

Cabinet Secretary for Net Zero, Energy and Transport

**DOUNREAY TRÌ FLOATING WIND DEMONSTRATION PROJECT – REQUEST
TO EXTEND THE COMMENCEMENT OF THE DEVELOPMENT**

1 Purpose

- 1.1 To seek your approval to extend the period of the commencement of the development for the Dounreay Tri Floating Wind Demonstration Project.

2 Priority

- 2.1 Routine

3 Background

- 3.1 On 16 March 2017 the Scottish Ministers granted, in favour of Dounreay Tri Limited, consent under section 36 of the Electricity Act 1989 to construct and operate the Dounreay Tri Floating Wind Demonstration Project (“the section 36 consent”) comprising of up to two wind turbine generators on a single floating platform with a combined maximum generating capacity of 12 Megawatts (“MW”).
- 3.2 On 3 March 2021, the section 36 consent was assigned from Dounreay Tri Limited (in administration) to Highland Wind Limited who acquired a majority stake in the Dounreay Tri Floating Wind Demonstration Project in late 2020.
- 3.3 Highland Wind Limited proposes to use the section 36 consent for the Dounreay Tri Floating Wind Demonstration Project and progress with a single turbine demonstrator project ahead of developing a separate proposed larger floating array project with a generating capacity of up to 100MW, the Pentland Floating Offshore Wind Farm Project. Highland Wind Limited submitted a Scoping Report to the Scottish Ministers on 16 December 2020 for the development of the Pentland Floating Offshore Wind Farm Project which is currently being progressed separately.
- 3.4 Highland Wind Limited intends to trial floating wind technology through the demonstrator project using the section 36 consent for the Dounreay Tri Floating Wind Demonstration Project before installing the larger floating array.
- 3.5 The demonstrator project is viewed by Highland Wind Limited as the gateway to the development of the larger floating array project, as well as future potential

floating projects in ScotWind.¹ Highland Wind Limited considers that innovations and technology trialled in the proposed demonstrator project will be key to the commercialisation of the floating technology and in gaining invaluable understanding of the impacts resulting from floating wind for the development of this technology in Scotland.

4 Issue

4.1 Condition 2 of the section 36 consent reads as follows:

“The Commencement of the Development must be no later than five years from the date of this consent, or in substitution such other period as the Scottish Ministers may hereafter agree and confirm in writing. Written confirmation of the intended date of Commencement of Development must be provided to the Highland Council, Orkney Islands Council and Scottish Ministers no later than one calendar month before that date or at such a time as agreed with Scottish Ministers.”

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

- 4.2 A five year time limit for the commencement of a development is a standard condition on any section 36 consent granted. A developer may write to the Scottish Ministers requesting a substitution to the time period for the date of the commencement of the development. The condition applied to section 36 consents allows for the Scottish Ministers to substitute this time period at their own discretion. Where the Scottish Ministers agree to substitute the time period for the commencement of the development, in accordance with the relevant section 36 consent condition, this will only apply to the section 36 consent and not, for example, any planning permission. In 2018, the Scottish Ministers agreed to extend the time periods for the commencement dates of section 36 consented developments including Seagreen Alpha and Seagreen Bravo Offshore Wind Farms, Inch Cape Offshore Wind Farm and Neart na Gaoithe Offshore Wind Farm.
- 4.3 On 23 March 2021, the Scottish Ministers received a formal request from Copenhagen Infrastructure Partners, on behalf Highland Wind Limited, to substitute the time period for the commencement of the development of the Dounreay Trì Floating Wind Demonstration Project in accordance with condition 2 of the section 36 consent.
- 4.4 Highland Wind Limited requested that the Scottish Ministers extend the period of the commencement of the development from five years from the date the consent was granted until 15 March 2025, which is an additional three years.

¹ ScotWind was launched by Crown Estate Scotland in June 2020 and is the first round of seabed leasing for new commercial scale offshore wind farms in Scottish Waters for a decade. The primary purpose of ScotWind is to grant property rights for seabed in Scottish waters, encouraging the low-carbon energy generation needed to meet the targets committed to in The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

- 4.5 Highland Wind Limited suggests that extending the period for an additional three years would be aligned with the agreement for lease with the Crown Estate Scotland and takes into account any potential longer term delays due to COVID-19 restrictions.
- 4.6 Highland Wind Limited considers that the findings of the application and Environmental Statement submitted in 2016 and the environmental data used to inform the application remain valid for the purposes of extending the time period for the commencement of the development. In addition, it suggests that the additional time provided by the commencement of development extension, in combination with the conditions attached to the section 36 consent, would not give rise to any additional environmental impacts.
- 4.7 MS-LOT notes that all conditions of the section 36 remain applicable and several of these conditions require multi-stage regulatory approval under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 to determine whether the development is within the parameters which have already been considered within the environmental statement considering current knowledge and methods of assessment at that time.

5 Consultation

- 5.1 The following statutory bodies were consulted; NatureScot, Historic Environment Scotland (“HES”), Scottish Environment Protection Agency (“SEPA”), the Highland Council and Orkney Islands Council.
- 5.2 Representations were received from all consultees detailed above in paragraph 5.1, with the exception of Orkney Islands Council. No concerns or objections were raised by any of the consultees.
- 5.3 The Highland Council, NatureScot and SEPA provided no comments. HES confirmed that the proposed changes to the date for the commencement of the development would not alter effects on its interests and therefore, had no further comments.
- 5.4 For awareness, the Royal Society for the Protection of Birds Scotland (“RSPB Scotland”) were not required to be consulted on the commencement of the development request; however, provided some general comments to the Marine Scotland – Licensing Operations Team (“MS-LOT”) regarding applications requesting the substitution of other time periods in relation to the commencement of wind farm developments. RSPB Scotland highlighted the importance of considering whether or not the environmental data provided in support of the application is still valid and remains materially the same. In addition, it noted that extending consents beyond five years at a later date should not occur without clear consideration as to whether the assumptions made in granting the consent are still valid and whether there is any relevant new environmental information. Highland Wind Limited considered the validity of environmental data as detailed above in paragraph 4.6.

- 5.5 MS-LOT specifically asked the consultees to provide a view in relation to whether the environmental data from the previous application and environmental statement is still valid and whether there may be any additional environmental impacts associated with the extension. MS-LOT highlight that none of the statutory consultees raised any comments therefore, MS-LOT assumes the nil responses suggest the consultees had no concerns or issues regarding this.
- 5.6 MS-LOT does not anticipate any new environmental impacts will arise as a result of the extension of time being granted.

6 Recommendation

- 6.1 **That you approve the request from Highland Wind Limited to substitute the time period in accordance with condition 2 of the section 36 consent, thereby extending the time period for the commencement of the development covered by the section 36 consent from five years to eight years.**
- 6.2 **The letter at Annex A shall be issued to Highland Wind Limited should this request be approved.**

REBECCA BAMLETT

Marine Scotland – Licensing Operations Team
Marine Planning and Policy

Copy List:	For Action	For Comment	For Information		
			Portfolio Interest	Constituency Interest	General Awareness
Cabinet Secretary for Net Zero, Energy and Transport	X	X			
Cabinet Secretary for Rural Affairs and Islands			X		
Minister for Environment, Biodiversity and Land Reform			X		
Minister for Just Transition, Employment and Fair Work			X		
<p>DG Economy</p> <p>Annabel Turpie, Director of Marine Scotland</p> <p>Kersti Berge, Director of Energy and Climate Change</p> <p>Mike Palmer, Deputy Director, Marine Scotland</p> <p>Donna MacKinnon, Marine Scotland Science</p> <p>Michael Bland, Licensing Operations Team, Marine Scotland</p> <p>Zoe Crutchfield, Licensing Operations Team, Marine Scotland</p> <p>Gayle Holland, Licensing Operations Team, Marine Scotland</p> <p>Mark Christie, Marine Planning and Policy, Marine Scotland</p> <p>David Pratt, Marine Planning and Policy, Marine Scotland</p> <p>Jared Wilson, Renewables and Energy Programme, Marine Scotland</p> <p>Neal Rafferty, Head of Electricity Policy and Large Scale Renewables, Energy and Climate Change</p> <p>David Stevenson, Head of Offshore Wind Policy and Supply Chain, Energy And Climate Change</p> <p>Andrew Hogg, Energy Industries, Energy and Climate Change</p> <p>Joanna Dingwall, SGLD, Marine, Transport and Natural Resources Division</p> <p>David Moffat, SGLD, Marine, Transport and Natural Resources Division</p> <p>Fiona McClean, SGLD, Marine, Transport and Natural Resources Division</p> <p>Kenneth Hannaway, SGLD, Marine, Transport and Natural Resources Division</p> <p>Callum McCaig, Special Advisor, Communications, Ministerial Support and Facilities</p> <p>Leanne Dobson, Special Advisor, Communications, Ministerial Support and Facilities</p> <p>Aileen MacArthur, News, Communications, Ministerial Support and Facilities</p> <p>Communications, Rural Economy and Environment, Communications, Ministerial Support and Facilities</p>					

ANNEX A

marinescotland
MS.MarineRenewables@gov.scot



Scottish Government
Riaghaltas na h-Alba
gov.scot

Mr Andrew Blyth
Floating Consents and Environment Manager
Copenhagen Infrastructure Partners P/S
on behalf of Highland Wind Limited
4th Floor 115 George Street
Edinburgh
Scotland
EH2 4JN

DD MONTH 2021

Dear Mr Blyth,

**ELECTRICITY ACT 1989
DOUNREAY TRI FLOATING WIND DEMONSTRATION PROJECT
SECTION 36 CONSENT, CONDITION 2 – COMMENCEMENT OF THE DEVELOPMENT**

Further to your correspondence dated 7 April 2021, on behalf of Highland Wind Limited, which was assigned the section 36 consent for the Dounreay Tri Floating Wind Demonstration Project on 3 March 2021, you requested that the Scottish Ministers give its written approval for the substitution of the time period, from five years to eight years, for the commencement of the development.

Condition 2 of the section 36 consent is set out as follows:

“The Commencement of the Development must be no later than five years from the date of this consent, or in substitution such other period as the Scottish Ministers may hereafter agree and confirm in writing. Written confirmation of the intended date of Commencement of Development must be provided to the THC [The Highland Council], OIC [Orkney Islands Council] and Scottish Ministers no later than one calendar month before that date or at such a time as agreed with Scottish Ministers.”

Marine Scotland – Licensing Operations Team, on behalf of the Scottish Ministers, consulted with The Highland Council, Historic Environment Scotland, Orkney Islands Council, NatureScot and the Scottish Environment Protection Agency. No objections or concerns were raised during the consultation.

The Scottish Ministers are content to extend the commencement of the time period for the development covered by the section 36 consent by an additional three years and hereby confirm that the commencement of the development under condition 2 of the section 36

consent, granted for the Dounreay Tri Floating Wind Demonstration Project on 16 March 2017, must be a date no later than eight years from the date the consent was granted.

For the avoidance of doubt, the commencement of the development (as defined in the section 36 consent) must be no later than 15 March 2025 or such other period as the Scottish Ministers may agree and confirm in writing.

Yours sincerely,

Rebecca Bamlett
Marine Scotland – Licensing Operations Team