

## Keir A (Alan) (MARLAB)

---

**From:** Deb Munro <DeboMunro@aberdeencity.gov.uk>  
**Sent:** 30 January 2018 10:00  
**To:** MS Marine Renewables  
**Cc:** Eric Owens; Gale Beattie; Sinclair Laing; Richard Sweetnam  
**Subject:** RE: Kincardine Offshore Windfarm - Application to vary section 36 consent

Dear Panos,

### **APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR THE KINCARDINE OFFSHORE WINDFARM, APPROXIMATELY 15 km SOUTH EAST OF ABERDEEN**

Thank you for consulting us on the proposed amendments.

The proposed variation involves changes to the development description. We found the comparison between original and new turbines could have been more clearly stated in the Environmental Statement. It would have been helpful to provide a direct comparison table showing the parameters of the original and proposed turbines, including the numbers, height to tip, rotor diameter and MW capacity. Further confusion is caused by the ES referring to larger turbines by height, and the smaller turbine by capacity.

The amendment consists of a change in the number of turbines from 8 to 7, comprising 6 large turbines with an increased tip height of 15m over the original turbines, and one significantly smaller turbine of 70m to tip height. We consider that the change in height of the larger turbines is such that the landscape/ seascape and visual impacts remain very similar to the original assessment. However, although the overall number of turbines has been reduced, the addition of a smaller turbine introduces complexity into what was a simple grouping of same-sized turbines. In our view the net result is an increase in adverse landscape/seascape and visual effects. We consider that these effects are acceptable as the smaller turbine is to be installed for a temporary period of up to three years as noted in the revised project description. It is also understood from discussions with the applicant and MSLOT that the removal of the smaller turbine after the temporary period can be secured through a condition attached to any approval.

It is understood that any consideration of the permanent siting of a smaller turbine within the array would require further consultation with key stakeholders, and Aberdeen City Council would wish to be consulted on such a proposal.

Overall therefore, Aberdeen City Council have **no objections** to the variation, subject to the above condition being attached, and to our being included in any future consultation.

Yours sincerely,  
Deb

**Deb Munro**  
Senior Environmental Planner  
Environmental Policy

Planning and Sustainable Development  
**Communities, Housing and Infrastructure**  
Aberdeen City Council  
Business Hub 4 Ground Floor North  
Marischal College  
Aberdeen  
AB10 1AB

Direct dial: 01224 523721  
Mobile: [REDACTED]  
Switchboard: 01224 523470  
Email: debomunro@aberdeencity.gov.uk

---

**From:** MS.MarineRenewables@gov.scot [mailto:MS.MarineRenewables@gov.scot]  
**Sent:** 13 December 2017 17:04  
**To:** Deb Munro; stuart.murison@aberdeenshire.gov.uk; wendy.forbes@aberdeenshire.gov.uk;  
km.planapps@aberdeenshire.gov.uk; james.brown@aberdeenshire.gov.uk  
**Subject:** Kincardine Offshore Windfarm - Application to vary section 36 consent

Dear Sir/ Madam,

Please note an amendment in addition to the consultation email sent to you on the 29th November 2017,

If consent is granted for the variation application, the Scottish Ministers hereby propose to vary the marine licence (granted on 7th March 2017) to reflect the changes proposed by the variation application. The Scottish Ministers intend to vary the aforementioned marine licence under section 72(3)(d) of the Marine and Coastal Access Act 2009 and section 30(3)(d) of the Marine (Scotland) Act 2010 to ensure that the marine licence and consent granted under section 36 of the Electricity Act 1989 (as amended) are consistent. Any representations in relation to the proposed marine licence variation should be submitted to the Scottish Government's Marine Scotland Licensing Operations Team ("MS-LOT") in the same manner as described as above relative to representations in respect of the variation application and within the same timeframe.

Should you have any further queries please do not hesitate to contact us.

Yours faithfully,

Marine Scotland Licensing Operation Team

---

**From:** MS Marine Renewables  
**Sent:** 29 November 2017 17:44  
**To:** [DeboMunro@aberdeencity.gov.uk](mailto:DeboMunro@aberdeencity.gov.uk); 'stuart.murison@aberdeenshire.gcsx.gov.uk';  
'wendy.forbes@aberdeenshire.gcsx.gov.uk'; 'km.planapps@aberdeenshire.gov.uk';  
'james.brown@aberdeenshire.gov.uk'  
**Subject:** Kincardine Offshore Windfarm - Application to vary section 36 consent

Dear Sir/Madam,

**ELECTRICITY ACT 1989 (As Amended) - (Section 36C)**

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (As Amended)  
**THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND)  
REGULATIONS 2013**  
**MARINE (SCOTLAND) ACT 2010**  
**MARINE AND COASTAL ACCESS ACT 2009**

**APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR THE KINCARDINE  
OFFSHORE WINDFARM, APPROXIMATELY 15 km SOUTH EAST OF ABERDEEN**

On 24 November 2017, Kincardine Offshore Windfarm Limited ("the Applicant") submitted an application to the Scottish Ministers, in accordance with the above legislation, for a variation to the Section 36 Consent to construct and operate the Kincardine Offshore Windfarm, approximately 15 km south east of Aberdeen. This project is subject to an environmental impact assessment and as such the application is accompanied by a section 36C Variation Environmental Statement ("ES"), which has been submitted by the Applicant. In addition, the Applicant has also provided a Habitats Regulations Appraisal ("HRA") Report.

The application documentation can be downloaded from:  
<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Kincardine>

If you wish to submit any representations in response to the consultation regarding the above application please ensure they are submitted to the Scottish Ministers, in writing, to [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot) no later than **12<sup>th</sup> February 2018**. Please note that this already includes an extension to the consultation taking into account the festive period.

Marine Scotland Licensing Operations Team ("MS-LOT") will make your representations publicly available. Personal information (such as names, signatures, home and email addresses) will be redacted before the representations are made public. If you have any queries or concerns about how your personal data will be handled please visit the MS-LOT [website](#) or contact MS-LOT at [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot). Alternatively, please write to: Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB.

If you have requested a hard copy of the Application documentation, you should have already received a copy from the applicant, if you have not yet received it, please contact [Richard Wakefield](#), Principal Marine Scientist at Atkins Global.

If you have any queries please do not hesitate to contact [MS-LOT](#).

We would be grateful if you could please confirm receipt of this e-mail.

Yours faithfully,

**Panos Pliatsikas**  
[marinescotland](#)  
Marine Renewables Casework Officer  
Marine Scotland Licensing Operations Team

Scottish Government  
Marine Laboratory | 375 Victoria Road  
Aberdeen, AB11 9DB  
Phone: +44 (0)131 244 1735  
[panos.pliatsikas@gov.scot](mailto:panos.pliatsikas@gov.scot) / [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot)  
<http://www.gov.scot/Topics/marine/Licensing/marine>

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadachd a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

## Smith H (Hannah)

---

**From:** Fiona Read <fiona.read@whales.org>  
**Sent:** 11 January 2018 21:46  
**To:** MS Marine Renewables  
**Cc:** Sarah Dolman  
**Subject:** RE: Kincardine Offshore Windfarm - Application to vary section 36 consent

Dear Panos Pliatsikas,

Thank you for including WDC in the Kincardine Offshore Windfarm Application to vary section 36 consent. Due to the vary of consent application not having significant changes that may impact marine mammals, we have no comments to make at this stage,

Best wishes,

Fiona

**Fiona Read**  
Policy officer  
*End Bycatch*

  
[whales.org](http://whales.org)



---

**From:** MS.MarineRenewables@gov.scot [mailto:MS.MarineRenewables@gov.scot]  
**Sent:** 29 November 2017 17:13  
**Cc:** Panos.Pliatsikas@gov.scot  
**Subject:** Kincardine Offshore Windfarm - Application to vary section 36 consent

Dear Sir/Madam,

### **ELECTRICITY ACT 1989 (As Amended) - (Section 36C)**

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (As Amended)  
**THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013**  
**MARINE (SCOTLAND) ACT 2010**  
**MARINE AND COASTAL ACCESS ACT 2009**

### **APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR THE KINCARDINE OFFSHORE WINDFARM, APPROXIMATELY 15 km SOUTH EAST OF ABERDEEN**

On 24 November 2017, Kincardine Offshore Windfarm Limited ("the Applicant") submitted an application to the Scottish Ministers, in accordance with the above legislation, for a variation to the Section 36 Consent to construct and operate the Kincardine Offshore Windfarm, approximately 15 km south east of Aberdeen. This project is subject to an environmental impact assessment and as such the application is accompanied by a section 36C Variation Environmental Statement ("ES"), which has been submitted by the Applicant. In addition, the Applicant has also provided a Habitats Regulations Appraisal ("HRA") Report.

The application documentation can be downloaded from:  
<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Kincardine>

If you wish to submit any representations in response to the consultation regarding the above application please ensure they are submitted to the Scottish Ministers, in writing, to [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot) no later than

**12th January 2018.** Please note that this already includes an extension to the consultation taking into account the festive period.

Marine Scotland Licensing Operations Team ("MS-LOT") will make your representations publicly available. Personal information (such as names, signatures, home and email addresses) will be redacted before the representations are made public. If you have any queries or concerns about how your personal data will be handled please visit the MS-LOT [website](#) or contact MS-LOT at [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot). Alternatively, please write to: Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB.

If you have requested a hard copy of the Application documentation, you should have already received a copy from the applicant, if you have not yet received it, please contact [Richard Wakefield](#) , Principal Marine Scientist at Atkins Global.

If you have any queries please do not hesitate to contact [MS-LOT](#).

We would be grateful if you could please confirm receipt of this e-mail.

Yours faithfully,

**Panos Pliatsikas**

[marinescotland](#)

Marine Renewables Casework Officer

Marine Scotland Licensing Operations Team

Scottish Government

Marine Laboratory | 375 Victoria Road

Aberdeen, AB11 9DB

Phone: +44 (0)131 244 1735

[panos.pliatsikas@gov.scot](mailto:panos.pliatsikas@gov.scot) / [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot)

<http://www.gov.scot/Topics/marine/Licensing/marine>

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadachd a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

---

This email has been scanned by the Symantec Email Security.cloud service.

For more information please visit <http://www.symanteccloud.com>

\*\*\*\*\*

## Smith H (Hannah)

---

**From:** Adrian Munda <AMunda@ukchamberofshipping.com>  
**Sent:** 30 November 2017 09:45  
**To:** MS Marine Renewables  
**Subject:** RE: Kincardine Offshore Windfarm - Application to vary section 36 consent

Dear Panos, thank you for this information regarding a variation order to the consent for the Kincardine Offshore Windfarm. The UK Chamber of Shipping has no particular comment to make.

best regards  
Adrian

**Adrian J Munda MVO**  
Policy Manager

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

DD +44 (0) 20 7417 2828

[amunda@ukchamberofshipping.com](mailto:amunda@ukchamberofshipping.com)  
[www.ukchamberofshipping.com](http://www.ukchamberofshipping.com)

Please consider the environment before printing this email.

The information contained in this communication, and any attachments, may be confidential and / or privileged. It is intended only for the use of the named recipient. If you are not the intended recipient, please contact us on 020 7417 2800. In such an event, you should not access any attachments, nor should you disclose the contents of this communication or any attachments to any other person, nor copy, print, store or use the same in any manner whatsoever. Thank you for your cooperation.

---

**From:** MS.MarineRenewables@gov.scot [mailto:MS.MarineRenewables@gov.scot]  
**Sent:** 29 November 2017 17:08  
**Cc:** Panos.Pliatsikas@gov.scot  
**Subject:** Kincardine Offshore Windfarm - Application to vary section 36 consent

Dear Sir/Madam,

**ELECTRICITY ACT 1989 (As Amended) - (Section 36C)**

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (As Amended)  
**THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013**  
**MARINE (SCOTLAND) ACT 2010**  
**MARINE AND COASTAL ACCESS ACT 2009**

**APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR THE KINCARDINE OFFSHORE WINDFARM, APPROXIMATELY 15 km SOUTH EAST OF ABERDEEN**

On 24 November 2017, Kincardine Offshore Windfarm Limited ("the Applicant") submitted an application to the Scottish Ministers, in accordance with the above legislation, for a variation to the Section 36 Consent to construct and operate the Kincardine Offshore Windfarm, approximately 15 km south east of Aberdeen. This project is subject to an environmental impact assessment and as such the application is accompanied by a section 36C Variation Environmental Statement ("ES"), which has been submitted by the Applicant. In addition, the Applicant has also provided a Habitats Regulations Appraisal ("HRA") Report.

The application documentation can be downloaded from:  
<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Kincardine>

If you wish to submit any representations in response to the consultation regarding the above application please ensure they are submitted to the Scottish Ministers, in writing, to [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot) no later than **12th January 2018**. Please note that this already includes an extension to the consultation taking into account the festive period.

Marine Scotland Licensing Operations Team ("MS-LOT") will make your representations publicly available. Personal information (such as names, signatures, home and email addresses) will be redacted before the representations are made public. If you have any queries or concerns about how your personal data will be handled please visit the MS-LOT [website](#) or contact MS-LOT at [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot). Alternatively, please write to: Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB.

If you have requested a hard copy of the Application documentation, you should have already received a copy from the applicant, if you have not yet received it, please contact [Richard Wakefield](#), Principal Marine Scientist at Atkins Global.

If you have any queries please do not hesitate to contact [MS-LOT](#).

We would be grateful if you could please confirm receipt of this e-mail.

Yours faithfully,

**Panos Pliatsikas**  
[marinescotland](#)  
Marine Renewables Casework Officer  
Marine Scotland Licensing Operations Team

Scottish Government  
Marine Laboratory | 375 Victoria Road  
Aberdeen, AB11 9DB  
Phone: +44 (0)131 244 1735  
[panos.pliatsikas@gov.scot](mailto:panos.pliatsikas@gov.scot) / [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot)  
<http://www.gov.scot/Topics/marine/Licensing/marine>

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadachd a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*



Panos Pliatsikas  
Scottish Government  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Your ref:  
Marine

Our ref:  
TS00474

Date:  
08/01/2018

[MS.MarineRenewables@gov.scot](mailto: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 on the above application, we acknowledge receipt of the Variation Environmental Statement (VES) prepared by Kincardine Offshore Windfarm Limited (KOWL) in support of the above development.

This information has been passed to SYSTRA 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 VES has been prepared in support of a variation to an application originally submitted in April 2016. The original application was 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.

Transport Scotland was consulted on the original application and provided comment in a letter dated 16/05/2016 in which we noted that the potential environmental impacts associated with development traffic on receptors adjacent to the A90(T) trunk road were minimal. We indicated at that time that while Transport Scotland would have no objection to the development in terms of environmental impacts on the trunk road network, should there be any abnormal loads associated with the offshore elements of the project transported on the Trunk Road network, then an Abnormal Load Assessment report would be required.

Additional comments relating to Further Environmental Information submitted in September 2016 were provided in our letter of 11/11/2016, confirming our previous view.



## **Variation application**

It is understood that consent for the application was granted in March 2017. Since this time, changes to the project have resulted in the need for a variation of the Section 36 consent. These changes, as outlined in the VES, include a reduction from the eight turbines proposed in the original ES to seven, comprising one 2MW turbine and six 8.4MW turbines. It is understood that these larger turbines will have an increased rotor diameter of 164m rather than the 154m diameter blade previously proposed. Given the increase in blade size, we would reiterate our request that if any abnormal loads associated with construction of the turbines are to be transported on the Trunk Road network then an Abnormal Load Assessment report will be required.

In addition to the candidate turbines, it is understood that the type of substructure proposed will be a combination of that identified and assessed within the original ES and an alternative design as proposed within the ES Addendum. As both types of substructures have been assessed previously, no further assessment in this regard is required.

Given the above, we can again confirm that we have no objection to the development in terms of environmental impacts on the trunk road network.

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 Alan DeVenny at SYSTRA's Glasgow Office on 0141 226 6923.

Yours faithfully



**John McDonald**

**Transport Scotland  
Trunk Road and Bus Operations**

cc Alan DeVenny – SYSTRA Ltd



## Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

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

Your ref: KOWL Variation Consultation

Our ref:  
CNS/REN/Wind/Demonstrator sites/Kincardine  
offshore floating wind/CLC148523

Date: 11 January 2018

By email only:

Dear Panos,

### **PROPOSAL: APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR KINCARDINE OFFSHORE WIND FARM**

#### **ELECTRICITY ACT 1989 (As Amended) - Section 36C**

*The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)*

#### **THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013**

#### **MARINE (SCOTLAND) ACT 2010, PART 4: MARINE LICENCE MARINE AND COASTAL ACCESS ACT 2009**

#### **Background**

Thank you for your consultation of 29 November 2017 requesting our advice on the proposed Kincardine Offshore Wind Farm Variation. We provided advice in response to the original application on 13 May 2016 and for the addendum to the original proposal on 1 November 2016. An application to vary the original consent is sought to account for changes to the design of the wind farm outlined in the consented proposal. Key changes relate to the number and capacity of turbines proposed. It is proposed that 7 turbines will be deployed (1 x 2MW turbine and 6 x 164m) with a maximum generating capacity up to 50 MW.

#### **KEY ADVICE**

We advise that we have no objection to this Variation.

#### Ornithology

We have previously responded to consultations on 13 May 2016 and 1 November 2016. We were unable to conclude that there would be no adverse effects on site integrity of two SPAs. This resulted from likely in-combination effects with other developments, specifically the consented Neart na Gaoithe, Seagreen - Alpha and Bravo, and Inch Cape offshore wind farms and the operating HyWind development. These developments, along with Kincardine, are all within mean-max foraging range (mmfr) of birds from the same colonies. The species/SPAs concerned are:

Scottish Natural Heritage, Great Glen House, Leachkin Road, Inverness IV3 8NW

Tel: 01876 580236

e-mail: [tracey.begg@snh.gov.uk](mailto:tracey.begg@snh.gov.uk)

[www.snh.org.uk](http://www.snh.org.uk)



INVESTOR IN PEOPLE

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

The impacts on kittiwakes derive from methodologies that incorporate varying degrees of precaution. With further information and discussions with Marine Scotland we were able to conclude that there would be no adverse effect on site integrity for kittiwake at Fowlsheugh SPA from KOWL alone or in combination with the other East coast wind farms – see section 10 of the appropriate assessment<sup>1</sup>.

We have reviewed the supporting information for this variation and have no reason to change this advice, noting that there are some issues with the Collision Risk Modelling outputs as detailed below.

Similarly for Atlantic puffin, taking into account the precaution built into estimated mortality rates, (see section 11 of the appropriate assessment) and the reduction in the number of turbines proposed for this Variation, the KOWL project is adding only a very small additional effect to that already predicted from the consented Forth and Tay wind farms. We are therefore able to conclude that there would be no adverse effect on site integrity for Atlantic puffin at Forth Islands SPA from KOWL alone or in combination with the other East coast wind farms.

#### Seascape / Landscape and Visual Impacts

We agree with the assessment of impact provided and therefore have no substantive comments to make on the Variation proposal.

#### **Ornithological advice**

##### Advice – Black-legged kittiwake

The CRM output increases collisions attributed to Fowlsheugh SPA and for the non-breeding season by one bird each. The correct increase for each is two birds. The CRM spreadsheet incorporates rounding errors (from 1.75 to 1 instead of 2 birds). However, this makes no material difference to our advice for this Variation.

##### Advice – Atlantic puffin

We agree with the conclusion of the ES that no further impact assessment is required for Atlantic puffin interests of Forth Islands SPA. This is because the number of turbines is to be reduced from a maximum of 8 to 7 / 6, which will reduce the barrier effect for this species and further reduce the impacts assessed within the appropriate assessment.

#### **Seascape and landscape advice**

We agree with the assessment of impact provided, and therefore have no substantive comments to make on the Variation proposal. In summary, the changes are a reduction in one turbine to the original scheme, with an introduction of one turbine of significantly lower size (70m) in comparison to the remaining 6. The remaining 6 turbines will have an increase in tip height of 15m over the original turbines, with an increased rotor diameter of 12m; a slightly increased blade width and marginal changes to clearance heights. There are no changes to the site extents or the substructures.

#### **Redeployment of the 2MW turbine**

We understand that beyond 3 years of deployment the smaller turbine will have to be brought back to shore, and re-certified if re-deployed. Our preference would be that the single smaller turbine should be removed from the scheme at this point to improve the visual impact.

---

<sup>1</sup> Kincardine Offshore Wind Farm - appropriate assessment <http://www.gov.scot/Resource/0051/00515049.pdf>

However, any re-deployment could be managed as indicated in section 2.1 of the ES and subject to a condition.

We hope these comments are helpful. If further information or advice is required please contact Tracey Begg in the first instance: [tracey.begg@snh.gov.uk](mailto:tracey.begg@snh.gov.uk) or 01876 580236.

Yours sincerely,

**Erica Knott**

Senior Casework Manager – Marine Energy

Cc     Aberdeenshire Council  
         Aberdeen City Council



Our Ref: MM/dr-17/54

Your Ref:

12 January 2018

Scottish Fishermen's Federation  
24 Rubislaw Terrace  
Aberdeen, AB10 1XE  
Scotland UK

T: +44 (0) 1224 646944  
F: +44 (0) 1224 647058  
E: [sff@sff.co.uk](mailto:sff@sff.co.uk)

[www.sff.co.uk](http://www.sff.co.uk)

Richard Wakefield  
Atkins Ltd  
200 Broomielaw  
Glasgow  
G1 4RU

Dear Sirs

KOWL Section 36c Variation application

The Scottish Fishermen's Federation (SFF) is pleased to respond to this application on behalf of the 500 plus fishing vessels in membership of its constituent associations:- the Anglo Scottish Fishermen's Association, the Fife Fishermen's Association, the Fishing Vessel Agents and Owners Association (Scotland) Ltd, the Mallaig and North-West Fishermen's Association, the Orkney Fisheries Association, the Scottish Pelagic Fishermen's Association Ltd, the Scottish White Fish Producers Association Ltd and the Shetland Fishermen's Association.

In the SFF responses to the internal scoping assessment in 2014 the haddock fishery in the deep-water trench running N – S in the Crown Estate site allocated to KOWL was highlighted. Therefore at this juncture the SFF is happy to note that the variation will only serve to move the projects' mooring and ancillary equipment away from this feature and to the west.

Given our understanding that the variation means that the seabed taken up by the project will reduce by c.20%, the SFF is therefore content that the variation will be better for fishing than the original plan, so have no further comment to make at this time.

Yours faithfully

Malcolm Morrison  
**Fisheries Policy Officer, Scottish Fishermen's Federation**  
Cc'd  
Panos Pliatsikas

**Members:**

Anglo Scottish Fishermen's Association · Fife Fishermen's Association · Fishing Vessel Agents & Owners Association (Scotland) Ltd ·  
Mallaig & North-West Fishermen's Association Ltd · Orkney Fisheries Association · Scottish Pelagic Fishermen's Association Ltd ·  
The Scottish White Fish Producers' Association Ltd · Shetland Fishermen's Association

VAT Reg No: 605 096 748

MS (LOT)  
Marine Scotland  
375 Victoria Road  
Aberdeen  
AB11 9DB

Our ref: PCS/156297  
Your ref: Moray East Projects

If telephoning ask for:  
Zoe Griffin

9 January 2018

Panos Pliatsikas  
Marine Scotland  
Scottish Government  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

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

Dear Ms Agnisola

**Electricity Act 1989 – Section 36C**  
**Application to Vary Section 36 for Kincardine Offshore Windfarm**

Thank you for your consultation email which SEPA received on 29 November 2017.

**Advice for the determining authority**

We note from the submitted documents that no variations are proposed to the original assessed onshore elements of the proposal which relate to our interests. We therefore have **no objection** to this application to vary the Section 36.

If you have any queries relating to this letter, please contact me by telephone on 01224 266636 or e-mail at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

Yours sincerely

Zoe Griffin  
Senior Planning Officer  
Planning Service

ECopy to: KOWL Consenting Team, [Amy.Parry@atkinsglobal.com](mailto:Amy.Parry@atkinsglobal.com)

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*



## Smith H (Hannah)

---

**From:** Pauline McGrow <Pauline.McGrow@ryascotland.org.uk>  
**Sent:** 05 December 2017 11:42  
**To:** MS Marine Renewables  
**Subject:** RE: Kincardine Offshore Windfarm - Application to vary section 36 consent

Dear Panos,

I write to inform you that RYA Scotland have no additional comments that we would wish to make on this application.

Kind Regards

Pauline

**Pauline McGrow**  
**Senior Administrator**  
**Tel: 0131 317 4611**

**Royal Yachting Association Scotland**  
**T: 0131 317 7388**  
**E: [pauline.mcgrow@ryascotland.org.uk](mailto:pauline.mcgrow@ryascotland.org.uk)**



RYA Scotland, Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ  
T: 0131 317 7388, Fax: 0844 556 9549



---

**From:** MS.MarineRenewables@gov.scot [mailto:MS.MarineRenewables@gov.scot]  
**Sent:** 29 November 2017 17:13  
**Cc:** Panos.Pliatsikas@gov.scot  
**Subject:** Kincardine Offshore Windfarm - Application to vary section 36 consent

Dear Sir/Madam,

**ELECTRICITY ACT 1989 (As Amended) - (Section 36C)**

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (As Amended)  
**THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND)  
REGULATIONS 2013  
MARINE (SCOTLAND) ACT 2010  
MARINE AND COASTAL ACCESS ACT 2009**

**APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR THE KINCARDINE  
OFFSHORE WINDFARM, APPROXIMATELY 15 km SOUTH EAST OF ABERDEEN**

On 24 November 2017, Kincardine Offshore Windfarm Limited ("the Applicant") submitted an application to the Scottish Ministers, in accordance with the above legislation, for a variation to the Section 36 Consent to construct and operate the Kincardine Offshore Windfarm, approximately 15 km south east of Aberdeen. This project is subject to an environmental impact assessment and as such the application is accompanied by a section 36C Variation Environmental Statement ("ES"), which has been submitted by the Applicant. In addition, the Applicant has also provided a Habitats Regulations Appraisal ("HRA") Report.

The application documentation can be downloaded from:  
<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Kincardine>

If you wish to submit any representations in response to the consultation regarding the above application please ensure they are submitted to the Scottish Ministers, in writing, to [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot) no later than **12th January 2018**. Please note that this already includes an extension to the consultation taking into account the festive period.

Marine Scotland Licensing Operations Team ("MS-LOT") will make your representations publicly available. Personal information (such as names, signatures, home and email addresses) will be redacted before the representations are made public. If you have any queries or concerns about how your personal data will be handled please visit the MS-LOT [website](#) or contact MS-LOT at [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot). Alternatively, please write to: Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB.

If you have requested a hard copy of the Application documentation, you should have already received a copy from the applicant, if you have not yet received it, please contact [Richard Wakefield](#), Principal Marine Scientist at Atkins Global.

If you have any queries please do not hesitate to contact [MS-LOT](#).

We would be grateful if you could please confirm receipt of this e-mail.

Yours faithfully,

**Panos Pliatsikas**  
[marinescotland](#)  
Marine Renewables Casework Officer  
Marine Scotland Licensing Operations Team

Scottish Government  
Marine Laboratory | 375 Victoria Road  
Aberdeen, AB11 9DB  
Phone: +44 (0)131 244 1735  
[panos.pliatsikas@gov.scot](mailto:panos.pliatsikas@gov.scot) / [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot)  
<http://www.gov.scot/Topics/marine/Licensing/marine>

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not

permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadachd a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

Royal Yachting Association Scotland is a company limited by guarantee and is registered in Scotland. Registered business number SC219439. Registered business address is Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ. VAT Registration number 345 0456 69.

Email Disclaimer

<http://www.rya.org.uk/legal-info/Pages/email-disclaimer.aspx>

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

\*\*\*\*\*

\*\*\*\*\*

This email has been received from an external party and has been swept for the presence of computer viruses.

\*\*\*\*\*

\*\*\*\*\*

# Northern Lighthouse Board

Your Ref:  
Our Ref: AJ/OPS/ML/O6\_15\_473

84 George Street  
Edinburgh EH2 3DA  
Switchboard: 0131 473 3100  
Fax: 0131 220 2093  
Website: [www.nlb.org.uk](http://www.nlb.org.uk)  
Email: [enquiries@nlb.org.uk](mailto:enquiries@nlb.org.uk)



Marine Licensing – Marine Planning and Policy  
Scottish Government  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

08 December 2017

## **KOWL Section 36 Consent Variation Application**

We are in receipt of correspondence dated 29 November 2017 requesting comments to the variation application submitted by **Kincardine Offshore Windfarm Ltd (KOWL) project team** regarding offshore works for a floating offshore wind turbine development including an export cable and grid connection at their site south east of Aberdeen.

Northern Lighthouse Board are content with the application for variation and have no objection to the variation being granted.

We note that there will be a single 2MW turbine in place for an initial 18 months – 2 year deployment. We would require that once installed, the turbine should be marked in accordance with IALA Recommendation O-139 on The Marking of Man-Made Offshore Structures as follows:

- a) The structure 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) It shall be fitted with a light or 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 should be synchronised, 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) It should also be fitted with a sound signal 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) The 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.



the safety of

to: ISO 9001:2000 · The International Safety Management Code (ISM) · OHSAS

Page 3

MS-LOT

KOWL - S36 Variation

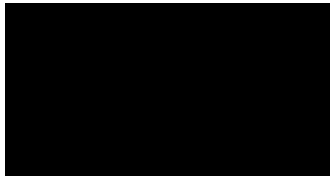
All navigational marking and lighting of the site or its associated marine infrastructure will require the Statutory Sanction of the Northern Lighthouse Board prior to deployment.

We will require to be consulted on the lighting and marking of the site once a decision has been reached on the size and configuration of the remaining six turbines to be installed.

As with the development of the site, any preparation and installation of turbine 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.



Peter Douglas  
Navigation Manager

## Smith H (Hannah)

---

**From:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Sent:** 30 November 2017 09:24  
**To:** MS Marine Renewables  
**Subject:** FW: Kincardine Offshore Windfarm [SG19087]  
**Attachments:** SG19087 Kincardine Offshore obj\_with.pdf

Good Morning,

I can confirm our position is as stated in our correspondence (as attached) of the 13<sup>th</sup> of January in relation to the Consented Project.

Regards



**NATS Safeguarding**

D: 01489 444687  
E: [natssafeguarding@nats.co.uk](mailto:natssafeguarding@nats.co.uk)

4000 Parkway, Whiteley,  
Fareham, Hants PO15 7FL  
[www.nats.co.uk](http://www.nats.co.uk)



**NATS PRIVATE**

---

**From:** ROSSI, Sacha  
**Sent:** 13 January 2017 13:11  
**To:** 'MS.MarineRenewables@gov.scot'  
**Cc:** 'Joao.Queiros@gov.scot'; 'Catarina.Aires@gov.scot'; 'David.Bova@gov.scot'; 'Ian Fletcher'; gmb-bdn-000913  
**Subject:** Kincardine Offshore Windfarm [SG19087]

Dear Sirs,

Please find correspondence from NATS attached.

Regards  
S. Rossi

**Mr Sacha Rossi**  
NATS Safeguarding Office

☎: 01489 444 205  
✉: [sacha.rossi@nats.co.uk](mailto:sacha.rossi@nats.co.uk)

4000 Parkway,  
Whiteley, PO15 7FL

<http://www.nats.co.uk/windfarms>

---

**From:** ROSSI, Sacha  
**Sent:** 09 November 2016 18:51  
**To:** 'MS.MarineRenewables@gov.scot'  
**Cc:** 'Joao.Queiros@gov.scot'; 'Catarina.Aires@gov.scot'; 'David.Bova@gov.scot'; 'Ian Fletcher'; NATS Safeguarding  
**Subject:** RE: Consultation on further information for Kincardine Offshore Windfarm Application, by 04th November [SG19087]

Dear Sirs,

Please find an update from NATS.

Regards  
S. Rossi  
NATS Safeguarding Office

**Mr Sacha Rossi**  
NATS Safeguarding Office

☎: 01489 444 205  
✉: [sacha.rossi@nats.co.uk](mailto:sacha.rossi@nats.co.uk)

4000 Parkway,  
Whiteley, PO15 7FL

<http://www.nats.co.uk/windfarms>

---

**From:** [Rosanne.Dinsdale@gov.scot](mailto:Rosanne.Dinsdale@gov.scot) [<mailto:Rosanne.Dinsdale@gov.scot>]  
**Sent:** 23 September 2016 12:25  
**Cc:** [Joao.Queiros@gov.scot](mailto:Joao.Queiros@gov.scot); [Catarina.Aires@gov.scot](mailto:Catarina.Aires@gov.scot); [David.Bova@gov.scot](mailto:David.Bova@gov.scot)  
**Subject:** Consultation on further information for Kincardine Offshore Windfarm Application, by 04th November

Dear Sir / Madam,

**ELECTRICITY ACT 1989 (AS AMENDED)**

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended)

**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 DECLARATION UNDER SECTION 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 22<sup>nd</sup> September 2016 Kincardine Offshore Windfarm Limited (the applicant) submitted further information in the form of an 'Environmental Statement Additional Information Addendum' in support of the application previously submitted to the Scottish Ministers on 23<sup>rd</sup> March 2016 to construct and operate the Kincardine Offshore Windfarm.

As required by the above legislation, details of the further information will be published for two consecutive weeks in The Edinburgh Gazette, The Herald and The Mearns Leader.

The above legislation allow for representations to be made to Scottish Ministers. The closing date for representations is **04<sup>th</sup> November 2016**. If you wish to submit a response, please send to [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot). We would also welcome your advice in the following format:

- **Carry forward previously issued consultation recommendations/conditions in this response, if they remain relevant to the revised proposal; and**
- **Provide advice to Ministers on the further information; and**
- **Present all recommendations/conditions in a separate Annex to your response.**



If you have no comments to make, please submit a 'nil return' response. If you require an extension to the consultation deadline, we would be grateful if you let us know before the closing date. If we have not received your comments, nor have we received any extension request by the closing date, we will assume you have no comments to make.

Marine Scotland Licensing Operations Team ("MS-LOT") will make your representation publicly available, with personal information such as name, address (home and email) and signature redacted (blacked out). If you have any queries or concerns about how your personal data will be handled please visit the MS-LOT website <http://www.scotland.gov.uk/Topics/marine/Licensing/marine> or contact MS-LOT at [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot). Alternatively write to Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB.

A copy of the further information has already been sent to you by the applicant. If you have not received a copy, or require more information not enclosed with this letter, please contact MS-LOT as soon as possible.

A copy of the 'Environmental Statement Additional Information Addendum' is also available for download at:

<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Kincardine/>

We would also be grateful if you would acknowledge receipt of this email.

Yours faithfully,

Rosanne Dinsdale

Rosanne Dinsdale  
Marine Renewables Casework Officer  
**Marine Scotland** - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Direct Dial: +44 (0)1224 295 331  
Fax: +44 (0)1224 295 524  
Email: [rosanne.dinsdale@gov.scot](mailto:rosanne.dinsdale@gov.scot)  
Website: <http://www.gov.scot/Topics/marine/Licensing/marine>



\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

David Bova  
Marine Planning & Policy  
Scottish Government  
Marine Laboratory  
375 Victoria Road  
Aberdeen **AB11 9DB**

**NATS Safeguarding**  
Corporate & Technical Centre  
4000 Parkway  
Whiteley  
Fareham PO15 7FL

☎: 01489 444687  
✉: [natssafeguarding@nats.co.uk](mailto:natssafeguarding@nats.co.uk)  
🌐: [www.nats.co.uk/windfarms](http://www.nats.co.uk/windfarms)

13<sup>th</sup> January 2017

**Sent via email:** [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot);  
**cc:** [David.Bova@gov.scot](mailto:David.Bova@gov.scot); [ianfletcher@windbusiness.co.uk](mailto:ianfletcher@windbusiness.co.uk)

NATS Ref: **SG19087**

Dear Mr Bova,

**APPLICATION FOR CONSENT UNDER SECTION 36 TO CONSTRUCT AND OPERATE KINCARDINE OFFSHORE WINDFARM**

We refer to the application submitted by the Developer dated 23 March 2016 for the construction of Eight (8) turbines.

NERL has objected to the proposed development as its assessment is that the development will cause an adverse impact to the Perwinnes radar and associated air traffic operations of NATS (En-Route) plc ("NERL") without suitable mitigation.

An agreement has been entered into between NERL and Kincardine Offshore Limited dated January 2017 for the agreement of suitable planning conditions and the implementation of an identified and defined mitigation solution in relation to the development that will be implemented under agreement. In summary, such mitigation solution will require works to be carried out to NERL's infrastructure and comprises a modification to the radar system.

NERL is therefore prepared to withdraw its objection to the application subject to the imposition of the agreed conditions set out below that have been agreed with the developer:

1. No part of any turbine shall be erected above sea level until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the Scottish Ministers in order to avoid the impact of the development on the Primary Radar of the Operator located at Perwinnes and associated air traffic management operations.
2. No part of any turbine shall be erected above sea level until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme


For the purpose of conditions 1 and 2 above;

**"Operator"** means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

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

Please acknowledge receipt of this letter.

Yours faithfully

A black rectangular box redacting the signature of Mr Sacha Rossi.

Mr Sacha Rossi  
For and on behalf of NATS (En-Route) PLC



# Defence Infrastructure Organisation

Claire Duddy  
Assistant Safeguarding Officer  
Ministry of Defence  
Safeguarding – Wind Energy  
Kingston Road  
Sutton Coldfield  
West Midlands B75 7RL  
United Kingdom

**Your Reference:** Kincardine Offshore Wind Farm

Telephone [MOD]: +44 (0)121 311 2143

Facsimile [MOD]: +44 (0)121 311 2218

E-mail: DIOSEE-EPSSG2a1@mod.uk

**Our Reference:** DIO/SUT/43/10/1/20585

Panos Pliatsikas  
Marine Renewables Casework Officer  
Marine Scotland

11<sup>th</sup> January 2018

Dear Mr Pliatsikas

**Application to vary consent under Section 36C of the Electricity Act 1989 for the Kincardine Offshore Wind Farm, approximately 15km south east of Aberdeen**

Thank you for consulting the Ministry of Defence (MOD) on the above application to vary the Section 36C Consent for the Kincardine Offshore Wind Farm in your communication dated 29<sup>th</sup> November 2017.

I am writing to tell you that the MOD has no objection to the proposal subject to the extant conditions relating to MOD interests being retained in any new consent that may be issued. The relevant conditions, as detailed in the current consent, are as follows:

18. Lighting and Marking Plan The Company must, no later than 6 months prior to the Commencement of the Development or at such a time as agreed with the Scottish Ministers, submit a Lighting and Marking Plan ("LMP"), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with the MCA, NLB, MoD, CAA and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The LMP must provide that the Development be lit and marked in accordance with the current CAA and MoD aviation lighting policy and guidance that is in place as at the date of the Scottish Ministers approval of the LMP, or any such other documents that may supersede said guidance prior to the approval of the LMP. The LMP must also detail the navigational lighting requirements detailed in IALA Recommendation O- 139 or any other documents that may supersede said guidance in place immediately prior to the approval of the LMP. The Company must provide the LMP, for information, to ACC, SNH, DGC and any other bodies as may be required at the discretion of the Scottish Ministers.

Reason: To ensure navigational safety and the safe marking and lighting of the offshore generating station.

20. Air Defence Radar Mitigation Scheme The Company must ensure that no part of any turbine shall be erected above sea level until an Air Defence Radar Mitigation Scheme ("the ADRM Scheme") has been submitted to and approved, in writing, by the Scottish Ministers. Such approval may only be granted following consultation by the Scottish Ministers with the MOD. No turbines shall become operational until: a) the mitigation measures which the approved ADRM Scheme required 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 must,

thereafter, comply with all other obligations contained within the approved ADRM Scheme for the duration of the operation of the Development. 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 ADRM Scheme must set out the appropriate measures to be implemented to that end.

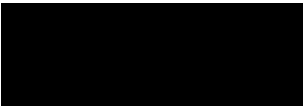
Reason: To mitigate the adverse impact of the Development on air defence radar at Remote Radar Head (RRH) Buchan.

21. Charting requirements The Company must, prior to the Commencement of the Development and following confirmation of the approved DSLP by the Scottish Ministers (refer to condition 11), provide the positions and maximum heights of the WTGs and construction equipment above 91.4 m measured above LAT to the UKHO for aviation and nautical charting purposes. The Company must, within 1 month of the Final Commissioning of the Development, provide the co-ordinates accurate to three decimal places of minutes of arc for each WTG position and maximum heights of the WTGs to the UKHO for aviation and nautical charting purposes.

Reason: For aviation and navigational safety.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further please do not hesitate to contact me.

Yours sincerely



Claire Duddy  
Assistant Safeguarding Officer – Wind Energy  
Defence Infrastructure Organisation

**SAFEGUARDING SOLUTIONS TO DEFENCE NEEDS**

**Smith H (Hannah)**

---

**From:** Helen Croxson <Helen.Croxson@mcga.gov.uk>  
**Sent:** 11 January 2018 09:52  
**To:** MS Marine Renewables  
**Subject:** RE: Kincardine Offshore Windfarm - Application to vary section 36 consent

Panos,

Thank you for your email regarding the variation request consultation for the Kincardine Offshore Windfarm.

As the variation relates to the turbine related capacity and its consequential variation to the blade dimensions, we have no further comments to make on this occasion.

Kind regards

Helen

Helen Croxson  
Acting OREI Advisor  
Maritime and Coastguard Agency  
Bay 2/25 Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG

Tel: 0203 8172426

Email: [Helen.Croxson@mcga.gov.uk](mailto:Helen.Croxson@mcga.gov.uk)

Please note I currently work Tuesdays, Wednesdays and Thursdays.

---

**From:** MS.MarineRenewables@gov.scot [mailto:MS.MarineRenewables@gov.scot]  
**Sent:** 29 November 2017 17:12  
**To:** Nick Salter <Nick.Salter@mcga.gov.uk>; navigation safety <navigationsafety@mcga.gov.uk>; Helen Croxson <Helen.Croxson@mcga.gov.uk>; enquiries@nlb.org.uk; navigation@nlb.org.uk; victoria.clements@hes.scot; planning.aberdeen@sepa.org.uk; marineenergy@snh.gov.uk; Erica.Knott@snh.gov.uk  
**Subject:** Kincardine Offshore Windfarm - Application to vary section 36 consent

Dear Sir/Madam,

**ELECTRICITY ACT 1989 (As Amended) - (Section 36C)**

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)

**THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013**

**MARINE (SCOTLAND) ACT 2010**

**MARINE AND COASTAL ACCESS ACT 2009**

## APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR THE KINCARDINE OFFSHORE WINDFARM, APPROXIMATELY 15 km SOUTH EAST OF ABERDEEN

On 24 November 2017, Kincardine Offshore Windfarm Limited ("the Applicant") submitted an application to the Scottish Ministers, in accordance with the above legislation, for a variation to the Section 36 Consent to construct and operate the Kincardine Offshore Windfarm, approximately 15 km south east of Aberdeen. This project is subject to an environmental impact assessment and as such the application is accompanied by a section 36C Variation Environmental Statement ("ES"), which has been submitted by the Applicant. In addition, the Applicant has also provided a Habitats Regulations Appraisal ("HRA") Report.

The application documentation can be downloaded from:

<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Kincardine>

If you wish to submit any representations in response to the consultation regarding the above application please ensure they are submitted to the Scottish Ministers, in writing, to [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot) no later than **12th January 2018**. Please note that this already includes an extension to the consultation taking into account the festive period.

Marine Scotland Licensing Operations Team ("MS-LOT") will make your representations publicly available. Personal information (such as names, signatures, home and email addresses) will be redacted before the representations are made public. If you have any queries or concerns about how your personal data will be handled please visit the MS-LOT [website](#) or contact MS-LOT at [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot). Alternatively, please write to: Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB.

If you have requested a hard copy of the Application documentation, you should have already received a copy from the applicant, if you have not yet received it, please contact [Richard Wakefield](#), Principal Marine Scientist at Atkins Global.

If you have any queries please do not hesitate to contact [MS-LOT](#).

We would be grateful if you could please confirm receipt of this e-mail.

Yours faithfully,

**Panos Pliatsikas**

[marinescotland](#)

Marine Renewables Casework Officer

Marine Scotland Licensing Operations Team

Scottish Government

Marine Laboratory | 375 Victoria Road

Aberdeen, AB11 9DB

Phone: +44 (0)131 244 1735

[panos.pliatsikas@gov.scot](mailto:panos.pliatsikas@gov.scot) / [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot)

<http://www.gov.scot/Topics/marine/Licensing/marine>

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e



ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

---

This email has been scanned by the BT Assure MessageScan service  
The service is delivered in partnership with Symantec.cloud

For more information please visit <http://www.globalservices.bt.com>

=====



Subject to the need to keep up to date file records, please consider your environmental responsibility before printing this email



Subject to the need to keep up to date file records, please consider your environmental responsibility before printing this email

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

By email to:

[MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot)

Mr Panos Pliatsikas  
Marine Scotland Licensing Operations Team  
Marine Scotland (Aberdeen Office)

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our ref: AMN/16/GA  
Our case ID: 300025075

19 December 2017

Dear Mr Pliatsikas

**The Electricity Act 1989 (As Amended) – (Section 36C)**

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
The Electricity Generating Stations (Applications for Variation of Consent) (Scotland)  
Regulations 2013

Marine (Scotland) Act 2010

Marine and Coastal Access Act 2009

APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY  
ACT 1989 FOR THE KINCARDINE OFFSHORE WINDFARM, APPROXIMATELY 15 km  
SOUTH EAST OF ABERDEEN

Thank you for your consultation which we received on 30 November 2017. We have considered it and its accompanying Section 36 Variation Environmental Statement (ES) in our role as a consultee under the terms of the above regulations. Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories.

You should also seek advice from the Aberdeenshire Council's archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

**Changes to Proposed Development**

We understand it is now intend to install up to seven turbines (a reduction from the eight turbines proposed in the Original ES), including a 2MW turbine that will be installed first, followed by six larger turbines. The current proposed turbines would have a rated capacity of up to 8.4MW but the maximum generating capacity of windfarm will remain up to 50MW. In the Original ES, it was presented that the turbines would be between 6 to



8MW. The largest turbines will now be up to 8.4MW with an increased rotor diameter from 154m to 164m.

### **Our Advice**

We have considered the submitted information and conclude that the proposed changes to the consented scheme do not have any additional significant impacts on sites within our remit. Therefore, we do not wish to object to the proposed development and have no further comments to make on the variation application.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

### **Further Information**

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).

Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupczynska who can be contacted by phone on 0131 668 8653 or by email on [Urszula.Szupczynska@hes.scot](mailto:Urszula.Szupczynska@hes.scot).

Yours sincerely

**Historic Environment Scotland**

KOWL Marine Renewable Casework  
Officer  
The Scottish Government,  
Marine Scotland Licensing Operations  
Team,  
Marine Laboratory,  
375 Victoria Road,  
Aberdeen, AB11 9DB

Dalhousie Estates Office  
Dalhousie Estate  
Brechin  
Angus  
DD9 6SG

12<sup>th</sup> January 2018

Dear Sirs,

**KOWL Section 36C Variation Application ELECTRICITY ACT 1989 (AS AMENDED) THE  
ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS  
2017 (AS AMENDED)**

**THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT)  
(SCOTLAND) REGULATIONS 2013 MARINE (SCOTLAND) ACT 2010 MARINE AND COASTAL  
ACCESS ACT 2009**

The Esk District Salmon Fishery Board welcomes the opportunity to comment on this proposed development. The Esk DSFB is responsible for protecting the salmon and sea trout fisheries of the River North Esk, River South Esk, River Bervie and River Lunan. The River South Esk has been designated Special Area of Conservation for Atlantic salmon and Fresh Water Pearl Mussel under the EC Habitats Directive. The River North Esk is an important research river for Marine Scotland Science and the salmon populations of this river have been constantly monitored since the 1960s. Salmon and sea trout fisheries in the Esk Fishery District contribute in the region of £5M annually to the local economy and are important local employers.

The Esk DSFB is of the opinion that this proposed development has the potential to have a significant impact on wild Atlantic salmon and sea trout populations due to its nature and location. Atlantic salmon from the Esk Fishery District will undoubtedly travel through the site of this proposed development at different life stage; as young salmon smolts as they head to their marine feeding grounds, and as adults returning to their native rivers to spawn.

As Offshore Wind Farms are a recent technology, we are concerned that the potential impacts from the construction and operation of the wind farm on wild salmonid populations

Chairman: Malcolm Taylor  
[REDACTED]

Clerk – Dr Craig MacIntyre  
[REDACTED]  
E-mail: [cmeskrivers@gmail.com](mailto:cmeskrivers@gmail.com)

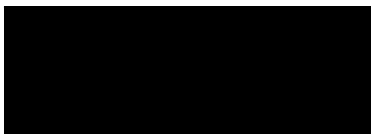
are not well understood. Desk top studies have concluded that any impacts on wild salmonid populations should be minimal, and that the operation of the wind farms should not impact significantly on wild Atlantic salmon or sea trout populations. However, when open cage marine salmon fish farming began on the West Coast of Scotland in the 1970s, it was thought that this was an entirely benign and safe method of producing fish. The factor that proved immensely harmful to wild salmonid fish (sea lice) was never anticipated at the 'desk top study' stage, and insufficient attention was paid to baseline studies and monitoring impact on wild salmonid populations. It would be tragic if the same mistake was made on the East Coast with offshore wind farms.

We are therefore in agreement with the Dee DSFB (letter dated 12<sup>th</sup> January 2018) that the developer should commission a programme to monitor migratory fish movements within the vicinity of the proposed development. Baseline studies will provide an important context for future monitoring work during and post-construction.

In addition to this proposed development, there are also applications for offshore wind farms at Aberdeen Bay, and three proposed developments off the Angus and Fife coasts; Seagreen, Inch Cape, and Mainstream. There is therefore the potential for cumulative impacts from these five proposed developments, and any monitoring programme should reflect this.

The Esk DSFB does not object to the Kincardine Offshore Wind Farm, however we do have concerns that potential impacts on wild Atlantic salmon and sea trout are being dismissed or downplayed. Marine survival rates of Atlantic salmon are at very low levels just now, and it would not take a great change in coastal mortality of salmon to begin to threaten local populations.

Yours faithfully,



Craig MacIntyre

Clerk to the Esk DSFB

Chairman: Malcolm Taylor



Clerk – Dr Craig MacIntyre



E-mail: [cmeskrivers@gmail.com](mailto:cmeskrivers@gmail.com)



# Dee District Salmon Fishery Board

KOWL Marine Renewable Casework Officer  
The Scottish Government,  
Marine Scotland Licensing Operations Team,  
Marine Laboratory,  
375 Victoria Road,  
Aberdeen, AB11 9DB

By email to [KOWL.representations@gov.scot](mailto:KOWL.representations@gov.scot)

12<sup>th</sup> of January 2018

Dear Sir/Madam

**KOWL Section 36C Variation Application ELECTRICITY ACT 1989 (AS AMENDED) THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)**

**THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013 MARINE (SCOTLAND) ACT 2010 MARINE AND COASTAL ACCESS ACT 2009**

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 proximity of the cable export corridor to the Rivers Dee, Cowie and Carron, the migratory species of protected populations of Atlantic salmon, European eels and sea lamprey, along with migratory sea trout, are expected to transit across the cable route. This area of coast is very important for salmon and sea trout in three ways:

1. Salmon and sea trout smolts leave these rivers annually to move to ocean feeding areas.
2. Returning adult salmon are known to approach the Dee from south of Aberdeen, the location at which they come inshore is not known.
3. The inshore environment is important as a feeding ground for sea trout, which may spend most of their marine phase within 30 km of the estuary of their river of origin.

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

Tel No: 013398 80411 e-mail: [info@riverdee.org](mailto:info@riverdee.org) [www.riverdee.org.uk](http://www.riverdee.org.uk)

### *Designations & Conservation Status*

As a statutory body charged with the protection of Atlantic salmon and sea trout stocks within its district, the Dee DSFB has a duty to ensure that there are no significant adverse impacts upon the populations of these species.

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 principal species for which it receives this designation). The Dee District also supports populations of trout, eels and brook, river and sea lampreys.

Sea trout, common to all 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.

### *Conservation regulations*

The Conservation of Salmon (Scotland) Regulations 2016 has led to the production of stock assessments for all Scottish salmon rivers, based on catch data. The assessments estimate whether the number of adults returning to the river in each of the previous five years will produce sufficient numbers of eggs to keep the population size above a critical threshold.

For the Dee, like other north-east rivers, the assessments have shown a declining trend in catches since 2011. Nonetheless, the Dee has been categorised as a grade 1 river, meaning that the stocks have most likely been above the critical threshold - the Conservation Limit - over the last five years.

The conclusion from this assessment reflects that despite the decline seen in Dee stocks, the number of salmon returning to the Dee is sufficient to maintain a stable population. However, it does not suggest that the salmon stock is thriving from a biological perspective or that it could withstand further losses.

The neighbouring rivers of the Don, Cowie and Carron have all been classified as grade 3 rivers for 2018. The grade 3 status identifies that the stock is failing critical conservation targets over the last five years and therefore management actions are required to protect the stock, including mandatory catch and release of salmon. These grade 3 classifications illustrate the tenuous position of migratory salmon stocks within the north-east area.

International and national research shows that salmon stocks have declining marine survival with figures falling from 40% marine survival during the 1960's to recent figures of just 5%. This context increases the importance of how we manage our salmon stocks, ~~a locally.~~ Add to this the specific

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

Tel No: 013398 80411 e-mail: [info@riverdee.org](mailto:info@riverdee.org) [www.riverdee.org.uk](http://www.riverdee.org.uk)



decline identified in North-East stocks which suggest there are additional factors affecting stock survival in the local marine environment. As such this development must take a precautionary approach to protect these threatened fish stocks, with cognisance of the SAC status of the Dee.

## **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 any method of piling was to be used, then the Dee DSFB would request that it is consulted on the proposed methods.

It is noted that the route for the cable has not yet been determined. The construction of the cable route has the potential to impact salmon and sea trout migration through dredging and associated activities. As such the Dee DSFB would request that the cable route and laying strategy is prepared and consulted on.

Research by Marine Scotland Science monitoring the migration of salmon smolts from the River Dee in 2017, has illustrated that smolts migrate from the harbour mouth in a south easterly direction. Given the location of KOWL we have most concern with any impact associated with the cable laying process on the smolt migration. To minimise interactions with smolts, we recommend that cable laying avoids the period of April and May. This data is available on request and must be taken into account when determining this application.

### *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 scientific studies. However due to the potential impacts upon the River Dee SAC this needs to be quantified and mitigated against.

We would also seek assurance that the cable remains buried at a depth of 1.5m, particularly within the immediate costal reaches, for the duration of the project. Erosion with subsequent exposure or reduction in the depth of cable coverage could occur depending upon environmental conditions, therefore increasing the risk of impact from EMF's.

### *Cumulative impacts*

The Dee DSFB is also concerned for the cumulative impacts during construction given the proximity of the KOWL site to the ongoing harbour extension at Nigg Bay and Aberdeen Bay Windfarm. We would like to discuss what measures have been put in place to try and offset any cumulative impacts.

## *Decommissioning*

The Dee DSFB encourages the proposal to develop a decommissioning plan and would request that it is consulted on this process.

### **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 planning 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.

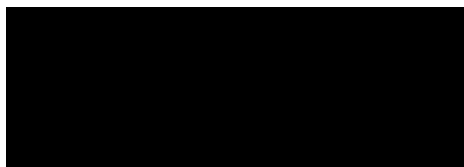
To this end we would request that part of the planning for this development should be to agree a programme to monitor migratory fish movements around the area of development. This will enable a greater understanding of the potential impacts that future offshore developments may have.

Consultation with Vatenfall in relation to the Aberdeen Bay Windfarm Project (EOWDC) has resulted in the establishment of a project to monitor salmon smolt migration through the North-East marine environment, being delivered by River Dee Trust and Marine Scotland Science. Contribution to an adult salmon monitoring project by KOWL, which would benefit from the monitoring equipment and expertise already in place, would provide vital information on migratory fish movements.

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, operation and decommissioning 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 sincerely



Mark Bilsby  
Dee District Salmon Fishery Board  
For and on behalf of the Dee District Salmon Fishery Board

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

Tel No: 013398 80411      e-mail: [info@riverdee.org](mailto:info@riverdee.org)      [www.riverdee.org.uk](http://www.riverdee.org.uk)

**Smith H (Hannah)**

---

**From:** paul.3.atkinson@openreach.co.uk  
**Sent:** 01 December 2017 16:19  
**To:** MS Marine Renewables; MS LOT Kincardine Representations  
**Subject:** RE: Kincardine Offshore Windfarm - Application to vary section 36 consent

Dear Sir/Madam,

RE: PROPOSED KINCARDINE OFFSHORE WIND FARM

OUR REF: WID10738

Thank you for your letter dated 29/11/2017.

We have studied this Windfarm proposal with respect to EMC and related problems to BT point-to-point microwave radio links.

The conclusion is that, the Project indicated below should not cause interference to BT's current and presently planned radio networks.

## Annex 1

### DESCRIPTION OF THE DEVELOPMENT

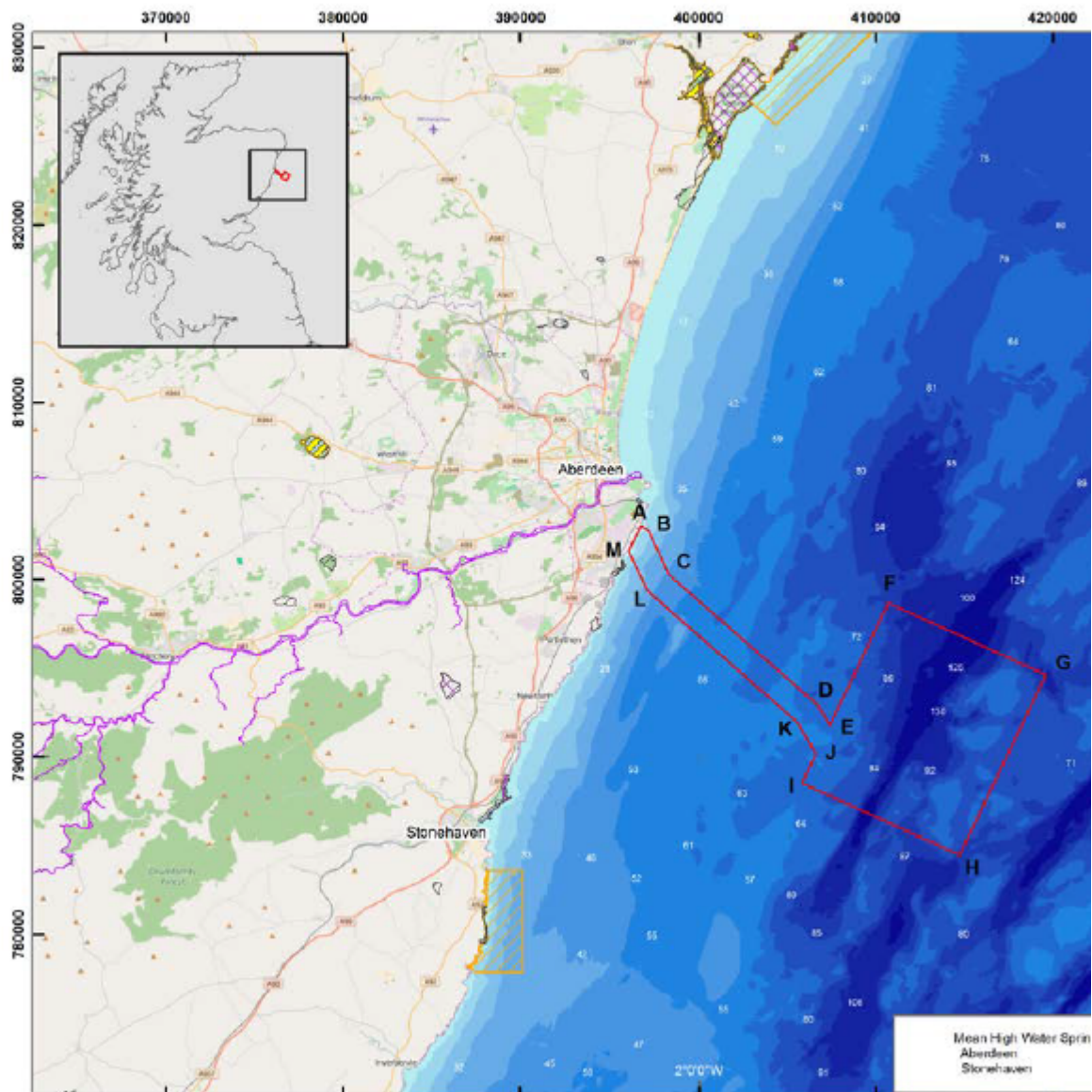
The Development shall have a permitted generating capacity not exceeding 50 MW and shall comprise of up to ~~8~~ 7 wind-powered electricity generating stations approximately 15 km south east of Aberdeen, including:

1. not more than ~~8~~ 7, three-bladed horizontal axis, WTGs, each with:
  - i. ~~6 to 8 MW generating capacity (whilst ensuring that the permitted generating capacity does not exceed 50 MW);~~
  - ii. a maximum blade tip height of ~~176~~ 191 metres (measured from LAT);
  - iii. a maximum rotor diameter of ~~152~~ 164 metres;
  - iii. a maximum hub height of ~~100~~ 105 metres (measured from LAT);
  - iv. a minimum blade tip clearance of 22 metres (measured from LAT);
  - vi. blade width of up to ~~4.5~~ 5.4 metres; and
  - vii. a minimum spacing of 1,000 metres;
2. all substructures, anchors and associated mooring lines;
3. grid infrastructure including the construction of two subsea cables which connect the WTGs to the shore.

The Development shall be constructed in accordance with that specified in Application, the ES Addendum and by the conditions imposed by the Scottish Ministers.

References to "the Development" in this consent shall be construed accordingly.

**Figure : Development Location – Kincardine Floating Offshore Windfarm Site and Aberdeen.**



Regards,  
**Paul Atkinson**  
**Radio Frequency Allocation & Network Protection (BLP952)**  
Openreach  
Tel: 0113 8074481  
[REDACTED]  
Web: [www.openreach.co.uk](http://www.openreach.co.uk)

Openreach is Britain's digital network business. We connect homes, mobile phone masts, schools, shops, banks, hospitals, libraries, broadcasters, governments and businesses - large and small - to the world.

This email contains Openreach information, which may be privileged or confidential. It's meant only for the individual(s) or entity named above. If you're not the intended recipient, note that disclosing, copying, distributing or using this information is prohibited. If you've received this email in error, please let me know immediately on the email address above. We monitor our email system, and may record your emails.

British Telecommunications plc

---

**From:** MS.MarineRenewables@gov.scot [mailto:MS.MarineRenewables@gov.scot]  
**Sent:** 29 November 2017 17:08  
**Cc:** Panos.Pliatsikas@gov.scot  
**Subject:** Kincardine Offshore Windfarm - Application to vary section 36 consent

Dear Sir/Madam,

**ELECTRICITY ACT 1989 (As Amended) - (Section 36C)**

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (As Amended)  
**THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013**  
**MARINE (SCOTLAND) ACT 2010**  
**MARINE AND COASTAL ACCESS ACT 2009**

**APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR THE KINCARDINE OFFSHORE WINDFARM, APPROXIMATELY 15 km SOUTH EAST OF ABERDEEN**

On 24 November 2017, Kincardine Offshore Windfarm Limited ("the Applicant") submitted an application to the Scottish Ministers, in accordance with the above legislation, for a variation to the Section 36 Consent to construct and operate the Kincardine Offshore Windfarm, approximately 15 km south east of Aberdeen. This project is subject to an environmental impact assessment and as such the application is accompanied by a section 36C Variation Environmental Statement ("ES"), which has been submitted by the Applicant. In addition, the Applicant has also provided a Habitats Regulations Appraisal ("HRA") Report.

The application documentation can be downloaded from:  
<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Kincardine>

If you wish to submit any representations in response to the consultation regarding the above application please ensure they are submitted to the Scottish Ministers, in writing, to [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot) no later than **12th January 2018**. Please note that this already includes an extension to the consultation taking into account the festive period.

Marine Scotland Licensing Operations Team ("MS-LOT") will make your representations publicly available. Personal information (such as names, signatures, home and email addresses) will be redacted before the representations are made public. If you have any queries or concerns about how your personal data will be handled please visit the MS-LOT [website](#) or contact MS-LOT at [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot). Alternatively, please write to: Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB.

If you have requested a hard copy of the Application documentation, you should have already received a copy from the applicant, if you have not yet received it, please contact [Richard Wakefield](#) , Principal Marine Scientist at Atkins Global.

If you have any queries please do not hesitate to contact [MS-LOT](#).

We would be grateful if you could please confirm receipt of this e-mail.

Yours faithfully,

Panos Pliatsikas  
marinescotland  
Marine Renewables Casework Officer  
Marine Scotland Licensing Operations Team

Scottish Government  
Marine Laboratory | 375 Victoria Road  
Aberdeen, AB11 9DB  
Phone: +44 (0)131 244 1735  
[panos.pliatsikas@gov.scot](mailto:panos.pliatsikas@gov.scot) / [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot)  
<http://www.gov.scot/Topics/marine/Licensing/marine>

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadachd a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

\*\*\*\*\*

\*\*\*\*\*

This email has been received from an external party and has been swept for the presence of computer viruses.

\*\*\*\*\*

\*\*\*\*\*



## Smith H (Hannah)

---

**From:** Stuart Murison <stuart.murison@aberdeenshire.gov.uk>  
**Sent:** 04 January 2018 14:09  
**To:** MS Marine Renewables  
**Cc:** Wendy Forbes  
**Subject:** RE: Kincardine Offshore Windfarm - Application to vary section 36 consent

Good Afternoon,

Thank you for your consultation sent under the *Electricity Act 1989 (As Amended) - (Section 36C); The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (As Amended); The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013; Marine (Scotland) Act 2010 and The Marine and Coastal Access Act 2009.*

The proposed variation involves the change in development description for the Kincardine Offshore Wind Farm (KOWF). The submission outlines the specific physical variations proposed including the confirmation that the approved 50MW output would remain, but likely be made up of 6 wind turbine generators (WTG) which would increase in height to 191m tall to blade tip, 164m rotor diameter and up to 8.4MW output, increased from the extant approval. A smaller 7<sup>th</sup> WTG (106m tall to blade tip, 2MW capacity) would now remain in place for a period not exceeding 3 years from the date of commencement of development (or the year 2021) rather than being removed prior to the installation of other WTG's. Thereafter 6 WTG's would remain in place for the lifetime of the project.

The submitted Environmental Statement and associated Non-Technical Summary outline the variation and explain the likely impacts. These documents are slightly unclear and confusing, owing to the fact that different values and criterion have been used to describe or measure different WTG's – for example the smaller WTG is described as being the "2MW turbine" rather than using its height whereas the larger WTG's are described as the "164m turbines" which is actually the measurement of the rotor diameter rather than the height to tip which would seem more orthodox. A uniform and clear criterion to describe all WTG's would have been preferable within the submission.

Having assessed and reviewed the submission, it is clear that the variations do fall outwith the original maximum parameters as originally outlined and agreed in terms of rotor diameter (164m) and maximum output (8.4MW). The 191m to tip height does fall within the maximum stipulated within the approved Seascape and Landscape Visual Impact Assessment (SLVIA) and as such, the confirmation of 6 permanent WTG's at this scale does not raise any additional concerns in this regard given that the visual impact as assessed would not be adversely affected.

One matter which did raise some concern was the potential for the smaller, 106m tall WTG to remain as part of the resultant scheme in perpetuity – this is not something previously agreed upon and is not something that would be considered to be acceptable at this stage and without further consideration given the non-uniform WTG array and differential or disjointed visual impact which would result. However, the confirmation within the submission that this WTG would be removed at a point not exceeding 3 years from commencement (or the year 2021) and thus would only be a temporary feature of the development means that this part of the variation can also be accepted. It is understood that any consideration of the permanent siting of a smaller WTG within the array would require further consultation with key stakeholders – Aberdeenshire Council would make clear that we would wish to be consulted on any such proposal and would object to any permanent siting of a smaller WTG without prior consultation. It is also understood from discussion with the developer and with MS-LOT that the above issue concerning the removal of the smaller 106m/2MW WTG can be secured through the use of a condition attached to any approval – Aberdeenshire Council would request that such a condition is attached in this case.

Overall therefore, Aberdeenshire Council have **no objections** to the variation subject to the above condition being attached and being included in any future consultation.



Please do not hesitate to contact me if you wish to discuss the above or have any other queries.

Kind Regards,

Stuart Murison

Senior Planner  
Strategic Development Delivery Team  
Infrastructure Services  
Aberdeenshire Council  
Woodhill House, Westburn Road, Aberdeen  
Tel: 01467 537696

---

**From:** MS.MarineRenewables@gov.scot [mailto:MS.MarineRenewables@gov.scot]  
**Sent:** 30 November 2017 12:16  
**Subject:** Kincardine Offshore Windfarm - Application to vary section 36 consent

Dear Sir/Madam,

**ELECTRICITY ACT 1989 (As Amended) - (Section 36C)**

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (As Amended)  
**THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013**  
**MARINE (SCOTLAND) ACT 2010**  
**MARINE AND COASTAL ACCESS ACT 2009**

**APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR THE KINCARDINE OFFSHORE WINDFARM, APPROXIMATELY 15 km SOUTH EAST OF ABERDEEN**

On 24 November 2017, Kincardine Offshore Windfarm Limited ("the Applicant") submitted an application to the Scottish Ministers, in accordance with the above legislation, for a variation to the Section 36 Consent to construct and operate the Kincardine Offshore Windfarm, approximately 15 km south east of Aberdeen. This project is subject to an environmental impact assessment and as such the application is accompanied by a section 36C Variation Environmental Statement ("ES"), which has been submitted by the Applicant. In addition, the Applicant has also provided a Habitats Regulations Appraisal ("HRA") Report.

The application documentation can be downloaded from:  
<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Kincardine>

If you wish to submit any representations in response to the consultation regarding the above application please ensure they are submitted to the Scottish Ministers, in writing, to [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot) no later than **12<sup>th</sup> February 2018**. Please note that this already includes an extension to the consultation taking into account the festive period.

Marine Scotland Licensing Operations Team ("MS-LOT") will make your representations publicly available. Personal information (such as names, signatures, home and email addresses) will be redacted before the representations are made public. If you have any queries or concerns about how your personal data will be handled please visit the MS-LOT [website](#) or contact MS-LOT at [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot). Alternatively, please write to: Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB.

If you have requested a hard copy of the Application documentation, you should have already received a copy from the applicant, if you have not yet received it, please contact [Richard Wakefield](#) , Principal Marine Scientist at Atkins Global.

If you have any queries please do not hesitate to contact [MS-LOT](#).

We would be grateful if you could please confirm receipt of this e-mail.

Yours faithfully,

**Panos Pliatsikas**

[marinescotland](#)

Marine Renewables Casework Officer  
Marine Scotland Licensing Operations Team

Scottish Government  
Marine Laboratory | 375 Victoria Road  
Aberdeen, AB11 9DB  
Phone: +44 (0)131 244 1735  
[panos.pliatsikas@gov.scot](mailto:panos.pliatsikas@gov.scot) / [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot)  
<http://www.gov.scot/Topics/marine/Licensing/marine>

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadachd a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

This e-mail may contain privileged information intended solely for the use of the individual to whom it is addressed. If you have received this e-mail in error, please accept our apologies and notify the sender, deleting the e-mail afterwards. Any views or opinions presented are solely those of the e-mail's author and do not necessarily represent those of Aberdeenshire Council. [www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk) Dh'fhaodadh fiosrachadh sochair, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain. [www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk)

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>