provided as part of the PEMP in order to mitigate and monitor entanglement for this demonstrator proposal.

47. There is no discussion relating to disturbance effects of the cable laying, however, it is likely that effects will be limited, notably since installation of the export cables is estimated to take approximately 3 days.

civ. Fish (including diadromous fish) and shellfish

Summary

48. We broadly agree with the general conclusions that the impacts on diadromous fish, marine fish including marine fish Priority Marine Features (PMFs) and shellfish are likely to be minor / negligible based on the sensitivities of the features and the (estimated) duration / magnitude of the activities.

Detailed comments

49. The ES states that the export cables will be buried to a depth of 1.5 m where possible to reduce the impacts of electromagnetic fields (EMF) on fish. Where burial is not possible, cable protection in the form of concrete mattresses and rock will be used. The Department of Energy and Climate Change (DECC) recommends that cables be buried to at least 1.5m, depending on the suitability of the substrates (Department of Energy and Climate Change (DECC), 2011; National Policy Statement for Renewable Energy Infrastructure (EN-3). Presented to Parliament pursuant to section 5 (9) of the Planning Act 2008). We welcome the burial of the cables to 1.5 m depth where possible – especially in shallow waters (defined as below 20 m by Gill and Bartlett 2010). Whilst cable burial would not be expected to reduce the extent of the emission field, it would increase the distance between the cable and the water column.

50. There is a lack of published literature relating to critical levels to diadromous fish of exposure to suspended sediments in the marine environment. However, it is apparent that many species of diadromous fish (including Atlantic salmon) appear to be capable of migrating through and surviving high suspended solid concentrations in estuarine environments. It is unlikely that increased turbidity arising from development of the Kincardine offshore wind farm would be of a level to have significant adverse impacts on diadromous fish.

Benthic ecology

Summary

51. Overall, we agree with the conclusion that impacts on benthic features will be minor / negligible, based on the sensitivities of the features and the (estimated) duration / magnitude of the activities.

cvi Ornithology

Summary

52. Sufficient information has been presented in the ES and HRA to allow us to complete our assessment for the Kincardine application.

53. The project will have impacts on some bird populations, notably to black-legged kittiwake (kittiwake), northern gannet (gannet) and common guillemot (guillemot) through a combination of predicted collision impacts and displacement from currently used foraging areas. However, we do not consider the impacts of this project alone will be sufficient to result in adverse effect on site integrity for any of the SPAs where LSE is concluded.

54. Cumulative impacts with already consented projects along the Scottish east coast are predicted to be significant for seabird populations. Where we have previously been unable to conclude no adverse effect on site integrity and the impacts are in addition to those previously considered, we cannot conclude no adverse effect on site integrity for Fowlsheugh SPA (with respect to kittiwake) and Forth Islands SPA (with respect to Atlantic puffin). The additional mortality predicted for gannet and apportioned to Forth Islands SPA from the Kincardine proposal is not sufficient to raise the overall mortality above the threshold previously agreed with Marine Scotland.

Detailed comments

<u>HRA advice</u>

55. Our detailed HRA advice for relevant SPAs can be found in Appendix C.

<u>Collision risk</u>

56. Our pre application advice regarding modelling options appears to have been taken. Model options are correctly described, and the approaches appear to be correct.

57. The outputs from both basic and extended models are presented for some species. Options 1 and 2 of the basic Band model have been applied correctly. The applicant (KOWL) has been able to produce their own data for flight heights (through the HiDef aerial survey report), which differ from available generic flight heights. The KOWL flight heights produce greater predicted numbers of collisions compared to the generic flight heights. In the main section of the HRA the option 2 (generic) results are used, although there is no explanation for why the option 1 values have been rejected. However, the impacts resulting from option 1 prediction would make no difference to the appraisal conclusions.

58. Three species are predicted to be most impacted from collision with turbines; kittiwake, gannet and guillemot. The number of guillemot collisions predicted is relatively low. For option 1 model 13 collisions are predicted per year. For model options 2 and 3 no guillemot collisions are predicted. The most likely source of birds is the closest large colony at Fowlsheugh SPA, but this is a relatively low proportion of the colony population.

59. For gannet, 6 breeding season collision impacts are predicted per year and for kittiwake 28 per year. For these two species further consideration of the impacts is required as the predicted mortality due to collision needs to be considered with any mortality due to displacement.

Displacement

60. Precautionary figures are provided for displacement, which given the size of the development, results in relatively high impacts to displaced birds. Displacement rates of 30% (kittiwake), 75% (gannet) and 50% (auks including guillemot) are used. Productivity losses are likely to be of less consequence than adult mortality, and the precautionary levels of adult mortality used are sufficient to be able to assess the likely impacts. The calculation presented indicates that 66 kittiwakes, 25 gannets and 158 guillemots are displaced from the development area. There are 5 adult puffins predicted to be displaced.

61. The assumption in the treatment of displacement is that 50% of birds displaced will die. Modelling conducted by CEH for the Forth and Tay wind farms indicates mortality rates are considered much more likely to be within single percentage figures and therefore these values should be treated as highly precautionary.

62. The resulting displacement calculations apportion 3 puffin deaths to Forth Islands SPA and 65 guillemot deaths apportioned to Fowlsheugh SPA. 10 Kittiwakes displaced from Fowlsheugh SPA are predicted to die as a result of the proposal. For all other species displacement impacts are not significant. The predicted displacement impacts are added to any predicted collision impacts to determine the full impact to relevant SPAs.

Apportioning – calculation error

63. There is an error in the apportioning calculations for this proposal which greatly underestimates the impacts to SPAs. Some small (or non-existent) colonies in the Seabird Monitoring Programme (SMP) database have had large populations assigned to them. This has therefore overestimated the proportions of birds that originate outside of SPAs. An example - gannet where 6 birds are apportioned as 2 from Forth Islands and 4 from outside SPAs, whereas all 6 birds should have been apportioned to Forth Islands SPA.

64. As a result, we have re-calculated the apportioning table in the HRA document to be able to assess the impact to kittiwakes. Calculations for all other species would need to be checked if the figures from this ES are used in other cumulative assessments.

65. The change of calculation gives the following results for kittiwake: of 28 breeding season collisions predicted, 16 should be attributed to Fowlsheugh (2 originally), 6 to Buchan Ness to Collieston coast (1 originally), and 1 to Troup, Pennan and Lion's heads (0 originally).

66. In addition, Table 7-12 of the ES indicates that 19 kittiwake will be displaced from Fowlsheugh SPA. However, the loss of productivity attributed to this is relatively small compared to the adult mortality. A precautionary 50% mortality rate is also applied to adults which means that 10 birds are expected to die each year. Added to the collision mortality the total prediction would be 26 adult breeding birds from Fowlsheugh SPA die each year due to the Kincardine development.

Apportioning to SPAs

67. To assess the significance of the predicted impacts to populations of breeding seabirds at SPAs, a simple matrix population model was used to give predicted population sizes after 25 years and enable the calculation of the counterfactual of population size (proportion of impacted population expressed as a decimal of un-impacted population).

68. Kittiwake is the species with the highest predicted impacts therefore has been the focus of this analysis. Applying apportioned impacts to the Fowlsheugh population of 19,310 birds (0.22%) indicates that after 25 years the population will be approximately 700 birds (350 pairs) smaller than without the predicted impacts of the Kincardine development. The counterfactual of mean population size is 0.9817 (98.17%). Despite the impact of a reduction of 700 birds over the 25 years, the conservation objectives of the site will be maintained and therefore no adverse impact on site integrity.

69. A similar analysis for the Buchan Ness to Collieston Coast SPA results in a counterfactual of 0.9975 (99.75%), and the same conclusion of no adverse effect on site integrity.

70. For gannet the number of predicted collisions is much lower. The additional 6 birds per year are predicted, plus 12 predicted to die per year as a result of displacement. This will not be sufficient to cause adverse effects on the site integrity for gannet interests of Forth Islands SPA.

71. Relatively small numbers of other species are predicted to die as a result of collision or displacement (including 5 puffins). The number of guillemots and razorbills predicted to die is not sufficient to cause significant additional population decline.

72. Although only a small number of Atlantic puffins are predicted to die each year due to displacement (3 adults from Forth Islands SPA) and none as a result of predicted collision, previously in other wind farm HRA work, we have been unable to conclude no adverse effect on site integrity for this Forth Islands SPA interest. As no other impacts have changed since that conclusion was reached, our conclusion for Atlantic Puffins as interests of Forth islands SPA remains the same.

Vessel traffic

73. The area has significant seaborne traffic. On average 55 vessels per day pass within 10 nm of development area. It is classed as a moderately busy area. An increase in vessels may cause disturbance to marine birds, and more vessel movement brings an increased risk of a vessel collision (with a risk of contamination). The proportional increase resulting from the Kincardine development is likely to be small. With mitigation in place, this will reduce the risk to a negligible level. The Vessel Management Plan should contain a protocol that seeks to avoid / minimise maintenance movements during last two weeks of July and first two weeks of August. It is during this period that an influx of dependent auks with their adults is recorded and this would mitigate potential impacts on auks during this vulnerable period.

Entanglement

74. Diving bird species could potentially be caught by ghost fishing materials caught on mooring lines. Mitigation is proposed in the form of sensors to detect large accumulations of ghost fishing material. Regular inspection of mooring and anchor lines will reduce the risk of this sufficiently for it not to be considered a significant impact. We recommend a detailed entanglement monitoring and reporting schedule is provided as part of the PEMP in order to mitigate and monitor entanglement for this demonstrator proposal.

Disturbance of prey species

75. The most likely mechanism of disturbance to prey resource for birds is through placement of anchors for mooring the turbines. The area of habitat disturbed by the anchors is likely to be very small and the loss of prey resource is considered negligible. It is possible that prey aggregation could occurs around the feature, which may benefit some species. No significant impacts are expected as a result of prey disturbance.

Cumulative Impacts

76. The cumulative impact analysis undertaken for the ES (and HRA) is appropriate. The list of sites and projects has been previously agreed. In order to make results comparable the collision impact table uses a 99% option 3 for gannet and a 98.9% option 3 for kittiwake (Table 7-14 of HRA). Option 3 is presumably selected as it is available for all developments. For displacement a 2km buffer is assumed for all sites, including Kincardine. The cumulative area of sea lost to displacement for each species is displayed in a table (Table 7-15 in HRA). For many species this is a small or very small percentage of the available foraging area from their respective SPAs.

77. Despite the conclusion in the HRA that no significant in combination effects are predicted, high impacts for gannet (from Forth Islands SPA) and kittiwake (Fowlsheugh and Buchan Ness to Collieston Coast SPA) are suggested in the table.

78. Impacts to kittiwake at Fowlsheugh SPA and gannet at Forth Islands SPA are higher than for other bird species. However, we confirm that the agreed threshold for gannet is not exceeded.

79. We refer to our HRA advice (Appendix C) for Atlantic puffins of Forth Islands SPA where we have concluded we are unable to exclude the possibility of no adverse effect on site integrity.

Post consent Monitoring

80. We recommend development of a post-consent monitoring plan as part of the PEMP. The structure of the turbine platform offers opportunities monitoring for bird strike.

cvii Seascape, landscape and visual impact assessment

Summary

81. We conclude that the proposal would not raise issues of national importance (as defined by SNH) as it does not impact on landscape resources designated for national importance.

82. However, we consider that it could raise issues of significant regional and local cumulative impacts and effects and as such further information and cumulative

assessment should be undertaken to inform this issue if required by the relevant authorities – Aberdeen City and Aberdeenshire Councils.

83. It should be noted that despite considerable advice given in the pre application stages, our advice has only been partially informed by the ES - Seascape, Landscape and Visual Assessment (SLVIA) assessment and supporting graphics and visualisations. Due to the limited content and quality of the ES we have relied on extensive previous experience of dealing with terrestrial and marine wind energy development.

Detailed comments

Assessment of sensitivity and magnitude of change and significance of effect

84. We disagree with the approach to determination of significance of effects (ES Table 1.5), which adopts a high threshold, identifying only Major and Moderate/Major Effects as significant. Given the type of development and potential for significant effects and from experience of both long standing and more recent on and off shore wind development; it is considered amongst landscape practitioners that Moderate effects can also have the potential to be significant under the EIA regulations, where they can be supported by professional judgement. As such we consider in this case, Moderate effects also to be significant.

85. In the assessment of visual receptor sensitivity the SLVIA has underestimated the baseline. With reference to GLVIA[2] residents and receptors visiting an area for landscape and scenic enjoyment are considered to be of High sensitivity. The SLVIA appears to have included a consideration of the distance of the receptor to the development, reflecting a magnitude of change rather than sensitivity of receptor. As such for viewpoints where residents and/or visitors/walkers are assessed we consider their sensitivity to be High.

86. There is limited information on the requirements for lighting and marking of the wind farm. The SLVIA refers to the Project Description in the ES section 2.3.3. We have assumed for the purposes of the SLVIA that the semi-submersible platforms are to be finished in yellow to comply with marine navigation requirements. However this description conflicts with requirements listed in ES Table 2.6 and subsequent ES para. 70

Assessment of impacts on landscape character and visual amenity

Coastal Character Assessment

87. We consider that the impact on landscape and seascape character is likely to be marginally higher (Moderate) than that assessed within the SLVIA. This takes into account the cumulative baseline of existing terrestrial wind development which contributes to a baseline coastal landscape already affected by wind turbine development, and from which the turbines of Kincardine offshore would be

[2] Landscape Institute (2013). Guidelines for Landscape and Visual Impact Assessment. Routledge. https://www.routledge.com/Guidelines-for-Landscape-and-Visual-Impact-Assessment-3rd-Edition/Landscape-Institute-IEMA/p/book/9780415680042

experienced. However we judge these effects to be not significant, primarily due to the distance offshore and scale of development of Kincardine, which does not intrude or dominate the experience of the coastal character.

Visual Impact Assessment

88. For the majority of visual receptors identified (residents, visitors, walkers), we consider the assessment has underestimated sensitivity of receptor which should be High. Given this underestimation, typically in viewpoints along the coast where a moderate magnitude of change has been identified (within ~18km of the development), we consider the assessment of effect to be Moderate or greater and therefore significant. Of the viewpoints we consider that 9 of these viewpoints should be assessed as - Moderate/Major and Major significant effects.

89. At these 9 viewpoints the wind farm introduces a visible or prominent new focus into the simple sea: sky horizon. The development will intrude upon the appreciation of the coastal view, with clearly visible rotating blades and yellow platform bases. The turbines will appear in a line, variously spaced, but uniform in character and elevation. Only from Girdle Ness and Doonies Farm will the development appear as two clearly separate, but related groups of 4 turbines. Furthermore the development is significantly tempered by the scale of the development, which appears relatively contained within wide coastal panoramas, and is experienced as fully 'offshore' at distances ranging between 15 and 20km. Typically from the coastal viewpoints the turbines appear clearly 'separate' from the complexity of the coastline, relating far more to the wider plane of sea and sky. Where significant effects are identified, the development does not dominate or overwhelm the viewer.

90. Given the predicted level of visibility from this development along the East coast, we expected the assessment of visual impact to include a sequential visual impact, in accordance with GLVIA. To consider the following in the assessment, but not limited to, main roads and minor roads, rail lines, coastal footpaths, and cycle ways. Furthermore this sequential assessment should then feed into a cumulative sequential assessment.

Cumulative Impacts

91. There is lack of a cumulative impact assessment. We advise that a wind farm offshore at Kincardine would contribute additional cumulative effects along the coastal seaboard. This proposal in addition to the consented offshore development at Aberdeen Bay (EOWDC) could lead to significant cumulative sequential impacts on high sensitivity visual receptors.

92. A comprehensive cumulative impact assessment should have been provided to consider the potential for significant cumulative effects on important regional and local resources, in particular the high sensitivity coastline and small coastal communities.

Issues with the ES - Seascape Landscape and Visual Impact Assessment

93. Our concerns relate to:

- Overall the assessment of landscape, seascape and visual impacts in ES Chapter 11 only summarises the assessment of effect.
- No reference was made to existing onshore wind energy development in the assessment of the landscape and coastal baseline.

- Assessment of visual receptor sensitivity is not in accordance with GLVIA.
- There is no assessment of sequential visual assessment along main routes.
- There is no comprehensive cumulative impact assessment.
- No provision of visualisations in a Viewpoint Pack as per our Visual Representation Guidance (July 2014).

APPENDIX E

KINCARDINE OFFSHORE WIND FARM - CONDITIONS

94. In addition to the recommended conditions below, we also consider, as part of any S36 consent, an appendix is attached to the decision letter with a description of the proposal with all aspects that are consented.

95. We also request that all environmental survey and monitoring information is made publicly available. We would welcome the opportunity to advise further on the detail of these conditions.

Condition	**Reason**
Confirmed turbine design and layout Confirmed wind turbine design and locations, a map of the final turbine layout and location of other infrastructure - intra-array cabling and export cable(s) shall be submitted to Marine Scotland prior to commencement of works, within a timeframe to be agreed.	Consent is based on a design envelope therefore we require a condition to ensure a final turbine design and layout is submitted.
Environmental Mitigation and Management Plan (EMMP) An EMMP will be produced to investigate the environmental impacts of this development. Marine Scotland, in consultation with relevant consultees will agree the environmental interests to be monitored and appropriate monitoring methodologies. The monitoring programme will cover construction and operational periods of development. The EMMP will be regularly reviewed, the review cycle to be decided by Marine Scotland in consultation with relevant consultees. The agreed monitoring will be implemented and the data collected will be reported on and made publicly available. Detailed entanglement monitoring and reporting schedule is provided as part of the PEMP in order to mitigate and monitor entanglement for this demonstrator proposal	Monitoring objectives including validation of ES predictions; mitigation and monitoring methods and reporting timescales. Timings of agreement of a final EMMP and subsequent review of requirements should be set up within a suitable timeframe.
Environmental Manager / Environmental Clerk of Works Within a timeframe agreed with Marine Scotland, the developer shall employ an Environmental Manager. The Environmental Manager's role, responsibilities and work programme shall be submitted to Marine Scotland and relevant consultees for	Employment of this post will ensure compliance with all aspect of the consents / licence conditions. The duration and operating hours of this post to be agreed in advance of the commencement of any development between MS LOT, the developers and statutory

approval. The Environmental Manager will have responsibility for ensuring implementation of the Construction Method Statement and the EMMP, including any required mitigation measures or monitoring. In addition, the Environmental Manager will have responsibility to reporting any breaches and compliance issues directly to the project manager and if still in breach directly to MS Compliance officers.	consultees.
Construction: Environmental Mitigation and Management Plan Within a timeframe agreed with Marine Scotland, the developer shall draft and submit a plan for environmental management during construction. The plan shall be submitted to Marine Scotland for approval in consultation with relevant consultees. The approved plan will be implemented. The plan will detail mitigation measures to prevent adverse impacts to species and habitats during construction. It shall cross-reference any relevant monitoring requirements during construction, taken from the EMMP. It will provide the overall framework in which the construction method statements (or equivalent) and vessel management plan will sit. The EMMP will detail how each and all contractors and sub-contractors will be made aware of environmental sensitivities, what requirements they are expected to adhere to and how chains of command will work. It will also confirm the reporting mechanisms that will be used to provide Marine Scotland and relevant consultees with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed.	To minimise disturbance to birds, marine mammals.
Construction: Method Statements Construction method statements (or equivalent) for the development including the export cable and landfall shall be submitted prior to the commencement of work and within a timescale to be agreed with Marine Scotland. The statements shall be submitted to Marine Scotland for approval in consultation with relevant consultees. The statements will	This is required to fully inform the deployment of the devices, etc.

include details of commencement dates, duration and phasing for key elements of construction.	
Construction: Vessel Management Plan Within a timeframe agreed with Marine Scotland, the developer shall draft and submit a plan for vessel management during construction. It shall present details on the type and overall number of vessels required during construction, including a specification for each individual vessel to be deployed. It shall set out how vessel management will be co-ordinated, specifying the location of working port(s), the routes of passage and how often vessels will be required to passage between port(s) and site. The plan should avoid or minimise the requirement for maintenance vessel movements during last two weeks of July and first two weeks of August. This is during this period that an influx of dependent auks with their adults is recorded.	To minimise disturbance to birds and marine mammals.
Construction: Marine Mammal Observer A marine mammal observer should be employed for noisy activities e.g. drilling of pin piles (if used) during the construction phase and protocols followed. The MMO could be a suitably trained member of the crew with the remit of checking for marine mammals prior to the commencement of any drilling / noisy activity and cable laying.	To minimise and mitigate disturbance to marine mammals.
Operations & Maintenance (O&M): Programme Within a timeframe agreed with Marine Scotland, the developer shall draft and submit their programme for operations & maintenance (O&M). The programme will be approved by Marine Scotland in consultation with relevant consultees. It will take account of environmental sensitivities which may influence the timing of O&M activities. It will set out O&M vessel requirements and vessel management. The O&M Environmental Management Plan will detail how each and all contractors and sub-contractors will be made aware of environmental sensitivities, what requirements they are expected to adhere to and how chains of command will work during O&M activity.	To fully understand the requirements for operation and maintenance to fully inform any mitigation and monitoring requirements for natural heritage interests.

The approved O&M programme will be implemented, and it will be reviewed regularly. The reporting cycle will be agreed by Marine Scotland in consultation with relevant consultees.	
O&M: Export Cable(s) A monitoring and maintenance programme for the grid export cable(s) and landfall site shall be agreed with Marine Scotland.	
Decommissioning A decommissioning plan will be required for the entire scheme. As part of any consent, Marine Scotland shall consider and recommend a timeframe for the production, consultation and implementation of a decommissioning plan. We recommend that this is an iterative process and that an initial decommissioning strategy is produced by the developer.	

Appendix F – Advice in respect of onshore ancillary aspects that will be assessed under Town and Country Planning

96. We include our advice here to inform future planning applications under the Town and Country Planning Act and also to highlight issues relevant to works associated with the cable as it comes ashore through the intertidal zone.

Summary

97. We understand that the ES Chapter 16 for the Kincardine development presents an overview of the onshore works only and associated potential impacts. A separate planning application for the onshore works will be submitted to Aberdeen City Council in due course.

Cable route

98. The ES shows three possible cable routes, all in the vicinity of Souter Head, near Altens. The most southerly of these, route A, is approximately 230m at its closest (offshore) point from Cove SSSI. Cove is notified as an SSSI for a vascular plant and its maritime cliff vegetation.

99. We agree that the distance from the SSSI is sufficient for there to be no direct or indirect impacts to the SSSI and accept the recommendation for specific protection measures during construction.

Landscape advice

100. We consider that the onshore works are likely to have predominantly impacts on the local landscape character and visual resource and as such do not wish to be consulted further on this matter and accordingly will advise Aberdeen City Council.

Marine Licensing
Marine Scotland
Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

David.Bova@gov.scot

20/05/2016

Kincardine Offshore Floating Windfarm application

Dear David Bova,

The Scottish Wildlife Trust welcomes the opportunity to comment on the application by Atkins Limited and PILOT for consent under section 36 and 36a of the Electricity Act 1989 and a Marine Licence under Part 4 of the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 to construct and operate Kincardine offshore windfarm.

It is widely acknowledged that renewable energy production will play a key role in reducing Scotland's carbon emissions and the Scottish Wildlife Trust is encouraged to see the advancement and interest in 'floating wind' developments. The reduction in noise during installation (by eliminating the need for drilling/piling) and the potential for wind energy exploitation in previously inaccessible, deeper waters will contribute greatly to reducing environmental impacts, particularly for marine animals.

Our principle concern regarding the Kincardine development is one of cumulative impacts. The waters off the east coast of Scotland are proving to be a valuable resource of wind energy and the offshore development of windfarms will continue to increase – for example the recently granted Hywind floating windfarm northeast of the proposed development and the current 'Forth and Tay' proposals. It is clear that the cumulative impacts of multiple windfarms on marine birds and mammals (in particular migratory species) must be taken into account, not only during the initial construction phase but throughout the lifetime of the development.

We would like to see monitoring programmes for all windfarm developments to consider the broader environmental impacts of their development in conjunction with other windfarms within the region. In this case, the cumulative impact of all windfarms along the east coast of Scotland. An important component of ensuring environmental impacts are and will remain at acceptable levels will be the sharing of data between projects and coordinating monitoring programmes.

Please could you keep the Trust informed of how this application progresses.

Yours sincerely,

[redacted]

Marine Planning Officer
[redacted]
[redacted]

Scottish Wildlife Trust Harbourside House 110 Commercial St Edinburgh EH6 6NF
T 0131 312 7765 **F** 0131 312 8705 **E** enquiries@scottishwildlifetrust.org.uk **W** scottishwildlifetrust.org.uk

Dinsdale R (Rosanne)

From: Breaden, Annie <Annie.Breaden@thecrownestate.co.uk>
Sent: 17 May 2016 17:00
To: Bova D (David) (MARLAB)
Cc: Wilson, Sian; Watson, Douglas
Subject: RE: Consultation on Kincardine Offshore Windfarm Application - One Week Reminder

David,

Thank you for sending this through.

Our only comment is that although the developer does not currently have an Agreement for Lease with us, discussions on the matter are ongoing.

Regards,

Annie

Annie Breaden
Senior Manager Consents and Compliance

THE CROWN ESTATE
SCOTLAND PORTFOLIO

6 Bell's Brae, Edinburgh, EH4 3BJ
Tel: +44 (0) 131 260 6107 | Mob: [redacted]
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Please think - do you need to print this email?

From: David.Bova@gov.scot [mailto:David.Bova@gov.scot]
Sent: Friday, May 13, 2016 10:12 AM
To: [redacted]

Development Management and Strategic Road Safety
Trunk Road and Bus Operations

Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF
Direct Line: [redacted] Fax: 0141 272 7350
John.McDonald@transportscotland.gsi.gov.uk

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Catarina Aires
Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Your ref:

Our ref:
TS00474

Date:
16/05/2016

MS.MarineRenewables@gov.scot

Dear Sirs,

APPLICATION FOR CONSENT UNDER SECTION 36 AND 36A OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 AND THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT AND OPERATE KINCARDINE OFFSHORE WINDFARM

With reference to your recent consultation request, we acknowledge receipt of the Environmental Statement (ES) prepared by Atkins Limited in support of the above development.

This information has been passed to JMP Consultants Limited for review in their capacity as Term Consultants to Transport Scotland – Trunk Road and Bus Operations (TRBO). Based on the review undertaken, we would provide the following comments.

We understand that the proposed development is for a floating offshore wind demonstrator project comprising the installation of eight 6-8MW wind turbine generator units within a water depth of >60m providing up to 50MW of power. The site is located approximately 17km south-east of Aberdeen with the nearest trunk road to the site being the A90(T) approximately 19km west of the development site.

Review of ES

Transport Scotland responded in April 2014 on a Scoping Report issued by Atkins Limited in which we noted that the potential environmental impacts associated with development traffic on receptors adjacent to the A90(T) trunk road were minimal. As a consequence, we confirmed that we did not require any further information in this regard. It was also noted at that time that the proposed location of the landfall point (where the power generated will be brought ashore) was to be Nigg Bay some 1km south of Aberdeen. The ES indicates that this is no longer an option under consideration and, consequently, any potential cumulative impacts with the expansion of Aberdeen Harbour are no longer an issue.

We can therefore confirm that we have no objection to the proposed development in terms of environmental impacts on the trunk road network.

Assessment of Onshore Impacts

It is noted that the ES focuses on the impacts associated with the offshore elements only as part of the Marine Licence and Section 36 Consent applications to Marine Scotland and that the onshore area is subject to a separate planning permission application to Aberdeen City Council. As such, Transport Scotland will provide comment on the onshore aspects of the proposal separately if consulted.

It is noted that the Assembly Port where the substructure will be assembled has yet to be confirmed. We would advise that if abnormal loads associated with the offshore elements of the project are required to be transported on the Trunk Road network then a separate report will require to be provided to assess the route to site in terms of its suitability for the transportation of these abnormal loads.

I trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact [redacted]

[redacted]

[redacted] - JMP Consultants Ltd

Dinsdale R (Rosanne)

From: Ferguson V (Val)
Sent: 16 May 2016 11:53
To: Bova D (David) (MARLAB)
Subject: RE: Consultation on Kincardine Offshore Windfarm Application - One Week Reminder

I have no comments on this case

Val Ferguson
Policy Adviser
Ports and Harbours Branch
Aviation, Freight, Maritime & Canals Directorate
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Victoria Quay
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*For agency and travel information visit our **website***

Transport Scotland, the national transport agency
Còmhdhail Alba, buidheann nàiseanta na còmhdhail

*Our logo may not display properly on some computer systems

From: Bova D (David) (MARLAB)
Sent: 13 May 2016 10:12
To: [redacted]

29 April 2016

Catrina Aires
Marine Scotland Licensing Operations Team
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Dear Ms Aires,

APPLICATION FOR CONSENT UNDER SECTION 36 AND 36A OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 AND THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT AND OPERATE KINCARDINE OFFSHORE WINDFARM

Thank you for giving VisitScotland the opportunity to comment on the above proposed wind farm development.

Our response focuses on the crucial importance of tourism to Scotland's local and national economy, and of the natural landscape for visitors.

Background Information

VisitScotland, as Scotland's National Tourism Organisation, has a strategic role to develop Scottish tourism in order to get the maximum economic benefit for the country. It exists to support the development of the tourism industry in Scotland and to market Scotland as a quality destination.

While VisitScotland understands and appreciates the importance of renewable energy, tourism is crucial to Scotland's economic and cultural well-being. It sustains a great diversity of businesses throughout the country. According to a recent independent report by Deloitte, tourism generates £11 billion for the economy and employs over 200,000 – which is 9% of the Scottish workforce. Tourism provides jobs in the private sector and stimulates the regeneration of urban and rural areas.

One of the Scottish Government and VisitScotland's key ambitions is to grow tourism revenues and make Scotland one of the world's foremost tourist destinations. This ambition is now common currency in both public and private sectors in Scotland, and the expectations of businesses on the ground have been raised as to how they might contribute to and benefit from such growth.

Importance of scenery to tourism

Scenery and the natural environment have become the two most important factors for visitors in recent years when choosing a holiday location.

The importance of this element to tourism in Scotland cannot be underestimated. The character and visual amenity value of Scotland's landscapes is a key driver of our tourism product: a large majority of visitors to Scotland come because of the landscape, scenery and the wider environment, which supports important visitor activities such as walking, cycling wildlife watching and visiting historic sites.

The VisitScotland Visitor Experience Survey (2011/12) confirms the basis of this argument with its ranking of the key factors influencing visitors when choosing Scotland as a holiday location. In this study, over half of visitors rated scenery and the natural environment as the main reason for visiting Scotland. Full details of the Visitor Experience Survey can be found on the organisation's corporate website, here: http://www.visitscotland.org/research_and_statistics/tourism_topics/wind_farms-1.aspx

Taking tourism considerations into account

We would suggest that full consideration is also given to the Scottish Government's 2008 research on the impact of wind farms on tourism. In its report, you can find recommendations for planning authorities which could help to minimise any negative effects of wind farms on the tourism industry. The report also highlights a request, as part of the planning process, to provide a tourism impact statement as part of the Environmental Impact Analysis. Planning authorities should also consider the following factors to ensure that any adverse local impacts on tourism are minimised:

- The number of tourists travelling past en route elsewhere
- The views from accommodation in the area
- The relative scale of tourism impact i.e. local and national
- The potential positives associated with the development
- The views of tourist organisations, i.e. local tourist businesses or VisitScotland

The full study can be found at www.scotland.gov.uk/Publications/2008/03/07113507/1

Conclusion

Given the aforementioned importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland, VisitScotland would strongly recommend any potential detrimental impact of the proposed development on tourism - whether visually, environmentally and economically - be identified and considered in full. This includes when taking decisions over turbine height and number.

VisitScotland strongly agrees with the advice of the Scottish Government –the importance of tourism impact statements should not be diminished, and that, for each site considered, an independent tourism impact assessment should be carried out. This assessment should be geographically sensitive and should consider the potential impact on any tourism offerings in the vicinity.

VisitScotland would also urge consideration of the specific concerns raised above relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.

We hope this response is helpful to you.

Yours sincerely,

[redacted]

[redacted]
Business Affairs Executive
VisitScotland

Dinsdale R (Rosanne)

From: [redacted]
Sent: 16 May 2016 13:28
To: MS Marine Renewables
Cc: [redacted]
Subject: RE: Consultation on Kincardine Offshore Windfarm Application - One Week Reminder

Thank you for consulting us with regard to the above mentioned application. We have no comments at this time, but would be wish to remain informed of the progress of this application.

Kind regards
[redacted]

WDC Scottish Dolphin Centre, Spey Bay, Moray, IV32 7PJ
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David Bova
Marine Scotland - Marine Planning & Policy
Scottish Government
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PO Box 101
375 Victoria Road
Aberdeen, AB11 9DB

MS.MarineRenewables@gov.scot

26th May 2016

Dear David Bova,

WDC comments on the Kincardine Offshore Windfarm Environmental Statement and Habitats Regulations Appraisal

Thank you for the opportunity to provide comments on this Kincardine Offshore Windfarm Environmental Statement (ES) and Habitats Regulations Appraisal (HRA). Given our area of interest, we have only focused on the marine mammal sections.

WDC are endeavouring to assist with the environmentally sustainable development of marine renewable energy in Scotland. Whilst welcoming the Scottish Governments' commitment to renewable energy generation, particularly noting the potential consequences of climate change for cetaceans, we have serious concerns about current levels of uncertainty and the possible negative impacts these developments, both individually and cumulatively, may have on cetaceans (whales, dolphins and porpoises) and seals in Scottish waters.

We understand that the project will deploy six to eight floating semi-submersible Wind Turbine Generators (WTG) to the south east of Aberdeen, approximately eight nautical miles offshore. The development will have a maximum capacity of up to 50MW. The WTGs will be installed in approximately 60-80 meters of water and fixed to the seabed using mooring lines and anchors.

Specific comments

Overall, we have no major concerns of the impact of the Kincardine Offshore Windfarm on marine mammals in the area providing that construction is halted if marine mammals are seen in the vicinity of the development and activity does not commence until all animals have left the area for a specified amount of time, i.e., monitoring is based on current guidance.

6.2.3. Management units for seals have been defined by the Special Committee on Seals (SCOS), e.g., see http://www.smru.st-andrews.ac.uk/documents/scos/SCOS_2015.pdf.

6.4.1. and 6.5.2.2. Marine mammal observers (MMOs) and passive acoustic monitoring (PAM) should be conducted in parallel to visual observations at all times. The use of acoustic

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deterrent devices (ADDs) should be avoided, if possible.

The impact of noise during the towed anchoring and rock placement or concrete mattressing (if to be used) needs to be investigated further.

WDC would like to request involvement in the development of the Project Environmental Management Plan (PEMP).

Habitats Regulations Appraisal (HRA) Screening

The limited number of bottlenose dolphins observed in the vicinity of the area combined with the small scale of the development and the lack of impact pin or pile driving, we broadly agree that the proposed development with not impact on the integrity of the bottlenose dolphin population in the Moray Firth Special Area of Conservation. However, an addendum to the ES and HRA will have to be submitted should pile driving be required. Furthermore, a European Protected Species licence should be obtained for construction of the development.

We hope you find these comments useful and would be happy to discuss these comments further.

Yours Sincerely,

[redacted]

[redacted]

Scottish Policy Officer

Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Our ref: PCS/147109
Your ref:

If telephoning ask for: [redacted]

1 September 2016

David J Bova
Marine Scotland
Aberdeen

By email only to: MS.MarineRenewables@gov.scot

Dear Mr Bova

The Electricity Act 1989
The Marine Works (Environmental Impact Assessment) Regulations 2007
Marine Licence application for the Kincardine Offshore Windfarm

Thank you for consulting SEPA on the Marine Licence application for the above development proposal by way of your email dated 9 August 2016.

We note this is an application for a Marine Licence for only the offshore components of the Kincardine Offshore Windfarm, Moray Firth. As we now only comment on proposals for works above Mean Low Water Springs (MLWS) which fall under the appropriate Town and Country Planning (Scotland) Act, we have no comments to make on the offshore elements of this proposal.

However, Chapter 16 of the submitted Environmental Statement (ES) does provide an overview, and assesses the potential impacts, of the proposed onshore elements of the proposal which will be subject to a separate planning application under the Town and Country (Scotland) Act 1997. We note these onshore elements will comprise cable installation, a substation and directional drilling from the landing pit to connect offshore.

We note and welcome that separate documentation will be produced to assess further the potential impacts of the onshore components when planning permission is applied for.

We provided comments at the Scoping Stage of the development (SEPA reference PCS/133081 dated 23 May2014) and ask that the issues that were highlighted at this time are considered in these future submissions. In addition we have included some further regulatory advice for the applicant as an appendix to this response.

If you have any queries relating to this letter, please contact me by telephone on 01224 266636 or e-mail at planning.dingwall@sepa.org.uk.

Yours sincerely

[redacted]
Senior Planning Officer
Planning Service

Ecopy: Marine Scotland case officer, David.Bova@gov.scot

APPENDIX - Regulatory Advice

1. As identified in section 16.2.2 (14) of the ES, any drilling muds produced from the horizontal directional drilling will need to be disposed of by a licenced waste operator to a licenced facility. The waste arising from the whole project will also be detailed in a waste management plan. Should any special waste a Special Waste Consignment Note should accompany this to the disposal site.

2. As there appear to be no water bodies in close proximity to the cable route there is unlikely to be requirements for any authorisations under CAR.

3. One issue that we wish to highlight is the need to outline how dewatering of any excavations will take place should they fill with rainwater or groundwater.