

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.

**VIVIEN SMITH
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: VIVIEN SMITH
EMAIL DETAILS: PLANNING@angus.gov.uk

DATE: 22 SEPTEMBER 2015

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

ANGUS COUNCIL

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.