



REPORT TO: SPECIAL MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE ON 18 DECEMBER 2018

SUBJECT: VARIATION REQUEST FOR 18/00954/S36 - CONSTRUCT AND OPERATE AN OFFSHORE WINDFARM WITHIN THE MORAY FIRTH, KNOWN AS MORAY WEST WINDFARM

BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT, PLANNING AND INFRASTRUCTURE)

1. REASON FOR REPORT

- 1.1 This report asks Committee to consider the consultation relating to a variation request accompanied with an addendum from Marine Scotland under the Electricity Act 1989 for a Section 36 consent relating to an offshore windfarm submitted by Moray West Offshore Windfarm. This relates to the proposal which was considered at a meeting of the Planning and Regulatory Services Committee on the 13 November 2018, at which the Moray Council agreed not to object to the offshore windfarm.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

- 2.1 **It is recommended that the Committee responds to the consultation to raise no objection to the proposed variation to the offshore windfarm development and instruct Officers to respond to Marine Scotland to that effect.**

3. BACKGROUND

- 3.1. As the Committee considered the original proposal on 13 November 2018 and for ease of reference the previous report to Committee is attached as **Appendix 1** to this report for background information.
- 3.2. Further to above proposal which was considered at Committee on 13 November 2018, the applicant has submitted to Marine Scotland a variation request for the offshore windfarm. The request seeks to:-

1. Alter the boundary of the operational windfarm, taking turbines further eastward away from the Highland coastline. This would see the turbines located approximately 3km further east than originally sought.
 2. Remove the option for the use of larger turbine types. The maximum height of turbines would be reduced from 285m to 265m.
 3. Reduce the duration of operation of the offshore windfarm from 50 to 25 years.
- 3.3 This request is as a result of an agreed need to mitigate the impacts on cliff nesting seabirds (kittiwakes) on the Caithness coastline. It is considered by the applicant that by increasing the distance from these cliffs, reducing the maximum potential height of the turbines, and restricting the operational period of the windfarm to 25 years, the collision risk for seabirds will be reduced to a manageable level.

4. PROPOSALS

- 4.1 Specifically, the variation seeks to relocate the south western corner of the proposed windfarm to an area formerly south east of the development area sought under the original Section 36 application. This change in area is shown on **Appendix 2** attached to the report. The altered area would see turbines effectively being located slightly further from the closest area of coastline at Lossiemouth (2-3 km) but would see the distance from vantage points within Moray, such as Portknockie being located by a 3-4 km closer to the proposed windfarm. Overall the distances would vary in terms of proximity to the Moray Coast, however the proposal would remain over 30km from the Moray coastline.
- 4.2 It also proposed to reduce the options for the composition of heights and numbers of turbines and would remove the option for the highest model type. This would reduce the option for the lowest overall number of turbines on the basis that the more productive larger turbines would have required fewer turbines. This means the options for between 62 to 85 turbines has now been amended to between 72 and 85 turbines, and the height range has been reduced to vary between 199m-265m instead of 199m-285m as previously sought.
- 4.3 The change in duration of energy export sought (from potentially 50 years down to 25 years) will have significant changes to matters such as ornithology, shipping, aviation, radar and visual impact.
- 4.4 The Environmental Impact Assessment (EIA) Report addendum supporting the variation request also covers other issues raised by others making representation to Marine Scotland. These matters cover matters such as noise output, ornithology and some further socio economic information. None of these updated matters raise any new concerns or issues, not already covered in the current or previous reports.

5. ASSESSMENT OF VARIATIONS AND IMPACTS

- 5.1 The implications for Moray do not differ from the assessment and conclusions as identified in the previous report contained within **Appendix 1**. The most notable difference would be in visual impact where from the Moray coast, removal of the south western development area, would see a reduction in the width of the development as seen on the skyline which would be beneficial, but would result in turbines being introduced further to the south east bringing the development slightly closer to the eastern side of Moray. The layout of turbines in the revised development area in conjunction with the higher density of turbines likely to be developed as a result in the removal of the taller turbine option means that the visual impact would see a greater concentration of turbines when viewed from the south. The EIA addendum does provide updated visual assessment information that does reflect the anticipated change in views from the proposed modification. These visualisations, as per the recommendation to members in November, illustrate that while the proposed development will be visible from the Moray coast (and from further inland) the distance away from Moray in excess of 30km will mean there will be no detrimental impact upon coastal communities or the Moray Coastline. The overall difference between the original and varied proposals in visual impact and aviation lighting terms is very minimal given the distances involved. The decrease in maximum turbine heights of 20m would reduce the overall visual magnitude of the development, but the change would be almost indiscernible over a distance of at least 30km. This reduction would result in only a minor change/reduction to the visual appearance of the development from the Moray coast.
- 5.2 The other proposed variations in terms of duration, and additional information contained within the EIA addendum would not alter the recommendation to committee considered previously in November. The impacts on Moray would not alter significantly or detrimentally other than where the duration of the development would be halved by the proposed variation to the time limit (from 50 to 25 years). This would have a positive effect in terms of reducing the longevity and impacts that the development would have upon shipping, ornithology, aviation and for those who find the visual impact of the development unacceptable.

6. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

None

(b) **Policy and Legal**

None

(c) **Financial implications**

If Moray Council proposed to object to this proposal this may lead to a Public Inquiry being called in which the Council would be expected to participate and cover its own costs.

(d) **Risk Implications**

None

(e) Staffing Implications

Yes, if attendance at a Public Inquiry became necessary.

(f) Property

There may be impacts for harbours within Moray, but these are not yet known.

(g) Equalities/Socio Economic Impact

None

(h) Consultations

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, Legal Services Manager (Property and Contracts), Manager (Development Management), the Equal Opportunities Officer, Gary Templeton (Principal Planning Officer), and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

7. CONCLUSION

- 7.1 As described, the proposed variation to the offshore windfarm and infrastructure would have no detrimental impact upon the seascape or economy of Moray. On this basis, if agreed, a response would be issued to the Marine Scotland consultation confirming Moray Council has no objection to the Section 36 offshore windfarm variation request.**

Author of Report: Neal MacPherson, Principal Planning Officer

Background Papers:

Ref: 18/0954/S36



REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
13 NOVEMBER 2018

SUBJECT: 18/00954/S36 - CONSTRUCT AND OPERATE AN OFFSHORE
WINDFARM WITHIN THE MORAY FIRTH, KNOWN AS
MORAY WEST WINDFARM

BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)

1. REASON FOR REPORT

- 1.1 This report asks Committee to consider the consultation received from Marine Scotland in relation to the proposed variation of three Electricity Act 1989 Section 36 consents for an offshore windfarm submitted by Moray West Offshore Windfarm. This Section of the Electricity Act relates to consenting offshore electricity generation.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee responds to the consultation to raise no objection to the proposed offshore windfarm development and instruct Officers to respond to Marine Scotland to that effect.**

3. BACKGROUND

- 3.1 As the estimated output of the offshore windfarm would exceed 50mW it is to be determined by the Scottish Government (in this case Marine Scotland are the determining Authority). Responsibility for consultation with statutory consultees, relevant local authorities, receipt of objections and determination lie with Marine Scotland. In these circumstances the role of Moray Council is as a consultee rather than being the determining authority. Whilst the

windfarm lies 32km north of the Moray coast, as an authority bound by the Moray Firth and in line of sight of the development Moray Council has been identified as a consultee.

- 3.2 Of note, construction of the Beatrice Offshore Windfarm Ltd site (BOWL), to the north of the proposed windfarm area has begun. This proposal consists of 87 x 7mW turbines built to a maximum height of 187m. BOWL are currently constructing transmission cables between the offshore windfarm and a new electricity substation at Blackhillock, Keith which is nearing completion and will pass through and beneath the proposed offshore development subject of this report.
- 3.3 This Committee considered a report in February of this year for a revised design and layout of a previously approved windfarm immediately to the east of the current proposed site known as 'Moray East'. This neighbouring offshore windfarm, was previously approved by Marine Scotland in 2014 and was submitted by Moray Offshore Renewables Ltd (MORL) for three separately consented windfarms known as the Telford, MacColl and Stevenson windfarms. The Moray East proposal saw a Section 36C variation request to increase the amount of output attributable to the McColl windfarm of the Moray East windfarm area from 372mW up to 500mW.
- 3.4 As the overall consented output for Moray East would not change from the consented 1116mW there would need to be an offset reduction in output attributable to either the Stevenson and/or the Telford windfarm areas. Whilst no reason was given for this change in distribution of output between the three windfarms, it is likely to reflect the predominance of the wind from the south west toward the McColl windfarm area, which sits south west and south of the Stevenson and Telford windfarm areas. The increase in proportion of output to the McColl windfarm area is likely to manifest in it hosting more of the turbines than the windfarm areas to the north.
- 3.5 A Location Plan (**Appendix 1**) shows the location of the offshore development site. The plan used provided only one of the indicative turbine layouts, but does show the proximity and general composition of the neighbouring approved windfarms (Moray East and BOWL).
- 3.6 The current proposal known as Moray West would sit south west of these consented offshore windfarms and close to the Moray coast. Moray Council and other consultees are invited to respond to Marine Scotland who will ultimately determine the application. Marine Scotland will give consideration to the national policy and guidance which is generally favourable towards well designed and located offshore windfarm development.

4. PROPOSALS

- 4.1 The proposed windfarm would sit on the south-western end of the Beatrice Sector with the proposed turbines being located between 32km to 39km away

from the Moray coast. Lossiemouth would be the closest point to them, at a distance of 32km. At its furthest point, the north east corner of the offshore windfarm would be approximately 45km from the Moray coast.

- 4.2 The development would comprise of;
- 62-85 offshore turbines, to a height between 199m - 285m (the taller turbines being at the lower density of 62 total);
 - Up to two Offshore Substation Platforms (OSP's). These platforms would resemble oil platforms seen elsewhere in the Moray Firth and are anticipated to be approximately 100m wide and approximately 70m above sea level;
 - Substructures and associated seabed foundations (for turbines and OSPs);
 - Subsea inter-array cables linking individual WTGs with each other and linking strings of turbines with the OSPs;
 - Subsea interconnector cables linking OSPs (if two OSPs are installed);
 - Subsea export cables running from the OSPs to shoreline landfall;
 - Scour protection around substructures and cable protection (if required);
 - Monitoring equipment, such as metocean buoys (if required); and
 - Aviation lighting on the peripheral turbines, and lower level nautical upon the bases of each of the turbines and OSP's.
- 4.3 The scope of different numbers and heights of turbine is a reflection of the fact that the definitive choice of turbine has not yet been made, although the overall output of the Moray West windfarm zone is defined by their license to generate electricity. The approach to the project is that of a 'Rochdale Envelope' where the detailed submissions and the supporting Environment Impact Assessment allow for various options for the windfarm.
- 4.4 The submissions to Marine Scotland suggest the lifetime of the project is approximately 50 years, with the project to be completed (inclusive of decommissioning) by 2075. The offshore windfarm will require to be supported by operations or maintenance vessels and personnel and it is not yet known where they would be based or which harbours might be utilised.

5. VISUAL IMPACT

- 5.1 Whilst there may be as many as 85 turbines, this would occur for the smaller turbine typology. Therefore the taller the turbine the lower the overall density. At a distance from the Moray coastline of over 30km however the differential in turbine types 199m - 285m would not materially alter the view, whereas the density and layout of turbines (and lighting) may impact upon the number of lights visible at night-time. Again the magnitude of difference between the different windfarm design options is negligible given the distances involved.
- 5.2 The proposed turbines would be clearly visible from the coastline, when compared to the consented BOWL turbines which lie a further 15km approximately to the north and are generally only notably visible on clear days. The extent to which they are visible is discussed below, but as Moray

West would occupy the most southerly zone within the Moray Firth Beatrice sector authorised for wind energy development, it is likely to constitute the most prevalent windfarm development viewed from the Moray coastline.

- 5.3 Viewpoints have been provided from various points on the Moray Firth coastline and two of the closest points on the Moray coast would be Lossiemouth (Viewpoint 16) and Portknockie (Viewpoint 19). They show that the turbines would be visible on the far horizon, and notably that the cumulative effect with the other consented windfarms would see turbines visible on the horizon of the Moray Firth over an extensive portion of the seascape. The visual impact assessment of the offshore windfarm concluded that at a distance of over 30km, the development would be visible when scanning in the general direction of the development: otherwise likely to be missed by casual observers although on clearer days the development would be visible after a brief glance in the general direction of the development and unlikely to be missed by casual observers. Conversely when light is fading and weather is less clear the turbines would be at the limit of visibility and only come into focus after extended viewing.
- 5.4 At a distance of over 30km the turbines would not be perceived as being close to Moray coast, and would be seen only in the far distance, although the backdrop of the northern coast and landmass of the Moray Firth beyond the windfarm would inform their position in the sea scape. This already happens to a degree when large ships or oil platforms travel across the Moray Firth. It is also reasonable to highlight that at distances of between 32km to over 40km atmospheric conditions play a part in the visibility of the development, with haze and mist often obscuring visibility of the objects that far out at sea. Also the development as viewed on the horizon from near sea level on the Moray coast would see the bottom half of turbines obscured from view by the curvature of the earth. This effect would be more notable for the turbines located on the north side of the development area. Conversely, views of the development on higher ground near the coast would see the OSP's and lower parts of turbines being visible. It is noted that many settlements on the Moray coast sit on raised coastal shelves increasing the distance of the view to the horizon.
- 5.5 A night-time photomontage has been prepared from Lossiemouth Harbour to give an indication of the effect of the lighting from the turbine and OSP lighting. Of note, the two substation platforms would also be illuminated, but these would only require lower intensity nautical and safety lighting. While the definitive number and height of turbines is not yet known, the hub level aviation lighting on the peripheral turbines will be visible at night and will flash the Morse code letter "W" (presumably for windfarm).
- 5.6 Beyond visibility, a view has to be reached as to whether their presence is unacceptable and the magnitude of change (even cumulatively with Moray East and BOWL) is not considered to be a significant change. The assessment that the visual impact would be low is appropriate given the distance of the proposed turbines and OSP's from the Moray coast. The proposed offshore development is sufficiently far from shore that there will be

little impact on the Moray coast and coastal settlements. Furthermore the proposed lighting while often visible in the far distance from the Moray coast at a distance of over 30km would have no material or significant impact upon Moray.

6. ENVIRONMENTAL AND MARINE IMPACT

- 6.1 There would undoubtedly be an impact on the marine environment and upon the wider environment (impact upon migratory birds etc.). A great deal of assessment has been done as part of the EIA into the marine and wider environment. As Marine Scotland has directly consulted Scottish Environment Protection Agency (SEPA), Royal Society for the Protection of Bird (RSPB), Scottish Natural Heritage (SNH), Fisheries bodies and other relevant consultees with an expertise in the particular field it is left for them to respond in more detail. The distance of the proposal from the Moray coast means it will have little impact upon the inshore waters off the Moray coast.

7. SOCIO-ECONOMIC IMPACT

- 7.1 As mentioned above, the windfarms would be located so far offshore visibly that it is not anticipated that it would have any impact upon tourism within Moray. The extent to which wildlife in the Moray Firth may be impacted upon and how this may affect environmental tourism is also likely to be negligible for Moray. Water based tourist activities off the coast of Moray would rarely, if ever, travel as far north as the windfarm sites.
- 7.2 A project of this scale is likely to have economic benefits to the wider locality, even further down the supply chain in terms of service industries while any workforce are present in the locality. The applicant's submission acknowledges that whilst turbine provision is most likely to come from long established international suppliers, the installation and assembly phases may be more likely to come from Scottish based companies given current expertise in the oil and gas industries. Scottish manufacturing has gaps preventing the complete provision of turbines and cabling but work is being carried out to invest in these sectors for the future. Given the scale of the project the economic benefits will be spread wide dependent upon what phase the project would be at (consultants, professionals at an early stage leading to construction and other offshore industries further into the project).
- 7.3 Decisions have yet to be made about what harbours might be used and which locations would be used as Operations and Maintenance bases during the lifetime of the development. If Moray based, these would clearly have long term economic benefits for Moray.

8. OTHER IMPLICATIONS

- 8.1 Any response to this consultation would not prejudice the Council's determination of any for future planning applications received for related developments such as Operations and Maintenance centres, harbour developments or other service infrastructure that may or may not be located within Moray.
- 8.2 Later in November Members are to consider a separate planning application for the onshore transmission infrastructure related to the Moray West offshore development. This will comprise of an undergrounded cable from the coast in Aberdeenshire, leading south through Moray to a new electricity substation near Keith, where it might connect to the national grid at Blackhillock). This is a separate consenting process from the offshore Section 36 electricity generation process. It is unlikely that Marine Scotland will have determined the offshore application by the time Moray Council considers the onshore planning application, although the two are under differing consenting regimes and need to be considered independently by each determining authority (Marine Scotland and Moray Council).

9. **SUMMARY OF IMPLICATIONS**

- (a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**
None
- (b) **Policy and Legal**
None.
- (c) **Financial implications**
If the Moray Council decides to object to the proposal this may lead to a Public Inquiry being called in which the Council would require to participate with resultant costs.
- (d) **Risk Implications**
None.
- (e) **Staffing Implications**
Yes, if attendance at a Public Inquiry became necessary.
- (f) **Property**
There may be implications for harbour facilities within Moray, but these are not yet known.
- (g) **Equalities/Socio Economic Impact**
None.
- (h) **Consultations**
The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, Legal Services Manager (Property and Contracts), Manager (Development

Management), the Equal Opportunities Officer, Gary Templeton (Principal Planning Officer), and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

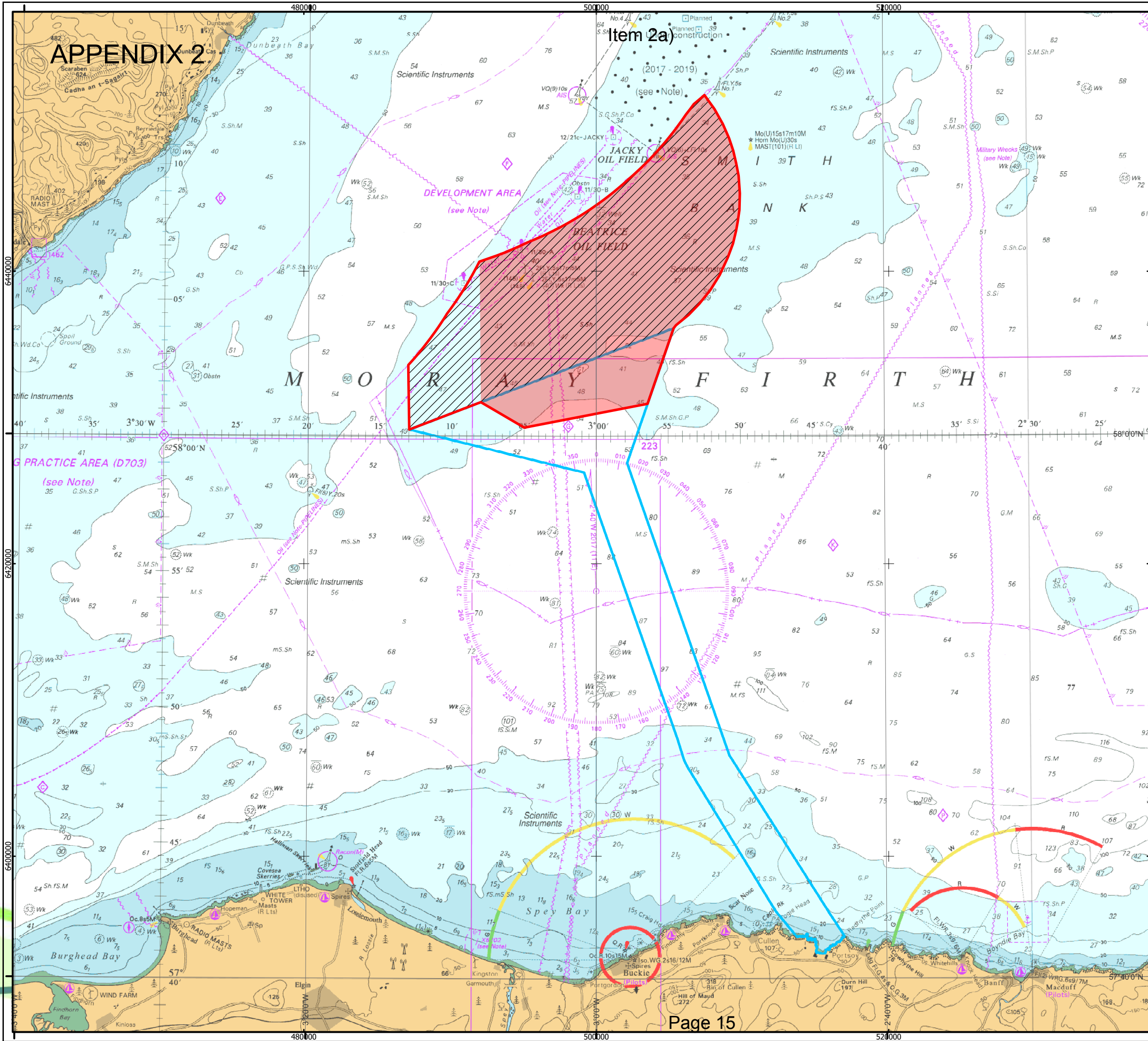
10. CONCLUSION

- 10.1 As described, the proposed offshore windfarm and infrastructure would have no detrimental impact upon the seascape or economy of Moray. On this basis, if agreed, a response would be issued to the Marine Scotland consultation confirming Moray Council has no objection to the Section 36 offshore windfarm proposal.**

Author of Report: Neal MacPherson, Principal Planning Officer

Background Papers:

Ref: 18/00954/S36



MORAY WEST OFFSHORE WINDFARM

- KEY**
- Combined Boundary
 - Current Moray West Site Area
 - Alternative Moray West Site Area
 - Offshore Export Cable Corridor

Horizontal Scale: 1:250,000 A3 Chart
0 5,000 10,000 Meters
Geodetic Parameters: WGS84 UTM Zone 30N
Produced: MG
Reviewed:
Approved:
Date: 26/11/2018 Revision: A
REF: 8460005-DBDC01-MWW-MAP-000003

Figure 1.1 (Updated):
Overview of Site Boundary
Amendments
Moray Offshore
Windfarm (West) Ltd

