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Minister for Energy, Connectivity and the Islands

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION AND OPERATION OF AN OFFSHORE GENERATING STATION, THE MORAY OFFSHORE WINDFARM (WEST), APPROXIMATELY 22.5KM FROM THE CAITHNESS COASTLINE

1.1. Purpose

1.1.1. To seek your determination on an application submitted by Moray Offshore Windfarm (West) Ltd (Company Number 10515140) (“Moray West” or “the Company”) for consent under section 36 (“s.36”) of the Electricity Act 1989 (as amended) (“the Electricity Act 1989”) to construct and operate an offshore generating station, comprising up to 85 wind turbine generators (“WTGs”), with a combined maximum generating output of around 850 Megawatts (“MW”) (“the Application”).

1.2. Priority

1.2.1. High. The Company wishes to bid in to the 2019 Contracts for Difference (“CfD”) allocation round three which opened on 29 May 2019.

1.3. Description of the Application and Site

1.3.1. On 5 July 2018, the Company submitted the Application to construct and operate the Moray West Offshore Wind Farm (“the Development”), approximately 22.5km southeast off the Caithness coastline. The Application was supported by an Environmental Impact Assessment Report (“EIA Report”) and Habitat Regulations Appraisal Report (“HRA Report”). An addendum of additional information (“EIA Addendum Report”) proposing changes to the original design envelope and an alternative site area (“the Alternative Moray West Site”) was submitted by the Company on 23 November 2018 to address comments on landscape and visual and ornithological impacts.

1.3.2. On 31 August 2018, the Company submitted a Population Viability Analysis (“PVA”) Report amending some of the results in the Report to Inform an Appropriate Assessment (“RIAA”). On 18 March 2019, the Company

submitted an “Information to Inform HRA¹ – Great Black-Backed Gull” Report (“GBBG Report”) in addition to the RIAA Report to address ornithological concerns.

- 1.3.3. The Application is for the construction and operation of an offshore energy generating station, with a maximum generating output of around 850MW and comprising up to 85 wind-powered electricity generating stations and associated offshore transmission infrastructure. A full description of the Development is set out in Annex C.
- 1.3.4. The location and boundary of the Development site is shown in Annex C, Figure 1. This location was selected based upon: wind resource and energy yield, environmental receptors (incorporating ornithology and marine mammals and landscape/seascape and visual impact), grid connectivity, suitable port availability, geotechnical conditions and foundation design options.
- 1.3.5. It is proposed that an offshore electricity export cable corridor approximately 3km wide will contain up to two cables that will transmit the electricity generated by the turbines to the onshore transformer location, to be located at the site of Blackhillock substation. The proposed cables will each measure not more than 65km in length. The cable burial method and/or scour protection requirements will be finalised when the layout is confirmed. The export cable is not included in the description of the Development and will be subject to a marine licence, in accordance with Part 4 of the Marine (Scotland) Act 2010 and Part 4 of the Marine and Coastal Access Act 2009.

1.4. Key considerations

- 1.4.1. In light of the legislative and regulatory background, the results of the consultation exercise and the supporting information submitted as part of the Application, including the EIA Report, RIAA, the EIA Addendum Report, the PVA Report and the GBBG Report, the key considerations in relation to the determination of this proposal are set out in Annex C, section 9.
- 1.4.2. The Appropriate Assessment (“AA”), as set out in Annex B, concluded that the Development will not adversely affect the integrity of any European offshore marine site or European protected site, either alone or in combination with other plans or projects.
- 1.4.3. Marine Scotland - Licensing Operations Team (“MS-LOT”) considers that the key issues have been resolved, mitigated and/or successfully addressed through the use of conditions. All legislative requirements have been complied with throughout the determination process and policy documents identified are considered to be broadly supportive of the Development.

¹ HRA means Habitats Regulations Appraisal.

1.5. Key issues raised by consultees

1.5.1. A full summary of the consultation exercise is set out in Annex C, at sections 4,5 and 6. The key issues raised by consultees were as follows:

- Potential impacts on seabirds, and in particular the qualifying interests of the East and North Caithness Cliffs Special Protected Areas (“SPAs”), as a result of the Development in-combination with the Moray East Offshore Wind Farm and the Beatrice Offshore Wind Farm (“the Moray Firth Developments”);
- Potential impacts on marine mammals;
- Potential impacts on commercial fisheries;
- Seascape, landscape and visual potential impacts arising as a result of the Development, particularly in-combination with the other Moray Firth Developments;
- Potential impacts on cultural heritage receptors; and
- Potential impacts on Air Traffic Control (“ATC”).

1.6. Maintained objections

1.6.1. Scottish Natural Heritage (“SNH”) maintains its objection relating to the impacts on the qualifying interests of the East Caithness SPA arising from the Development in-combination with the Moray Firth Developments.

1.6.2. The Royal Society for the Protection of Birds Scotland (“RSPB Scotland”) maintains its objection due to its concerns regarding the predicted impacts on the protected seabirds populations arising from the Development in-combination with the Moray Firth Developments.

1.6.3. The Ministry of Defence (“MOD”) maintains its objections regarding the unacceptable interference to the primary surveillance ATC radar used at RAF Lossiemouth and the Development’s interference with military low flying operations. However, MOD accepts that conditions attached to the s.36 consent will address its objection.

1.6.4. The Scottish Fishermen’s Federation (“SFF”) maintains its objections to the Development. SFF objects on the basis of potential loss of fishing grounds and landings over the 25 year life span of the Development. However, SFF welcomes conditions related to the monitoring of the Development’s impacts on commercial fisheries. SFF requested personal contact to maintain effective communications between the Company, any contractors or sub-contractors, fishermen and other users of the sea during the construction of the Development, and to participate in the Moray Firth Commercial Fisheries

Working Group (“MFCFWG”) and the Scottish Marine Energy programme (“ScotMER”).

1.6.5. National Air Traffic Service Safeguarding (“NATS”) maintains its objection concerning the unacceptable technical impacts of the Development on the Aberdeen En-Route ATC and Prestwick Centre ATC. NATS accepts that a condition attached to the s.36 consent will address its objection.

1.6.6. Further detail on the means by which the concerns and objections have been considered and addressed are set out in Annex C.

1.7. Advice on whether to cause a Public Local Inquiry (“PLI”) to be held

1.7.1. The circumstances of the case are such that there is no statutory requirement under paragraph 2(2) of Schedule 8 to the Electricity Act 1989 for the Scottish Ministers to cause a PLI to be held. The decision to hold a PLI in this case is entirely at the discretion of the Scottish Ministers. Such discretion must always be exercised in accordance with the general principles of public law.

1.7.2. Before you can make a decision on the Application, you must determine whether it is appropriate to cause a PLI to be held. You may have regard to whether:

1. You have been provided with sufficient information to enable you to weigh up all of the conflicting issues and, without a public inquiry, whether you can properly weigh any such issues;
2. Those parties with a right to make representations have been afforded the opportunity to do so; and
3. You have sufficient information on which to take your decision such that a public inquiry would not provide any further factual evidence which would cause you to change your view on the Application.

1.7.3. The Highland Council, Moray Council and Aberdeenshire Council did not raise any objections to the Development.

1.7.4. If, having considered the Application, the EIA Report, RIAA, the EIA Addendum Report, the PVA Report and GBBG Report and the objections received, as summarised above, together with other material considerations set out in Annex C, you determine that it would not be appropriate for a PLI to be held, then it remains for you to grant or refuse consent under s.36, having regard to the considerations set out in this documentation.

1.7.5. MS-LOT is satisfied that sufficient information to weigh up the various competing considerations is available and has been properly taken into account, and that all interested parties have had sufficient opportunity to make representations on the Application. MS-LOT is further satisfied that any inquiry would not be likely to provide any factual information to assist the Scottish Ministers to resolve the issues of risk and planning judgment raised

by the Application or to take a different view on the substantive issues on the Application. Accordingly you may conclude that it is not appropriate to cause a PLI to be held into these matters.

- 1.7.6. MS-LOT has fully considered matters raised in representations from statutory and non-statutory consultees and from members of the public, as well as the EIA Report, RIAA, EIA Addendum Report, PVA Report and GBBG Report. In addition, officials have completed an AA and concluded that the Development will not adversely affect the integrity of any European offshore marine site or European protected site, either alone or in-combination with other plans or projects.
- 1.7.7. Officials have weighed the impacts of the Development, and the degree to which these can be mitigated, against the economic and renewable energy benefits which would be realised. Officials have undertaken this exercise in the context of national and local policies.
- 1.7.8. MS-LOT considers that where any adverse environmental impacts cannot be prevented, adequate mitigation can be put in place. An obligation has been placed on the Company to give effect to all the mitigation through the attachment of conditions to the s.36 consent.
- 1.7.9. MS-LOT is of the view that in considering the characteristics and location of the Development and the potential impacts, you may be satisfied that the Application has had regard to the preservation of the environment and ecology and that you will have discharged your responsibilities in terms of Schedule 9 to the Electricity Act 1989 in this respect, if you decide to grant consent.

1.8. Recommendation

MS-LOT recommends that you determine that it is appropriate not to cause a public inquiry to be held, and to grant consent under section 36 of the Electricity Act 1989 for the Moray West Offshore Wind Farm, subject to the imposition of conditions.

Please note that two marine licence applications under the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 for the Moray West Offshore Wind Farm and the offshore transmission works and export cable to shore are being considered alongside the Application. These will be determined by MS-LOT and, if granted these licences will be forwarded to you for information.

1.9. Publicity

- 1.9.1. Officials will liaise with Communications once a determination has been made on this Application to agree the appropriate means of announcing the decision.

1.9.2. In order for the determination process to be fully open and transparent, MS-LOT recommend that this submission is published on the Marine Scotland Information website, alongside the key documentation relating to the Application.

1.10. List of Annexes

ANNEX A Legislative Requirements

ANNEX B Appropriate Assessment

ANNEX C Decision Notice and Conditions

Copy List:	For Action	For Comment	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Minister for Energy, Connectivity and the Islands	x	x			
Cabinet Secretary for Transport, Infrastructure and Connectivity			x		
Cabinet Secretary for the Rural Economy			X		
Cabinet Secretary for Environment, Climate Change and Land Reform			X		
Minister for Rural Affairs and the Natural Environment			X		
DG Economy Director of Marine Scotland, Marine Scotland Helena Gray, Marine Scotland Tim McDonnell, Marine Scotland Ian Davies, Marine Scotland Zoe Crutchfield, Marine Scotland Gayle Holland, Marine Scotland Mark Christie, Marine Scotland Michael Bland, Marine Scotland Nicola Bain, Marine Scotland Phil Gilmour, Marine Scotland David Pratt, Marine Scotland Jared Wilson, Marine Scotland Andronikos Kafas, Marine Scotland Mike Palmer, Marine Scotland Allan Gibb, Marine Scotland Kersti Bergi, Energy Directorate Andrew Hogg, Energy Directorate Neal Rafferty, Energy Directorate David Stevenson, Energy Directorate Debbi Ramsay, Energy Directorate Joanna Dingwall, Legal Directorate Kenneth Hannaway, Legal Directorate Fiona McClean, Legal Directorate Callum McCaig, Special Advisor Leanne Dobson, Special Advisor Communications - Economy Paul O'Brien – Communications Aileen Macarthur - Communications					

ANNEX A REGULATORY REQUIREMENTS: LEGISLATION AND POLICY

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION AND OPERATION OF AN OFFSHORE GENERATING STATION, THE MORAY OFFSHORE WINDFARM (WEST), APPROXIMATELY 22.5KM FROM THE CAITHNESS COASTLINE

1 LEGISLATION

1.1 The Scotland Act 1998, The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 and The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2006

1.1.1 The generation, transmission, distribution and supply of electricity are reserved matters under Schedule 5, Part II, section D1 of the Scotland Act 1998. The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (“the 1999 Order”) executively devolved section 36 (“s.36”) consent functions under the Electricity Act 1989 (as amended) (“the Electricity Act 1989”) (with related Schedules) to the Scottish Ministers. The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2006 (“the 2006 Order”) revoked the transfer of s.36 consent functions as provided under the 1999 Order and then, one day later, re-transferred those functions, as amended by the Energy Act 2004, to the Scottish Ministers in respect of Scotland and the territorial waters adjacent to Scotland and extended those consent functions to a defined part of the Renewable Energy Zone beyond the Scottish territorial sea, as set out in the Renewable Energy Zone (Designation of Area) (Scottish Ministers) Order 2005.

1.2 The Electricity Act 1989

1.2.1 Any proposal to construct, extend or operate a generating station situated in internal waters or the territorial sea (out to 12 nautical miles (“nm”) from the shore) with a generation capacity in excess of 1 megawatt (“MW”) requires consent under s.36 of the Electricity Act 1989.² A consent under s.36 may include such conditions (including conditions as to the ownership or operation of the station) as appear to the Scottish Ministers to be appropriate. The s.36 consent shall continue in force for such period as may specified in, or determined by or under, the s.36 consent.

1.2.2 Paragraph 3 of Schedule 9 to the Electricity Act 1989 requires that regard be given to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest. Reasonable steps must be taken to mitigate any

² S.36(2) modified by The Electricity Act 1989 (Requirement of Consent for Offshore Generating Stations) (Scotland) Order 2002

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effect which the proposals would have on these features. Scottish Ministers must have regard to the extent to which the person, by whom the proposals were formulated, has complied with their duty to mitigate the effects of the proposals. When exercising any relevant functions, a licence holder, a person authorised by an exemption to generate or supply electricity, and the Scottish Ministers must also avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.

- 1.2.3 Under s.36B of the Electricity Act 1989, Scottish Ministers may not grant a consent in relation to any particular offshore generating station activities if they consider that interference with the use of recognised sea lanes essential to international navigation is likely to be caused by the carrying on of those activities or is likely to result from their having been carried on. The Scottish Ministers, when determining whether to give consent for any particular offshore generating activities, and considering the conditions to be included in such consent, must have regard to the extent and nature of any obstruction of, or danger to, navigation which, without amounting to interference with the use of such sea lanes, is likely to be caused by the carrying on of the activities, or is likely to result from their having been carried on. In determining this issue, the Scottish Ministers must have regard to the likely overall effect (both while being carried on and subsequently) of the activities in question and such other offshore generating activities which are either already subject to s.36 consent or are activities for which it appears likely that such consents will be granted.
- 1.2.4 Under Schedule 8 to the Electricity Act 1989 and the Electricity (Applications for Consent) Regulations 1990 (as amended) (“the 1990 Regulations”) and the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the 2017 EW Regulations”), an applicant must publish notice of its application for s.36 consent in one or more local newspapers, in one or more national newspapers, in the Edinburgh Gazette and on an application website to allow representations to be made concerning the Application. The Scottish Ministers must serve notice of any application for s.36 consent upon any relevant planning authority or planning authorities.
- 1.2.5 Paragraph 2(2) of Schedule 8 to the Electricity Act 1989 provides that where a relevant planning authority notifies the Scottish Ministers that they object to an application for s.36 consent and where they do not withdraw their objection, then the Scottish Ministers must cause a PLI to be held in respect of the application. In such circumstances, before determining whether to give their consent, the Scottish Ministers must consider the objections and the report of the person who held the PLI.
- 1.2.6 The location and extent of the Moray West Offshore Wind Farm (“the Development”) to which the Application relates (being wholly offshore) means that the Development is not within the area of any local Planning Authority. MS-LOT, on behalf of the Scottish Ministers, consulted with the

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planning authorities most local to the Development: the Highland Council, Moray Council and Aberdeenshire Council.

- 1.2.7 The Scottish Ministers are not obliged to require a PLI to be held in this case, but are required, under paragraph 3(2) of Schedule 8 to the Electricity Act 1989 to consider all objections received, together with all other material considerations, with a view to determining whether a PLI should be held. Paragraph 3(2) of Schedule 8 provides that if the Scottish Ministers think it appropriate to do so, they shall cause a PLI to be held, either in addition to or instead of any other hearing or opportunity of stating objections to the Application.
- 1.2.8 You can be satisfied that all the necessary tests set out within the Electricity Act 1989 have been met through the assessment of the Application and all procedural requirements have been complied with. The Company holds a generation licence. Your officials have approached matters on the basis that Schedule 9, paragraph 3(1) obligations as apply to licence holders and the specified exemption holders should also be applied to the Company.
- 1.3 The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended), the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) and the Marine Works (Environmental Impact Assessment) Regulations 2017 (as amended)**
- 1.3.1 The Environmental Impact Assessment Directive 2011/92/EU (as codified and amended) is targeted at projects which are likely to have significant effects on the environment and identifies projects which require an environmental impact assessment (“EIA”) to be undertaken. The Company identified the proposed Development as one requiring an EIA Report in terms of the 2017 EW Regulations, the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (“the 2007 MW Regulations”) and the Marine Works (Environmental Impact Assessment) Regulations 2017 (as amended) (“the 2017 MW Regulations”). For the purposes of the 2007 MW Regulations, the EIA Report means the Environmental Statement (“ES”).
- 1.3.2 In compliance with the 2017 EW Regulations, the 2007 MW Regulations and the 2017 MW Regulations, consultation has taken place with Scottish Natural Heritage (“SNH”), the Scottish Environment Protection Agency (“SEPA”), Historic Environment Scotland (“HES”), the relevant planning authorities, and such other persons likely to be concerned by the proposed Development by reason of their specific environmental responsibilities on the terms of the EIA Report.
- 1.3.3 The decision notice required under the 2017 EW Regulations is attached at Annex C regarding the s.36 consent. Separate decision notices granted under the 2007 MW Regulations and the 2017 MW Regulations will be issued

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regarding any marine licences granted in respect of the generating station and offshore transmission infrastructure.

- 1.3.4 You can be satisfied that the EIA regulatory requirements have been met and your officials have taken into consideration the environmental information, including the EIA Report, the responses received from the consultative bodies and the representations received.

1.4 The Habitats Directive and the Birds Directive

- 1.4.1 Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and wild fauna and flora (as amended) (“the Habitats Directive”), provides for the conservation of natural habitats and of wild flora and fauna in the Member States’ European territory, including offshore areas such as the proposed site of the Development. It promotes the maintenance of biodiversity by requiring Member States to take measures which include those which maintain or restore natural habitats and wild species listed in the Annexes to the Habitats Directive at a favourable conservation status and contributes to a coherent European ecological network of protected sites by designating Special Areas of Conservation (“SAC”) for those habitats listed in Annex I and for the species listed in Annex II, both Annexes to that Directive.
- 1.4.2 Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (as amended and codified) (“the Birds Directive”), applies to the conservation of all species of naturally occurring wild birds in the Member States’ European territory, including offshore areas such as the proposed site of the Development and it applies to birds, their eggs, nests and habitats. Under Article 2, Member States are obliged to “take the requisite measures to maintain the population of the species referred to in Article 1 at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.” Article 3 further provides that “[i]n the light of the requirements referred to in Article 2, Member States shall take the requisite measures to preserve maintain or re-establish a sufficient diversity and area of habitats for all the species of birds referred to in Article 1”. Such measures are to include the creation of protected areas (Article 3.2).
- 1.4.3 The Habitats Directive and the Birds Directive have, in relation to the marine environment, been transposed into Scots law by the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended) (“the 1994 Habitats Regulations”), the Conservation of Habitats and Species Regulations 2017 (“the 2017 Habitats Regulations”) for reserved matters and s.36 consents, and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (“the 2017 Offshore Habitats Regulations”) for developments outwith 12nm. These regulations are collectively referred to as “the Habitats Regulations”.

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- 1.4.4 Developments in, or adjacent to, European protected sites, or in locations which have the potential to affect such sites, must undergo what is commonly referred to as a Habitats Regulations Appraisal (“HRA”). In line with advice from SNH, and to ensure compliance with European Union (“EU”) obligations under the Habitats Directive and the Birds Directive, MS-LOT, on behalf of the Scottish Ministers, undertook an AA as part of this HRA.
- 1.4.5 You can be satisfied that the Habitats Regulations requirements have been met. The AA completed has concluded that the Development, alone and in combination with other plans or projects, will not adversely affect the integrity of any SAC or Special Area of Protection (“SPA”). Reasons for diverging from the SNH advice have been provided in the AA and decision notice.

1.5 Marine and Coastal Access Act 2009

- 1.5.1 The Marine and Coastal Access Act 2009 (“the 2009 Act”) executively devolved marine planning, marine licensing and nature conservation powers in the offshore marine region (12-200nm) to the Scottish Ministers. The 2009 Act transferred certain functions in issuing consent under s.36 of the Electricity Act 1989 from the Secretary of State to the Marine Management Organisation (“MMO”). The MMO does not exercise such functions in Scottish waters or in the Scottish part of the renewable energy zone, as that is where the Scottish Ministers perform such functions.
- 1.5.2 The Marine and Coastal Access Act 2009 states that, where applications are made for both a marine licence and consent under s.36 of the Electricity Act 1989, in those cases where the Scottish Ministers are the determining authority, notice is given to the applicant that the two applications are to be considered together. Scottish Ministers have fulfilled the requirements stated under section 79(3) of the Act.
- 1.5.3 Although the Development is to be located in the offshore region it will also have an impact upon, although to a much lesser extent, the territorial sea in connection with the construction of the transmission infrastructure and cable to shore.

1.6 Marine (Scotland) Act 2010

- 1.6.1 The Marine (Scotland) Act 2010 (“the 2010 Act”) regulates activities in the territorial sea adjacent to Scotland in terms of marine environment issues. Subject to exemptions specified in subordinate legislation, under Part 4 of the 2010 Act, licensable marine activities may only be carried out in accordance with a marine licence granted by the Scottish Ministers.
- 1.6.2 Where an application for a marine licence and consent under s.36 of the Electricity Act 1989 is to be made, the Scottish Ministers decide and give notice that both applications are to be considered together. The requirements stated under section 35(3) of the Act have been fulfilled by Scottish Ministers.

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1.6.3 Under Part 2 of the 2010 Act, the Scottish Ministers have general duties to carry out their functions in a way best calculated to achieve sustainable development, including the protection and, where appropriate, the enhancement of the health of the area.

1.7 Climate Change (Scotland) Act 2009

1.7.1 Under Part 2 of the 2010 Act the Scottish Ministers must, when exercising any function that affects the Scottish marine area under the Climate Change (Scotland) Act 2009 (as amended), act in the way best calculated to mitigate, and adapt to, climate change so far as is consistent with the purpose of the function concerned. Under the Climate Change (Scotland) Act 2009 (as amended), annual targets have been agreed with relevant advisory bodies for the reduction in carbon emissions.

2 MARINE AND TERRESTRIAL POLICY

2.1 Scotland’s National Marine Plan

2.1.1 The National Marine Plan (“NMP”), formally adopted in 2015, provides a comprehensive statutory planning framework for all activities out to 200nm. Scottish Ministers must take authorisation and enforcement decisions, which affect the marine environment, in accordance with the NMP.

2.1.2 The NMP sets an objective to promote the sustainable development of offshore wind, wave and tidal renewable energy in the most suitable locations. In doing so, it sets a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of the NMP. The NMP also contains specific policies relating to the mitigation of impacts on habitats and species, and in relation to the treatment of cables.

2.1.3 Of particular relevance to this proposal are:

- Chapter 4 policies ‘GEN 1-21’, which guide all development proposals;
- Chapter 6 Sea Fisheries, policies ‘FISHERIES 1-3’;
- Chapter 8 Wild Salmon and Diadromous Fish, policies ‘WILD FISH 1 and 3’;
- Chapter 11 Offshore Wind and Marine Renewable Energy, policies ‘RENEWABLES 1, 3-10’;
- Chapter 12 Recreation and Tourism, policies ‘REC & TOURISM 2 and 6’;
- Chapter 13 Shipping, Ports, Harbours and Ferries, policies ‘TRANSPORT 1 and 6’;
- Chapter 14 Submarine Cables, policies ‘CABLES 1, 2 and 5’; and

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- Chapter 15 Defence, policy ‘DEFENCE 1’.

2.1.4 MS-LOT has had full regard to the NMP when assessing the Application. It considers that the Development accords with the NMP.

2.2 Other Marine Policy

2.2.1 The Development will contribute to Scotland’s renewable energy targets and will provide wider benefits to the offshore wind industry which are reflected within Scotland’s Offshore Wind Route Map and the National Renewables Infrastructure Plan. Offshore wind is seen as an integral element in Scotland’s contribution towards action on climate change. The development of offshore wind also represents one of the biggest opportunities for sustainable economic growth in Scotland for a generation. Scotland’s ports and harbours present viable locations to service the associated construction and maintenance activities for offshore renewable energy. In addition, Scottish research institutions provide a base of academic excellence for delivering technological advancements and technology transfer and are also well placed to benefit from the creation of this new industry around Scotland.

2.3 Scottish Planning Policy

2.3.1 Scottish Planning Policy 2014 (“SPP”) sets out Scottish Government’s planning policy on renewable energy development. Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities. Renewable energy also presents a significant opportunity for associated development, investment and growth of the supply chain, particularly for ports and harbours identified in the National Renewables Infrastructure Plan (“NRIP”). Communities can also gain new opportunities from increased local ownership and associated benefits.

2.3.2 Whilst SPP makes clear that the criteria against which applications should be assessed will vary depending upon the scale of the development and its relationship to the characteristics of the surrounding area, the SPP states that these are likely to include impacts on landscapes and the historic environment, ecology (including birds, mammals and fish), biodiversity and nature conservation; the water environment; communities; aviation; telecommunications; noise; shadow flicker and any cumulative impacts that are likely to arise. SPP also makes clear that the scope for the development to contribute to national or local economic development should be a material consideration when considering an application.

2.3.3 MS-LOT has had full regard to the SPP when assessing the Application. MS-LOT considers that the Development accords with the SPP.

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2.4 National Planning Framework 3

- 2.4.1 Scotland’s National Planning Framework 3 (“NPF3”), adopted in June 2014, sets out the ambition for Scotland to move towards becoming a low carbon country, placing emphasis on the development of onshore and offshore renewable energy. It recognises the significant wind resource available in Scotland, and reflects targets to meet at least 30% of overall energy demand from renewable sources by 2020 including generating the equivalent of at least 100% of gross electricity consumption from renewables. It also identifies targets to source 11% of heat demand and 10% of transport fuels from renewable sources by 2020.
- 2.4.2 NPF3 aims for Scotland to be a world leader in offshore renewable energy and expects that, in time, the pace of onshore wind development will be overtaken by the development of marine energy including wind, wave and tidal power.
- 2.4.3 MS-LOT has had full regard to the NPF3 when assessing the Application. MS-LOT considers that the Development accords with the NPF3.

2.5 Terrestrial Policy

- 2.5.1 MS-LOT has had full regard to the terms of relevant terrestrial planning policy documents and plans. In addition to the high level policy documents regarding the Scottish Government’s policy on renewables outlined above, MS-LOT has had full regard to a number of national and local level planning documents and plans, including strategic and local development plans.
- 2.5.2 The Local Development Plans (“LDP”) and supporting policies for the relevant planning authorities are considered within the Planning and Policy Statement within the EIA Report. The LDP for each of the planning authorities support the development of renewable energy projects and sustainable development.

2.6 Summary

- 2.6.1 MS-LOT considers that the policy documents outlined above are broadly supportive of the Development.