

Agnisola G (Giulia)

From: Stuart Murison <stuart.murison@aberdeenshire.gov.uk>
Sent: 22 December 2017 14:50
To: MS Marine Renewables
Cc: Wendy Forbes
Subject: RE: Moray East Projects Application to Vary Section 36 - deadline 28/02/2018

Good Afternoon,

Thank you for your consultation under Section 36C of the Electricity Act 1989 (as amended) for the application to vary consent for Moray Offshore Wind (East) Limited.

Having considered the submission, I can confirm that there are no comments to make from Aberdeenshire Council's perspective. We are satisfied that the proposal would retain the same physical parameters as previously approved and that the amendment relates to allowing for increased output values from individual wind turbines and the MacColl Wind Farm. We note that the total output from the entire development would remain within the overall 1,116MW limit however.

As such, the amendments raise no concerns in terms of Aberdeenshire Council's interests and we have no further comment to make.

Should you wish to discuss the above further, please feel free to contact me using the details below.

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: 20 December 2017 11:41
To: Wendy Forbes <wendy.forbes@aberdeenshire.gov.uk>; Stuart Murison <stuart.murison@aberdeenshire.gov.uk>
Subject: Moray East Projects Application to Vary Section 36 - deadline 28/02/2018

Dear Sir/Madam,

ELECTRICITY ACT 1989 (As Amended) - (Section 36C)
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND)
REGULATIONS 2013 (AS AMENDED)
MARINE (SCOTLAND) ACT 2010
MARINE AND COASTAL ACCESS ACT 2009

APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR MORAY OFFSHORE WIND (EAST) LIMITED

On 18th December 2017, Telford Offshore Windfarm Limited, Stevenson Offshore Windfarm Limited and MacColl Offshore Windfarm Limited (the “Applicants”), submitted an application to the Scottish Ministers, in accordance with the above legislation, for a variation to the Section 36 Consent granted on the 19th March 2014. The variation would allow use of higher rated wind turbines (up to 10 MW) for each of the Telford, Stevenson and MacColl Offshore Wind Farms with no amendment to the turbine physical parameters and, a variation of the maximum capacity from 372 MW to 500 MW for the MacColl Offshore Wind Farm. The implementation of the variation proposes the variation of Annex 1 of the MacColl Section 36 consent to provide for the increase in installed capacity and by the variation of condition 7 of each of the consents to incorporate reference to the “Section 36 Consents Variation Application Report”. The maximum total installed capacity for the Telford, Stevenson and MacColl Offshore Wind Farms will not exceed the already consented 1,116 MW.

There are no proposed amendments to any of the physical turbine parameters. Under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) the variation application does not fall under Schedule 2 and therefore is not an “EIA development” as the proposed changes will not have a significant effect on the environment. Therefore an EIA report is not required.

The application documentation can be downloaded from:

<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Moray3>

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 no later than **28th February 2018**. No extensions to this date will be granted. In case of no response, MS-LOT will assume that you have no objections to the variation and indicate your response as “nil returns”.

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. Alternatively, please write to: Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB.

If consent is granted for the variation application, the Scottish Ministers will consider exercising their discretion to vary the Marine Licences granted in respect of the wind farms on the 3rd September 2014 (licence numbers 04629/13/0, 04627/13/0 and 04628/13/0). The variations would revise the descriptions in Paragraph 2.2 of the respective Marine Licences to reflect the changes proposed by the variation application. The Scottish Ministers would consider the variation of the Marine Licences in terms of 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 potential 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.

If you have requested a hard copy of the variation application documentation, you should have already received a copy from the applicant, if you have not yet received it, please contact Craig Milroy, info@morayeast.co.uk, tel: 0131 556 7602.

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,

Giulia Agnisola

**Marine Licensing Casework Officer
Marine Scotland Licensing Operations Team**

Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Direct Line: +44 (0)131 244 1700

e. giulia.agnisola@gov.scot / MS.MarineRenewables@gov.scot

w: <http://www.gov.scot/marinescotland>

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Beatrice Offshore Wind Limited
One Waterloo Street
Glasgow
G2 6AY

Nicola Bain
Marine Scotland Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Date: 24 January 2018

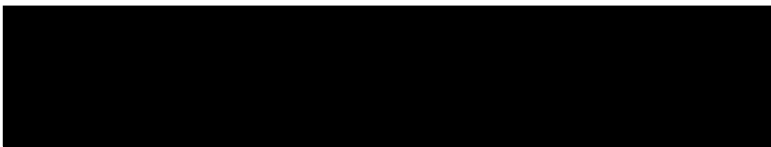
BOWL Ref: LF000005-LET-715

Dear Nicola,

BOWL response to the Moray Offshore Wind (East) Limited application to vary consent under section 36c of the electricity act 1989

Thank you for giving BOWL the opportunity to comment on the Moray Offshore Wind (East) Limited application to vary consent under section 36c of the electricity act 1989. BOWL has no formal comment to make on the application.

Yours sincerely,



Lis Royle

Consents and Stakeholder Manager

Agnisola G (Giulia)

From: Agnisola G (Giulia)
Sent: 25 January 2018 11:42
To: office@canoescotland.org
Subject: RE: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

Good morning Margaret,

Thank you for the response. MS-LOT acknowledge receipt.

Best regards,

Giulia

From: office@canoescotland.org [mailto:office@canoescotland.org]
Sent: 22 January 2018 08:57
To: Agnisola G (Giulia)
Subject: RE: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

Thanks – we have no comments to make.

Kind regards

Margaret Winter | Administrator
Scottish Canoe Association
Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ
office: 0131 317 7314 Monday – Thursday 8.30am – 3.30pm
margaret.winter@canoescotland.org | www.canoescotland.org

Please note that I am not in the office on Fridays.

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From: Giulia.Agnisola@gov.scot [mailto:Giulia.Agnisola@gov.scot]
Sent: 19 January 2018 09:34
To: MS.MarineRenewables@gov.scot
Cc: Jessica.Drew@gov.scot; Rhianna.Roberts@gov.scot
Subject: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

Dear Sir/Madam,

Further to my e-mail dated 18th December 2017, a gentle reminder that the above consultation closes on **Sunday 26th January 2018**.

Please note, if we have not received a response by the above deadline, MS-LOT will assume a 'nil return'.

If you have any queries please do not hesitate to contact me.

Best regards,

From: Agnisola G (Giulia)
Sent: 19 December 2017 14:35
To: MS Marine Renewables
Cc: Holland G (Gayle); Bain N (Nicola) (MARLAB); Roberts R (Rhianna); Drew J (Jessica)
Subject: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

Dear Sir/Madam,

ELECTRICITY ACT 1989 (As Amended) - (Section 36C)
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND)
REGULATIONS 2013 (AS AMENDED)
MARINE (SCOTLAND) ACT 2010
MARINE AND COASTAL ACCESS ACT 2009

APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR MORAY OFFSHORE WIND (EAST) LIMITED

On 18th December 2017, Telford Offshore Windfarm Limited, Stevenson Offshore Windfarm Limited and MacColl Offshore Windfarm Limited (the "Applicants"), submitted an application to the Scottish Ministers, in accordance with the above legislation, for a variation to the Section 36 Consent granted on the 19th March 2014. The variation would allow use of higher rated wind turbines (up to 10 MW) for each of the Telford, Stevenson and MacColl Offshore Wind Farms with no amendment to the turbine physical parameters and, a variation of the maximum capacity from 372 MW to 500 MW for the MacColl Offshore Wind Farm. The implementation of the variation proposes the variation of Annex 1 of the MacColl Section 36 consent to provide for the increase in installed capacity and by the variation of condition 7 of each of the consents to incorporate reference to the "Section 36 Consents Variation Application Report". The maximum total installed capacity for the Telford, Stevenson and MacColl Offshore Wind Farms will not exceed the already consented 1,116 MW.

There are no proposed amendments to any of the physical turbine parameters. Under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) the variation application does not fall under Schedule 2 and therefore is not an "EIA development" as the proposed changes will not have a significant effect on the environment. Therefore an EIA report is not required.

The application documentation can be downloaded from:
<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Moray3>

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 no later than **26th January 2018**. No extensions to this date will be granted. In case of no response, MS-LOT will assume that you have no objections to the variation and indicate your response as "nil returns".

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. Alternatively, please write to: Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB.

If consent is granted for the variation application, the Scottish Ministers will consider exercising their discretion to vary the Marine Licences granted in respect of the wind farms on the 3rd September 2014 (licence numbers 04629/13/0, 04627/13/0 and 04628/13/0). The variations would revise the descriptions in Paragraph 2.2 of the

respective Marine Licences to reflect the changes proposed by the variation application. The Scottish Ministers would consider the variation of the Marine Licences in terms of 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 potential 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.

If you have requested a hard copy of the variation application documentation, you should have already received a copy from the applicant, if you have not yet received it, please contact Craig Milroy, info@morayeast.co.uk, tel: 0131 556 7602.

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,

Giulia Agnisola

**Marine Licensing Casework Officer
Marine Scotland Licensing Operations Team**

Scottish Government
Marine Laboratory
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e. giulia.agnisola@gov.scot / MS.MarineRenewables@gov.scot

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By email to:

MS.MarineRenewables@gov.scot

Ms Giulia Agnisola
Marine Scotland (Aberdeen Office)

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Urszula.Szupszynska@hes.scot

T: 0131 668 8653

Our ref: AMA/16/31/53
Our case ID: 300019394

18 January 2018

Dear Ms Agnisola

The Electricity Act 1989 (As Amended) – (Section 36C)
The Electricity Generating Stations (Applications for Variation of Consent) (Scotland)
Regulations 2013 (As Amended)
Marine Scotland Act 2010
Marine and Coastal Access Act 2009
APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY
ACT 1989 FOR MORAY OFFSHORE WIND (EAST) LIMITED

Thank you for your consultation of 19 December regarding the above.

We understand that there are no proposed amendments to any of the physical turbine parameters but the variation would allow use of higher rated wind turbines (up to 10MW) for each of the Telford, Stevenson and MacColl Offshore Wind Farms. This alteration to the existing scheme should not result in any significant additional impact to cultural heritage sites. Therefore, I can confirm that we have no comments to make on the above amendment.

I hope this letter is of assistance to you. Please do not hesitate to contact me, should you wish to discuss this response.

Yours sincerely

Historic Environment Scotland

Agnisola G (Giulia)

From: Anne Phillips <APhillips@hial.co.uk>
Sent: 16 February 2018 11:53
To: MS Marine Renewables
Subject: FW: APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR MORAY OFFSHORE WIND (EAST) LIMITED

Your Ref: Moray East Projects Application to Vary Section 3
HIAL Ref: 2018/0015WIC (Amended)

Dear Sir/Madam,

PROPOSAL: Application to Vary Consent Under Section 36C of The Electricity Act 1989 for Moray Offshore Wind (East) Limited
LOCATION: Telford, Stevenson and MacColl Offshore Wind Farms Moray Firth South East of Wick

We have been in discussion with one of your consultants who has clarified that this variation relates to the energy output of the wind turbines and it is not related to their height.
Therefore the HIAL objection to the variation can be lifted.

The consultant also stated that there were a number of options for the proposed height of the turbines, some of which may not affect Wick Airport's Approach Procedures. However there was still a possibility that one of these proposals could encroach on the Procedures.

Therefore HIAL would still require the developers to provide evidence that the Instrument Approach Procedures (both the Conventional and the Global Navigation Satellite) would not be affected and, If the procedures are affected HIAL would expect the developer to bear the costs of providing mitigation.

Please replace the e-mail dated 25 January 2018 (attached below) with this response.

Regards

Anne Phillips

Safeguarding Team
Highlands and Islands Airports Limited
Head Office, Inverness Airport, Inverness IV2 7JB
☎ 01667 464244 (DIRECT DIAL)
✉ safeguarding@hial.co.uk 📄 www.hial.co.uk

From: Anne Phillips
Sent: 25 January 2018 16:29
To: 'MS.MarineRenewables@gov.scot'
Subject: APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR MORAY OFFSHORE WIND (EAST) LIMITED

Your Ref: Moray East Projects Application to Vary Section 3
HIAL Ref: 2018/0015WIC

Dear Sir/Madam,

PROPOSAL: Application to Vary Consent Under Section 36C of The Electricity Act 1989 for Moray Offshore Wind (East) Limited

LOCATION: Telford, Stevenson and MacColl Offshore Wind Farms Moray Firth South East of Wick

These developments fall within the safeguarded areas for **Wick John O'Groats Airport** (*as defined in CAP 738 – Safeguarding of Aerodromes, CAP 764 – CAA Policy and Guidelines on Wind Turbines and CAP 670 - Air Traffic Services Safety Requirements*).

The turbines have the potential to affect, or infringe, both the Conventional and Global Navigation Satellite Instrument Approach Procedures for **Wick Airport**.

Highlands and Islands Airports Limited (HIAL), as the Air Navigation Service Provider, would **object** to these proposals until the developer can provide evidence that the Instrument Approach Procedures (both the Conventional and the Global Navigation Satellite) would not be affected. If the procedures are affected HIAL would expect the developer to bear the costs of providing mitigation.

Note: We expect to be discussing these proposals with the developer in early February 2018 regarding the potential affect and mitigation.

Regards

Safeguarding Team

Highlands and Islands Airports Limited

Head Office, Inverness Airport, Inverness IV2 7JB

☎ 01667 464244 (DIRECT DIAL)

✉ safeguarding@hial.co.uk 📄 www.hial.co.uk

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Agnisola G (Giulia)

From: JRC Windfarm Coordinations <windfarms@jrc.co.uk>
Sent: 19 January 2018 09:57
To: Agnisola G (Giulia)
Subject: Moray East Projects Application to Vary Section 36 - deadline 26/01/18 [WF614098]

Follow Up Flag: Follow up
Flag Status: Completed

Dear giulia,

A Windfarms Team member has replied to your coordination request, reference **WF614098** with the following response:

Good Afternoon,

We received this application via Ticket WF176847 and do not have any concerns, we cleared it in May 2017 and nothing has changed. Thanks for notifying us.

Kindest Regards,

Heather Willoughby

We hope this response has sufficiently answered your query.

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

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Giulia Agnisola
Marine Scotland Licensing Operations Team
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

e-mail: david.mudie@highland.gov.uk
Direct dial: (01463) 785028
Our Ref: 17/05856/S36
Your Ref:
Date: 29 January 2018

Dear Giulia

**ELECTRICITY ACT 1989
MARINE (SCOTLAND) ACT 2010
MARINE AND COASTAL ACCESS ACT 2009**

**APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989
FOR MORAY OFFSHORE WIND (EAST) LIMITED**

Thank you for your consultation dated 19 December 2017 in respect of the above.

At its meeting on 23 January 2018 the Council's North Planning Applications Committee decided that it wished to **Raise No Objection** to the proposals subject to the following:

1. No development shall commence on any Phase until the Council has been consulted, and given its considered opinion, on the design and layout options for that Phase having taken into consideration the design and layout of the neighbouring Phases and/or Beatrice wind farm.
2. No development shall commence on any Phase until the Council has been consulted, and given its considered opinion, on the lighting requirements for the chosen design and layout options for that Phase having taken into consideration the design and layout of the neighbouring Phases and/or Beatrice wind farm.
3. No development shall commence on any Phase until a TV and radio reception mitigation plan has been submitted to, and approved in writing by, the Planning Authority. The plan shall provide for a baseline TV reception survey to be carried out prior to the commencement of turbine installation, the results of which shall be submitted to the Planning Authority. Within 12 months of the Final Commissioning of the development on each Phase, any claim by any individual person regarding TV picture loss or interference at their house, business premises or other building, shall be investigated by a qualified engineer appointed by the developer and the results shall be submitted to the Planning Authority. Should any impairment to the TV signal be attributable to any development Phase, the developer shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline TV reception.
4. The applicant shall maximise the amount of GVA in terms of employment and associated economic activities that comes to the Highlands, as a result of the construction phase of the project.

5. The applicant shall continue dialogue with the Highland's renewable energy supply chain and its ports and harbours, including Wick as a potential operation and maintenance facility.
6. The applicant shall continue to work with the relevant public and private sector bodies in the Highlands to ensure that the area achieves maximum socio-economic returns from the development.
7. The applicant shall continue to examine the potential for a turbine manufacturer to locate in the Highlands.
8. The applicant pursues opportunities for a visitor centre within Caithness and/or visitor interpretation facilities along the East Caithness/ Sutherland coastal route.
9. The applicant ensures that the liaison group to be established by way of mitigation with the fishing industry shall specifically include representatives of the Highland fishing community.

These are the same issues raised in respect of the Council's response to the original consultation on the proposed Moray Offshore Wind proposal dated 19 March 2013. The Council understands that these issues remain relevant and look forward to working with the applicant to address them.

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

Agnisola G (Giulia)

From: Neal MacPherson <Neal.MacPherson@moray.gcsx.gov.uk>
Sent: 27 February 2018 15:57
To: MS Marine Renewables
Cc: 'Sarah Pirie'
Subject: Moray Council Response - Vary consent under section 36C of Electricity Act 1989

FAO Giulia Agnisola

Moray Council response - Vary consent under section 36C of Electricity Act 1989 for Moray Offshore Wind (East) Council ref: 17/01939/S36

The above Section 36 variation as described in Marine Scotlands consultation email of 19th December 2017 was considered today at a meeting of the Planning and Regulatory Services Committee of Moray Council.

Following discussion the committee agreed to respond to the consultation **raising no objections** to the proposed variation as submitted. Should you require any further confirmation please do not hesitate to contact me.

Regards,

Neal MacPherson | Principal Planning Officer | Development Management Planning

neal.macpherson@moray.gov.uk | 01343 563266 | [website](#) | [facebook](#) | [twitter](#) | [newsdesk](#)

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Agnisola G (Giulia)

From: Drew J (Jessica)
Sent: 30 January 2018 14:23
To: 'Helen Croxson'
Cc: Agnisola G (Giulia)
Subject: RE: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

Good afternoon Helen,

Thank you for forwarding the MCA response to the Moray West variation consultation.

Kind regards,

Jessica

Jessica Drew

Marine Renewables Casework Manager

Marine Scotland Licensing Operations Team

Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

PLEASE NOTE NEW TELEPHONE NUMBER

Direct Line: +44 (0)131 244 4023

e. jessica.drew@gov.scot / MS.MarineRenewables@gov.scot

w: <http://www.gov.scot/marinescotland>

From: Helen Croxson [mailto:Helen.Croxson@mcga.gov.uk]
Sent: 30 January 2018 14:16
To: MS Marine Renewables
Subject: RE: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

Giulia,

Thank you for your email regarding the variation request consultation for the Moray East Windfarm. My apologies for the delay in replying to you.

As the variation is for the turbine related capacity, with no changes to the physical parameters, we have no further comments to make on this occasion.

Kind regards

Helen



Helen Croxson, Offshore Renewables Advisor

Navigation Safety Branch, Bay 2/25

Maritime & Coastguard Agency

Spring Place, 105 Commercial Road, Southampton, SO15 1EG

Tel: 0203 8172426

Mobile: [REDACTED]

Email: Helen.Croxson@mcga.gov.uk

Please note I currently work Tuesdays, Wednesdays and Thursdays.

From: Giulia.Agnisola@gov.scot [<mailto:Giulia.Agnisola@gov.scot>]

Sent: 19 December 2017 14:36

To: MS.MarineRenewables@gov.scot

Cc: Gayle.Holland@gov.scot; Nicola.Bain@gov.scot; Jessica.Drew@gov.scot; Rhianna.Roberts@gov.scot

Subject: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

Dear Sir/Madam,

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

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

REGULATIONS 2013 (AS AMENDED)

MARINE (SCOTLAND) ACT 2010

MARINE AND COASTAL ACCESS ACT 2009

APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR MORAY OFFSHORE WIND (EAST) LIMITED

On 18th December 2017, Telford Offshore Windfarm Limited, Stevenson Offshore Windfarm Limited and MacColl Offshore Windfarm Limited (the "Applicants"), submitted an application to the Scottish Ministers, in accordance with the above legislation, for a variation to the Section 36 Consent granted on the 19th March 2014. The variation would allow use of higher rated wind turbines (up to 10 MW) for each of the Telford, Stevenson and MacColl Offshore Wind Farms with no amendment to the turbine physical parameters and, a variation of the maximum capacity from 372 MW to 500 MW for the MacColl Offshore Wind Farm. The implementation of the variation proposes the variation of Annex 1 of the MacColl Section 36 consent to provide for the increase in installed capacity and by the variation of condition 7 of each of the consents to incorporate reference to the "Section 36 Consents Variation Application Report". The maximum total installed capacity for the Telford, Stevenson and MacColl Offshore Wind Farms will not exceed the already consented 1,116 MW.

There are no proposed amendments to any of the physical turbine parameters. Under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) the variation application does not fall under Schedule 2 and therefore is not an "EIA development" as the proposed changes will not have a significant effect on the environment. Therefore an EIA report is not required.

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<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Moray3>

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 no later than

26th January 2018. No extensions to this date will be granted. In case of no response, MS-LOT will assume that you have no objections to the variation and indicate your response as “nil returns”.

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If consent is granted for the variation application, the Scottish Ministers will consider exercising their discretion to vary the Marine Licences granted in respect of the wind farms on the 3rd September 2014 (licence numbers 04629/13/0, 04627/13/0 and 04628/13/0). The variations would revise the descriptions in Paragraph 2.2 of the respective Marine Licences to reflect the changes proposed by the variation application. The Scottish Ministers would consider the variation of the Marine Licences in terms of 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 potential 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.

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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,

Giulia Agnisola

Marine Licensing Casework Officer
Marine Scotland Licensing Operations Team

Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Direct Line: +44 (0)131 244 1700

e. giulia.agnisola@gov.scot / MS.MarineRenewables@gov.scot

w: <http://www.gov.scot/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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MINISTRY OF DEFENCE

Defence Infrastructure Organisation

Safeguarding Department

Ms Giulia Agnisola
Marine Scotland Licensing Operations Team
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

Tel: +44 (0)121 311 3781 Tel (MOD): [REDACTED]
Fax: +44 (0)121 311 2218
E-mail: DIO-safeguarding-statutory@mod.uk

www.mod.uk/DIO

DIO ref. 17473, 17474 & 17475

26 January 2018

Dear Giulia,

Application to Vary Consent under Section 36C of the Electricity Act 1989 for Moray Offshore Wind (East) Limited

Thank you for consulting the Ministry of Defence (MOD) on the above application to vary the Section 36C Consent for Moray Offshore Wind (East) Limited comprising of the Telford, Stevenson and MacColl offshore wind farms.

The variation sought would allow for the use of wind turbines with a greater generating capacity and therefore an increase in the maximum generating capacity of the MacColl wind farm from 372MW to 500MW. This variation does not entail any change to the physical attributes of the wind turbines or other aspects of the consented development scheme. I can therefore confirm that the MOD maintains no objection to the variation sought provided that the extant conditions included in the current consents for implementing MOD requirements for radar mitigation as well as the installation of aviation warning lighting are retained. The relevant conditions are detailed below:

19. The Company must, no later than 6 months prior to the Commencement of the Development, 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 MCA, NLB, CAA and DIO and any such other advisors 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 DIO 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 prior to approval of the LMP.

The Company must provide the LMP to the Highland Council, Moray Council, the JNCC, SNH and any other bodies as may be required at the discretion of the Scottish Ministers. The Development must, at all times, be constructed and operated in accordance with the approved LMP (as updated and amended from time to time by the Company). Any updates or

amendments made to the LMP by the Company must be submitted, in writing, by the Company to the Scottish Ministers for their written approval.

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

20. The Company must, prior to the erection of any WTGs on the Site, submit an Air Traffic Control Radar Mitigation Scheme ("ATC Scheme"), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with the DIO. 12 No WTGs shall become operational until:

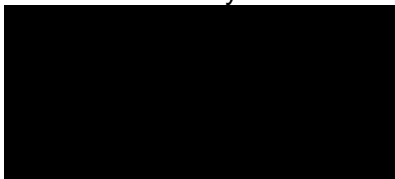
- a. the mitigation measures that are required under the approved ATC Scheme have been implemented;
- b. any performance criteria, all as specified in the approved ATC Scheme as requiring to be satisfied, have been so satisfied; and
- c. the implementation and satisfaction of the performance criteria have been approved by the Scottish Ministers in consultation with the DIO. The Company must, at all times, comply with all obligations under the approved ATC Scheme.

Reason: To mitigate the adverse impacts of the Development on the air traffic control radar at RAF Lossiemouth and the operations of the DIO.

The MOD has been in dialogue with the developer of this scheme concerning their address of the requirement for radar mitigation. A Transponder Mandatory Zone (TMZ) has been approved by the Civil Aviation Authority (CAA) for the provision of an interim mitigation. To address this MOD requirement, and discharge the relevant condition, it remains necessary for the developer to fund and provide a long-term technical mitigation of the impact it will have upon the air traffic control radar at RAF Lossiemouth. As part of this the developer will need to fund any modifications needed to MOD assets to integrate all phases of the radar mitigation scheme to ensure it performs effectively.

I trust this clarifies our position on this consultation. Please do not hesitate to contact me should you wish to discuss this matter further.

Yours sincerely



Jon Wilson

Senior Safeguarding Officer

Giulia Agnisola
Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Your ref:

Our ref:
TS00538

Date:
15/01/2018

MS.MarineRenewables@gov.scot

Dear Sirs,

ELECTRICITY ACT 1989 (As Amended) - (Section 36C) THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013 (AS AMENDED) MARINE (SCOTLAND) ACT 2010 MARINE AND COASTAL ACCESS ACT 2009

APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR MORAY OFFSHORE WIND (EAST) LIMITED

With reference to your recent correspondence on the above development, we acknowledge receipt of the Offshore Consents Variation Application Report prepared by Moray Offshore Windfarm (East) Limited 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.

Proposed Development

The Proposed Development comprises three sites - Telford, Stevenson and MacColl wind farms, collectively known as Moray East and owned by Moray Offshore Windfarm (East) Limited. The three sites are located in the Smith Bank in the Outer Moray Firth, approximately 22 km from the Caithness coast. The nearest Trunk Road to the site is the A9(T) between Helmsdale and Lybster.

A Section 36 and Marine Licence application for the three sites was submitted in 2012, supported by an Environmental Statement (2012 ES) which Transport Scotland provided comment on under cover of a JMP Consultants letter dated 12/9/2012. In March 2014, the three wind farms were granted consent and Marine Licences were issued for each in September 2014. The final consented development was for up to a total of 186 turbines with an output rating of between 6 and 8 MW. The consented combined gross output capacity was 1,116 MW.

A further Marine License was granted in September 2017 for an additional two offshore substation platforms.

Variation Application

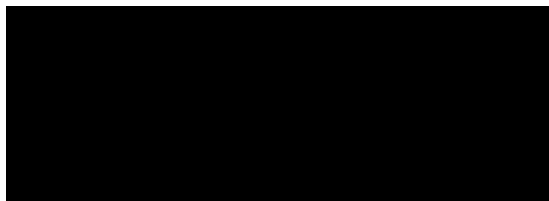
In light of technological advances in wind turbine design and efficiency, we understand that the applicant is applying under Section 36(3) of the Electricity Act 1989 to vary the respective Section 36 consents for the Telford, Stevenson and MacColl Offshore Wind Farms. We note that no changes are proposed to the assessed physical parameters of the wind farms and understand that it is proposed only to increase the maximum turbine nominal rated capacity from 8 MW to 10 MW and increase the maximum capacity to be installed within the MacColl Wind Farm from 372 MW to 500 MW.

Given the above, there would not be any additional impacts on the trunk road and as such Transport Scotland has no objection to the proposed variation application. We would however, reiterate our previous comment regarding abnormal loads, included below for clarity:

We would advise that if any abnormal loads associated with the offshore elements of the project are required to be transported on the Trunk Road network, then a separate report will require to be provided to assess the route to site in terms of its suitability for the transportation of these abnormal loads.

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



Agnisola G (Giulia)

From: NATS Safeguarding <NATSSafeguarding@nats.co.uk>
Sent: 20 December 2017 11:27
To: MS Marine Renewables
Subject: RE: Moray East Projects Application to Vary Section 36 - deadline 26/01/18 (Our Ref: SG9265)

Follow Up Flag: Follow up
Flag Status: Completed

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours Faithfully



NATS Safeguarding

D: 01489 444687

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk



From: Giulia.Agnisola@gov.scot [mailto:Giulia.Agnisola@gov.scot]
Sent: 19 December 2017 14:35
To: MS.MarineRenewables@gov.scot
Cc: Gayle.Holland@gov.scot; Nicola.Bain@gov.scot; Rhianna.Roberts@gov.scot; Jessica.Drew@gov.scot
Subject: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

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Giulia Agnisola

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Marine Scotland Licensing Operations Team

Scottish Government
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Direct Line: +44 (0)131 244 1700

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Agnisola G (Giulia)

From: [REDACTED]
Sent: 08 January 2018 09:25
To: Agnisola G (Giulia)
Subject: Re: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

Follow Up Flag: Follow up
Flag Status: Completed

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On 19 December 2017 at 14:35, <Giulia.Agnisola@gov.scot> wrote:
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Yours Faithfully,

Giulia Agnisola

Marine Licensing Casework Officer
Marine Scotland Licensing Operations Team

Scottish Government
Marine Laboratory
[375 Victoria Road](#)
[Aberdeen](#)
[AB11 9DB](#)

Direct Line: [+44 \(0\)131 244 1700](tel:+441312441700)

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--

Kind Regards

Iain Maddox

Chairman

North & East Coast Region, Inshore Fisheries Group



Click on this link http://ifgs.org.uk/rifg_nec/ for previous meetings minutes, news and information.

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Northern Lighthouse Board

Your Ref: Email from MS Renewables
Our Ref: GB/OPS/ML/O6_01_475

84 George Street
Edinburgh EH2 3DA
Switchboard: 0131 473 3100
Fax: 0131 220 2093
Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk



Giulia Agnisola
Marine Licensing Casework Officer
Marine Scotland – Marine Planning & Policy
Scottish Government
Marine Laboratory
375 Victoria Road
ABERDEEN
AB11 9DB

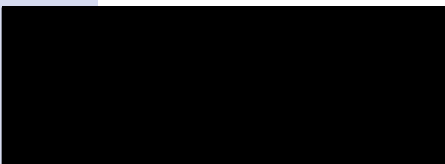
22 January 2018

Dear Giulia

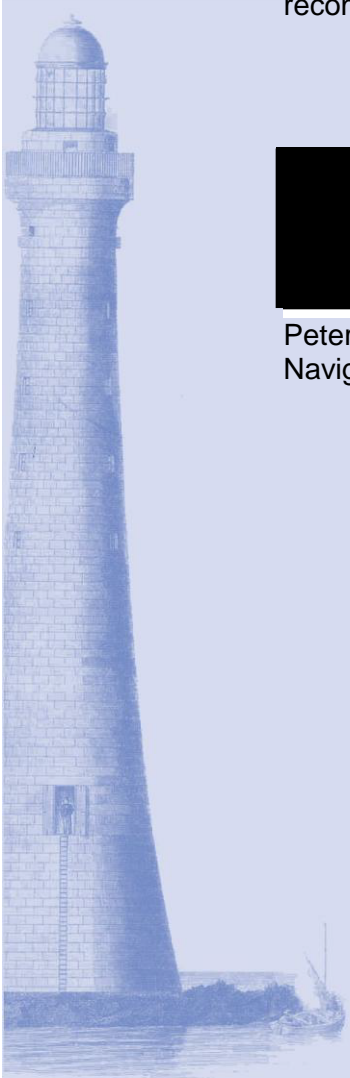
APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR MORAY OFFSHORE WIND (EAST) LIMITED

Thank you for your e-mail correspondence dated 19 January 2018 regarding the application submitted by **Moray Offshore Wind (East) Limited** for consent to vary their existing licences to allow the use of higher rated wind turbines (up to 10 MW) at their sites Telford, Stevenson and MacColl Offshore Wind Farms in the Moray Firth.

Northern Lighthouse Board has no objections to this variation and our original recommendations remain unchanged.



Peter Douglas
Navigation Manager



the safety of

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

Giulia Agnisola - Marine Licensing Casework Officer
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

26th January 2018

Dear Ms Agnisola,

**APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR MORAY
OFFSHORE WIND (EAST) LIMITED**

RSPB Scotland welcome the opportunity to make a representation to the above noted application. We are encouraged by the prospect that the proposed design changes may result in a reduction to the predicted impacts on protected seabird populations. However, we do remain significantly concerned with the potential risks Moray East poses to seabirds located in the region in addition to the predicted impacts of the Beatrice offshore wind development. The methods and approach to environmental assessment of the original Moray East and Beatrice applications were, in our view, inadequate. Given our concerns and the inadequacies of the assessments RSPB Scotland objected to both applications. We refer you to our letter of objection dated 7th January 2014 as the issues raised within it remain valid to the consents. The variation of consent should be considered against the issues raised in our objection and in the light of relevant published new research, commissioned project outputs and new environmental baseline data that has been published since early 2014 and which is of material importance to considering the environmental implications of this development.

In addition, the application to vary consent includes a change to the rated capacity output per turbine. Varying the rated capacity, between 7/8MW to 10MW, is stated to require no change to the physical parameters. Given the physical parameters are the same for those turbines consented in 2014 and the larger turbines in the variation it is proposed the original impact assessment results remain valid. Putting aside our concerns with the original assessment, our focus for this application is to consider the variation in terms of whether or not it will alter the outputs and conclusions of an/the environmental assessment. A collision risk assessment requires one parameter that is not presented in the application – proportion of time in operation. New internal technology could enable turbines to operate in lower and/or higher wind speeds, changes to either could increase the proportion of time each turbine operates over any given year. Any

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2 Lochside View
Edinburgh
EH12 9DH

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Facebook: RSPBScotland
Twitter: @RSPBScotland
rspb.org.uk



The RSPB is part of BirdLife International,
a partnership of conservation organisations
working to give nature a home around the world.

Her Majesty the Queen

Kevin Cox

Miranda Krestovnikoff

Professor Colin Galbraith

Anne McCall

increase in proportion of time in operation will increase collision risk to seabirds. Is the proportion of time in operation the same for each turbine specification? We consider this needs to be answered before concluding whether or not an Environmental Impact Assessment is required for this application to vary consent.

Yours sincerely,

A solid black rectangular box used to redact a signature.

(Signature of the signatory)

Agnisola G (Giulia)

From: Pauline McGrow <Pauline.McGrow@ryascotland.org.uk>
Sent: 04 January 2018 09:46
To: Agnisola G (Giulia)
Subject: RE: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

Follow Up Flag: Follow up
Flag Status: Completed

Dear Giulia,

I write to inform you that RYA Scotland has no further comment that they would wish to make.

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



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



From: Giulia.Agnisola@gov.scot [mailto:Giulia.Agnisola@gov.scot]
Sent: 19 December 2017 14:35
To: MS.MarineRenewables@gov.scot
Cc: Gayle.Holland@gov.scot; Nicola.Bain@gov.scot; Rhianna.Roberts@gov.scot; Jessica.Drew@gov.scot
Subject: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

Dear Sir/Madam,

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

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

**APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR MORAY OFFSHORE
WIND (EAST) LIMITED**

On 18th December 2017, Telford Offshore Windfarm Limited, Stevenson Offshore Windfarm Limited and MacColl Offshore Windfarm Limited (the “Applicants”), submitted an application to the Scottish Ministers, in accordance with the above legislation, for a variation to the Section 36 Consent granted on the 19th March 2014. The variation would allow use of higher rated wind turbines (up to 10 MW) for each of the Telford, Stevenson and MacColl Offshore Wind Farms with no amendment to the turbine physical parameters and, a variation of the maximum capacity from 372 MW to 500 MW for the MacColl Offshore Wind Farm. The implementation of the variation proposes the variation of Annex 1 of the MacColl Section 36 consent to provide for the increase in installed capacity and by the variation of condition 7 of each of the consents to incorporate reference to the “Section 36 Consents Variation Application Report”. The maximum total installed capacity for the Telford, Stevenson and MacColl Offshore Wind Farms will not exceed the already consented 1,116 MW.

There are no proposed amendments to any of the physical turbine parameters. Under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) the variation application does not fall under Schedule 2 and therefore is not an “EIA development” as the proposed changes will not have a significant effect on the environment. Therefore an EIA report is not required.

The application documentation can be downloaded from:

<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Moray3>

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 no later than **26th January 2018**. No extensions to this date will be granted. In case of no response, MS-LOT will assume that you have no objections to the variation and indicate your response as “nil returns”.

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. Alternatively, please write to: Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB.

If consent is granted for the variation application, the Scottish Ministers will consider exercising their discretion to vary the Marine Licences granted in respect of the wind farms on the 3rd September 2014 (licence numbers 04629/13/0, 04627/13/0 and 04628/13/0). The variations would revise the descriptions in Paragraph 2.2 of the respective Marine Licences to reflect the changes proposed by the variation application. The Scottish Ministers would consider the variation of the Marine Licences in terms of 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 potential 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.

If you have requested a hard copy of the variation application documentation, you should have already received a copy from the applicant, if you have not yet received it, please contact Craig Milroy, info@morayeast.co.uk, tel: 0131 556 7602.

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,

Giulia Agnisola

**Marine Licensing Casework Officer
Marine Scotland Licensing Operations Team**

Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Direct Line: +44 (0)131 244 1700

e. giulia.agnisola@gov.scot / MS.MarineRenewables@gov.scot

w: <http://www.gov.scot/marinescotland>

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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.

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Our ref: PCS/156672
Your ref: Moray East Projects

If telephoning ask for:
Zoe Griffin

9 January 2018

Giulia Agnisola
Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

By email only to: ms.marinerenewables@gov.scot

Dear Ms Agnisola

**Moray East Projects Application to Vary Section 36
Telford, Stevenson and MacColl Offshore Wind Farms**

Thank you for your consultation email which SEPA received on 19 December 2017.

Advice for the determining authority

We note from the submitted documents that no changes are proposed to the original assessed physical parameters of the wind farms. 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.

Yours sincerely

Zoe Griffin
Senior Planning Officer
Planning Service

ECopy to:
Moray Offshore Windfarm (East) Ltd, 4th Floor, 40 Princes Street, Edinburgh, EH2 2BY

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](#).



Our Ref: MM/dr -18-03

Your Ref:

26 January 2018

E-mail: ms.marinerenewables@gov.scot

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

www.sff.co.uk

Dear Sirs

Application to vary consent for Moray Offshore (East)

The Scottish Fishermen's Federation 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, Fife Fishermen's Association, Fishing Vessel Agents and Owners Association, Mallaig & North West Fishermen's Association, Orkney Fisheries Association, Scottish Pelagic Fishermen's Association, the Scottish White Fish Producer's Association and Shetland Fishermen's Association.

While accepting the variation in the actual number of turbines is potentially 40% less than the original plans the SFF still has objections which have not been properly assessed yet.

Firstly, the SFF believes that the developer has avoided quantifying the negative impact of their project on the fisheries in the area, without which there no realistic attempt to quantify the mitigation which is required to ensure fishers are not left without a fishery to prosecute.

This is backed up by the outputs in the publication by Gray, Stromberg and Rodmell "Changes to fishing practices around the UK as a result of the development of offshore windfarms" The Crown Estate, which while accepting the possibility of co-existence highlights a total loss of fishing, during construction and at least the initial period of operation. Mitigation can not be left until post consent, as the fishing industry must be seen to be treated fairly and equally in this matter.

Secondly, the SFF would need to be re-assured that the developer has taken cognisance of the work done in the paper presented by Hutchison, Gill, Sigra and King to the MASTS annual science conference which clearly states more work is needed to understand the impacts of EMFF on more species, and tends towards the view that previous work is insufficient to say the windfarm cables will not have a negative effect of commercial fisheries in the area.

Thirdly, there is increasing evidence onshore of tower vibrations affecting the land it sits on yet this has not yet been considered offshore. Further to this point, 2017 paper "Underwater sound from vessel traffic reduces the effective communication range in Atlantic Cod and Haddock" by

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

Stanley, Van Parijs and Hatch includes the statement “mounting evidence suggests that noise can affect survival and reproduction” Bearing this in mind the SFF would expect the development to show how they would mitigate for this effect also.

Fourthly, the SFF is concerned that the developments insurers will seek to prohibit fishing in order to protect their policies and would need assurance that this will not happen.

Fifthly, the SFF are concerned that developers are trying to ensure that the previous consent conditions on commercial fisheries working group fall. This cannot be allowed to happen without some form of protection for the rights of the fishing industry as enshrined in Scotland’s National Marine Plan and the clear responsibility of the Crown Estate Scotland not to do anything which precludes the right to fish.

Furthermore, the SFF would contend that the problems arising from the only large construction project currently going on, reinforces our view that prior to consent there must be agreement on the construction programme, vessel management plans, cable plans, development specification and layout plan, construction method statement, the operation and maintenance programme, the traffic and transportation plan and the decommissioning plan.

If those can be agreed in a full and proper commercial fisheries mitigation strategy in conjunction with the appointment of an FLO and a fully resourced alternative to the CFWG (approved by the fishing industry) that will ensure the details are abided by, this might go some way to assuring the fishing industry of its future in the Moray Firth.

The SFF would also expect the developer and FLO to have full power to direct any and all subcontractors to abide by the letter of all the above mentioned plans, particularly as regards interaction with fishers, ensuring that a degree of cohabitation is possible.

Yours sincerely

Malcolm Morrison
Fisheries Policy Officer



Scottish Natural Heritage Dualchas Nàdair na h-Alba

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

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

CNS OSWF Moray East

For the attention of Giulia Agnisola

5th January 2018

Dear Sirs

Moray East – Projects Application to vary Section 36 Consents

Thank you for consulting SNH on Moray East's request to vary the S36 Consents for the consented MacColl, Stevenson and Telford wind farms in the Moray Firth.

The keys aspects for this variation are in respect of:

- An update in wind turbine design and efficiency enabling the maximum size rating of each turbine to be increased to 10MW;
- A change in the maximum capacity for the McColl site from 372 MW to 500 MW, but with no overall increased capacity of 1,116 MW across the three Moray East wind farms.

We have reviewed the Offshore Consents Variation Application Report - Telford, Stevenson and MacColl Offshore Wind Farms, December 2017 and note the suggested changes to the conditions of the existing Section 36 consents, and have no comments to make on these changes. We agree that as there are no changes to the existing turbine parameters externally and all design changes are internal, there are no additional issues requiring further assessment to those assessed and approved as part of the original application process.

We also note there are ongoing discussions regarding the requirement and route to vary the existing marine licences for each of the 3 consented wind farms. We have considered the options presented in Annex 3 of the report, and have no comments to make on these proposed changes to the wording of any conditions.

Further Advice

Please contact me if you need any more information or advice from SNH on this consultation. We look forward to continuing to work with Moray East in their discharge of consent conditions and the development of their construction plans etc.

Yours sincerely,

Chris Eastham

Marine Renewables Casework Adviser
SNH Policy & Advice

Agnisola G (Giulia)

From: Adrian Munda <AMunda@ukchamberofshipping.com>
Sent: 02 January 2018 09:41
To: Agnisola G (Giulia)
Subject: RE: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

Follow Up Flag: Follow up
Flag Status: Completed

Dear Giulia, email received thank you. We have no 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
M + [REDACTED]
amunda@ukchamberofshipping.com
www.ukchamberofshipping.com

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From: Giulia.Agnisola@gov.scot [mailto:Giulia.Agnisola@gov.scot]
Sent: 19 December 2017 14:35
To: MS.MarineRenewables@gov.scot
Cc: Gayle.Holland@gov.scot; Nicola.Bain@gov.scot; Rhianna.Roberts@gov.scot; Jessica.Drew@gov.scot
Subject: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

Dear Sir/Madam,

ELECTRICITY ACT 1989 (As Amended) - (Section 36C)
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND)
REGULATIONS 2013 (AS AMENDED)
MARINE (SCOTLAND) ACT 2010
MARINE AND COASTAL ACCESS ACT 2009

APPLICATION TO VARY CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 FOR MORAY OFFSHORE WIND (EAST) LIMITED

On 18th December 2017, Telford Offshore Windfarm Limited, Stevenson Offshore Windfarm Limited and MacColl Offshore Windfarm Limited (the "Applicants"), submitted an application to the Scottish Ministers, in accordance with the above legislation, for a variation to the Section 36 Consent granted on the 19th March 2014. The variation would allow use of higher rated wind turbines (up to 10 MW) for each of the Telford, Stevenson and MacColl

Offshore Wind Farms with no amendment to the turbine physical parameters and, a variation of the maximum capacity from 372 MW to 500 MW for the MacColl Offshore Wind Farm. The implementation of the variation proposes the variation of Annex 1 of the MacColl Section 36 consent to provide for the increase in installed capacity and by the variation of condition 7 of each of the consents to incorporate reference to the "Section 36 Consents Variation Application Report". The maximum total installed capacity for the Telford, Stevenson and MacColl Offshore Wind Farms will not exceed the already consented 1,116 MW.

There are no proposed amendments to any of the physical turbine parameters. Under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) the variation application does not fall under Schedule 2 and therefore is not an "EIA development" as the proposed changes will not have a significant effect on the environment. Therefore an EIA report is not required.

The application documentation can be downloaded from:

<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Moray3>

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 no later than **26th January 2018**. No extensions to this date will be granted. In case of no response, MS-LOT will assume that you have no objections to the variation and indicate your response as "nil returns".

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. Alternatively, please write to: Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB.

If consent is granted for the variation application, the Scottish Ministers will consider exercising their discretion to vary the Marine Licences granted in respect of the wind farms on the 3rd September 2014 (licence numbers 04629/13/0, 04627/13/0 and 04628/13/0). The variations would revise the descriptions in Paragraph 2.2 of the respective Marine Licences to reflect the changes proposed by the variation application. The Scottish Ministers would consider the variation of the Marine Licences in terms of 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 potential 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.

If you have requested a hard copy of the variation application documentation, you should have already received a copy from the applicant, if you have not yet received it, please contact Craig Milroy, info@morayeast.co.uk, tel: 0131 556 7602.

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,

Giulia Agnisola

Marine Licensing Casework Officer
Marine Scotland Licensing Operations Team

Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen

AB11 9DB

Direct Line: +44 (0)131 244 1700

e. giulia.agnisola@gov.scot / MS.MarineRenewables@gov.scot

w: <http://www.gov.scot/marinescotland>

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Agnisola G (Giulia)

From: Fiona Read <fiona.read@whales.org>
Sent: 26 January 2018 12:33
To: Agnisola G (Giulia); MS Marine Renewables
Cc: Sarah Dolman
Subject: RE: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

Follow Up Flag: Follow up
Flag Status: Completed

Dear Giulia,

Thank you for including WDC in the Moray East Vary to Section 36 consultation. We have no comments on the present consultation.

Best wishes,

Fiona

Fiona Read
Policy officer
End Bycatch

Telephone: [REDACTED]
whales.org



From: Giulia.Agnisola@gov.scot [mailto:Giulia.Agnisola@gov.scot]
Sent: 19 December 2017 14:35
To: MS.MarineRenewables@gov.scot
Cc: Gayle.Holland@gov.scot; Nicola.Bain@gov.scot; Rhianna.Roberts@gov.scot; Jessica.Drew@gov.scot
Subject: Moray East Projects Application to Vary Section 36 - deadline 26/01/18

Dear Sir/Madam,

ELECTRICITY ACT 1989 (As Amended) - (Section 36C)
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND)
REGULATIONS 2013 (AS AMENDED)
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On 18th December 2017, Telford Offshore Windfarm Limited, Stevenson Offshore Windfarm Limited and MacColl Offshore Windfarm Limited (the "Applicants"), submitted an application to the Scottish Ministers, in accordance with the above legislation, for a variation to the Section 36 Consent granted on the 19th March 2014. The variation would allow use of higher rated wind turbines (up to 10 MW) for each of the Telford, Stevenson and MacColl Offshore Wind Farms with no amendment to the turbine physical parameters and, a variation of the maximum capacity from 372 MW to 500 MW for the MacColl Offshore Wind Farm. The implementation of the variation proposes the variation of Annex 1 of the MacColl Section 36 consent to provide for the increase in installed capacity and by the variation of condition 7 of each of the consents to incorporate reference to the "Section 36 Consents

Variation Application Report". The maximum total installed capacity for the Telford, Stevenson and MacColl Offshore Wind Farms will not exceed the already consented 1,116 MW.

There are no proposed amendments to any of the physical turbine parameters. Under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) the variation application does not fall under Schedule 2 and therefore is not an "EIA development" as the proposed changes will not have a significant effect on the environment. Therefore an EIA report is not required.

The application documentation can be downloaded from:

<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/Moray3>

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 no later than **26th January 2018**. No extensions to this date will be granted. In case of no response, MS-LOT will assume that you have no objections to the variation and indicate your response as "nil returns".

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. Alternatively, please write to: Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB.

If consent is granted for the variation application, the Scottish Ministers will consider exercising their discretion to vary the Marine Licences granted in respect of the wind farms on the 3rd September 2014 (licence numbers 04629/13/0, 04627/13/0 and 04628/13/0). The variations would revise the descriptions in Paragraph 2.2 of the respective Marine Licences to reflect the changes proposed by the variation application. The Scottish Ministers would consider the variation of the Marine Licences in terms of 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 potential 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.

If you have requested a hard copy of the variation application documentation, you should have already received a copy from the applicant, if you have not yet received it, please contact Craig Milroy, info@morayeast.co.uk, tel: 0131 556 7602.

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,

Giulia Agnisola

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w: <http://www.gov.scot/marinescotland>

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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.

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