

# **Aberdeen International Airport**

## Marc MacFarlane

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**From:** #ABZ Safeguarding <abzsafeguard@aairport.com>  
**Sent:** 23 October 2023 10:15  
**To:** MD Marine Renewables  
**Subject:** RE: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.

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

**Categories:** Saved in eRDM

This proposal is located outwith our consultation zone. As such we have no comment to make and need not be consulted further.

Kind regards  
Kirsteen

**Aberdeen International  
Airport**



#ABZ Safeguarding

✉ abzsafeguard@aairport.com  
🌐 www.aberdeenaairport.com

📍 Aberdeen International Airport Limited, Dyce, Aberdeen, AB21 7DU

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**Department of Agriculture, Environment and  
Rural Affairs**

## Marc MacFarlane

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**From:** DAERA Marine Information Requests <Marine.InfoRequests@daera-ni.gov.uk>  
**Sent:** 27 November 2023 16:27  
**To:** MD Marine Renewables  
**Subject:** RE: CM: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Saved in eRDM  
**Objective:** -1

Hi  
This is confirmed to be a nil return from NI MFD. Thanks  
Eamonn

# **Food Standards Scotland**

## Marc MacFarlane

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**From:** Krystle Boss on behalf of FSS Scientific Risk Assessment  
**Sent:** 04 December 2023 12:03  
**To:** MD Marine Renewables  
**Cc:** Ben Walker; Toni-marie McGinn; Marc MacFarlane  
**Subject:** RE: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.

**Attachments:** Marine Licensing - MSS - PENTLAND FLOATING OFFSHORE WIND FARM VARIATION.pdf

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

Hi,

Apologies for the delay, please find attached the ML response from FSS.

Kind Regards,

Krystle

Marine Scotland  
1A South  
Victoria Quay  
Edinburgh  
EH6 6QQ/

30/11/2023  
by email

**FAO: Marc MacFarlane**

Dear Marc,

**ACTIVITY: PENTLAND FLOATING OFFSHORE WIND FARM VARIATION**

**LOCATION: DOUNERAY, CAITHNESS**

I refer to the above application for a Marine Licence under the MARINE (SCOTLAND) ACT 2010

In our role as a consultee, Food Standards Scotland's assessment of the application is limited to potential risks to the safety of the human food chain that could result from the environmental impact of emissions from the installation to the surrounding area.

FSS notes that there is no food product production being proposed at this time but it is the responsibility of the operator to ensure that any product destined for the human food chain from the operation meets with the requirements of the Food Safety Act 1990. Furthermore it is the responsibility of the operator to comply with environmental legislation to mitigate the impact on species/fisheries products present.

FSS notes that the relevant Marine Scotland Guidance and all other relevant Guidance Notes and Regulations should be followed in order to mitigate any unacceptable effects on the human food chain from the emissions from this installation.

Yours sincerely

[Redacted]

Miss Krystle Boss  
Scientific Adviser/PPC Assessment Officer

# **Historic Environment Scotland**



## Marc MacFarlane

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**From:** Laura Denholm <laura.denholm@hes.scot>  
**Sent:** 15 November 2023 09:39  
**To:** MD Marine Renewables  
**Subject:** MS-00009991 and MS-00009992  
**Attachments:** 20231115 Pentland Floating Offshore WF HESResponse.pdf

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

Please see our response attached.

Kind regards

Laura

Laura Denholm | Casework Technician | Heritage Directorate Historic Environment Scotland |  
Àrainneachd Eachdraidheil Alba Longmore House, Salisbury Place, Edinburgh, EH9 1SH  
T: 0131 668 8898  
E: laura.denholm@hes.scot

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  - General enquiries not related to scheduled monument consent or statutory consultations: [HMC enquiries@hes.scot](mailto:HMC enquiries@hes.scot)
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[www.historicenvironment.scot](http://www.historicenvironment.scot)

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20231115 Pentland Floating Offshore WF HESResponse

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**By email to:**

[MD.MarineRenewables@gov.scot](mailto:MD.MarineRenewables@gov.scot)

Marine Scotland (Marine Renewables)  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

T: 0131 668 8716

Our case ID: 300046189

Your ref: MS-00009991 and MS-00009992

15 November 2023

Dear Marine Scotland

**THE ELECTRICITY ACT 1989  
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF  
CONSENT) (SCOTLAND) REGULATIONS 2013  
MARINE (SCOTLAND) ACT 2010  
APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 (AS  
AMENDED) TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE  
ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE THE PENTLAND  
FLOATING OFFSHORE WINDFARM, 7.5 KM OFF THE COAST OF DOUNREAY,  
CAITHNESS.**

Thank you for your consultation of 20 October seeking our comments on the proposed variation to the existing section 36 consent ("s.36 consent") and associated marine licences (MS-00009991 and MS-00009992) for the Pentland Floating Offshore Wind Farm.

We understand that the proposed variation seeks to:

- Reduce the number of Wind Turbine Generators (WTGs) from seven to six;
- Reduce the WTG footprint area from 10 km<sup>2</sup> to 5.85 km<sup>2</sup>. This comprises the area of sea surface occupied by the WTGs and associated floating substructure, excluding the mooring lines;
- Reduce the rotor swept area from 316,673 m<sup>2</sup> to 283,448 m<sup>2</sup>. This comprises the installation of up to 1 x WTG with rotor diameter up to 220 m and 5 x WTGs with rotor diameter up to 250m;
- Reduce the number of floating substructures from seven to six;
- Reduce the number of mooring lines from 63 to 54;
- Reduce the number of anchors or piles from 63 to 54; and
- Extend the operational life of the Project from 10 to 25 years; and
- Align proposed project design refinements within associated marine licences and streamline licence conditions.
- 

We do not consider that the proposed variation will have significant impacts on heritage assets within our remit. We therefore have no comments to make in relation to this variation.



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupszynska who can be contacted by phone on 0131 668 8983 or by email on [urszula.szupszynska@hes.scot](mailto:urszula.szupszynska@hes.scot).

Yours faithfully

**Historic Environment Scotland**

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

**Highlands and Islands Airports Limited**

## Marc MacFarlane

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**From:** Safeguarding <Safeguarding@hial.co.uk>  
**Sent:** 24 November 2023 10:16  
**To:** MD Marine Renewables  
**Cc:** Safeguarding; Econsents Admin  
**Subject:** RE: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.

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

Dear Sir/Madam,

**Proposal: APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 (AS AMENDED) TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE THE PENTLAND FLOATING OFFSHORE WINDFARM, 7.5 KM OFF THE COAST OF DOUNREAY, CAITHNESS.**

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As this application does not involve a variation to the height and location of the wind turbines, our previous response (2022/301/WIC) remains the same.

Kind regards,

Nyree Millar-Bell  
Aerodrome Safeguarding and Operations Support Officer  
Highlands and Islands Airports Limited

**Ian Kelly MRTPI**

## Marc MacFarlane

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**From:** Ian Kelly <iankellymrtpi@gmail.com>  
**Sent:** 27 November 2023 09:16  
**To:** MD Marine Renewables; MD Marine Renewables  
**Cc:** ePlanning  
**Subject:** Pentland Variation S36C Application - Objection  
**Attachments:** Pentland Variation S36 WF - [Redacted] Objection - Issue.pdf; ATT00001.htm

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

**Categories:** Saved in eRDM  
**Objective:** -1

MS-00009991 and MS-00009992  
THC: no reference, but earlier 23/03790/SCRE

Good morning, [Redacted]  
I attach the objection submission on behalf of my client [Redacted]. As noted in the objection text, this objection is to be read alongside [Redacted] personal objection and the original scheme objection submitted in April of this year.  
Regards,  
Ian



[Redacted]

**Electricity Act 1989**

**Town and Country Planning (Scotland) Acts 1997, 2006, and 2019**

**Marine Licencing**

**PROPOSED PENTLAND VARIATION OFFSHORE S36 WIND FARM**

**Highland Council Reference: None (Screening 23/03970/SCRE)**

**Marine Scotland References: MS-00009991 and 00009992**

**HOLDING OBJECTION**

**on behalf of**

[Redacted]

**(third party objector)**

**Submitted: 27<sup>th</sup> November 2023 by email only**

Ian Kelly MRTPI,

Ian Kelly Planning Consultancy Limited

Email: [iankellymrtpi@gmail.com](mailto:iankellymrtpi@gmail.com)

## Background and Introduction

1. This **holding objection** has been prepared in respect of the proposed Variation application in respect of the Pentland Wind Farm consent. The response has been prepared by Ian Kelly (see below for qualifications and experience) on behalf of [Redacted] whose property interests, [Redacted] [Redacted], will likely be adversely affected by the scheme specific and cumulative effects of the onshore aspects of the proposed wind farm but who has a wider interest in protecting the unique environment of Caithness. The likely and rapidly expanding wide range and nature of cumulative effects from multiple proposed renewable energy related proposals is of particularly serious concern in the circumstances of there being no single forum that tracks, assesses, considers, and determines what is happening to Caithness as a whole. Instead, there is only uncoordinated multiple single project decisions.
2. The instructions in this case have been issued by [Redacted] directly. The objection is being submitted to Marine Scotland and copied to the Highland Council.
3. It is the intention of the objector that this holding objection is followed up, in due course, with a further objection submission once the formal response of the Highland Council, as the Relevant Planning Authority, is submitted to Marine Scotland. Comment will also be made on the responses from NatureScot and the RSPB.
4. [Redacted] has submitted a personal objection in respect of the application for the proposed wind farm. This need, technical issues, and policy focussed holding objection should be read in conjunction with that personal objection.
5. An objection was submitted on behalf of [Redacted] on 4<sup>th</sup> April 2023 in respect of the original submitted S36 application. That objection has been reviewed and its terms are considered to remain valid notwithstanding the subsequent consent. Therefore, that initial objection should be read alongside this Variation holding objection and both documents form part of the case against this proposal.
6. Ian Kelly MRTPI is an independent Planning Consultant, and a chartered town planner, with over 46 years' professional and managerial experience in the public and

private sectors, mainly in Scotland, but also involving work south of the Border, and in Europe, mainly in Scandinavia. His relevant project work has included expert witness advice in relation to a very considerable number of wind farm proposals in Scotland and elsewhere – both planning applications and S36 Electricity Act applications.

### **The Variation Proposals**

7. Some minor design changes are proposed including changing from a seven turbine layout to a six turbine layout with a slight reduction in height. However, the principal change, driven entirely by financial considerations, is to seek an extension of the consent period from 10 years to 25 years.
8. It is considered that such a proposed extension to the operational period seeks to fundamentally undermine the very carefully set out reasoning in the determination letter, arising from the combination of significance of effects and material uncertainty, that led to a 10 year consent combined with not just mitigation but ongoing monitoring and evaluation. To simply extend the consent to 25 years would make a mockery of the original reasoning.
9. As noted further below, the onshore works infrastructure, the necessary new substation at Spittal (probably one of several being proposed for this location), and the essential grid connection south are not part of the current Variation proposal even although they are clearly and intrinsically part of the overall scheme since the offshore turbines cannot operate without these other elements being in place. Therefore, currently, only part of the proposed scheme has been subject to Environmental Impact Assessment. The failure to assess the whole project impact as part of a single Environmental Information Assessment means that the whole project has not been assessed in accordance with the requirements of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and the associated Marine EIA Regulations. For that reason alone the application should be refused.

### **A Key Missing Aspect**

10. The application documentation for the West of Orkney offshore wind farm properly recognises and assesses the cumulative effects with the Pentland offshore wind farm. However, this new Variation proposal totally ignores the West of Orkney scheme despite the cumulative effects between the new Variation proposal and the West of Orkney application being one of the most important current determining issues. For example, the Variation comparative wirelines do not show cumulative effects (as addressed later in this holding objection) whilst the assessment of effects on birds and other sea life cannot reasonably just ignore likely significant cumulative effects on protected species and protected sites.
11. It is considered that this failure to update the various EIA-R assessments to assess cumulative effects with West of Orkney is an extremely serious error that might well render the new Variation application as unlawful having regard to the various Environmental Impact Assessment Regulations.

### **Complexity and Expertise**

12. This proposal, as with the West of Orkney proposal, comprises numerous extremely complex and novel marine engineering operations, in very stormy waters, that will produce environmental effects that are perhaps not fully understood at this stage (as referenced in the original Pentland Offshore wind farm determination). In order to assure the objector (and other interested parties) that these aspects will be investigated and assessed using appropriate international expertise, Marine Scotland, in acknowledging this objection, is asked to list the names and qualifications of the panel of experts who will advise Ministers.

### **A Fundamental Question**

13. Before going on to consider the detail of the Variation application there is a preliminary fundamental question. That question is, when the following factors are considered can the project really be considered as sustainable development:

- a. The environmental, economic and social costs of mining the rare earths materials needed to make the key components.
  - b. The emissions associated with making the steel for the towers.
  - c. The emissions associated with transporting the turbine components to the site.
  - d. The damage that must be done to the sea bed environment before the underwater construction can start.
  - e. The concrete that will used in the construction.
  - f. The inability to effectively recycle the blades, and
  - g. The fact that this proposal is designed to serve a market that is some 400 to 500 miles away resulting in significant downstream environmental effects.
14. It is submitted that, having regard to the above, it cannot be considered as sustainable development.
15. It is also submitted that this fundamental question merits serious consideration by the decision maker and, along with need, it would be seen as a key starting point for the evidence in any future Public Local Inquiry (as referenced in the April 2023 objection).

### **The Emerging Cumulative Position**

16. In addition to the plethora of existing offshore and onshore wind farms and proposed offshore and onshore wind farm in Caithness it is becoming clearer that the dispersed random pattern of energy production favoured by the Scottish Government is leading to the need for significant grid connections in the form of new OHLs, upgraded OHLs, and new and/or expanded substations. In this locality there is likely to be a particular focus on the Spittal substation (which is where the electricity from this proposal is to be taken). In community consultation events SSEN admitted that Spittal was a suitable location as there is so much room for expansion and building. There are also proposals for at least two, possibly four, new substations. From experience elsewhere in the Highlands some of these new substations can be up to 300 acres in

extent. Such proposals would be visually dominant and would be in addition to wind farms and OHLs all in the same view.

17. These important aspects should all be included in the cumulative visualisations and in the cumulative assessments. If they are not included, then the decision maker has only a partial picture of what the outcome of a consent would be.

### **What is “The Project”**

18. The application project description is set out in the supporting statement which takes a “design envelope” approach to matters. What is described in the various sections and tables in the statement is an extremely complex and extremely risky (in terms of environmental effects) set of operations. The landfall location remains near Dounreay. An overview of the onshore infrastructure is briefly mentioned with the cables all leading to a new substation at Spittal.
19. None of the above is included in the current application, none of this is assessed in the EIA-R, and the delivery of the new substation appears to be a matter for a separate application by SSEN and is not under the control of the applicants (although differing wind farms seems to have differing approaches to this aspect. The reality is that the project essentially comprises a number of integrated and interdependent elements only some of which are addressed in this EIA-R.
20. Taking the above into account it is considered that the current description of what is “the project” is wholly inadequate, is probably unlawful in terms of the consideration of environmental effects, and certainly does not form a satisfactory basis for any consideration of granting consents.

### **Transmission to England**

21. Scotland does not need the electricity from this proposed offshore wind farm to supply the electricity needed for the OFGEM predicted 2042 maximum winter demand of 9GW. Therefore, the market for this electricity is in England. That means transmitting the electricity for 400 to 500 miles via substations and OHLs that currently do not exist. However, the proposals for the Highlands and north east

Scotland based elements of this new transmission infrastructure (to enable this project and other wind farms) are to be brought forward. This means that, at the moment, there are anticipated downstream and cumulative environmental effects that will be material, but which cannot be assessed just now because the details of the infrastructure are not known.

22. Therefore, it is submitted that the determination of this application should be delayed to allow for its consideration alongside the SSEN proposals so that the full suite of cumulative effects can be understood. This would mean that an updated EIA-R for this project would need to be prepared and advertised at that time.

### **The Applicant's Need Case**

23. The applicant does not provide an updated need case in the Variation documentation, something that should have been done. An interested and informed reader might have reasonably expected to have seen an analysis of future electricity demand in Scotland and in the UK, then matched with an assessment of how that demand is to be met (with a recognition of the environmental, social and economic costs of that), followed by an analysis of why this particular project is either essentially required in respect of these aspects or alternatively an analysis of why it is the best or an ideal project to contribute to any assessed unmet demand having regard to environmental, financial and social criteria.
24. However, there is none of this. That is not a need case of any sorts. To rely on an article of faith approach to justify this level of environmental harm is simply not credible. The applicant has not established a need case.

### **Marine Ecology Issues**

25. There are very significant concerns around scheme specific and cumulative construction stage and operational stage effects on all aspects of the marine environment. The detailed reasoning in the Pentland Offshore wind farm determination letter fully justifies these concerns.

26. However, neither the objector nor [Redacted] advisor are marine ecology experts and, therefore, beyond stating this general concern they will “park” this issue until such times as the responses from NatureScot and the RSPB are available alongside the confirmation of the experts who will provide independent advice to Ministers.

### **The Real Need Case – No Need**

27. This is now considered by the objector to be a fundamental consideration as the country is experiencing a new surge of onshore wind farm applications (and battery storage applications) at the same time as a massive increase in the development and planning of a significant scale of offshore wind farms with the total generating capacity being excessively beyond current and predicted electricity needs.
28. The applicant still relies on extensive references to Energy and Climate Change policy with this material being included within the original application documents.
29. However, in the circumstances where the provision of renewable electrical energy generation in Scotland, particularly for onshore wind energy, is not a planned activity but the result of a series of individual project decisions, Scottish Ministers remain of the view that a clear test is to secure the right development in the right place (Clauchrie S36 wind farm decision). Nonetheless, the decision maker simply does not readily have the opportunity to consider the wider picture. Therefore, it is considered that it might be more helpful, in this holding objection, to consider the up to date overall renewable energy position in Scotland rather than to embark on a discourse about a vast number of documents very few of which are actually planning policy decision guiding documents.
30. The picture that is set out below is drawn from a combination of various Scottish Government documents and evidence of various witnesses, both for and against wind farms, published by the DPEA for a number of wind farm Public Inquiry cases. The key point to stress is that the issue is not the precise individual figures, as these will change over time, rather the issue is the bigger picture of the overall scale of provision.



31. The Scottish Government published the Onshore Wind – Policy Statement 2022 on 21<sup>st</sup> December 2022. Unlike the NPF4 (see later) this Statement will not be part of the Development Plan. Therefore, in terms of spatial planning decisions on the proposed locations for individual wind farms, there will need to be a significant series of application, appeal and Inquiry decisions before any clear pattern emerges of how decision makers will treat this Statement alongside the very considerable number of other policy statements and guidance that are referred to throughout the Statement. There is potential for policy overlap and possible policy conflict.
32. It is noted that, at paragraph 1.1.3 it is stated that the Future Energy Scenarios project predicts that Scotland’s peak demand for electricity will at least double within the next two decades. That equates to a peak winter demand of around 9GW and a peak summer demand of under 7GW by 2042. (Remembering that, in onshore terms, Torness, hydro, and solar all contribute, in addition, to meeting the current and future demand).
33. Paragraph 1.1.5 sums up the current onshore renewables position as below:
- a. Installed – 8.7GW
  - b. Under construction – 1.17GW
  - c. Awaiting construction – 4.56GW
  - d. In planning/consenting – 5.53GW
34. Section 1.3 advises that the Scottish Government is seeking a minimum installed capacity of 20GW of onshore wind by 2030. It is likely that a particular issue of importance to decision making will be the aspect of targets. It can be seen, therefore, that based on the above, the Statement is suggesting that to meet the target an additional 10GW of onshore wind be installed by the end of 2030. The installed capacity referred to in the Statement was approximately 8.7GW (see later for a fuller set of figures). For the additional 10GW there is a further 5.8GW under construction or awaiting construction. The Statement text also places considerable importance on repowering of existing sites and extensions to existing sites (as does NPF4) but,

otherwise, it gives no guidance on how a target for installed capacity is to be translated into decision making that, if schemes are approved, gives a consented capacity that may or may not be installed.

35. Taking the above parts of the Statement into account an overview assessment can be set out as follows.
36. The recently published Energy Statistics for Scotland Q1 2023 gives an update on the onshore wind energy pipeline. For onshore wind the pipeline is:
  - a. Under construction – 1.4GW
  - b. Awaiting construction – 4.2GW
  - c. In planning – 6.7GW
  - d. Total – 12.3GW
37. The current onshore installed capacity that is referenced in that publication is now 9.3GW. That means that the total of onshore installed capacity plus the onshore pipeline capacity, see further below, was already at 21.6GW in March 2023.
38. The prospects for repowering also need to be considered in line with the Statement. Repowering can increase the capacity of older sites by up to five-fold (having regard to the recent example at Hagshaw Hill in South Lanarkshire). Of course, not all sites might be suitable for repowering, but a reasonable assumption is that this source of new generation could contribute up to an additional 10GW.
39. Extensions to existing wind farms are a category that is more difficult to anticipate and quantify. However, these might provide around 1GW.
40. Therefore, against an earlier assessed target/ambition of an additional 10GW the above figures, excluding the onshore in planning (so as to avoid possible double counting), give a total of approximately 17GW in addition to the already installed capacity of 14.1GW, giving a total of 30.8GW, three times the additional 10GW installed capacity needed to reach the 20GW target.

41. But that is not the whole picture. There is also a need to consider the offshore wind energy position as both onshore and offshore generation combine in order to serve demand. The Q1 2023 provision is, using rounded figures:
- a. Operational – 2.1GW
  - b. Under construction – 2.4GW
  - c. Consented and awaiting construction – 1.1GW
  - d. Leased, committed and undergoing consenting procedures – 4.2GW
  - e. Total – 10GW
42. The recent very successful ScotWind seabed auction also needs to be taken into account in the calculations. Sufficient bids were received such that the area of seabed leased has the capacity for close to 25GW. A further single area bid last summer increased capacity by a further 1.5GW with a summer 2023 potential leasing round for another 4.5GW.
43. Taken together these various offshore streams provide a combined total of over 41GW of wind energy capacity.
44. The above assessments allow a broad brush overall onshore and offshore 2030/2032 future provision table to be drawn together, always recognizing that not every project will be delivered. That overall combined position is broadly as below:
- a. Operational – 14.2GW
  - b. Under construction – 3.8GW
  - c. Consented – 5.3GW
  - d. In planning – 6.7GW
  - e. Leased awaiting consent – 4.2GW
  - f. ScotWind 2022 – 25GW

g. Repowering and extensions – 11.3GW

h. Future Auctions – 6GW

i. Total – 76.5GW

45. The above figures do not take account of any future contributions from solar or other technologies (amounting to at least 2GW).

46. The key issue is the overall picture rather than the precise details of the individual figures. Even allowing for rounding errors, errors because of differing information sources, differing base dates, possible double counting, uncertainties, and for projects not being delivered by 2030/2032 the above figures suggest that there will be a potential very significant overprovision of renewables electricity generation in Scotland where, currently, summer electricity demand is approximately 3GW and winter demand approximately 4.2GW. Indeed, there is already an overprovision in 2023.

47. Therefore, it can be concluded that the renewable electricity aspirations of the Scottish Government can be very comfortably met without there being any need to consent any additional new, virgin site onshore wind farm proposals.

48. Of course, electricity can be exported south to England. There are currently three main transmission lines between the countries but exporting electricity south to distant markets also has to take account of constraint boundaries/grid limitations within England. However, the differences between the existing operational electricity generation in Scotland of about 14.2GW (when the wind is blowing) and the in Scotland demand already exceeds the existing transmission capacity and, so, wind turbines in Scotland have to be curtailed. Consenting new wind farm proposals on virgin sites would just exacerbate this situation whilst delivering no net new renewable energy benefits.

49. It should be noted that updated Scottish Government Quarterly Energy Statistics are expected to be published at some point in December 2023 and, at that stage, a brief addendum to this section of the objection will be submitted.

### **Scottish Government Draft Energy Strategy and Just Transition Plan (Jan 2023)**

50. Although some of the detailed figures are slightly different because of what is actually counted into the assessment, the general point around the scale of possible future generation significant overcapacity can be found in the text of Chapter 3, and in particular figures 14, 15, and 16 in that Chapter, within the above Scottish Government document.
51. In terms of electricity supply and demand, the document also confirms that current Scottish demand, and all future Scottish demand, is already met, on a year round basis, by the existing operating onshore and offshore wind farms.
52. In short, these official Scottish Government figures confirm the very significant scale of overprovision of generating capacity that is likely to arise in Scotland if new schemes continue to be consented.

### **The Application Documents**

53. The application is accompanied by a supporting statement. The key aspect that merits analysis at this stage is the consideration of landscape and visual effects. To that end a set of comparative wirelines are provided in the statement (along with a very brief overview prepared by OPEN in May 2023).
54. There are four general points to be made before reviewing some of the assessed effects:
- a. The standard wireline (and photomontage) approach for the viewpoint visualisations, developed when turbines were 80m tall, simply cannot cope with trying to illustrate the scale and spread of these 300m tall turbines especially when there is no real reference point to compare the height with when looking out to sea (although the comparison can be made with the real life visual effects of the 163m tall Beatrice turbines).
  - b. The cumulative effects with West of Orkney are not shown although many of the selected viewpoints are the same for both proposals. As referenced earlier, this is an extremely serious omission which results in the wirelines simply not

being credible in terms of showing the likely full effects of what is proposed in the Pentland Firth.

- c. Nonetheless, in simple, plain terms, it is obvious that the proposal will totally change and totally dominate the view out to sea along virtually the whole length of the A836 (NC500) from Dunnet Head to west of Melvich. The cumulative effects will be much wider.
- d. That results in visual effects that are most certainly not localized and the application should be refused on the basis of such overwhelming adverse visual effects being unacceptable.

55. Having made those general points some comments are now made on the individual comparative wirelines from a selection of viewpoints whilst noting, as above, that cumulative effects are not shown in any of the wirelines:

- a. VP 1 Beinn Ratha – there is a reduction in horizontal spread but the grouping of the six turbines will still be highly prominent in the view.
- b. VP 2 Strathy Point Car Park – the effect here is to slightly lessen, but not eliminate, the effects of outlier turbines. The current important and clear view across to the coast of Orkney will be lost with the turbines rather than the coast dominating the view.
- c. VP 3 Portskerra/Melvich – again there is only a minor change with the loss of one outlier turbine.
- d. VP 4 Drum Hollistan Car Park – the stacking from the group of three turbines is still very prominent whilst the change from a spread out group of four turbines to a more compact group of three turbines does not really mitigate the effects of the proposal.
- e. VP 5 Sandside Head – the compression of the layout now creates stacking in the middle of the group.

- f. VP 6 St Mary’s Chapel, Forss – apart from a contraction of the horizontal spread of turbines the adverse visual impact is not materially mitigated.
  - g. VP 7 Dunnet Head – the visual effects here remain virtually the same as before.
  - h. VP 10 A836 East of Forss – the same as with VP 9.
56. The above assessments and comments fully support the basic conclusion that the proposal will totally change the current open sea views and dominate the view out to sea along significant sections of this key route and key coast. In that regard it is noted that NatureScot has been submitting national interest objections to onshore wind farms in this coastal area in order to protect what they describe as a nationally significant and distinctive coastal landscape.
57. This level of profound change and the resulting scale of adverse effects over such a distance and adversely affecting so many sensitive receptors cannot be considered as adequate mitigation, indeed most observers would regard the effects as being totally unacceptable.

### **The Development Plan Assessment**

58. **Although this Variation is the offshore part of the total project (with that total project not being the subject of an EIA-R) it is still considered that the correct approach to assessing the detailed acceptability or otherwise of this proposal is through the consideration of the Development Plan (and then material considerations) as the main effects addressed in this objection are land based.**
59. The Highland Wide Development Plan is now over 10 years old. With the adoption of NPF4 as part of the Development Plan, and with NPF4 having specific relevant policies, it is considered appropriate to initially focus on NPF4.
60. The relatively generic text in the Regional Spatial Strategy for the North (pages 25, 26 and 27 of NPF4) lists renewable energy generation and transmission as one of the priorities whilst recognising the area’s exceptional assets and natural resources. However, this broad brush generic statement of spatial planning priorities cannot then

translate directly across to an approval for any specific project in any specific location. The various relevant policies in NPF4 still have to be applied. NPF4 is very clear on this aspect.

61. In terms of NPF4 the Pentland Variation wind farm proposal is a national development (national development 3). The text in this part of NPF4 is a fairly generic statement and is not locationally specific or project specific in any way. Indeed, what is said is no more than the obvious. It is stated in NPF4 that delivery of this national development 3 will be informed by market, policy, and regulatory developments and decisions. However, it is not explained how these other regulatory systems are to interact with the role of the Planning Authority or with the Electricity Act section 36 determination process.
62. For example, it is understood that OFGEM are actively considering strengthening the transmission charging system to discourage the investment in generation that is remote from the intended market and which, thus, creates the need for “avoidable” OHL grid upgrades. A likely consequence of this is that remoter rural areas of Scotland will be less attractive for wind farm developments and some proposals that are already consented might well not proceed. NPF4 does not address these key issues although they were known about, in draft form, when NPF4 was being developed. Decision making that is not joined up does not help anyone.
63. Nor are any demand or generation figures given. The capacity for Scotland to either use or transmit electricity is limited just now and still will be limited after planned future investments. That fact needs to be explicitly recognised. There is little to be gained from supporting developments that have no route to market and/or no demand that they would satisfy. The need case requires to be quantified in policy documents if it is to be of any assistance whatsoever in the decision making on individual projects.
64. In addition, the introduction text to Annex B National Developments and the text under Spatial Strategy makes it clear that proposals still need to be considered carefully at project level, that this status does not grant planning permission (or presumably deemed planning permission or Section 36 consent, or associated licencing consents) for the development, and that all relevant consents are required.



65. In summary, for specific project proposals set in a specific location, there is little in the way of specific support that flows from these generic, obvious statements.
66. Therefore, for national developments the location specific and project specific policy assessments from NPF4 still have to address the key question as to whether or not this is the right development in the right location. To do that requires the consideration of NPF4 Policies as addressed in the following paragraphs.
67. Policy 1 (tackling the climate and nature crises) is an overarching policy that requires that significant weight is given to these two issues when considering development proposals. In relation to this Policy there is ample evidence that the Pentland wind farm Variation proposal will cause harm to nature through effects on salmon, other fish species, bird species, and habitat disturbance and displacement, as recognised in the original EIA-R (which is already setting out a derogation justification in terms of the Habitat Regulations). Furthermore, the applicants can point to no evidence that the project, on its own or in combination with other offshore wind farm or transmission projects, will have any verifiable and measurable beneficial effect on modelled future global climate patterns. The proposal, therefore, has no demonstrable beneficial effect on climate but an adverse effect on nature (that is not offset by any deliverable net biodiversity gain) and so the proposal fails to demonstrate compliance with the terms of this overarching policy test.
68. In this respect it is noted that, on 18<sup>th</sup> September 2023, in a response to the BBC about the First Minister attending climate change talks in New York in person, the Cabinet Secretary for Transport, Net Zero, and Just Transition went on to talk about the licence for the Rosebank oil field west of Shetland. What she said, as reported by the BBC Scotland web page, was:

*“It is an evidence based approach that we want to see taken by the UK Government including a very strict climate compatibility test, and if Rosebank can’t meet a strict climate compatibility test I see no reason why it should go ahead.”*

69. This statement by the Cabinet Secretary is taken to be supportive of the submission above of seeking an evidence based approach to the evaluation of the asserted climate change benefits of wind farm proposals.
70. In the original EIA-R the findings of significant (but with mitigation) and non significant effects for the various marine biodiversity considerations are predicated on mitigation being successful. As far as is known there are no NatureScot sponsored peer reviewed scientific studies into the effectiveness of renewable energy related mitigation measures in Scottish energy schemes. On the contrary, the onshore experience with projects such as Fallago and Creag Riabhach, is that the reliance on planning controls through conditions has not worked and that environmental harm occurs without subsequent effective enforcement action. With the original Pentland Offshore wind farm consent, the need to time limit the development and provide very strictly defined environmental monitoring was very clearly set out (reflecting material uncertainties).
71. With regard to this aspect Policy 3 (biodiversity) is key. Policy 3b provides that for, inter alia, national developments, these will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so that they are in a demonstrably better state than without intervention. Neither the original EIA-R nor the Variation statement provide any metric based assessment or related specific proposals and guaranteed delivery mechanisms to deliver on the policy requirement for betterment. Without either metrics or a long term guaranteed delivery mechanism it is simply not plausible to rely on say an outline Habitat Management Plan as a basis for asserting compliance with this NPF4 policy.
72. In terms of the criteria set out in Policy 3b) it is concluded as below for the proposed Pentland Variation wind farm (recognising the risks that arise from it just being an outline scheme and part of a much more extensive “project”):
- i. It is agreed that the context is partly understood.

- ii. It is not clear that all feasible opportunities have been taken to integrate and make best use of nature based solutions.
- iii. In terms of the mitigation hierarchy the first principle, avoidance, should have led to a more detailed consideration of alternatives on other sites or the use of other technologies.
- iv. There is no evidence of significant biodiversity enhancements of the types mentioned in the Policy text, nor of the required certainty of delivery, nor of binding provisions for the long term management, retention and monitoring that is required to deliver the benefits envisaged by this Policy.
- v. Nor are there firm proposals for delivering and securing local community benefits from biodiversity enhancement.

73. In conclusion, the proposal fails in respect of this policy test having regard to the general principles and to the related criteria (bar criterion 1 which relates to the understanding of the existing characteristics).

74. Policy 4 (natural places) is another key policy. In relation to this Policy and applying the test in Policy 4a, the proposal's unacceptable impact on the natural environment means that the proposal should not be supported. In terms of the effects on the landscape, including the nearby SLAs, NSA and WLA, NPF4 Policy 4d applies. In considering that Policy the significant adverse effects are not clearly outweighed by the benefits of at least local importance. In terms of protected species, policy 4f, the proposal has failed to deliver adequate protection in that the reduction of effects to a non significant level is again dependent in mitigation whose effectiveness cannot be guaranteed at this stage. The proposal, therefore, fails in terms of this key policy test.

75. Policy 11 (energy) is the key policy in terms of the assessment of wind farm proposals. In terms of the specific impacts listed in Policy 11e the proposed wind farm Variation has not adequately addressed and mitigated:

- a. Impacts on communities.

- b. Scheme specific and cumulative landscape and visual effects that are not localised including effects on the SLAs, the NSA and the WLA.
- c. Impacts on road traffic and traffic infrastructure.
- d. Biodiversity effects including effects on birds.
- e. Cumulative environmental impacts in terms of the known proposals for major wind farms forming a significant wind farm cluster of varying typologies along with very significant substation and OHL proposals.

76. The proposal, therefore, fails in terms of this key policy.

77. Some consideration should be given to Policy 14 (design, quality and place).

Although not considered to be a key determining issue, the proposal fails the test of Policy 14a in that it has not been designed to improve the quality of the Caithness and Sutherland rural locations it affects. It will not contribute towards creating a successful place and do little to counteract the very many negative aspects of adverse effects on community activity and community investment that can flow from a reliance on difficult to access wind farm “community benefit” funds.

78. In terms of the policy outcomes for Policy 18 (infrastructure first) the applicants have not demonstrated that the existing infrastructure assets can be used sustainably without the need for this proposed new development whilst, furthermore, their project strategy relies on infrastructure that is not currently in place and is, therefore, not an infrastructure first approach.

79. Policy 25 (community wealth building) is also considered to be of some relevance.

The various factors mentioned in Policy 25a in terms of building local community wealth have not been addressed by the applicants. A more localised development and use model for renewable energy would be appropriate here following on from the lead given in Policy 15 (local living and 20 minute neighbourhoods) and also reflecting the regulatory update being progressed by OFGEM.

80. The consideration of Policy 29 (rural development) follows on from this. It cannot be seen how this project, which is specifically designed and justified (so far as can be

assessed at this stage) on the basis of providing an electricity supply to a distant market and not to a local market, can make a material contribution to helping to create vibrant and sustainable local rural businesses and communities.

81. Therefore, it can be concluded that, overall, and apart from the classification of the proposal within the fairly generic national development 3 description, the Variation proposal can draw no support from the various NPF4 Policies assessed above.

82. NPF4 Policy 71 on World Heritage Sites is considered further in the following section.

### **Flow Country WHS Interim Guidance – Planning Position Statement April 2023**

83. The proposed very large scale development lies out at sea to the north of the proposed boundary of component areas in the Flow Country World Heritage Site (WHS) and therefore, at the proposed scale, close enough to potentially create adverse effects on the key characteristics of the WHS. Therefore, consideration requires to be given to the interim planning guidance as approved by the Council.

84. Before doing so it is also relevant to consider the Draft Management Plan (DMP) for the WHS.

85. Para 6.7 in the DMP, addresses wind farms and other major/national developments. The listing of the potential threats from wind farms (page 67) is welcomed and agreed. In terms of the cumulative impacts of wind farms on habitats, species and wider ecosystems, this is now a potentially significant issue for the wider Flow Country. Of course, it is not just the wind farms themselves but also the directly associated other elements such as aviation lighting in dark skies and dark seas areas, new power lines and new and expanded substations that contribute to this issue, especially as some of these aspects are regarded as afterthoughts and not assessed at the same time as the wind farm. The substation in Strath Halladale is an example of the harm that arises. As can be seen from the evidence led in several related wind farm Inquiries (particularly Strathy South and Strathy Wood), the wind farm issue is a real live threat to the WHS. Indeed, it could be concluded that a series of recent consents and planning permissions for wind farms will actually result in that threat

being effected via harm on the ground. Neither the Council nor NatureScot presented any WHS related evidence in those Inquiries, although third party objectors did so. A resultant concern is that these recent consents and permissions, with the associated harms, might lead to the WHS submission being rejected. Therefore, it is suggested that from now onwards the issue of potential harm to the WHS needs to be a key part of the responses from the Council and NatureScot to future applications.

86. With the DMP the text on page 68 addresses the management of wind farm developments. The statement that “there is currently limited evidence with respect to the cumulative impact of multiple wind farms on bird populations” is noted and fully agreed with. However, with the application of the precautionary principle and the scientific certainty test applied when assessing effects on SACs/SPAs, this statement of fact should have led NatureScot to be supporting third parties’ evidence in recent Public Inquiries (and Judicial Reviews), including making legal submissions to the effect that consents cannot lawfully be granted. However, that has not happened to date. Based on the Draft Management Plan, this statement now needs to be a key element in responding to all future applications especially where there are very significant concerns in respect of ornithological effects as there are in this West of Orkney wind farm case (also reflecting the Pentland offshore wind farm issues).
87. For the DMP Priority Objective B it is considered essential that the suggested research into the cumulative impact of wind farms on bird populations (including the impacts of aviation lighting) be taken forward as an urgent, very early stage action. In doing so it should be recognised that cumulative effects do not only arise from the combination of various wind farms. Developments such as the Sutherland Spaceport, the new road bridge over the River Naver, proposed new substations and new OHLs, also have the potential to contribute to cumulative effects.
88. In terms of procedure, paragraph 6.2 of the Planning Position Statement confirms that any S36 or S37 application determined after the date of the Planning Position Statement will be considered in the light of the potential impacts on the WHS and its integrity and also considered in terms of NPF4 Policy 71, all as addressed below.

89. The text on Section 5 of the document references Policy 71 in NPF4 which provides that developments will only be supported where the Outstanding Universal Value is protected and preserved. Strictly speaking this Policy does not come into effect until the site is inscribed. However, the Council intends to follow this Policy principle just now.
90. For development proposals within the WHS and within the buffer zone the relevant tests and considerations are set out in paragraphs 5.9 to 5.12 (including confirming that offsetting of adverse effects is not permitted by UNESCO). Policy 1.8 applies in this case. For the proposed Pentland Variation wind farm, having regard to the scale and location of the project, and to the scheme specific and cumulative effects on the seascape, biodiversity, protected species, and habitats, the conclusion reached is that the proposal would be not compliant in terms of NPF4 Policy 71 as incorporated into this interim planning guidance.
91. Therefore, in order to protect the WHS bid, the application should be rejected in accordance with the Planning Position Statement Policy 1.8.

### **Material Considerations**

92. In previous wind farm application stages and subsequent Inquiry cases the applicants have tended to lodge vast amounts of documentation on international and national protocols and treaties and intentions on climate change alongside various documents on energy policy and energy strategy. However, beyond the need to understand the bigger picture, as set out earlier, and to address the adverse effects on the WHS, the objector is satisfied that all of the appropriate policy provisions and material considerations for a determination are now captured in the very up to date NPF4 and there is no need to go beyond that (with the exception of how market and regulatory provisions are to be taken into account).
93. Therefore, there is, at this stage, nothing that would lead to a setting aside of the conclusions that flow from the assessment of the relevant policies as set out above.

### **Development Plan Conclusions**

94. In summary, for the reasons given in this holding objection, the Variation proposal is not in accordance with the Development Plan, particularly in respect of NPF4, and material considerations do not change this conclusion. That is a material factor which weighs strongly in the balance against section 36 consent being granted.

### **Electricity Act Assessment**

95. The current approach of decision makers to the question of compliance with the provisions of the Electricity Act is simply to assess whether or not sufficient mitigation has been delivered by the proposals. Having regard to the original EIA-R, the Variation supporting statement, the Council's likely consideration of the application in terms of its own current and interim policies, the conclusion that is reached is that sufficient mitigation has not been secured. The proposal, therefore, is not in accordance with the provisions of the Act.

### **Summary - the Electricity Act and the Development Plan**

96. In summary two overall conclusions can be reached. Firstly, in terms of the Electricity Act, the applicants have failed to deliver on adequate mitigation and, therefore, the requirements of the Act have not been met. Secondly, in terms of the Development Plan the proposal has been assessed in terms of the very up to date NPF4, no overarching policy support can be found, and it has been concluded that the proposal is in breach of key policies.

### **Conclusions and Submission**

97. Scottish Ministers are asked to consider whether the failure to address the environmental effects of the onshore aspects of the project and the failure to address cumulative impacts with the West of Orkney proposals results in the Variation application being unlawful.

98. Otherwise the objector respectfully submits that the Scottish Ministers should refuse S36C Variation consent and deemed planning permission, and decline to approve the marine licenses for the proposed Pentland Variation wind farm on account of the



requirements of the Electricity Act not being met and on account of it being contrary to the relevant provisions of the Development Plan including NPF4 in that there is inadequate mitigation resulting in the significant adverse scheme specific and cumulative effects of the proposal not being outweighed by any asserted benefits.

[END]

**Submitted: 27<sup>th</sup> November 2023**

**Ian Kelly MRTPI**

**Joint Radio Company**

## Marc MacFarlane

---

**From:** JRC Windfarm Coordinations Old <windfarms@jrc.co.uk>  
**Sent:** 31 October 2023 11:33  
**To:** MD Marine Renewables  
**Cc:** Toni-marie McGinn; Wind SSE  
**Subject:** Pentland Floating Offshore Windfarm - enquiry from website [WF711610]

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

**Categories:** Saved in eRDM  
**Objective:** -1

Dear scottish,

A Windfarms Team member has replied to your co-ordination request, reference **WF711610** with the following response:

***Please do not reply to this email - the responses are not monitored.  
If you need us to investigate further, then please use the link at the end of this response or login to your account  
for access to your co-ordination requests and responses.***

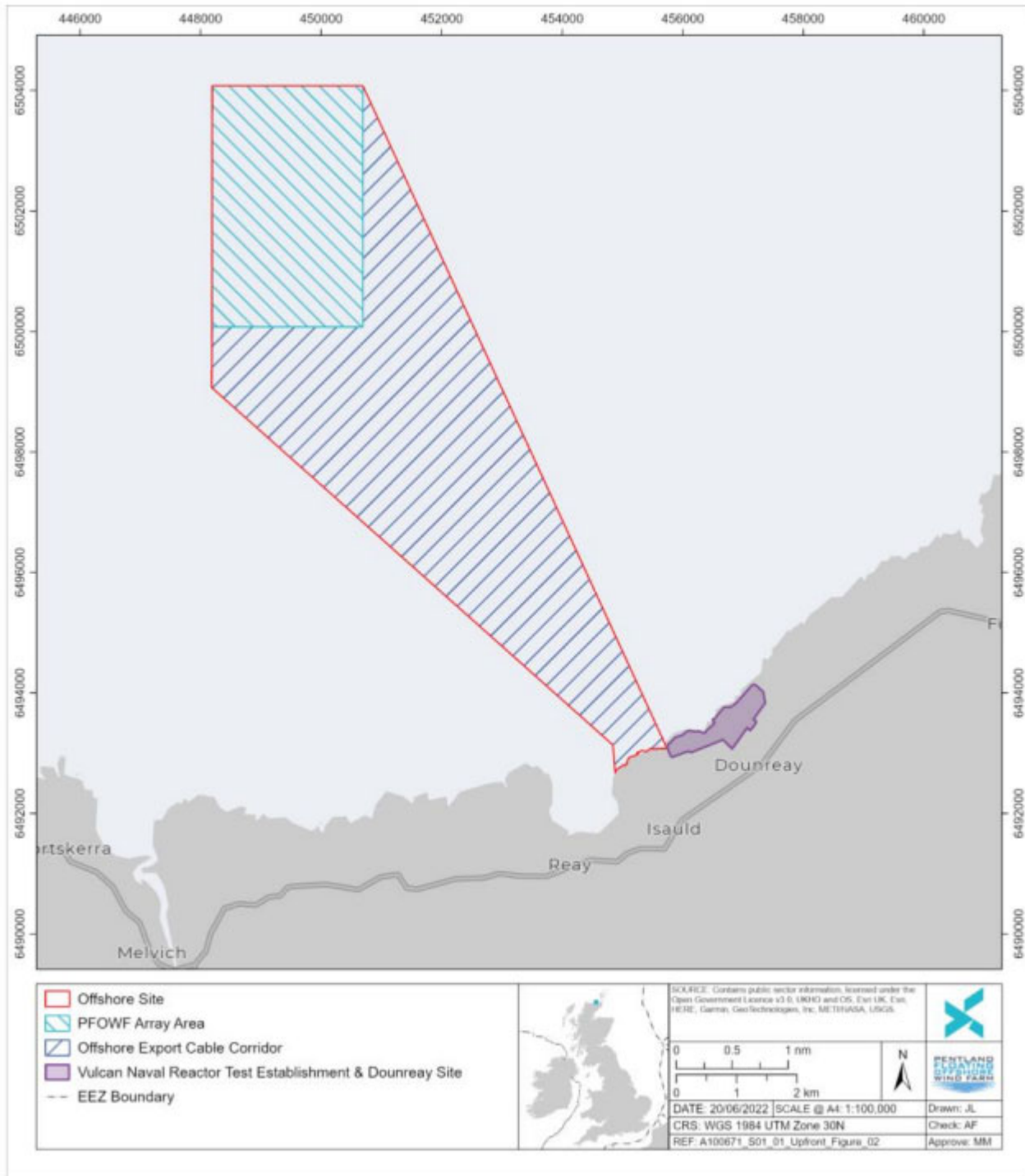
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*Dear Toni-Marie*

***Planning Ref: MS-00009991 & MS-00009992***

***Name/Location: PENTLAND FLOATING OFFSHORE WINDFARM***

***Site Centre/Turbine(s) at NGR:***



**Development:** 6 turbines (exact NGR tbc)

**Max Hub Height:** 160m      **Max Rotor Radius:** 125m

This proposal is **cleared** with respect to radio link infrastructure operated by the local energy networks.

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

*In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.*

*It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, developers are advised to seek re-coordination prior to considering any design changes.*

Regards

Wind Farm Team

Friars House  
Manor House Drive  
Coventry CV1 2TE  
United Kingdom

Office: 02476 932 185

*JRC Ltd. is a Joint Venture between the Energy Networks Association (on behalf of the UK Energy Industries) and National Grid.*

*Registered in England & Wales: 2990041*

[About The JRC | Joint Radio Company | JRC](#)

***We maintain your personal contact details and are compliant with the Data Protection Act 2018 (DPA 2018) for the purpose of 'Legitimate Interest' for communication with you. If you would like to be removed, please contact [anita.lad@jrc.co.uk](mailto:anita.lad@jrc.co.uk).***

We hope this response has sufficiently answered your query.

If not, please **do not send another email** as you will go back to the end of the mail queue, which is not what you or we need. Instead, **reply to this email by clicking on the link below or login to your account** for access to your co-ordination requests and responses.

<https://breeze.jrc.co.uk/tickets/view.php?id=31679>

# **Maritime and Coastguard Agency**

## Marc MacFarlane

---

**From:** navigation safety <navigationsafety@mcga.gov.uk>  
**Sent:** 22 November 2023 08:20  
**To:** MD Marine Renewables  
**Cc:** Ben Walker; Toni-marie Mcginn; Marc MacFarlane; Vaughan Jackson; Nick Salter  
**Subject:** RE: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.

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

Good morning Toni-Marie,

Thank you for the opportunity to comment on the consent variation to construct and operate the Pentland floating offshore windfarm, off the coast of Dounreay, Caithness.

The UK Technical Services Navigation team of the Maritime and Coastguard Agency has reviewed the request and notes that the intention is to reduce the number of turbines from 7 to 6 and reduce the associated structures and moorings accordingly. We also note that the period of license has been changed to 25 years. We would like to comment as follows:

The MCA confirms we have no objections to a variation being granted on this occasion. This is on the understanding that all maritime safety legislation is adhered to, and that the additional risk mitigation measures which was previously agreed during the consenting processes are complied with.

Best Regards

*Vinu*

**Vinu John**  
Navigation Policy Advisor  
Marine Licensing and Consenting  
**UK Technical Services Navigation**

[Redacted]  
[vinu.john@mcga.gov.uk](mailto:vinu.john@mcga.gov.uk)



**Maritime & Coastguard Agency**  
Spring Place  
105 Commercial Road,  
Southampton SO15 1EG



**Safer Lives, Safer Ships, Cleaner Seas**  
[www.gov.uk/mca](http://www.gov.uk/mca)

# **National Air Traffic Service**



## Marc MacFarlane

---

**From:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Sent:** 25 October 2023 11:13  
**To:** MD Marine Renewables  
**Cc:** Ben Walker; Toni-marie McGinn; Marc MacFarlane  
**Subject:** RE: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023. [SG23851]

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

**Categories:** Saved in eRDM

Our Ref: SG23851

Dear Sir/Madam

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

E: [natssafeguarding@nats.co.uk](mailto:natssafeguarding@nats.co.uk)

4000 Parkway, Whiteley,  
Fareham, Hants PO15 7FL  
[www.nats.co.uk](http://www.nats.co.uk)



NATS Public

**NatureScot (1 of 3)**

## Marc MacFarlane

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**From:** Jenna Lane <Jenna.Lane@nature.scot>  
**Sent:** 20 December 2023 14:55  
**To:** MD Marine Renewables  
**Cc:** Ben Walker; Toni-marie McGinn; Marc MacFarlane  
**Subject:** RE: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.  
**Attachments:** 2023 12 20 - PFOWF - Section 36 Consent and associated marine licences variation - Consultation - NatureScot response - AS SENT.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged  
**Categories:** Saved in eRDM

Dear Toni-Marie,

Thank you for consulting NatureScot on Highland Wind Limited's application to vary their existing Section 36 consent and associated marine licences for the Pentland Floating Offshore Wind Farm. Also, thank you for allowing an extension for our response to 20<sup>th</sup> December 2023.

Please find our response to this consultation attached to this email.

Best wishes,

**Jenna Lane** (she/her) | **Marine Sustainability Adviser** | **Sustainable Coasts & Seas**

**NatureScot** | GàdarAlba | Meadowbank House, 6<sup>th</sup> Floor South, 153 London Road, Edinburgh, EH8 7AU | t: 01463 725149  
[nature.scot](https://www.nature.scot) – A nature-rich future for all - [@NatureScot](https://twitter.com/NatureScot)

*Please note I work from home and I work compressed hours, Monday-Thursday (generally 07:00 – 16:45).*



**NatureScot**  
**NàdarAlba**

Scotland's Nature Agency  
Buidheann Nàdair na h-Alba

Toni-Marie McGinn  
Scottish Government  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

20 December 2023

Our ref: CNS REN DS Project  
Highland (Pentland)

Dear Toni-Marie,

**PENTLAND FLOATING OFFSHORE WIND FARM – SECTION 36 & MARINE LICENCES VARIATION  
APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 (AS AMENDED) TO VARY THE  
CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989**

Thank you for consulting NatureScot on Highland Wind Limited's application to vary their existing Section 36 consent and associated marine licences for the Pentland Floating Offshore Wind Farm.

We have reviewed the section 36 consent and marine licence variation application (Document number: GBPNTD-PGM-PEN-RP-00003; Date: 11.10.2023) and we provide our advice below.

**Variation proposal**

The variation proposal is seeking to refine the following project parameters:

- Reduce the number of Wind Turbine Generators (WTGs) from seven to six.
- Reduce the WTG footprint area from 10 km<sup>2</sup> to 5.85 km<sup>2</sup>. This comprises the area of sea surface occupied by the WTGs and associated floating substructure, excluding the mooring lines.
- Reduce the rotor swept area from 316,673 m<sup>2</sup> to 283,448 m<sup>2</sup>. This comprises the installation of up to 1 x WTG with rotor diameter up to 220 m and 5 x WTGs with rotor diameter up to 250 m.
- Reduce the number of floating substructures from seven to six.
- Reduce the number of mooring lines from 63 to 54.
- Reduce the number of anchors or piles from 63 to 54.

NatureScot, Meadowbank House, 6<sup>th</sup> Floor South, 153 London Road, Edinburgh, EH8 7AU  
Correspondence address: NatureScot, Battleby House, Redgorton, Perth PH1 3EW  
NàdarAlba, Taigh Bruach an Àilein, 6mh Làr a Deas, 153 Rathad Lunnainn, Dùn Èideann, EH8 7AU  
Seòladh puist: NàdarAlba, Taigh Battleby, Ràth a' Ghoirtein, Peairt, PH1 3EW

0131 316 2600 [nature.scot](https://www.nature.scot)

NatureScot is the operating name of Scottish Natural Heritage

- Extend the operational life of the Project from 10 to 25 years.
- Align proposed project design refinements within associated marine licences and streamline licence conditions.

## **Background**

NatureScot were consulted by the Marine Directorate Licensing and Operations Team (MD-LOT) at screening for this variation proposal. In our advice, dated 31<sup>st</sup> August 2023, we agreed that the key marine ornithological concerns related to black-legged kittiwake and Atlantic puffin at North Caithness Cliffs SPA, as these were the two key species of concern in the original application.

## **NatureScot advice**

### **Ornithology**

Overall, we are mostly content that the applicants have followed our guidance and sought clarification on aspects where approaches were agreed in pre-submission discussions to enable a clear, consistent assessment, including for the cumulative impacts approach. The tables within the variation application are clearly set out and enable comparison across a number of scenarios. We provide more detailed advice on the assessment below.

We also largely agree with the conclusions of the assessment that this variation presents a reduction in predicted impacts, but we provide more detail below around the scenarios and our interpretation of these.

## **Appendix D – RIAA Addendum**

### **Technical Appendix D1 - Marine Ornithology Modelling Results Summary**

We note the applicant has stated the cut-off date for further information was 19<sup>th</sup> July 2023.

### ***In-combination context***

As agreed with MD-LOT and NatureScot at the meeting held on 26<sup>th</sup> July 2023:

- the Green Volt application is addressed qualitatively in this assessment,
- the consideration of non-breeding season kittiwake collision risk is presented both with and without a collision mortality estimate for the Berwick Bank Offshore Wind Farm proposal.
- the applicant noted that *“the West of Orkney wind farm (WoO) has been submitted after the assessments for the PFOWF Variation were completed. However, as (annual) Project impacts are now reduced compared to the original application, the WoO assessment will be ‘worst case’ in terms of including the Project in its cumulative assessment. Therefore, there is no further necessary information for the Project to be providing (which is not otherwise available) for the decision-making on either this Project, or for WoO.”* We also note we

have recently submitted our advice to MD-LOT (13<sup>th</sup> December 2023) on the WoO application.

We are content that the applicant has provided a quantitative analysis requested for considering in combination impacts with Berwick Bank. We provide our conclusions below both with and without this development.

### ***Technical Appendix D2 - SeabORD Displacement Modelling***

We accept the approach the applicant has undertaken makes best use of the publicly available versions of SeabORD. We note the following points on their distributional response assessment:

- Version 1.3 was used for the assessment and is the Matlab version. This was released in 2022 - but is not the same as the R version within the Cumulative Effects Framework (CEF) update. There have been two bugs found in this version. The first relates solely to testing sensitivity of certain thresholds and would not impact a 'normal' run of the model. The second relates to a very rare occurrence of birds foraging at the extreme range and is unlikely to have occurred in the runs undertaken for this assessment. We are therefore content to accept the use of this version for this application.
- The applicant states it is not possible to fully understand what UKCEH did for the case study we relied on as part of our advice submission for the original application, as discussed in section 4.3 of Technical Appendix D2. Part of this relates to the use of two different versions of SeabORD (Matlab vs R) and availability of the R/CEF version. We accept that there were certain outputs the applicant has been unable to fully replicate to inform this application.
- Difference between estimated and reference survival rates.

SeabORD comprises two elements modelling predicted changes in body mass caused by displacement and barrier effects from the wind farm and then the consequences of this modelled through the mass/survival relationship. The baseline survival for a no wind farm scenario is estimated through the calibration process (although this is based on adult mass loss and productivity).

The applicant has provided this baseline, noticing a difference between that estimated by the model and the Horswill and Robinson reference. This difference arises because the “baseline survival” parameter in SeabORD represents the survival of an individual with mean baseline mass, not the mean baseline survival, and because of the non-linear mass-survival relationship (Butler, pers comm, 19/12/2023). Our understanding is that this may result in a slightly greater predicted impact. This therefore does introduce a level of precaution (and uncertainty) into the assessment, but does mean that the estimates with this issue corrected would not be higher than those currently predicted.

### **Technical Appendix D3 - Collision Risk Modelling**

We accept the approach used for collision risk modelling. However, we note some minor points which may introduce elements of uncertainty into the assessment.

The variation application follows NatureScot guidance for biometric parameters and avoidance rates for use in collision risk modelling. The applicant has presented both stochastic and deterministic outputs.

We agreed in pre-submission discussions that the applicant could use a Nocturnal Activity Factor (NAF) of 2 (25%) for kittiwake for consistency, as this was used for Moray Firth wind farms and the original application (consented 28<sup>th</sup> June 2023). It is also within the range presented within our guidance note. We also agreed that the use of a 10% sabbatical rate could be applied to kittiwake, in line with our advice for Berwick Bank (agreed in a meeting with the Pentland applicants on 25<sup>th</sup> September 2023).

Moray East in the original EIAR provided densities for the three wind farm areas and an overall density. However, the Moray East densities were corrected between the original EIAR and subsequent Appropriate Assessment to inform the consents. We provided the applicant with the corrected density information for Moray East on the 7<sup>th</sup> August 2023, which was for the three original wind farm areas, which are now superseded by Moray East. However, section 2.4.1 of Technical Appendix D3 states that the Moray East densities have been taken from the original EIAR due to the wind farm now being one site. We note that there are issues with both approaches, in that neither is wholly correct. However, it is unlikely this can be resolved without requesting further analysis from Ocean Winds and/or the Moray Firth Regional Advisory Group (MFRAG), and we do not consider this necessary to inform our advice.

The application provides several scenarios for in-combination values based on Hornsea 4 and East Anglia 1&2 (scenario 3a), Inch Cape consented (scenario 3b), Inch Cape planned construction/built (scenario 3c) and Inch Cape where the seasons had been adjusted to enable the Biologically Defined Meaningful Population Scale (BDMPS) to match NatureScot guidance (scenario 3d). Of these four in-combination scenarios, we consider that scenarios 3c and 3d to be the most pertinent and have therefore put most weight on these outputs.

The in-combination values from the Berwick Bank application have not been used, as the applicant has advised that they were unable to establish which wind farm totals could be apportioned to North Caithness Cliffs SPA.

The apportioning values for North Caithness Cliffs SPA have been taken from the original Pentland consent. We note that we had raised concerns on transparency around these apportioning values. However, the issue around their approach and transparency in the original application was dealt with through additional information to the original Pentland consent and as such we are satisfied with the approach taken.

## ***Technical Appendix D2 - Population Modelling***

We note the application includes the relevant references and presents a number of time periods. We welcome the inclusion of tables 3 and 4 which clearly sets out the different scenarios modelled for kittiwake and puffin, respectively. Also, the presentation of the counterfactuals from the original Pentland consent is a helpful comparison.

### ***Conclusions***

#### ***Black-legged kittiwake – North Caithness Cliffs SPA***

In reviewing the Population Viability Analysis (PVA) modelling provided for displacement and collision effects on North Caithness Cliffs SPA kittiwake interests over a 25-year operational period, we advise:

- No adverse effect on site integrity from the project alone effects (as per scenario 1).
- No adverse effect on site integrity from the project in-combination with Moray Forth wind farms (as per scenario 2).
- Potential for adverse effect on site integrity from the project in-combination with North Sea wind farms (as per scenarios 4 a,b,c).

We consider the 4c scenario to be the most realistic scenario as it reflects the current proposed as built estimates for Inch Cape. The CPS of 0.905 is of concern. However, we have also considered the 95% confidence intervals (0.860-0.952), with the higher value in this range of 0.952 not being of concern and would not result in an adverse effect on site integrity.

- **An adverse effect on site integrity for the project in-combination scenarios with Berwick Bank, if Berwick Bank is consented.**

#### ***Atlantic puffin – North Caithness Cliffs SPA***

In reviewing the PVA modelling provided for displacement and collision effects on North Caithness Cliffs SPA puffin interests over a 25-year operational period, we advise:

- No adverse effect on site integrity from the project alone effects (as per scenario 1).
- No adverse effect on site integrity from the project in-combination with Moray Forth wind farms (as per scenario 3).

### ***Post-consent monitoring***

Pentland Firth offshore wind farm is a demonstration wind farm. We would therefore welcome further consideration of the potential for this wind farm to undertake ornithological monitoring to aid strategic understanding of bird interactions in this area of Scotland, and in particular to focus on displacement effects. We would be happy to engage with the developer in devising a useful monitoring programme if consented.



**Seascape, Landscape and Visual Impact Assessment (SLVIA)**

An SLVIA comparison between the consented project and the requested variation, along with the supporting comparative wirelines, is provided in Appendix C of the Variation Application Report. A summary is also provided in section 4.2.

The proposed refined scheme presents a reduction in impacts of the appearance of the project when compared to the consented project, especially the horizontal extent of the WTGs. The advice we provided during the Screening consultation remains valid. We agree with the conclusions reached and presented in the SLVIA included in the EIAR - we do not consider there to be any adverse significant effects on nationally important landscape interests.

**Further information and advice**

We hope this advice is helpful. Please contact me, Jenna Lane, in the first instance for any further advice.

Yours sincerely

Jenna Lane

Marine Sustainability Adviser – Sustainable Coasts and Seas

[Jenna.lane@nature.scot](mailto:Jenna.lane@nature.scot)

**NatureScot (2 of 3)**

## Marc MacFarlane

---

**From:** Kim McEwen <Kim.McEwen@nature.scot>  
**Sent:** 20 February 2024 10:39  
**To:** Marc MacFarlane  
**Cc:** Ben Walker; Toni-marie McGinn  
**Subject:** RE: Pentland Floating Offshore Wind Farm - Variations - s36 and Offshore Windfarm and Transmission Infrastructure (00010578, 00010577) - Consultation Response Validation - NatureScot response

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

**Categories:** Saved to eRDM  
**Objective:** -1

Good morning Marc,

Thank you for getting in touch in relation to the appropriate assessment for the Pentland Floating Offshore Wind Farm variation application.

As noted below, our response (dated 20 December 2023) focused on potential impacts to the North Caithness Cliffs SPA as we had raised concerns regarding potential in-combination impacts to this European site in relation to the original application and this was screened / scoped in as part of the variation pre-application process.

We can confirm that the proposed variation does not raise additional impacts to any other European site. Therefore, the conclusions reached for all other European sites in the original application and appropriate assessment remain valid.

We hope the above is of assistance.

Kind regards,  
Kim

**Kim McEwen | Marine Sustainability Adviser**

NatureScot | Eastbank | East Road | Kirkwall | KW15 1LX | t: 01463 701 671

NàdarAlba | Bruach an Ear | Rathad an Ear | Kirkwall | KW15 1LX

[nature.scot](https://www.nature.scot) – Scotland's Nature Agency – Buidheann Nàdair na h-Alba - [@nature\\_scot](https://twitter.com/nature_scot)

**NatureScot (3 of 3)**

**From:** [Alex Robbins](#)  
**To:** [Kerry Bell](#); [Erica Knott](#)  
**Cc:** [Ben Walker](#); [Rebecca Bamlett](#); [Toni-marie Mcginn](#); [Jenna Lane](#)  
**Subject:** RE: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland  
**Date:** 12 March 2024 16:05:16  
**Attachments:** [image001.png](#)

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Hi Kerry,

Thanks for your email requesting clarification on our advice dated 20th December 2023 on Highland Wind Limited's application to vary their existing Section 36 consent and associated marine licenses for the Pentland Floating Offshore Wind Farm. We provide the following additional explanation in respect of the queries raised around our advice on the scenarios: The application provides several scenarios for in-combination values based on differences in assessments relating to as built and assessed figures for collision risk modelling. Specifically, these are:

- Scenario A: Based on Hornsea 4 and East Anglia 1&2 EIA Rs,
- Scenario B: Based on the compilation of assessments contained in Inch Cape EIA R
- Scenario C: Based on the compilation in Inch Cape application information taking account of planned construction/built East Anglia 1 and Hornsea 1.
- Scenario D: using Scenario C but adjusted to enable the Biologically Defined Meaningful Population Scale (BDMPS) to match NatureScot guidance.

Table C1.2 in the Application report ( electronic PDF page 245) summarises the difference in turbines in the Inch Cape constructed figures. It highlights the differences between consented and constructed English windfarms, but only takes account of two of these in the cumulative assessment they provide. Of these four in-combination scenarios, we consider that scenarios C and D are the most pertinent and have therefore put most weight on these outputs to inform our advice. There is no substantive difference between scenarios C and D, so **we can confirm that our advice is the same for both scenario 4c and 4d.**

We hope this advice is helpful,

Best wishes,

Alex

**Dr Alex Robbins | Marine Sustainability Manager | Sustainable Coasts and Seas | She/Her**  
**NatureScot** | Torlundy, Fort William, PH33 6SW | t: 07557 077043  
[nature.scot](https://www.nature.scot) | [@nature\\_scot](https://twitter.com/nature_scot) | *Scotland's Nature Agency* | *Buidheann Nàdair na h-Alba*

*I work compressed hours Monday to Friday am.*

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**Inshore Fisheries Groups - North and  
East Coast Regional Inshore Fisheries  
Group**

## Marc MacFarlane

---

**From:** jenny.mouat@btinternet.com jenny.mouat@btinternet.com <jenny.mouat@btinternet.com>  
**Sent:** 24 October 2023 11:20  
**To:** MD Marine Renewables  
**Cc:** Ben Walker; Marc MacFarlane; Toni-marie Mcginn  
**Subject:** Re: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.

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

**Categories:** Saved in eRDM

Good morning

NECRIFG has no comments to make on this application.

Kindest

Jennifer

Jennifer Mouat, MA (EPS), Bsc Hon, PG Dip EDM  
The Aegir Consultancy Limited

Email - jenny.mouat@btinternet.com

Mobile - [Redacted]



# **Northern Lighthouse Board**



## Marc MacFarlane

---

**From:** Adam Lewis <Adam.Lewis@nlb.org.uk> on behalf of navigation <navigation@nlb.org.uk>  
**Sent:** 30 October 2023 10:26  
**To:** MD Marine Renewables  
**Cc:** Ben Walker; Toni-marie McGinn; Marc MacFarlane  
**Subject:** RE: [EXT] Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.  
**Attachments:** O6\_17\_850 - NLB Response.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged  
**Categories:** Saved in eRDM  
**Objective:** -1

Good morning,

Please find attached the NLB response to the above consultation.

Regards

Adam

**Adam Lewis**  
Coastal Inspector  
0131 4733197 / [Redacted]



# Northern Lighthouse Board

84 George Street  
Edinburgh EH2 3DA

Tel: 0131 473 3100  
Fax: 0131 220 2093

Website: [www.nlb.org.uk](http://www.nlb.org.uk)  
Email: [enquiries@nlb.org.uk](mailto:enquiries@nlb.org.uk)

Your Ref: PFOWF – S36 & ML Variation  
Our Ref: AL/OPS/ML/O6\_17\_850

Ms Toni-Marie McGinn  
Licensing Operations Team – Marine Directorate  
Scottish Government  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

30 October 2023

**THE ELECTRICITY ACT 1989, THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013 & MARINE (SCOTLAND) ACT 2010**

**Application Under S36C of the Electricity Act 1989 (As Amended) to Vary the Consent Granted Under S36 of the Electricity Act 1989 to Construct and Operate the Pentland Floating Offshore Windfarm, 7.5km Off the Coast of Dounreay, Caithness**

Thank you for your e-mail correspondence dated 20<sup>th</sup> October 2023 relating to the application submitted by **Highland Wind Ltd** to vary the existing S36 Consent and associated Marine Licences for the Pentland Floating Offshore Windfarm. It is noted that the variation request consists of the following changes:

- Reduce the number of Wind Turbine Generators (WTGs) from seven to six;
- Reduce the WTG footprint area from 10 km<sup>2</sup> to 5.85 km<sup>2</sup>. This comprises the area of sea surface occupied by the WTGs and associated floating substructure, excluding the mooring lines;
- Reduce the rotor swept area from 316,673 m<sup>2</sup> to 283,448 m<sup>2</sup>. This comprises the installation of up to 1 x WTG with rotor diameter up to 220 m and 5 x WTGs with rotor diameter up to 250 m;
- Reduce the number of floating substructures from seven to six;
- Reduce the number of mooring lines from 63 to 54;
- Reduce the number of anchors or piles from 63 to 54; and
- Extend the operational life of the Project from 10 to 25 years; and
- Align proposed project design refinements within associated marine licences and streamline licence conditions.

NLB respects your privacy and is committed to protecting your personal data.  
To find out more, please see our Privacy Notice at [www.nlb.org.uk/legal-notice/](http://www.nlb.org.uk/legal-notice/)

Northern Lighthouse Board have no objection to the proposed variation, and do not consider that the changes will have an adverse impact upon the safety of navigation in and around the array.

Additionally, the variation request does not alter existing recommendations provided by NLB with to regard to the lighting and marking of the array during both the Construction and Operations & Maintenance phases of the project.

Yours sincerely  
[Redacted]

Peter Douglas  
Navigation Manager

# **Orkney Islands Council – Harbour Authority**

## Marc MacFarlane

---

**From:** harbours <harbour@orkney.gov.uk>  
**Sent:** 23 November 2023 09:13  
**To:** MD Marine Renewables  
**Subject:** RE: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.

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

**Categories:** Saved in eRDM  
**Objective:** -1

**Classification: OFFICIAL**

Hi

Good morning!

Further to your email below, we have a nil response to this consultation.

Many thanks  
Tanya

Marine Services and Transportation  
Orkney Islands Council  
Harbour Authority Building  
Scapa, Orkney  
KW15 1SD  
Tel: 01856 873636  
Email: [harbours@orkney.gov.uk](mailto:harbours@orkney.gov.uk)  
Web: [www.orkneyharbours.com](http://www.orkneyharbours.com)



# **Public Representation**

## Marc MacFarlane

---

**From:** [Redacted]  
**Sent:** 15 November 2023 17:34  
**To:** MD Marine Renewables  
**Cc:** eplanning@highland.gov.uk  
**Subject:** Pentland Floating Variation  
**Attachments:** pentland variation objection [Redacted].PDF

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

**Objective:** -1

Good morning,

Please find attached my representation.

Kind regards,  
[Redacted]

[Redacted]

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

**MS References: S 36 application has no number,  
MS-00009991 and MS-00009992 for associated licences**

THC Reference: not yet published

Sent by email to: [md.marinerenewables@gov.scot](mailto:md.marinerenewables@gov.scot)

Copied to: [eplanning@highland.gov.uk](mailto:eplanning@highland.gov.uk)

15<sup>th</sup> November 2023

Dear Sirs,

**Holding Objection: Pentland Floating Offshore Wind Farm Variation**

While the applicant tries to distract our attention with the removal of one turbine, this variation really is about the extension of the life time of the development from the 10 years granted in the decision to 25 years.

**What is now proposed totally undermines the very careful reasoning set out in the decision letter and, therefore, brings back into play all original concerns.**

In addition, in the meantime the lacking justification of need has become more apparent. If there was a clear need for such a development then maybe the negative impact could be accepted as a tradeoff. However, in the absence of such need going ahead with this destruction of the environment without any checks in place is just foolhardy and a crime against coming generations.

My consultant, Ian Kelly MRTPI, will follow up this personal letter in due course with a more detailed representation in my name.

Thank you for your consideration.

Kind regards,  
[Redacted]



**Royal Society for the Protection of Birds  
Scotland**

## Marc MacFarlane

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**From:** Catherine Kelham <Catherine.Kelham@RSPB.ORG.UK>  
**Sent:** 13 December 2023 17:32  
**To:** MD Marine Renewables  
**Cc:** Ben Walker; Toni-marie McGinn; Marc MacFarlane  
**Subject:** RE: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.  
**Attachments:** 20231128 PFOWF RSPB Comments.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Marc,

I noticed there was an issue with the conversion to pdf so please find attached the same response but without the conversion to pdf issue.

Best wishes,

Catherine

Licensing Operations Team  
Marine Directorate  
By email: [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot)



12th December 2023

Dear Toni-Marie

**APPLICATION TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND ASSOCIATED MARINE LICENSES (MS-00009991 AND MS-00009992) TO CONSTRUCT AND OPERATE THE PENTLAND FLOATING OFFSHORE WINDFARM, 7.5 KM OFF THE COAST OF DOUNREAY, CAITHNESS.**

Thank you for consulting RSPB Scotland on the above proposed variation of consent application. The proposed variation seeks to reduce the number of wind turbine generators from seven to six (one 14MW and five 17MW, total capacity 99MW), reduce the footprint of the development from 10 km<sup>2</sup> to 5.85 km<sup>2</sup>, reduce the development rotor swept area by approximately 10% and extend the operational lifetime of the project from 10 to 25 years. The minimum blade tip clearance would be maintained at 35 meters.

We understand the existing consent for this test and demonstration project with a generating capacity of around 100MW was granted in June 2023. Although a longer duration of operation was proposed by the applicant, consent was granted for a ten-year operational period to avoid an adverse effect on the integrity of North Caithness Cliffs SPA with respect to puffin and kittiwake when considered in cumulation with other developments. This appears to diverge from NatureScot advice which indicated there was potential for adverse effect on site integrity with regard to kittiwake over a 10-year operational period in combination with other North Sea offshore windfarms. We note reasoning for this diversion has been given by MS-LOT. RSPB Scotland objected to the original development as proposed on the basis it would likely lead to adverse effect on site integrity with regard to puffin and kittiwake at the North Caithness Cliffs SPA.

Seabirds are relatively long-lived, and as a result, their populations are sensitive to small increases in adult mortality. Their survival and productivity rates can be impacted by offshore windfarms directly (i.e. collision) and indirectly (e.g. displacement from foraging areas, additional energy expenditure, potential impacts on forage fish and wider ecosystem impacts such as changes in stratification). The probability of seabirds being impacted by an application relates to whether they are likely to be in the area of the development and their behaviour in the vicinity of the development. This will depend on a number of factors, including the application's proximity to seabird colonies, the species within those colonies, the species behaviours (including their foraging range and food preferences), the attraction of the application array itself as a foraging area and the attraction of areas beyond the application array for foraging (which would require birds to transition through the development array or detour around it).

---

**RSPB Scotland Headquarters**  
2 Lochside View  
Edinburgh Park  
Edinburgh  
EH12 9DH

Tel: 0131 317 4100  
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Twitter: @RSPBScotland  
[rspb.org.uk](http://rspb.org.uk)



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

Due to capacity constraints, RSPB Scotland have not been able to review the modelling in detail and we have not inspected the inputs and other parameters. We therefore focus on the outputs provided by the applicant and our comments must only be taken as such.

### **Kittiwakes**

Kittiwake are red listed in the Birds of Conservation Concern and on the OSPAR list of threatened and/or declining species and have been assessed by the IUCN as vulnerable to global extinction. They are particularly susceptible to collision risk but are also vulnerable to distributional changes as a result of the presence of turbines.

Based on the information provided in Table 2, the proposed variation would have worse impacts for kittiwakes than the development as currently permitted alone, and in combination with other North Sea windfarms. We note that the Applicant has not used the most recent in-combination assessment, that done for Berwick Bank Offshore Windfarm, and this is regrettable. However, we welcome the inclusion of Berwick Bank in the cumulative assessment. These greater impacts arise through the greater length of the operational period and despite the change in avoidance rate, following NatureScot recommendations

Within the range of likely mortalities derived using the presented by the applicant in Table 2 of the Technical Appendix D1: Marine Ornithology Modelling Results Summary, the impacts arising from collision and distributional change associated with the Pentland Firth Offshore Wind Farm are predicted to result in the annual population growth rate of Kittiwake at the **North Caithness Cliffs SPA** declining, with a ratio of impacted to unimpacted population growth rate of 0.999. This means that after the proposed 25-year lifetime of the offshore windfarm, the population size of the SPA is expected to be around **98.3%** of what it would have been in the absence of the development.

In combination the Moray Firth developments and other North Sea developments (excluding the proposed West of Orkney Offshore Windfarm but including the proposed Berwick Bank Offshore Wind Farm), the development would result in the annual population growth rate of kittiwake at the **North Caithness Cliffs SPA** declining with a ratio of impacted to unimpacted population growth rate of 0.996. This means that after the proposed 25-year lifetime of the offshore windfarm, the population size of the SPA is expected to be around **89.8%** of what it would have been in the absence of the development. This represents a greater impact on the SPA kittiwake population than the previous permitted development. When viewed with the existing context of overall decline in black-legged kittiwake population across Scotland as shown in the most recent seabird census<sup>1</sup>, published November 2023, it is particularly concerning.

In summary, the proposed variation would result in greater impact to kittiwake than the development currently permitted. **We consider this to constitute an adverse impact to site integrity of the Kittiwake feature of the North Caithness Cliffs SPA. As such, for the variation to be permitted, it must satisfy the habitats regulation derogation requirements.**

---

<sup>1</sup> Burnell, B. Perkins, A.J., Newton, S.F., Molton, M., Tierney, T.D. & Dunn, T.E. (2023) Seabirds Count A census of breeding seabirds in Britain and Ireland (2015–2021). Lynx Nature Books

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rspb.org.uk



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

## Puffins

Puffin are red listed in the Birds of Conservation Concern and have been assessed by the IUCN as vulnerable to global extinction. They are at risk of displacement which can lead to a loss of feeding grounds and excess energy expenditure as they take less direct routes to reach alternative prey sources.

The decrease in site area from 10 km<sup>2</sup> to 5.85 km<sup>2</sup> has reduced potential displacement impact for puffin. This is beneficial.

Within the range of likely mortalities derived using the presented by the applicant in Table 3 of the HiDef report, the impacts arising from distributional change associated with the Pentland Firth Offshore Wind Farm are predicted to result in the annual population growth rate of Puffin at the **North Caithness Cliffs SPA** declining, with a ratio of impacted to unimpacted population growth rate of 1.00 (this figure has been rounded up). This means that after the proposed 25-year lifetime of the offshore windfarm, the population size of the SPA is expected to be around **98.8%** of what it would have been in the absence of the development.

In combination the Moray Firth developments and other North Sea developments (excluding the proposed West of Orkney Offshore Windfarm but including the proposed Berwick Bank Offshore Wind Farm), the development would result in the annual population growth rate of puffin at the **North Caithness Cliffs SPA** declining with a ratio of impacted to unimpacted population growth rate of 0.998. This means that after the proposed 25-year lifetime of the offshore windfarm, the population size of the SPA is expected to be around **96.1%** of what it would have been in the absence of the development. This is an improvement on the consented application where the after 10 years, the population size of the SPA was expected to be around 91.4% of what it would have been in the absence of the development. However this change is largely due to a change in the use of the SeabORD model, and the RSPB has not had the resource to check this new implementation. It is still however a substantial decrease, especially when viewed with the existing context of an overall decline in puffin population across Scotland as shown in the most recent seabird census, published November 2023.

## Summary

In comparison to the development permitted, the proposed variation would be beneficial for puffin designated populations but worse for kittiwake. Both species are red listed in the birds of conservation concern. Furthermore, as demonstrated by the fourth seabird census of Britain and Ireland (published November 2023) both species have declined substantially in Scotland. Climate change, food depletion, adverse weather condition, predation as well as human factors are believed to be the common causes of declines. So while RSPB Scotland support the decarbonisation of the electricity supply as a means to tackle climate change, we consider it vital that offshore wind developments are appropriately located and designed. In accordance with best practice and the mitigation hierarchy, adverse impacts must be avoided and any remaining should be minimised as far possible.

Notwithstanding our objection to the original application, RSPB Scotland consider further information is required in regard to alternatives, IROPI and compensation for the proposed variation to be permitted. We

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**RSPB Scotland Headquarters**  
2 Lochside View  
Edinburgh Park  
Edinburgh  
EH12 9DH

Tel: 0131 317 4100  
Facebook: @RSPBScotland  
Twitter: @RSPBScotland  
rspb.org.uk



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

suggest the contribution of the proposed development to renewable energy targets as well as the industry need for the demonstration project with the evolution of technology and present commercial deployment of floating offshore wind should be considered as part of this.

Should you require any further information or clarification, please do not hesitate to get in contact.

Yours sincerely,

[Redacted]

Senior Marine Conservation Planner  
RSPB Scotland

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**RSPB Scotland Headquarters**  
2 Lochside View  
Edinburgh Park  
Edinburgh  
EH12 9DH

**Tel:** 0131 317 4100  
**Facebook:** @RSPBScotland  
**Twitter:** @RSPBScotland  
**rspb.org.uk**



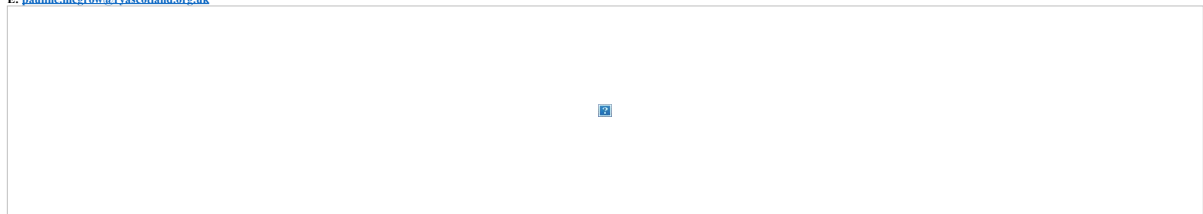
The RSPB is part of BirdLife International, a Partnership of conservation organisations working to give nature a home around the world.

# **Royal Yachting Association**

**From:** [Pauline McGrow](#)  
**To:** [SD Marine Renewables](#)  
**Subject:** RE: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.  
**Date:** 24 October 2023 10:40:16  
**Attachments:** [image007.jpg](#)  
[image008.png](#)  
[image009.jpg](#)  
[image010.jpg](#)  
[image011.png](#)  
[image012.png](#)

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Hi Toni-Marie,  
I write to inform you that RYA Scotland has no comment that they wish to make on this application.  
Kind Regards  
Pauline  
**Pauline McGrow**  
Senior Administrator  
Mob:   
Royal Yachting Association Scotland  
T: 0131 317 7388  
E: [pauline.mcgrow@ryascotland.org.uk](mailto:pauline.mcgrow@ryascotland.org.uk)



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# **Scottish Canoe Access Association**

## Marc MacFarlane

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**From:** [Redacted]  
**Sent:** 08 November 2023 11:01  
**To:** MD Marine Renewables  
**Cc:** access.committee@canoescotland.org; 'Scottish Canoe Association'  
**Subject:** FW: [SCA Access Committee] Fwd: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.

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

Dear Toni-Marie

Thank you for your email regarding a variation in the Pentland Windfarm. The changes will not affect those undertaking paddlesport. We have no comments.

Thank you for consulting us.

Regards

Andy Dorin

Scottish Canoe Access Association Committee.

**Scottish Environment Protection Agency**

## Marc MacFarlane

---

**From:** Planning.North <Planning.North@sepa.org.uk>  
**Sent:** 01 November 2023 12:44  
**To:** MD Marine Renewables  
**Cc:** Toni-marie Mcginn  
**Subject:** SEPA Response 10865 Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness

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

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**SEPA Response 10865**  
**Highland Wind Limited**  
**Section 36 Consent and associated marine licences variation**  
**Pentland Floating Offshore Windfarm**  
**7.5 km off the coast of Dounreay, Caithness**

Thank you for your consultation.

Please refer to SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on Marine Consultations [lups-gu13.pdf \(sepa.org.uk\)](#)

– Para 2.3 Please do not routinely consult SEPA directly on any applications which are purely within the marine environment, including at any stage of EIA or repeat consultations. Please consider our standing advice in Section 3 and Table 1 as SEPA's views and consultation response, where relevant.

In relation to radioactive substances, we note that Pentland Floating Offshore Wind Farm Section 36C Consent and Marine Licence Variation Application Report (11.10.2023 HWL) Appendix A – Draft Revised S36 consent contains A.2 Annex2 – conditions which includes condition 21 Particle Management Plan which we previously agreed to as below:

1. Not later than six months prior to the commencement of the works, a Particles Management Plan (PMP) shall be submitted to the licensing authority for its written approval in consultation with SEPA .
2. The PMP shall be consistent with the marine licence application and supporting documents and shall include, but not be limited to, the following:
  - a. A programme of scheduled monitoring for radioactive particles.
  - b. The measures to be taken to reduce the likelihood of irradiated fuel particles in sediment being suspended or disturbed;
  - c. A waste management plan for the construction phase of the development.
3. There shall be no commencement of the works unless and until the PMP is approved in writing by the licensing authority, in consultation with SEPA.
4. Any proposed amendment to the approved PMP shall be submitted, in writing, to the licensing authority for its written approval in consultation with SEPA. The proposed amendment shall be submitted to the licensing authority no later than 6 months prior to the anticipated implementation of the proposed amendment (or such shorter period as may be agreed with the licensing authority in writing). No amendment to the PMP shall take effect unless and until approved in writing by the licensing authority in consultation with SEPA.
5. The PMP approved under part (1) and any amended PMP approved under part (4) shall thereafter be implemented in full.

Kind regards

Clare

**Clare Pritchett**

Senior Planning Officer

Planning Service, SEPA

Email: [planning.north@sepa.org.uk](mailto:planning.north@sepa.org.uk)

Telephone: [Redacted]

Part Time: Tuesday, Wednesday & Thursday

*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](#).*

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*Registered office: SEPA, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire, ML1 4WQ*

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OFFICIAL

# **Scottish Fishermen's Federation**

**From:** [Mohammad Fahim Hashimi](#)  
**To:** [MD Marine Renewables](#)  
**Cc:** [Ben Walker](#); [Toni-marie McGinn](#); [Marc MacFarlane](#); [Elsbeth Macdonald](#)  
**Subject:** Re: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.  
**Date:** 20 November 2023 08:33:51  
**Attachments:** [image001.png](#)

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Dear Toni-Marie

Thank you for sharing the 'Highland Wind Limited - Section 36 Consent and associated marine licences variation' consultation opportunity with SFF.

Please file a 'nil return' response from SFF on this particular consultation.

**Best wishes**

**Fahim Mohammad Hashimi**

**Offshore Energy Policy Officer**

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**Scottish Fishermen's Federation (SFF)**

24 Rubislaw Terrace | Aberdeen | AB10 1XE

T: +44 (0) 1224 646944 | M: [Redacted]

E: [f.hashimi@sff.co.uk](mailto:f.hashimi@sff.co.uk) | [sff.co.uk](http://sff.co.uk)

Follow us: [Facebook](#) | [Twitter](#)

# **Scrabster Harbour Trust**



## Marc MacFarlane

---

**From:** Sandy Mackie <sandy.mackie@scrabster.co.uk>  
**Sent:** 24 October 2023 12:05  
**To:** MD Marine Renewables  
**Subject:** Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation

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

**Categories:** Saved in eRDM

Scrabster Harbour Trust is supportive of the Pentland Floating Offshore Windfarm project and has no comments on the marine licences variation application.

Sandy Mackie

Trust Manager

Scrabster Harbour Trust, Harbour Office, Scrabster, Caithness, KW14 7UJ

t: +44 (0)1847 892 779 m: [Redacted] e: [sandy.mackie@scrabster.co.uk](mailto:sandy.mackie@scrabster.co.uk) w: [www.scrabster.co.uk](http://www.scrabster.co.uk)

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your gateway to the north



**Scottish Water**

**From:** Planning Consultations <PlanningConsultations@scottishwater.co.uk>  
**Sent:** Tuesday, October 24, 2023 11:59 AM  
**To:** MD Marine Licensing <MD.MarineLicensing@gov.scot>  
**Subject:** SW Ref: DSCAS-0096883-YVB - Your Ref: Pentland Floating Offshore Windfarm

Dear Marine Licensing,

Please see the attached letter regarding SW Case: **DSCAS-0096883-YVB** - - Your Ref: Pentland Floating Offshore Windfarm

If you have any questions then please do not hesitate to contact Scottish Water.

Kind Regards,

Ruth Kerr.

Ruth Kerr

Technical Analyst  
North Regional Team

Strategic Development  
Development Services  
Dedicated Freephone Helpline: 0800 389 0379

[DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)

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Scottish Water

[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Tuesday, 24 October 2023



Marine Licensing  
375 Victoria Road

Aberdeen

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Steps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Pentland Offshore Wind Farm, Dougra, KW14 7YB**  
**Planning Ref: Pentland Floating Offshore Wind Farm**  
**Our Ref: DSCAS-0096883-YVB**  
**Proposal Reduce the number of Wind Turbine Generators (WTGs) from seven to six**

**Reduce the WTG footprint area from 10 km<sup>2</sup> to 5.85 km<sup>2</sup>. This comprises the area of sea surface occupied by the WTGs and associated floating substructure, excluding the mooring lines**

**Reduce the rotor swept area from 316,673 m<sup>2</sup> to 283,448 m<sup>2</sup>. This comprises the installation of up to 1 x WTG with rotor diameter up to 220 m and 5 x WTGs with rotor diameter up to 250 m**

**Reduce the number of floating substructures from seven to six**

**Reduce the number of mooring lines from 63 to 54**

**Reduce the number of anchors or piles from 63 to 54 and**

**Extend the operational life of the Project from 10 to 25 years and**

**Align proposed project design refinements within associated marine licences and streamline licence conditions.**

**Please quote our reference in all future correspondence**

### **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

## Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Loch Calder Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

## Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.
- 

## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
- 

## Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

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## Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

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## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
    - ▶ Site Investigation Services (UK) Ltd
    - ▶ Tel: 0333 123 1223
    - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
    - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
  - ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
  - ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
  - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
  - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

## Next Steps:

### ▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### ▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### ▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food



waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Ruth Kerr.**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

**Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

**Transport Scotland**

## Marc MacFarlane

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**From:** Gerard McPhillips  
**Sent:** 13 November 2023 15:20  
**To:** MD Marine Licensing  
**Cc:** DEVENNY Alan; Andrew Erskine; LOGAN Lesley  
**Subject:** RE: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.

FAO Toni-Marie McGinn [MD.MarineRenewables@gov.scot](mailto:MD.MarineRenewables@gov.scot)

Toni-Marie

Thank you for the opportunity for Transport Scotland to comment on the application to vary the Consent to construct and operate the Pentland Floating Offshore Wind Farm. Transport Scotland was consulted throughout the original application process for this development and agreed in our response of 21<sup>st</sup> January 2021 that any assessment associated with increased traffic on the trunk road would be scoped out of the Environmental Impact Assessment Report (EIAR). I understand that S36 Consent for the offshore components of the project was granted on 28<sup>th</sup> June 2023, while the onshore components were the subject of a separate application to The Highland Council.

Having reviewed the supporting Application Report, I note that the proposed Variation Application comprises the following amendments:

- Reducing the number of Wind Turbine Generators (WTGs) from seven to six;
- Reducing the WTG footprint area from 10 km<sup>2</sup> to 5.85 km<sup>2</sup>.
- Reducing the rotor swept area from 316,673 m<sup>2</sup> to 283,448 m<sup>2</sup>.
- Reducing the number of floating substructures from seven to six;
- Reducing the number of mooring lines from 63 to 54;
- Reducing the number of anchors or piles from 63 to 54; and
- Extending the operational life of the Project from 10 to 25 years.

I also note that the report states that all potential effects remain equal to or less than those identified within the Original EIAR and, therefore, the S36C Variation Application does not constitute an EIA application and the Offshore Consents can be varied with no further assessment required.

As these variations have no bearing on the issue of Traffic and Transport, I can confirm that Transport Scotland has no objection to the proposed amendments and has no further comment to make at this time.

Regards.

Gerard



**Gerard McPhillips**  
Transport Scotland  
Development Management Quality Manager  
Roads Directorate  
T: 0141 272 7379  
M: [Redacted]

[gerard.mcphillips@transport.gov.scot](mailto:gerard.mcphillips@transport.gov.scot)  
[transport.gov.scot](http://transport.gov.scot)

**United Kingdom Chamber of Shipping**

## Marc MacFarlane

---

**From:** Robert Merrylees <RMerrylees@ukchamberofshipping.com>  
**Sent:** 20 October 2023 11:00  
**To:** MD Marine Renewables  
**Cc:** Ben Walker; Toni-marie McGinn; Marc MacFarlane  
**Subject:** RE: Highland Wind Limited - Section 36 Consent and associated marine licences variation - Pentland Floating Offshore Windfarm, 7.5 km off the coast of Dounreay, Caithness - Consultation - Response Required by 24 November 2023.

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

**Categories:** Saved in eRDM

Dear Marine Scotland,

Thank you for the consultation. No objections or comments from the UK Chamber of Shipping to the variation.

Yours faithfully,  
Robert

**Robert Merrylees**  
Policy Manager (Safety & Nautical) & Analyst

**UK Chamber of Shipping**  
30 Park Street, London, SE1 9EQ

DD +44 (0) 20 7417 2843  
Mob [Redacted]  
[rmerrylees@ukchamberofshipping.com](mailto:rmerrylees@ukchamberofshipping.com)  
[www.ukchamberofshipping.com](http://www.ukchamberofshipping.com)



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