



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.**

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Background Papers:

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