

Date: 07 November 2022

Our Ref: LF00009-CST-EV-LET-0005

Marine Scotland Licensing Operations Team

Attention: Ms Kate Taylor

## **PROPOSED S36C VARIATION APPLICATION**

Seagreen Wind Energy Limited ("**SWEL**") are writing to apply for a variation under section 36C of the Electricity Act 1989 ("**1989 Act**") ("**Proposed Variation**").

The Proposed Variation is being sought to correct a discrepancy in the decision notice which originated from an administrative error in the S36C Seagreen application documentation submitted in April 2022. The decision notice (the "**Decision Notice**") was issued by Marine Scotland on behalf of the Scottish Ministers on 10 October 2022 granting a variation (the "**October 2022 Variation**") under section 36C of the 1989 Act to two separate consents granted under section 36 of the 1989 Act on 10 October 2014 (as subsequently varied on 28 August 2018) (the "**S36 Consents**") for the construction and operation of respectively the Seagreen Alpha and Seagreen Bravo Offshore Wind Farms (together, the "**Phase 1 Development**"), located approximately 27km off the Angus coastline and shown on figure 1.1 of the enclosed accompanying Environmental Appraisal Report (the "**EA Report**").

## **CURRENT S36 CONSENTS**

Seagreen Alpha and Seagreen Bravo each comprise 75 wind turbine generators (and associated infrastructure, including transmission infrastructure). The October 2022 Variation was requested in an application made by SWEL on 19 April 2022 (the "**April 2022 Application**") to increase the size of 36 of the 150 total consented wind turbine generators. The April 2022 Application comprised a formal letter to Marine Scotland dated 19 April 2022 with the proposed variation being fully described in an accompanying EA Report. The April 2022 Application was accompanied by SWEL's January 2022 Screening Report and the Scottish Ministers' March 2022 Screening Opinion.

In terms of the S36 Consents, each of the two wind farms in the Phase 1 Development had consent for not more than 75 three-bladed horizontal axis wind turbine generators (the "**Phase 1 Turbines**") each with the following parameters:

- (a) a maximum blade tip height of 209.7 metres (measured from LAT);
- (b) a rotor diameter of between 122 and 167 metres;



- (c) a hub height of between 87.1 and 126.2 metres (measured from LAT);
- (d) a minimum blade tip clearance of between 29.8 and 42.7 metres (measured from LAT);
- (e) blade width of up to 5.4 metres; and
- (f) a minimum spacing of 1,000 metres.

The effect of the October 2022 Variation is to split each generating station in the Phase 1 Development into two distinct phases, Phase 1 and Phase 1A. The newly varied S36 Consents now provide that each generating station in the Phase 1 Development has consent for 75 three-bladed horizontal axis wind turbine generators of which (a) not more than 57 wind turbine generators shall be constructed in Phase 1; and (b) not more than 18 wind turbine generators shall be constructed in Phase 1A.

In respect of Phase 1, each wind turbine generator shall comprise:

- (a) a maximum blade tip height of 209.7 metres (measured from LAT);
- (b) a rotor diameter of between 122 and 167 metres;
- (c) a hub height of between 87.1 and 126.2 metres (measured from LAT);
- (d) a minimum blade tip clearance of between 29.8 and 42.7 metres (measured from LAT);
- (e) blade width of up to 5.4 metres; and
- (f) a minimum spacing of 1,000 metres.

In respect of Phase 1A, each wind turbine generator shall comprise:

- (a) a maximum blade tip height of 285 metres (measured from LAT);
- (b) a maximum rotor diameter of 242 metres;
- (c) a hub height of between 118 and 165 metres (measured from LAT);
- (d) a minimum blade tip clearance of between 34 and 45 metres (measured from LAT);
- (e) blade width of up to 7.6 metres; and
- (f) a minimum spacing of 1,000 metres ("**Phase 1A Turbines**").

## **THE NEED AND JUSTIFICATION FOR THE PROPOSED VARIATION**

On review of the Decision Notice, it has been identified that there is an error in the Annex arising in turn from a discrepancy in the documents which accompanied the April 2022 Application. The April 2022 Application was accompanied by a draft of the proposed variation, in accordance with Regulation 3(1)(d)(i) of the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 (the "**Variation Regulations**"), which due to a version control error provided that the 36 Phase 1A Turbines proposed in the October 2022 Variation would be evenly split between Seagreen Alpha and Seagreen Bravo. This error was carried across into the Annex to the Decision Notice.

The correct version of the proposed wording is set out in Annex A of this letter.

The April 2022 Application and in particular the accompanying EA Report were not based on the 36 Phase 1A Turbines being evenly split between Seagreen Alpha and Seagreen Bravo, but rather were based on the Phase 1A Turbines mainly (but not entirely) being developed within the Seagreen Alpha area, consistent with the proposed condition wording set out in Annex A of this letter.



For example, figure 1 in Annex 2 of the Seagreen Offshore Wind Farm Seascape, Landscape and Visual Review Assessment (“SLVIA”) to inform the Screening Report (January 2022) shows the uneven split of the Phase 1A Turbines between the Seagreen Alpha and Seagreen Bravo areas and states that “the varied turbines are within the Seagreen Project Area and are mainly, but not entirely, within the former Seagreen Alpha”. To the same effect, figure 1.1. in the EA Report which accompanied the April 2022 Application shows that many of the Phase 1A Turbines would be located within the Seagreen Alpha area and some would be located in the Seagreen Bravo area. The same figure 1.1 forms part of the Screening Report. These reports were published on the project website and were consulted upon with statutory and other consultees and with the public.

In the course of producing the EA Report, SWEL undertook consultation with statutory and non-statutory stakeholders, and took their comments into account when undertaking the assessments. A summary of consultation activities is provided in Table 2.4 of the EA Report. No objections were raised within the EA Report consultation period nor any concerns relating to the distribution of the 114 smaller and 36 larger WTGs between Seagreen Alpha and Bravo.

The amendments set out in this application for the Proposed Variation are very minor in nature and are required to correct some wording in the S36 Consents so that they align with what was assessed in the EA Report (which received no objections). Additionally, we have also included a minor amendment to change the company address for Seagreen Alpha Wind Energy Limited which is the relevant company for both Seagreen Alpha and Seagreen Bravo.

SWEL therefore considers that the Proposed Variation can be determined by Marine Scotland with no further EIA screening or assessments being required.

## **PROPOSED VARIATION**

Please refer to Annex A below which sets out a table of proposed amendments to the Decision Notice for Seagreen Alpha and Seagreen Bravo respectively. For ease, we have copied the relevant sections from the Decision Notice and shown any proposed insertions in blue text and any proposed deletions in red text.

As noted above, the purpose of this application is to align the wording of the S36 Consents with what was assessed so SWEL considers that the Proposed Variation can be determined by Marine Scotland with no further EIA screening or assessments. We therefore enclose the same assessment documentation as submitted with the April 2022 Application.

SWEL would be grateful if a draft copy of the revised Decision Notice can be made available to SWEL prior to this being approved by Marine Scotland. In the meantime, please do let SWEL know if you have any queries regarding the Proposed Variation.

Yours sincerely,



Michael Walker  
 For and on behalf of  
 Seagreen Wind Energy Limited

**ANNEX A**

**Seagreen Alpha Offshore Wind Farm Consent**

Please note that proposed insertions are shown in blue text and proposed deletions are shown in red text.

<b>PROPOSED AMENDMENTS TO THE SEAGREEN ALPHA OFFSHORE WIND FARM CONSENT</b>	
<b>Relevant section of consent</b>	<b>Amendment</b>
<b>Annex 1, paragraph 1</b>	1. not more than 75 three-bladed horizontal axis wind turbine generators <del>of which (a) not more than 57 wind turbine generators shall be</del> constructed in two phases, Phase 1 and Phase 1A, provided that the total number of wind turbine generators; and (b) <del>not more than 18 wind turbine generators shall be</del> constructed in Phase 1A in the Development shall not exceed 28.
<b>Annex 3 – definitions and glossary of terms</b>	“Commencement of each Phase of the Development” means (i) the date on which Construction <del>of Phase 1</del> begins on the site of that Phase the Development in accordance with this consent and (ii) <del>the date on which Construction of Phase 1A begins on the site of</del> the Development in accordance with this consent.
	“the Company” means Seagreen Alpha Wind Energy Limited, 43 Forbury Road, Reading, United Kingdom <del>55 Vastern Road, Reading, Berkshire, RG1 8BU</del> . Company Number: 07185533.

**Seagreen Bravo Offshore Wind Farm Consent**

<b>PROPOSED AMENDMENTS TO THE SEAGREEN BRAVO OFFSHORE WIND FARM CONSENT</b>	
<b>Relevant section of consent</b>	<b>Amendment</b>
<b>Annex 1, paragraph 1</b>	1. not more than 75 three-bladed horizontal axis wind turbine generators <del>of which (a) not</del>

	<p>more than 57 wind turbine generators shall be constructed in two phases, Phase 1 and Phase 1A, provided that the total number of wind turbine generators ;and (b) not more than 18 wind turbine generators shall be constructed in Phase 1A in the Development shall not exceed 8.</p>
<p><b>Annex 3 – definitions and glossary of terms</b></p>	<p>“Commencement of each Phase of the Development” means (i) the date on which Construction of Phase 1 begins on the site of that Phase the Development in accordance with this consent and (ii) the date on which Construction of Phase 1A begins on the site of the Development in accordance with this consent.</p> <p>“the Company” means Seagreen Alpha Wind Energy Limited, 43 Forbury Road, Reading, United Kingdom <del>55 Vastern Road, Reading, Berkshire, RG1 8BU</del>. Company Number: 07185533.</p> <p>“the Development” means the Seagreen <del>Alpha</del> Bravo Wind Farm in the Firth of Forth Zone.</p>