

Keir A (Alan) (MARLAB)

From: [REDACTED] on behalf of radionetworkprotection@bt.com
Sent: 20 April 2018 11:49
To: MS Marine Renewables
Cc: Keir A (Alan) (MARLAB)
Subject: RE: Neart Na Gaoithe Offshore Windfarm (Revised Design) - Consultation - Request for comments

OUR REF; WID10776

Dear Sir/Madam

Thank you for your email dated 28/03/2018.

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

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

Regards,

[REDACTED]
Fibre and Network Delivery
Radio Frequency Allocation & Network Protection (BNJ545)
Openreach
Tel: [REDACTED]
Mobile [REDACTED]
Web: www.openreach.co.uk

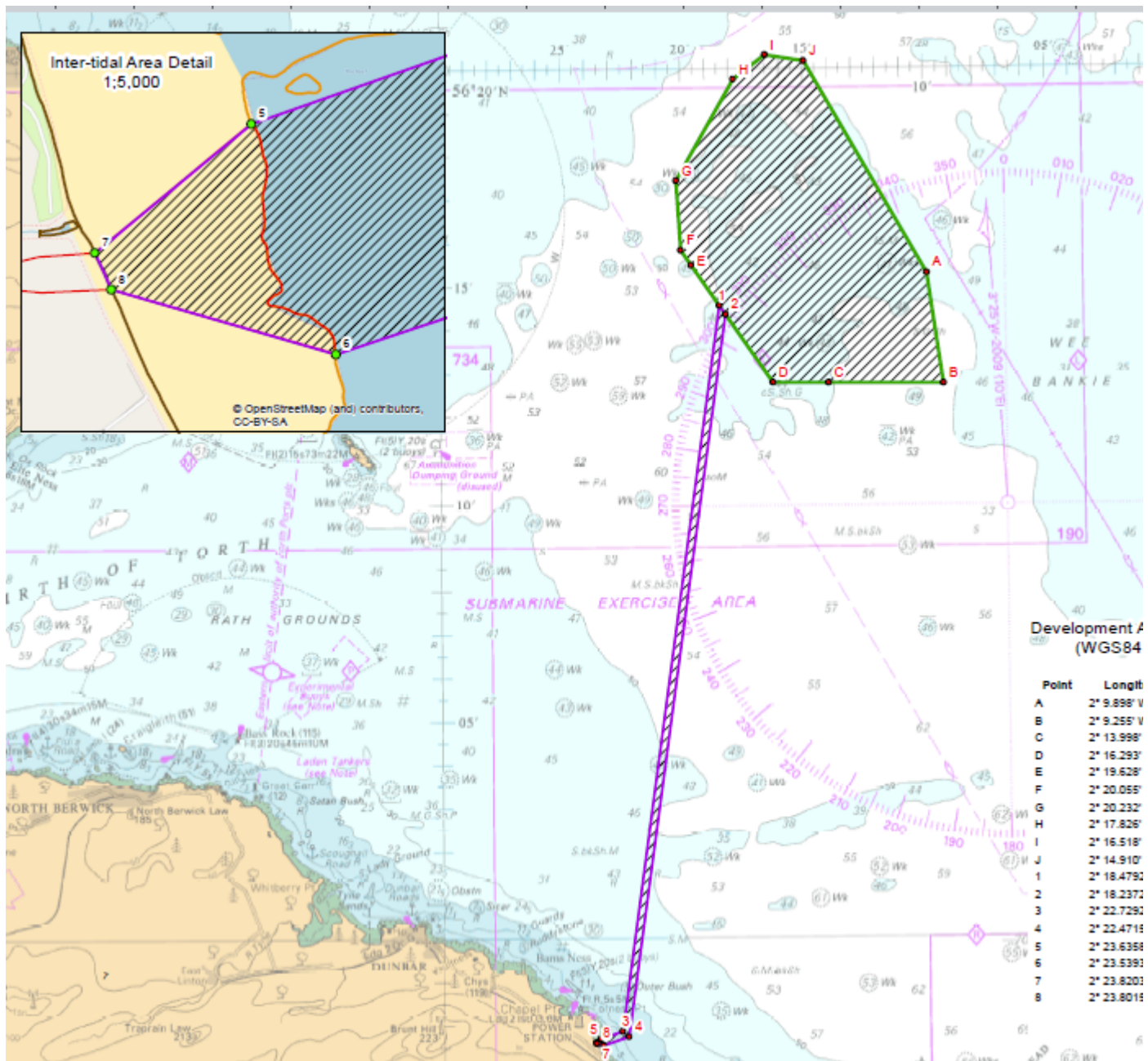
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British Telecommunications plc
Registered office: 81 Newgate Street London EC1A 7AJ
Registered in England no. 1800000

Table 4.1 Development Area co-ordinates

Easting UTM30N	Northing UTM30N	Longitude (degrees decimal minutes)	Latitude (degrees decimal minutes)
Wind Farm Area Co-ordinates			
551736	6234720	002° 9.898' W	056° 15.271' N
552458	6229999	002° 9.255' W	056° 12.721' N
547554	6229998	002° 13.998' W	056° 12.752' N
545182	6229999	002° 16.293' W	056° 12.766' N
541685	6234997	002° 19.628' W	056° 15.479' N
541238	6235637	002° 20.055' W	056° 15.827' N
541026	6238611	002° 20.232' W	056° 17.430' N
543465	6242941	002° 17.826' W	056° 19.752' N
544801	6243993	002° 16.518' W	056° 20.312' N
546461	6243751	002° 14.910' W	056° 20.171' N



From: Alan.Keir2@gov.scot [mailto:Alan.Keir2@gov.scot]

Sent: 28 March 2018 18:22

Cc: Joao.Queiros@gov.scot; Sophie.Humphries@gov.scot; Nicola.Bain@gov.scot

Subject: Neart Na Gaoithe Offshore Windfarm (Revised Design) - Consultation - Request for comments

Dear Sir/Madam,

ELECTRICITY ACT 1989 (As Amended)

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

The Electricity (Applications for Consent) Regulations 1990

MARINE (SCOTLAND) ACT 2010

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APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) AND MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE NEART NA GAOITHE OFFSHORE WINDFARM (REVISED DESIGN), 15.5 KM EAST OFF FIFE NESS

On 15 March 2018 Neart na Gaoithe Offshore Wind Limited ("the Applicant") submitted an application to the Scottish Ministers in accordance with the above legislation to construct and operate the Neart na Gaoithe Offshore Windfarm (Revised Design) at a site 15.5 km from the coast off Fife Ness. This application is subject to an environmental impact assessment and as such the application is accompanied by an Environmental Impact Assessment Report

("EIA Report") which has been submitted by the Applicant. In addition, the Applicant has also provided a Habitats Regulations Appraisal ("HRA") Report.

The application documentation, including the EIA Report and HRA Report can be downloaded from: <http://www.gov.scot/Topics/marine/Licensing/marine/scoping/NnGRev2017>

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 **13 May 2018**. As per our e-mail of 8th November 2017 – Statutory Consultees, or 16th November 2017 – Non-Statutory Consultees, it is expected that the consultation deadline will be met by all consultees. If you are unable to meet this deadline please contact MS-LOT on receipt of this e-mail. If you have not responded by the above date, MS-LOT will assume a 'nil return'.

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.

Yours faithfully

Alan Keir
Marine Renewables Casework Officer
Marine Scotland – Marine Policy and Planning
Scottish Government | Marine Laboratory| 375 Victoria Road | Aberdeen AB11 9DB
Tel: +44 (0)131 2443886
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Keir A (Alan) (MARLAB)

From: [REDACTED]@ukchamberofshipping.com>
Sent: 17 April 2018 11:57
To: MS Marine Renewables
Subject: RE: Neart Na Gaoithe Offshore Windfarm (Revised Design) - Consultation - Request for comments

Dear MS Marine Renewables,

Thank you for the consultation request.

The Chamber raises no objections and commends the useful summary Appendix 11.3 MGN 543 Checklist

Kind regards

[REDACTED]

From: Alan.Keir2@gov.scot [mailto:Alan.Keir2@gov.scot]
Sent: 28 March 2018 18:22
Cc: Joao.Queiros@gov.scot; Sophie.Humphries@gov.scot; Nicola.Bain@gov.scot
Subject: Neart Na Gaoithe Offshore Windfarm (Revised Design) - Consultation - Request for comments

Dear Sir/Madam,

ELECTRICITY ACT 1989 (As Amended)

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Yours faithfully

Keir A (Alan) (MARLAB)

From: [REDACTED]
Sent: 08 May 2018 11:49
To: MS Marine Renewables
Subject: Re: Wind farms

<http://www.inchcapewind.com/>

And this is the wind farm we are referring to
Many thanks Susan

----- Original Message -----

From: Alan.Keir2@gov.scot
Cc: Joao.Queiros@gov.scot ; Sophie.Humphries@gov.scot ; Nicola.Bain@gov.scot
Sent: Wednesday, March 28, 2018 6:21 PM
Subject: Neart Na Gaoithe Offshore Windfarm (Revised Design) - Consultation - Request for comments

Dear Sir/Madam,

ELECTRICITY ACT 1989 (As Amended)

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

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Yours faithfully

Alan Keir

Marine Renewables Casework Officer

Marine Scotland – Marine Policy and Planning

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

Tel: [+44 \(0\)131 2443886](tel:+44(0)1312443886)

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w: www.gov.scot/Topics/marine/Licensing/marine

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On Tue, 8 May 2018 at 07:28, <MS.MarineRenewables@gov.scot> wrote:

Dear Sir/Madam,

Thank you for your email of 7th May 2018.

In order to correctly address your correspondence, I would be grateful if you would confirm to which Renewable Energy project your comments relates.

Yours faithfully,

Jessica

Jessica Drew (Miss)
Marine Renewables Casework Manager
Marine Scotland Licensing Operations Team

Scottish Government
Marine Laboratory
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Aberdeen
AB11 9DB
Direct Line: +44 (0)131 244 4023

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

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

-----Original Message-----

From: Dunbar Fishermen [mailto:dunbarfishermen@gmail.com]

Sent: 07 May 2018 17:22

To: MS Marine Renewables; Humphries S (Sophie); Bain N (Nicola) (MARLAB); Queiros J (Joao)

Subject: Wind farms

Keir A (Alan) (MARLAB)

From: andy.mulholland@dundeecity.gov.uk
Sent: 21 June 2018 10:37
To: Keir A (Alan) (MARLAB)
Subject: Neart Na Gaoithe Offshore Windfarm (Revised Design) - Consultation - Request for Local Authority comments

Categories: Red Category

Dear Alan

I refer to your email of 15th June. Thank you for your invitation to comment on the application (Revised Design) and supporting documentation. These appear satisfactory at this time and I have no other comments to make.

The Planning Committee meets on Aug 13th, Sept 17th, Oct 22th, Nov 12th and Dec 17th"

Andy
Andrew Mulholland
Planning Officer
Planning Division
City Development
Dundee City Council
Dundee House
50 North Lindsay Street
DUNDEE
DD1 1LS

Phone: 01382 433612
Email: andy.mulholland@dundeecity.gov.uk
Web Page: <http://www.dundeecity.gov.uk>

Dundee City Council



SUPPORTING

year of young people
bliadhna na h-òigridh
2018



yoyp2018.scot

Our Ref: CONS/GOV/2017 NNG Revised Proposal
Your Ref: None given

Date: 26 July 2018

Monica Patterson
EXECUTIVE DIRECTOR
(SERVICES FOR COMMUNITIES)

Via email to MS.MarineRenewables@gov.scot

John Muir House
Haddington
East Lothian
EH41 3HA
Tel 01620 827827
Fax 01620 824295

Dear Sir/Madam,

ELECTRICITY ACT 1989 (As Amended)

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

The Electricity (Applications for Consent) Regulations 1990

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**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) AND
MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND
OPERATE NEART NA GAOITHE OFFSHORE WINDFARM (REVISED DESIGN), 15.5 KM EAST OFF FIFE
NESS**

I refer to your email of 28 March 2018 inviting representations on the above.

The Council does not wish to object to the application provided:

1. Conditions are placed on the consent which achieve the aims of the conditions suggested below; and
2. SNH do not advise that there are adverse effects on the integrity of a Natura 2000 site within or adjacent to East Lothian, or where the qualifying interests visit the East Lothian or the coast off East Lothian.

The Council has the following comments.

General comments on the EIA process

A request for a Scoping Opinion in relation to this proposal was made on 15th May 2017. This means that the transitional provisions of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 apply.

Treatment of onshore works

I refer to the Council's comments at Scoping in the section "EIA issues: consideration of onshore works". In line with these comments, it remains our view that for EIA purposes, both onshore and offshore works are integral to the project, which consists of the Neart na Gaoithe Offshore windfarm and offshore transmission works, but also the onshore transmission works, although the onshore works beyond the intertidal zone do not form part of the current application. Onshore works

connecting the offshore windfarm to the national grid at Crystal Rig have received consent by planning reference 12/00922/PM as varied by 15/00634/PM.

Statements in the Environment Impact Assessment Report that the onshore works do not form part of the Project are therefore considered inaccurate. Chapter 1 Section 1.2.8 notes that the onshore works are not considered in detail in this EIA Report, other than where it is necessary to address intertidal elements or other relevant inter-related effects, as 'they were subject to a separate EIA that accompanied the application for the OnTW planning permission'. The Electricity Works (EIA)(Scotland) Regulations 2017 sets out information to be included in EIA Reports. This application is treated under transitional provisions, and should include a description of the development including in particular a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases, as well as a description of the likely significant effects on the environment. The EIA Report does include a reference to the fact there has been environmental assessment of the onshore works, and notes that it was in support of application 12/00922/PM as amended, made to East Lothian Council. It does not appear to state where this information is to be found or include any update of this information, or indication that this information has been considered in assessing this part of the project (for example whether any updates are needed to the onshore assessment to allow the project to be assessed as a whole). Although the ER may consist of more than one document, it must constitute a single and accessible compilation of the relevant environmental information and the summary in non-technical language.

Relationship with previous Environment Statement

The Environment Statement for the original proposal appears to include some information which is relevant but not repeated in the Environment Report. For example, accidental spills or leaks of pollutants were assessed as having a moderate significance on designated waters in the Environment Statement; however this information does not appear to be repeated in the Environment Report. Although the existence of a separate Environment Statement for the original application is noted in paragraph 6.1.3, it does not appear to be suggested that the two documents should be read together. For example paragraph 6.5.2.20 refers to the data collected for the purposes of conducting the original EIA as remaining a valuable source of data, which has been used to characterise the baseline environment, scope out impacts where there is clear evidence to do so, and to draw upon as a basis for conducting this EIA. It is therefore not clear to the Council that all significant impacts have been reported in the Environment Report or have a clear reference to the existing Environment Statement.

It is for you as the decision maker to determine whether you consider the information provided to support the EIA process meets the terms of the regulations.

Planning history and current application

This application is on a site around 15km off Fife Ness, which currently has consent under Section 36 of the Electricity Act for a similar windfarm. The exact details of the turbines were not determined at the time of the original consent due to the need to allow for technological progress and detailed technical work to be carried out. The size parameters of the original application were between 64 and 125 turbines (the number of turbines was later fixed at 90 by addendum) of a maximum height of between 171m and 197m, and minimum spacing between turbines of 450m, with a generating capacity of between 3.6MW and 7MW. Consent has subsequently been varied to alter the hub height and generating capacity of the turbines as well as the date of commencement of development, which is now 8 rather than 5 years from the date of consent. The original consent was

for 25 years. The intertidal works consented by that application also form part of onshore works consented by East Lothian Council (planning reference 12/00922/PM, as varied). The Council considers both onshore and offshore works to be part of the same project for the purposes of Environmental Impact Assessment.

The current application is on the same site and proposes a reduced number of turbines (54), with a height of up to 208m above LAT, with a maximum hub height of 126m and rotor diameter of 167m. Minimum spacing between the turbines is to be approximately 880. It also includes two Offshore Substation Platforms and a possible meteorological mast. The colour of the turbine tower, nacelle and blades is currently proposed to be light grey RAL 7035. Lighting is noted in the EIA report as a legal requirement for aviation, although only to a medium intensity fitted to turbines on the periphery of the group. Additionally the report notes that three types of lighting are mandatory on wind turbines medium intensity red lights, low intensity green lights and low intensity red lights. It is proposed to operate for a period of up to 50 years.

The EIA report states that the indicative layout of the turbines on which the ES is assessed has been developed based on the current understanding of ground conditions within the wind farm area. It notes that the layout will be refined following further geotechnical investigations and the final layout confirmed post-consent. The offshore windfarm will connect to the national grid using the same onshore connection consented for the previous scheme.

Previously, East Lothian Council did not object to the scheme. However, we raised concerns over the significant adverse seascape and visual impacts identified in the Environment Statement, and also noted that we considered the adverse impact on seascape character and viewpoints had been underplayed in several instances. In commenting on the addendum to the original scheme, the Council commented “without SNH input, it is not clear whether the cumulative impact of all of the proposed Firth of Forth windfarms on the Firth of Forth SPA windfarms is acceptable. If Marine Scotland do consider that the amount of development which can be accommodated in the Firth of Forth is limited by impact on Natura 2000 sites, it is our view that of these schemes Neart Na Gaoithe will have the greatest adverse landscape and visual impact on East Lothian (and potentially other areas though this is for others to comment on) [...] While this impact is not unacceptable given the need to produce renewable energy, it is to be hoped for the good planning of the area that this generation could be achieved with as little impact as possible. For East Lothian, the greatest impact of these schemes – without prejudice to our consideration of the details of other schemes – would appear at present to be the landscape and visual impacts associated with Neart Na Gaoithe”.

There have been changes in EIA regulations, development plan policy as well as assessment guidance including the Landscape Institutes Guidelines for Landscape and Visual Impact Assessment and SNH guidance since the previous application.

Planning Policy

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications should be determined according to the development plan unless material considerations dictate otherwise. As a Section 36 application, this does not apply, however it is usual practice to take the policies of the development plan into consideration in Section 36 applications, along with other relevant material considerations.

National Planning Framework 3

NPF3 sets out four planning outcomes. Two of these are most relevant to this application. Planning should make Scotland a **successful, sustainable place**, supporting sustainable economic growth and regeneration, and the creation of well-designed places. It should make Scotland a **low carbon place**, reducing our carbon emissions and adapting to climate change. It should make Scotland a natural, resilient place, helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.

Paragraph 1.7 notes that “Scotland’s varied coast and islands have an exceptional, internationally recognised environment. They now have an unprecedented opportunity to secure growth from renewable energy generation as well as other key economic sectors including tourism and food and drink”. The section on ‘Edinburgh and the South East’ notes the importance of both tourism and energy. Paragraph 3.9 notes ‘we want to continue to capitalise on our wind resource, and for Scotland to be a world leader in renewable energy’. Paragraph 3.41 notes that “the low carbon agenda forms crucial part of our strategy”. NPF3 also acknowledges the important role that landscapes have to play in sustaining local distinctiveness and cultural identity and supporting health and well-being (paragraph 4.4). The importance of designated and undesignated biodiversity, including marine wildlife, is noted in paragraph 4.5. The historic environment is also noted as an integral part of our well-being and cultural identity.

Scottish Planning policy likewise contains strong support for the development of renewable energy as well as protection of the natural and historic environment.

The Council notes the provisions of the National Marine Plan. This contains a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of this plan. Chapter 11 covers Offshore Wind. Map 9 shows the site of this proposal as a Scottish Territorial Waters offshore wind site.

RENEWABLES 1: Proposals for commercial scale offshore wind and marine renewable energy development should be sited in the Plan Option areas identified through the Sectoral Marine Plan process (Map 9). Plan Options are considered the preferred strategic locations for the sustainable development of offshore wind and marine renewables. This preference should be taken into account by marine planners and decision makers if alternative development or use of these areas is being considered. Proposals are subject to licensing and consenting processes.

RENEWABLES 9: Marine planners and decision makers should support the development of joint research and monitoring programmes for offshore wind and marine renewables energy development.

RENEWABLES 10: Good practice guidance for community benefit from offshore wind and renewable energy development should be followed by developers, where appropriate.

The National Marine Plan refers to a Sectoral Plan for Offshore Wind. The document ‘Blue Seas Green Energy’ covers energy within Scottish Territorial waters, and identifies this site as one of 6 Offshore Wind SEA Short Term Options.

Development Plan

The current (at time of writing) development plan for the area is the SESPlan 1 Strategic Development Plan June 2013 (SDP1) and the East Lothian Local Plan 2008 (ELLP2008). The replacement for SDP1 (SESPlan Proposed Strategic Development Plan 2016)(SDP2) is at

Examination, with the Examination Report having just been published. The proposed East Lothian Local Development Plan (ELLDP) has been subject to Examination, and is now with Scottish Ministers for their final approval. The Council has resolved to adopt this plan on receipt of approval from Scottish Ministers. If the ELLDP is not adopted by the time of decision, Areas of Great Landscape Value would be the local landscape designation. These are not assessed in the Environment Report, though were in the original Environment Statement. If it has been adopted, Special Landscape Areas are the local landscape designation, as assessed in the Environment Report. The Local Geodiversity Site at Thorntonloch will also be designated on adoption of the ELLDP.

SDP1 Policy 1B instructs Local Development Plans to ensure there are “no significant adverse impacts on the integrity of international, national and local designations in particular ... Special Protection Areas, SSSI’s and Area of Great Landscape Value ... and European Protected Species” and “contribute to the response to climate change through mitigation and adaptation”. Policy 10 notes the SDP seeks to promote sustainable energy sources. Proposed SDP2 likewise recognises the importance of moving to a low carbon economy as well as protection of the natural and cultural environment.

ELLP2008 paragraph 9.6 notes the Council is supportive of Government policy to secure greater energy generation from renewable sources, noting the benefits will be weighed against the impact on the local environment and features of interest. Paragraph 9.7 notes with regard to wind turbines, the visual and landscape impact of the turbines and associated infrastructure is usually the main concern, further noting that due to the need to catch the wind it is not possible to hide them. Paragraph 9.8 notes the council wishes to protect valuable landscape features such as North Berwick Law, Traprain and the Garleton Hills, and areas of the undeveloped coast. Policy NRG3 provides that wind turbines will be supported where they would not change the landscape character in an unacceptable way; they wouldn’t have an unacceptable visual impact on landscape or townscape including the impact on distinctive public views, landmark buildings, natural features or routes and there are no unacceptable cumulative impacts. ELLP2008 provides in Policy NH1 and NH2 for protection of internationally and nationally designated biodiversity sites, and the protection of Areas of Great Landscape Value in Policy NH4. Cultural heritage assets are protected by policies within Chapter 4, Built and Historic Environment.

The proposed East Lothian Local Development Plan contains policy on Wind Turbines, stating that they will be supported where they are acceptable in terms of cumulative issues; landscape and/or visual impacts; impacts on natural and cultural heritage assets including their settings where relevant; impact on tourism and recreation; and has no adverse effect on the integrity of European sites either alone or in combination with other projects and plans. The policy also notes that the economic impact of proposals, the scale of contribution to renewable energy targets and effects on greenhouse gas emissions. The proposed plan also contains policies protecting the natural and cultural heritage. In addition it designates Special Landscape Areas to replace Areas of Great Landscape Value as the local landscape designation.

Consultation by East Lothian Council

The Council consulted all the Community Councils in its area seeking their views on the application, as there is some theoretical visibility from all community council areas. Dunbar Community Council responded raising concerns about the impact on risks to Marine birdlife as well as local fishing. No other community council responded.

Consideration

Intertidal works

The Council has previously consented onshore transmission works (planning application reference 12/00922/PM). The issues surrounding this element of the development have already been explored and the consent for 12/00922/PM. There is no need for further consideration of the acceptability in planning terms of this aspect of the works provided the works are carried out in line with this consent (as subsequently amended). In this regard, I note that in the project description, it is stated at 4.2.9 that Figure 4.1 of Volume 2 shows the location of the development area, while the intertidal onshore works are described for completeness. The scale of the mapping of Figure 4.1 is such that the landfall and export corridor appears to cover a larger area than that shown in Figure 4.4, which shows the location of works consented under planning permission reference 12/00922/PM. It does not appear to be stated that this Figure 4.4 map is part of the description of the proposal subject to this application. Consent under Section 36 of the Electricity Act brings deemed planning permission.

It should therefore be made clear as a condition of consent that the intertidal works will be constructed in line with planning permission granted under 12/00922/PM.

Offshore works

The Council considers there may be impacts on East Lothian in the following areas:

Biodiversity

The Council values its birdlife, including that of the Firth of Forth SPA, the Forth Islands SPA and offshore, and Outer Firth of Forth and St Andrews Bay Complex proposed marine SPA. It also values the marine mammals which are visitors to the East Lothian coast, including those from the nearby Isle of May SAC and further afield Moray Firth SAC. There is legislative provision for the protection of such sites and some such species. The Council would not support development that would have an adverse impact on the integrity of European sites within East Lothian, or involving such an effect on qualifying interest species of sites outwith East Lothian that visit East Lothian or its coast.

The Council notes that where Appropriate Assessment is required, as in this case, the competent authority must consult the appropriate nature conservation body, which is Scottish Natural Heritage. SNH have expertise on whether or not the development, either alone or in combination with other developments, would adversely impact the integrity of European sites. As SNH are the statutory consultee on this matter, if they advise that there will be an adverse effect on the integrity of a European site within or affecting East Lothian, the Council would also object to the granting of this application due to its effect on such a site.

Geology and Water Quality

The Council is concerned that risks of pollution is minimised and appropriate arrangements are made if an incident for which the developer is responsible occurs. Such an incident could affect East Lothian if pollution were to reach the shores of East Lothian, which could affect recreation and wildlife, and require remediation; as well as a possible impact on fish caught by those living here. We note that the Environment Report considers shipping collision risk to be low, and also mitigation to avoid the risk of collision, as well as to avoid pollution from the development itself.

We would request that conditions are placed upon the consent to ensure;

- (1) that in the details of construction, operation and decommissioning phases of the development best practice is adhered to avoid risk of pollution as far as possible; and
- (2) financial provision is in place such that if an incident does occur for which the developer is responsible, that sufficient resources are available for remediation and any associated costs do not fall to the Council.

East Lothian Council is in the process of designating a Local Geodiversity Site at Thorntonloch Coast. This site will be designated on adoption of the East Lothian Local Development Plan, which may be prior to decision on this scheme. The Scoping Opinion notes that the Environment Report should consider whether there is potential for any impact on this site if it is designated. There does not appear to be any such assessment.

In the original Environment Statement, some impacts on coastal hydro dynamics assessed as having 'minor significance' were noted. These included changes to hydro-dynamics due to machinery, trenching and rock armouring (Table 8.10), Trenching and Rock cutting (Table 8.11), and rock armouring (Table 8.12). Impacts on Water Quality and Geology have not been included in the Environment Report. They were scoped out of further consideration as the information from the Environment Statement was considered adequate, however do not appear to be repeated in this Environment Report. As the Council noted at the Scoping stage however, we consider impacts on the Thorntonloch Local Geodiversity Site (if designated) and the potential impact on tourism due to loss of sand at Thorntonloch beach should have been considered.

Cultural heritage

The Council has considered the cultural heritage assessments. Although in general they have been undertaken using the correct methodology the Council would question the conclusions drawn regarding some of the level of impacts. The Council disagrees with the conclusions that are reached regarding the level of indirect impacts upon North Berwick Law and Tantallon Castle which it would consider to be at least moderate rather than minor, and therefore significant.

In terms of methodology the Council considers that the cumulative assessment should have taken account of some of the onshore windfarms in particular at Aikengall/Crystal Rig as for some of the Cultural heritage receptors the setting includes a 360 degree view, notably North Berwick Law and the Hopetoun Monument. This would increase the potential impact of the scheme upon the cultural heritage of East Lothian. This has not been included despite these features being built specifically to be seen and to see from; one of the values of these historic assets is the 360 degree view of the landscape and seascape. For these two monuments specifically the panoramic 360 horizontal view (as opposed to the vertical view which was assessed) was and is an important aspect of its use/construction. The Council's assessment is that the cumulative impact (including the onshore turbines) on North Berwick Law could be considered to be of such a magnitude as to be considered significant. The reasoning is that from the panorama viewing area, which is also the summit of the Hillfort, the introduction of turbines in the seascape will mean that virtually every view will include turbines. This will in effect define the horizon on the seaward side rather than the current perceived expansive views. Also the introduction of turbines into this view will be significant for the two look out posts on the Law (Napoleonic and WWI & II) which were positioned to have the seascape as the primary view.

Given the potential cumulative impacts from both the offshore and onshore windfarms in the area the consented scheme will have a significant impact on the cultural heritage. This remains the case with the scheme now proposed.

Seascape and Landscape

As with the previous application there are likely to be significant adverse seascape and visual impacts from the development. The main impact will be from the introduction of turbines, associated lighting, and associated structures into an area of open sea. The turbines and associated infrastructure will require to be lit for aviation and navigation purposes with the assumption that it will be visible in the dark in suitable weather conditions from wherever the turbines are visible in the day. This will lead to changes in the perception of the seascape and landscape character, and impacts on visual amenity. There will also be impacts from construction and maintenance in the movement of boats, cranes and other equipment. In the case of cranes, these impacts are likely to be temporary and, in the case of construction traffic, an intensification of the shipping already in the Forth. There will also be temporary impacts on the beach at Thorntonloch during construction.

The proposal will be visible from the coast and coastal areas from Yellowcraig to the boundary with the Scottish Borders Council area in the southeast of East Lothian. The proposal will also be visible from the parts of the A1 and East Coast Main Rail line and from the A199 from Pencraig Hill to Dunbar. It will be visible from higher ground such as Traprain Law, the Garleton Hills, and parts of the Lammermuir edge. Where there are no intervening buildings or trees, there will be views from North Berwick, Dunbar, parts of Gullane and, further afield, Tranent.

The coastal landscape where there is predicted visibility is varied with extensive beaches at North Berwick, Ravensheugh Sands and John Muir Country Park. The seascape is wide and open generally but has more intricate coves and rocky promontories closer to the shore with views across the offshore islands. The seascape of the outer Firth of Forth and Islands is almost completely untouched by built development. The sensitivity of the coast is identified its designation as Special Landscape Areas for much of its length.

There are three areas of seascape within East Lothian that are assessed in the ER: SA16 (Edinburgh to Gullane), SA17 (Eyebroughy to Torness Point) and SA18 (Torness Point to St Abb's Head). The ES identifies the sensitivity of all these areas as Medium. It is agreed that the sensitivity is medium on SA16 Edinburgh to Gullane and SA18 Torness Point to St Abb's (commenting on the East Lothian section only). However, the sensitivity of SA17, Eyebroughy to Torness Point, is considered to be High as, using the classification system in the ER, it is within a "locally designated landscape that is uncommon or particularly scenic". This section of seascape contains the offshore islands of the Bass Rock, Fidra and Craigleith contained within the Tantallon Coast, and North Berwick to Seton Sands Coast Special Landscape Areas. Iconic views can be obtained from North Berwick, Tantallon Castle and Ravensheugh beach to the Bass Rock and Isle of May and similarly from Dunbar to Fife Ness, as well as views to Fidra Island.

North Berwick in particular is a popular holiday and recreational resort and home to the Scottish Seabird Centre, which is a centre for bird and wildlife watching, part of whose attraction is the spectacle of the gannets on the Bass Rock and the puffins on the Isle of May. For much of this coastline there will be a clearly visible additional change in the view, visible for a long time, and affecting key views e.g. from North Berwick Harbour to the Bass Rock and Isle of May where the turbines would appear on most of the horizon between the Isle of May and the Bass Rock. The development will be seen in context with these islands for much of this unit and will clearly affect the seascape setting. The Environment Report has assessed the magnitude of the impact on seascape area SA17 as Medium with some changes in key characteristics, including potential creation of new characteristics across a local-scale area. Using the classification system in the ER we consider this to be High due to changes in key characteristics including potential creation of new characteristics across a district scale area which is long term. This would increase the level of

significance of the effect from Moderate as stated in the ER to Major significant effect on the seascape SA17 within East Lothian.

The Environment Report has assessed the impact on Special Landscape Areas (SLA) within East Lothian and identifies significant effects on four of these:

- North Berwick Law SLA

The offshore wind farm will be visible from the summit of North Berwick Law, including in views of the Bass Rock, and significant effects on visual amenity are predicted in the Environment Report.

- Tantallon Coast SLA

The Environment Report notes that in clear weather the turbines will be an unavoidable presence in views from this coastline and predicts significant effects on landscape character and visual amenity. It also states that at night lighting on the turbines will be visible and will affect the lack of lighting that contributes to the sense of wildness important to the character of the SLA.

- Belhaven Bay SLA

The Environment Report notes that the off shore wind farm will be an unavoidable presence in seaward views when visibility is suitable and as with the Tantallon Coast SLA at night lighting on the turbines will be visible and will affect the lack of lighting that contributes to the sense of wildness important to the character of the SLA.

- Dunbar to Barns Ness Coast SLA

The Environment Report predicts significant effects on the landscape character and visual amenity of this coastal SLA as a result of the off shore wind farm which will impact on the qualities of the SLA associated with off shore views.

The Environment Report provides visualisations from a number of viewpoints in East Lothian, as agreed with ELC, to represent the impact on views from East Lothian. Only one photomontage (from Dunbar) was provided for the previous scheme, although two additional viewpoints from North Berwick Law and West Steel) were assessed in the Environment Statement.

Viewpoint 17 – North Berwick Law

The viewpoint from the top of North Berwick Law is identified as of High sensitivity in the ER, however looking at the assessment criteria this viewpoint would appear to be of Very High sensitivity as visitors to this viewpoint are “present mainly to appreciate the view and ... there are open marine views”. This area is also widely promoted for its scenic value and identified as a Special Landscape Area in the ELLDP. We would agree that the magnitude of the impact is Medium with some visual change resulting from the Project being a feature in the view. The project is located beyond the Bass Rock in this view however sits above and on the horizon helping to reduce its impact on the setting of the Bass Rock in this view. The viewpoint also affords a 360 degree view again reducing the impact of the Project on this view.

When compared to the wirelines produced for the consented application this Project is an improvement with turbines that do not appear significantly taller in the view due to the distance and relative percentage increase in maximum height, yet the reduced number allows more separation between each turbine allowing the turbines to be understood as individual elements within the seascape rather than read as one mass along the horizon. However the effect will last for longer.

Viewpoint 18 – Dunbar

The viewpoint from Bayswell Park in Dunbar is representative of residents as well as a recreational viewpoint and we agree with the High sensitivity assessment in the ES. This view is focussed out to open sea. The current view is undeveloped with the only signs of man being the occasional passing ship. The Project turbines will significantly change this view. The turbines will form an extensive part of the view out to sea and this is extensive visual change where the turbines will become a focal

feature in the view. This would therefore be assessed as a High magnitude of impact. This would lead to at least a Major-Moderate significant level of effect, higher than the Moderate effect identified in the ES.

When compared with the visuals produced for the consented application the Project turbines appear less cluttered across the horizon. However due to their layout as proposed this appears quite messy when viewed from Dunbar. It creates areas of clumping and then turbines spreading to the east. When viewed from the southwest there would be a benefit in removing a number of turbines to the southeast corner of the Project to reduce the spread across the seascape. The night time assessment in visual N7 shows the introduction of lighting into a previously dark area that will detract from the natural darkness of the undeveloped sea and will create a focal point.

Viewpoint 19 – Innerwick

The Innerwick viewpoint was provided instead of the West Steel viewpoint assessed for the consent application. This is more relevant for residents in this small settlement. We agree with the assessment in the Environment Report that the project will have a significant Moderate level of effect on this viewpoint.

Viewpoint 24 – Scottish Seabird Centre

This viewpoint is representative of residents of the coastal settlement of North Berwick as well as tourists and visitors to the beaches, golf courses and Scottish Seabird Centre. We agree with the Environment Report assessment of the sensitivity of this receptor as High. The view from the seafront and harbour in North Berwick where the Seabird Centre is focused on a narrow area of open sea contained between the islands of the Isle of May to the north and the Bass Rock to the south. The Project turbines as proposed will fill the only open section of sea visible from this viewpoint. They form a continuous line from the Isle of May to the Bass Rock. They detract from the setting of the islands within the sea by providing an additional focal feature and significantly change the openness of the views out to sea. The islands are important for nature, and bird life in particular, and the presence of the turbines in this view detracts from the natural setting of these. We would therefore assess the magnitude of the impact of the Project on this view as at least High and probably Very High. Where there is extensive visual change where the Project becomes a focal feature in the view and there is a strong contrast with the existing view and changes in scenic quality.

The night time assessment in visual N6 has been taken on the beach in darkness rather than dusk without the natural background lighting of the town. Even given the poor quality of the image it is clear that the magnitude of change to this view from the introduction of the Project being lit at night is High. This is the only area of open sea in this view. By introducing lighting across this whole area it gives the impression of development continuing from the land and even of the land continuing. When compared with the visuals produced for the consented application the Project turbines appear more visible with higher hubs yet less cluttered across the horizon. Some mitigation for the impact on this view may be achieved by a reduction in spread. As with the suggestions for the Dunbar viewpoint this could be achieved in part by removal of the turbines to the southeast of the layout. Thereby reducing the spread towards and impact on the setting of the Bass Rock.

The cumulative assessment also shows the increased impact on the setting of the islands with the developments of Inch Cape and Seagreen. Inch Cape extends the line of turbines behind the Isle of May.

Viewpoint 25 – Tantallon Castle

This is highly sensitive receptor. It is important as a tourist attraction and for the heritage of the area. It is also located within the Tantallon Coast Special Landscape Area/ North Berwick - Dunbar coastline) one of East Lothian's most scenic areas.

As with the view from Dunbar the viewpoint from Tantallon Castle is focused out to sea and the Project turbines form a new large focal feature in this view. However with this view the turbines are not located where they impact on the setting of the Bass Rock or the Isle of May. These can still be seen in isolation within an open sea view. Open sea views are also still available without the turbines further east and south. We would agree with the assessment that the Project turbines create a significant moderate level of effect on this view.

Viewpoint 26 – Broad Sands, North Berwick

Another highly sensitive receptor important for users of the coast from families playing on the beach, to dog walkers to nature lovers all enjoying the scenic qualities of the area provided by the wide sandy beach and off shore islands. The Project turbines in this view are set along the horizon. They move behind the islands of Craigleith and the Lamb as you travel along the beach. They do not sit behind the Bass Rock along this section of beach. Due to the presence of the islands closer to shore the turbines have the effect of being at a distance and impact less on the setting of the islands and therefore visual enjoyment of the area. We would agree with the assessment that the Project turbines create a significant moderate level of effect on this view.

Viewpoint 27 – A198 east of North Berwick

This viewpoint and the sequential views along the A198 heading east as you leave North Berwick provide an iconic view of the Bass Rock set in open sea beyond the cliffs east of North Berwick. The gannets diving into the sea around the island are visible to the naked eye. The Bass Rock provides one of our least developed areas of coast. This is highly sensitive receptor. It is also located within the Tantallon Coast Special Landscape Area/North Berwick to Dunbar Coastline Area of Great Landscape Value one of East Lothian's most scenic areas. The importance of this view is supported by the recent development of the café on the cliff top situated to look towards the Bass Rock. The sensitivity of the receptor is at least High and it could be argued that it is Very High.

The Bass Rock is the focus of this view. The Project turbines form a significant element in this view that extend to either side of the Bass Rock. This changes the character setting of the Bass Rock in its natural undeveloped and wild seascape. It introduces a modern element into the view that detracts from the Bass Rock as the focus of this view. In our assessment this creates a Very High magnitude of impact on the visual amenity of this viewpoint and wider section of coast as defined in the Environment Report as being "extensive visual change...strong contrast with existing views and changes in scenic quality". This is a greater magnitude than identified in the Environment Report. This would lead to an assessment that the Project turbines create a significant Major level of effect on this view.

Viewpoint 28 – A199 East Linton

This viewpoint was asked for to address concerns that the Project turbines may impact on views from the A199 looking directly over Belhaven Bay an important view from East Lothian. The visual shows that the wind farm is located to the left of this in this view and addresses these concerns. However, the appearance of the turbines behind land rather than set in the sea may lead to visual confusion, with the turbines appearing as apparently larger but closer than when they are viewed with intervening sea. This effect is likely to be repeated in other areas where visibility of the turbines is behind features on the land.

Viewpoint 29 – Hopetoun Monument

As with North Berwick Law the Hopetoun Monument provides a 360 degree view which dilutes the impact that the Project turbines will have. The Project turbines appear, however, as a significant element in this view as they are located beyond the Bass Rock and the Council would therefore assess that this creates a Medium magnitude of impact on this view rather than the Low assessed in the Environment Report using the criteria set out the Environment Report with limited changes in scenic quality.

The Environment Report notes the area over which the turbines are visible increases the significance of the effect on the landscape/seascape in general. The Zone of Theoretical Influence diagram shows that the proposal is potentially visible over a wide area.. The Council agrees that the wide area from which the turbines will be visible is a significant effect.

Cumulative Assessment – Landscape and Seascape

As noted in the Environment Report the aim of the cumulative SLVIA is to describe ways in which the Project “would have additional impacts when considered together with other existing, consented or proposed windfarms” as recommended in the SNH Assessing the Cumulative Impact of Onshore Wind Energy Developments Guidance March 2012. The proposals for Inchcape and Seagreen are based on the information submitted recently at scoping stage not the original consented schemes. These proposed turbines are much larger than consented, up 280m to blade tip.

There will be cumulative impact with other proposed offshore wind development including Inchcape and Seagreen, as well as potentially with onshore windfarms. The effect of the Project, in addition to the offshore turbines, is that it will in places extend the length of horizon containing turbines and intensify the concentration of turbines, as well as bringing turbine development closer to the coast and increase the number of days offshore windfarm development is visible. It may also result in effects from a difference of design e.g. turbines of different heights, blade size and speed which will be seen from some locations as superimposed on each other. This is partly addressed by the proposed size of the Project turbines and the larger scoped size of the Inch Cape turbines which are located further from East Lothian. This leads the turbines of these two wind farms to read as a similar size in the cumulative visuals supplied.

The Environment Report identifies the magnitude of cumulative impact for all viewpoints within East Lothian to be Low, yet given the extension to the length of wind turbines visible along the horizon and impacting on the off shore islands in the views from all viewpoints we would assess this impact to be Medium.

The proposed development has fewer turbines, spread further apart with higher hub heights than the previous approved application which generally gives a clearer picture of the wind farm when viewed from East Lothian. It reduces the clutter of the denser layout with lower turbines pulsing on the horizon.

The Project is still identified as having significant landscape and visual impacts on East Lothian, the Environment Report identifies these as moderate although our assessment as noted above would suggest that some of these are major effects. The Project will lead to significant changes in character of seascape and key views will change in character, including the skyline, approaches to coastal towns, and the setting of seascape features. This will affect the appreciation of the landscape by people including residents, tourists and visitors, and will affect the natural beauty of the area. The doubling of the time consented also increases the significance of the effect as fewer people will be able to experience the seascape/landscape views in their unaltered form.

Landscape Mitigation and conditions

No mitigation has been suggested. As identified in the Environment Report mitigation for windfarms is generally limited to the reduction of potential direct effects through detailed siting and the reduction in adverse aesthetic effects through windfarm design. There are a number of ways in which mitigation for the impact of the Project could be considered.

- Reduction in the spread of the Project turbines by removal of some to the southeast at a minimum; it may be possible to achieve the same effect through micro-siting.
- Due to the turbines location to the northeast of East Lothian when viewed from East Lothian the sun will often be shining on them. This could lead to an increase in visibility of the turbines from East Lothian. The finish must be matt and unreflective and the colour may be better as a darker grey than the proposed RAL 7035 light grey. A more suitable colour may be RAL 7038 agate grey.
- The Council notes the Environment Report expects there to be an adverse effect on elements of the landscape/seascape resource. This is experienced by recreational users, who may suffer detriment to their recreational experience, or attempt to recreate elsewhere. Regulations 22 of the EIA regulations sets out provision for monitoring, and if necessary remediation of significant effects. Monitoring should include study of the effect of the scheme on the qualitative experience of recreational users and any impact on levels of use of recreational areas where the landscape resource is predicted to be impacted, in particular the coast, Dunbar and North Berwick Law. If necessary appropriate remedial action should be identified such as increasing awareness of alternative areas through e.g. leaflets; increasing recreational possibilities elsewhere; or non-standard maintenance of existing recreational areas to ensure that the recreational offer in East Lothian remains of the same quality overall as without the scheme.
- We would ask that a condition of any consent be that detailed design and layout resulting from micro siting and other limiting factors be discussed with and approved by East Lothian Council.

The Council would also ask that a condition be placed on the lighting such that where possible visibility of lighting on the turbines both for aviation and navigation from East Lothian be reduced by the use of up/down lighters and using the minimum lux required. It should be confirmed that the use of flashing lighting, which could have a much greater visual impact, is not required. The Council would also ask that a condition be placed on any consent requiring monitoring of the lighting once installed and if visibility from East Lothian is identified that this be addressed and reduced where possible with the replacement of lighting as new systems/methods become available during the life of the windfarm.

Decommissioning

The Council is concerned that provision be made for decommissioning, as noted in the project description. Due to impacts on landscape and seascape, among others, the Council is particularly concerned about the removal of the turbines, towers and other offshore works above the sea bed however, it may be that best practice at the time of decommissioning seeks further (or less) work. The Council would prefer that the decommissioning condition retains the option of removing all elements of the project. The Council therefore requests a condition requiring decommissioning in accordance with best practice or advice at the time, and seeks to be consulted on the Decommissioning Programme both prior to construction and prior to decommissioning.

The Council also requests that a condition be placed on consent to ensure financial arrangements are put in place to secure decommissioning in the event that the owner of the scheme does not carry it out.

Conclusion

The Council considers that the proposal will have significant adverse effects on interests within East Lothian as detailed above. However, the amount of renewable energy projected to be produced is significant and will help address climate change and air pollution through displacing fossil fuel generation.

Both the ELLP2008 and the proposed or adopted East Lothian Local Development Plan support the generation of renewable energy, subject to consideration of landscape and other interests. The Council did not object to the original scheme. Although it considered that it would have some significant adverse effects on East Lothian this was outweighed by the benefits of producing a considerable amount of renewable energy. The Council considers that the impacts of the current proposed scheme (not taking its duration into account) on East Lothian would in general be less than the consented scheme; as this scheme is for fewer, more widely spaced although higher turbines, it is likely that the turbines will appear more clearly as turbines, rather than ambiguous clutter. However, as the turbines are marginally higher, it will be seen from more places, and it will be more noticeable in others, than the original scheme. On balance the Council considers the appearance of this scheme overall to be preferable to the previously consented scheme. However, the consent period for this scheme is 50 years rather than the original 25 years, and this doubles the length of time during which impacts will occur.

Nonetheless the Council considers that provided conditions are placed on the consent to achieve the aims set out below, and consideration is given as requested to mitigation of landscape/seascape impact, that the benefits of the scheme outweigh its significant effects.

The Council would request that conditions be placed on the consent to ensure:

1. That the intertidal works are undertaken in line with planning consent reference 12/00922/PM as amended.
2. That the lighting of the scheme is kept to the minimum required for safety, and no further lighting of the scheme be permitted other than for emergency health and safety reasons. Flashing lights, including apparent flashing from the movement of turbine blades in front of lights, should be avoided. In the case that lighting is visible from mainland East Lothian, this scheme of lighting should be monitored, with remedial action taken if possible. If requirements for lighting reduce, or technological progress is made such that lighting could be reduced to a level where there is a significant difference in how it is perceived from East Lothian, the lighting be altered. The fog warning sound should also be kept under regular review and kept to a minimum.
3. That East Lothian Council be consulted on details of design not fixed by the application including the final layout of the turbines, prior to approval.
4. that in the details of construction, operation and decommissioning phases of the development best practice is adhered to avoid risk of pollution as far as possible; and
5. That financial provision is in place such that if a polluting incident does occur for which the developer is responsible, that sufficient resources are available for remediation and any associated costs do not fall to the Council.

6. That provision for decommissioning of the project in line with best practice at the time is made, allowing for the possibility that all elements of the project are required to be removed.
7. That sufficient funds are available to decommission the project, should the owner of the scheme be unwilling or unable to do so at the end of the term of consent; financial provision should be made to fully cover the costs of decommissioning so that such costs do not fall to the public authorities.

The Council asks you to consider whether there is a need for further information on coastal hydro-dynamics as concerns impacts on Thorntonloch beach and Thorntonloch Local Geodiversity Site.

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 place increased importance on mitigation and monitoring. The increased length of time for the proposed project over the original consented works also increases the impact and therefore the desirability of both monitoring and mitigation of impacts.

The Council asks that consideration is given to the following as mitigation for landscape/seascape impact: (a) reducing the apparent spread of the project by removal or relocation to some of the turbines to the southeast; (b) using a darker grey than the proposed RAL 7035 light grey, such as RAL 7038 agate grey (c) requiring monitoring of effect on the experience of recreational users and levels of use, and appropriate remedial action taken if necessary to ensure the recreational offer in East Lothian remains of the same quality overall as without the scheme, as set out above.

The Council therefore does not object to this scheme unless SNH advises that there are adverse effects on the integrity of a Natura 2000 site within or adjacent to East Lothian, or where the qualifying interests visit the East Lothian or the coast off East Lothian.

It remains the Council's view that of the offshore schemes proposed and consented in the Firth of Forth (Neart na Gaoithe, Inchcape and Seagreen Bravo and Alpha), Neart Na Gaoithe, whether the original scheme or this one, will have the greatest impact on interests within East Lothian and possibly elsewhere, though this is for others to comment on. Should it be the case that there is not capacity for all schemes, whether due to the cumulative impact on Natura 2000 sites or any other reason, we ask that Scottish Ministers consider the good planning of the area overall when determining whether or not to grant consent for this scheme.

Note on Community Benefits from Offshore Renewable Energy Developments – Scottish Government Good Practice Principles.

The Scottish Government Good Practice Principles document sets out the key principles of designing and providing a community benefit package. In this regard, the Council recognises the voluntary nature of the benefits, and the value of the project in contributing to low carbon generation. However, the Council also recognises that while the impacts are considered acceptable when balance against the need to generate renewable energy, nonetheless, the impacts are felt within a particular area including parts of East Lothian, whereas the benefits such as reduced carbon dioxide emissions will be more widely distributed.

The main adverse impacts are an adverse impact on landscape and seascape resource both on and offshore including impacts on recreational and daily experience of landscape/seascape. Most if not all community council areas in East Lothian will have some visibility of the scheme, though in some areas it will be much more noticeable than others, mainly areas on the north-eastern and eastern

coast, as well as from higher ground. There are also impacts on aspects of the cultural heritage for which mitigation is unlikely to be possible. For these reasons, it is our view that areas within East Lothian should be considered as part of the community if community benefits are to be considered.

If you would like to discuss the contents of this letter further, please contact J Squires (Monday to Thursday only) on 01620 827370, or email to jsquires@eastlothian.gov.uk

Yours sincerely,

J Squires

Pp Iain McFarlane
Planning Service Manager

Mr Alan Keir
Marine Scotland – Marine Policy and
Planning
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Dalhousie Estates Office
Dalhousie Estate
Brechtin
Angus
DD9 6SG

18th May 2018

Dear Sir,

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) AND MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE NEART NA GAOITHE OFFSHORE WINDFARM (REVISED DESIGN), 15.5 KM EAST OFF FIFE NESS

The Esk District Salmon Fishery Board welcomes the opportunity to comment on this proposed development. The Esk DSFB is responsible for protecting the salmon and sea trout fisheries of the River North Esk, River South Esk, River Bervie and River Lunan. The River South Esk has been designated Special Area of Conservation for Atlantic salmon and Fresh Water Pearl Mussel under the EC Habitats Directive, and the River North Esk is an important research river for Marine Scotland Science and the salmon populations of this river have been constantly monitored since the 1960s. Salmon and sea trout fisheries in the Esk Fishery District are very important to the local economy, providing employment for many local people, as well as having an amenity value for local and national angling opportunities.

As Offshore Wind Farms are a recent technology, we are concerned that the potential impacts from the construction and operation of the wind farm on wild salmonid populations are not well understood. The desk top studies submitted as part of this application have concluded that any impacts on wild salmonid populations should be minimal, and that the operation of the wind farms should not impact significantly on wild Atlantic salmon or sea trout populations. However, these conclusions are based on assumptions and extrapolations from laboratory research: until the wind farms have been in operation for several years, any effects on wild salmon and sea trout will not be understood.

To that end, the Esk DSFB strongly recommends that the developer be impelled to conduct pre-, peri-, and post-construction monitoring of wild salmon and sea trout in and around the development area. This will enable an assessment of the baseline conditions and provide a reasonable opportunity to detect any changes to salmonid behaviour and abundance as a

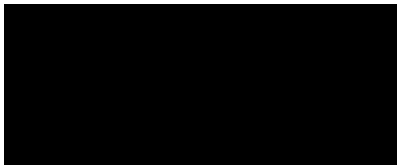
Chairman: Malcolm Taylor
E-mail: malcolm.taylor@bellingram.co.uk

Clerk – Dr Craig MacIntyre
Tel: 01356 623492
E-mail: cmeskrivers@gmail.com

result of this development. We are also concerned that cumulative impacts from the other proposed developments of Inch Cape and Seagreen will affect wild salmonids, which strengthens the case for a full monitoring and research programme across the entire development area. The Esk DSFB is keen to engage with the developer and other stakeholders to develop and deliver a monitoring and research strategy.

The Esk DSFB also fully supports the comments and recommendations made by Fisheries Management Scotland in their submission to this consultation. Until an agreed and accepted monitoring and mitigation strategy is produced, the Esk District Salmon Fishery Board must object to this proposal.

Yours faithfully,



Dr Craig MacIntyre

Clerk to the Esk DSFB

Keir A (Alan) (MARLAB)

From: Christine Bell <Businessmanager@eyemouth-harbour.co.uk>
Sent: 11 May 2018 10:30
To: MS Marine Renewables; neartnagaoithe.representations@gov.uk
Subject: Consultee Response on Neart na Gaoithe Wind Farm Consent Application from Eyemouth Harbour Trust

Dear Sirs

This representation refers to the Consent Application by Neart na Gaoithe Offshore Wind Limited to construct and operate an offshore wind farm (including offshore transmission works) located approximately 15.5 km East of Fife Ness with a total area of approximately 105 km² (central latitude and longitude coordinates: 2° 15.003' W, 56° 16.061' N (WGS84))

Eymouth Harbour Trust supports the granting of consent for this proposal.

Our support is based on the following;

- We believe it to be beneficial that an otherwise unused resource (wind energy) be turned into a valuable commodity (electricity)
- Having a generation capacity wholly in Scottish Territorial Waters enhances the security of the national electricity supply
- We welcome that the national need for electricity can receive a contribution from a source that does not produce greenhouse gas as a by-product.
- We note the contribution to Scotland's part in achieving Scottish, UK and International targets for Greenhouse Gas Emissions by 2050 (offsetting the CO₂ of 252,140 tonnes coal equivalent annually)
- We welcome the opportunity for Scottish industry to benefit commercially from involvement in the proposed project
- We believe coastal communities can benefit through involvement with the proposed project
- Our concerns regarding our local natural environment during both construction and operation of the proposed wind farm have been addressed by the developer and we believe the proposed arrangements described in Chapters 8 and 9 of their Environmental Impact Assessment Report represent an adequate means of monitoring and mitigating potential adverse outcomes. In particular we welcome the proposal to establish and maintain involvement with relevant statutory bodies and other local and national bodies as described for example in Sect 8.11.4 of Chapter 8 and 9.9.8 Chapter 9 of the developer's EIA report.

Our harbour has a direct interest in the commercial wellbeing of our local fishing industry. We welcome the face to face consultation (01/08/2017) with our fishermen reported in Chapter 10 of the Developer's EIA Report. We share the opinions of the Developer and our fishermen that the construction activity of the windfarm generators, offshore sub stations and the export cable all present an intrusion on the activities of a range of fishermen. We welcome the assessments and consultation which have taken place to date and the proposal that they continue to be actively pursued. Where the intrusion impacts adversely on the fishermen's income we welcome the Developer's commitment to compensate for losses. This is recorded in Chapter 10 of the Developer's EIA Chapter 10 Paragraph 10.9 section 240 *"These significant impacts relate to potential loss of earnings and loss of the ability to carry out normal working procedures. These are economic issues and therefore the appropriate means to address them is through commitment to disturbance payments. With respect to any justifiable disturbance payment, the procedures as outlined in the FLOWW guidance documents (2014 and 2015), will be followed wherever possible."*

End

Kind Regards
Christine

Christine Bell

Business Manager
Eyemouth Harbour Trust
Harbour Office, Gunsgreen Basin
Eyemouth
TD14 5SD

Tel: 018907 52494
[REDACTED]

E-mail: businessmanager@eyemouth-harbour.co.uk

Web: www.eyemouth-harbour.co.uk

I work part-time and my working hours are:

Tue: 9-5, Wed & Thu 9-2.30, Fri: 9-5



**EYEMOUTH
HARBOUR TRUST**
SCOTLAND'S FIRST PORT OF CALL



Member of NnG Offshore Wind Farm Coalition

Bringing more than 2,000 jobs to Scotland

www.nngcoalition.com

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Marine Scotland
Scottish Government
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375 Victoria Road
Aberdeen
AB11 9DB

The Clubhouse
106 Biggar Road
Edinburgh
EH10 4DU

Email: clerk@fishforth.co.uk
Tel: 0131 445 1527
www.fishforth.co.uk/fdsfb

13th May 2018

Dear Sir/Madam

ELECTRICITY ACT 1989

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

The Electricity (Applications for Consent) Regulations 1990

MARINE (SCOTLAND) ACT 2010

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

RESPONSE TO APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) AND MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE NEART NA GAOITHE OFFSHORE WINDFARM (REVISED DESIGN)

The Forth District Salmon Fishery Board (or the Board) was established under the 1862 and 1868 Salmon Fisheries Legislation, then subsequently amended in the Salmon Act 1986 and the Salmon Conservation (Scotland) Act 2001. This legislation has been recently amalgamated under the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (or Salmon Acts). The Board is empowered under legislation to take such acts as it considers expedient for the protection, enhancement and conservation of stocks of salmon and sea trout. It also has a duty to ensure the general protection and enhancements of the Forth Fishery.

The Board is responsible for more than 3,600 km² of water within the district, the area includes the mainstem of the River Forth, the estuary and coast, and all tributaries.

We would respond to your consultation as follows:



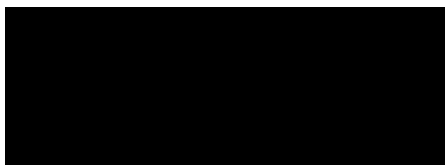
Malcolm *et al.* (2012) summarizes empirical data showing that many east coast salmon arrive at the UK coast around Northumberland and travel northwards up the east coast of Scotland as far as Aberdeenshire. Migrating adult Atlantic salmon, when considered as a receptor in the region of the development, are therefore of particularly high sensitivity as a large proportion of the east coast population pass through the area. Scoping did not appear to appreciate this. Any uncontrolled negative effects will effect the whole of the east coast including the Rivers Tweed, Tay and South Esk.

Many individually small-scale impacts were scoped out of the EIA when considered as stand-alone impacts (page 37, section 154 of Chapter 7 Fish and Shellfish Ecology), however, the cumulative impact of many small effects over an exceptionally large area - when NnG is considered together with the two adjacent developments of Inch Cape and Seagreen - has not been assessed. This is disappointing when considering what is at stake.

The participation of the NnG developers in the Forth and Tay Regional Advisory Group and in developing an environmental monitoring plan for diadromous fish species is very welcome and absolutely necessary. It is our view that it is appropriate to use this development (together with the two neighbouring developments) as an opportunity to further the understanding of salmonid movements and the impacts that offshore wind farm developments may have on them.

Should monitoring subsequently reveal that a negative impact has resulted from the development(s), then there should be a requirement for the developers to fund compensatory activities in the affected catchments to reduce and mitigate any further detriment to the Atlantic salmon and sea trout populations.

Yours faithfully



Alison Baker

Clerk to the Forth District Salmon Fishery Board

cc. John McKenzie – Chair, Forth District Salmon Fishery Board

ELECTRICITY ACT 1989 (As Amended)

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

The Electricity (Applications for Consent) Regulations 1990

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

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) AND MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE NEART NA GAOITHE OFFSHORE WINDFARM (REVISED DESIGN), 15.5 KM EAST OFF FIFE NESS

Having consulted with Fife Council Elected Members on both the Central Area and the North East Planning Committees, as well as with Council officials, I can confirm that the following comments represent Fife Council's formal response to the above consultation from Marine Scotland regarding the variation to the Neart na Gaoithe Offshore Wind Farm consent being sought. I can further confirm that I have the authority of the Central Area and North East Planning Committees to submit this formal response on their behalf, without the need for further Committee process.

Elected Members who responded to the consultation were either supportive of the proposal or have advised that they have no comment to make. One Elected Member was keen to ensure that the possible impact on the tourist business in the East Neuk and St Andrews should be taken into account by Fife Council's Economic Development Team.

Fife Council's Economic Development Team have considered the proposals carefully, including the potential impact on tourism, and wish to submit the following comments on the Section 36 Application.

The Neart na Gaoithe Offshore Wind project is currently being developed by the applicant EDF Energy approximately 15km off the Fife coast and has the potential to generate 450MW of renewable energy, which is enough power to supply around 325,000 homes, offsetting over 400,000 tonnes of emissions each year. This project will not only make a significant contribution to Scotland's ambitious renewable energy generation and CO2 reduction targets, it also has the potential to contribute significantly to economic growth in the region.

Fife Council has previously supported this offshore wind development as a key consultee under section 36 of the consenting process of the original application in 2014. The Economic Development team continues to support the development in its revised application and continues to welcome the investment and development interest that will generate positive opportunities and benefits for Fife.

The Council's Economic Development team has been working with EDF Energy team (previously Mainstream Renewable Power) over recent years to outline the opportunities and capabilities of the local supply chain here in Fife and ensure that we maximise the wealth of expertise which exists in the region. Examples of local companies who can provide high-quality local content to the project include leading heavy fabrication companies such as Bifab, engineering support services experts such as Babcock and Oceaneering Umbilical's, specialist marine support companies such as Briggs Marine and specialist environmental consultants such as SMRU Marine. In addition our world leading marine infrastructure at Energy Park Fife and Rosyth should play a key role in supporting the construction and operational phases of the wind farm over its lifespan.

Our discussions with EDF has involved the development of joint initiatives such as supply chain contracting workshops and in the development of a potential dedicated Neart na Gaoithe community benefit fund. We would like to see these reiterated in the Council's response.

We have discussed the proposed development with colleagues in the Economy, Tourism and Town Centres team. In June 2007, the Scottish Government commissioned Glasgow Caledonian University to assess whether Government priorities for *onshore* wind farms in Scotland are likely to have an economic impact—either positive or negative—on Scottish tourism. The results, published in March 2008, concluded that wind farm developments have a minimal impact on tourism, provided they are not visible from important tourism corridors, with 97% of those surveyed saying wind farms would have no impact on their decision to visit Scotland again. The report also makes recommendations for planning authorities which could help minimise any negative impacts of wind farms on the tourism industry. There is currently no official guidance on the impact of *offshore* wind farms on Tourism and at this point the impact of a development 15km off the Fife Coast is not known.

In terms of wider tourism benefit locally the offshore windfarm may provide new tourism potential through the creation of a new boat tour route up to and around the turbines as has happened in other developments across the UK. There is also an opportunity for the private sector to create a visitor centre linked to the boat tour explaining the engineering behind them. If a new boat tour was created then accommodation providers across the East Neuk and St Andrews area would be able to promote this new facility to attract and retain visitors too. There will be opportunities for existing Harbours at Tayport, St Andrews, Crail and Anstruther to name a few and they should be encouraged, where possible, as diversification for these traditional harbours and communities.

Martin McGroarty, Lead Professional (Minerals)
29th June 2018



T: +44 (0)131 221 6567

E: alan@fms.scot

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

18 May 2018

Dear Sir/Madam,

ELECTRICITY ACT 1989

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
The Electricity (Applications for Consent) Regulations 1990

MARINE (SCOTLAND) ACT 2010

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

**RESPONSE TO APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED)
AND MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE
NEART NA GAOITHE OFFSHORE WINDFARM (REVISED DESIGN)**

Introduction

Fisheries Management Scotland are the representative body for Scotland's District Salmon Fishery Boards (DSFBs), the River Tweed Commission and Fisheries Trusts. We sit on the MFRAG, the FTRAG, and were a member of the working group (as the Association of Salmon Fishery Boards - ASFB) which developed the National Research and Monitoring Strategy for Diadromous Fish (NRMSD): to investigate the potential for interactions between diadromous fish and wind, wave and tidal renewable energy developments. As ASFB we responded to the original Neart Na Gaoithe application in September 2012 and again in February 2014. Large offshore windfarms are of strategic importance from a wild fish perspective and the potential impacts are much wider than the remit of any single DSFB or Fishery Trust. On that basis, Fisheries Management Scotland responds to such developments from a national perspective. Our views should be considered in addition to the views of our members, which we support in full.

DSFBs have a statutory duty to protect and improve salmon and sea trout *fisheries*. All salmon fishing rights in Scotland (freshwater and marine) are private heritable titles. As the environmental effects of offshore technologies are uncertain, we would expect that developers should be required to remedy any negative consequences of such developments on the heritable assets and the value of those assets (including employment within the fishery) of all fishery proprietors. We therefore believe that, as a condition of

consent (should such consent be granted), there should be a requirement for a formal mitigation agreement between the developer and relevant DSFBs.

General Comments

We welcome the further detail provided, and recognise the willingness of the developers to consider contributing to strategic monitoring and potentially building mitigation into the construction schedule. However, we maintain our belief that there remains insufficient information to make an adequate assessment of the potential effect on salmonid populations. Given the lack of information, particularly in relation to the lack of knowledge of the migratory routes of smolts (Atlantic salmon and sea trout) and the potential secondary impacts on increased predation of migratory fish by seals, the precautionary approach must be adopted. We recognise that these information gaps can only reasonably be filled by large-scale, strategic research, but until such time as we are able to assess risk in the light of such information we maintain our objection to this development.

We would also emphasise the importance of the process adopted towards consent being flexible enough to take into account relevant information relating to migratory fish, as and when such information becomes available. It is therefore important that conditions are included which allow appropriate additional mitigation to be put in place, should negative interactions prove to be more likely than set out in the ES.

Specific Comments

The remainder of our comments relate to Appendix 7.2: Atlantic salmon – Appraisal of Original EIA.

We note the inclusion of table 2.1. In particular, we emphasise the concerns expressed by the River Tweed Commission about the use of the development by seals and the potential for increased predation of migratory salmonids - a concern that we share. Studies undertaken by Russell et al. (2014) demonstrated that the bases of wind turbines, as artificial reefs, attract both grey and harbour seals. We do not agree with the conclusion of Scottish Ministers that Atlantic salmon present within the offshore wind farm area are less at risk of being predated, as they are actively migrating. We note that sea trout which, along with Atlantic salmon, are priority marine features, have not been considered here. We would draw the attention of MS-LOT to General Policy 9 in the National Marine Plan (our emphasis):

GEN 9 Natural heritage: Development and use of the marine environment must:

- (a) Comply with legal requirements for protected areas and protected species.
- (b) **Not result in significant impact on the national status of Priority Marine Features.**
- (c) Protect and, where appropriate, enhance the health of the marine area.

Malcolm *et al.* (2012) summarises empirical data showing that many east coast salmon arrive at the UK coast around Northumberland and travel northwards up the east coast of Scotland as far as Aberdeenshire. Migrating adult Atlantic salmon, when considered as a receptor in the region of the development, are therefore of particularly high sensitivity as a large proportion of the east coast population pass through the area. The use of the marine environment by sea trout is less well defined, but tracking work by the Tweed has demonstrated that sea trout may migrate as far as the waters around Denmark. Any uncontrolled negative effects will effect the whole of the east coast including the Rivers Tweed, Forth, Tay and South Esk, North Esk and Aberdeenshire Dee, five of which are SACs for Atlantic salmon. Given the economic and conservation importance of these rivers, we do not believe that General Policy 9 has currently been satisfied.

There is an opportunity to establish the size of this potential impact through ongoing monitoring of a number of offshore developments in Scotland. Marine Scotland Science and the Sea Mammal Research Unit have developed and tested a seal-mounted reader which can detect Passive Integrated Transponder (PIT) tagged fish as they are eaten by seals. The collection of such information, with an associated requirement for appropriate mitigation should increased predation be detected, should be a condition of consent.

Paragraph 39: This paragraph states that a precautionary approach was applied as it was assumed that salmon were present offshore. However, as stated above, the Forth and Tay developments have the ability Fisheries Management Scotland is a limited company registered in Scotland under no. 587127.

to impact upon a number of rivers, including at least five SACs. Given the paucity of information relating to the migratory routes of salmon, and marine habitat preferences of sea trout, a truly precautionary approach would start from the basis that all migratory fish, from all of these rivers, use the area of the development.

Paragraph 61: The consideration of Atlantic salmon and sea trout, and their differing use of the marine environment, is inconsistent throughout the document. This paragraph discusses Atlantic salmon in relation to loss of habitat, but does not consider sea trout.

Paragraph 71: See our comments above in relation to a potential experimental approach to measuring direct predation impacts. There is no consideration here of sea trout.

Section 4.1.1. Embedded Mitigation: We support the suggestions relating to mitigation and consider that, if consented, these should be included as formal conditions of consent.

Table 4.2: We welcome the participation of the NnG developers in the Forth and Tay Regional Advisory Group, although we note that this group has not met for some time. We also support the proposal to develop an environmental monitoring plan for diadromous fish species – this is a crucial element of any such development. It is our view that it is appropriate this monitoring plan (together with the two neighbouring developments) as an opportunity to further the understanding of salmonid movements and the impacts that offshore wind farm developments may have on them. As stated above, should monitoring subsequently reveal that a negative impact has resulted from the development(s), then there should be a requirement for the developers to fund compensatory activities in the affected catchments to reduce and mitigate any detriment to the Atlantic salmon and sea trout populations.

Conclusion

Fisheries Management Scotland recognises the importance of offshore renewable energy. However, the environmental statement has failed to demonstrate that the development will not adversely affect the integrity of the SAC rivers on the East coast of Scotland. Where a Natura site is involved, the onus is on the developer to demonstrate no impact and in the absence of that the precautionary principle will apply. Under these circumstances, we do not consider that the proposed development is compatible with the requirements of the Habitats Directive or Scotland's Marine Nature Conservation Strategy. On that basis, we have no alternative but to formally object to the proposed development, until adequate monitoring and mitigation strategies have been put in place.

It should be emphasised that we have no wish to prevent or delay the proposed development unnecessarily and we remain keen to work constructively with the developers and Marine Scotland to identify appropriate monitoring programmes which will allow us to be able to assess the acknowledged risks of this, and other proposed developments more appropriately. We stated in our introduction that we believe that a formal mitigation agreement should be a condition of consent. In addition, there is a clear and urgent need to fund, plan and start strategic research on the movement, abundance, swimming depth, feeding behaviour etc. of salmon and sea trout. Such research would clearly feed into the potential mitigation measures that might be deemed appropriate, and the conditions under which such mitigation should be enacted. One aspect that should be considered immediately is the installation of fish counters, particularly in SAC rivers, to allow the real time understanding of adult salmon abundance (and depending on local conditions, new technology might even allow information on smolt escapement to be collected). We believe that the installation of such counters, in close liaison with the DSFBs in question and MSS, could potentially be considered as a condition of consent, where appropriate to local conditions, should such consent ultimately be granted. Developers should be encouraged to work together to fund such strategic monitoring, including the on-going costs of operating such counters, in order to allow more certainty for all involved.

Keir A (Alan) (MARLAB)

From: [REDACTED]@forthports.co.uk>
Sent: 06 April 2018 15:48
To: Keir A (Alan) (MARLAB)
Cc: Humphries S (Sophie); Bain N (Nicola) (MARLAB); [REDACTED]
Subject: FW: [BULK] Neart Na Gaoithe Offshore Windfarm (Revised Design) - Consultation - Request for comments

I refer to the above consultation and, in light of the cumulative effect of the wind farms, a coastal Vessel Traffic Service for the passing traffic may be required and should be considered.

Regards
[REDACTED]

[REDACTED]
General Counsel and Company Secretary
FORTH PORTS LIMITED

Telephone [REDACTED]
Direct Telephone [REDACTED]

From: Alan.Keir2@gov.scot [<mailto:Alan.Keir2@gov.scot>]
Sent: 28 March 2018 18:22
Cc: Joao.Queiros@gov.scot; Sophie.Humphries@gov.scot; Nicola.Bain@gov.scot
Subject: [BULK] Neart Na Gaoithe Offshore Windfarm (Revised Design) - Consultation - Request for comments
Importance: Low

Dear Sir/Madam,

ELECTRICITY ACT 1989 (As Amended)

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)
The Electricity (Applications for Consent) Regulations 1990

MARINE (SCOTLAND) ACT 2010

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

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) AND MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE NEART NA GAOITHE OFFSHORE WINDFARM (REVISED DESIGN), 15.5 KM EAST OFF FIFE NESS

On 15 March 2018 Neart na Gaoithe Offshore Wind Limited ("the Applicant") submitted an application to the Scottish Ministers in accordance with the above legislation to construct and operate the Neart na Gaoithe Offshore Windfarm (Revised Design) at a site 15.5 km from the coast off Fife Ness. This application is subject to an environmental impact assessment and as such the application is accompanied by an Environmental Impact Assessment Report ("EIA Report") which has been submitted by the Applicant. In addition, the Applicant has also provided a Habitats Regulations Appraisal ("HRA") Report.

The application documentation, including the EIA Report and HRA Report can be downloaded from: <http://www.gov.scot/Topics/marine/Licensing/marine/scoping/NnGRev2017>

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 **13 May 2018**. As per our e-mail of 8th November 2017 – Statutory Consultees, or 16th November 2017 – Non-Statutory



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email: MS.MarineRenewables@gov.scot

Mr Alan Keir
Marine Scotland Licensing Operations Team
Marine Scotland (Aberdeen Office)
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our ref: AMN/16/F
Our case ID: 300020973

10 May 2018

Dear Mr Keir

Electricity Act 1989 (As amended)

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
The Electricity (Applications for Consent) Regulations 1990

Marine (Scotland) Act 2010

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Application for consent under section 36 of the Electricity Act 1989 (as amended) and Marine Licence under part 4 of the Marine (Scotland) Act 2010 to construct and operate Neart na Gaoithe Offshore windfarm (revised design), 15.5km east off Fife Ness

Thank you for your consultation which we received on 29 March 2018. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above regulations and for our historic environment remit. Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories.

You should also seek advice from the relevant local authorities' archaeology and conservation advisors for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We are content that sufficient information has been provided in the EIA Report to come to a view on the application. We do not object to the application for consent.

We are content that the impacts of the proposed development on our historic environment interests do not raise issues of national significance. For the majority of the assessment provided, we are content to agree that the level of impacts on the settings of cultural heritage receptors is likely to be minor.

We have some comments to offer on the methodology and how it has been applied. We also have some specific comments to offer on the assessment of impacts on Bell Rock Lighthouse. These are given in the annex to this letter.

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

Further Information

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

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

Please contact us if you have any questions about this response. The officer managing this case is Ruth Cameron, who can be contacted by phone on 0131 668 8657 or by email on Ruth.Cameron@hes.scot.

Yours sincerely

Historic Environment Scotland

ANNEX

Comments on assessment methodology

The assessment methodology provided is appropriate for our interests, and the level of detail provided was helpful in coming to a view on the application. We welcome the reference given to the Historic Environment Scotland Policy Statement, and our Managing Change guidance note series.

The definitions given for sensitivity of receptor are at times inconsistent, and this has the potential to have some impact on the conclusions of levels of impact. Specifically, we note that table 13.4 identifies scheduled monuments as being of high sensitivity, and yet the assessment assigns medium sensitivity to at least one scheduled monument – Crail Airfield Pillbox (paragraph 73). This appears to be an inconsistency in the application of the methodology.

We also have concerns that not all battlefields included on the national inventory are considered of high sensitivity in the methodology. We consider this inconsistent, as, being designated of national importance, we would therefore consider them to be 'known and valued on a national scale' (table 13.4). As no battlefields have been assessed, we do not consider this to have impacted the conclusions presented.

We note that this table also does not include a value of sensitivity for gardens and designed landscapes included on the inventory. As above, we would consider these to be of high sensitivity, and valued on a national scale. We note that the assessment identifies all GDLs as medium sensitivity. Without any reference to this in the methodology or explanation of how this value was assigned in the assessment, it is unclear how these conclusions have been drawn.

The assessment itself repeatedly uses the term 'integral to its setting', and it would therefore have been helpful to have a clear definition of the term.

Comments on assessment of impacts on Bell Rock Lighthouse

This category A listed building is identified as being of 'high sensitivity' in the assessment. It is stated that 'views across the sea' are 'part of its setting' (paragraph 58). We would note that the other assessment of a lighthouse presented (paragraph 76) (Isle of May Old Lighthouse) states that the view out to sea is 'integral to its setting'. It is not clear why this distinction has been made.

It is clear that the key consideration in assessing impacts on this heritage asset has been its relationship with Arbroath Signal Tower. We agree that this is a very informative part of the lighthouse's setting.



However, this one important visual relationship is not the only contributing element of it setting. This is acknowledged at paragraph 58 in identifying the value of view across the sea. However, impacts on these views are not assessed. The assessment given at paragraph 83 focuses only on the view towards the signal tower, and views of the lighthouse from the coast.

We therefore consider that there is the possibility that the level of impact has been underestimated. In particular, this is likely to be true for the assessment of cumulative impacts, which considers only the relationship between the lighthouse and the signal tower (paragraphs 106 and 107).

We note that this is identified as a limitation of the assessment at paragraph 37. It is stated that it was not possible to conduct a site visit, and that the lighthouse is inaccessible to the public. We consider that it would have been possible to give further consideration to the potential impacts even with this limit to the information available, through the use of wirelines and desk based assessment.

The issue of public accessibility is not a consideration in assessing setting impacts. Our Managing Change guidance note on setting (to which the assessment refers) gives clear advice on this issue. Page nine of the document states, 'Whether or not a site is visited does not change its inherent value, or its sensitivity to alterations in its setting.' We therefore do not consider inaccessibility to justify this omission in the assessment.

In light of these facts, we consider that the conclusions presented for the level of impacts on Bell Rock Lighthouse have not been fully justified. In light of the distance between this receptor and the proposed development, we are content that impact does not raise issues of national significance. However, we consider that this impact may be higher than the 'minor' value assigned to it for both setting impacts and cumulative impacts.

Historic Environment Scotland
10 May 2018

Marine Scotland Licensing and Operations Team

Scottish Government

Marine Laboratory, PO Box 101

375 Victoria Road

Aberdeen

AB11 9DB

21 May 2018

Dear Sophie,

Inch Cape Offshore Limited's (ICOL's) representation on the Neart na Gaoithe Offshore Windfarm (Revised Design), submitted to Marine Scotland Licensing and Operations Team (MSLOT) in March 2018.

Thank you for consulting with Inch Cape Offshore Limited (ICOL) on Mainstream Renewable Power Limited's (Mainstream) Environmental Impact Assessment (EIA) Report submitted as part of their revised design application for the Neart na Gaoithe Wind Farm (NNG).

The following information presents ICOL's representations on the application.

Seascape, Landscape and Visual Impact Assessment

Section 14.6.3 – para 48 states:

In the absence of the Project, it is likely that the Wind Farm Area will remain an area of open sea.

ICOL note that in the absence of the project there is no consideration of the existing consents held by Inch Cape or Seagreen. ICOL consider that as the existing consents remain valid in the area and as the Crown Estate Scotland view that the area has been identified for offshore wind development (and therefore likely to be developed as such), in the absence of the project, the area will not remain an area of open sea.

Section 14.8.4.1 para 122 states:

In assessing the cumulative impacts for the Project, the proposed Inch Cape and Seagreen projects as detailed in the Scoping Reports submitted to MS-LOT (ICOL, 2017; Seagreen, 2017) are considered to represent the 'worst case' (rather than the consented projects) in light of the proposed use of fewer but larger turbines. Design envelope information on these scoping proposals was exchanged by the developers, and they have been included in modelling and are discussed in the assessments.

This differs from what consultees (SNH and MSLOT) agreed with ICOL as representing the worst case scenario for Inch Cape – where ICOL has assessed the consented NNG envelope (more shorter turbines – 75 turbines @ 197m) rather than the scoping/application envelope for NNG (54 turbines @ 208m) as being the greatest contrast with the application stage Inch Cape.

Night Time Visualisations

ICOL note that NNG have encountered similar problems to ICOL when trying to compile meaningful night time visualisations. This is particularly apparent when both the aviation lighting (2000 candela) and shipping navigation lighting (NNG have noted that these have been modelled for a 500 candela light), is evident in the montages, whereby the latter appears just as visible, if not more visible than the red 2000 candela aviation light. ICOL notes that it would be beneficial for an industry decision on how night time visuals should be dealt with in the future.

Commercial Fisheries

In general, ICOL note that NNG has not used the same fisheries datasets as ICOL has in their assessment. This therefore means that some of the effects will therefore be different between the two EIAs.

Construction Phase Impacts - Temporary loss or restricted access to fishing grounds:

NNG concluded the significant impact on potting vessels from construction of the wind farm.

ICOL believe the Marine Scotland creeling study data (2017) and Scotmap creeling study data (2013) give valuable information in this regard. Both studies gathered data through a questionnaire which targeted a large number of under 15m vessel fishermen from a development neutral point of view, hence has the potential for greater accuracy than that gathered from those consulted for a specific development. ICOL believe that taking into consideration these studies (which suggests that although some fishing does occur in the vicinity of the wind farm development areas, the majority of creeling is along the coast) NNG have overstated the level of potential impact on potting vessels.

Construction Phase Impacts - Displacement of fishing vessels into other areas

NNG concluded moderate impacts to creeling as a result of displacement of Nephrops vessels due to installation of the export cable route. ICOL believe NNG have overstated the potential impact as Nephrops trawlers do not generally fish in the same areas utilised by creelers.

Marine Mammals

Worst case Design Scenario used for Inch Cape

ICOL notes that NNG assessed ICOL utilising a 2400kJ hammer in line with correspondence between ICOL and NNG in 2017. Subsequent to this ICOL has updated their design envelope to include potential monopiles with a hammer capacity of 5000 kJ.

Definitions of sensitivity

ICOL notes that NNG only consider Harbour seal and bottlenose dolphin as high sensitivity to pile driving noise (and all others low or medium). ICOL would consider all species of marine mammals likely to be encountered within the Firths of Forth and Tay to be of high sensitivity given the level of legal protection they are afforded. With a lower sensitivity assigned to these species the overall impact would be less.

PTS thresholds

ICOL note that the NOAA criteria alone has been used, without considering the Southall criteria, which will have an influence on the number of animals likely to be impacted.

iPCoD Modelling

ICOL appreciates that the iPCoD model that both NNG and ICOL were requested to use had a 'bug' which influenced the outcomes of the simulations. ICOL experienced this for bottlenose dolphins. NNG submitted their application before the model was updated, and therefore this will have an influence on their outputs.

iPCoD- use of sub-populations

ICOL note that NNG has used sub-populations for all species modelled. Whilst ICOL has only modelled bottlenose dolphin, ICOL have not modelled sub-populations, the reason for this being two-fold:

- The locations of the cumulative projects are throughout the range of the bottlenose dolphin population (within the Moray Firth and down the east coast of Scotland i.e. not restricted to one or other sub-population). It is unclear how modelling effects on different sub-populations will affect the population as a whole. When reviewing the NNG's iPCoD results ICOL suggest that, whilst it remains unclear why exactly the results are so different to ICOL's, the splitting of the population into sub-populations in the modelling may, in part (see iPCoD Modelling point above), play a part in these differences.
- (Cheney et al. (2013)[1] state that results from genetic analyses and photo-ID work confirm that the east coast population (for bottlenose dolphin) should continue to be considered as a single unit)

Dose response curve

ICOL note that summary data from the Brandt et al (2016) dose response curve has been used, which is less conservative than the Beatrice data.

Ornithology

It is not clear from the chapter how impacts have been apportioned amongst SPA and non-SPA colonies as advised in the scoping opinion. Given that the EIA chapter is based on SPA reference populations rather than regional reference populations, it appears that impacts have not been apportioned to non-SPA populations. Thus, impacts on SPA populations may be overly conservative.

Cumulative

ICOL notes that only Forth and Tay wind farms were included in the breeding season cumulative impact assessments. The justification for this is that only the Forth and Tay wind farms are within the mean-max foraging distances of SPA populations. ICOL have included qualitative assessment of other projects, as was advised in the Scoping Opinion.

^[1] Cheney, B., Thompson, P.M., Ingram, S.N., Hammond, P.S., Stevick, P.T., Durban, J.W., Culloch, R.M., Elwen, S.H., Mandlebreg, L., Janik, V.M., Quick, N.J., Islas-Villanueva, V., Robinson, K.P., Costa, M., Eisfeld, S.M., Walters, A., Phillips, C., Weir, C.R., Evans, P.G.H., Anderwald, P., Reid, R.J., Reid, J.B. and Wilson, B. (2013). Integrating multiple data sources to assess the distribution and abundance of bottlenose dolphins in Scottish waters. *Mammal Review* 43: 71-88.

Aviation

ICOL notes the NNG consider the Transponder Mandatory Zone (TMZ) mitigation differently to ICOL. ICOL would note that if the TMZ is not seen as an enduring solution, if any improved, enduring Primary Surveillance Radar (PSR) technical solution is identified, tested and implemented, ICOL consider that this solution must be cost effective, time bound and subject to the usual MOD approach to mitigation

Yours sincerely,

Tom Young
Environment and Consents Manager



Maritime &
Coastguard
Agency

Alan Keir
Renewables Casework Officer
Marine Scotland

By email to: MS.MarineRenewables@gov.scot

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Helen.Croxson@mcga.gov.uk

Your ref:
Our ref: MNA/053/008/0028

10 May 2018

Dear Alan

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (as amended) AND MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE NEART NA GAOITHE OFFSHORE WINDFARM

Thank you for your email dated 28 March 2018 inviting MCA to comment on the Environmental Impact Assessment (EIA) for the application for consent to construct and operate the Neart Na Gaoithe Offshore Windfarm.

The MCA's remit for offshore renewable energy development is to ensure that safety of navigation is preserved as progress is made towards government targets for renewable energy. This response is focused on the Shipping and Navigation Chapter 11, and its supporting annexes, with regards to the safety of navigation and Search and Rescue.

The MCA participated in detailed discussion with the developers regarding the required traffic surveys updates, as the original traffic surveys were carried out in 2010/11. On this occasion, based on the understanding that there were no changes in traffic identified in the validation study which would result in a different significance ranking upon re-assessment, the MCA accepted the original Navigation Risk Assessment (NRA), an updated EIA, the traffic validation study and MGN 543 checklist, as an equivalent to a new NRA. These documents have been provided as per request.

We were also content with the impacts carried through to the EIA. Those scoped out were already assessed as part of the original EIA, and this was again on the understanding that there were no changes in traffic to result in a different significance ranking upon re-assessment.



HM Coastguard

Layout Design

The MCA has considered an initial layout design, and although reasonable with one consistent line of orientation through the windfarm, there are areas with space between lanes caused by turbines not being in alignment. The layout is therefore not completely desirable since there is no second line of orientation across the whole development. We request that the applicant investigates this further, in consultation with the MCA.

The turbine layout design will require MCA approval prior to construction to minimise the risks to surface vessels, including rescue boats, and Search and Rescue aircraft operating within the site. We seek to ensure all structures are aligned in straight rows and columns.

MGN and SAR Checklist

A completed MGN Checklist has been provided as part of the NRA assessment and MCA is content that all recommendations have been addressed.

A SAR Checklist will also need to be completed in addition to the documents listed in the original consent requirements (section 11.7.2 Table 11.8). A supporting Emergency Response Cooperation Plan (ERCoP) must be agreed before construction and must be kept up to date throughout the project lifecycle, including operations and decommissioning. We note that Table 11-7 does not include an updated ERCoP for the decommissioning phase in addition to the construction and operation. The template is available on the MCA website at <https://www.gov.uk/guidance/offshore-renewable-energy-installations-impact-on-shipping>.

Survey Data

MGN 543 Annex 2 requires that hydrographic surveys should fulfil the requirements of the International Hydrographic Organisation (IHO) Order 1a standard, with the final data supplied as a digital full density data set, and survey report to the MCA Hydrography Manager and the UKHO. Further information can be found in the MGN 543 supporting documents titled 'Hydrographic Guidelines for Offshore Developers' and 'Post Construction Hydrographic Guidelines for Offshore Developers'. Both are available on our website at the following link: <https://www.gov.uk/guidance/offshore-renewable-energy-installations-impact-on-shipping>. This information has yet to be submitted pre-consent.

Safety Zones

Safety zones during the construction, maintenance and decommissioning phases are supported, however it should be noted that operational safety zones may have a maximum 50m radius from the individual turbines. A detailed justification would be required for a 50m operational safety zone, with significant evidence from the construction phase in addition to the baseline NRA required supporting the case.

Cable Routes

Export cable routes, cable burial protection index and cable protections are issues that are yet to be fully developed. However due cognisance needs to address cable burial and protection, particularly close to shore where impacts on navigable water depth may become significant. Any consented cable protection works must ensure existing and future safe navigation is not compromised. The MCA would accept a maximum of 5% reduction in surrounding depth referenced to Chart Datum. Existing charted anchorage areas should be avoided.

Lighting and Marking

Lighting and markings will need to be discussed and agreed with the MCA and Northern Lighthouse Board (NLB), and in line with MGN 543.

The boundary turbines, where they are more than 900m apart, must be lit with a single 2000 candela, red aviation light, flashing Morse 'W' in unison with all other boundary turbines. All other turbines must be fitted with a fixed single red 200 candela aviation light for SAR purposes. Further consultation with the CAA and MCA should be sought by the applicant where additional mitigation may be identified.

All turbine aviation lights should be compatible with night vision imaging systems.

Mitigation Measures

The list of embedded mitigation in section 11.7.1 (Table 11-7) is welcomed. We note that the applicant proposes to consult with the MCA and NLB, and other stakeholders, to identify appropriate further mitigation as required. As part of their traffic monitoring plans, the applicant should clarify if they intend to install AIS receivers and how they intend to communicate with vessels e.g. VHF radio systems should be utilised, and where the OREI is wholly or partially outside effective shore based radio coverage, access should be provided to HM Coastguard.

Cumulative Impacts

The cumulative impact assessment in section 11.8.4, provides a comprehensive overview. Traffic in the area will be displaced by the development and the effects therefore need to be carefully monitored.

We note that Appendix 11.2 provides an indication of the rerouting that may occur as a result of the development, and that the applicant has recommended that marine traffic is monitored via AIS post-construction to ensure actual changes in shipping behaviour resulting from the Wind Farm Area can be fully understood. This will serve to confirm deviated routing and will also provide an indication of any vessel activity occurring within the windfarm area.

Construction scenarios

MCA would like to see continuous construction which is progressive across the wind farm with no opportunity for two separate areas to be constructed with a gap in the middle.

Conclusion

The comments detailed above are not considered to be blocks to development, but provided to highlight areas of concern, and items to be addressed by the applicant in consultation with the MCA to ensure the risk to the safety of navigation and the impact on SAR capability remains low. Subject to the developer meeting requirements addressed in this letter, it provides an acceptance of the licence request.

Yours sincerely

Helen Croxson
Offshore Renewables Advisor
Navigation Safety Branch

Pete Lowson
Offshore Energy Liaison Officer
HM Coastguard

cc. Peter Douglas, NLB



Defence Infrastructure Organisation

Claire Duddy
Assistant Safeguarding Officer
Ministry of Defence
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**Your Reference: Neart Na Gaoithe
Offshore Windfarm**

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Alan Keir
Marine Renewables Casework Officer
Marine Scotland

16th May 2018

Dear Mr Keir,

Application for consent under Section 36 of the Electricity Act 1989 (as amended) and Marine Licence under Part 4 of the Marine (Scotland) Act 2010 to construct and operate Neart Na Gaoithe Offshore Windfarm (revised design), 15.5km East of Fife Ness

Thank you for consulting the Ministry of Defence (MOD) about the above application in your communication dated 28th March 2018.

I am writing to advise you that the MOD objects to the proposal. Our assessment has been carried out on the basis that there will be 54 turbines, 208 metres in height from ground level to blade tip and located at the grid references below as stated in the planning application or provided by the developer:

Turbine	Easting	Northing
1	379328	709109
2	379864	707303
3	380823	706694
4	380900	705776
5	381543	704847
6	382145	703939
7	382671	703164
8	383209	702370
9	379447	711285
10	379835	710315
11	380923	708510
12	384540	702347
13	380259	712038
14	382484	708033
15	383499	706451
16	384496	704708
17	385452	703130
18	385938	702326
19	380762	713035

20	382261	710648
21	383157	708985
22	384141	707361
23	385141	705708
24	387169	702358
25	382347	712384
26	382852	711549
27	383853	709896
28	384823	708294
29	386824	704989
30	388371	702363
31	382962	713444
32	383547	712473
33	384531	710847
34	385521	709212
35	386493	707606
36	387485	705968
37	388466	704352
38	389762	702272
39	383737	715077
40	388262	706936
41	389201	705288
42	389663	704472
43	390127	703642
44	384779	715544
45	385249	714711
46	385714	713888
47	386192	713041
48	386669	712197
49	387147	711350
50	387530	710487
51	388130	709608
52	388620	708741
53	389111	707872
54	389617	706974

Air Traffic Control (ATC)

The turbines will be approximately 34.7 km from, detectable by, and will cause unacceptable interference to the ATC radar used by Leuchars Airfield.

Wind turbines have been shown to have detrimental effects on the performance of Primary Surveillance Radars. These effects include the desensitisation of radar in the vicinity of the turbines, and the creation of "unwanted" aircraft returns which air traffic controllers must treat as aircraft returns. The desensitisation of radar could result in aircraft not being detected by the radar and therefore not presented to air traffic controllers. Controllers use the radar to separate and sequence both military and civilian aircraft, and in busy uncontrolled airspace radar is the only sure way to do this safely. Maintaining situational awareness of all aircraft movements within the airspace is crucial to achieving a safe and efficient air traffic service, and the integrity of radar data is central to this process. The creation of "unwanted" returns displayed on the radar leads to increased workload for both controllers and aircrews, and may have a significant operational impact. Furthermore, real aircraft returns can be obscured by a turbine's radar return, making the tracking of both conflicting unknown aircraft and the controllers' own traffic much more difficult.

An operational assessment of this proposal has been conducted by an ATC subject Matter Expert (SME) who considered the position of the turbines weighed against a number of operational factors. Close examination of the proposal has indicated that the proposed turbines would have a significant and detrimental effect on operations and on the provision of air traffic services at Leuchars Airfield. MOD therefore objects to the Neart Na Gaoithe Offshore Wind Farm. The reasons for this objection include, but are not limited to:

- i. Restrictions the development would impose upon departure routes including Standard Instrument Departures (SIDS)
- ii. Restrictions the development would impose upon approach and arrival procedures
- iii. Restrictions the development would impose upon traffic patterns, in particular the Radar Training Circuit
- iv. Restrictions the development would impose upon traffic patterns, in particular the Radar to Visual profile
- v. Restrictions the development would impose upon LARS traffic patterns
- vi. The frequency of the provision of Traffic Service and Deconfliction Service in the vicinity of the proposed windfarm
- vii. Air traffic density in the vicinity of the proposed windfarm
- viii. The performance of the radar
- ix. The complexity of the ATC task
- x. The workload of controllers
- xi. The position of the development in relation to handover points.

The MOD agreed to a TMZ as a temporary mitigation measure pending an enduring technical solution e.g. infill radar system, for the original wind farm. The MOD requirement is for an enduring technical solution whether it is for the Originally Consented project or the new proposed project. This was made clear to the developer and the Scottish Government regarding the Original Consented Project. The MOD would welcome clarification from the developer regarding any potential mitigation for the new proposed project. It should not be assumed that any mitigation, temporary or enduring, agreed for the Original Consented project is applicable to the new proposed project.

Air Defence (AD) radar

The turbines will be detectable by, and will cause unacceptable interference to the AD radars at both RRH Brizlee Wood and RRH Buchan.

Wind turbines have been shown to have detrimental effects on the operation of radar. These include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, hence turbine proliferation within a specific locality can result in unacceptable degradation of the radar's operational integrity. This would reduce the RAF's ability to detect and deter aircraft in United Kingdom sovereign airspace, thereby preventing it from effectively performing its primary function of Air Defence of the United Kingdom.

An operational assessment has been conducted by an AD Subject Matter Expert (SME) who considered the position of the turbine(s) weighed against a number of operational factors including:

- a. Detectability of the turbine(s).
- b. Position of the development.
- c. Number of turbines within the development.
- d. Other developments within the vicinity.

Close examination of the proposal has indicated that the proposed turbine(s) would have a significant and detrimental affect on AD operations. The MOD therefore has concerns with the development. The reasons for this objection include, but are not limited to:

- a. Several of the turbines within the proposed development will be detectable by both RRH Brizlee Wood and RRH Buchan,
- b. The number of turbines visible to the radars at RRH Brizlee Wood and RRH Buchan would exceed our 'cumulative effect' thresholds.

Research into technical mitigation solutions is currently ongoing and the developer may wish to consider investigating suitable mitigation solutions.

If the developer is able to overcome the issues stated above, the MOD will request that the turbines are fitted with aviation lighting in accordance with Article 219 of the Air Navigation Order.

MOD Safeguarding wishes to be consulted and notified about the progress of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

I hope this adequately explains our position on the matter. Further information about the effects of wind turbines on MOD interests can be obtained from the following website:

MOD: <https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Yours sincerely



Claire Duddy
Assistant Safeguarding Officer - Wind Energy
Defence Infrastructure Organisation

SAFEGUARDING SOLUTIONS TO DEFENCE NEEDS

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NEART NA GAOITHE OFFSHORE WIND FARM: CONSULTATION RESPONSES FROM SNH, RSPB AND SFF ON REVISED APPLICATION – MSS COMMENTS

Thank you for sight of the provided stakeholder comments, as above. Marine Scotland Science (MSS) has reviewed the provided documents as per the provided pro forma, specifically to consider the following, as requested:

Marine Mammals:

- Does the modelling as per the SNH response require to be rerun?
- Do you agree with the SNH response conclusions?

Ornithology:

- Do you have any comments on the RSPB/SNH consultation responses and the conclusions therein?
- Are there any recent methodologies which should be considered?
- Should the razorbill/guillemot population models be rerun as per the SNH response?

Commercial fisheries:

- Comments on the SFF response please. Does this seem proportionate/reasonable?

Socio-economics:

- General comments on the application.

**No Comments = "We have considered the request and have no advice to provide."*

marine mammals

1. The conclusions made by SNH have largely been based on three factors: making a qualitative assessment of population consequences because SNH consider the version of iPCoD used to be unreliable, the assessment is precautionary, and that mitigation measures, as outlined in their recommendations for consent conditions, would be implemented.
2. MSS acknowledge the issues with iPCoD and given that the revised version of the code is not currently available to the public, a qualitative approach represents the best available evidence. MSS do note that an updated version of iPCoD should be available to the public soon. Re-running iPCoD would allow a more quantitative analysis, which would represent an improved evidence base for the assessment. However, MSS do not regard this to be a statutory requirement.
3. MSS acknowledge that precaution has been built in to each step of the assessment. For the development in isolation, the developers have presented the worst case scenario, which MSS acknowledge to be extremely precautionary. MSS also acknowledge that the worst case scenario used in the cumulative assessment is highly unlikely to occur. Within each of the relevant sections of Chapter 8 of the EIA the rationale for the precautions built in to the assessment are provided. MSS

suggest that this information could be summarised at the end of the Chapter to better highlight the precautionary nature of this assessment.

4. MSS concur that mitigation measures, as outlined in SNH's recommendations for consent conditions would reduce the potential impact on marine mammals as a result of pile driving. MSS note that the developers have outlined mitigation measures they expect to undertake, and that they welcome discussion with SNH and MS on this.

ornithology

1. NNG have assumed that the SPA colony population sizes for guillemot and razorbill provided by SNH referred to pairs when in fact they were numbers of individuals. This has resulted in the starting populations assumed in the PVAs for these species being double what they should be. If NNG have applied a percentage population change to this population (based on effects estimated from their at sea surveys and concurrent colony counts) then this doubling of starting population will not have any effect on the PVA metrics that have been presented. However, if the effect estimated from the at sea survey data has been applied to the PVA starting population as number of individuals, and the starting population is double what it should be, then the population level impact as expressed by the PVA metrics will be underestimated by approximately half. *NNG should clarify how the estimated effects have been applied in the PVA and what if any implications this may have on the PVA metrics produced.*
2. In Chapter 9 of the ES the estimated mortality effects on guillemot and razorbill, expressed as number of individuals, are compared against the SPA populations involved. For species and populations where the estimated effects are small relative to the total number of individuals, it may be reasonable to come to a conclusion on adverse effect on site integrity without the need for PVAs to be run. A qualitative approach has been taken by SNH when reaching their conclusions for bottlenose dolphin for the Moray Firth SAC.
3. It is unclear how the value of 228 adult kittiwake collisions at Forth Islands SPA assumed in the PVA cumulative impact scenarios has been calculated. The information presented in the various effects tables in Chapter 9 of the ES suggests a substantially lower value. This highlights a more general point that it can be difficult to piece together the sources of the estimated effects that are applied in the assessment from the tables provided due to presentation being distributed across varying categories of adults, all ages, immature, SPA, non SPA etc. *Clarification should be provided on how the 228 value for kittiwake has been obtained.*
4. It is not clear how the kittiwake or gannet collision effects for the 2014 consented ICOL and Seagreen windfarms have been derived, and they appear larger than expected based on the information presented elsewhere in the application documents. Table 9-10 of chapter 9 suggests that input parameters for these scenarios are presented in Appendix 9.3 "Collision Rate Modelling Methods, Inputs and Results" but no information on the wind farm parameters is present. *Clarification of how the 2014 ICOL and SG kittiwake and gannet collision effects have been derived would assist in the assessment process.*
5. The baseline Forth Islands kittiwake PVA exhibits an increasing population, despite other PVAs and all current understanding suggesting that this is unlikely to be realistic. However, this increasing trend is unlikely to have any meaningful influence on the PVA metrics produced as they are all relatively insensitive to the misspecification of demographic rates. *Clarification of the reason for this increasing trend and potential implications for the conclusions reached in the application would assist the assessment process.*
6. As discussed in the application documents, there is increasing evidence to suggest that kittiwake may be less susceptible to displacement than originally thought, with SNH advising that displacement of kittiwake did not need to be considered by the applicants (MS-LOT, 2017). *The displacement rate of 30% assumed for kittiwake is therefore likely to be overly precautionary.*

7. The displacement effects estimated for guillemot, razorbill, puffin and kittiwake using the matrix approach advised by SNH and supported by the RSPB are substantially lower than those estimated using the Searle et al 2014 model relied upon in the 2014 appropriate assessment for the Forth and Tay windfarms. This is despite the displacement footprints for the windfarms increasing substantially via the introduction of a 2km rather than a 1km buffer, which would be expected to increase the number of birds affected. The reduction in displacement rate for kittiwake from 40% to 30% would be expected to reduce estimated effects for this species (though whether this would offset any increase resulting from the increase in buffer is unclear).
8. An improved version of the displacement model has been developed by CEH and will be made publically available for use via a tool called SeabORD. There are a wide range of options available to the user of the tool in terms of prey availability, the method of route-finding, etc. and the most suitable method to apply will need to be fully considered and advised upon by relevant parties once the tool is published. It may therefore be some time before the SeabORD model can be applied in casework. However, preliminary examination for a subset of species and SPAs of the displacement effects from the NNG project in isolation and in combination with the other Forth and Tay windfarms using SeabORD suggests that, assuming the shortest route (A*) method of seabird route planning, the displacement effects are less than those estimated for the 2014 appropriate assessments. *It is likely that in the future the SeabORD model and tool will be capable of providing relevant information to help inform the assessment of displacement effects on seabirds.*
9. MSS have no comments on the RSPB response.

commercial fisheries

1. MSS took the opportunity to review SFF's response on the revised Section 36 consent application of the Neart na Gaoithe Offshore Windfarm in relation to commercial fisheries concerns.
2. SFF objects to the developer's proposed policy of *in situ* decommissioning of subsea structures. Requesting developers to leave a clean seabed upon departure is a standard practice, and is consistent to practices also applicable to the Oil & Gas sector. Subsea structures should be removed where possible, or additional mitigation measures must ensure the seabed is left open to fishing operations.
3. SFF commented on overfishing statements and ICES sustainable fishing levels. No MSS comments are provided towards these statements. In the same paragraph, SFF requested a scientific monitoring programme for validating predicted offshore wind farm impacts on commercial fisheries following installation. MSS considers this to be appropriate.
4. Next, SFF objects to the proposed duration of the cable installation (9 months). It is assumed that developers refer to a 9-month installation window required to complete the full installation of their cable. However, it is likely the actual installation period, when installation vessels will be present in the area (thus excluding *Nephrops* fishing from a rolling safety zone), might be considerably shorter. Developers will need to clarify the discrepancy between the installation window and duration of potential fisheries exclusions (installation period), as well as provide additional information about the timing of their proposed operations.
5. SFF also disagrees with the assumption on automatic resumption of *Nephrops* trawling operations along the export cable. It is often argued by the SFF that cable installation methods result in mud berms alongside the installation route, which can pose a safety/snagging risk to trawling operations. Over the years, SFF has advocated for over-trawlability surveys (trawling of a chain matt over a number of selected gate pairs along the export cable). This advocated method can provide the confidence SFF wants about safe resumption of trawling operations along the cable route. Alternatively, developers may be able to provide evidence that their preferred installation method has not left any fishing hazards (dropped objects, mud berms, etc.) on the seabed (e.g. routine post-installation seabed survey along the export cable; on the assumption it can demonstrate no risks were left behind).

6. SFF rightfully seeks to be consulted on all relevant plans referring to impacts on commercial fishing.
7. Lastly, SFF comments on the overlap of the proposed development with scallop dredging (and potentially potting) during the 3-year construction period. MSS cannot comment on compensation discussions (disturbance payments) between fishers and the developer. Following construction, SFF also claims mobile gears (i.e. scallop dredging) will remain incompatible, despite the proposed turbine spacing by the developers, resulting in displacement of the sector. A monitoring programme as discussed earlier (see point 3), focusing on post-installation impacts on commercial fisheries will be appropriate to provide necessary evidence on this interaction.

socio economics

The Marine Analytical Unit (MAU) of the Director's Office has reviewed the documents and finds that the general methodological approach appears sound. It explicitly accounts for uncertainty about the economic content of the development that will be realised in Scotland or in the local study area, based on reasonable assumptions. The MAU does have some specific comments, which are provided below:

1. *Economic multipliers:* It is not clear, however, why the socioeconomic analysis has drawn on UK input-output tables to estimate indirect impacts in Scotland and in the local areas. This could overstate or understate the indirect impacts of the development. The analysis should have used the Scotland input-output tables, which are available on the Scottish Government website. It is also not clear which multipliers have been used to estimate the indirect impacts – downstream or upstream multipliers. Para 63 suggests downstream multipliers have been used, but this would be inconsistent with best practice for economic impact assessment.
2. *Displacement of other economic activity:* The socioeconomic analysis should have given due consideration to the fact that the development may merely displace economic activity in other industries in Scotland or in the local study areas, due for instance to limited supply of relevant skills. Without accounting for displacement in this way, it is likely that the socioeconomic analysis may overstate the economic (GVA and employment) impacts of the development. This is particularly important for a highly specialised sector where there is limited scope to address constraints (e.g. in the labour market).
3. *Social impact assessment:* The socioeconomic analysis is exclusively focused on economic outcomes – employment and GVA, and does not give due consideration to potential social impacts of the development. To be complete, the socioeconomic assessment, should have considered potential impacts on social variables like – health, education, access to services, housing and crime, as potential receptors for the development.

Hopefully these comments are helpful to you. If you wish to discuss any matters further contact the MSS Renewables in-box at MS_Renewables@gov.scot

Yours sincerely

Paul Stainer

Marine Scotland Science

Marine Laboratory, PO Box 101, 375 Victoria Road,
Aberdeen AB11 9DB
www.scotland.gov.uk/marinescotland



Keir A (Alan) (MARLAB)

From: [REDACTED]@nats.co.uk>
Sent: 04 April 2018 13:18
To: Keir A (Alan) (MARLAB); MS Marine Renewables
Subject: RE: Neart Na Gaoithe Offshore Windfarm (Revised Design) - Consultation - Request for comments - (Our Ref: SG8577)

Categories: Orange Category

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

NATS Safeguarding

[REDACTED]

[REDACTED]

www.nats.co.uk



From: Alan.Keir2@gov.scot [mailto:Alan.Keir2@gov.scot]
Sent: 28 March 2018 18:22
Cc: Joao.Queiros@gov.scot; Sophie.Humphries@gov.scot; Nicola.Bain@gov.scot
Subject: Neart Na Gaoithe Offshore Windfarm (Revised Design) - Consultation - Request for comments - SG8577

Dear Sir/Madam,

ELECTRICITY ACT 1989 (As Amended)

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)
The Electricity (Applications for Consent) Regulations 1990

MARINE (SCOTLAND) ACT 2010

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

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) AND MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE NEART NA GAOITHE OFFSHORE WINDFARM (REVISED DESIGN), 15.5 KM EAST OFF FIFE NESS

Northern Lighthouse Board

CAPTAIN PHILLIP DAY
DIRECTOR OF MARINE OPERATIONS

Your Ref: e-mail dated 28 March 2018
Our Ref: PD/OPS/ML/O6_12_498

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



Alan Keir
Marine Renewables Casework Officer
Marine Scotland
Scottish Government
Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

8 May 2018

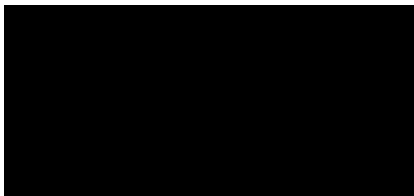
Dear Alan,

ELECTRICITY ACT 1989 (AS AMENDED)
The Electricity Works (Environmental Impact Assessment) (Scotland)
Regulations 2000 (As Amended)
MARINE (SCOTLAND) ACT 2010
The Marine Works (Environmental Impact Assessment) Regulations 2017 (As Amended)

We are in receipt of correspondence dated 28 March 2018 requesting comments regarding the application submitted by **Neart na Gaoithe Offshore Wind Limited** to construct and operate the Neart na Gaoithe Offshore Windfarm (Revised Design) at a site 15.5 km from the coast off Fife Ness.

Northern Lighthouse Board are content that the existing consent condition for **NnGOWL** to submit a Lighting and Marking Plan, for approval by Scottish Ministers following consultation with NLB, will ensure that our requirements are met.

Please advise if we can be of any further assistance, or require clarification any of the above.



For the safety of

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



RIVER TWEED COMMISSION THE NORTH COURT DRYGRANGE STEADING MELROSE ROXBURGHSHIRE TD6 9DJ
TEL: EARLSTON (01896) 848294 FAX: EARLSTON (01896) 848277 EMAIL: enquiries@rtc.org.uk
Established by Order under an Act of Parliament to protect the fish stocks in the Tweed river system

f.a.o. Marine Scotland Licensing Operations Team
Marine Laboratory
375 Victoria Road
ABERDEEN AB11 9DB

BY EMAIL

11th May 2018

Dear Sir / Madam

NEART NA GAOITHE OFFSHORE WINDFARM

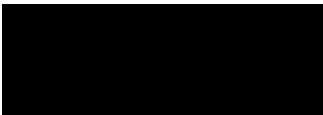
I write in response to the Scottish Government's consultation on the Neart na Gaoithe Offshore Windfarm in respect of the Electricity Act 1989 [The Electricity Works {Environmental Impact Assessment}-{Scotland} Regulations 2017 and The Electricity {Applications for Consent} Regulations 1990] and the Marine (Scotland) Act 2010 [The Marine Works{Environmental Impact Assessment}-{Scotland} Regulations 2017.

The EIA for the NnG development has not taken into account the fact that a large number of East coast Salmon travel across the North Sea in line with south Northumberland, and then travel northwards up the east coast to reach their Scottish natal rivers. This has been proven to be the case by tagging studies (Malcolm et al, 2010).

As previously noted in our response to the Scoping consultation, Salmon passing through the area of the proposed development are already vulnerable to predation from the large seal populations on the east coast. New information has shown that the bases of wind turbines act as artificial reefs, attracting both Gray and Harbour seals to hunt around them (*Russell et al, 2014*). Marine wind turbines are therefore now known to alter the foraging pattern of seals and attract them in to areas that they would otherwise have just passed through. The influence of underwater structures on the predation during the offshore migration of Salmon has not therefore been fully considered.

Some compensatory support should therefore be given to those rivers that will suffer as a consequence of greater predation on their returning stocks, should further data support that this is indeed the case.

Yours faithfully



FAY B L HIEATT
CLERK TO THE COMMISSION

REFERENCES

Russell, D.J.F. et al, 2014: Marine Mammals trace anthropogenic structures at sea. Current Biology, Vol 24 (14).

Direct Email: fhieatt@rtc.org.uk

Alan Keir
Marine Renewables Casework Officer
Marine Scotland – Renewables Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB

13th May 2018

Dear Mr Keir,

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) AND MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE NEART NA GAOITHE OFFSHORE WINDFARM (REVISED DESIGN), 15.5 KM EAST OFF FIFE NESS

This Neart na Gaoithe (NnG) 'new design' application, if granted consent, will have lower but still very substantial impacts on protected seabird populations relative to the 2014 consented development. The outer firths of Forth and Tay are one of the best areas for seabirds in the UK. These seabirds are at significant risk from the NnG project and other consented offshore wind proposals.

This proposal alone is predicted to kill some 325 seabirds, from five key species, each year. This impact, combined with those predicted for the other two new emerging proposed designs for Seagreen and Inch Cape, would amount to a predicted 1,300+ seabirds killed annually. This rate of mortality would result in the world's largest Northern Gannet colony at Bass Rock being a predicted 27% smaller after the 50 year operation period applied for than it would otherwise be. Similarly, the kittiwake population of the Forth Islands Special Protection Area (SPA) colony is predicted to be 27% smaller; the Fowlsheugh SPA population 21.5% smaller; the razorbill population at the Forth Islands 7.9% smaller and the razorbill population at Fowlsheugh, 6% smaller.



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Twitter: @RSPBScotland
rspb.org.uk

Despite the substantial impacts of the proposal, the Environmental Report concludes that the impacts of the NnG project alone will have no effect on the relevant SPA populations. The significance of the impacts is also assessed as negligible or minor and of no significance in EIA terms. Furthermore, incredibly, the Habitats Regulations Appraisal report concludes that the scale of impacts of the worst-case scenario (i.e. the new design NnG proposal + Inch Cape and Seagreen Alpha and Bravo 2014 consented projects) *'will not adversely affect the integrity of the SPAs, in light of their qualifying interests, their condition and vulnerabilities and the conservation objectives.'*

RSPB Scotland strongly disagrees with the conclusions of both the EIA and HRA reports. The impacts of the worst-case in-combination scenario are wholly unacceptable and would result in significant and irreversible impacts to seabird populations in the region, particularly Northern gannet, black-legged kittiwake, Atlantic puffin, razorbill and common guillemot. Whilst the potential impacts of the new design are reduced from the previously consented project, NnG in isolation and in-combination with the new designs of Inch Cape and Seagreen still amount to significant impacts under EIA and adverse effects on the integrity of the relevant SPAs, particularly the Firth of Forth and Fowlsheugh SPAs for kittiwake. Therefore:

RSPB Scotland object to the NnG application in-isolation and to both the in-combination impacts of the worst-case scenario (NnG new design + Inch Cape and Seagreen 2014 consented projects) and the current in-combination impacts of NnG new design plus the Inch Cape and Seagreen 2017 designs.

We have focused attention on the in-combination scenario as there is no NnG in-isolation scenario due to Seagreen and Inch Cape both holding consents for their 2014 projects. Further detail on our position is provided in the below Annex.

Recent technological improvements, particularly the increase in turbine size and associated reduction in collision risk to seabirds, indicate that it may be possible to site a commercial scale offshore wind farm in the area of the outer firths of Forth and Tay without net unacceptable impacts on seabirds. This would require both extremely careful siting *and* the provision of substantial investment in seabird conservation measures. It is disappointing that this opportunity has not been more fully explored as part of this new project design and we are once again faced with projects with clearly unacceptable impacts both individually and in combination.

Yours sincerely

{SENT BY EMAIL}

Charles Nathan
Senior Conservation Planner

ANNEX: RSPB Scotland detailed response to Neart na Gaoithe new design application, May 2018

Black-legged Kittiwake – Kittiwake was recently transferred from “Least Concern” to “Vulnerable” on the IUCN Red List of Threatened Species as the global population has seen a decline of 40% since the 1970’s. In Scotland, which hosts 70% of UK’s breeding kittiwake, a long-term downward trend has been recorded over the last 30 years. At the four SPA’s impacted by the NnG and other Firth of Forth projects, the most recent combined population counts are 70% smaller than the citation populations dating from the 1990s. Detail on the two most affected SPAs are provided:

Forth Islands SPA – The latest kittiwake population count of 2016/17 is approximately 45% smaller than that cited at designation in 1990. The predicted in-combination impacted population is 27% smaller than it otherwise would be without the wind farms over 50 years.

The kittiwake population at Forth Islands is not in favourable conservation status. ***The in-combination impact would represent an adverse effect on integrity of the site. The impact will either worsen the current long-term trend OR serve to undermine the rate and scale of any future restoration of this population that may or may not be possible through natural processes or active conservation efforts.***

Fowlsheugh SPA – The kittiwake population counted in 2015 is approximately 74% smaller than that cited at designation in 1992. Having seen such dramatic declining trends over the last 20-30 years, this population has stabilised in the last two counts for 2012 and 2015. The population is not at favourable conservation status and is not being maintained over the long term. Any significant additional pressure will serve to exacerbate the current failure to achieve the conservation objectives of this protected site.

The additional in-combination impact of the wind farms (NnG new design plus the Inch Cape and Seagreen 2017 designs) is estimated to amount to the population being 20% smaller than it otherwise would be without the wind farms over 50 years. ***This scale of impact, on an already depleted population, would constitute an adverse effect on the integrity of the Fowlsheugh SPA.***

Northern Gannet, Razorbill, Atlantic Puffin and Common Guillemot – All of these species populations at the relevant SPAs have either relatively stable or increasing trends and could be considered as being in favourable conservation status. For the auk species, there is a considerable degree of uncertainty that exists between the different methods for assessing the impacts of displacement, the fact that the PVA outputs are presented only for the least precautionary assessment method serves to increase this uncertainty. There is an inherent risk in not acknowledging these uncertainties and, given the context for kittiwake noted above, we would recommend a precautionary approach is taken when interpreting the predicted scale of effect that is set out in the assessments. At the end of 50 years of operation, the gannet and auk populations are predicted to be within the range of 2-8% smaller than they otherwise would be without the wind farms. ***In acknowledging the scale of impacts and the uncertainties within the assessment, it is not possible to conclude no adverse effect on integrity of the relevant SPAs for these species.***

Razorbill at Forth Islands & Fowlsheugh SPAs – The razorbill populations at these two sites have seen a positive trend and are considered to be in favourable conservation status. The population modelling presented in the EIA ornithology chapter – page 229, Table 9-225 has incorrect figures for the baseline/ start population at both sites, where populations are presented as number of pairs rather than individuals. Even if corrected to individuals the figures are not consistent with those that are presented in Table 9.8 and seem to be inflated.

Outer Firth of Forth and St Andrews Bay Complex proposed marine SPA (pSPA) – The NnG project lies partially within the boundaries of the pSPA and the cabling to landfall lies entirely within the site. The project will lead to a loss of the distribution and extent of habitats, deterioration of the habitats of the qualifying species and will infringe on the maintenance of species and their ability to utilise important parts of the site. The pSPA has been in existence for almost 2 years (and in the public domain as a ‘draft SPA’ since July 2014 – where the site boundary was larger and included the NnG site) but with lamentably slow progress toward formal classification. To yet again be considering the potential impact on a site that clearly qualifies for SPA status but is not yet formally classified is a wholly unsatisfactory situation. As discussed below, the pursuit of offshore wind to deliver low carbon energy and economic gains must go hand in hand with adequately safeguarding our marine environment. Classification of this and the remaining suite of pSPAs in Scottish waters must be progressed by the Scottish Government with urgency. Notwithstanding this, all pSPAs must be treated as though classified in accordance with longstanding Government policy and ***the impact of the wind farm would constitute an adverse effect on integrity of this pSPA.***

EIA - Ornithology

The ornithology section of the EIA is not complete. There is no reference to the regional seabird populations. Whilst the potential impacts on SPA colonies have been considered in the context of EIA, there is no consideration of the impacts on the broader regional populations. As such it is not possible to reach a full description and conclusion on the likely significant effects of the development on the environment.

Mitigation and offsetting

There is a total absence of any offsetting or marine nature conservation investment measures that could reasonably serve to alleviate some of the substantial residual impacts of this project. Should this new proposal be granted consent and the impacts on protected populations be deemed acceptable by the Scottish Ministers, there would still be significant residual impacts that would need to be addressed. It is evident that a long-term offshore wind sector in Scotland could be realised, however this would require a strategic approach to be taken that focuses on delivering maximum generation capacity for least environmental effect. This approach needs to ensure principles of environmental sustainability are embedded at this nascent stage of the sector’s growth. This must go beyond the impact reduction strategies employed through the environmental impact assessments and licensing as it is clear that these will not be sufficient to avoid all impacts. As a sector that is wholly reliant on the marine environment, it is incumbent on the offshore wind sector to deliver low carbon electricity in a manner that is also positive for our marine environment and seabirds.

Royal Yachting Association Scotland

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24 April 2018

Alan Keir
Marine Scotland Licensing Operations Team
Scottish Government
Marine Laboratory,
375 Victoria Road,
Aberdeen,
AB11 9DB

Neartnagaoithe.representations@gov.scot
MS.MarineRenewables@gov.scot

Dear Mr Keir,

Neart na Gaoithe Offshore Wind Farm new consent application consultation

I have read the relevant parts of the documentation on behalf of RYA Scotland and agree with the points made in chapter 11 in relation to recreational vessels. There are likely to be about four times as many recreational vessels in this area as show up on AIS but this does not affect the conclusions. Since the previous application, work has started on producing a new set of Sailing Directions for the east coast of Scotland to replace the existing but out of print 2009 *Pilot Handbook, East Coast of Scotland, Berwick upon Tweed to Fraserburgh* published by the Forth Yacht Clubs Association. This will fill in the gap in the coverage of Scottish waters by the Clyde Cruising Club Sailing Directions and will also be published by Imray, Laurie, Norie & Wilson Ltd.

Yours sincerely,

[REDACTED]
Dr G. Russell FRMetS MCIEEM
Planning and Environment Officer, RYA Scotland

Humphries S (Sophie)

From: Miller, Craig <CMiller@scotborders.gov.uk>
Sent: 18 July 2018 10:26
To: Keir A (Alan) (MARLAB)
Cc: MS Marine Renewables; Humphries S (Sophie)
Subject: FW: Consultation on revised design for Neart Na Gaoithe Offshore Wind Farm 18/00375/S36
Attachments: Ecology Response.docx

Alan

I am writing to confirm that Scottish Borders Council have no objections to the proposed revised wind farm at Neart Na Gaoithe.

The previous scheme had been considered by the Planning and Building Standards Committee in December 2012 when it was reported that there were different options of numbers of turbines but, ultimately, up to 125 proposed at up to 197m tip height. It was still considered that, due to the distance from the Scottish Borders at 30km, the visual and landscape impacts would be at worst moderate, but more likely to be minor or negligible from many receptors. It was felt that the wind farm would be unlikely to detract significantly from the simple seascape composition that exists when viewed from the Borders.

Having checked that the site boundary has not altered from that previous application, it is now noted that whilst tip heights have increased by 11 metres, the number of turbines within the array has been significantly reduced to 54, even from the number finally approved on the earlier scheme. Given the distance has not altered at 30km plus, any slight perception of increased tip height is likely to be more than offset by the significant reduction in turbine numbers. This has been assessed through the ZTV information and Viewpoints 20 (Coldingham Moor) and 21 (St Abbs Head). Consequently, the Council maintain a position of no objection to this revised wind farm proposal.

The Council's Ecology Officer has, however, carried out an assessment as per the attached and has recommended conditions on sequential piledriving and mitigation regarding significant adverse impacts on seabird populations at St Abb's Head to Fast Castle SPA. I would be grateful if these recommendations could be taken into account when the application is determined.

I hope that this clarifies the position of Scottish Borders Council,

Regards

Craig

Craig Miller
Principal Planning Officer
Regulatory Services
Scottish Borders Council
Tel: 01835 825029
E-mail : cmiller@scotborders.gov.uk

[Web](#) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

How are you playing [#yourpart](#) to help us keep the Borders thriving?

CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided by	Ecology Officer Name and Post:	Contact e-mail/number:
	Andy Tharme, Ecology Officer	01835-826514, atharme@scotborders.gov.uk
Date of reply	16 th May 2018	
Planning Application Reference	18/00375/S36	Case Officer: Craig Miller
Proposed Development	To construct and operate an offshore windfarm comprising a maximum of 54 turbines with a maximum blade tip height of 208m.	
Site Location	Near Na Gaoithe Offshore Wind Farm Firth Of Forth	
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>		
Background and Site description		
Key Issues	<ul style="list-style-type: none">Consider potential adverse effects on integrity of Natura sites	
Assessment	<p>Local Development Plan policy <i>EP1 International Nature Conservation Sites and Protected Species</i> apply.</p> <p>Two designated sites within Scottish Borders region may be affected by the proposed development:</p> <p>St Abb's Head to Fast Castle SPA -qualifying interest:</p> <ul style="list-style-type: none">Guillemot (<i>Uria aalge</i>)*Herring gull (<i>Larus argentatus</i>)*Kittiwake (<i>Rissa tridactyla</i>)*Razorbill (<i>Alca torda</i>)*Shag (<i>Phalacrocorax aristotelis</i>)*Seabird assemblage <p>Berwickshire & North Northumberland SAC, qualifying interests:</p> <ul style="list-style-type: none">Grey seal <i>Halichoerus grypus</i>,Large shallow inlets and bays (Shallow inlets and bays),Mudflats and sandflats not covered by seawater at low tide (Intertidal mudflats and sandflats),Submerged or partially submerged sea caves (Sea caves),Reefs <p>A Habitat Regulations Appraisal was carried out. It was considered that there was a likely significant effect on the qualifying interest of the designated sites.</p> <p><u>St Abb's Head to Fast Castle SPA</u></p> <p>Impacts on seabirds may occur through collision, displacement, barrier effects and impacts on prey. Kittiwake, herring gull, razorbill and guillemot were scoping</p>	

into the assessment.

For kittiwake it was predicted that 0.1% p.a. of the current population (3,334 pairs in 2016) could be impacted across the year (includes 7 birds during breeding season) by the proposal alone but in combination effects are predicted to be 0.9% p.a. (60 birds)

Only a small number of herring gull are predicted to be affected by the proposal alone and in combination per year (0.16 birds p.a.) .

For razorbill, loss of an additional 0.09% (2 birds) of the current breeding population or 0.14% (3 birds p.a.) in combination.

For guillemot predicted losses of 14 birds p.a. (<0.04%) of current breeding population of which 4 birds p.a. (0.01% of the current breeding population) are losses during the breeding season and 35 birds (0.1%) of the breeding populations of which 14 birds are losses during the breeding season (0.04%).

The HRA concludes that impacts alone or in-combination will not have an adverse effect on the integrity of the SPA for its qualifying interest

Berwickshire & North Northumberland SAC:

Grey seal was scoped into the assessment, predicted impacts from noise are that one individual will be affected (Permanent Threshold Shift-permanent loss of hearing range) (single and concurrent pile driving) and 821 grey seals will be displaced or disturbed (single pile driving event) and 1,357 from concurrent event.

It is not predicted that this will have an effect on the population level

In combination effects are predicted , impacts from noise are 5 grey seals will be affected (PTS) (single and concurrent pile driving) and 1,103 grey seals may be disturbed at any one time (total of 3,936 in-combination, table 3-4).

The worst-case scenario of sequential pile driving from developments may result in a difference of 30.8% between unimpacted populations with an impacted population, so there is a risk of an in combination impact that may cause a reduction in population size. In conclusion it is assumed , based on the precautionary assessment, that that impacts alone or in-combination there will not be an adverse effect on the integrity of the SAC for the qualifying interest.

The predicted impacts on seabird and marine mammal prey alone or in are considered to be local and short-term.

Embedded mitigation includes a reduction in the number of turbines (from 125 to 54 turbines) and increased spacing to reduce collision risk, increased rotor height (above 25m, to a minimum of 35m). Mitigation is proposed including using lowest hammer energy for pile driving and conditions relating to piling strategy, noise registry and Environmental Management Plans including a Project Environmental Monitoring Plan.

The HRA concludes that impacts alone or in-combination will not have an adverse effect on the integrity of the SAC for its qualifying interest.

At the time of writing I have not seen the consultation response of SNH.

	<p>The Competent Authority may wish to consider how conditions are applied so that future consents for other relevant offshore wind farm proposals mitigate sequential pile driving impacts, to ensure that in-combination impacts on grey seal are not significant.</p> <p>The populations of kittiwake and herring gull at St Abb's Head to Fast Castle SPA, are in significant decline. Whilst the impacts of the current proposal are considered to be non-significant , safeguards through planning conditions, could ensure that mitigation (e.g. periods of curtailment) can be enacted if monitoring detects significant adverse impacts on SPA populations.</p>			
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions	<ul style="list-style-type: none"> • Conditions applied to ensure sequential pile driving is avoided in relation to other in-combination proposals. • Condition to enable mitigation (e.g. curtailment) to address any significant adverse impacts on seabird populations at SPAs that may arise that are identified through monitoring, 			
Recommended Informatives				

Date: 16th May 2018

Ref: LF009-CST-OF-LTR-0003

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

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

Attention: Marine Scotland Licensing Operations Team

Dear Sirs

Subject: Seagreen Consultation Response to Neart na Gaoithe Consent Application and EIA Report.

The Seagreen Alpha, Seagreen Bravo, Neart na Gaoithe and Inch Cape offshore wind farms were awarded consents by Scottish Ministers in October 2014. The consents were secured in November 2017 following an unsuccessful legal challenge to the consent award decision. Seagreen Offshore Wind Energy Limited (Seagreen) is in the process of completing an EIA Report to accompany applications for consent for optimised Seagreen Alpha and Seagreen Bravo offshore wind farms to allow installation of a reduced number of larger, greater capacity wind turbines. Seagreen submitted a Scoping Report in May 2017 and received a Scoping Opinion from Scottish Ministers in September 2017 in respect of this planned application.

Seagreen has undertaken a review of the Environmental Impact Assessment (EIA) Report submitted in support of the new consent application by Neart na Gaoithe Offshore Wind Ltd (NNGOWL) for installation of up to 54 wind turbine generators (WTGs). This EIA Report provides a cumulative assessment for each of the scoped in EIA topics, which includes consideration of the optimised Seagreen projects based on the Scoping Report of May 2017 and information shared in November 2017 as part of this cumulative assessment. Seagreen wishes to draw to the attention of MS-LOT that the design envelope for Seagreen Alpha and Seagreen Bravo has been refined and updated since this information was shared. Additionally, there are differences in the underlying data used to support some of the assessments of the Seagreen projects presented by NNGOWL, particularly for ornithology. This therefore has implications for the representation of the Seagreen Alpha and Seagreen Bravo wind farms in the NNGOWL cumulative assessment.

In particular, Seagreen wishes to highlight a discrepancy in the NNGOWL marine mammals assessment results relating to Seagreen which conclude that up to 97 harbour porpoise will be exposed to auditory Permanent Threshold Shift (PTS), whereas the Seagreen assessment that is currently being completed concludes that no harbour porpoise will be exposed to PTS. The NNGOWL predicted disturbance numbers are also higher for some marine mammal species, for example disturbance of up to 2,490 harbour porpoise is stated compared with 1,600 in the Seagreen assessment.

The Seagreen EIA Report currently in preparation will be based on the refined and updated design envelope and use baseline data and methodologies agreed with MS-LOT and key consultees. It will therefore present a much more representative assessment of the potential environmental impacts of the optimised Seagreen Alpha and Seagreen Bravo wind farms for consideration in any

cumulative assessment for the Forth and Tay offshore wind farms by MS-LOT as part of its consent determination.

Yours sincerely,



Heather Donald
Development and Consents Manager
For and on behalf of
Seagreen Wind Energy Limited

Seagreen Wind Energy Registered Address: 1 Forbury Place, 43 Forbury Road, Reading, RG1 3JH. Company Registration No. 06873902

Scottish and Southern Energy Registered Address: Inveralmond House, 200 Dunkeld Road, Perth, Perthshire, PH1 3AQ. Company Registration No. SC117119

Fluor Registered Address: Fluor Centre, 140 Pinehurst Road, Farnborough, Hampshire GU14 7BF. Company registration No. 1274885

Our ref: PCS/158272
Your ref:

If telephoning ask for:
Alasdair Milne

24 April 2018

Sophie Humphries
Marinescotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

By email only to: Sophie.Humphries@gov.scot

Dear Madam

SECTION 36 APPLICATION AND MARINE LICENCES APPLICATIONS NEART NA GAOITHE OFFSHORE WIND FARM

Thank you for your consultation email which SEPA received on 3 April 2018.

Advice for Marine Scotland

- 1.1 We note that this consultation is in respect of the offshore components only of the revised Neart na Gaoithe Offshore Windfarm.
- 1.2 As we only now comment on proposals for works above MLWS which fall under the appropriate Town and Country Planning (Scotland) Act, we have no comments to make on the offshore element of this proposal.
- 1.3 Please refer to our standing advice on marine consultations within guidance document [SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations](#).
- 1.4 If, after consulting this guidance, you consider that a particular part of this proposal is novel or raises a particular environmental issue relevant to our interests which is not addressed by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of your consultation request.

If you have any queries relating to this letter, please contact me by telephone on 01786 452537 or e-mail at planning.se@sepa.org.uk

Yours faithfully

Alasdair Milne
Senior Planning Officer
Planning Service

Ecopsy to: ewan.walker@mainstreamrp.com

Disclaimer

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



Chairman
Bob Downes
Chief Executive
Terry A'Hearn

Perth Strathearn House

Broxden Business Park,
Lamberkine Drive, Perth, PH1 1RX
tel 01738 627989 fax 01738 630997

www.sepa.org.uk • customer enquiries 03000 99 66 99



Our Ref: MM/dr-18/12

Your Ref:

10th May 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

Neart na Gaoithe Consent Application

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.

Referring to chapter 7- 7.5.2.1 the SFF objects to the suggestion that at decommissioning the subsea structures and cables are left in situ, the aspiration for developments in the marine should always be, on departure, to leave a clean seabed behind.

Also in c7 at 7.6.8 88&89 the SFF objects to the negative implications of using the term "overfishing". In reality ICES actually clearly state that most species in the North Sea are being fished at levels consistent with achieving the aims of the Marine Strategy Framework. Rather than using such evocative language the project should agree to a properly devised scientific monitoring plan and mitigation for their presence in the area.

Moving to Chapter 10, the SFF objects to the bald statement in table 10.8, that the export cable will take 9 months to construct, with the concomitant displacement of some Nephrops vessels for a major part of their annual earnings. We must further object to the assumption that fishing will automatically resume, which has no backing in our experience. The project needs to monitor the real time impact of this aspect and provide mitigation/compensation particularly for the Nephrops fleet which will lose earnings over the cable route.

The SFF will need to be consulted before agreement of all the relevant plans, e.g. (but not limited to) CFMS, Cable, CFWG, Lighting and monitoring of commercial fisheries.

The SFF objects to the impact in the statement at 10.8.1.84, implying continuous closures across

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

the windfarm for the 3 years of construction. This must lead to some form of compensation, particularly for the Scallop fishery, but there may also be static gear to be considered. Referring to 10.8.1.13 there appears to be a constant underplaying of the value of scallops to the area, with the project declaring a minor effect, while the SFF would consider the impact to be major.

The SFF objects to the claim that fishing MAY continue in the post construction development, this is simply the developer trying to wash their hands of any responsibility for their impacts. At the very least mobile fishing operations will be seriously restricted due to the presence of sub sea surface infrastructure. There seems to be insufficient understanding of the differences between mobile and static fisheries, both in terms of vessels and the seabed they operate on. These are not always 100% compatible between sectors, so displacement can be compounded and a much bigger problem than anticipated.

The SFF would expect that, using the baseline figures already defined, commercial fishing activity would continue to be monitored and any adverse impacts compensated rather than forcing an ever increasing circle of displacement, noting that disturbance payments are not a replacement for proper mitigation. The ongoing negative impacts on the onshore fisheries supply chains and the benefits to food security of the indigenous catching sector seem to be ignored, but should be considered by the regulator in the grand scheme of things.

Finally, referring to chapter 17, the SFF would maintain that disturbance payments are intended for specific vessels, and do not replace the need for mitigating the entire development and its impacts on the fleet, as defined by the value of the relevant ICES square.

Yours faithfully

A black rectangular box redacting the signature of the Fisheries Policy Officer.

Fisheries Policy Officer, Scottish Fishermen's Federation



Scottish Natural Heritage Dualchas Nàdair na h-Alba

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

Mr A Keir
Marine Scotland – Licencing and Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9 DB

11th May 2018
Our ref: CNS REN Neart na Gaoithe – new application
Your ref:
By email only

Dear Mr Keir

Neart na Gaoithe Offshore wind farm – new application – revised design

Application for consent under Section 36 of the Electricity Act 1989 (as amended) and Marine Licence under part 4 of the Marine (Scotland) Act 2010

Thank you for consulting SNH on this new application submitted for the Neart na Gaoithe, offshore wind farm.

We provide this advice in the context of the existing 2014 consents for three wind farms in the Forth and Tay – Neart na Gaoithe, Inch Cape and Seagreen.

This application for Neart na Gaoithe is based on a design envelope comprising a maximum of 54 turbines up to 208m tall, up to two offshore substation platforms and two export cables coming ashore at a landfall point at Thorntonloch, East Lothian. Our advice considers only those aspects seawards of the landfall, taking account that the onshore transmission works have planning consent granted in 2013/2015.

Our advice considers Neart na Gaoithe on its own merits as well as taking account of cumulative and in-combination effects with other projects, particularly the other two wind farms in the Forth and Tay (Inch Cape and Seagreen) – both the existing consented schemes and the applications for these wind farms anticipated later this year. We provide advice to help Marine Scotland undertake their appropriate assessment of the impacts on Natura interests, in their role as competent authority.

KEY ADVICE

Natura

We have reviewed both the Environmental Impact Assessment (EIA) and Habitats Regulations Appraisal (HRA) Reports. Our advice on this application reflects changes since 2014 to wind farm design, population counts and impact assessment methodologies including use of counterfactual metrics to assess predicted impacts. Our advice is based on the current 'worst case scenario' – this application in combination with the 2014 consented schemes for Inch Cape and Seagreen.

In our view, this proposal is likely to have a significant effect on a number of qualifying interests of:

- Forth Islands, Fowlsheugh, St Abb's head to Fastcastle and Buchan Ness to Collieston SPAs; Moray Firth, Tay and Eden Estuary, Berwickshire and North Northumberland Coast and Isle of May SACs; and Outer Firth of Forth and St Andrews Bay Complex pSPA

These sites are listed in Tables 1.4 and 1.5 of the Neart na Gaoithe HRA Report.

Consequently, Marine Scotland, as competent authority, is required to carry out an appropriate assessment in view of the sites' conservation objectives for these species.

We advise that the in-combination effects on the qualifying interests of two Special Protection Areas (SPAs) are the most significant natural heritage constraint. Our assessment has identified the following outstanding significant issues:

- Collision and displacement impacts with respect to kittiwake as a qualifying interest of both Forth Islands SPA and Fowlsheugh SPA.
- Collision with respect of gannet as a qualifying interest of Forth Islands SPA.

These impacts arise from the in-combination impacts with other projects, particularly the Inch Cape and Seagreen offshore wind farms.

In our view, taking into account the counterfactual metrics comparing the trajectories of population size and growth rate with and without the windfarms over 25 and 50 years, it is **unlikely that Marine Scotland will be able to ascertain that there will be no adverse impact on site integrity on Forth Islands and Fowlsheugh SPAs from Neart na Gaoithe in combination with the other wind farm proposals.**

We advise that in our view, based on the information provided other than for guillemot and razorbill (see below for further advice on these two species), **Neart na Gaoithe (revised application 2018) on its own would have no adverse effect on site integrity of any SPAs, SACs and pSPAs and their qualifying interests.**

This advice is very similar to our 2014 advice (on all three Forth and Tay applications) except that in our view, based on the information provided, there will be no adverse effect, either from Neart na Gaoithe on its own or in combination with other wind farm proposals, on site integrity for:

- puffin as a qualifying interest of Forth Islands SPA

We also wish to highlight that the predicted adverse impacts of this new proposal for Neart na Gaoithe on seabirds (other than for razorbill and guillemot) are less than those predicted for the consented 2014 application.

The consideration of Inch Cape and Seagreen 2018 applications as part of the cumulative impact assessment is as agreed and discussed during the scoping process and as referred to in the scoping opinion (section 8.11).

The 'worst case scenario' will change as developers submit their anticipated applications for Inch Cape and Seagreen offshore wind farms. The in-combination impacts will probably decrease. The supporting information for these other applications will contain their most up to date design envelope, and their assessments will provide updated predictions of impacts. As the other applications come in for Inch Cape and Seagreen we will provide our advice on these applications on their own merits as well as the in combination / cumulative impacts.

Razorbill and Guillemot

We are unable to provide advice on these species at this time. Whilst the developers have correctly followed all of the steps requested in the scoping opinion, they have inadvertently used incorrect population data in their population modelling. This error has its origins in the presentation of advice from SNH (updated Appendix A (ii) Table 4b – Seabird Population Counts), sent to Marine Scotland on 7/12/17 and forwarded to each of the Forth and Tay

developers. In this table we did not clearly distinguish between values presented as individuals or converted pairs.

To enable SNH to provide advice on impacts to these species, we request that the population models are rerun for both guillemot and razorbill using population figures as identified in table 1 in Appendix A of this letter. Once these models have been rerun and analysis completed including with the PVA metrics, we will be able to provide advice on these species.

We present our detailed ornithological advice in Appendix A - SNH Advice on Ornithology.

Seascape, landscape and visual impacts

We have reviewed the Environmental Impact Assessment (EIA) Report. Our advice on this application reflects changes, since 2014, to wind farm design, in particular the reduction in turbine numbers to a maximum number of 54 and an increase in height to a maximum of 208m. Our key advice is as follows:

The visible extent of the development area on the horizon remains unchanged despite the reduction in turbine numbers. This is due to the increased spacing between turbines. The increase in turbine height of 11m will be imperceptible from views from the coast.

The main impacts from Neart na Gaoithe, in isolation or in combination with Inch Cape and Seagreen are:

- **East Lothian** – Neart na Gaoithe will form a visually prominent feature across the horizon and intrude on the spectacular seascape panoramas which typically and variously combine open water, offshore islands and onshore coastal landmarks, and which includes the distinctive Bass Rock and Isle of May. These impacts on views and coastal character will also be significantly increased with the cumulative effects with the Inch Cape offshore wind farm.
- **East Fife** – Neart na Gaoithe is the closest wind farm to this stretch of coast. It will form a visually prominent feature and result in significant changes to open sea views affecting the coast between St Andrew and Fife Ness, the Isle of May and Tentsmuir, as well as the Inner Forth. These impacts on views and coastal character will also be significantly increased with the cumulative effects with the Inch Cape offshore wind farm.
- **Angus / South Aberdeenshire** – Neart na Gaoithe in combination with Inch Cape and Seagreen will result in significant cumulative effects on views and coastal character in these coastal areas.

Our appraisal of impacts, taking account of the changes to wind farm design envelopes, is similar to the conclusions reached in our advice for the 2014 applications. We advise that the significance of cumulative effects of Neart na Gaoithe with the 2018 scoping layout for Inch Cape will increase in severity. This however relates more to the increased scale of the Inch Cape development contributing to the cumulative baseline, as opposed to the addition of slightly increased scale of Neart na Gaoithe. We present our detailed advice on seascape, landscape and visual impacts in **Appendix B**.

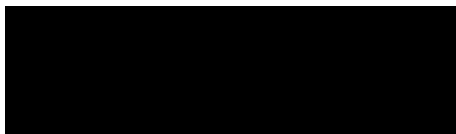
Construction Impacts

For a number of other key natural heritage interests, including marine mammals, the greatest level of impacts will arise during the construction phase of the development. We provide our detailed advice on these receptors in **Appendix C** - SNH advice on marine mammals.

We have also considered other natural heritage receptors such as diadromous fish species, marine fish and shellfish as well as benthic ecology and coastal processes. Impacts on these receptors have either been scoped out of the EIA process or can be managed and mitigated during the construction process. Our advice on how construction impacts could be managed / mitigated is included in **Appendix D**, if this application is consented.

We trust that this advice is helpful. If you have any queries on any aspects of this advice, please do not hesitate to contact Erica Knott, erica.knott@snh.gov.uk 01738 458674.

Yours sincerely



Sally Thomas
Director – People and Nature

APPENDIX A

SNH ADVICE ON ORNITHOLOGY

Impact Assessment Methodology

We have reviewed the EIA and HRA Reports taking into account the advice contained in the Scoping Opinion. We are content with all aspects of the assessment methodology but offer the following comments:

- Reference populations – these have followed the reference populations provided by SNH, noting that for razorbill and guillemot the issue around our advice and the term ‘converted pair’ has led to the incorrect population sizes being used. We advise in table 1 below the corrected figures which should be used to rerun the population modelling.
- The CRM input bird parameters are mostly in accordance with those used by SNH as part of the 2014 CRM assessment work, the parameters are appropriate.
- The low predicted results for herring gull predicted to collide with this development on its own has meant no in combination CRM has been carried out for this species - this is acceptable.
- Population Viability Analysis (PVA) - parameters used are not those provided by Horswill and Robinson (2016), but references have been provided. We disagree with the outcome of the kittiwake population model for Forth Islands SPA which predicts an increase in population despite the current trend for a continuing decline.
- SNH have considered and provided advice on the 2 PVA metrics:
 - i). median of the ratio of impacted to unimpacted annual growth rate, and
 - ii). median of the ratio of impacts to unimpacted population size.
- The in combination assessment has considered two scenarios:
 - Scenario 1 – 2018 Neart na Gaoithe application with the details of the anticipated 2018 applications for Inch Cape and Seagreen taken from their scoping documents.
 - Scenario 2 (worst case) – 2018 Neart na Gaoithe application and the 2014 consented applications for Inch Cape and Seagreen

Summary of key effects

Our assessment, based on the information in the EIA and HRA Reports, and on the worst case scenario, has concluded **that there is likely to be an adverse impact on site integrity on Forth Islands and Fowlsheugh SPAs** from Neart na Gaoithe **in combination** with the other wind farm proposals.

The key impacts are:

- In combination impacts from collision and displacement impacts with respect to kittiwake as a qualifying interest of Forth Islands SPA and Fowlsheugh SPA.
- In combination collision with respect of gannet as a qualifying interest of Forth Islands SPA.

These in combination impacts are with the other Forth and Tay projects, particularly the Inch Cape and Seagreen offshore wind farms. These adverse impacts are however likely to be less than those assessed in 2014, due to change in wind farm design and turbine parameters.

Our assessment, based on the information in the EIA and HRA Reports, of the impacts from Neart na Gaoithe on its own is that there would **be no adverse effect on site integrity of any classified SPA or the Outer Forth and St Andrew's Bay pSPA**, other than for guillemot and razorbill for which we advise the next steps required to inform our advice.

Our assessment, based on the information in the EIA and HRA Reports, on the impacts from Neart na Gaoithe in combination with the other wind farm proposals is that there would **be no adverse effect on site integrity of any classified SPA or the Outer Forth and St Andrew's Bay pSPA** with respect to the following qualifying interests:

- Forth Islands - Herring gull, Puffin.
- Fowlsheugh - Herring gull.
- St. Abbs Head to Fast Castle - Herring gull, Puffin.
- Buchan Ness to Collieston Coast - Herring gull, Kittiwake.
- Outer Firth of Forth and St Andrews Bay Complex - Gannet, Kittiwake, Herring gull, Puffin, Little gull, Common gull, Black-headed gull

We will be able to provide our advice on guillemot and razorbill as qualifying interests at these sites, once population models have been rerun and counterfactuals represented.

Our advice on the in-combination impacts will be updated as further detail is provided on the anticipated applications for Inch Cape and Seagreen offshore wind farms, to take account of the final assessments contained in the supporting information for these applications.

We provide species specific assessments and advice below.

This advice refers to counterfactual metrics from PVA outputs as follows:

- *NnG CPS*– the counterfactual of median population size after 25/50 years, comparing final population size with and without Neart na Gaoithe being built.
- *In-combination CPS* – the counterfactual of median population size after 25/50 years, comparing final population size with and without Neart na Gaoithe and the other wind farms being built.

Gannet

SPAs considered

- Forth Islands SPA

Historic and Current Population trends

- UK gannet population is exhibiting positive growth rates, continuing a long period of expansion over the past 100 years.
- The Forth Islands SPA contains Bass Rock, the world's largest gannet colony, hosting 70% of the UK total population.
- The Bass Rock gannet population has increased from 21,591 pairs in 1985 to 75,259 pairs at the last count in 2014.
- The population of gannet at Bass Rock is likely to continue to increase, but at some unknown point the limiting factor of space for nests will come into play.

- The Bass Rock is likely to be acting as a sink population. The population increase at this site is likely to be due to immigration as well as high productivity.

Assessment of gannet at Forth Islands SPA

Neart na Gaoithe 2018 application

- The collision risk modelling (CRM) results predict 108 gannets will collide each year; 93 (91 adults and 2 immatures) during the breeding season and 15 (14 adults and 1 immature) during the non-breeding season.
- After 25 years the NnG CPS is 98.77% of that with no wind farm. After 50 years this metric is 97.12%.

Neart na Gaoithe application with other projects

- The annual in-combination CRM results predict 583 gannets will collide each year based on scenario 1 and 1210 based on scenario 2.
- After 25 years, Scenario 2 the in-combination CPS is 85.27% and after 50 years it is 72.96%.
- A further modelled prediction of impacts to the Bass Rock breeding gannet colony out with the breeding season from other non -Forth and Tay UK wind farms in the North Sea and English Channel is predicted to be 170 gannets, all ages.

Conclusion

Neart na Gaoithe 2018 application

We advise that the 2018 application impacts from Neart na Gaoithe on its own **would not** result in an adverse effect on site integrity to the Forth Islands SPA with respect to gannet. We have taken account of predicted annual collisions (108) and the upwards population trend of gannets at the Bass Rock.

Neart na Gaoithe application with other projects.

Our advice on Neart na Gaoithe in combination with the 2014 applications for Inch Cape and Seagreen is that there **is likely to be an adverse effect on site integrity to Forth Islands SPA** with respect to gannet. This advice is based on the assessment of the worst case as presented in the Neart na Gaoithe application and can be reviewed after the anticipated applications for Inch Cape and Seagreen are submitted.

Kittiwake

SPAs considered

- Forth Islands SPA
- Fowlsheugh SPA

Historic and current population trends

- Scottish kittiwake populations have experienced significant declines over the last 30 years.
- The population of kittiwake along the east coast of Scotland is expected to continue to decline. The reason for this decline is not certain, but factors such as changes to prey distribution and climate change are very likely to be important.
- At Fowlsheugh SPA, the colony count has declined by approximately 75% since designation - 36,650 pairs at designation in 1992 to 9,655 pairs in 2015.
- At Forth Islands SPA, the colony count has approximately halved since designation - 8400 pairs at designation in 1990 to 4,663 pairs at the most recent count in 2017.
- The CPS predictions for kittiwake at Forth Islands combined for displacement and collision is predicted a lower impact than collision on its own. This is likely to be a result of the stochastic model.

Assessment of kittiwake at Forth Islands SPA

- The collision risk modelling (CRM) results for Neart na Gaoithe on its own predict 3 kittiwake collisions each year (2.99 adults during the breeding season and 0.11 birds of all ages during the non-breeding season).
- The predicted impact from displacement is 4.49 adults dying each year from Neart na Gaoithe on its own during the breeding season.
- The PVA predicts the kittiwake population at Forth Islands will grow whether or not the wind farm is built. We are unclear why the model makes these predictions because it does not reflect the known trend and there are no apparent reasons for the population trend to change. Therefore we disagree that the population is likely to grow, even without wind farms being built.
- After 25 years the NnG CPS is 98.63% for collision alone and 99.03% for collision and displacement combined compared to the population size with no wind farm. After 50 years CPS is 98.05% with collision and 97.30% for combined collision and displacement impacts.
- The results from Neart na Gaoithe in combination with the other projects – Scenario 2, indicate that after 25 years the in-combination CPS is 68.64%% for collision alone and 66.34% for collision and displacement combined. After 50 years CPS is 47.54% with collision only and 45.12% for combined collision and displacement mortality impacts.

Assessment of kittiwake at Fowlsheugh SPA

- The collision risk modelling (CRM) results for Neart na Gaoithe on its own predict 0.77 kittiwake collisions each year during the breeding season adults only.
- The predicted impact from displacement is 1.15 adults only dying each year.
- The PVA predicts a continuing population decline whether or not the wind farm is built.
- After 25 years the NnG CPS is 98.88% for collision alone and 98.58% for collision and displacement combined. After 50 years the NnG CPS is 98.24% with collision and 97.66% for combined collision and displacement impacts.
- The in-combination CPS after 25 years is 74.61%% for collision alone and 72.74% for collision and displacement combined. After 50 years the in-combination CPS is 56.39% with collision only and 53.93% for combined collision and displacement impacts.

The counterfactual rates (CPS) indicate a large difference between the predicted impacts from Neart na Gaoithe on its own and the impacts when it is considered in combination with the other projects, particularly in the Forth and Tay. The additional decline due to the wind farm on its own is very small compared to the anticipated changes due to other factors currently influencing population.

Conclusion

Neart na Gaoithe 2018 application

We advise that the 2018 application impacts from Neart na Gaoithe **would not result in an adverse effect on site integrity to the Forth Islands or Fowlsheugh SPAs** with respect to kittiwake. The impacts from Neart na Gaoithe on its own are very small in the context of other factors causing population decline.

Neart na Gaoithe application with other projects.

Our advice on Neart na Gaoithe in combination with the 2014 applications for Inch Cape and Seagreen is that there **is likely to be an adverse effect on site integrity to Forth Islands and Fowlsheugh SPAs** with respect to kittiwake. This advice is based on the assessment

of the worst case as presented in the Neart na Gaoithe application and can be reviewed after the anticipated applications for Inch Cape and Seagreen are submitted.

Puffin

In our advice on the consented Neart na Gaoithe scheme we were unable to conclude no adverse impact on Puffin (Forth Islands). At the time there was no suitable population model for the Forth Island puffin available. The population had recently experienced a large decline due to poor overwinter survival, after a long period of increase. These population changes meant that it was impossible to fit an acceptable model using the Bayesian framework.

The current application uses a Leslie matrix model to predict population change in puffin, and the population trend has resumed its upward trend. The level of displacement impacts on the Forth Island puffin population can therefore be assessed with more certainty. Given the evidence now available our view is that these impacts will not result in adverse impact on site integrity for puffin at Forth Islands SPA.

Guillemot / Razorbill

We are unable to provide advice on these species at this time. As explained in the covering letter, the applicants have inadvertently used incorrect population data in their population modelling. This error has its origins in the presentation of advice from SNH (updated Appendix A (ii) Table 4b – Seabird Population Counts), sent to Marine Scotland on 7/12/17. In this table we did not clearly distinguish between values presented as individuals or converted pairs.

To enable SNH to provide advice on impacts to these species, we request that the population models are rerun for both guillemot and razorbill using population figures in table 1 below.

Table 1 – Seabird Population Counts – guillemot and razorbill for use in population modelling.

Species	SPA	Population – Individuals SNH JNCC 2014 advice: SPA counts	Population - Individuals converted from most recent counts
Guillemot	Buchan Ness to Collieston Coast	25587	45067
	Forth Islands	26169	38573
	Fowlsheugh	60193	74379
	St Abbs Head to Fastcastle SPA	58617	48516
	St Abbs NNR	54665	45060
Razorbill	Forth Islands	4649	7782
	Fowlsheugh	7048	9950

	St Abb's Head to Fastcastle SPA	4230	2770
	St Abb's NNR	2967	2290

Once these models have been rerun and analysis completed including with the PVA metrics, we will be able to provide advice on these species.

Outer Forth and St Andrew's Bay pSPA

The wind farm development area overlaps with the proposed Special Protection Area boundary. There is no detail presented on the number of turbines that will lie within the pSPA, the area of overlap is calculated as a maximum of 34km² or approximately 1.3%. Of the 21 species selected as potential qualifying interest, 13 species were recorded during the wind farm baseline surveys, nine of which were regularly observed.

- Non breeding season impacts have been considered where possible; noting that for some species very little information is available for autumn / spring passage numbers.
- The potential presence of turbines, cables and offshore substation platforms and therefore the loss of current seabed habitat has been calculated as a worst case scenario as 0.1527km² within the pSPA.
- Consideration has been given to the assessment of disturbance during the operations and maintenance phase for the use of helicopters.

Conclusion

We agree with the conclusion of no adverse effect on site integrity to the Outer Forth and St Andrew's Bay pSPA.

Other Species

Special Protection Areas – Qualifying interests

For all other species other than those we provide advice on above, we are able to advise that there will be **no adverse effect on site integrity either from Neart na Gaoithe on its own or from in-combination effects with other projects.**

Non SPA colonies

Similarly, for all species other than those we provide advice on above, we advise that there will be no major significant adverse impacts to species at breeding colonies

Monitoring

Given the proximity of this application site to world renowned breeding colonies, we request that a detailed environmental monitoring programme is developed if the wind farm is consented. The development would be a good opportunity to further our knowledge and understanding of how breeding seabirds interact with wind farms. We provide further advice on this aspect in Appendix D. If other wind farms are consented in the Forth and Tay we

would also request that consideration given to strategic monitoring to make best use of resources and techniques available at the time.

APPENDIX B

SNH ADVICE ON SEASCAPE, LANDSCAPE AND VISUAL IMPACTS

This advice updates our previous advice on the consented applications for Neart na Gaoithe, Seagreen and Inch Cape (collectively referred to as the Forth & Tay developments). We provide advice on the impacts from Neart na Gaoithe on its own and also in respect of cumulative impacts with the other Forth and Tay developments. We have considered the cumulative impact of the Neart na Gaoithe proposal under two scenarios.

- Scenario 1 – Neart na Gaoithe and the consented Inch Cape and Seagreen wind farms
- Scenario 2 – Neart na Gaoithe and the applications anticipated for Inch Cape and Seagreen in 2018 (as scoped).

We note the final details of Inch Cape and Seagreen will be forthcoming as their new applications are submitted. We also recognise that the Neart na Gaoithe application if consented may not be built out as currently presented for the assessment.

Impact Assessment Methodology

We have reviewed the EIA report and confirm that the assessment follows the advice in the scoping opinion. This includes visual materials prepared for the selected and agreed viewpoints.

The cumulative impact assessment in the ES is based on a worst case scenario including the revised schemes for Inch Cape and Seagreen. It assumes a smaller number of larger turbines (the 2018 scoping layouts) being worse than a larger number of smaller turbines i.e. the 2014 consented schemes. Neart na Gaoithe will not have all the final details for the revised Inch Cape and Seagreen schemes as they have not yet been submitted and so the cumulative assessment as submitted is unlikely to be based on final design envelopes for these other applications.

Summary of key effects

There will be a change in the visual composition of Neart na Gaoithe, due to the reduction in turbine numbers to a maximum of 54. However, the extent of development visible on the horizon will be similar to the consented application, due to increased spacing between turbines. The change in height of the turbines - an increase of 11m, will appear imperceptible at distances of over 15km to the nearest turbine from shore.

Due to the imperceptible change in the extent and character of visibility introduced by this new proposal, we advise that the individual and cumulative impact of Neart na Gaoithe and the consented Inch Cape and Seagreen wind farms (scenario 1) would be the same as that appraised for the consented proposals. Therefore our previous 2014 advice on the significance of effects is applicable.

The cumulative impact of Neart na Gaoithe and the applications anticipated for Inch Cape and Seagreen in 2018 (scenario 2) is also significant and adverse. The most significant change is the increased height of the Inch Cape turbines, such that their contribution to the cumulative impact is substantially greater.

Consideration of Cumulative Effects

Developments at scoping are not normally considered in cumulative assessment. However, because of the near certainty of new applications for Inch Cape and Seagreen and as agreed during the scoping discussions with all parties, it is appropriate to consider the

revised Seagreen and Inch Cape projects as scoped (scenario 2) within the cumulative assessment for Neart na Gaoithe. The EIA Report submitted for Neart na Gaoithe, only considers scenario 2 in terms of cumulative assessment.

Scenario 1 – 2018 Neart na Gaoithe Application with 2013 application Inch Cape and Seagreen

As indicated above in the summary of effects our previous 2014 advice on the significance of effects is still applicable.

Scenario 2 - 2018 Neart na Gaoithe Application with 2018 Seagreen and Inch Cape (scoping) layouts

This is the scenario assessed in the Neart na Gaoithe EIA Report (table 4.14). In summary significant cumulative effects are identified in the EIA Report when considering this scenario and the changed cumulative baseline:

- **East Lothian:** The main cumulative effect is from Neart na Gaoithe and Inch Cape.

The 2018 Inch Cape proposal (as scoped) has changed considerably from the consented scheme. It comprises a smaller number of significantly larger turbines. Combined, these two schemes result in a fundamental change to the open seascape, and in contrast with scenario 1 both developments appear comparable in scale and extent. Together they introduce a highly prominent and dominant change to the seascape intruding upon the appreciation of the Forth Estuary islands and key landmarks – Isle of May and Bass Rock. Seagreen at this distance produces minimal perceptible cumulative change.

Further south, in views from Dunbar, the more distant Inch Cape is largely behind Neart na Gaoithe and is comparatively recessive with Neart na Gaoithe prominent and making the greater contribution to cumulative impact and significantly extending the horizontal extent of development.

We advise that the Neart na Gaoithe makes the greatest contribution to a significant cumulative change from East Lothian.

- **East Fife:** From Tentsmuir, Neart na Gaoithe and Inch Cape appear as two separate, but prominent wind farms extending across a significant proportion of the horizon in the same angle of view with turbines appearing of comparable scale. Further south from St Andrews and Fife Ness, Neart na Gaoithe is prominent, visually near to the shore and introduces a fundamental change to the open seascape. This will be compounded with the addition of the visually prominent turbines of Inch Cape; Seagreen at this distance produces minimal perceptible cumulative change. There are predicted to be significant effects from aviation lighting from the Neart na Gaoithe development on the Fife Coast.

We advise that Neart na Gaoithe application contributes to a significant cumulative change from East Fife.

- **East Aberdeenshire/Angus:** Neart na Gaoithe typically occupies a more limited extent of the views in comparison to Inch Cape and Seagreen. From key viewpoints (Braehead of Lunan and Arbroath), Seagreen appears 'set back' from the horizon. Neart na Gaoithe appears visually separate from Inch Cape and Seagreen, but extends the experience of turbines on the horizon and intrudes onto headlands in the key viewpoints. Inch Cape and Seagreen extend across a significant proportion of the view, but Inch Cape appears highly prominent in the view.

In parts of South Aberdeenshire where the assessed capacity for onshore development is reached, several routes are significantly impacted by successional views to multiple wind energy developments. The introduction of significant offshore development, will further compound adverse cumulative effects.

We advise that Neart na Gaoithe contributes to significant cumulative change when viewed from the South Aberdeenshire and Angus coastline.

Conclusion

Previously, in 2014, the key cumulative change could be largely attributed to Neart na Gaoithe, with Inch Cape and Seagreen being much less prominent in views from Fife and the Lothians. From pre application engagement including the scoping reports, Inch Cape (2018) will appear comparable in scale to Neart na Gaoithe, even though it is much further from the viewer. This means that in cumulative scenario 2, in contrast to scenario 1, both Neart na Gaoithe and Inch Cape will appear comparable in scale and highly prominent in many coastal views (in particular from East Fife and East Lothian), such that collectively they begin to dominate over a significant proportion of the horizon. Whilst the appraisals of both scenarios predict major cumulative change, **Scenario 2 introduces a larger change in the intensity and severity of the cumulative effect experienced.** This change is almost completely due to the increase in turbine height expected in the anticipated application for Inch Cape later in 2018.

APPENDIX C

SNH ADVICE ON MARINE MAMMALS

Impact Assessment Methodology

We have reviewed the EIA and HRA Reports taking into account the advice contained in the Scoping Opinion. We provide the following advice on the impact assessment methodology:

- Population estimates - we note that for harbour porpoise and minke whale, population estimates are from the Joint Cetacean Protocol (JCP) rather than SCANS III. However, the estimates from both these sources are similar and are therefore acceptable.
- Noise Modelling – the approach used for noise modelling is assessed to be appropriate. The noise modelling predicts large differences between low frequency / high frequency cetaceans and mid frequency; this would appear to be an aspect of the noise modelling due to the NOAA thresholds.
- The noise modelling is based on the worst case scenario - Drive only piles and maximum hammer energy. This is likely to be precautionary as only 10% of the piles are predicted to be drive only and maximum hammer energy will only be used occasionally.
- The use of iPCoD - interim Population Consequences of Disturbance model version 3¹, has been attempted; however there are bugs in the code and the developers have advised caution in interpreting the results. This version of the model is no longer publicly available for use. The developers have also not supplied their list of input parameters (e.g. a simulation_Log.xls file), so even if the model was publicly available the modelling itself cannot be reproduced.
- In modelling the cumulative impacts, Neart na Gaoithe have identified that Inch Cape and Seagreen will have larger hammer sizes than those applied for and consented in 2014, and have therefore assumed that this represents the worst case.
- The outputs of the iPCoD are unreliable and may not give a realistic overview of the long term population effects, due to problems in the code and the uncertainties surrounding the input parameters. Because we are unable to rely on them we provide a qualitative assessment of effects of PTS and disturbance from Neart na Gaoithe piling events (both single and concurrent events) – see below.
- We advise that if a corrected version of iPCoD becomes available than a rerun of the model should be undertaken. As we understand it, the timescale for a corrected model to become available will not be until later this summer. This should coincide with all of the Forth and Tay offshore wind applications being submitted, meaning that more realistic input parameters can be used in a cumulative assessment. We would be happy to discuss this further with Marine Scotland.

Analysis

¹ <http://marine.gov.scot/information/interim-population-consequences-disturbance-model-ipcod>

- The results of the modelling have been presented as metrics, similar to those requested for the population viability analysis metrics for assessing ornithological impacts. We are unsure of the usefulness of these metrics in the context of marine mammal modelling.
- Based on the Southall thresholds, the impacts of this new application on cetaceans are lower than the 2014 consented scheme.

We are unable to compare the results for seals as we cannot re-calculate the seal numbers which are now based on the seal density maps rather than average densities.

- Based on NOAA thresholds², the results of the modelling indicate the number of animals affected (Permanent Threshold Shift - PTS, and disturbance) by this new application compared to the 2014 consented scheme are:
 - Lower for bottlenose dolphins, grey seal and harbour seals.
 - Slightly higher for minke whale, and
 - Higher for harbour porpoise.
- The predictions for harbour porpoise and minke whale based on the NOAA thresholds are high, even from a single piling event. For harbour porpoise, the predictions are PTS - 77, and disturbance - 1177 animals. For minke whale, it is PTS - 14 and 77 for disturbance.
- The predictions for bottlenose dolphin and harbour seals are low, both for PTS and disturbance.
- The prediction for grey seals is low for PTS (1 animal), with a larger number predicted to be disturbed (821 animals). This disturbed number is still lower than that predicted for the consented 2104 application.
- We agree that the modelling is precautionary, due to the selection of parameters to replicate the worst case, lack of current information on the other developments to be considered in combination / cumulatively and other assumptions that have been made such as for programming / scheduling works.

Conclusion

Bottlenose dolphin

- We have considered the iPCoD results and the issues around the modelling, reviewed the outputs of the noise modelling and compared this against the information provided in the 2014 consented application. Our assessment, based on the information in the EIA and HRA Reports, is that there will be **no adverse effect on site integrity for bottlenose dolphin as a qualifying interest of the Moray Firth Special Area of Conservation (SAC), subject to conditions.**
- We also advise that there will be **no impact on the favourable conservation status** for bottlenose dolphins as a European Protected Species (EPS), subject to conditions on any consent / licences.

² http://www.nmfs.noaa.gov/pr/acoustics/Acoustic%20Guidance%20Files/opr-55_acoustic_guidance_tech_memo.pdf

- There is a low prediction of both PTS and disturbance to this species during the construction phase of this wind farm.
- We welcome the commitment of the developer to implement mitigation and consent conditions and we provide further advice on this in Appendix D.

Harbour Porpoise

- We advise that there will be **no impact on the favourable conservation status** for harbour porpoise as a European Protected Species, subject to conditions on any consent / licences.
- Despite the high predictions from the iPCoD and the noise modelling, we consider that mitigation will assist in reducing impacts during construction on these species and we provide further advice in Appendix D on mitigation and recommendations for consent / licence conditions.

Minke Whale

- We advise that there will be **no impact on the favourable conservation status** for minke whale as a European Protected Species, subject to conditions on any consent / licences.
- Despite the high predictions from the iPCoD and the noise modelling, we consider that mitigation will assist in reducing impacts during construction on these species and we provide further advice in Appendix D on recommendations for consent / licence conditions.

Grey Seal

- Our assessment, based on the information in the EIA and HRA Reports, is that there will be **no adverse effect on site integrity to grey seals as a qualifying feature of the Isle of May and Berwickshire and North Northumberland Coast SACs, subject to conditions.**
- Grey seals are predicted to experience PTS and disturbance, but less than predicted for the 2014 consented application. The population of grey seal along the east coast is increasing and is relatively robust. During the period of breeding when this species is protected at the Isle of May, the seals are more likely to be hauled out and they will be less exposed to impact. During the non-breeding season the seals are more wide ranging and have a varied diet and therefore will be able to avoid exposure to impacts.

Harbour Seal

- Harbour seals are predicted to experience very low PTS and disturbance, and the predicted impacts are lower than those predicted for the 2014 consented application. Our assessment, based on the information in the EIA and HRA Reports, is that there will be **no adverse effect on site integrity to harbour seals as a qualifying feature of the Tay and Eden Estuary SAC, subject to conditions.**

Other cetaceans

- We have considered the likely impacts to other cetacean species from the construction of Neart na Gaoithe. Due to the low frequency and numbers of sightings of other species that have been observed, we advise that there will be **no impact on the favourable conservation status** to these species as European Protected Species.
- The conditions and mitigation required for species assessed above will reduce further any potential impacts.

APPENDIX D

SNH ADVICE - NATURAL HERITAGE MATTERS TO BE ADDRESSED BY CONDITIONS

In our advice in 2014, we provided recommendations for consent conditions to be attached to any consent. The 2014 consent (and subsequent variation in 2015) did attach conditions to both the S36 Consent and also the Marine Licences. Neart Na Gaoithe have indicated in their EIA report that they anticipate similar consent conditions will be incorporated into any future consent for this application to further manage risk.

Our advice on conditions which would address natural heritage issues is provided below:

Condition recommendation	Reason
Pre-Construction	
Confirmation of layout - maps and coordinates (all associated structures and cables for the wind farm).	The application and supporting information does not provide details of the final scheme to be built out.
New visualisation materials of final wind farm layout and design.	To have as a public record the final design and layout of the wind farm prior to construction and to take account of good design principles in final design.
Lighting and marking plan	Identification of lighting and marking to aid navigation and aviation for the purposes of safety and also for the public record with regard to visibility from the coast.
<p>Environmental Monitoring Plan: A key document requiring agreement by the Forth and Tay Regional Advisory Group (FTRAG). The plan should be linked to other key documents such as:</p> <ul style="list-style-type: none">• Environmental Management Plan• Construction Method Statements• Piling Strategy• Vessel Management Plans• Cable Laying Strategy• Operations and Maintenance Plan <p>Key management and monitoring requirements relevant to Neart na Gaoithe include:</p> <p>i. Evaluation of impacts to key seabird populations including collisions with turbines and/or displacement from the wind farm footprint. The key species to be addressed are kittiwake, gannet, guillemot, razorbill and puffin.</p> <p>ii. Evaluation of underwater noise impacts from wind farm pile-driving in respect of key marine mammal species: bottlenose dolphin, harbour porpoise, minke whale, harbour seal and grey seal. Monitoring will need to address methods for noise measurement,</p>	<p>The programme of monitoring works will be signed off by Forth and Tay Regional Advisory Group (FTRAG), who will agree the environmental interests to be monitored and appropriate monitoring methodologies. The monitoring programme will cover pre-construction (from geo-technical survey onwards), construction, operational and decommissioning periods of development. The programme will be informed by consultation with relevant stakeholders, and it will be regularly reviewed – the review cycle to be decided by Marine Scotland in consultation with FTRAG and relevant stakeholders.</p> <p>The agreed monitoring will be implemented and the data collected will be reported on and made publicly available, to MEDIN³ data standards, giving consideration to data storage, analysis and reporting.</p> <p>Consideration should be given on the potential for joint / strategic monitoring of all consented projects in the Forth and Tay, with FTRAG providing guidance and acceptance of joint proposals.</p>

³ www.oceannet.org/marine_data_standards/

<p>analysis of background noise and species behavioural response to the noise, including the temporal span of response.</p> <p>iii. Evaluation of impacts and post-construction monitoring of benthic impacts (within the wind farm site and along the export cable route) to include consideration of damage, recovery, colonisation and management for the prevention of invasive non-native species.</p>	<p>The Project Environment Management Plan should identify how command and control will operate to ensure all relevant plans including commitments will be adhered to throughout the construction and operation and maintenance phases of the development.</p> <p>The Construction Method Statement should include details of commencement dates, duration and phasing for key elements of construction as well as working areas and techniques.</p> <p>The Piling Strategy should consider type and nature of piling activity, mitigation for marine mammals, including details of soft start, other techniques which may be deployed such as PAM / MMO / use of ADDs and should provide evidence on best available techniques to help mitigate potential risk to marine mammals.</p> <p>The Vessel Management Plan will include details of vessel management during construction. It shall present details on the type and overall number of vessels required during construction, including a specification for each individual vessel to be deployed. It shall set out how vessel management will be co-ordinated, specifying the location of working port(s), the routes of passage and how often vessels will be required to passage between port(s) and site. If helicopters are used during construction, then an equivalent plan for their use is required.</p> <p>The Cable Laying Strategy should provide detail on vessels / techniques, duration of works as well as burial depths and or other protective measures.</p> <p>These plans and their implementation will support mitigation to help reduce natural heritage impacts.</p>
<p>Construction</p>	
<p>Environmental Clerk or works / Environmental Manager</p> <p>The developer should appoint individual(s) to take on this role for the development. The role, responsibilities and work programme shall be submitted to Marine Scotland and relevant consultees for approval. Key responsibilities of this role will include ensuring implementation of:</p>	<p>The individual / team will detail how each and all contractors and sub-contractors will be made aware of environmental sensitivities, what requirements they are expected to adhere to and the authority to control the work, including temporary stops. It will also confirm the reporting mechanisms</p>

<ul style="list-style-type: none"> i. the Environmental Management Plan for construction; ii. all environmental measures and any mitigation or monitoring associated with Construction Method Statements (or equivalent) for all wind farm infrastructure and the export cable route(s) and landfall iii. all measures in the Vessel Management Plan relating to the mitigation of potential disturbance to marine mammal or seabird interests. iv. ensure compliance with all consent / licence conditions relating to natural heritage matters and shall be employed in sufficient time to have regard to any requirements for pre-construction monitoring. 	<p>that will be used to provide Marine Scotland and relevant stakeholders with regular updates on construction activity, including any natural heritage issues that have been encountered and how these have been addressed.</p> <p>This role aids accurate record keeping and adherence to plans to reduce natural heritage impacts.</p>
Operations & Maintenance (O&M)	
<p>(O&M) Programme</p> <p>Within a timeframe agreed with Marine Scotland, the developer shall draft and submit their programme for operations & maintenance (O&M). The programme will be approved by Marine Scotland in consultation with relevant consultees.</p> <p>It will cross-reference to the Environmental Monitoring Programme and O&M Environmental Management Plan where relevant.</p>	<p>This plan should take account of environmental sensitivities which may influence the timing of O&M activities. It will set out O&M vessel requirements and vessel management policies – this may also include use of helicopters.</p> <p>The O&M plan should encompass all aspects of the project including any inspections, remedial works required for cabling and burial / protection.</p> <p>The approved O&M programme will be implemented, and it will be reviewed regularly – the reporting cycle to be agreed by Marine Scotland in consultation with relevant consultees.</p>
Decommissioning	
<p>A decommissioning plan will be required for the entire scheme.</p>	<p>Marine Scotland should recommend a timeframe for the production, consultation and implementation of a Decommissioning Plan. We recommend that this is an iterative process and that an initial decommissioning strategy is produced by the developer</p>

Keir A (Alan) (MARLAB)

From: Holland G (Gayle)
Sent: 22 May 2018 15:02
To: Keir A (Alan) (MARLAB); Humphries S (Sophie)
Subject: FW: Razorbill and guillemot numbers - Forth and Tay projects, correction of razorbill figure for Forth Islands Most Recent Population.

From: Glen Tyler [<mailto:Glen.Tyler@snh.gov.uk>]
Sent: 21 May 2018 14:36
To: Holland G (Gayle)
Cc: Wilson J (Jared); Erica Knott
Subject: Razorbill and guillemot numbers - Forth and Tay projects, correction of razorbill figure for Forth Islands Most Recent Population.

Dear Gayle,

Erica asked me to look again at the large auk numbers as there was a discrepancy in the razorbill values between InchCape and Neart na Gaoithe

This table gives figures for both Common Guillemot and Razorbill (as population of Individual adults).

Species	SPA	2014 advice IND	Most recent IND (year)
Guillemot	Buchan ness to Collieston Coast	25587	45067 (2017)
	Forth Islands	26169	38573 (2017)
	Fowlsweugh	60193	74379 (2015)
	St Abb's Head to Fast Castle	58617	48516 (2016)
Razorbill	Forth Islands	4649	7792 (2017)
	Fowlsheugh	7048	9950 (2015)
	St Abb's Head to Fast Castle	4230	2770 (2016)

Forth Islands razorbill population given as 7782 in response to Neart na Gaoithe in letter to Mr Keir of 11th May 2018, but this figure should be 7792 as in the above table.

Yours sincerely

Glen

Glen Tyler | Policy and Advice Officer – Marine Ornithology

Scottish Natural Heritage | Stewart Building | Alexandra Wharf | Lerwick | Shetland | ZE1 0LL | t: 01595 693345 m:


Dulchas Nadair na h-Alba | Togalach Stewart | Cidhe Alexandra | Lerwick | Sealtainn | ZE1 0LL
nature.scot – Connecting People and Nature in Scotland - [@nature_scot](https://twitter.com/nature_scot)

Keir A (Alan) (MARLAB)

From: [REDACTED]@sportscotland.org.uk>
Sent: 27 April 2018 09:54
To: MS Marine Renewables
Subject: Neart Na Gaoithe Offshore Windfarm (Revised Design) - Consultation

Dear Sir / Madam

Thank you for the consultation on the above application. I can confirm that **sportscotland** has no comments to make on this proposal.

Kind regards
[REDACTED]

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Aithris-àichidh Tha an sgrìobhainn seo dìomhair agus air a rùnachadh a-mhàin don neach gu bheil e air a sheòladh. Mura h-e thusa an neach sin, feuch gun cuir thu fios sa bhad gu an neach-seòlaidh a cuimhneachadh gu bheil cleachdadh neo-ùghdarraichte sam bith air an sgrìobhainn seo air a thoirmeasg gu tur.

Mar bhuidheann poblach, tha **spòrsalba** a tighinn fo riathanasan an Achd Saorsa Fiosrachaidh (Alba) 2002 a thaobh foillseachadh air fiosrachadh sam bith (a gabhail a-steach conaltradh eileagtronaigeach) a dh-fhaodadh a bhith aige mu chuspair sònraichte, nuair a thèid sin iarraidh air le neach no buidheann sam bith. Ma bhios dragh ann mu dheidhinn seo, is urrainn do **spòrsalba** comhairleachadh mun chùis. Gus teagamh a sheachnadh, bidh co-dhùnadh spòrsalba deireannach a thaobh ceistean foillseachaidh is neo-fhoillseachaidh.

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Keir A (Alan) (MARLAB)

From: [REDACTED]@seabird.org>
Sent: 11 May 2018 11:50
To: MS Marine Renewables
Subject: Neart Na Gaoithe Offshore Windfarm (Revised Design) - Consultation - Request for comments

Dear Sir/Madam,

Thank you for the opportunity to respond to the consultation.

The Scottish Seabird Centre remains very concerned about this proposed development.

Despite the revised designs, the predicted impacts on very sensitive species are still significant.

We are very concerned about the resultant seabird fatalities in an area that is of international significance for its seabird colonies and where wildlife tourism has become established as an important factor in the local economy, delivering important socio-economic benefits.

We strongly urge government, developers and operators to do everything they can to minimise detrimental environmental impacts as well as identifying and delivering positive outcomes for the marine environment and wildlife wherever possible. We would be happy to speak to any organisations about helping to achieve this.

Increased renewable energy production is clearly vital. However, it is crucial that this is achieved as sustainably as possible. Any opportunities for government and industry to ensure this, as well as helping to deliver environmental benefits, would be welcomed and help to improve the public image of the renewable energy industry.

Please contact me if you would like any further information.

Regards,

[REDACTED]

[REDACTED]
Chief Executive
Scottish Seabird Centre

[REDACTED]
01620 890202
The Harbour, North Berwick, EH39 4SS

www.seabird.org
facebook.com/ScottishSeabirdCentre
twitter.com/SeabirdCentre
instagram.com/seabirdcentre

Award-winning five star visitor attraction: Discovery Centre, boat trips, Seabird Café and gift shop. Open all year.

We are a conservation and education charity inspiring people about wildlife and the natural environment (Scottish charity no SC025837).

TAY DISTRICT SALMON FISHERIES BOARD

21 May 2018

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

Dear Sir/Madam,

ELECTRICITY ACT 1989

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
The Electricity (Applications for Consent) Regulations 1990

MARINE (SCOTLAND) ACT 2010

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

RESPONSE TO APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) AND MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE NEART NA GAOITHE OFFSHORE WINDFARM (REVISED DESIGN)

The Tay District Salmon Fisheries Board has significant concerns regarding the proposed development. These concerns have not changed materially since our response to the first application in 2012. It is clear that major uncertainties still exist with regard to potential negative effects on Atlantic salmon and sea trout in the area.

Salmon migrating out of and returning to the River Tay are to an as yet unquantified extent likely to migrate through the proposed windfarm site and more certainly likely to swim in some proximity to the site and those of the other windfarms proposed in the area.

As also stressed in the response from Fisheries Management Scotland, which we endorse, it is possible that sea trout may also pass through the wind farm site. Owing to the almost complete lack of information on their marine movements, we must just assume they must at least be present for some of the time within or in relative proximity to the site. Indeed, it may even be that sea trout could spend a significant amount of time in the area as a feeding ground. It is often assumed that sea trout do not make long migrations in the same way as salmon.

The supporting documentation with the application is of the view that, from the limited information available, the proposal is likely to have a limited impact on salmon. While we appreciate that the outstanding uncertainties in this matter might not be strong enough grounds for an outright objection to the scheme and a previous consent has already been granted for a greater number of turbines, we consider it essential that a number of conditions should be attached to any consent.

TAY DISTRICT SALMON FISHERIES BOARD

1. Monitoring of diadromous fish should again be a condition of any consent.

In particular we suggest the opportunity should be taken to understand issues such as

- 1.1 The effect of piling noise on migrating salmon and sea trout, for example does it cause them to display avoidance behaviour and at what distance?
- 1.2 Do electromagnetic fields affect the behaviour of salmon and sea trout passing through the wind farm area or close to it?
- 1.3 If there a risk of increased predation on salmon and sea trout by species such as grey and common seals attracted to wind farm structures? This is described in greater detail in Fisheries Management Scotland's submission.

We note there is a proposal to develop an environmental monitoring plan for diadromous fish species. We welcome this. This should be a condition of consent and used to further the understanding of local salmon and sea trout movements and the impacts that offshore wind farm developments may have on them. Like Fisheries Management Scotland, we are keen to work constructively with both the developers and Marine Scotland to identify appropriate monitoring programmes. We are also keen to re-engage with the Forth and Tay Regional Advisory Group if and when it resumes.

2. A requirement for mitigation if found to be necessary.

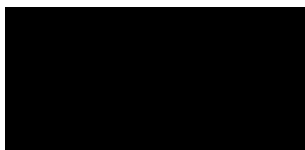
Should monitoring work reveal unforeseen negative consequences of this project on salmon or sea trout, then it should be a condition of any consent that appropriate additional mitigation should be put in place. If the issue(s) cannot be addressed directly, this may take the form of funding compensatory activities in the affected catchments to reduce and mitigate any detriment to the Atlantic salmon and sea trout populations. There should be a requirement for a formal mitigation agreement between the developer and relevant DSFBs.

3. We support the mitigation proposals made and consider that, if consented, these should be included as formal conditions of consent.

Formal objection

On the basis of the above, we formally object to the proposed development, until adequate monitoring and mitigation strategies have been put in place.

Yours sincerely,



Dr David Summers
Fisheries Director

Alan Keir
Marine Renewables Casework Officer
Marine Scotland - Marine Policy and Planning
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Date:
01 May 2018

Dear Mr. Keir,

ELECTRICITY ACT 1989 (As Amended)

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)
The Electricity (Applications for Consent) Regulations 1990

MARINE (SCOTLAND) ACT 2010

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

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) AND MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE NEART NA GAOITHE OFFSHORE WINDFARM (REVISED DESIGN), 15.5 KM EAST OFF FIFE NESS

The consultation request dated 28th March 2018 associated with the above application has been passed to Jacobs CH2M in their capacity as Development Planning Advisor and Auditor to Transport Scotland. The comments below refer to the documentation provided in support of the above application, specifically the Environmental Impact Assessment (EIA) Report dated 16th March 2018, and are focused on the impacts of the proposed development on the trunk road network.

In addition to these comments, Jacobs CH2M would highlight the responses previously issued on behalf of Transport Scotland regarding the proposed Neart na Gaoithe Offshore Wind Farm (OWF), dated 5th July 2017 and 21st September 2015, and advise that these should be referenced in consideration of the following comments.

In the consultation response dated 5th July 2017, Jacobs CH2M advised the following conditions are applied as part of any consent granted:

1. *Development shall not commence until a Construction Traffic Management Plan has been approved in writing by the Consenting Authority in consultation with Transport Scotland. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.*

Reason: To maintain safety for both the trunk road traffic and the traffic moving to and from the development.

2. *The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, or traffic management must similarly be approved.*

Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

3. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

In addition to the above conditions it was advised that Condition 22, as noted below, of the Section 36 Consent for the Originally Consented Project is considered.

Condition 22

The Company must, no later than 6 months prior to the Commencement of the Development submit a Traffic and Transportation Plan ("TTP") in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with Transport Scotland and any such other advisors as may be required at the discretion of the Scottish Ministers. The TTP must set out a mitigation strategy for the impact of road based traffic and transportation associated with the construction of the Development. The Development must, at all times, be constructed and operated in accordance with the approved TTP (as updated and amended from time to time, following written approval by the Scottish Ministers).

Reason for Condition: To maintain the free flow and safety of the trunk road network.

Jacobs CH2M previously advised that no access, traffic and transport section had been developed, and highlight that such a section has not been included in the current iteration of the EIA. In respect to this, it is acknowledged that section 5 of the EIA Report, dated 16th March 2018, advises that a traffic and transport section was not provided in the original ES as no port had been selected, which remains the case under the current application. Following this, it is stated that the developer anticipates that a similar condition to Condition 22 above would be applied in any Section 36 consent awarded, to ensure that traffic and transport issues are addressed once the final port(s) are selected.

Jacobs CH2M would reiterate that conditions 1, 2 and 3 noted above should be considered as part of any consent granted for the current application. Regarding Condition 22, it is considered reasonable that the 'Traffic and Transport Plan' is not prepared until the ports have been selected. However, Jacobs CH2M do not propose to change the wording/requirements of this condition.

In terms of the scale of the proposed development and the anticipated impact on the trunk road network under the current application, Jacobs CH2M advised in the response dated 5th July 2017 that the construction and operational stages of the proposed development including an array of up to 56 turbines, reduced from 64 turbines, are unlikely to result in any significant traffic impacts on the Trunk Road Network. Section 4.3 of the March 2018 EIA advises that the total number of turbines proposed is now 54. Given the scale of proposals does not appear to have changed significantly, Jacobs CH2M consider the associated trunk road network impacts unlikely to be significant under current proposals. However, it is noted that this conclusion remains to be confirmed following the provision of the 'Traffic and Transport Plan' and fulfilment of the requirements outlined in conditions 1, 2 and 3 above.

Section 5 of the March 2018 EIA Report advises that *"matters relating to traffic, transport and access relating to the onshore works were assessed in the ES accompanying the town and country planning application for the onshore works and that any traffic relating to development in the intertidal area is separately the subject of a Traffic Management Plan under Condition 6 of the onshore planning permission"*. Jacobs CH2M would highlight that the conditions associated with the onshore works do not appear to have been included in the March 2018 EIA Report, and note that Condition 6 refers to the East Lothian Council Decision Notice for application 15/00634/PM, *'Variation of Conditions 4, 7, 8, 9, 10, 11, 12, and 15 of planning permission 12/00922/PM to allow phased development works, in respect of the formation of onshore electrical transmission infrastructure between Thorntonloch and Crystal Rig II'*. Jacobs CH2M advise that the requirements of Condition 6 should be considered in the preparation of the 'Traffic and Transportation Plan' associated with offshore works.

Furthermore, it is highlighted that other conditions included in the application 15/00634/PM Decision Notice relate to the trunk road network. Condition 13, which relates to site decommissioning, is considered particularly relevant in the context of the offshore works application. As such, it is advised that these conditions are also considered in the offshore works 'Traffic and Transportation Plan'.

I trust the above is satisfactory, please do not hesitate to contact me should you require any further information.

Yours faithfully,



Alan Kerr

Transport Scotland
Development Management Trunk Road and Bus Operations

cc Owen O'Reilly, Jacobs CH2M

Alan Keir
Marine Scotland - Marine Planning & Policy
Scottish Government
Marine Laboratory
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23rd May 2018

Dear Alan,

WDC comments on the Neart na Gaoithe Offshore Wind Farm Environmental Impact Assessment and Habitats Regulations Appraisal.

Thank you for the opportunity to provide comments on the Environmental Impact Assessment and Habitats Regulations Appraisal. Given our area of interest, we have only focused on the marine mammal sections.

WDC are endeavouring to assist with the environmentally sustainable development of marine renewable energy in Scotland. Whilst welcoming the Scottish Governments' commitment to renewable energy generation, particularly noting the potential consequences of climate change for cetaceans, we have serious concerns about current levels of uncertainty and the possible negative impacts these developments, both individually and cumulatively, may have on cetaceans (whales, dolphins and porpoises) and seals in Scottish waters.

We understand that the project will deploy up to 54 turbines directly east of Fife Ness approximately 15.5 kilometres offshore. The development will have a maximum capacity of 450 MW. The wind turbines will be installed in approximately 45-55 meters of water and the turbine foundations will utilise a steel lattice jacket with piled foundation design. In addition to the turbines, up to two offshore substation platforms and a meteorological mast may also be installed within the development.

In summary

Whilst we understand that the EIA and HRA have concluded that the impacts to marine mammals from the development will be minor and therefore not significant, we have concerns about the development both individually and cumulatively on cetaceans, especially harbour porpoise.

WDC would strongly urge the developers to use an alternative method to pile driving, however we understand from the present EIA report that the turbine foundations will require pile driving. Due to the need for pile driving, there should be a commitment to noise mitigation and monitoring during construction of the entire development to assess if the conclusions from the noise modelling in the EIA and HRA are accurate.

There needs to be adequate monitoring pre-construction. Marine mammal observers (MMOs) and passive acoustic monitoring (PAM) should be used in conjunction at all times during construction. Furthermore, whilst we recognised that soft-start is a sensible mitigation option, the use of soft-start should be monitored for effectiveness. We understand that acoustic deterrent devices (ADDs) may be



used pre-piling. We have reservations about the use of ADDs, the additional noise generated by these devices and the impacts of harbour porpoise as well as other species. We would strongly urge the developers to not use ADDs, however if ADDs are to be used a European Protected Species (EPS) licence will be required.

Overall, WDC would encourage the developers to use a better and more holistic approach to mitigating underwater noise by using noise abatement technologies as recommended in Falkner *et al.* (2018).

WDC requests involvement in the development of the Piling Strategy, Vessel Management Plan, Environmental Management Plan, Project Environmental Monitoring Plan, etc.

We hope you find these comments useful and would be happy to discuss these comments further.

Yours sincerely,



Fiona Read
Policy Officer

Reference

Faulkner, R.C., Farcas, A. and Merchant N.D. 2018. *Guiding principles for assessing the impact of underwater noise*. Journal of Applied Ecology 1-6. DOI: 10.1111/1365-2664.13161

Public Representations

Keir A (Alan) (MARLAB)

From: [REDACTED]
Sent: 11 April 2018 14:38
To: [REDACTED]
Cc: [REDACTED]
Subject: NnG Offshore Wind

Dear [REDACTED]

I note from the East Lothian Courier (5th April) under the public notices an announcement regarding the proposed offshore wind project which I feel will greatly affect not only East Lothian but a much wider area also. My initial objection is the almost underhanded way this is being treated and the project will get the Scottish Government's go ahead. I feel the whole project needs much wider and more public notice than is being given. I note that the presentation can be seen at Dunbar Library but what about every other library in East Lothian - not to mention those people who reside in the Scottish Borders who will also be affected. When I attended the presentation last year (which also included North Berwick library) I could only ascertain that the the businesses which will benefit from this project are not East Lothian based and therefore there will be no long term benefit to the county.

Whilst I am not against progress I do feel this project needs much larger public awareness in East Lothian, Fife and the Scottish Borders.

I look forward to your comments and of others who I have copied in on this Email.

Kind regards,

[REDACTED]

[REDACTED]

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Keir A (Alan) (MARLAB)

From: [REDACTED]
Sent: 11 May 2018 11:22
To: MS LOT NnG Representations
Subject: Taller Turbines

I protested at the original scheme: this amendment makes the turbines even taller. I know that you consider that they only comprise a small percentage of the visual vertical field, but that is not the point. There is nothing else but sea and sky in the whole visual field looking in that direction from the historical sites of castle, cathedral and pier in St. Andrews except the Bell Rock lighthouse, which is a historical monument in itself. For centuries people have looked out for ships, wondering if a dot on the horizon means friend or foe, but if the plan to increase the size of the turbines goes ahead, eyes will inevitably be drawn towards them, and the aspect enjoyed by our predecessors will be lost forever. This is a tourist town, where many come to see the historical sights, one of which is the city of St. Andrews set against the sea.

I may turn out to be one of few objectors from St. Andrews. I am sure that this is not because people do not care, but because the St. Andrews Citizen has not covered the case.

Please accept my objection to the amended plan.

[REDACTED]

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