

Date: 19 February 2018

Seagreen Wind Energy Limited  
C/o SSE Renewables  
1 Waterloo Street  
Glasgow  
G2 6AY

Ref: A4MR-SEAG-Z-LGL810-SLE-544

Dr. Nicola Bain  
Marine Renewables Section Leader  
Marine Scotland  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Dear Nicola

**Seagreen Phase 1: Alpha and Bravo offshore windfarms, Firth of Forth  
Electricity Act 1989, Section 36 consents  
Request for extension of time to commence development**

Seagreen Wind Energy Limited (Company number 06873902) ("SWEL"), on behalf of Seagreen Alpha Wind Energy Limited (Company number 07185533) and Seagreen Bravo Wind Energy Limited (Company number 07185543), applied for and was granted two section 36 consents and associated marine licences for the construction and operation of the Seagreen Alpha and Bravo offshore windfarms on 10 October 2014.

Both of the section 36 consents contain an identical condition 2 which provides:

*"The Commencement of Development must be a date no later than 5 years from the date the consent is granted, or such later date from the date of the granting of this consent as the Scottish Ministers may hereafter direct in writing".*

Following the grant of the consents on 10 October 2014 the Royal Society for the Protection of Birds raised judicial review proceedings challenging the grant of the consents. This challenge was pursued through the Court of Session Outer and Inner Houses and finally disposed of in November 2017 when permission to appeal further to the Supreme Court was refused. The decision of the Inner House upholding the grant of the consents handed down on 16 May 2017 is accordingly the final outcome of these proceedings.

During the three years in which legal proceedings were ongoing SWEL did not consider it to be appropriate commercially to progress the projects and has not commenced development. The legal proceedings did not suspend the consents, and the period for commencement under condition 2 of each of the consents has accordingly been running since the date of grant in 2014 whilst the judicial consideration was ongoing. This means that the litigation has effectively taken away 3 of the 5 years provided for.

SWEL are keen to progress these major projects and currently intend to use the section 36 consents to meet the planning pre-qualification criteria for the forthcoming Contract for Difference auction in Spring 2019. Whilst this timing is noted, Seagreen is conscious that other CfD auction timetables have slipped significantly from the originally announced date. Each of the consents contains a number of pre-commencement conditions which require the submission and approval

of details of the development before any work can begin. Some of these details must be submitted and approved at least 6 months prior to the commencement of works. Taking all the circumstances into account SWEL considers it necessary to seek an extension of the consents.

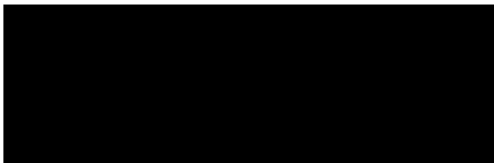
**SWEL accordingly requests that the Ministers make a direction in writing extending the time allowed for commencement of development under the provision to do so set out in condition 2 of the Seagreen Alpha and Bravo section 36 consents.**

SWEL would request that an extension of three years to the period allowed for commencement, currently October 2019, is given to ensure alignment with the CfD auction timetable, and the need to meet critical milestones under a successful CfD award. The new date by which the development must then be commenced would be 09 October 2022.

SWEL note the Scottish Government's continuing policy support for renewable energy in general and the support for offshore renewable energy in particular within the National Planning Framework. The Seagreen Alpha and Bravo windfarms together have a consented generating capacity of 1050 MW and will therefore make a substantial contribution to the low carbon electricity generation targets, providing enough electricity to power more than 670,000 homes annually.

SWEL requests that the Ministers exercise the discretion allowed for in condition 2 of the consents and extend the period allowed for commencement in order to ensure the consents are 'fit for purpose' and assist SWEL in delivering these projects which will have economic and environmental benefits for Scotland.

Yours sincerely



Allan Ralston  
Project Director  
For and on behalf of  
Seagreen Wind Energy Limited