

Ford A (Alexander)

From: Windfarms <Windfarms@caa.co.uk>
Sent: 25 July 2013 16:14
To: O'Sullivan D (David)
Subject: RE: 011/OW/MORLE - 8: MS LOT to CAA: Notice of Additional Information (Ornithology Population Viability Analysis Outputs and Review) in relation to MORL ES consultation: 19 June 2013

Dear David,

As the additional information relates to ornithology, the Civil Aviation Authority would not wish to make any further comments at this stage. All previous comments remain extant.

Kind regards,







Civil Aviation Authority
45-59 Kingsway London WC2B 6TE
Tel: 
windfarms@caa.co.uk

From: David.Osullivan@scotland.gsi.gov.uk [mailto:David.Osullivan@scotland.gsi.gov.uk]
Sent: 19 June 2013 07:58
To: Windfarms
Subject: 011/OW/MORLE - 8: MS LOT to CAA: Notice of Additional Information (Ornithology Population Viability Analysis Outputs and Review) in relation to MORL ES consultation: 19 June 2013

Dear Sir/Madam,

ELECTRICITY ACT 1989

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

The Electricity (Applications for Consent) Regulations 1990 (as amended)

MARINE (SCOTLAND) ACT 2010

MARINE AND COASTAL ACCESS ACT 2009

The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)

APPLICATION FOR:

- **THREE CONSENTS UNDER SECTION 36 OF THE ELECTRICITY ACT 1989, AND THREE MARINE LICENCES UNDER PART 4 OF THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT AND OPERATE THREE OFFSHORE WIND FARMS IN THE OUTER MORAY FIRTH, and**
- **ONE MARINE LICENCE UNDER SECTION 20 OF THE MARINE (SCOTLAND) ACT 2010, AND UNDER SECTIONS 65 AND 66 OF THE MARINE AND COASTAL ACCESS ACT 2009 TO**

CONSTRUCT THE ASSOCIATED OFFSHORE TRANSMISSION WORKS IN THE OUTER MORAY FIRTH

On 17th June 2013 Marine Scotland received Additional Information relating to the Moray Offshore Renewables Limited application on ornithological assessments. Copies of this information have been forwarded to Aberdeenshire – Banff and Buchan, Aberdeenshire – Buchan, Highland and Moray Councils to be made available for public inspection by being placed on the planning register.

As required by The Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2008, Scottish Ministers are to serve a copy of the Additional Information notice on any person on whom was served a copy of the Environmental Statement. Please find attached the notice which was first published yesterday the 18th June 2013. The notice will be published for two consecutive weeks in the Press and Journal and the Edinburgh Gazette.

Yours sincerely
David

David O'Sullivan
Marine Renewables Licensing Advisor
Licensing Operations Team
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria Road | Aberdeen AB11 9DB

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Switchboard: 01224 876544
Fax: 01224 295524
Email: david.osullivan@scotland.gsi.gov.uk
ms.marinelicensing@scotland.gsi.gov.uk
Website: <http://www.scotland.gov.uk/marinescotland>

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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.

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David O'Sullivan
Marine Scotland Licensing Operations Team
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e-mail: david.mudie@highland.gov.uk
Direct dial: (01463) 702255
Our Ref: 12/03359 - 61/s36
Your Ref: 011/OW/MORLE-8
Date: 19 June 2013

Dear David

ELECTRICITY ACT 1989

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000
The Electricity Works (Applications for Consent) Regulations 1990

MARINE (SCOTLAND) ACT 2010

MARINE AND COASTAL ACCESS ACT 2009

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APPLICATION FOR:

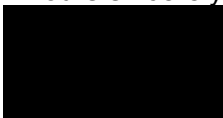
- **THREE CONSENTS UNDER S36 OF THE ELECTRICITY ACT 1989 AND THREE MARINE LICENCES UNDER PART 4 OF THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT AND OPERATE THREE PFFSHORE WIND FARMS IN THE OUTER MORAY FIRTH, AND**
- **ONE MARINE LICENCE UNDER SECTION 20 OF THE MARINE (SCOTLAND) ACT 2010 AND UNDER SECTIONS 65 AND 66 OF THE MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT THE ASSOICATED OFFSHORE TRANSMISSION WORKS IN THE OUTER MORAY FIRTH**

Thank you for your consultation of 18 June 2013 regarding the Additional Information received in respect of the above. I can confirm that a copy of the information has been placed onto the planning register.

I confirm that the Council has no observations to make on this information.

Should you require further advice or clarification please do not hesitate to contact me.

Yours sincerely



David Mudie
Team Leader – Development Management
Planning and Development Service

Mr David O'Sullivan
Marine Scotland
Scottish Government
Marine Laboratory
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375 Victoria Street
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Direct Line: 0131 668 8730
Switchboard: 0131 668 8600
Robin.Campbell@scotland.gsi.gov.uk

Our ref: AMN/16/H
Our Case ID: 201301813
Your ref: 011/OW/MORLE - 8

17 July 2013

Dear Mr O'Sullivan

**The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000
The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)
Application for consent to construct and operate three offshore wind farms in the Outer
Moray Firth (Telford, Stevenson and MacColl Offshore Wind Farms) and the associated
Offshore Transmission Works
Environmental Statement – Additional Information**

Thank you for your letter and the accompanying Additional Information requesting comments on the above. For information, this letter covers our comments on the Additional Information for our role as consultees through the Scottish Ministers under the terms of the above Regulations. The comments in this letter relate to our statutory remit for scheduled monuments and their settings, category A listed buildings and their settings, gardens and designed landscapes appearing in the Inventory, Inventory Battlefields and designated wreck sites (Protection of Wrecks Act 1973). Our advice also includes marine matters relating to marine archaeology out with the scope of the terrestrial planning system.

Additional Information has been received by Scottish Ministers on this application. The Additional Information consists of the following ornithological information:

- the rationale for demographic parameters and growth rates used;
- re-presentation of Population Viability Analysis outputs to reflect changes to displacement and collision risk methodologies;
- and implications for the assessments.

In summary, we have no comment to make on the submitted Additional Information and remain content with our original view on the proposed development as expressed in our letter date 19 October 2012. Please contact me should you wish to discuss the contents of this letter.

Yours sincerely



Robin Campbell
Senior Heritage Management Officer (EIA)

Ford A (Alexander)

From: [REDACTED]@nats.co.uk>
Sent: 27 June 2013 17:07
To: MS Marine Licensing
Cc: NATS Safeguarding; O'Sullivan D (David)
Subject: RE: 011/OW/MORLE - 8: MS LOT to NATS: Notice of Additional Information (Ornithology Population Viability Analysis Outputs and Review) in relation to MORL ES consultation: 19 June 2013

Dear Sir/Madam,

NATS has no comments to make on the EIA Addendum.

Regards

[REDACTED]
NATS Safeguarding Office

NATS

[REDACTED]

[REDACTED]
[REDACTED]@nats.co.uk

NATS Safeguarding
4000 Parkway,
Whiteley, PO15 7FL

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

From: David.Osullivan@scotland.gsi.gov.uk [<mailto:David.Osullivan@scotland.gsi.gov.uk>]
Sent: 19 June 2013 14:52
To: ALLEN, Sarah J; ROSSI, Sacha; NATS Safeguarding
Subject: 011/OW/MORLE - 8: MS LOT to NATS: Notice of Additional Information (Ornithology Population Viability Analysis Outputs and Review) in relation to MORL ES consultation: 19 June 2013

Dear Ms Allen,

ELECTRICITY ACT 1989

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

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As required by The Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2008, Scottish Ministers are to serve a copy of the Additional Information notice on any person on whom was served a copy of the Environmental Statement. Please find attached the notice which was first published yesterday the 18th June 2013. The notice will be published for two consecutive weeks in the Press and Journal and the Edinburgh Gazette.

Yours sincerely
David

David O'Sullivan

Marine Renewables Licensing Advisor
Licensing Operations Team
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory, PO Box 101 | 375 Victoria Road | Aberdeen AB11 9DB

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Email: david.osullivan@scotland.gsi.gov.uk
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Website: <http://www.scotland.gov.uk/marinescotland>

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Northern Lighthouse Board

**CAPTAIN PHILLIP DAY
DIRECTOR OF MARINE OPERATIONS**

Your Ref: 011/OW/MORLE - 8
Our Ref: AJ/OPS/CPA/O6_01_188

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Website: www.nlb.org.uk
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Mr David O'Sullivan
Marine Scotland – Licensing Operations Team
Marine Laboratory
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08 July 2013

Dear David,

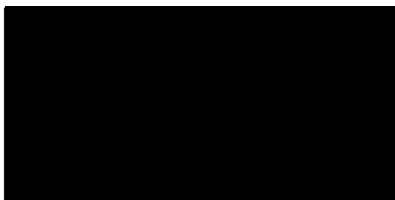
THREE CONSENTS UNDER SECTION 36 of the ELECTRICITY ACT 1989 AND THREE MARINE LICENCES UNDER PART 4, SECTION 20 of the MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE THREE OFFSHORE WINDFARMS, and

ONE MARINE LICENCE UNDER SECTION 20 of the MARINE (SCOTLAND) ACT 2010, and SECTIONS 65 and 66 of the MARINE AND COASTAL ACCESS ACT 2009 TO CONSTRUCT THE ASSOCIATED TRANSMISSION WORKS IN THE OUTER MORAY FIRTH.

Thank you for your correspondence dated 19 June 2013 regarding the addendum to information supporting an application by **Moray Offshore Renewables Limited (MORL)** to install and operate wind turbines, offshore sub-stations and the associated electrical interconnecting and export cables at three wind farm sites, namely Telford, Stevenson and MacColl in the outer Moray Firth.

With regard to the additional information we would advise that this would have no impact on our recommendations and comments contained within our response Ref: O6-01-148, dated 12 September 2012. Should you require a further copy of this response, please advise.

Please also advise if we can be of any further assistance, or require additional comment on any of the above.



For the safety of

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David O'Sullivan (Marine Renewables Licensing Advisor)
Marine Scotland – Renewables Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB

23rd July 2013

Dear Mr O'Sullivan,

Moray Offshore Renewables Limited application for Marine Licenses & Section 36 Consent – Additional Information

RSPB Scotland welcomes the opportunity to provide further comment on the application for the Telford, Stevenson and MacColl Offshore Wind Farms, situated in the outer Moray Firth. The applicant, Moray Offshore Renewables Ltd (MORL), has provided further information in support of their proposals. Ahead of this submission, MORL met with RSPB Scotland to give a project update and we appreciate these efforts to keep stakeholders informed of the project's progress.

The submission presents additional information in response to requests made by the statutory agencies (including SNH, JNCC and MSS) and relates to the environmental assessment of impacts on ornithology. Ornithological interests, in particular, have been the focus of intense study and consultation, with input from all stakeholders at the project level and progress has been made. However, consideration of offshore wind impacts on birds is set within a wider Scottish and UK context, with some issues still to be addressed by the Scottish Government and its statutory advisors and which are beyond the control of MORL. Despite progress, RSPB Scotland is not yet satisfied or confident in the advanced methods of assessment, nor do we believe it wise to make our appraisal ahead of the publication of seabird population data and research packages that are of direct relevance to the application. These include:

- **Displacement:** publication of Marine Scotland commissioned research into the effects of displacement on seabirds is forthcoming, which will better inform the accuracy of the assessment and its conclusions.
- **Colony counts:** results of an SNH-led colony count of East Caithness Cliffs SPA for summer 2013 are forthcoming, which will add greater certainty and robustness to the assessment and its conclusions.

RSPB Scotland **maintains its objection** to MORL's applications pending publication of the above mentioned items, which we expect to provide new important and contextual information within which we can reassess our current position.

Furthermore, we are also concerned with the following topics that we consider critical to our ability to make a full appraisal of the application.

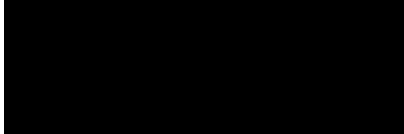
- **Collision Risk Modelling:** RSPB remain concerned over the suggested use of the extended version of the model (also known as Option 3).
- **Cumulative impacts:** We reserve judgement on the cumulative impacts of the proposal in combination with those of the proposed Beatrice wind farm, until such time as the key issues noted above have been concluded.

We provide, in the attached Annex, an account of our current understanding of all four issues and we propose next steps. Whilst we appreciate that the delays associated with waiting for these clarifications will be frustrating for the applicant, we feel that the relative brevity of the timescales, and the novel nature and scale of the development merits these more detailed considerations.

Aside from the resolution of these issues, it remains apparent that a number of seabird species will be significantly impacted by the proposed wind farms either in isolation or in combination with the Beatrice proposal, even under the 'most likely' scenarios and least precautionary assessment methods. It is also clear that there is the potential for adverse impacts on the integrity of Special Protection Areas in the region. There will, therefore, be a need for detailed consideration of further mitigation measures to avoid impacts to internationally important species and habitats.

RSPB Scotland recommends further dialogue with all stakeholders to seek resolution of the issues highlighted above and to initiate detailed discussions on appropriate methods of mitigation.

Yours sincerely,



Charles Nathan
Conservation Planner (Marine)

Cc'd Catarina Rei – Moray Offshore Renewables Ltd
 Sophie Allen – Joint Nature Conservation Committee
 Catriona Gall – Scottish Natural Heritage

Annex 1 - RSPB Scotland Response: MORL Applications (July 2013)

As referred to above there has been discussion and progression in the methods of assessment since the original application and RSPB's original response of November 2012. For the avoidance of doubt the following key topics represent our priority concerns in regard to MORL's applications, and they are a progression of comments made in our original response.

- **Displacement:** a Marine Scotland commissioned research package into the effects of displacement on seabirds is forthcoming. RSPB Scotland sits on the steering group of this project and will make use of the outputs when making our consideration of the project in isolation and cumulatively. We recommend Marine Scotland utilise this resource when preparing their recommendations to Scottish Ministers.
- **Colony counts:** results of an SNH-led colony count of East Caithness Cliffs (ECC) SPA for summer 2013 are forthcoming. Our original letter of November 2012 stated the need to factor recent population trend data into the assessment. Given the timing of the application and reporting of colony counts at ECC SPA, there is an opportunity to refine the impact assessment using up-to-date information for one of the key receptor sites and several species affected by the MORL and Beatrice proposals. We consider these new, up-to-date counts to be critical in any further assessment of offshore windfarm proposals in the Moray Firth, and that it is essential for them to be incorporated into any recommendations made to Scottish Ministers.
- **Collision Risk Modelling:** RSPB remain concerned over the use of the extended version of the model (also known as Option 3). This extended version attempts to incorporate empirical data into the model to increase confidence in the outputs and provide estimates that reflect more realistic seabird behaviour. However, the accuracy of the data on species flight heights and the degree of error and uncertainty in the calculations for this version remain unresolved. RSPB will continue to undertake our own review of this element of the model and we are aware that the Renewables Scientific Appraisal Group is also looking at this issue. Until such time as these issues are resolved, the conclusions made in MORL's assessment, based on Option 3, do not give us the certainty we require to inform our appraisal of the application.
 - **Avoidance rates:** MORL has used less precautionary avoidance rates in their assessment of collision risk than the 98% rate recommended in statutory guidance. As referred to in our original response, we do not believe there is currently a sufficiently robust case for changing the current 98% default collision avoidance rate. This is particularly true since there may be increased uncertainty in using Option 3 of the model, and avoidance rate is in part a correction factor for this uncertainty. Marine Scotland has commissioned a review of avoidance rates applied to CRM. This review is ongoing and there has been no change to the statutory guidance of using a 98% avoidance rate for all seabird species. RSPB Scotland support this guidance as it stands.

To avoid the risk of development going ahead which harms seabirds, and by consequence the reputation of the offshore wind industry, it is critical that the current, and in our view suitably precautionary approach, is adopted.

- **Cumulative impacts:** We reserve judgement on the cumulative impacts of the proposal with that of the proposed Beatrice wind farm, until such time as the key issues noted above have been concluded.

We intend to utilise and apply the findings of up-to-date research on cumulative impacts in making our appraisal of the Beatrice and MORL wind farm proposals, which affect the same features of conservation importance in the region.