

# **Orkney Islands Council**

**From:** [Marine Planning](#)  
**To:** [MD Marine Renewables](#)  
**Cc:** [planning](#)  
**Subject:** RE: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 10 January 2024.  
**Date:** 16 January 2024 15:10:37  
**Attachments:** [image001.png](#)  
[image002.png](#)

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**Classification: OFFICIAL**

Hi,

Thanks for passing this on. As mentioned by the planning team, if future Marine Licence consultations could be sent directly to us at [marine.planning@orkney.gov.uk](mailto:marine.planning@orkney.gov.uk) that would be great, as we have had a re-shuffle in the way these are processed.

Regarding this particular application, OIC as the planning authority and the delegate had no comments to make.

Kind regards,  
Danny

**Danny Morris | Marine Planner**

Development and Marine Planning | Orkney Islands Council

📞 01856 873535 ex 2131 | ✉ [daniel.morris@orkney.gov.uk](mailto:daniel.morris@orkney.gov.uk) | [OIC Marine Planning](#)

# **The Highland Council**

## Marc MacFarlane

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**From:** Michael Kordas (Planning (North)) <Michael.Kordas@highland.gov.uk>  
**Sent:** 06 February 2024 15:03  
**To:** MD Marine Renewables; Marc MacFarlane  
**Cc:** Ben Walker; Toni-marie McGinn; Peter Moore  
**Subject:** Pentland Offshore Wind Farm Variation - 23/05263/S36  
**Attachments:** 6.3\_23.05263.S36\_Report\_of\_Handling.pdf; 23.05263.S36 - Letter to Marine Scotland.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Saved in eRDM

Dear Marc,

Further to last week's North Planning Applications Committee, the Members have decided not to object to the above proposals. The formal letter concerning the decision is attached, along with a copy of the committee report.

Kind regards,

Michael

*Michael Kordas MRTPI*

*Planner*

*The Highland Council*

**Strategic Projects Team: The Highland Council, Glenurquhart Road, Inverness, IV3 5NX**

**Email:** [Michael.Kordas@highland.gov.uk](mailto:Michael.Kordas@highland.gov.uk)

**This advice is given without prejudice to the future consideration of and decision on any application received by The Highland Council**

**Thathar a' toirt seachad na comhairle seo gun chlaon-bhreith do bheachdachadh air agus co-dhùnadh a thaobh tagradh sam bith a tha Comhairle na Gàidhealtachd a' faighinn san àm ri teachd**

Unless related to the business of The Highland Council, the views or opinions expressed within this e-mail are those of the sender and do not necessarily reflect those of The Highland Council, or associated bodies, nor does this e-mail form part of any contract unless so stated.

Mura h-eil na beachdan a tha air an cur an cèill sa phost-d seo a' buntainn ri gnothachas Chomhairle na Gàidhealtachd, 's ann leis an neach fhèin a chuir air falbh e a tha iad, is chan eil iad an-còmhnaidh a' riochdachadh beachdan na Comhairle, no buidhnean buntainneach, agus chan eil am post-d seo na phàirt de chunradh sam bith mura h-eil sin air innse.

Marc MacFarlane  
Marine Scotland - Licensing Operations Team  
Marine Scotland  
375 Victoria Road  
Aberdeen  
AB11 9DB

Please ask for: Michael Kordas  
Telephone: 01349 868 426  
E-mail: michael.kordas@highland.gov.uk  
Our Ref: 23/05263/S36  
Your Ref: -  
Date: 6 February 2024

By email only to:  
[MD.MarineRenewables@gov.scot](mailto:MD.MarineRenewables@gov.scot)  
[pem@cop.dk](mailto:pem@cop.dk)

Dear Marc,

**PENTLAND OFFSHORE WIND FARM REDESIGN - ERECTION AND OPERATION OF AN OFFSHORE FLOATING WIND FARM FOR A PERIOD OF 25 YEARS, COMPRISING UP TO 6 FLOATING WIND TURBINES WITH A MAXIMUM BLADE TIP HEIGHT OF 300M, ASSOCIATED FLOATING SUBSTRUCTURES WITH MOORING LINES AND ANCHORS / PILES, INTER-ARRAY CABLES, 2 EXPORT CABLES, LANDFALL, AND ASSOCIATED SCOUR AND CABLE PROTECTION MEASURES.**

**9KM NW OF DOUNREAY NUCLEAR RESEARCH ESTABLISHMENT, DOUNREAY**

The Highland Council was consulted by your office on the above Section 36 Variation Application on 24 October 2023. This letter seeks to convey the response of the Council.

Following consideration of the item by The Highland Council's North Planning Applications Committee on the 30 January 2024, Highland Council **does not object** to the application.

I also attach a copy of the committee report for your information.

Yours Sincerely

**Michael Kordas**  
Planner – Strategic Projects Team  
Development and Infrastructure

Agenda Item	3
Report No	PLN/008/24

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee  
**Date:** 30 January 2024  
**Report Title:** 23/05263/S36: Highland Wind Limited  
Development Site 9KM NW Of Dounreay Nuclear Research Establishment, Dounreay

**Report By:** Area Planning Manager North

### Purpose/Executive Summary

**Description:** Pentland Offshore Wind Farm redesign - Erection and Operation of an offshore floating wind farm for a period of 25 years, comprising up to 6 floating wind turbines with a maximum blade tip height of 300m, associated floating substructures with mooring lines and anchors / piles, inter-array cables, 2 export cables, landfall, and associated scour and cable protection measures.

**Ward:** 02 - Thurso and North West Caithness

**Development category:** National Development (Section 36 Application)

**Reason referred to Committee:** National Development (Section 36 Application)

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of applicable material considerations.

### Recommendation

Members are asked to agree the recommendation **RAISE NO OBJECTION** to the application as set out in Section 10 of the report.

## 1. PROPOSED DEVELOPMENT

- 1.1 The Council has been consulted by the Scottish Government (Marine Scotland) on an application submitted under Section 36 of the Electricity Act 1989 and Part 4 of the Marine (Scotland) Act 2010 and Section 101 of the Marine and Coastal Access Act 2009 to redesign and amend the operational parameters of an offshore floating wind farm off the north coast of Caithness. A separate application under the Town and Country Planning (Scotland) Act 1997 (as amended) was permitted for the onshore infrastructure under reference 22/04722/PIP, however, the parameters of this onshore element of the project remain unchanged.
- 1.2 The Council is not the determining authority but is an important consultee nonetheless. Unlike onshore development, were the Council to decide not to support the development, there would be no automatic Public Local Inquiry.
- 1.3 Members will recall that the North Planning Applications Committee of 6 December 2022 chose to raise no objection to the Pentland Offshore Windfarm as presented, then comprising up to seven floating wind turbines of up to 300m to blade tip height, seven floating substructures with associated mooring lines and anchors / piles, inter-array cables, two export cables, landfall, and associated scour and cable protection measures.
- 1.4 The proposed development as amended now comprises:
- Up to six floating offshore Wind Turbine Generators (WTGs);
  - Up to six associated floating substructures;
  - Up to nine mooring lines for each floating substructure (54 in total);
  - Up to nine anchors or piles for each floating substructure (54 in total);
  - An array area comprising an area of 5.85km<sup>2</sup> located approximately 7.5km offshore – this is where the turbines and the associated floating substructures will be located along with the associated mooring lines, anchors and inter-array cables.
- 1.5 The applicant also seeks to reduce the overall rotor swept area represented by the project, by installing 1 x WTG with rotor diameter up to 220m and the remaining 5 with rotor diameter up to 250m, where the previous maximum rotor diameter permitted was up to 260m.
- 1.6 The existing Section 36 consent was granted by the Scottish Government for an operational period of 10 years. The applicant now seeks an amended Section 36 consent for a lifespan of 25 years. If the development is consented by Marine Scotland, at the end of the life of the development a decision will be taken as to whether re-power the site, decommission the site or extend its life. In accordance with the provisions of the Energy Act 2004, the applicant will be required to prepare a Decommissioning Programme for approval by Scottish Ministers.
- 1.7 The application site is in the same location of the Dounreay Tri Offshore Floating Wind Farm, which was consented by Scottish Ministers in 2017.

- 1.8 The application is supported by a Variation Report, further to the Environmental Impact Assessment Report (EIAR), which accompanied the original Section 36 consent. This contains chapters on: policy and legislation; site selection; stakeholder engagement; project description; EIA methodology; marine physical processes; water and sediment quality; benthic ecology; fish and shellfish ecology; marine mammals and other megafauna; commercial fisheries; shipping and navigation; aviation and radar; seascape, landscape and visual amenity; marine archaeology; other users of marine environment; socio-economics, recreation and tourism; climate change and carbon; risk of major accidents and disasters; summary of offshore impacts and mitigations. It also contains a Planning and Policy Statement; and Pre-Application Consultation Report.
- 1.9 Since the Planning Authority were initially consulted on the application, the applicant has not made any further changes to the scheme.

## **2. SITE DESCRIPTION**

- 2.1 The proposal is located to the west of the Pentland Firth and the array area (where the turbines will be located) is approximately 7.5km from the Caithness coastline. The offshore export cable corridor wraps around the eastern edge of the array area and then narrows in area until it reaches mean high water springs adjacent to the HMS Vulcan and Dounreay Establishment. The nearest settlements are Reay and Portskerra / Melvich, both of which are approximately 8.5km from the array area.
- 2.2 The seabed primarily consists of sand, gravel shell gravel and boulders. There are some areas of stony reefs and bedrock reefs in the export cable corridor area.

## **3. PLANNING HISTORY**

- |     |            |   |  |
|-----|------------|---|--|
| 3.1 | 13.02.2017 | 16/04775/S36 - Construction of two offshore wind turbines on a single floating platform, each with an installed capacity of up to 6MW (max rotor tip of 201m and max hub height of 124m above the lowest astronomical tide), installation of export cable and deemed planning permission for erection of onshore electricity substation | Approved by Scottish Ministers               |
| 3.2 | 05.02.2021 | 20/05164/SCOP - Pentland Floating Offshore Wind Farm - Construction and operation of a floating wind farm comprising between 6 and 10 floating structures and turbines with a maximum blade tip height of 270m and associated supporting onshore infrastructure   | Scoping Opinion Issued by Scottish Ministers |
| 3.3 | 29.10.2021 | 21/03686/S42 - Dounreay Tri Wind Farm - Application for non-compliance with conditions 23 (Commencement of Development), 25 (Design of substation and ancillary development), 27 (Traffic and Transport), 29 (Onshore Construction Method Statement), 30  | Approved                                     |



(Onshore Environmental Management Plan) and 31 (Onshore Cable Plan) of deemed planning permission 16/04775/S36

- |     |            |  |   |
|-----|------------|--|---|
| 3.4 | 27.07.2023 | 22/03864/S36 - Pentland Offshore Wind Farm - Erection and Operation of an offshore floating wind farm and associated offshore infrastructure comprising up to seven floating wind turbines of up to 300m to blade tip height, seven floating substructures with associated mooring lines and anchors / piles, inter-array cables, two export cables, landfall, and associated scour and cable protection measures. | Approved by Scottish Ministers                  |
| 3.5 | 30.01.2023 | 22/04722/PIP - Erection and operation of Onshore Substation, Underground Electricity Cables, Cable Landfall, Transition Joint bay, Cable Joint Bays, construction compounds, new and upgraded access tracks and associated infrastructure.   | Permission Granted                              |
| 3.6 | 25.08.2023 | 23/03970/SCRE Pentland Floating Offshore Wind Farm - Dounreay, Caithness - Proposed Variation to Section 36 Consent and associated Offshore Wind Farm Marine Licence and Offshore Transmission Infrastructure Marine Licence   | EIA Screening Opinion Issued – EIA Not Required |

#### **4. PUBLIC PARTICIPATION**

4.1 Advertised by the applicant under the provisions of the Electricity Act, Electricity Works EIA Regulations and the Marine Works EIA Regulations:

- The Scotsman: 20 October 2023
- The Edinburgh Gazette: 20 October 2023
- John O' Groats Journal: 20 and 27 October 2023
- Lloyds List: 20 October 2023
- Fishing News Bulletin: 26 October 2023

Representation deadline: 27 November 2022

Timeous representations to Marine Scotland: 1 objection

Timeous representations to Highland Council: 1 objection from 1 household (to Marine Scotland, copied to the Council)

4.2 Material considerations raised in objection are summarised as follows:

- Proposals do not comply with the development plan.

- Onshore infrastructure is not included in the varied submission.
- Submission documents do not reference the cumulative context.

4.3 Non-material considerations raised in objection are summarised as follows:

- Overcapacity of renewable energy generation in the North of Scotland.
- Limitations of electricity grid for onward transmission of energy generated.

4.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam). Those representations received by Marine Scotland can be accessed via <https://marine.gov.scot/marine-licence-applications>. It should be noted that some representations may be submitted to both The Highland Council and Marine Scotland.

## 5. CONSULTATIONS

### Consultations Undertaken by the Planning Authority

- 5.1 The Historic Environment Team (Conservation) raised no objections to the proposals, as there would be no direct significant or adverse effects on the setting of conservation areas or listed buildings in the area.
- 5.2 The Transport Planning Team did not raise concerns with the proposals on the basis that the project is located offshore.

### Consultations Undertaken by Marine Scotland

- 5.3 **Aberdeen International Airport:** did not object to the proposed amendment.
- 5.4 **Highlands and Islands Airports Ltd (HIAV):** did not object to the proposed amendment.
- 5.5 **Historic Environment Scotland (HES):** did not object to the proposed amendment.
- 5.6 **Joint Radio Company:** did not object to the proposed amendment.
- 5.7 **The Maritime and Coastguard Agency:** did not object to the proposed amendment.
- 5.8 **The National Air Traffic Service (NATS):** did not object to the proposed amendment.
- 5.9 **NatureScot:** did not object to the proposed variation. It is considered that the amended scheme largely reduces the impacts of the proposals in terms of ornithology and seascape, landscape and visual effects.
- 5.10 **The Northern Lighthouse Board:** did not object to the proposed amendment.
- 5.11 **The Scottish Canoe Access Association:** did not object to the proposed amendment.
- 5.12 **SEPA:** did not object to the proposed application, subject to a condition being attached to secure a radioactive particles management plan prior to the commencement of

development at sea.

5.13 **Transport Scotland:** did not object to the proposed amendment.

5.14 **The UK Chamber of Shipping:** did not object to the proposed amendment.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application.

### **6.1 National Planning Framework (NPF) 4 (2022):**

The NPF4 policies of most relevance to this proposal include:

National Development 3 (NAD3) - Strategic Renewable Electricity Generation and Transmission Infrastructure

1 – Tackling the climate and nature crisis

2 – Climate mitigation and adaptation

3 – Biodiversity

4 – Natural places

5 – Soils

7 – Historic assets and places

11 – Energy

13 – Sustainable transport

22 – Flood risk and water management

23 – Health and safety

25 – Community wealth benefits

33 – Minerals

### **6.2 Highland Wide Local Development Plan 2012**

28 - Sustainable Design

30 - Physical Constraints

49 - Coastal Development

57 - Natural, Built and Cultural Heritage

58 - Protected Species

59 - Other important Species

60 - Other Importance Habitats

61 - Landscape

63 - Water Environment

67 - Renewable Energy Developments

69 - Electricity Transmission Infrastructure

72 - Pollution

### **Caithness and Sutherland Local Development Plan 2018 (CaSPlan)**

6.3 There are no site-specific policies covering the application site therefore the application requires to be assessed against the general policies of the Highland-wide Local Development Plan referred to above. It is noted, however, that the CaSPlan does identify Special Landscape Areas (SLA) within the plan area. In this instance, the SLAs are within the EIAR's Study Area: ·Oldshoremore, Cape Wrath and Durness; Eriboll East and Whiten Head; Farr Bay, Strathy and Portskerra; and Dunnet Head.

## **Highland Council Supplementary Planning Policy Guidance**

- 6.4 The Onshore Wind Energy Supplementary Guidance provides additional guidance on the principles set out in Policy 67 of the Highland-wide Local Development Plan for Renewable Energy Developments. This document is a material consideration in the determination of onshore wind energy planning applications, however, it also provides a useful assessment methodology for consideration of landscape and visual matters. This can usefully be applied to offshore wind energy development.
- 6.5 The document also contains the Loch Ness Landscape Sensitivity Study, the Black Isle, Surrounding Hills and Moray Firth Coast Sensitivity Study, and the Caithness Sensitivity Study (adopted 2017). The site is not within the Caithness Sensitivity Study area but it is located immediately to the north of the study area. The proposed development will be visible from much of the northern section of the study area and in particular the following character areas:
- CT4 – Central Caithness
  - CT5 – Dunnet Interior
  - CT7 – Sandside Bay, Melvich, Dunnet Bay and Keiss and Ackergill Links
  - CT8 – Rhubha Bhra to Dunbeath
  - CT9 – North Caithness

## **Other Supplementary Planning Policy Guidance**

- 6.6 The following Supplementary Guidance also forms an integral and statutory part of the Local Development Plan and is considered pertinent to the determination of this application:
- Highland Historic Environment Strategy (Jan 2013)
  - Highland's Statutorily Protected Species (Mar 2013)
  - Physical Constraints (Mar 2013)
  - Special Landscape Area Citations (Jun 2011)
  - Standards for Archaeological Work (Mar 2012)
  - Sustainable Design Guide (Jan 2013)

## **OTHER MATERIAL POLICY CONSIDERATIONS**

### **The Highland Council Non-Statutory Planning Guidance**

- 6.7 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published following publication of secondary legislation post National Planning Framework 4.
- 6.8 The Highland Council also has further advice on the delivery of major developments in a number of documents, which include the Construction Environmental Management Process for Large Scale Projects; and, The Highland Council Visualisation Standards for Wind Energy Developments.

- 6.9 The Pilot Pentland Firth and Orkney Waters Marine Spatial Plan (PFOWMSP) was published by Scottish Government in 2016. It was a jointly published document by Marine Scotland, The Highland Council and Orkney Islands Council. It is non-statutory planning guidance that can be used as a material consideration in the determination of applications within this area. As well as guiding development in the Pentland Firth and Orkney Waters, it is also proposed to be a useful basis for the preparation of the North Coast Scottish Marine Plan. The PFOWMSP contains a range of policies for development in the area covered by the plan.

#### **Other National Guidance**

- 6.10 A range of other national planning and energy guidance is also relevant, including but not limited to the following:
- Scottish Energy Strategy (Dec 2017)
  - Draft Scottish Energy Strategy and Just Transition Plan (Jan 2023)
  - Historic Environment Policy for Scotland (HEPS, 2019)
  - PAN 1/2011 - Planning and Noise (Mar 2011)
  - Circular 1/2017: Environmental Impact Assessment Regulations (May 2017)
  - PAN 60 – Planning for Natural Heritage (Jan 2008)
  - 2020 Routemap for Renewable Energy (Jun 2011)
  - Energy Efficient Scotland Route Map, Scottish Government (May 2018).

### **7. PLANNING APPRAISAL**

- 7.1 The variation application has been submitted to the Scottish Government for approval under Section 36 of the Electricity Act 1989 (as amended) and for a Marine Licence under the Marine (Scotland) Act 2010.
- 7.2 Given many of the uncertainties around this type of development within what is a challenging marine environment, as well as the long lead time in which the project is likely to commence on site, the exact layout, design, number, height and support structure requirements for each phase of the development was yet to be determined at the time the proposals were first presented to the North Planning Applications Committee. The EIA Report was based on a principle known as the ‘Rochdale Envelope’; a term deriving from established case law, which essentially means that consideration was given to the maximum and minimum extents of the project in order to establish a ‘worst case scenario’. The existing Section 36 consent was granted by the Scottish Government for an operational period of 10 years. The applicant now seeks an amended Section 36 consent for a lifespan of 25 years.
- 7.3 Following discussions with Marine Scotland, the applicant confirmed that the variation process under Section 36C of the Electricity Act is the appropriate mechanism by which to address the proposed design refinements, and to extend the operational life of the project. Under paragraph 3 of Schedule 2 of the Electricity Works (EIA) (Scotland) Regulations 2017 (the 2017 Electricity Works Regulations), and paragraph 13 of Schedule 2 of the Marine Works (EIA) (Scotland) Regulations 2017 (‘the 2017 Marine Works Regulations’), any change to works already authorised which were subject to an EIA must be considered to determine whether that change may have significant adverse effects on the environment and, as such, an EIA is required. Where a proposed variation is unlikely to have significant environmental effects, no EIA Report or process would be required in respect of the variation application. The proposed variations fall

under Schedules 2(3) and 2(13) of the 2017 Electricity Works Regulations and the 2017 Marine Works Regulations, respectively and, as such, the applicant submitted a Screening Report and request for a Screening Opinion from Marine Scotland as to whether the variations constituted an EIA project. Marine Scotland has issued a Screening Opinion on behalf of Scottish Ministers confirming that an EIA is not required to be carried out in respect of the proposed works under the 2017 Marine Works Regulation or the 2017 Electricity Works Regulations. The Planning Authority was a consultee in this process and also considered that a further EIA was not required.

- 7.4 The proposed amendments would also result in a reduction in scale of the proposals. The omission of one wind turbine and its associated infrastructure from the scheme would result in reduced environmental impacts in several aspects. The variation would consequently, result in a reduction in the total number of anchors, inter array cables, mooring lines, and scour/cable protection measures to be installed on or within the seabed or within the water column. As such, the impacts on marine physical processes, water and sediment quality, benthic, fish and shellfish and other marine ecology would all be reduced, compared to the previously consented scheme. The removal of one turbine and the additional reductions in rotor swept area would also be expected to reduce the impacts on marine ornithology.
- 7.5 The applicant has provided updated wireline visualisations, amending the content of their original Seascape, Landscape and Visual Impact Assessment (SLVIA) to determine the likely significant effects of the wind farm and offshore transmission infrastructure. This assessment was based on a 'worst case' which is considered in the EIAR at 300m height to tip. The proposed design amendment will result in the removal of one wind turbine, alongside a slight reduction in the rotor diameter extent of each of the remaining turbines. As such, there will be a reduction in the horizontal extent of the array at each of the viewpoints at each of the viewpoints originally assessed.
- 7.6 A further key element of the amended proposals is the operation over an extended 25-year timescale, rather than the 10 years originally consented by Marine Scotland. This timescale remains within the wider envelope assessed under the original Environmental Impact Assessment and consented by Scottish Ministers under 22/03864/S36, which was based on an operational lifespan of 30 years. Therefore, the findings of the original EIA Report remain valid, as does North Planning Application Committee Member's original decision to raise no objection to the proposals under these greater parameters.
- 7.7 While the concerns raised in the representation comments are acknowledged, the onshore infrastructure is only permitted in principle at this stage, through 22/04722/PIP and the design and operational details of this will require to be the subject of a further application for matters specified in conditions, should the project otherwise proceed. The original EIA Report was considered to adequately account for the cumulative context of wind energy development at the time of submission and decision. While the cumulative picture of offshore wind energy development has evolved since, with the West of Orkney Windfarm proposals currently under consideration by Marine Scotland, it is not considered that the amended proposals would increase the overall cumulative impact arising from both developments.

Other Material Considerations

- 7.8 The Council has been included in correspondence between a third party and Marine Scotland regarding the publication of consultation responses by that organisation on offshore Section 36 proposals. It is understood that Marine Scotland does not presently publish the consultation responses received on such proposals online as they are received, as does the Energy Consents Unit for onshore Section 36 applications. However, these consultation responses are then combined into a submission, alongside representations from other consultees and public representations, which are then made available to the Scottish Ministers in the decision making process. The Council has received a copy of this combined document, a summary of which is provided in the Consultations, Section 5 of this report.
- 7.9 This correspondence also queried the procedures for Public Local Inquiry (PLI) should the Council otherwise decide to raise an objection to the variation proposals. Under Schedule 8 of the Electricity Act 1989, should the relevant local authority raise and maintain an unconditional objection to an application for Section 36 consent, Scottish Ministers must not issue a decision until a Public Inquiry has been concluded and they have considered the report issuing from the inquiry.

## **8. CONCLUSION**

- 8.1 The Development Plan and national planning policy support the deployment of renewable energy developments. There is currently a drive for the delivery of appropriately located offshore wind energy developments. In this regard, the project has already received consent under Section 36 of the Electricity Act 1989 and Part 4 of the Marine (Scotland) Act 2010 and Section 101 of the Marine and Coastal Access Act 2009 from the Scottish Government (Marine Scotland).
- 8.2 As amended, the proposals seek to reduce the scale of the development by removal of one wind turbine and associated supporting infrastructure. While the operational timescale of the project sought is longer than that previously granted Section 36 consent, it is still within the envelope assessed under the original Environmental Impact Assessment Report. As a result, it is considered that the proposal remains in accord with the provisions of the development plan, national planning and energy policy and is acceptable and is acceptable in terms of all other applicable material considerations. Consequently, it is recommended that the Council raises no objection to the amendment application.

## **9. IMPLICATIONS**

- 9.1 Resource: Not applicable
- 9.2 Legal: Not applicable
- 9.3 Community (Equality, Poverty and Rural): Not applicable
- 9.4 Climate Change/Carbon Clever: The proposal has the ability to make a meaningful contribution toward the production of renewable energy.
- 9.5 Risk: Not applicable
- 9.6 Gaelic: Not applicable

## 10. RECOMMENDATION

It is recommended to **RAISE NO OBJECTION** to the application subject to the following conditions and reasons

1. The consent is valid from the date of this consent until 25 years from the date of Final Commissioning of the Development. Written confirmation of the date of Final Commissioning of the Development must be provided by the Company to the Scottish Ministers and to The Highland Council no later than one calendar month after this date.

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

2. The Commencement of the Development must be no later than five years from the date of this consent, or in substitution such other later period as the Scottish Ministers may hereafter direct in writing. The Company must provide written confirmation of the intended date of Commencement of the Development to the Scottish Ministers and to The Highland Council no later than one calendar month before that date.

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

3. There must be no Commencement of the Development until a Decommissioning Programme, submitted in accordance with a section 105 notice served by the appropriate Minister, has been approved under section 106 of the Energy Act 2004 by the appropriate Minister.

**Reason:** To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner, and in the interests of safety and environmental protection.

4. This consent must not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignation of the consent (with or without conditions) or refuse assignation as they may see fit. The consent cannot be assigned, alienated or transferred otherwise than in accordance with the assignation procedure as directed by the Scottish Ministers.

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

5. If any Wind Turbine Generator ("WTG") fails to generate electricity for a continuous period of 12 months then, unless otherwise agreed in writing by the Scottish Ministers, the Company must: (i) by no later than the date of expiration of the 12 month period, submit a scheme to the Scottish Ministers setting out the manner in which that WTG and associated infrastructure will be removed from the site and the sea bed restored; and (ii) implement the approved scheme within six months of the date of its approval, or such other date as agreed in writing by the Scottish Ministers, all to the satisfaction of the Scottish Ministers.

**Reason:** To ensure that should a WTG become redundant it is removed from the site, in the interests of safety, amenity and environmental protection.

6. In the event of any breach of health and safety or environmental obligations relating to



the Development during the period of this consent and decommissioning, the Company must provide written notification of the nature and timing of the incident to the Scottish Ministers within 24 hours of the incident occurring. Confirmation of remedial measures taken and/or to be taken to rectify the breach must be provided, in writing, to the Scottish Ministers within a period of time to be agreed by the Scottish Ministers.

**Reason:** To keep the Scottish Ministers informed of any such incidents which may be in the public interest.

7. Except as otherwise required by the terms of this consent, the Development must be constructed and operated in accordance with this consent, the Application, the Environmental Impact Assessment Report (“the EIA Report”) submitted by the Company and any other documentation and information lodged in support of the Application.

**Reason:** To ensure that the Development is carried out in accordance with the approved details.

8. The Company must submit the requested plans as detailed in the conditions, in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with any such advisors or organisations as detailed in these conditions or as may be required at the discretion of the Scottish Ministers.

Any updates or amendments made to the approved plans must be submitted, in writing, to the Scottish Ministers for their written approval. The Development must, at all times, be constructed and operated in accordance with the approved plans.

**Reason:** To ensure that the Development is constructed and operated in accordance with the approved details.

9. The Company must satisfy itself that all contractors or sub-contractors are aware of the extent of the Development for which this consent has been granted, the activity which is consented and the terms of the conditions attached to this consent. All contractors and sub-contractors permitted to engage in the Development must abide by the conditions set out in this consent.

**Reason:** To ensure that the Development is constructed and operated in accordance with the approved details.

10. The Company must, no later than six months prior to the Commencement of the Development, submit a Construction Programme (“CoP”), in writing, to the Scottish Ministers for their written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, Civil Aviation Authority (“CAA”), Ministry of Defence (“MOD”), and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The CoP must set out:

- a. The proposed date for Commencement of the Development;
- b. The proposed timings for mobilisation of plant and delivery of materials, including details of onshore lay-down areas;

- c. The proposed timings and sequencing of construction work for all elements of the Development infrastructure;
- d. Contingency planning for poor weather or other unforeseen delays; and
- e. . The scheduled date for Final Commissioning of the Development.

The Company must send the approved CoP to The Highland Council, Maritime and Coastguard Agency (“MCA”) and Northern Lighthouse Board (“NLB”) for information only.

**Reason:** To confirm the timing and programming of construction.

11. The Company must, no later than six months prior to the Commencement of the Development submit a Construction Method Statement (“CMS”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, MCA, NLB and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The CMS must include, but not be limited to:

- a. Details of the commencement dates, duration and phasing for the key elements of construction, the working areas, the construction procedures and good working practices for installing the Development.
- b. Details of the roles and responsibilities, chain of command and contact details of company personnel, any contractors or subcontractors involved during the construction of the Development.
- c. Details of how the construction related mitigation steps proposed in the Application are to be delivered.

The CMS must adhere to the construction methods assessed in the Application. The CMS also must, so far as is reasonably practicable, be consistent with the 44 Design Statement (“DS”), the Environmental Management Plan (“EMP”), the Vessel Management Plan (“VMP”), the Navigational Safety Plan (“NSP”), the Piling Strategy (“PS”), the Cable Plan (“CaP”) and the Lighting and Marking Plan (“LMP”). The final CMS must be sent to the Highland Council for information only.

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

12. The Company must, no later than six months prior to the Commencement of the Development, submit an EMP, in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, Royal Society for the Protection of Birds Scotland (“RSPB Scotland”), and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The EMP must provide the over-arching framework for on-site environmental management during the phases of development as follows:

- a. All construction as required to be undertaken before the Final Commissioning of the Development; and
- b. The operational lifespan of the Development from the Final Commissioning of the Development until the cessation of electricity generation (environmental management during decommissioning is addressed by the Decommissioning

Programme provided for by condition 3).

The EMP must be in accordance with the Application insofar as it relates to environmental management measures. The EMP must set out the roles, responsibilities and chain of command for the Company personnel, any contractors or sub-contractors in respect of environmental management for the protection of environmental interests during the construction and operation of the Development. It must address, but not be limited to, the following overarching requirements for environmental management during construction:

- a. Mitigation measures to prevent significant adverse impacts to environmental interests, as identified in the Application and pre-consent and pre-construction monitoring or data collection, and include reference to relevant parts of the CMS (refer to condition 11);
- b. A pollution prevention and control method statement, including contingency plans;
- c. Management measures to prevent the introduction of invasive nonnative marine species;
- d. A site waste management plan (dealing with all aspects of waste produced during the construction period), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment. Wherever possible the waste hierarchy of reduce, reuse and recycle should be encouraged; and
- e. The reporting mechanisms that will be used to provide the Scottish Ministers and relevant stakeholders with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed.

The EMP must be regularly reviewed by the Company at intervals agreed by the Scottish Ministers. Reviews must include, but not be limited to, the reviews of updated information on construction methods and operations of the Development and updated working practices. The EMP must be informed, so far as is reasonably practicable, by the baseline monitoring or data collection undertaken as part of the Application and the Project Environmental Monitoring Programme (“PEMP”).

**Reason:** To ensure that all construction and operation activities are carried out in a manner that minimises their impact on the environment, and that mitigation measures contained in the Application, or as otherwise agreed are fully implemented.

13. The Company must, no later than six months prior to the Commencement of the Development, submit a VMP, in writing, to the Scottish Ministers for their written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, MCA, Scottish Fishermen’s Federation (“SFF”) and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The VMP must include, but not be limited to, the following details:
  - a. The number, types and specification of vessels required;
  - b. How vessel management will be coordinated, particularly during construction, but also during operation;

- c. Location of working port(s), the routes of passage, the frequency with which vessels will be required to transit between port(s) and the site and indicative vessel transit corridors proposed to be used during construction and operation of the Development.

The confirmed individual vessel details must be notified to the Scottish Ministers in writing no later than 14 days prior to the Commencement of the Development, and thereafter, any changes to the details supplied must be notified to the Scottish Ministers, as soon as practicable, prior to any such change being implemented in the construction or operation of the Development. The VMP should refer to the Scottish Marine Wildlife Watching Code and Guide to Best Practice for Watching Marine Wildlife for guidance on how vessels should behave around aggregations of birds on the water. The VMP must, so far as is reasonably practicable, be consistent with the CMS and EMP, the Fisheries Management and Mitigation Strategy (“FMMS”), the PEMP, the NSP, and the LMP.

**Reason:** To mitigate the impact of vessels.

14. The Company must, no later than three months prior to the Final Commissioning of the Development, submit an Operation and Maintenance Programme 46 (“OMP”), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, MCA, NLB, The Highland Council and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The OMP must set out the procedures and good working practices for operations and the maintenance of the WTGs and substructure of the Development. Environmental sensitivities which may affect the timing of the operation and maintenance activities must be considered in the OMP. The OMP must, so far as is reasonably practicable, be consistent with the CMS, the EMP, the PEMP, the VMP, the NSP and the LMP. The Company must send the approved OMP to The Highland Council for information only.

**Reason:** To safeguard environmental interests during operation and maintenance of the Development.

15. The Company must, no later than six months prior to the Commencement of the Development, submit an NSP, in writing, to the Scottish Ministers for their written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with MCA, NLB, Royal Yachting Association (“RYA”), SFF and any other navigational advisors or organisations as may be required at the discretion of the Scottish Ministers. The NSP must include, but not be limited to, the following issues:
  - a. Navigational safety measures;
  - b. Construction exclusion zones;
  - c. Notice(s) to mariners and radio navigation warnings;
  - d. Anchoring areas;
  - e. Temporary construction lighting and marking;
  - f. Buoyage.

**Reason:** To mitigate the navigational risk to other legitimate users of the sea

16. The Company must, no later than six months prior to the Commencement of the Development, submit an LMP, in writing, to the Scottish Ministers for their written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, MCA, NLB, CAA, MOD, RYA, the Highland Council, and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The LMP must provide that the Development be lit and marked in accordance with the current CAA and MOD aviation lighting policy and guidance that is in place as at the date of the Scottish Ministers approval of the LMP, or any such other documents that may supersede this guidance prior to the approval of the LMP. Consideration should be given in the LMP to reducing the luminous 47 intensity of aviation lighting in certain visibility conditions but only where this is in accordance with the current CAA and MOD aviation lighting policy and guidance that is in place. The LMP must define how the Development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the MOD and, accordingly, must set out:
- a. details of any construction equipment and temporal structures with a total height of 50m or greater (above mean sea level) that will be deployed during the construction of the Development and details of any aviation warning lighting that they will be fitted with; and
  - b. the locations and heights of the WTGs featured in the Development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the WTGs, the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

The LMP must also detail the navigational lighting requirements detailed in the International Association of Marine Aids to Navigation and Lighthouse Authorities ("IALA") Guideline G-1162 or any other documents that may supersede this guidance prior to approval of the LMP.

**Reason:** To ensure civil and military aviation and navigational safety and the safe marking and lighting of the Development.

17. The Company must, no later than six months prior to the Commencement of the Development, submit a PEMP, in writing, to the Scottish Ministers for their written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, RSPB Scotland and any other environmental advisors or organisations as required at the discretion of the Scottish Ministers. The PEMP must be in accordance with the Application as it relates to environmental monitoring. The PEMP must set out measures by which the Company must monitor the environmental impacts of the Development. Monitoring is required throughout the lifespan of the Development where this is deemed necessary by the Scottish Ministers. Lifespan in this context includes pre-construction, construction, operational and decommissioning phases. The Scottish Ministers must approve all initial methodologies for the above monitoring, in writing and, where appropriate, in consultation with NatureScot and any other environmental advisors or organisations as required at the discretion of the Scottish Ministers. Monitoring must be done in such a way so as to ensure that the

data which is collected allows useful and valid comparisons between different phases of the Development. Monitoring may also serve the purpose of verifying key predictions in the Application. In the event that further potential adverse environmental effects are identified, for which no predictions were made in the Application, the Scottish Ministers may require the Company to undertake additional monitoring.

The PEMP must cover the following matters:

- a. monitoring or data collection for impact on seabirds
- b. monitoring for impacts on marine mammals
- c. monitoring for impacts on benthic ecology
- d. Post-construction monitoring on Electromagnetic Fields (“EMF”) produced by the constructed cables.
- e. The Company’s contribution to data collection or monitoring of wider strategic relevance, including in relation to diadromous fish, as identified and agreed by the Scottish Ministers.

In relation to EMF, the Company must monitor and provide a report on the EMF produced by the works to the Scottish Ministers. The Company must agree the methodologies and timescales for monitoring with the Scottish Ministers prior to the Commencement of the Development as part of wider strategic monitoring on EMF. Any agreement must be adhered to unless otherwise agreed and approved by the Scottish Ministers. The requirement for monitoring pre-construction, during construction and postconstruction in relation to the above receptors must be agreed by the Scottish Ministers. Due consideration must be given to the Scottish Marine Energy Research (“ScotMER”) programme, or any successor programme formed to facilitate these research interests. Any pre-consent monitoring or data collection carried out by the Company to address any of the above issues may be used in part to discharge this condition subject to the written approval of the Scottish Ministers. The PEMP is a live document which will be regularly reviewed by the Scottish Ministers, at timescales to be determined by them to identify the appropriateness of on-going monitoring. Following such reviews, the Scottish Ministers may require the Company to amend the PEMP and submit such an amended PEMP, in writing, to the Scottish Ministers, for their written approval. Such approval may only be granted following consultation with NatureScot and any other environmental, or such other advisors as may be required at the discretion of the Scottish Ministers. The Company must submit written reports and associated raw and processed data of such monitoring or data collection to the Scottish Ministers at timescales to be determined by them. Consideration should be given to data storage, analysis and reporting and be to Marine Environmental Data and Information Network standards. Subject to any legal restrictions regarding the treatment of the information, the Scottish Ministers, or any such other party appointed at the Scottish Ministers’ discretion, may make the results publicly available. The Scottish Ministers may agree, in writing, that monitoring may be reduced or ceased before the end of the lifespan of the Development.

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

18. The Company must, no later than six months prior to the Commencement of the

Development, submit an updated CaP, in writing, to the Scottish Ministers for their written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, MCA, SFF, and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The CaP must be in accordance with the Application. The CaP must include, but not be limited to, the following:

- a. The location, duration and cable laying techniques for cables;
- b. The results of monitoring or data collection work (including geophysical, geotechnical and benthic surveys) which will help inform cable routing;
- c. Technical specification of the cables, including a desk based assessment of attenuation of electro-magnetic field strengths and shielding;
- d. A Cable Burial Risk Assessment (“CBRA”) to ascertain burial depths and where necessary alternative protection measures;
- e. Methodologies for post construction and operational surveys (e.g. over trawl) of the cables where mechanical protection of cables laid on the sea bed is deployed; and
- f. Methodologies for cable inspection with measures to address and report to the Scottish Ministers any exposure of cables.

Any consented cable protection works must ensure existing and future safe navigation is not compromised. The Licensing Authority will accept a maximum of 5% reduction in surrounding depth referenced to Chart Datum. Any greater reduction in depth must be agreed in writing by the Licensing Authority.

**Reason:** to effectively manage this aspect of the development.

19. The Company must no later than six months prior to the Commencement of the Development, submit an FMMS, in writing, to the Scottish Ministers for their written approval, in consultation with SFF. Commencement of the Development cannot take place until such approval is granted. In order to inform the production of the FMMS, the Company must monitor or collect data as relevant and agreed with the Scottish Ministers. As part of any finalised FMMS, the Company must produce and implement a mitigation strategy for each commercial fishery that can prove to the Scottish Ministers that they would be adversely affected by the Development. The Company and any contractors or sub-contractors working for the Company must implement the mitigation measures committed to be carried out by the Company within the FMMS.

**Reason:** To mitigate the impact on commercial fisheries.

20. The Company must, no later than six months prior to the Commencement of the Development, submit an updated Protocol for Archaeological Discoveries (“PAD”) and Written Scheme of Investigation (“WSI”) which sets out what the Company must do on discovering any marine archaeology during the construction, operation, maintenance, and monitoring of the Development, in writing, to the Scottish Ministers for their written approval. Commencement of the Development cannot take place until such approval is granted. Such approval may be given only following consultation by the Scottish

Ministers with Historic Environment Scotland (“HES”) and any such advisors as may be required at the discretion of the Scottish Ministers. The Reporting Protocol must be implemented in full, at all times, by the Company. The Company must send the approved PAD and WSI to the Highland Council for information only

**Reason:** To ensure any discovery of archaeological interest is properly and correctly reported.

21. Not later than six months prior to the commencement of the works, a Particles Management Plan (“PMP”) shall be submitted to the Scottish Ministers for their written approval in consultation with the Scottish Environment Protection Agency (“SEPA”); The PMP shall be consistent with the Application and supporting documents and shall include, but not be limited to, the following:

- a. A programme of scheduled monitoring for radioactive particles;
- b. The measures to be taken to reduce the likelihood of irradiated fuel particles in sediment being suspended or disturbed; and
- c. A waste management plan for the construction phase of the development.

There shall be no Commencement of the Development unless and until the PMP is approved in writing by the Scottish Ministers, in consultation with SEPA; Any proposed amendment to the approved PMP shall be submitted, in writing, to the Scottish Ministers for its written approval, in consultation with SEPA. The proposed amendment shall be submitted to the Scottish Ministers no later than 6 months prior to the anticipated implementation of the proposed amendment (or such shorter period as may be agreed with the Scottish Ministers in writing). No amendment to the PMP shall take effect unless and until approved in writing by the Scottish Ministers in consultation with SEPA; The PMP and any amended PMP shall thereafter be implemented in full.

**Reason:** in the interests of health and safety.

22. The Company must, no later than six months prior to the Commencement of the Development, submit a Radio and Television Reception Mitigation Plan to the Scottish Ministers for approval, in consultation with the Highland Council. The Radio and Television Reception Mitigation Plan shall provide for a baseline radio and television reception survey to be carried out prior to the installation of any turbine forming part of the Development. The results of the baseline radio 51 and television reception survey shall be submitted to the Highland Council prior to the installation of any turbine forming part of the Development. The approved Radio and Television Reception Mitigation Plan shall be implemented in full. Any claim by any person regarding radio or television interference at their house, business premises or other building, made during the period from installation of any turbine forming part of the Development to the date falling twelve months after the Date of Final Commissioning shall be investigated by a qualified engineer and the results of the investigation shall be considered against the approved plan and submitted to the Highland Council. Should any impairment to the radio or television signal be attributable to the Development, the impairment shall be remedied so that the standard of reception at the affected property is equivalent to the baseline radio or television reception.

**Reason:** To mitigate any potential impacts on radio and television reception.



- 23.
1. The rating level of noise immissions from the combined effects of the wind turbines forming part of the Development (including the application of any tonal penalty) when determined in accordance with the Highland Council guidance notes for this condition shall not exceed a value of 34 dB LA90,10 minute at any dwelling which is lawfully existing or has planning permission at the date of this consent.
  2. The Company shall continuously log power production, wind speed and wind direction. These data shall be retained for a period of not less than 24 months. The Company shall provide this information to the Scottish Ministers within 14 days of receipt in writing of a request to do so.
  3. Prior to the Date of First Commissioning, the Company shall have submitted to, and received written approval of the Scottish Ministers, in consultation with the Highland Council, to an updated predictive noise assessment based on the final turbine model(s) to be installed, based on noise emission data from the turbine manufacturer.
  4. Within 21 days from receipt of a written request from the Scottish Ministers following a complaint sent to them from the Highland Council, informing of an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall, at its expense, employ a consultant to assess the level of noise immissions from the wind farm at the complainant's property. The written request from the Scottish Ministers shall set out at least the date, time and location to which the complaint relates and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Scottish Ministers, in consultation with the Highland Council, the noise giving rise to the complaint contains or is likely to contain a tonal component.
  5. The assessment of the rating level of noise immissions in terms of paragraph (4) above shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Scottish Ministers, in consultation with the Highland Council. The protocol shall include at least the proposed measurement location(s) where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Scottish Ministers under paragraph (4) above.
  6. The Company shall provide to the Scottish Ministers the independent consultant's assessment of the rating level of noise immissions within two months of the date of the written request of the Scottish Ministers for compliance measurements to be made under paragraph (4), unless the time limit is extended in writing by the Scottish Ministers. Certificates of calibration of the instrumentation used to undertake the measurements shall be submitted to the Scottish Ministers with the independent consultant's assessment of the rating level of noise immissions.
  7. Where a further assessment of the rating level of noise immissions from the

wind farm is required, the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (4) above unless the time limit has been extended in writing by the Scottish Ministers.

**Reason:** In the interests of safeguarding residential amenity, to protect nearby residents from undue noise and disturbance, to enable prompt investigation of complaints and to ensure that noise levels can be measured to assess whether or not agreed noise limits have been breached and where such noise limits have been breached, suitable mitigation is undertaken.

24. The Company must, no later than six months prior to the Commencement of the Development, submit a Development Specification and Layout Plan ("DSLPL"), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with the MCA, NLB, NatureScot, MOD, CAA, SFF, the UK Hydrographic Office ("UKHO"), the Highland Council, and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers. The DSLPL must include, but not be limited to the following:

- a. A plan showing the location of each individual WTG (subject to any required micro-siting), including information on WTG spacing, WTG identification/numbering, seabed conditions, bathymetry, confirmed foundation type for each WTG and any key constraints recorded on the site;
- b. A list of latitude and longitude co-ordinates accurate to three decimal places of minutes of arc for each WTG. This should also be provided as a Geographic Information System ("GIS") shape file using WGS84 format;
- c. The grid coordinates of the centre point of the proposed location for each WTG;
- d. A table or diagram of each WTG dimensions including - height to blade tip (measured above Lowest Astronomical Tide ("LAT")) to the highest point, height to hub (measured above LAT to the centreline of the generator shaft), rotor diameter and maximum rotation speed;
- e. The generating output of each WTG used on the site (Figure 1) and a confirmed generating output for the site overall;
- f. The finishes for each WTG (see condition 16 on WTG lighting and marking); and
- g. The length and proposed arrangements on the seabed of all inter-array cables.

**Reason:** To confirm the final Development specification and layout.

25. The Company must, no later than six months prior to the Commencement of the Development, submit a DS, in writing, to the Scottish Ministers. The DS, which must be signed off by at least one qualified landscape architect, as instructed by the Company prior to submission to the Scottish Ministers, must include representative wind farm visualisations from key viewpoints as agreed with the Scottish Ministers, based upon the final DSLPL as approved by the Scottish Ministers as updated or amended. The Company must provide the DS, for information only, to the Highland Council, NatureScot, MCA and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.

**Reason:** To ensure that the Development is carried out in accordance with the approved details, and to inform interested parties of the final wind farm scheme proposed to be built.

26. If piling is to be undertaken, the Company must, no later than six months prior to the Commencement of the Development, submit a PS, in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with NatureScot, and any such other advisors as may be required at the discretion of the Scottish Ministers. Commencement of the Development cannot take place until such approval is granted. The PS must include, but not be limited to:
- a. Details of expected noise levels from pile-drilling/driving in order to inform point d) below;
  - b. Full details of the proposed method and anticipated duration of piling to be carried out at all locations;
  - c. Details of soft-start piling procedures and anticipated maximum piling energy required at each pile location; and
  - d. Details of any mitigation such as Passive Acoustic Monitoring (“PAM”), Marine Mammal Observers (“MMO”), use of Acoustic Deterrent Devices (“ADD”) and monitoring to be employed during pile-driving, as agreed by the Scottish Ministers.

The PS must be in accordance with the Application and must also reflect any relevant monitoring or data collection carried out after submission of the Application. The PS must demonstrate the means by which the exposure to and/or the effects of underwater noise have been mitigated in respect to cetaceans, harbour seal, grey seal and Atlantic salmon. The PS must, so far as is reasonably practicable, be consistent with the EMP, the PEMP, and the CMS.

**Reason:** To mitigate the underwater noise impacts arising from piling activity.

27. Prior to the Commencement of the Development, the Company must at its own expense, and with the approval of the Scottish Ministers in consultation with NatureScot, appoint an independent Environmental Clerk of Works (“ECoW”). The ECoW must be appointed in time to review and approve the draft version of the first plan or programme submitted under this consent to the Scottish Ministers, in sufficient time for any pre-construction monitoring requirements, and remain in post until a date agreed by the Scottish Ministers. The terms of appointment must also be approved by the Scottish Ministers in consultation with NatureScot. The terms of the appointment must include, but not be limited to:
- a. Quality assurance of final draft versions of all plans and programmes required under this marine licence;
  - b. Responsible for the monitoring and reporting of compliance with the marine licence conditions and the environmental mitigation measures for all wind farm infrastructure;
  - c. Provision of on-going advice and guidance to the Company in relation to achieving compliance with conditions, including but not limited to the conditions relating to and the implementation of the CMS, the EMP, the PEMP, the CaP

and the VMP;

- d. Provision of reports on point b & c above to the Scottish Ministers at timescales to be determined by the Scottish Ministers;
- e. Induction and toolbox talks to onsite construction teams on environmental policy and procedures, including temporary stops and keeping a record of these;
- f. Monitoring that the Development is being constructed in accordance with the plans and this consent, the Application and in compliance with all relevant regulations and legislation;
- g. Reviewing and reporting incidents/near misses and reporting any changes in procedures as a result to the Scottish Ministers; and h.
- h. Agreement of a communication strategy with the Scottish Ministers.

**Reason:** in the interest of managing the environmental impacts of the development.

28. Prior to the Commencement of the Development, a Fisheries Liaison Officer (“FLO”), must be appointed by the Company and approved, in writing, by the Scottish Ministers, following consultation with SFF. The FLO must be appointed by the Company for the period from Commencement of the Development until the Final Commissioning of the development. The identity and credentials of the FLO must be included in the EMP (referred to in condition 12). The FLO must establish and maintain effective communications between the Company, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the Development and ensure compliance with best practice guidelines whilst doing so. The responsibilities of the FLO must include:

- a. Establishing and maintaining effective communications between the Company, any contractors or sub-contractors, fishermen and other users of the sea concerning the overall Development and any amendments to the EMP and site environmental procedures;
- b. The provision of information relating to the safe operation of fishing activity on the site of the Development; and
- c. Ensuring that information is made available and circulated in a timely manner to minimise interference with fishing operations and other users of the sea.

**Reason:** in the interest of managing the environmental impacts of the development.

Signature: [Redacted]

Designation: Area Planning Manager - North

Author: Michael Kordas

Background Papers: Documents referred to in report and in case file.

Relevant Plans:

<b>Document Type</b>	<b>Document No.</b>	<b>Version No.</b>	<b>Date Received</b>
Location Plan	Plan 1		29 November 2023
Indicative Array Layout Plan	Plan 2		29 November 2023

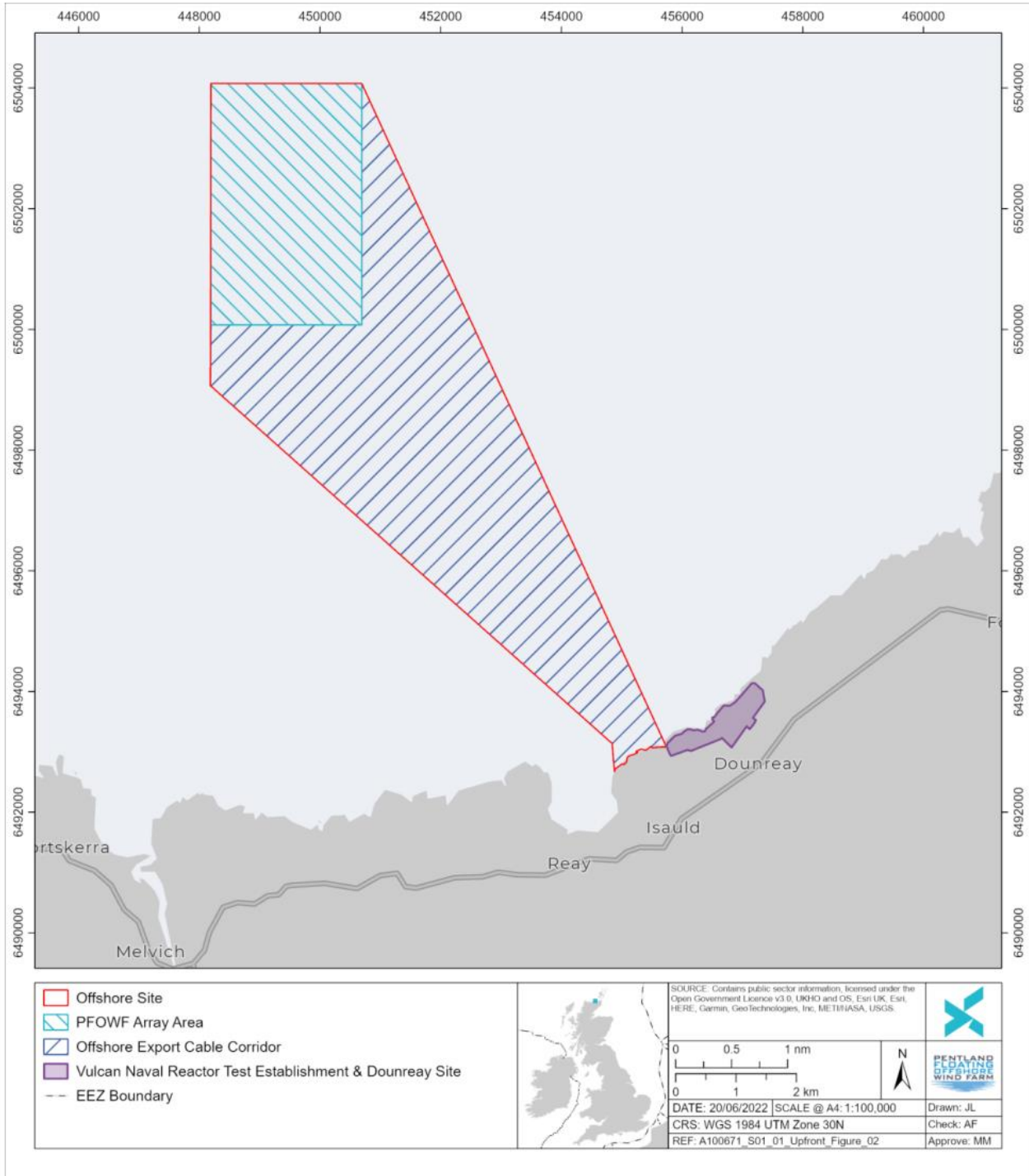


Figure 2.1 Consented Project Boundaries

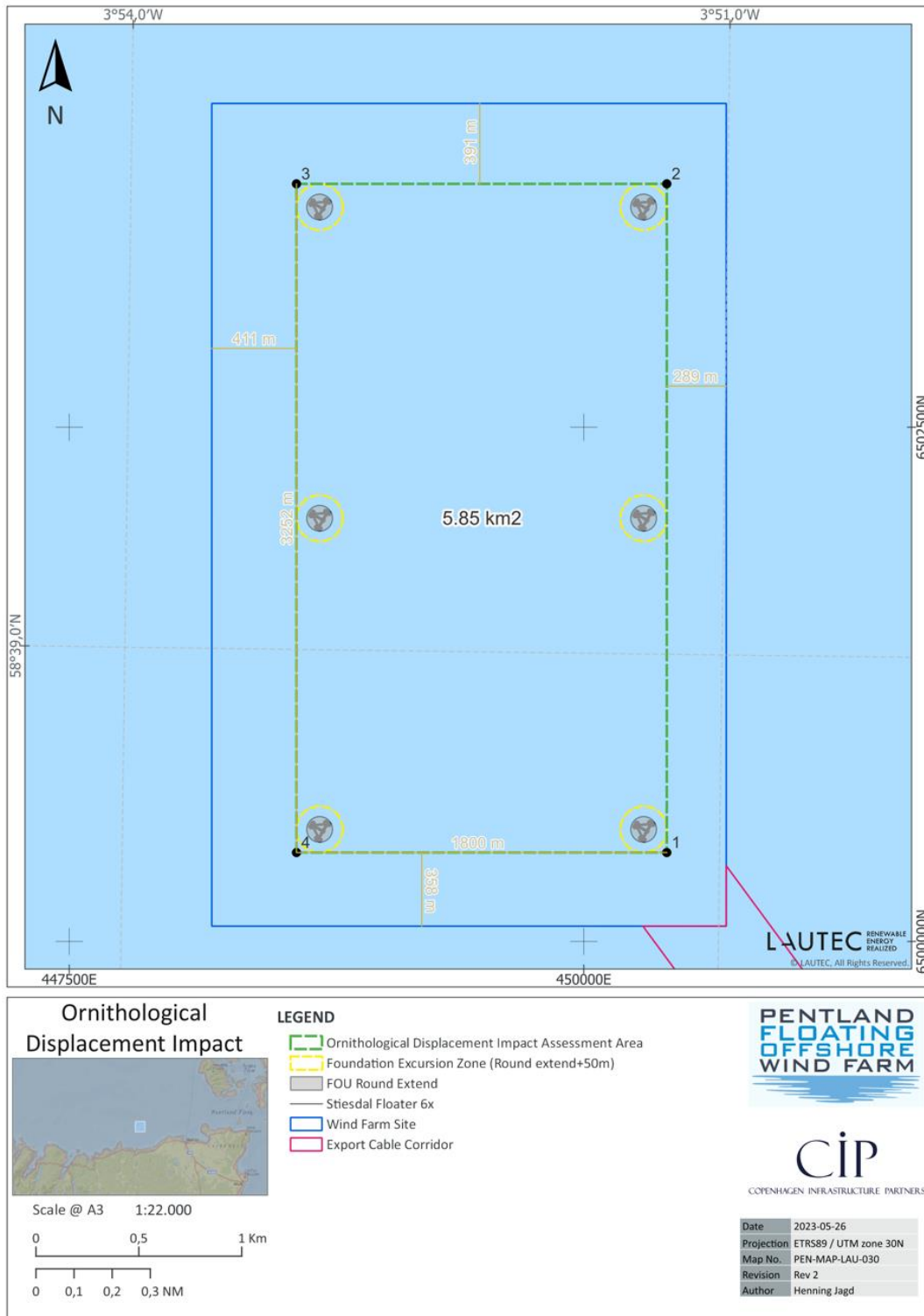


Figure I. Revised ornithological displacement impact assessment area