

# **Section 36 Consent Application**

FAO Kirsty Black  
Offshore Renewable Energy Projects Consenting Leader  
Marine Directorate – Licensing Operations Team  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
22 November 2024

Dear Ms Black,

**Electricity Act 1989 (as amended)**  
**The Electricity (Applications for Consent) Regulations 1990 (as amended)**  
**The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)**  
**Marine (Scotland) Act 2010**  
**Marine and Coastal Access Act 2009**  
**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017**  
**The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)**

**Application by Muir Mhòr Offshore Wind Farm Limited (MMOWFL) for Consent to Construct and Operate a Generating Station, Muir Mhòr Offshore Wind Farm**

MMOWFL is a joint venture between between Fred. Olsen Seawind Limited and Vattenfall.

Fred. Olsen Seawind Limited is a leading offshore wind developer, leveraging Fred. Olsen Renewables' 25 years of wind energy expertise. Since 2021, its offshore wind activities have operated under Fred. Olsen Seawind AS, fully owned by Bonheur ASA. With a strong presence in Scotland, it also operates in Ireland and Norway while exploring new markets. Other entities include Fred. Olsen Wind Carrier, who are responsible for the installation of 20% of the world's offshore wind turbines outside of China, and Fred. Olsen 1848 who develop and commercialise renewable energy innovations.

Vattenfall, one of Europe's largest electricity and heat producers, employs around 20,000 people. Vattenfall Wind Power (VWP) has been active in the UK for over a decade, growing its wind portfolio from one project in 2008 to 11 by 2023. VWP operates over 1 GW of wind capacity in the UK, of which 400 MW in Scotland, powering 130,000 homes. Key projects include the 96.8 MW European Offshore Wind Deployment Centre in Aberdeen Bay and the 240 MW South Kyle onshore wind farm under construction. VWP is also expanding its district heating and power networks.

This application is being submitted by MMOWFL for consent under Section 36 of the Electricity Act 1989 (s.36 Consent) for the construction and operation of an offshore generating station for the Muir Mhòr Offshore Wind Farm.

MMOWFL is also submitting associated Marine Licence applications for the generating station and transmission infrastructure. Enclosed to this letter the application forms for the following Marine Licences under Part 4 of the Marine and Coastal Access Act 2009 and part 4 of the Marine (Scotland) Act 2010:

- A Marine Licence under the Marine and Coastal Access Act 2009 for the generating assets of the proposed development which are located beyond 12 nm limit within the Exclusive Economic Zone (EEZ); and
- A Marine Licence under the Marine (Scotland) Act 2010 for the offshore transmission infrastructure, which is within 12 nm of the coast, and under the Marine and Coastal Access Act 2009 for the offshore transmission infrastructure located beyond the 12 nm limit within the EEZ.

## Overview of the Project

The Muir Mhòr Offshore Wind Farm (hereafter 'the Project') is made up of both offshore and onshore components. Once fully commissioned, the Project could generate approximately one Gigawatt (GW) of renewable electricity, enough to power the equivalent of 1.2 million Scottish homes. The offshore infrastructure which is the subject of the s.36 Consent and Marine Licence applications being applied for is referred to as the Proposed Development and is described further below.

The onshore components of the Project include landfall infrastructure, onshore cables, onshore substation and connection to the Scottish and Southern Electricity Networks (SSEN) Netherpton Hub, Aberdeenshire. A separate onshore EIAR and Planning Statement have been prepared for the onshore elements of the Project, for which an application under the Town and Country Planning (Scotland) Act 1997 (as amended) will be submitted to the Aberdeenshire Council.

## Overview of the Proposed Development

The Muir Mhòr Array Area is located seaward of Mean High Water Spring (MHWS) in Scottish offshore waters and comprises the offshore wind farm (Generating Station) (i.e. the wind turbines, their floating foundations, moorings and anchors and associated inter-array cabling), together with associated transmission infrastructure including Offshore Electrical Platform(s) (OEP(s)), their foundations, export cables, an interconnector cable and cable/scour protection.

The MMOWLF Array Area is located approximately 63 km (34 nm) due east of Peterhead (east coast of Scotland) from the nearest point, comprising an area of approximately 200 km<sup>2</sup>.

A maximum of 67 wind turbines will be installed, with associated floating foundations, mooring and anchoring systems and associated infrastructure. There will also be up to two OEPs which will be installed on fixed foundations. The wind turbines will connect to each other and to the OEPs via inter-array cable (IAC), and the OEPs will be connected to each other via an interconnector cable.

The design envelope for the generating station which is the subject of this s.36 Consent application and associated Marine Licence application for the generating station is:

- Up to 67 offshore WTGs and associated infrastructure (nacelle and blades) on floating foundations, with associated mooring and anchorages;
- Scour protection for WTG anchors;
- IAC connecting the WTGs to the OEP(s); and
- Cable protection for IAC, if required.

The design envelope for the offshore transmission infrastructure which is the subject of the Marine Licence application for the transmission infrastructure is:

- Up to two OEP(s) on fixed foundations;
- Scour protection for OEP(s);
- Offshore export cables running from the OEPs to the landfall area up to Mean High Water Springs (MHWS);
- Interconnector cables linking the OEPs to one another; and
- Cable protection on unburied or shallow sections of export cables/interconnector cable and at pipelines/cable crossings as and when required.

## Compliance with the Environmental Impact Assessment (EIA) and Habitats Regulations

An Environmental Impact Assessment (EIA) has been carried out for the Proposed Development in line with the requirements of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended), the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) and the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (together, “the EIA Regulations”). The EIA Report (EIAR) (Volumes 1 to 4) has been submitted as part of this consent application.

A Habitats Regulations Appraisal (HRA) has also been completed as required pursuant to the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (up to 12 nm), the Conservation of Habitats and Species Regulations 2017 (of relevance to consents under Section 36 of the Electricity Act 1989), the Conservation of Offshore Marine Habitats and Species Regulations 2017 (beyond 12 nm) (together, “the Habitats Regulations”). A Offshore Habitats Regulations Appraisal Screening Report and a Report to Inform Appropriate Assessment (RIAA) therefore accompany this s.36 Consent application and accompanying Marine Licence applications.

### Derogation case

Under the Habitats Regulations, where the risk of Adverse Effects on Site Integrity (AEoSI) on National Site Network sites (NSN) cannot be excluded, decision-makers may grant consent for a plan or project only where it can be demonstrated that there are no alternative solutions, that the plan or project must be carried out for Imperative Reasons of Overriding Public Interest (IROPI) and subject to any necessary compensatory measures being secured to ensure that the overall coherence of the national site network is maintained. These three tests (no alternative solutions, IROPI and compensatory measures) form the “Derogation Case” on which the decision-maker should be satisfied before granting consent for a plan or project.

Pending the Scottish Ministers Appropriate Assessment (AA) conclusions, derogation case is presented for the NSN sites and species where the Developer’s RIAA concludes that either an AEoSI cannot be ruled out; or no AEoSI is concluded but it is considered there is a risk that Scottish Ministers may disagree with these conclusions. In the latter case, the derogation case is therefore presented “without prejudice” to the Developer’s conclusions.

For the following sites and species, the Developer’s RIAA concludes that an AEoSI cannot be ruled out and therefore the Developer accepts that a derogation case is likely to be required:

- Buchan Ness to Collieston Coast SPA - Kittiwake
- East Caithness Cliffs SPA - Kittiwake
- Fowlsheugh SPA - Kittiwake
- Troup, Pennan and Lion’s Heads SPA - Kittiwake
- Forth Islands SPA - Kittiwake

However, for the following sites and species the Developer’s RIAA concludes no AEoSI, however a derogation case is provided for on a “without prejudice” basis, if Scottish Ministers were to disagree with these conclusions:

- Buchan Ness to Collieston Coast SPA - Guillemot
- Forth Islands SPA - Puffin
- Forth Islands SPA - Gannet

The documents comprising the Derogation Case are included as part of this application. The Derogation Case made as part of the Application provides robust and sufficient information to allow the Scottish Ministers to grant the applications for the MMOWFL in compliance with the Habitats Regulations.

## Documentation Enclosed

The documentation accompanying MMOWFL s.36 Consent and associated Marine Licences applications is as follows:

- This cover letter to the s. 36 Consent Application.
- Two Marine Licence application forms and supporting information:
  - A Marine Licence under the Marine and Coastal Access Act 2009 for the generating assets of the proposed development which are located beyond 12 nm limit within the EEZ; and
  - A Marine Licence under the Marine (Scotland) Act 2010 for the offshore transmission infrastructure, which is within 12 nm of the coast, and under the Marine and Coastal Access Act for the offshore transmission infrastructure located beyond the 12 nm limit within the EEZ.
- Environmental Impact Assessment (EIA) Report:
  - Non-Technical Summary;
  - Volume 1 – Introductory Chapters;
  - Volume 2 – Offshore EIA Chapters;
  - Volume 3 – Offshore Technical Appendices;
  - Volume 4 – Supporting Documents, including Outline Plans and Offshore Planning Statement.
- Report to Inform an Appropriate Assessment (RIAA):
  - Offshore Habitats Regulations Appraisal Screening Report;
  - RIAA
- Derogation Case Documents:
  - Derogation Case;
  - Ornithological Compensation Documents.

## Public Notices / Advertisements

Public notices advising that MMOWFL has submitted applications for a s.36 Consent for the Array Area and accompanying Marine Licences to the Scottish Ministers and inviting the public to submit comments on the application will be placed in the following publications on dates to be agreed with Marine Directorate – Licensing Operations Team (MD-LOT):

- The Edinburgh Gazette
- The Buchan Observer
- The Ellon Times
- The Fraserburgh Ellon Times
- The Scotsman (national publication)
- Press and Journal
- Fishing News

The adverts will advise the public how to participate in the consultation on the application, in accordance with the EIA Regulations and the Electricity (Applications for Consent) Regulations 1990.

Following acceptance of the application from MD-LOT, hard copies of the application and associated Environmental Statement will be made available for inspection at the following locations:

<b>Location</b>	<b>Address</b>	<b>Opening hours</b>
Aberdeen Central Library	Rosemount Viaduct Aberdeen AB25 1GW	Monday and Wednesday: 9am – 8pm Tuesday, Thursday, and Friday: 9am – 5pm Saturday: 9am – 5pm Sunday: Closed
Fraserburgh Library	King Edward Street Fraserburgh AB43 9PN	Tuesday and Thursday: 9am – 6pm Friday: 9am – 5pm Saturday: 10am – 2pm Monday and Sunday: Closed
Mintlaw Library	MACBI Community Hub Newlands Road Mintlaw AB42 5GP	Tuesday: 9.30am – 4.30pm Wednesday: 11.30am – 7pm Friday: 9.30am – 4.30pm (unstaffed 12.30pm – 1pm) Saturday: 9.30am – 12.30pm Monday, Thursday, and Sunday: Closed
Peterhead Library	51 St Peter Street Peterhead AB42 1QD	Tuesday: 9am – 6pm Thursday: 9am – 6pm Friday: 9am – 5pm Saturday: 10am – 2pm Monday, Wednesday, and Sunday: Closed

Hard copies of the application can also be made available on request, subject to a reasonable charge, or alternatively on a USB stick at a charge (including postage and packaging). Copies of a short, non-technical summary are available free of charge. Requests for hard copies of the application documents can be made by emailing [info@muirmhor.co.uk](mailto:info@muirmhor.co.uk).

Once the application has been accepted by MD-LOT, the application documents will also be published online at: [www.muirmhor.co.uk](http://www.muirmhor.co.uk)

We trust that you have all of the information required and we look forward to hearing from you in relation to the formal acceptance of this application.

Your faithfully,

Martha Lovatt  
Senior Consent and Development Manager



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A joint venture between Fred. Olsen Seawind & Vattenfall

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