

Your Ref: 029/OW/MainS - 10
Our Ref: 15/00796/S36/JS/IAL

7 October 2015

Adrian Tait
Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Street
AB11 9DB



COMMUNITIES
Strategic Director:
Alan McKeown

Dear Mr Tait

**The Electricity Act 1989
The Electricity Generating Stations (Applications for Variation of Consent) (Scotland)
Regulations 2013
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000**

**Application Under Section 36C of the Electricity Act 1989 to Vary the Consent
Granted Under Section 36 of the Electricity Act 1989 to Neart na Gaoithe Offshore
Wind Limited**

I write in response to your letter dated 13 August 2015 in respect the above noted application, requesting comments from Angus Council as a consultee.

This matter was reported to Angus Council's Development Standards Committee of 6 October 2015. I can confirm that the Committee resolved to agree the contents of the report (enclosed). As such, Appendix 1 of the report forms Angus Council's formal response to the consultation.

I trust that the above/enclosed are in order. Should you have any queries, however, please do not hesitate to contact me. I look forward to hearing of progress with the application/consent in due course.

If calling or telephoning please ask for [REDACTED] on 01307 [REDACTED] or e-mail [REDACTED]

Yours sincerely

[REDACTED]

Senior Planning Officer (Development Standards)

ENC Angus Council response

County Buildings | Market Street | Forfar | DD8 3LG | LP8 Forfar
T: (01307) 461460 | E: planning@angus.gov.uk | www.angus.gov.uk

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 6 OCTOBER 2015

CONSULTATION – NEART NA GAOITHE OFFSHORE WIND FARM

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with a consultation request received from The Scottish Government (Marine Scotland). Marine Scotland have received an application for consent under Section 36C of the Electricity Act 1989 to vary the consent previously granted under this Act for Neart na Gaoithe Offshore Wind Limited to allow an increase of the maximum rated turbine capacity from 6 Megawatts (MW) to 7 MW, to allow a change in the maximum turbine hub heights from 107.5 metres (m) to 115m (above Lowest Astronomical Tide (LAT) and to allow a change in the maximum platform height from 18m to 21m above LAT. Angus Council is a Statutory Consultee on this proposal and this report seeks agreement from Committee as to the content of the consultation response. The assessment of the proposal in planning terms and the recommendation for the consultation response is set out in Appendix 1.

1. RECOMMENDATION

It is recommended that:-

- the Development Standards Committee note the content of this report and agree that the suggested response, set out in Appendix 1, be submitted to the Scottish Government (Marine Scotland) in response to their consultation request.

2. INTRODUCTION

- 2.1 At its meeting of 6 November 2012 Committee considered Report 638/12 and agreed the response as Angus Council's consultation response to the Scottish Ministers (Marine Scotland) for the original applications for permission and licences for the Neart na Gaoithe offshore wind farm.
- 2.2 That response confirmed that the Council had no objection to the proposed offshore wind farm, but recognised that it would give rise to some potentially significant impacts on Angus Council's administrative area. Notably, issues were raised regarding the presence of lighting for shipping and aviation purposes and impacts this could have on the night seascape and the Bell Rock Lighthouse. Concern was also highlighted in respect of potential cumulative effects arising from the relative height and design of Neart na Gaoithe and other offshore wind farm developments.
- 2.3 Marine Scotland subsequently approved the applications in October 2014 for the development of the offshore wind farm, subject to the following key parameters:
- A maximum generating capacity of 450MW;
 - Up to 75 wind turbines; and;
 - A rated turbine capacity of up to 6MW.
- 2.4 The applicant, Neart na Gaoithe Offshore Wind Limited, is now seeking permission to vary the terms of the consents granted to allow the following changes:
- An increase in the maximum rated turbine capacity from 6MW to 7MW;
 - A change in maximum turbine hub heights from 107.5m to 115m above Lowest Astronomical Tide (LAT); and
 - A change in maximum turbine platform height from 18m to 21m above LAT.

- 2.5 The variations sought would not alter the maximum generating capacity of the wind farm from 450MW, the maximum turbine height 197m or the maximum amount of turbines, of up to 75 turbines. The main change sought, the increase in the maximum rated capacity from 6MW to 7MW, would allow greater flexibility as to how the installed capacity of 450MW can be delivered and keep the project cost effective. Should the consent be granted and 7MW turbines be used throughout the development, the total number of turbines would be reduced from 75 to 64.
- 2.6 The change in hub and platform heights again provides flexibility in the exact specification of turbine that could be used, which could also result in modest changes in the speed of turbine rotation (from 5 -11 revolutions per minute (rpm) to 3.8 – 10.4 rpm) and speed at blade tip (from 80 metres per second (m/s) to 83.9 m/s).
- 2.7 It is highlighted that the specifications of the greater capacity 7MW turbines was included within the 'Rochdale Envelope' parameters within the Environmental Statement (ES) supporting the original application. These parameters and the ES considers a 'maximum effects' or worst case scenario in terms of turbine numbers and heights.
- 2.8 At its nearest point to the coast, the wind farm would remain approximately 15.5 kilometres due east of Fife Ness, in the outer Firth of Forth, covering an area of 105 km². The area is approximately 30 km southeast of Buddon Ness, Barry Links which is the nearest point to the Angus coast.

3. **CONSIDERATION**

- 3.1 Angus Council have been formally consulted on the proposal and need to come to a view on the application. The Council are being allowed up to 23 October 2015 to provide a response. If additional time is required beyond this date, the Council must formally request an extension of time from Marine Scotland and also obtain the agreement from the applicant.
- 3.2 Should the Council object to the proposed variation, the Scottish Ministers are not obliged to hold a Public Local Inquiry (PLI). This is because there is no "relevant planning authority". They would nevertheless consider whether this would be appropriate, taking account of all consultation responses and material considerations.
- 3.3 Both applications for the offshore elements of the proposal are handled and determined by Marine Scotland, on behalf of the Scottish Ministers. In reaching their decision, Marine Scotland will be advised by statutory advisers, such as Scottish Natural Heritage, as well as other consultees.
- 3.4 In order to facilitate Angus Council's consideration of the proposal as a consultee, the consultation request is being handled as if it were a planning application in its own right. Accordingly the proposal was registered by the Council as a 'Section 36' application, under the application reference '15/00796/S36'.
- 3.5 As part of the Council's consideration several consultations were undertaken with stakeholders considered to be relevant to the planning assessment. This type of application does not require Angus Council to undertake any formal publication of the proposal. It has, however, been published on the Council's PublicAccess website.
- 3.6 Appendix 1 of this report sets out the assessment of this proposal in planning terms, which includes the views submitted by consultees and third parties.

4. **FINANCIAL IMPLICATIONS**

There are no financial implications arising directly from the recommendations contained in this report.

5. **OTHER IMPLICATIONS**

Risk

There are no risks associated with the recommendations contained in this report.

Human Rights Implications

There are no Human Rights implications.

Equalities Implications

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

6. CONCLUSION

The views of Angus Council are sought as a Statutory Consultee in relation to a variation to a consented offshore wind farm in the Firth of Forth. Members are asked to consider the assessment and agree recommendations contained in Appendix 1 of this report to form the basis of Angus Council's response to the Scottish Ministers (Marine Scotland) consultation on the proposed variations to the Neart na Gaoithe offshore wind farm permission.


HEAD OF PLANNING AND PLACE

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

REPORT AUTHOR: 
EMAIL DETAILS: PLANNING@angus.gov.uk

DATE: 22 SEPTEMBER 2015

APPENDIX 1 : DIRECTORATE FOR PLANNING AND ENVIRONMENTAL APPEALS REPORTER'S REPORT

DEVELOPMENT STANDARDS COMMITTEE

6 OCTOBER 2015

1. INTRODUCTION

- 1.1 Marine Scotland approved the applications made under Section 36 of the Electricity Act 1989 and under Section 20 of the Marine (Scotland) Act 2010 in October 2014 for the development of the offshore wind farm.
- 1.2 At the time of Angus Council considering the original proposal the design of the wind farm, in terms of turbine height, turbine numbers and layout had not been finalised. The application was progressed using a 'Rochdale Envelope' approach, which allows flexibility for the project to evolve during the consenting process. This process establishes parameters for assessment for the purposes of Environmental Impact Assessment (EIA). The Environmental Statement (ES) considers a 'maximum effects' or worst case scenario in terms of turbine numbers and heights. The original ES is submitted in support of the variation proposal and is supplemented by new 'Supporting Environmental Information'.
- 1.3 The specifications of the candidate turbines applied for range in output from 3.6MW to 7MW, with a variance in height between 171.25 metres and 197 metres to tip (above Lowest Astronomical Tide (LAT)), set out in Table 1 as follows:

Table 1: Turbine Specifications

Candidate turbine output	Number of turbines	Tip height above Lowest Astronomical Tide (LAT)	Hub height above LAT	Rotor diameter
7 MW	64	197 m	115 m	164 m
6 MW	75	175.5 m	115 m	121 m
4.135 MW	109	171.25 m	115 m	112.5 m
3.6 MW	125	175 m	115 m	120 m

- 1.4 The approvals given by Marine Scotland were however subject to the following key parameters:
- A maximum generating capacity of 450MW;
 - Up to 75 wind turbines; and;
 - A rated turbine capacity of up to 6MW.
- 1.5 Through undertaking detailed design work, the applicant has identified the need to vary the terms of the consented project. The variations sought in this application are:
- An increase in the maximum rated turbine capacity from 6MW to 7MW;
 - A change in maximum turbine hub heights from 107.5m to 115m above Lowest Astronomical Tide (LAT); and
 - A change in maximum turbine platform height from 18m to 21m above LAT.
- 1.6 Marine Scotland has adjudged that an application to vary the parameters is needed, which is being applied for through Section 36C of the Electricity Act 1989. In submitting the application to vary the consented project parameters, consideration as to whether the proposed variations fall within the scope of existing environmental assessment (the ES and identified 'Rochdale Envelope') on which consent was granted is not exceeded and the variations sought would not lead to a greater significance of environmental impact than that considered in the original application.
- 2. APPLICANT'S CASE**
- 2.1 The original ES and Addendum are submitted in support of the variation proposal. This information remains available on the Council's PublicAccess portal under the reference for the original consultation (12/00793/S36).

- 2.2 Additionally, this assessment is supplemented by new 'Supporting Environmental Information'. In considering the proposed variations, this new document considers the potential implications of all topics assessed during the original EIA process, within the context of the established 'design envelope'.
- 2.3 The developer's screening of potential impacts has identified that the variations proposed (resulting in changes to the number of turbines, maximum hub heights and changes to speed of rotations and blades) has the potential for environmental impact on Nature Conservation and Ornithology only. There is no predicted change in any other topic explored in the ES, including the areas identified by Angus Council as being material considerations in its original consultation response.
- 2.4 A copy of the Supporting Environmental Information is available to view in the Members' Information Hub and on the Council's PublicAccess portal.

3. CONSULTATIONS

- 3.1 **Historic Scotland** notes the proposed changes to the individual turbine capacity, changes in turbine hub heights and maximum height of the turbine platforms. It is noted that the changes proposed will not result in an overall increase in the maximum blade tip. There are a number of nationally important designated assets in the wider vicinity of the site. In light of the variations proposed and the distances from the historic environment assets, Historic Scotland are content with the scoping undertaken and consider that it is unlikely that the variations proposed would result in increased impacts on the site or setting of these assets.
- 3.2 **Scottish Natural Heritage / Joint Nature Conservation Committee** have no major comments in respect of this proposal. It is noted that the proposed variation reduces the estimates for both seabird collision risk and displacement. In respect of landscape impacts it is agreed that no further assessment is required; as the 7MW turbines proposed fall within the "worst case" scenario already assessed within the original ES.
- 3.3 **Angus Council – Roads, Scottish Water, Scottish Environment Protection Agency (SEPA), Carnoustie Community Council, Ferryden Community Council, Monifieth Community Council, and Montrose Community Council** have not provided a response.
- 3.4 In addition to the consultations undertaken by Angus Council, it is highlighted that Marine Scotland is engaging in consultation with a number of other bodies and organisations.

4. LETTERS OF REPRESENTATION

- 4.1 No letters of representation have been received by Angus Council.
- 4.2 Any formal letters of representation submitted to Marine Scotland will be considered by them as a material consideration in the determination process.

5. PLANNING CONSIDERATIONS

- 5.1 The assessment for the purposes of the current consultation will focus on any changes arising from the proposed variations to the scheme for the material considerations identified by Angus Council in the original consultation, which are:
1. Seascape & Landscape impact;
 2. Visual impact
 3. Cumulative landscape and visual impact;
 4. Impact on cultural heritage;

Seascape, Landscape and Visual Impacts

- 5.2 Seascape, Landscape and Visual Impacts (including cumulative effects) were assessed in Chapter 21 of the ES and within the Addendum of Supplementary Environmental Information. These documents assess the 'maximum effects' design envelope and considered the effects of installing up to 90 turbines with a hub height of 115m above LAT and a maximum blade tip height of 197m above LAT. It is presented that this assessment therefore captures the potential effects associated with the variations in turbine specification sought through this

application, and the associated impact, would not be any greater than that predicted in the ES.

- 5.3 The position of SNH and the JNCC is agreed, in that the original design envelope considered this type and scale of development and therefore no further assessment for the variations sought is required. In this context the comments provided by Angus Council in the original response to the principal application therefore remains unaltered. Angus Council has no concerns or objections on the grounds of Seascape, Landscape or Visual Impacts.

Impact on Cultural Heritage

- 5.4 The supporting information notes that Chapter 19 of the ES assessed the potential impacts on cultural heritage interests resulting from the construction and operation of the wind farm in a worst case scenario. Again, it is presented that this assessment identified the potential effects that would be associated with the variations sought through this application. The significance of impact of the variations sought will be no greater than predicted in the ES.
- 5.5 Historic Scotland notes the presence of nationally important designated cultural heritage assets within the vicinity of the development – such as Bell Rock lighthouse some 12 km from the development site and Ladyloan Signal Tower, Arbroath. However, they consider that the variations in specification proposed, together with the separation distances involved, it is unlikely that there would be increased impacts on the sites or settings of these assets.
- 5.6 As advised in Angus Council's initial response, the ES does have limitations in terms of the assessment of impacts on these assets – in particular the impact of aviation and shipping lighting on their settings – this would not require reconsideration given the variations sought are contained within the original design envelope. The assessment of Historic Scotland is therefore agreed, that no additional scoping is required and the variations sought would unlikely have increased impacts on the setting of these assets. Angus Council has no concerns or objections on the grounds of Cultural Heritage interests.

6 CONCLUSION

It is concluded that the impacts of the proposed variations to the Neart na Gaoithe offshore wind farm, in terms of material considerations relevant to Angus Council administrative area, have already been considered within the design envelope in the Environmental Statement and do not raise any new or significant issues. The comments provided previously by Angus Council on the original Section 36 application still, to some extent, remain relevant. Angus Council does not object to the application to vary this permission.

Ford A (Alexander)

From: [REDACTED] >
Sent: 09 September 2015 09:39
To: MS Marine Licensing
Cc: [REDACTED]
Subject: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Follow Up Flag: Follow up
Flag Status: Completed

Nil response.

Regards

[REDACTED]
Chief Pilot, Aberdeen

Bristow Helicopters Ltd
Dyce Avenue, Dyce
Aberdeen, AB21 0LQ, UK
[REDACTED] - Direct
[REDACTED] - Mobile
[REDACTED]@bristowgroup.com

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Ford A (Alexander)

From: [REDACTED] on behalf of radionetworkprotection@bt.com
Sent: 17 August 2015 14:25
To: MS Marine Licensing
Subject: RE: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Follow Up Flag: Follow up
Flag Status: Completed

Nil Return from BT Radio Network Protection

Thanks

Regards

[REDACTED]
Radio Frequency Allocation & Network Protection

Tel [REDACTED]

mobile : [REDACTED]

[REDACTED]@bt.com

Web: <http://operate.intra.bt.com/operate>

From: Adrian.Tait@scotland.gsi.gov.uk [mailto:Adrian.Tait@scotland.gsi.gov.uk] **On Behalf Of** MS.MarineLicensing@scotland.gsi.gov.uk
Sent: 13 August 2015 18:46
To: Adrian.Tait@scotland.gsi.gov.uk
Subject: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Our Ref: 029/OW/MainS - 10

13 August 2015

Dear Sir / Madam,

ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000

APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO NEART NA GAOITHE OFFSHORE WIND LIMITED ON 10TH OCTOBER TO ALLOW AN INCREASE OF THE MAXIMUM RATED TURBINE CAPACITY FROM 6MW TO 7MW, TO ALLOW A CHANGE TO THE MAXIMUM TURBINE HEIGHTS FROM 107.5M TO 115M ABOVE LOWEST ASTRONOMICAL TIDE ("LAT") AND TO ALLOW A CHANGE TO THE MAXIMUM PLATFORM HEIGHT FROM 18M TO 21M ABOVE LAT.

On 16TH July 2015, Neart na Gaoithe Offshore Wind Limited ("NNGOWL") ("the applicant"), submitted a variation application to the Scottish Ministers under section 36C of the Electricity Act 1989 (variation of section 36 consents) to vary the existing NNGOWL section 36 consent, to increase the maximum rated turbine capacity from 6MW to 7MW, to change the maximum turbine heights from 107.5m to 115m above LAT and to change the maximum platform height from 18m to 21m above LAT. Please note that the maximum generating capacity of the section 36 consent would remain the same at 450MW.

The applicant has uploaded a summary of the variation application, copy of the variation application, and link to the original section 36 consent decision letter on the following website <http://www.nearthnagaoithe.com/environmental.asp> however the variation application package will have been sent to you by the applicant. The key elements of the variation application for you to focus on, which are attached, are the variation application cover letter and the variation

Ford A (Alexander)

From: [REDACTED]
Sent: 25 August 2015 15:35
To: MS Marine Licensing
Subject: 20150825RENeartNaGaoitheOffshoreWindFarmApplicationToVarySection36Consent

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir or Madam,

APPLICATION under section 36C of the Electricity act 1989 to vary the consent granted under section 36 of the electricity act 1989 to Neart na Gaoithe offshore wind limited on 10th October to allow an increase of the maximum rated turbine capacity from 6MW to 7MW, to allow a change to the maximum turbine heights from 107.5m to 115m above Lowest Astronomical Tide ("LAT") and to allow a change to the maximum platform height from 18m to 21m above LAT.

Thank you for your email dated 13 August 2015.

Having reviewed the attached variation application, the CAA note the comment on Page 13 of the application that, with regard to aviation, states:

"The ES and Addendum assessed several 'maximum effect' design scenarios, one of which was the installation of 64 x 7MW turbines with a maximum blade tip height of 197m. The original assessment for the consented project therefore already captures any potential effects associated with the project design updates. Impact significance will be no greater than that predicted in the ES."

While this statement ascertains that the parameters of the proposed variation should already have been assessed by aviation stakeholders during the original application, it is recommended that this is confirmed with the relevant aviation stakeholders.

The CAA would also request that if consent is granted for the variation, the Defence Geographic Centre ([mail to \[REDACTED\]@mod.uk](mailto:[REDACTED]@mod.uk)) are informed of the change to the locations and maximum heights of the turbines along with the lighting status, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, prior to the start of construction, to allow for the appropriate inclusion on Aviation Charts, for safety purposes.

Should you have any further questions please don't hesitate to contact me.

Yours Faithfully

[REDACTED]
Surveillance Policy
Airspace, ATM & Aerodromes
Civil Aviation Authority

Tel: [REDACTED]

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Crookston C (Claire)

From: [REDACTED]@ukchamberofshipping.com>
Sent: 01 October 2015 16:48
To: Crookston C (Claire)
Subject: RE: [PossibleSpam] 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent; Close of Consultation to vary section 36 consent; Close of Consultation

Thank you Claire. I had no comments.

best regards
[REDACTED]

[REDACTED]
Policy Manager

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

DD [REDACTED]
M [REDACTED]
www.ukchamberofshipping.com

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From: Claire.Crookston@gov.scot [mailto:Claire.Crookston@gov.scot]
Sent: 01 October 2015 16:07
Subject: [PossibleSpam] 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent; Close of Consultation to vary section 36 consent; Close of Consultation

Dear Sir / Madam,

ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000

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The deadline for providing comments on the proposed works detailed above was 23 September 2015. As the deadline has now passed and we have not received any comments from yourself, we assume a "nil return" response.

Yours sincerely,

Claire Crookston
marinescotland
Marine Renewables Casework Officer

Scottish Government

Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB

Phone: +44 (0)1224 295667 | S/B: +44 (0)1224 876 544

claire.crookston@gov.scot / ms.marinelicensing@gov.scot

<http://www.gov.scot/Topics/marine/Licensing>

From: Tait A (Adrian) (MARLAB) **On Behalf Of** MS Marine Licensing

Sent: 13 August 2015 18:46

To: Tait A (Adrian) (MARLAB)

Subject: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Our Ref: 029/OW/MainS - 10

13 August 2015

Dear Sir / Madam,

ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C

THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000

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On 16TH July 2015, Neart na Gaoithe Offshore Wind Limited ("NNGOWL") ("the applicant"), submitted a variation application to the Scottish Ministers under section 36C of the Electricity Act 1989 (variation of section 36 consents) to vary the existing NNGOWL section 36 consent, to increase the maximum rated turbine capacity from 6MW to 7MW, to change the maximum turbine heights from 107.5m to 115m above LAT and to change the maximum platform height from 18m to 21m above LAT. Please note that the maximum generating capacity of the section 36 consent would remain the same at 450MW.

The applicant has uploaded a summary of the variation application, copy of the variation application, and link to the original section 36 consent decision letter on the following website <http://www.nearnagaoithe.com/environmental.asp> however the variation application package will have been sent to you by the applicant. The key elements of the variation application for you to focus on, which are attached, are the variation application cover letter and the variation environmental supporting information. Ornithological collision risk modelling calculations spreadsheets are also available.

The above legislation allows for representations to be made. The closing date for any comments you may wish to make on the variation application is **23 September 2015**. If you wish to submit a response, please send to ms.marinelicensing@scotland.gsi.gov.uk. If you have no comments to make, please submit a 'nil return' response.

As required by the above legislation, notice of this application will be placed in the Fishing News (as a fish trade journal), Lloyds List, Dundee Courier and the East Lothian Courier for two successive weeks. The notice will also be placed in the Edinburgh Gazette for two successive weeks and in the Scotsman once.

If you have difficulty accessing any of this information please contact Marine Scotland Licensing Operations Team at ms.marinelicensing@scotland.gsi.gov.uk as soon as possible.

Yours faithfully

Adrian Tait
Marine Scotland Licensing Operations Team

Adrian Tait

marinescotland

Marine Renewables Licensing Manager
Marine Scotland Licensing Operations Team
Scottish Government
Marine Laboratory | 375 Victoria Road
Aberdeen, AB11 9DB
Phone: 01224 295 668 | 07557 848 720

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Ministry of Defence
Safeguarding – Wind Energy
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Sutton Coldfield
West Midlands B75 7RL
United Kingdom

Your Reference: 008/OW/MainS - 10

Telephone [MOD]: [REDACTED]

Facsimile [MOD]: [REDACTED]

Our Reference: DIO/SUT/43/10/1/12560

E-mail: [REDACTED]@mod.uk

Adrian Tait
Marine Scotland
Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB

3rd September 2015

Dear Mr. Tait

Application under Section 36C of the Electricity Act 1989 to vary the consent granted under Section 36 of the Electricity Act 1989 to Neart Na Gaoithe Offshore Wind Ltd on 10th October to allow an increase of the maximum rated turbine capacity from 6MW to 7MW, to allow a change to the maximum turbine heights from 107.5m to 115m above lowest astronomical tide ("lat") and to allow a change to the maximum platform height from 18m to 21m above lat.

Thank you for consulting the Ministry of Defence (MOD) on the Variation of Consent in respect of the Neart Na Gaoithe Offshore Wind Farm in your communication dated 13th August 2015.

In a letter to Marine Scotland dated 17th September 2013, the MOD confirmed that a technical proposal to mitigate the unacceptable impacts of the proposed development on the Air Traffic Control (ATC) radar at RAF Leuchars had been accepted by MOD and a planning condition had been agreed with the applicant. A lighting condition was also agreed to ensure the safe marking and lighting of the offshore generating station. The MOD therefore removed its objection to the application and the agreed conditions were subsequently included in the planning consent as detailed below:

RAF Leuchars

The Company must, prior to the erection of any WTGs on the Site, submit an Air Traffic Control Radar Mitigation Scheme ("ATC Scheme"), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with the DIO. No WTGs shall become operational until:

- a. *The mitigation measures that are required under the approved ATC Scheme have been implemented;*
- b. *Any performance criteria, all as specified in the approved ATC Scheme as requiring to be satisfied, have been so satisfied; and*
- c. *The implementation and satisfaction of the performance criteria have been approved by the Scottish Ministers in consultation with the DIO.*

The Company must, at all times, comply with all obligations under the approved ATC Scheme.

Reason: To mitigate the adverse impacts of the Development on the air traffic control radar at RAF Leuchars and the operations of the DIO

Lighting

The Company must, no later than 6 months prior to the Commencement of the Development, submit a Lighting and Marking Plan ("LMP"), in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with MCA, NLB, CAA and DIO and any such other advisors as may be required at the discretion of the Scottish Ministers. The LMP must provide that the Development be lit and marked in accordance with the current CAA and DIO aviation lighting policy and guidance that is in place as at the date of the Scottish Ministers approval of the LMP, or any such other documents that may supersede said guidance prior to the approval of the LMP. The LMP must also detail the navigational lighting requirements detailed in IALA Recommendation O-139 or any other documents that may supersede said guidance prior to approval of the LMP.

The Company must provide the LMP to the Highland Council, Moray Council, the JNCC, SNH and any other bodies as may be required at the discretion of the Scottish Ministers. The Development must, at all times, be constructed and operated in accordance with the approved LMP (as updated and amended from time to time by the Company). Any updates or amendments made to the LMP by the Company must be submitted, in writing, by the Company to the Scottish Ministers for their written approval.

Reason: To ensure safe marking and lighting of the offshore generating station

The applicant has confirmed that the proposed Variation of Consent is to allow for an increase in the capacity of each of the turbines from 6MW to 7MW, while retaining the maximum blade tip height of each turbine within the consented limit of 197m to blade tip. The applicant has also confirmed that the footprint of the site will remain unchanged, however the number of turbines contained within the footprint could reduce to 64 should the capacity of the turbines be increased to 7MW.

In light of the above, and on the understanding that the above conditions as specified in the original consent remain extant, the MOD will raise no objection to the application to vary the consent.

I hope this fully explains our position. If you would like to discuss further, please do not hesitate to contact me.

Yours sincerely



Assistant Safeguarding Officer – Wind Energy
Defence Infrastructure Organisation

SAFEGUARDING SOLUTIONS TO DEFENCE NEEDS

Ford A (Alexander)

From: Dunbar Fishermen <[REDACTED]>
Sent: 24 August 2015 09:55
To: MS Marine Licensing
Subject: Consultation- 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm:
Application to vary section 36 consent

Follow Up Flag: Follow up
Flag Status: Completed

Our members have no objection to this licence variation.

Secretary
Dunbar Fishermen's Association

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Crookston C (Claire)

From: [REDACTED]
Sent: 01 October 2015 16:36
To: Crookston C (Claire)
Subject: Re: 029/OW/MainS - 10: Neart na Gaoithe OffshoWind Farm: Application to vary section 36 consent

Dear Claire

My apologies, I should have written to confirm that I sent this notice to our IFG members and asked them to respond directly if they had concerns or questions, but the East Coast IFG decided it had no additional information or issues to put forward at this time.

Regards

[REDACTED]
EC IFG Secretariat
Tel: [REDACTED]

On 16:07, 1st Oct 2015, Claire.Crookston@gov.scot wrote:

Dear Sir / Madam,

ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000

APPLICATION under section 36C of the Electricity act 1989 to vary the consent granted under section 36 of the electricity act 1989 to neart na Gaoithe offshore wind limited on 10th october to allow an increase of the maximum rated turbine capacity from 6MW to 7MW, to allow a change to the maximum turbine heights from 107.5m to 115m above Lowest Astronomical Tide ("LAT") and to allow a change to the maximum platform height from 18m to 21m above LAT.

The deadline for providing comments on the proposed works detailed above was 23 September 2015. As the deadline has now passed and we have not received any comments from yourself, we assume a "nil return" response.

Yours sincerely,

Claire Crookston
marinescotland
Marine Renewables Casework Officer
Marine Scotland Licensing Operations Team

Scottish Government
Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB
Phone: +44 (0)1224 295667 | S/B: +44 (0)1224 876 544
claire.crookston@gov.scot / ms.marinelicensing@gov.scot
<http://www.gov.scot/Topics/marine/Licensing>

From: Tait A (Adrian) (MARLAB) **On Behalf Of** MS Marine Licensing
Sent: 13 August 2015 18:46
To: Tait A (Adrian) (MARLAB)

Subject: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Our Ref: 029/OW/MainS - 10

13 August 2015

Dear Sir / Madam,

**ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF
CONSENT) (SCOTLAND) REGULATIONS 2013
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2000**

APPLICATION under section 36C of the Electricity act 1989 to vary the consent granted under section 36 of the electricity act 1989 to neart na Gaoithe offshore wind limited on 10th october to allow an increase of the maximum rated turbine capacity from 6MW to 7MW, to allow a change to the maximum turbine heights from 107.5m to 115m above Lowest Astronomical Tide ("LAT") and to allow a change to the maximum platform height from 18m to 21m above LAT.

On 16TH July 2015, Neart na Gaoithe Offshore Wind Limited ("NNGOWL") ("the applicant"), submitted a variation application to the Scottish Ministers under section 36C of the Electricity Act 1989 (variation of section 36 consents) to vary the existing NNGOWL section 36 consent, to increase the maximum rated turbine capacity from 6MW to 7MW, to change the maximum turbine heights from 107.5m to 115m above LAT and to change the maximum platform height from 18m to 21m above LAT. Please note that the maximum generating capacity of the section 36 consent would remain the same at 450MW.

The applicant has uploaded a summary of the variation application, copy of the variation application, and link to the original section 36 consent decision letter on the following website <http://www.neartnagaoithe.com/environmental.asp> however the variation application package will have been sent to you by the applicant. The key elements of the variation application for you to focus on, which are attached, are the variation application cover letter and the variation environmental supporting information. Ornithological collision risk modelling calculations spreadsheets are also available.

The above legislation allows for representations to be made. The closing date for any comments you may wish to make on the variation application is **23 September 2015**. If you wish to submit a response, please send to ms.marinelicensing@scotland.gsi.gov.uk. If you have no comments to make, please submit a 'nil return' response.

As required by the above legislation, notice of this application will be placed in the Fishing News (as a fish trade journal), Lloyds List, Dundee Courier and the East Lothian Courier for two successive weeks. The notice will also be placed in the Edinburgh Gazette for two successive weeks and in the Scotsman once.

If you have difficulty accessing any of this information please contact Marine Scotland Licensing Operations Team at ms.marinelicensing@scotland.gsi.gov.uk as soon as possible.

Yours faithfully

Adrian Tait
Marine Scotland Licensing Operations Team

Adrian Tait

marinescotland

Marine Renewables Licensing Manager
Marine Scotland Licensing Operations Team
Scottish Government
Marine Laboratory | 375 Victoria Road
Aberdeen, AB11 9DB
Phone: 01224 295 668 | 07557 848 720

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Crookston C (Claire)

From: [REDACTED]@edf-energy.com>
Sent: 23 September 2015 08:57
To: MS Marine Licensing
Cc: MS Marine Licensing; [REDACTED]
Subject: EDF Energy Torness RE: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent - NIL RETURN

Adrian,

029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent - NIL RETURN

I have reviewed the variation to the existing NNGOWL section 36 consent for Neart na Gaoithe Offshore Wind Limited ("NNGOWL") and have No Comments.

Regards

[REDACTED]
Senior Design Engineer, Engineering
Torness Power Station
EDF Energy Generation
Dunbar, East Lothian,
EH42 1QS

Tel - 01368 873523
Internal - [REDACTED]
Email [REDACTED]@edf-energy.com

<http://www.edfenergy.com>

From: Adrian.Tait@gov.scot [mailto:Adrian.Tait@gov.scot] **On Behalf Of** MS.MarineLicensing@gov.scot
Sent: 13 August 2015 18:46
To: Adrian.Tait@gov.scot
Subject: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Our Ref: 029/OW/MainS - 10

13 August 2015

Dear Sir / Madam,

ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000

APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO NEART NA GAOITHE OFFSHORE WIND LIMITED ON 10TH OCTOBER TO ALLOW AN INCREASE OF THE MAXIMUM RATED TURBINE CAPACITY FROM 6MW TO 7MW, TO ALLOW A CHANGE TO THE MAXIMUM TURBINE HEIGHTS FROM 107.5M TO 115M ABOVE LOWEST ASTRONOMICAL TIDE ("LAT") AND TO ALLOW A CHANGE TO THE MAXIMUM PLATFORM HEIGHT FROM 18M TO 21M ABOVE LAT.

On 16TH July 2015, Neart na Gaoithe Offshore Wind Limited ("NNGOWL") ("the applicant"), submitted a variation application to the Scottish Ministers under section 36C of the Electricity Act 1989 (variation of section 36 consents) to vary the existing NNGOWL section 36 consent, to increase the maximum rated turbine capacity from 6MW to 7MW, to change the maximum turbine heights from 107.5m to 115m above LAT and to change the maximum platform height from 18m to 21m above LAT. Please note that the maximum generating capacity of the section 36 consent would remain the same at 450MW.

The applicant has uploaded a summary of the variation application, copy of the variation application, and link to the original section 36 consent decision letter on the following website <http://www.nearnagaoithe.com/environmental.asp> however the variation application package will have been sent to you by the applicant. The key elements of the variation application for you to focus on, which are attached, are the variation application cover letter and the variation environmental supporting information. Ornithological collision risk modelling calculations spreadsheets are also available.

The above legislation allows for representations to be made. The closing date for any comments you may wish to make on the variation application is **23 September 2015**. If you wish to submit a response, please send to ms.marinelicensing@scotland.gsi.gov.uk. If you have no comments to make, please submit a 'nil return' response.

As required by the above legislation, notice of this application will be placed in the Fishing News (as a fish trade journal), Lloyds List, Dundee Courier and the East Lothian Courier for two successive weeks. The notice will also be placed in the Edinburgh Gazette for two successive weeks and in the Scotsman once.

If you have difficulty accessing any of this information please contact Marine Scotland Licensing Operations Team at ms.marinelicensing@scotland.gsi.gov.uk as soon as possible.

Yours faithfully

Adrian Tait
Marine Scotland Licensing Operations Team

Adrian Tait

marinescotland

Marine Renewables Licensing Manager
Marine Scotland Licensing Operations Team
Scottish Government
Marine Laboratory | 375 Victoria Road
Aberdeen, AB11 9DB
Phone: 01224 295 668 | 07557 848 720

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Officer Response to Marine Scotland

15/02977/CON: APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO NEART NA GAOITHE OFFSHORE WIND LIMITED ON 10th OCTOBER TO ALLOW AN INCREASE OF THE MAXIMUM RATED TURBINE CAPACITY FROM 6MW TO 7MW, TO ALLOW A CHANGE TO THE MAXIMUM TURBINE HEIGHTS FROM 107.5M TO 115M ABOVE LOWEST ASTRONOMICAL TIDE ("LAT") AND TO ALLOW A CHANGE TO THE MAXIMUM PLATFORM HEIGHT FROM 18M TO 21M ABOVE LAT.

[SITE: NEART NA GAOITHE OFFSHORE WIND FARM, FIRTH OF FORTH, 15.5KM OFFSHORE FROM FIFE NESS]

1. Fife Council understands that this consultation relates to an application under Section 36C of the Electricity Act 1989 to vary the consent for Neart na Gaoithe Offshore Wind Farm, Firth of Forth, on the basis that detailed project design work has resulted in the need to vary some of the consented project parameters.
2. It is understood that the variation is being sought to allow:
 - An increase of maximum rated turbine capacity from 6MW to 7MW;
 - An increase in maximum turbine height from 107.5m to 115m above LAT; and
 - An increase of maximum turbine platform height from 18m to 21m above LAT
3. It is further understood that there will be no change in the maximum installed capacity, blade-tip height, red line area, construction process or decommissioning scheme.
4. In terms of ecological impact, the Supporting Environmental Information report describes how the revised collision risk modelling indicates a decrease in the number of collisions of kittiwake and gannet compared to the numbers predicted in the original consented application and as presented in the Appropriate Assessment undertaken by Marine Scotland. The Band Option 3 model was used (extended Band model) for the assessments. The Supporting Environmental Information report concludes that the effect of the proposed variations in project design, alone and in-combination, on collision risk for gannets and kittiwakes are of a lower magnitude than those associated with the consented project design.
5. The extended Band model (Band Option 3 model) used for the assessment of collision risk uses an apportioning method to predict the distribution of flight heights. However, at present the recommendation is (joint response from Statutory Nature Conservation Body, Scottish Natural Heritage website) that it is not appropriate to use the extended Band model in predicting collisions for northern gannet or black-legged kittiwake. This, together with new research into seabird flight heights gives rise to increasing uncertainty in the assessment results.

Officer Response to Marine Scotland

6. Due to the increasing uncertainty surrounding the ornithological assessments undertaken, the declining population trends for several SPA qualifying species and the significant impact predicted for the four consented offshore developments, it is considered that it is not possible from the information provided to determine that there will be no adverse effect on the integrity of the Forth Islands Special Protection Area (SPA). No detailed information is publicly available for the Firth of Forth and Tay Bay Complex SPA qualifying features therefore SNH specialists will need to advise and confirm that there will be no adverse effect on the integrity of the Forth Islands SPA and any other European site.
7. Previous responses to the offshore windfarm developments have raised concern about the cumulative impact of the offshore wind farm developments on bird species from European designated sites within the Firth of Forth, in particular the Forth Islands SPA, and this remains the case.
8. From an archaeological perspective, the proposed variations to the consented development do not alter the potential for development to impact on marine archaeological deposits in the form of shipwrecks or submerged palaeo-landscapes, but Fife Council is content that the proposed increase in platform height and turbine hub height will have no additional archaeological impact.
9. Although lying far out to sea, the development lies in reasonable proximity to the category A listed Bell Rock Lighthouse and Marine Scotland should be satisfied that an increase in the height of the turbines will have no increased detrimental visual impact on the Lighthouse. It is noted in this regard that SNH have made no adverse comment on any additional landscape/visual impact arising from the proposed variations to the consented windfarm scheme.
10. No objections have been received by Fife Council from members of the public in relation to this consultation.

Lead Professional (Minerals)
Major Business & Customer Service Team
16th October 2015

By Email: ms.marinelicensing@scotland.gsi.gov.uk

Mr Adrian Tait
Marine Scotland
Scottish Government
Marine Laboratory
Po Box 101
375 Victoria Road
ABERDEEN
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: [REDACTED]
Switchboard: 0131 668 8600
[REDACTED]

Our ref: AMN/16/TA
Our Case ID: 201503028
Your ref: 029/OW/MAINS

18 September 2015

Dear Mr Tait

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000
Application under Section 36c to vary the consent granted to Neart na Gaoithe Offshore Windfarm

Thank you for your correspondence seeking comments on the above. We have reviewed the details provided and our comments here concentrate on our historic environment interests for scheduled monuments and their settings, category A listed buildings and their settings, World Heritage Sites, gardens and designed landscapes (GDL) appearing in the Inventory, Inventory battlefields and Historic Marine Protected Areas (Marine (Scotland) Act 2010). In this case, our advice also includes matters relating to marine archaeology outwith the scope of the terrestrial planning system.

If you have not already done so, I recommend that you consult the relevant local authority's archaeological and conservation services who will also be able to comment on potential impacts to the historic environment. This may include heritage assets outwith our remit, such as category B and C listed buildings and unscheduled archaeology.

Proposed Development

From the submitted information, I understand the proposals are for variations to the original consented development of 75 turbines to maximum blade tip height of 197m plus associated ancillary development. The variations relate to an increase in the maximum individual turbine capacity from 6 to 7MW, change in turbine heights from 107.5m to 115m above Lowest Astronomical Tide (LAT) and change in maximum turbine platform height from 18m to 21m above LAT. We note that these changes to the individual turbine specifications will not result in an increase in the maximum blade tip height of 197m as in the consented scheme.

Terrestrial Assets

Potential Indirect Impacts

There are a number of nationally important designated historic environment assets in the wider vicinity of the proposed development site. In light of the nature of the



variations proposed to the consented development and its distance from the historic environment assets, we are content that significant impacts on the assets and their settings are unlikely.

Our Views on the Principle of this Proposal

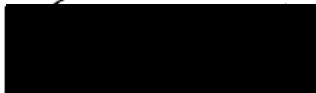
Overall, having reviewed the submitted information and the original Environmental Statement, we consider it unlikely that the proposed variations to the scheme would result in increased impacts on the site or setting of terrestrial historic environment assets within our statutory remit. As such, in terms of assets within our statutory remit, we are content that the historic environment has been scoped out of the further environmental assessment for the variation to this consented scheme and we have no specific requirements for the assessment going forward for our interests.

Marine Assets

We note that no changes to the Written Scheme of Investigation (WSI) and Protocol for Archaeological Discovery (PAD) for the development, as agreed with Historic Scotland, are proposed. We look forward to receiving the reports on the works and continued involvement with the scheme as agreed in the WSI and PAD.

I hope this letter is of assistance and please do not hesitate to contact me should you wish to discuss any of the issues raised in this letter.

Yours sincerely



Senior Heritage Management Officer, EIA

cc. PLNProcessing@angus.gov.uk

Keir A (Alan) (MARLAB)

From: [REDACTED]@repsol.com>
Sent: 22 September 2015 10:16
To: Ford A (Alexander)
Cc: Bain N (Nicola) (MARLAB); Crookston C (Claire); [REDACTED]
Subject: RE: 150916 - Neart na Gaoithe Offshore Wind Farm - Application to vary section 36 consent - ONE WEEK BEFORE REMINDER - MS LOT to Consultees

Nil return

From: Alexander.Ford@gov.scot [mailto:Alexander.Ford@gov.scot]
Sent: Wednesday, September 16, 2015 2:17 PM
Cc: Nicola.Bain@gov.scot; Claire.Crookston@gov.scot
Subject: 150916 - Neart na Gaoithe Offshore Wind Farm - Application to vary section 36 consent - ONE WEEK BEFORE REMINDER - MS LOT to Consultees

Our Ref: 029/OW/MainS - 10

Dear Sir / Madam,

ONE WEEK BEFORE REMINDER

ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000

APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO NEART NA GAOITHE OFFSHORE WIND LIMITED ON 10TH OCTOBER TO ALLOW AN INCREASE OF THE MAXIMUM RATED TURBINE CAPACITY FROM 6MW TO 7MW, TO ALLOW A CHANGE TO THE MAXIMUM TURBINE HEIGHTS FROM 107.5M TO 115M ABOVE LOWEST ASTRONOMICAL TIDE ("LAT") AND TO ALLOW A CHANGE TO THE MAXIMUM PLATFORM HEIGHT FROM 18M TO 21M ABOVE LAT.

Please find attached the consultation letter for the above application. I would be grateful for any comments you have by the closing date of **23rd September 2015**.

If you are unable to meet this deadline, please contact MS LOT to arrange an extension to the consultation period. If you have no comments to make please submit a "nil return" response.

Please submit comments, a 'nil return' or a request for an extension to ms.marinelicensing@gov.scot

Yours faithfully

Alexander Ford
Marine Licensing Casework Officer
Marine Scotland – Marine Planning & Policy Division
Scottish Government, Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB
Tel: +44 (0)1224 295414
S/B: +44 (0)1224 876544
Fax: +44 (0)1224 295524
e. alexander.ford@gov.scot
w: <http://www.gov.scot/marinescotland>

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Crookston C (Claire)

From: [REDACTED]@scotborders.gov.uk>
Sent: 29 September 2015 13:48
To: MS Marine Licensing
Subject: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Dear Sir/Madam,

APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO NEART NA GAOITHE OFFSHORE WIND LIMITED ON 10TH OCTOBER TO ALLOW AN INCREASE OF THE MAXIMUM RATED TURBINE CAPACITY FROM 6MW TO 7MW, TO ALLOW A CHANGE TO THE MAXIMUM TURBINE HEIGHTS FROM 107.5M TO 115M ABOVE LOWEST ASTRONOMICAL TIDE ("LAT") AND TO ALLOW A CHANGE TO THE MAXIMUM PLATFORM HEIGHT FROM 18M TO 21M ABOVE LAT.

I write to inform you that Scottish Borders Council has not comments to make on the revised proposal.

Regards

[REDACTED]

[REDACTED]

Chief Planning Officer
Scottish Borders Council
Newtown St Boswells
Melrose TD6 0SA
Tel : 01835 826510
Mobile: [REDACTED]
Fax: 01835 825071
Email [REDACTED]@scotborders.gov.uk
Website : www.scotborders.gov.uk



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Ford A (Alexander)

From: [REDACTED]
Sent: 09 September 2015 09:12
To: MS Marine Licensing; Tait A (Adrian) (MARLAB)
Subject: RE: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Follow Up Flag: Follow up
Flag Status: Completed

Dear Adrian,

We have no objections or comments to the variation request.

Regards

[REDACTED]
[REDACTED]
Offshore Renewables Advisor
Navigation Safety Branch
Maritime and Coastguard Agency
Tel: [REDACTED]
Mob: [REDACTED]
Email: [REDACTED]

From: Adrian.Tait@scotland.gsi.gov.uk [mailto:Adrian.Tait@scotland.gsi.gov.uk] **On Behalf Of** MS.MarineLicensing@scotland.gsi.gov.uk
Sent: 13 August 2015 18:46
To: Adrian.Tait@scotland.gsi.gov.uk
Subject: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Our Ref: 029/OW/MainS - 10

13 August 2015

Dear Sir / Madam,

ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000

APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO NEART NA GAOITHE OFFSHORE WIND LIMITED ON 10TH OCTOBER TO ALLOW AN INCREASE OF THE MAXIMUM RATED TURBINE CAPACITY FROM 6MW TO 7MW, TO ALLOW A CHANGE TO THE MAXIMUM TURBINE HEIGHTS FROM 107.5M TO 115M ABOVE LOWEST ASTRONOMICAL TIDE ("LAT") AND TO ALLOW A CHANGE TO THE MAXIMUM PLATFORM HEIGHT FROM 18M TO 21M ABOVE LAT.

On 16TH July 2015, Neart na Gaoithe Offshore Wind Limited ("NNGOWL") ("the applicant"), submitted a variation application to the Scottish Ministers under section 36C of the Electricity Act 1989 (variation of section 36 consents) to vary the existing NNGOWL section 36 consent, to increase the maximum rated turbine capacity from 6MW to 7MW, to change the maximum turbine heights from 107.5m to 115m above LAT and to change the maximum platform height from 18m to 21m above LAT. Please note that the maximum generating capacity of the section 36 consent would remain the same at 450MW.

Ford A (Alexander)

From: [REDACTED]
Sent: 07 September 2015 13:12
To: MS Marine Licensing
Cc: Tait A (Adrian) (MARLAB); Stainer P (Paul) (MARLAB)
Subject: RE: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Follow Up Flag: Follow up
Flag Status: Completed

Dear LOT, many thanks for seeking any comments in relation to diadromous fish. The variations sought in this application – increases in rated turbine capacity, maximum turbine height, maximum turbine platform height and consequential changes to turbine rotational speed and blade tip speed will not significantly affect the risk assessment with respect to diadromous fish. I therefore have no comments to make. Best wishes, [REDACTED]

[REDACTED]
Marine Renewables Diadromous Fish Advisor
Marine Scotland Science
Freshwater Laboratory
Pitlochry
Perthshire
PH16 5LB

Tel: [REDACTED] (direct dial)
+44 (0) 1224 294400 (Lab office)
+44 (0) 1796 473523 (fax)
Email: [REDACTED]@gov.scot
<http://www.gov.scot/Topics/marine>

From: Tait A (Adrian) (MARLAB) **On Behalf Of** MS Marine Licensing
Sent: 13 August 2015 18:46
To: Tait A (Adrian) (MARLAB)
Subject: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Our Ref: 029/OW/MainS - 10

13 August 2015

Dear Sir / Madam,

ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000

APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO NEART NA GAOITHE OFFSHORE WIND LIMITED ON 10TH OCTOBER TO ALLOW AN INCREASE OF THE MAXIMUM RATED TURBINE CAPACITY FROM 6MW TO 7MW, TO ALLOW A CHANGE TO THE MAXIMUM TURBINE HEIGHTS FROM 107.5M TO 115M ABOVE LOWEST ASTRONOMICAL TIDE ("LAT") AND TO ALLOW A CHANGE TO THE MAXIMUM PLATFORM HEIGHT FROM 18M TO 21M ABOVE LAT.

On 16TH July 2015, Neart na Gaoithe Offshore Wind Limited ("NNGOWL") ("the applicant"), submitted a variation application to the Scottish Ministers under section 36C of the Electricity Act 1989 (variation of section 36 consents) to vary the existing NNGOWL section 36 consent, to increase the maximum rated turbine capacity from 6MW to 7MW, to change the maximum turbine heights from 107.5m to 115m above LAT and to change the maximum platform height from 18m to 21m above LAT. Please note that the maximum generating capacity of the section 36 consent would remain the same at 450MW.

The applicant has uploaded a summary of the variation application, copy of the variation application, and link to the original section 36 consent decision letter on the following website <http://www.nearnagaoithe.com/environmental.asp> however the variation application package will have been sent to you by the applicant. The key elements of the

Licensing Officer
Licensing Operations Team
Marine Scotland
375 Victoria Road
Aberdeen
AB11 9DB



**008/OW/MAINS-10 - MAINSTREAM RENEWABLE POWER: NEART NA GAOITHE WIND FARM -
CONSENT VARIATION - WIND FARM & BIRD PARAMETERS OPTION 1 & 3 - MARINE
SCOTLAND SCIENCE COMMENTS**

Marine Scotland Science comments on ornithology

Marine Scotland Science have reviewed the information provided by Mainstream and have re-run the collision estimates (Option 2 of the Band CRM i.e. the Basic model, Johnston et al 2014 flight height data, as per BTO recommendations of December 2014) and using the additional WTG parameters and number provided by the developer:

1. 64 WTG (decrease from 75)
2. rpm of 10 (increase from 8)
3. Hub height of 115m (increase from 101.85m)
4. Pitch of 18 degrees (increase from 15)

Using these revised parameters, the collision estimates at NnaG for gannet and kittiwake compared to those estimated assuming the consented WTG parameters and number would reduce by c. 75%. Displacement and barrier effects on all seabird species are also likely to be reduced via either the increased spacing of WTG across the site, or the reduced area over which WTG are distributed (either of which scenarios are possible from a reduction in number of WTG).

MSS therefore see no issues with the 64x7MW scenario presented by Mainstream from the perspective of impacts on bird interests as a move to fewer, larger WTGs would help mitigate potential bird effects.

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

Yours sincerely



Marine Scotland Science

23 September 2015

Ford A (Alexander)

From: [REDACTED] <[REDACTED]@nts.org.uk>
Sent: 27 August 2015 14:22
To: MS Marine Licensing
Cc: [REDACTED]
Subject: RE: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Follow Up Flag: Follow up
Flag Status: Completed

Thank you very much for the opportunity to comment on the above Application.

I have studied the above application carefully and I am afraid that there appear to be some fundamental discrepancies that affect the conclusions regarding the predicted collision rate with seabirds.

In Table 3.1, it appears that the maximum hub height is to increase from 107.5m to 115m, while there is to be no change in the minimum or maximum tip height. This is clearly inaccurate.

None of these statistics are reflected in Appendix III, where the hub height is apparently to increase from 101.85m to 107.5m. Data for the minimum tip height are also different and the maximum tip height is not given.

More importantly, the predicted maximum annual collision incidence is said to decrease from 318 to 198 for gannets and from 74 to 49 for kittiwakes. These represent reductions of 38% and 34% respectively. How is this supposed to be achieved by a reduction in the number of turbines of only 15% when the swept area per turbine remains the same and the speed of rotation is set to increase?

I note that the methodology states that the calculations for these two species are based on Band Option 3, and yet the most recent advice from the Statutory Nature Conservation Bodies clearly states "It is **not appropriate** to use the **Extended Band model [Band Option 3]** in predicting collisions for **northern gannet** or **black-legged kittiwake**, at the current time."

Furthermore the application only considers the impact of the Neart na Gaoithe farm in isolation whereas the previous analysis by Marine Scotland considered the cumulative impact of all wind farms in the area and predicted fairly catastrophic results. We therefore consider that it will be necessary to reevaluate the cumulative impact and to use correct, transparent and error-free methodology before this application can be considered.

[REDACTED]
Senior Nature Conservation Adviser
The National Trust for Scotland
Hermiston Quay
5 Cultins Road
Edinburgh
EH11 4DT

Tel: [REDACTED]

From: Adrian.Tait@scotland.gsi.gov.uk [<mailto:Adrian.Tait@scotland.gsi.gov.uk>] **On Behalf Of**
MS.MarineLicensing@scotland.gsi.gov.uk

Ford A (Alexander)

From: [REDACTED]@nats.co.uk> on behalf of NATS Safeguarding <[REDACTED]
[REDACTED]@nats.co.uk>
Sent: 18 August 2015 08:14
To: MS LOT Neart na Gaoithe Representations
Cc: [REDACTED]@mainstreamrp.com'
Subject: Variation of Consent: Neart na Gaoithe (Our Ref: SG8577)

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,

[REDACTED]
Technical Administrator
On behalf of NERL Safeguarding Office

Northern Lighthouse Board


DIRECTOR OF MARINE OPERATIONS

Your Ref: 029/OW/MainS - 10
Our Ref: AJ/OPS/ML/O6_12_275

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



Mr Adrian Tait
Marine Renewables Licensing Manager
Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

01 September 2015

Dear Adrian

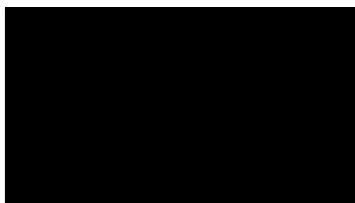
The Electricity Act 1989 (as amended) S36 Application for variation to granted consent for the Neart na Gaoithe Offshore Wind Farm and Transmission works.

Thank you for your correspondence dated 14 August 2015 informing the Northern Lighthouse Board of the application from **Neart na Gaoithe Offshore Wind Limited** requesting a variation to the consent granted under Section 36 of the Electricity Act 1989.

We note that the variation refers to the increase of turbine size to 7MW, increase the maximum turbine height to 115mtrs above LAT and to change the maximum height of the access platform to 21mtrs above LAT.

The Northern Lighthouse Board has no objection to the proposed changes but would require that we are informed of any reduction to the number of turbines within the site and any change in the layout as a result of using the 7MW turbine. We note that if the larger turbine was deployed there would be a reduction from a possible 75 turbines to a maximum of 64 and a subsequent change in layout which we would like the opportunity to comment on.

The marking and lighting requirements of our previous correspondence (Ref: O6-12-137) dated 20 August 2012 will remain, although it will be necessary to confirm that any turbines previously identified as Significant Peripheral Structures (SPS's) remain so, or others are identified as now being SPS's should the layout of the wind farm change and that no new navigation hazard might be created by any revised layout.



For the safety of

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

Ford A (Alexander)

From: [REDACTED]
Sent: 17 September 2015 08:05
To: Ford A (Alexander)
Subject: RE: 150916 - Neart na Gaoithe Offshore Wind Farm - Application to vary section 36 consent - ONE WEEK BEFORE REMINDER - MS LOT to Consultees

Alexander, I have no comments on this one.

[REDACTED]
*Policy Executive
Ports and Harbours Branch
Aviation, Freight, Maritime & Canals Directorate
Area 2F North
Victoria Quay
Edinburgh
EH6 6QQ*

[REDACTED]@transportscotland.gsi.gov.uk



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Transport Scotland, the national transport agency
Còmhdaidh Alba, buidheann nàiseanta na còmhdaidh

*Our logo may not display properly on some computer systems

From: Ford A (Alexander)
Sent: 16 September 2015 14:17
Cc: Bain N (Nicola) (MARLAB); Crookston C (Claire)
Subject: 150916 - Neart na Gaoithe Offshore Wind Farm - Application to vary section 36 consent - ONE WEEK BEFORE REMINDER - MS LOT to Consultees

<< Message: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent >>

Our Ref: 029/OW/MainS - 10

Dear Sir / Madam,

ONE WEEK BEFORE REMINDER

**ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND)
REGULATIONS 2013
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000**

Ford A (Alexander)

From: [REDACTED]@rtc.org.uk
Sent: 15 September 2015 16:59
To: MS Marine Licensing
Subject: RE: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir

The river Tweed Commission has no observations to make in respect of this application.

Yours faithfully

[REDACTED]
Clerk

The River Tweed Commission
Tel: [REDACTED]
[REDACTED]

Website: www.rtc.org.uk

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From: Adrian.Tait@scotland.gsi.gov.uk [mailto:Adrian.Tait@scotland.gsi.gov.uk] **On Behalf Of** MS.MarineLicensing@scotland.gsi.gov.uk
Sent: 13 August 2015 18:46
To: Adrian.Tait@scotland.gsi.gov.uk
Subject: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Our Ref: 029/OW/MainS - 10

13 August 2015

Dear Sir / Madam,

**ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT)
(SCOTLAND) REGULATIONS 2013
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS
2000**

**APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 TO VARY THE CONSENT
GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO NEART NA GAOITHE OFFSHORE
WIND LIMITED ON 10TH OCTOBER TO ALLOW AN INCREASE OF THE MAXIMUM RATED TURBINE
CAPACITY FROM 6MW TO 7MW, TO ALLOW A CHANGE TO THE MAXIMUM TURBINE HEIGHTS FROM
107.5M TO 115M ABOVE LOWEST ASTRONOMICAL TIDE ("LAT") AND TO ALLOW A CHANGE TO
THE MAXIMUM PLATFORM HEIGHT FROM 18M TO 21M ABOVE LAT.**

Adrian Tait (Marine Renewables Licensing Manager)
Marine Scotland Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

22nd September 2015

BY EMAIL ONLY

Dear Mr Tait,

Application under section 36C of the Electricity Act 1989 to vary the consent granted to Neart na Gaoithe offshore wind limited on 10th October 2014

Thank you for consulting RSPB Scotland on the application to vary the consent granted to Neart na Gaoithe offshore wind limited in October 2014. The variation applied heights. The proposed changes allow for construction of fewer turbines, which is likely to reduce the potential impacts to seabirds, particularly the impact of collision mortalities. RSPB Scotland welcome the further reduction of impacts in addition to those already realised through previous design commitments set out in the original consent. However, the impacts and uncertainty around them mean the proposals unfortunately remain unacceptable.

RSPB Scotland objected to the NNGOWL application in isolation and also in combination with the other three Forth and Tay offshore wind proposals (Inch Cape and Seagreen Alpha and Bravo). This objection persisted unresolved despite the consents issued by Scottish Ministers. We remain exceptionally concerned by the adverse risks these consents pose to the internationally important seabird populations in the region. In addition to our outstanding objection, RSPB Scotland also lodged a legal challenge to Scottish Ministers' decisions to grant these four consents and we are currently awaiting a decision on the judicial review which was heard in early June 2015.

Scotland Headquarters
2 Lochside View
Edinburgh Park
Edinburgh
EH12 9DH

Tel 0131 317 4100
Fax 0176 768 5008

rspb.org.uk

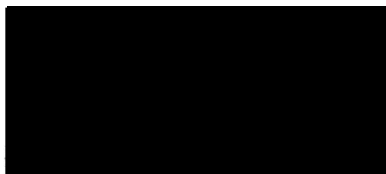
Patron: Her Majesty the Queen **Chairman of Council:** Professor Steve Ormerod, FIEEM
Chairman, Committee for Scotland: Prof. Colin Galbraith **Director, RSPB Scotland:** Stuart Housden OBE
RSPB is a registered Charity: England & Wales no 207076, Scotland no SC037654

RSPB Scotland **object** to this application to vary consent. We maintain our objection on the grounds raised previously prior to NNGOWL's consent in 2014 and on additional points of concern identified by our review of this current application and supporting information. In summary, we object because:

- the methods used to estimate impacts to seabird populations in the Forth and Tay region are inappropriate and they do not follow the latest recommendations of the UK SNCBs;
- the assessment and information supporting the original Habitats Regulations Appraisal for the consented development is out of date and should not be relied upon in the current assessment. Scottish Ministers will require updated assessments to inform their Appropriate Assessment of the project, including the potential in-combination effects;
- when using best available science and taking a suitably precautionary approach, it cannot be concluded that there will be no adverse effects on relevant SPAs in the region, either due to the proposal in isolation or in-combination with the three other consented offshore wind projects in the Forth and Tay region; and
- impacts to the draft marine SPA network have not been considered in the Habitats Regulations Appraisal, an omission that requires consideration prior to any decisions to grant consents.

Please find further detail on our position provided in the attached Annex.

Yours sincerely



Conservation Planner (Marine)

Attached Annex: RSPB's detailed objection to NNGOWL's application to vary consent.

Annex: RSPB Scotland's detailed objection to NNGOWL's application to vary consent.

September 2015

The proposed variations to the existing consent have been assessed and presented in the Supporting Environmental Information (16th July 2015).

1. Use of inappropriate assessment methods:

The application omits reference to the most recent joint SNCB recommendations on best practise impact assessment using Collision Risk Modelling (CRM)¹. These recommendations were made in light of the Marine Scotland Science Avoidance Rate Review² report. The SNCBs state that *'it is not appropriate to use the Extended Band model in predicting collisions for northern gannet or black-legged kittiwake at the current time.'* Despite this recommendation the application presents collision estimates using the Extended Band model for both these species, making conclusions on the effect this impact has on protected populations. Estimates using the Basic Band model are presented in the supporting spreadsheets but these are not considered in the assessment nor are the latest SNCB recommended avoidance rates used.

We acknowledge that the above mentioned methods were used with the intention of retaining consistency across assessments, however since the early summer of 2014 there has been an emerging consensus that the Extended Band model should not be used for kittiwake or gannet and this has now been confirmed by the SNCB recommendations of November 2014. Therefore Scottish Minister's decisions must make use of the best available methods of assessment, which will require re-running of the collision risk modelling with the correct model option and avoidance rates, both for the project in isolation and in-combination with the other three Forth and Tay developments.

2. Out of date assessment:

As previously established there is a likelihood of the Neart na Gaoithe wind farm, alone and in-combination, having a significant effect on the following SPAs: Buchan Ness to Collieston Coast, Fowlsheugh, Forth Islands and St Abbs to Fast Castle. The Scottish Ministers, as competent authority, must now update the existing Forth and Tay regional Appropriate Assessment (AA)³ before considering the possibility of granting consent to the proposed variations (as required by the Conservation (Natural Habitats & c.) Regulations 1994 (as amended) (the Habitats Regulations).

¹ UK SNCBs. 2014. Joint response from the statutory nature conservation bodies to the Marine Scotland Science avoidance rate review. (<http://www.snh.gov.uk/docs/A1464185.pdf>)

² Cook, A.S.C.P., Humphries, E.M., Masden, E.A. and Burton, N.H.K 2014. The avoidance rates of collision between birds and offshore turbines. BTO research Report No 656 to Marine Scotland Science. (<http://www.gov.scot/Resource/0046/00464979.pdf>)

³ <http://www.gov.scot/Resource/0046/00460542.pdf>

The original Forth and Tay AA is founded upon assessment methods that are either out of date (with regard to CRM noted above), or in the case of Acceptable Biological Change, methods that do not represent an acceptable end point for the decision-making process, particularly in view of the Habitats Regulations requirement to only grant consent if it can be ascertained that the plan or project will not adversely affect the integrity of the SPAs. Furthermore the AA will require consideration of the draft marine SPA network in Scotland.

RSPB Scotland is also aware of emerging research led by Leeds University that uses data loggers to accurately track gannet flight heights and foraging tracks. This research has indicated that gannets fly at higher altitudes to that estimated by observers or other near shore based observations such as radar and as such the birds are at higher risk of collision with turbines. Should this research be published in the near future it will be an important consideration in the Appropriate Assessment and any consent decisions.

Crookston C (Claire)

From: [REDACTED]@ryascotland.org.uk>
Sent: 18 September 2015 11:53
To: MS Marine Licensing
Subject: RE: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Dear Adrian,

Many thanks for your email. I write to inform you that RYA Scotland has no comments to make on this application.

Kind Regards

[REDACTED]

[REDACTED]

Senior Administrator

Royal Yachting Association Scotland

T: 0131 317 [REDACTED]

E: [REDACTED]@ryascotland.org.uk



RYA Scotland, Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ
www.ryascotland.org.uk T: 0131 317 7388 F: 0844 556 9549



From: Adrian.Tait@scotland.gsi.gov.uk [mailto:Adrian.Tait@scotland.gsi.gov.uk] **On Behalf Of** MS.MarineLicensing@scotland.gsi.gov.uk
Sent: 13 August 2015 18:46
To: Adrian.Tait@scotland.gsi.gov.uk
Subject: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Our Ref: 029/OW/MainS - 10

13 August 2015

Dear Sir / Madam,

ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000

APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO NEART NA GAOITHE OFFSHORE WIND LIMITED ON 10TH OCTOBER TO ALLOW AN INCREASE OF THE MAXIMUM RATED TURBINE CAPACITY FROM 6MW TO 7MW, TO ALLOW A CHANGE TO THE MAXIMUM TURBINE HEIGHTS FROM 107.5M TO 115M ABOVE LOWEST ASTRONOMICAL TIDE ("LAT") AND TO ALLOW A CHANGE TO THE MAXIMUM PLATFORM HEIGHT FROM 18M TO 21M ABOVE LAT.

On 16TH July 2015, Neart na Gaoithe Offshore Wind Limited ("NNGOWL") ("the applicant"), submitted a variation application to the Scottish Ministers under section 36C of the Electricity Act 1989 (variation of section 36 consents) to vary the existing NNGOWL section 36 consent, to increase the maximum rated turbine capacity from 6MW to 7MW, to change the maximum turbine heights from 107.5m to 115m above LAT and to change the maximum platform height from 18m to 21m above LAT. Please note that the maximum generating capacity of the section 36 consent would remain the same at 450MW.

The applicant has uploaded a summary of the variation application, copy of the variation application, and link to the original section 36 consent decision letter on the following website <http://www.neartnagaoithe.com/environmental.asp> however the variation application package will have been sent to you by the applicant. The key elements of the variation application for you to focus on, which are attached, are the variation application cover letter and the variation environmental supporting information. Ornithological collision risk modelling calculations spreadsheets are also available.

The above legislation allows for representations to be made. The closing date for any comments you may wish to make on the variation application is **23 September 2015**. If you wish to submit a response, please send to ms.marinelicensing@scotland.gsi.gov.uk. If you have no comments to make, please submit a 'nil return' response.

As required by the above legislation, notice of this application will be placed in the Fishing News (as a fish trade journal), Lloyds List, Dundee Courier and the East Lothian Courier for two successive weeks. The notice will also be placed in the Edinburgh Gazette for two successive weeks and in the Scotsman once.

If you have difficulty accessing any of this information please contact Marine Scotland Licensing Operations Team at ms.marinelicensing@scotland.gsi.gov.uk as soon as possible.

Yours faithfully

Adrian Tait
Marine Scotland Licensing Operations Team

Adrian Tait

marinescotland

Marine Renewables Licensing Manager
Marine Scotland Licensing Operations Team
Scottish Government
Marine Laboratory | 375 Victoria Road
Aberdeen, AB11 9DB
Phone: 01224 295 668 | 07557 848 720

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Crookston C (Claire)

From: [REDACTED] <CEO@seabird.org>
Sent: 17 September 2015 17:35
To: MS Marine Licensing
Subject: RE: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Dear Sir/Madam,

Thank you for giving us the opportunity to comment on the above application.

Further to our previous comments, while we welcome the likely reduction in impacts that fewer turbines will make, we remain very concerned about the resultant seabird fatalities in an area that is of international significance for its seabird colonies and where wildlife tourism has become established as an important factor in the local economy, delivering important socio-economic benefits.

As previously stated, there is clearly a need for more seabird research to be undertaken to ensure that projected collision risks are more accurately assessed and minimised.

Where any new research findings have become available, these should be taken into consideration along with the new SNH guidance on calculating collision risk

The potential impacts on marine SPAs need to be considered in addition to the cumulative impacts of all the proposed windfarm developments in the area.

Regards,

[REDACTED]
Chief Executive
Scottish Seabird Centre
ceo@seabird.org
01620 890202

The Harbour, North Berwick, EH39 4SS
www.seabird.org
facebook.com/ScottishSeabirdCentre
twitter.com/SeabirdCentre

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

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

Discounts, free entry to the Discovery Centre and additional treats exclusively for members – from only £1.80 per month.

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Crookston C (Claire)

From: Planning South East <Planning.SE@SEPA.org.uk>
Sent: 21 September 2015 15:27
To: MS Marine Licensing
Subject: RE: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Dear Mr Tait,

Thank you for consulting SEPA on the variation of the below noted application.

As this variation relates mainly to the height of turbines, the increase in turbine capacity and turbine base height SEPA have no further comments to make with respect to our remit. All previous comments we have made on this application remain applicable.

If there is a specific issue you require our input on then please reconsult us.

Regards

██████████
██████████
Planning Officer
Planning Service, SEPA, Clearwater House, Heriot Watt Research Park, Riccarton, Edinburgh, EH14 4AP
Direct Line: 0131 ██████████ email: ██████████@sepa.org.uk

From: Adrian.Tait@scotland.gsi.gov.uk [mailto:Adrian.Tait@scotland.gsi.gov.uk] **On Behalf Of** MS.MarineLicensing@scotland.gsi.gov.uk
Sent: 13 August 2015 18:32
To: Planning South East
Subject: 029/OW/MainS - 10: Neart na Gaoithe Offshore Wind Farm: Application to vary section 36 consent

Our Ref: 029/OW/MainS - 10

13 August 2015

Dear Sir / Madam,

ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000

APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO NEART NA GAOITHE OFFSHORE WIND LIMITED ON 10TH OCTOBER TO ALLOW AN INCREASE OF THE MAXIMUM RATED TURBINE CAPACITY FROM 6MW TO 7MW, TO ALLOW A CHANGE TO THE MAXIMUM TURBINE HEIGHTS FROM 107.5M TO 115M ABOVE LOWEST ASTRONOMICAL TIDE ("LAT") AND TO ALLOW A CHANGE TO THE MAXIMUM PLATFORM HEIGHT FROM 18M TO 21M ABOVE LAT.

On 16TH July 2015, Neart na Gaoithe Offshore Wind Limited ("NNGOWL") ("the applicant"), submitted a variation application to the Scottish Ministers under section 36C of the Electricity Act 1989 (variation of section 36 consents) to vary the existing NNGOWL section 36 consent, to increase the maximum rated turbine capacity from 6MW to 7MW, to change the maximum turbine heights from 107.5m to 115m above LAT and to change the maximum platform height from 18m to 21m above LAT. Please note that the maximum generating capacity of the section 36 consent would remain the same at 450MW.

The applicant has uploaded a summary of the variation application, copy of the variation application, and link to the original section 36 consent decision letter on the following website <http://www.neartnagaoithe.com/environmental.asp> however the variation application package will have been sent to you by the applicant. The key elements of the variation application for you to focus on, which are attached, are the variation application cover letter and the variation environmental supporting information. Ornithological collision risk modelling calculations spreadsheets are also available.

The above legislation allows for representations to be made. The closing date for any comments you may wish to make on the variation application is **23 September 2015**. If you wish to submit a response, please send to ms.marinelicensing@scotland.gsi.gov.uk. If you have no comments to make, please submit a 'nil return' response.

As required by the above legislation, notice of this application will be placed in the Fishing News (as a fish trade journal), Lloyds List, Dundee Courier and the East Lothian Courier for two successive weeks. The notice will also be placed in the Edinburgh Gazette for two successive weeks and in the Scotsman once.

If you have difficulty accessing any of this information please contact Marine Scotland Licensing Operations Team at ms.marinelicensing@scotland.gsi.gov.uk as soon as possible.

Yours faithfully

Adrian Tait
Marine Scotland Licensing Operations Team

Adrian Tait

marinescotland

Marine Renewables Licensing Manager
Marine Scotland Licensing Operations Team
Scottish Government
Marine Laboratory | 375 Victoria Road
Aberdeen, AB11 9DB
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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Crookston C (Claire)

From: [REDACTED]@sff.co.uk>
Sent: 30 September 2015 15:55
To: Ford A (Alexander)
Cc: Bain N (Nicola) (MARLAB); Crookston C (Claire)
Subject: RE: 150916 - Neart na Gaoithe Offshore Wind Farm - Application to vary section 36 consent - ONE WEEK BEFORE REMINDER - MS LOT to Consultees

I can find no record of my response, so to be sure I resend this.

Ali

All things being equal, as long as the existing licence conditions are met, on the grounds that the variation could result in fewer turbines, there is no reason for SFF to object to the change

Regards, [REDACTED]

From: Alexander.Ford@gov.scot [<mailto:Alexander.Ford@gov.scot>]
Sent: 16 September 2015 14:17
Cc: Nicola.Bain@gov.scot; Claire.Crookston@gov.scot
Subject: 150916 - Neart na Gaoithe Offshore Wind Farm - Application to vary section 36 consent - ONE WEEK BEFORE REMINDER - MS LOT to Consultees

Our Ref: 029/OW/MainS - 10

Dear Sir / Madam,

ONE WEEK BEFORE REMINDER

ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000

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Please find attached the consultation letter for the above application. I would be grateful for any comments you have by the closing date of **23rd September 2015**.

If you are unable to meet this deadline, please contact MS LOT to arrange an extension to the consultation period. If you have no comments to make please submit a "nil return" response.

Please submit comments, a 'nil return' or a request for an extension to ms.marinelicensing@gov.scot

Yours faithfully

Alexander Ford
Marine Licensing Casework Officer
Marine Scotland – Marine Planning & Policy Division
Scottish Government, Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB
Tel: +44 (0)1224 295414

S/B: +44 (0)1224 876544
Fax: +44 (0)1224 295524
e. alexander.ford@gov.scot
w: <http://www.gov.scot/marinescotland>

****PLEASE NOTE MY NEW EMAIL ADDRESS****

My old email address @scotland.gsi.gov.uk will continue to remain valid as an alias.

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Scottish Natural Heritage
Dualchas Nàdair na h-Alba

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



Marine Scotland
Licensing Operations Team
PO Box 101
375 Victoria Road
Aberdeen, AB11 9DB

CNS REN OSWF Neart na Gaoithe

For the attention of: Nicola Bain

18 September 2015

NEART NA GAOITHE OFFSHORE WIND FARM
SNH & JNCC COMMENTS ON THE CONSENT VARIATION

Thank you for your consultation requesting comments from SNH & JNCC on this consent variation for the Neart na Gaoithe offshore wind farm. The requested variation is to allow for a rated turbine capacity of up to 7MW, with the maximum generating capacity for the wind farm remaining at 450MW, as consented.

SNH & JNCC have no major comments in respect of this consent variation. We've reviewed the supporting information and note the changes to turbine parameters given in Table 3.1 of the report. It may be worth considering these in relation to the recent NERC fellowship completed by [REDACTED] which reviews the sensitivity of parameters for collision risk modelling. The proposed variation reduces the estimates of collision risk that may be presented to seabirds, and could also potentially reduce the predicted levels of seabird displacement.

In respect of landscape impacts, we agree that no further assessment is required. This is because the parameters of the 7MW machine fall within the "worst case" already assessed for landscape and visual interests, and there is no change to the maximum rotor tip height.

In response to our pre-consultation query, the developer has confirmed that there would be no change to the maximum pile diameter required for a 7MW machine, and therefore no change to the maximum hammer energies needed during pile-driving for which underwater noise impacts were modelled and assessed at application. On this basis, SNH & JNCC agree that no further assessment is required for marine mammals or fish interests in respect of this consent variation.

Please get in touch if you have any queries regarding this advice.

Yours sincerely,

[REDACTED]

SNH Marine Renewables Casework Adviser

Adrian Tait
Marine Scotland Licensing Operations Team
Scottish Government
Marine Laboratory
375 Victoria Road
ABERDEEN
AB11 9DB

Ref:

Date:
21 September 2015

Dear Sirs

**ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF
CONSENT) (SCOTLAND) REGULATIONS 2013
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2000**

**APPLICATION FOR VARIATION OF SECTION 36 CONSENT GRANTED TO CONSTRUCT
AND OPERATE NEART NA GAOITHE OFFSHORE WIND FARM**

With reference to your email correspondence, dated 13 August 2015, regarding the above development, we acknowledge receipt of the application by Mainstream Renewable Power Ltd for a variation to the existing consent.

This information has been passed to CH2M for review in their capacity as Term Consultant to Transport Scotland – Trunk Road and Bus Operations (TRBO). Based on the review undertaken, we would provide the following comments.

We understand the proposed variation relates to the following aspects of the development:-

1. To increase the maximum rated turbine capacity from 6MW to 7MW.
2. To change the maximum turbine heights from 107.5m to 115m above LAT.
3. To change the maximum platform height from 18m to 21m above LAT.

It is noted the maximum generating capacity of the Section 36 consent would remain the same at 450MW.

The supporting environmental information, submitted by Mainstream Renewable Power Ltd, notes the consented development has a maximum of 75 turbines. By increasing the turbine capacity and their size, this would result in a proposed reduction of the number of turbines required to 64. It is considered the proposed changes might only impact on (i) nature conservation and (ii) ornithology and other environmental impacts would see no significant impact.

Based on the information that has been provided, it is considered unlikely that there would be any significant traffic or associated environmental impacts associated with the construction and

operational stages of the development that affects the A1 trunk road. Hence, Transport Scotland has no objection to the proposed variation of the existing Section 36 consent.

However, in line with highlight the proposed mitigation measures outlined in Chapter 14 (Access, Traffic and Transport) of the original Environmental Statement, we would ask that the following conditions are attached to any consent issued:

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

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

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

Reasons for Conditions:

1. To maintain safety for both the trunk road traffic and the traffic moving to and from the development.
2. To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.
3. To minimise interference with the safety and free flow of the traffic on the trunk road.

I trust the above is satisfactory for you. [REDACTED]
[REDACTED]

Yours faithfully

[REDACTED]
Transport Scotland
Development Management Trunk Road and Bus Operations

cc [REDACTED] CH2M