

Date: 15<sup>th</sup> October 2012

Ref: A4MR-SEAG-Z-DEV200-SLE-177

Marine Licensing  
Marine Scotland  
Marine Laboratory  
PO Box 101  
375 Victoria Road  
Aberdeen  
AB11 9DB

Seagreen Wind Energy Limited  
C/o SSE Renewables  
1 Waterloo Street  
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G2 6AY

Attention: Andrew Sutherland, Marine Renewables Licensing Advisor

**Firth of Forth Seagreen Phase 1 Offshore Project  
Seagreen Wind Energy Limited  
Applications for Section 36, Section 36A and Marine Licence Consents**

Dear Andrew,

Seagreen Wind Energy Limited (Seagreen) is a joint venture between SSE Renewables Developments (UK) Limited (SSER) and Fluor Limited (Fluor), the UK operating arm of the Fluor Corporation. Seagreen has been granted rights by The Crown Estate to develop offshore wind farms in the Firth of Forth Round 3 Zone 2 (the Zone).

The Zone is being developed as a series of phases within which a number of offshore wind farm projects are to be located. The first phase (known as Phase 1) to be developed includes the offshore wind farm projects known as Project Alpha and Project Bravo. Phase 1 also includes the Transmission Asset Project, which comprises the offshore substation platforms and the export cables that transmit the electricity generated by the offshore wind farm projects back to shore.

Seagreen Alpha Wind Energy Limited (SAWEL) and Seagreen Bravo Wind Energy Limited (SBWEL) are the project companies for the two schemes. SAWEL and SBWEL are part of the Seagreen group of companies and are wholly owned subsidiaries of Seagreen.

We enclose the following applications for Project Alpha, Project Bravo and the Transmission Asset Project:

Applicant	Application	Project
SAWEL	Consent pursuant to s.36 and s.36A of the Electricity Act 1989	Project Alpha
SBWEL	Consent pursuant to s.36 and s.36A of the Electricity Act 1989	Project Bravo
SAWEL	Marine licence under ss. 65 and 66 of the Marine and Coastal Access Act 2009	Project Alpha (including necessary scour protection and cable protection; meteorological masts and wave buoys)
SBWEL	Marine licence under ss. 65 and 66 of the Marine and Coastal Access Act 2009	Project Bravo (including necessary scour protection and cable protection; meteorological masts and wave buoys)
SAWEL and SBWEL	Marine licence under s.20 of the Marine (Scotland) Act 2010 and ss. 65 and 66 of the Marine and Coastal Access Act 2009	Transmission Asset Project (offshore)



The applications also seek permission for scour protection and cable protection where required. The applications do not seek permission for dredging works. This will be applied for separately if required.

The onshore transmission works will be subject to a separate application for planning permission under the Town and Country Planning (Scotland) Act 1997, which will be made to Angus Council.

### **Subject of the Application**

#### **1. Offshore Wind Farms**

The Project Alpha and Project Bravo sites are located approximately 27 kilometers (km) and 38km respectively from the Angus coastline.

Project Alpha and Project Bravo will each comprise:

- a) Up to 75 wind turbine generators sufficient to generate up to 525MW of electrical power;
- b) All foundations, substructures, fittings and cable crossings;
- c) Subsea array cables;
- d) Scour protection and cable protection (where required);
- e) Meteorological masts; and
- f) Wave buoys

The joint maximum capacity of Project Alpha and Project Bravo would be 1,050MW, with no more than 150 wind turbine generators being installed across both projects.

#### **2. Offshore Transmission Asset Infrastructure**

The proposed Transmission Asset Project will comprise:

- a) Up to five offshore substation platforms;
- b) High voltage (circa 220 kilovolts (kV) or above) subsea power cables providing inter connection between offshore substation platforms;
- c) High voltage (circa 220kV or above) export cables up to Mean High Water Springs;
- d) Cable landfall and connection to onshore infrastructure up to Mean High Water Springs; and
- e) Scour protection and cable protection (where required).

The export cables will transmit the power produced by Project Alpha and Project Bravo using either High Voltage Direct Current (HVDC) or High Voltage Alternating Current (HVAC), to a landfall point at Carnoustie. The Application seeks permission up to Mean High Water Springs for the export cables as part of this application.

### **Documentation Enclosed and Application Fee**

Seagreen has been in correspondence with Marine Scotland since January 2009 regarding compliance with Marine Scotland's checklist for submission. The below list is understood to be a complete list of all required submission documents.

Continued



- Seagreen Phase 1 Offshore Applications Covering Letter (*this letter*) (Seagreen Ref: A4MR-SEAG-Z-DEV275-SLE-171);
- Marine Licence Application form for Project Alpha (Seagreen Ref: A4MR-SEAG-Z-DEV275-SPF-188);
- Marine Licence Application form for Project Bravo (Seagreen Ref: A4MR-SEAG-Z-DEV275-SPF-194);
- Marine Licence Application form for the Transmission Asset Project (Seagreen Ref: A4MR-SEAG-Z-DEV275-SPF-195);
- Seagreen Phase 1 Offshore Project Section 36 Application Boundaries (Seagreen Ref: A4MR-SEAGZ-DEV200-SMP-0041);
- Seagreen Phase 1 Offshore Project Marine Licence Application Boundaries (Seagreen Ref: A4MR-SEAGZ-DEV200-SMP-0042);
- Section 36 & Marine Licence Project Alpha Application Boundary (*coordinates*) (Seagreen Ref: A4MR-SEAGZ-DEV200-SMP-0045);
- Section 36 & Marine Licence Project Bravo Application Boundary (*coordinates*) (Seagreen Ref: A4MR-SEAGZ-DEV200-SMP-0046);
- Marine Licence Transmission Asset Project Application Boundary (*coordinates*) (Seagreen Ref: A4MR-SEAGZ-DEV200-SMP-0047);
- Seagreen Phase 1 Offshore Project Environmental Statement (covers Project Alpha, Project Bravo and the Transmission Asset Project) including associated technical annexes and figures (Seagreen Ref: A4MR-SEAG-Z-DOC100-SPR-060);
- Non Technical Summary (NTS) as a stand alone document (Seagreen Ref: A4MR-SEAG-Z-DEV275-SRP-197);
- Copy of the Public Notice (Seagreen Ref: A4MR-SEAG-Z-DEV275-STR-185);
- Seagreen Phase 1 Offshore Applications List of Acronyms (Seagreen Ref: A4MR-SEAG-Z-DEV275-STA-186); and
- Seagreen Phase 1 Offshore Applications List of Consultees (Seagreen Ref: A4MR-SEAG-Z-DEV275-STA-187).

Three hard copies of each of the following are enclosed:

- a) Seagreen Phase 1 Offshore Project Environmental Statement: NTS;
- b) Seagreen Phase 1 Offshore Project Environmental Statement: Volume I: Main Text;
- c) Seagreen Phase 1 Offshore Project Environmental Statement: Volume II Part 1: Figures;
- d) Seagreen Phase 1 Offshore Project Environmental Statement: Volume II Part 2: SLVIA Figures;
- e) Seagreen Phase 1 Offshore Project Environmental Statement: Volume III: Technical Appendices.

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One hard copy of each of the following is also enclosed:

- f) Marine Licence Application form for Project Alpha;
- g) Marine Licence Application form for Project Bravo;
- h) Marine Licence Application form for the Transmission Asset Project;
- i) Seagreen Phase 1 Offshore Project Section 36 Application Boundaries;
- j) Seagreen Phase 1 Offshore Project Marine Licence Application Boundaries;
- k) Section 36 & Marine Licence Project Alpha Application Boundary (*coordinates*);
- l) Section 36 & Marine Licence Project Bravo Application Boundary (*coordinates*);
- m) Marine Licence Transmission Asset Project Application Boundary (*coordinates*);
- n) Copy of the Public Notice;
- o) List of Acronyms; and
- p) List of Consultees.

Seagreen also wishes to support the Consent Applications with the following additional documentation, of which one hard copy is enclosed:

- q) Seagreen Phase 1 Offshore Planning Statement (Seagreen Ref: A4MR-SEAG-Z-DEV275-SRP-183);
- r) Seagreen Phase 1 Offshore Consultation Report (Seagreen Ref: A4MR-SEAG-Z-DEV275-SRP-154).

Application fees to the total of **£213,740** will be paid to the Scottish Government by BACS transfer.

The total fee comprises the following:

Project Alpha Section 36	£50,000
Project Bravo Section 36	£50,000
Project Alpha Marine Generator Station Licence	£41,360
Project Bravo Marine Generator Station Licence	£41,360
Transmission Asset Project Marine Licence*	£31,020

\* This is a 'general application' licence includes works both for within and outwith 12 nautical miles.

### **Section 36, Section 36A and Section 36B Applications**

The Generating Station, to which the Section 36 Consent Applications relate, comprises the wind turbine generators and subsea array cables forming part of the Project Alpha and Project Bravo offshore wind farms.

Declarations are sought from the Scottish Ministers under Section 36A extinguishing rights of navigation during construction (500m exclusions safety zones around construction works) and operation (50m exclusion safety zones around offshore structures) for both Project Alpha and Project Bravo.

Section 36 and 36A consents are required for the operational life of the offshore wind farms.

Section 36B (1) and (2) of the 1989 Act outlines the process Scottish Ministers are obliged to carry out before granting consent for an offshore wind farm.

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Section 36B (1) should be considered initially. This sub-section requires that the Scottish Ministers refuse to grant consent if it is considered that the use of international sea-lanes required for international navigation will be disturbed by the proposed development and/or associated activities. For 'offshore generating activities' this includes interference as a result of the development itself, as well as the effects of extinguishment of rights of navigation, declaration of safety zones and requirement for decommissioning plans.

Assessment of impacts also needs to take into consideration, the effects of associated activities arising from nearby wind turbine developments. In this case, the effects of such activities carried out or proposed at the Scottish Territorial Waters offshore wind farm development sites, namely Inch Cape and Neart na Gaoithe.

Sub-section 36B (2) requires that the Scottish Ministers consider the nature and extent of any obstruction or of danger to navigation which is likely to be caused by the carrying on of the offshore generating activities (this is in addition to ensuring there is no interference with recognised sea-lanes). This will determine whether a particular offshore activity may be consented, and if so, what conditions will be attached to the consent.

A Navigation Risk Assessment is provided in Chapter 15: Shipping & Navigation of the supporting Environmental Statement provides the information needed to enable the Scottish Ministers to undertake the process which is contained in s.36B of the 1989 Act.

### **Additional Application Requirements**

#### **1. Environmental Impact Assessment**

Pursuant to the requirements of the Marine Works (Environmental Impact Assessment) Regulations 2007 (the '2007 Regulations') and the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 an Environmental Impact Assessment (EIA) of the Projects (including the Transmission Infrastructure Assets) has been undertaken. The results of the EIA process are set out in the ES submitted with the applications.

#### **2. Habitats Regulations Assessment**

The Conservation of Habitats and Species Regulations 2010, the Conservation (Natural Habitats &c.) Regulations 1994 and the Offshore Marine Conservation (Natural Habitats &c.) Regulations 2007 require the potential of a development to significantly impact a European site or a European Offshore site, as defined to be assessed. If a likely significant effect is determined then an Appropriate Assessment should be undertaken by the competent authority, in this case Marine Scotland on behalf of the Scottish Ministers.

Necessary data to support an Appropriate Assessment may be found within the Environmental Statement; however assessment of that data pursuant to the above regulations is absent. Seagreen will provide a specific report to inform the Appropriate Assessment in due course and will continue to engage with Marine Scotland in this regard.

#### **3. Amenity Duties under the Electricity Act 1989**

Prior to granting consent under Section 36 of the 1989 Act the Scottish Ministers must have regard to preserving natural beauty, conserving flora, fauna and geological and physiographical features of special interest.

The Environmental Statement contains the information required to enable the Scottish Ministers to have regard to these features and to allow them to comply with their statutory obligations.

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#### 4. Water Framework Directive

Under Section 2(1) of the Water Environment and Water Services (Scotland) Act 2003 and Schedule 1(1) of the Water Environment (Scotland) Order 2011, the Scottish Ministers, under the 2010 Act, must ensure compliance with the Water Framework Directive (2000/60/EC) (the 'WFD'). The WFD extends up to 3 nautical miles offshore in Scotland. Relevant to the applications is Article 4, which requires that all member states exercise measures, and monitor activities, as to prevent the deterioration in the status of bodies of water.

Information on the effects of the Seagreen Project on the water environment is contained in Chapter 8: Water and Sediment Quality of the supporting Environmental Statement.

#### **Other Consents**

The accompanying application forms detail any further consent which may be required for the development of the Seagreen Project. A separate consent will be required for the onshore grid connection works under the Town and Country Planning (Scotland) Act 1997.

Following discussions with Marine Scotland, it is understood that the Marine Licence applications and Sections 36 and 36A Consent applications will be considered together by Marine Scotland.

An application for connection of the projects to the national electrical transmission network has been submitted to National Grid and a connection offer has been secured and accepted by the applicant for up to 1,050MW of power.

#### **Consultation**

Seagreen Wind Energy Limited has carried out pre-application consultation. Consultation on the applications will be required pursuant to the above legislation.

Accompanying this application is the Consultation Report. The responses of both statutory and non-statutory consultees are listed and summarised in this report, although it should be noted that the consultation relating to the Environmental Impact Assessment Regulations is detailed in the supporting Environmental Statement. The report presents details on the process of public notification and consultation carried to comply with Part 4 Section 22 – 24 of The Marine (Scotland) Act 2010.

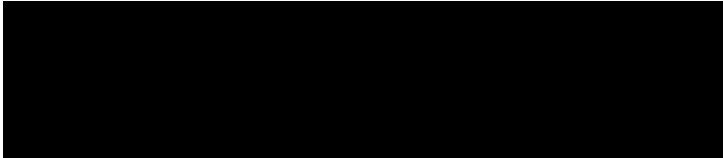
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We trust the above and the enclosed meets with your requirements and we look forward to receiving your formal acceptance of the Applications.

If we can be of any further assistance in this regard, please do not hesitate to contact us.

Yours sincerely,



Dr. Robert East  
General Manager  
For and on behalf of  
Seagreen Wind Energy Limited