



Dee District Salmon Fishery Board

Andrew Sutherland
Marine Renewables Licensing Advisor
Marine Scotland – Marine Planning & Policy Division
Scottish Government
Marine Laboratory,
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

30th September 2011

Dear Sir / Madam,

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND A MARINE LICENCE UNDER PART 4, SECTION 20 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE AN OFFSHORE WINDFARM, ABERDEEN BAY, ABERDEEN

On behalf of the three District Salmon Fishery Boards which serve a large part of the North East of Scotland i.e. the Rivers Dee, Don and Ythan, we welcome the opportunity to respond to the above mentioned application and to engage with the developer to ensure the respective populations of salmon and sea trout are not adversely impacted upon and that the proposal proceeds smoothly should all necessary permissions be subsequently received.

As the statutory representatives of salmon and sea trout within their respective districts the three Boards are of the mind that this development, in principle, will be a useful trial to examine the deployment of offshore wind farms in close proximity to the three major rivers of North-East Scotland, subject to the issues identified within this response being agreed to our mutual satisfaction.

River Office, Mill of Dinnet, Dinnet, Aboyne, Aberdeenshire, AB34 5LA

Tel No: 013398 80411 e-mail: info@riverdee.org www.riverdee.org.uk

General Comments

Background

The location of the proposed wind farm is midway between the mouths of the Ythan, Don and Dee rivers. This area of coast is very important for salmon and sea trout in two ways:

- Firstly access to the estuaries of these rivers is critical so that the fish can complete their lifecycle; whether it is juvenile fish annually migrating from the river to the sea or returning adults leaving the sea to swim into the rivers and spawn.
- Secondly the inshore environment is important as a feeding ground for migratory salmonids, particularly sea trout that some research indicates, spend the majority of their marine phase within 30 km of the estuary of their river of origin.

As well as being of prime importance in the conservation of the populations of salmon and sea trout the local rivers are important contributors to the local rural economy by generating approximately £14.8 million annually (2003 values) and supporting approximately 700 full time equivalent jobs.

Designations

In order to emphasise the recognition of the importance of the various river habitats and therefore the multiplier effect any potential negative consequences the offshore proposals may have on these we consider it important to state the current river designations and management structures in place

The Dee has been designated as a Special Area of Conservation under the EC Habitats Directive 92/43 EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna for Atlantic salmon.

Whilst sea trout, common to all three rivers, are a priority species under the United Kingdom's Biodiversity Action Plan.

All three rivers have Charitable River Trusts dedicated to the conservation of the rivers ecosystems with particular emphasis on all types of fish. These partner organisations all have in place three year Fishery Management Plans. It will therefore be appreciated how sensitive we and others regard the proposed development to our various rivers systems.

Specific Comments

Construction Phase

It is noted that detailed construction method statements have not been produced for each of the turbines and that these are to be written at a later date. As these method statements will have a bearing on the potential impact of salmon and sea trout the Boards would wish to reserve comment until these have been produced and discussed.

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- As such the granting of the consent and marine licence for this development should have a clause for the Boards to comment on and approve the detailed method statements and that potential mitigation should be agreed and in place before final consents are given.

The main but not all impacts associated with the construction phase are deemed to be noise and vibration. The underwater noise modelling (Appendix 3.1) indicates that there will be avoidance behaviour by salmon at distances from 3.5 to 4.2 km from the piling activities associated with installing an 8.5m diameter pile foundation. This avoidance zone will include the mouths of the Dee and Don rivers with the potential to impact upon the migratory behaviour of salmonid adults and smolts. It noted that the modelling for Appendix 3 is based on 8.5 m diameter piles whereas the piles for the proposed scheme are up to 11m in diameter, with an increase in the noise produced to install them.

Due to the extent of the avoidance zone their proximity to the estuaries of two significant rivers, one of which is a Special Area of Conservation for Atlantic salmon, the summary of negligible to minor impact on migratory salmonids in Chapter 22 is impossible to reconcile until appropriate mitigation measures have been put in place. The rationale for this is that any delay to the migration of salmonids is known to reduce environmental fitness and ultimately survival to spawn. Sea trout from all three rivers are known to form a meta-population feeding up and down the north east coast of Scotland, within approximately 30 km of the mouths of their natal rivers. The presence of the wind farm in the middle of the area between the three rivers may impact upon the foraging and predator avoidance behaviour. This needs to be more fully understood prior to the scheme being consented.

In view of the above:

- Permission to proceed should not be granted until the mitigation measures have been identified and approved with the three Fishery Boards.

Operation of Wind Farm

We consider the electromagnetic fields (emf) associated with the cabling for the individual turbines and overall scheme have not been adequately addressed in terms of their impact on the migration of salmon and sea trout and their associated foraging habits. It is acknowledged that the level of understanding of this situation is weak due to the lack of clear scientific information. This is detailed within the Scottish Natural Heritage Report¹ by Gill and Bartlett (2010).

- As this is an experimental development it is requested that a research programme be commissioned to monitor the migration and behaviour of salmon and sea trout due to emf

¹ Gill, A.B. and Bartlett, M. (2010). Literature Review on the Potential Effects of Electromagnetic Fields and Subsea noise from marine renewable energy developments on Atlantic salmon, sea trout and European eel. Scottish Natural Heritage Commissioned Report No. 401

over the life of the wind farm as part of the licensing and consenting process. This is due to the proximity of the development to the mouths of three important salmonid rivers.

Decommissioning

The decommissioning of the wind farm after its operational life does not appear to have been considered within this environmental statement.

- The three Boards would request that conditions are put in place to govern the removal of the structures at the consenting stage so that an inappropriate legacy is not left behind.

Mitigation

It is recognised that the wind farm is an experimental unit and that a significant part of the justification of this site is to develop new technologies. Along with the development of technologies should be the development of the understanding of the different types of turbine, their foundations and the differing operational impacts they may have over the course of their lifespan. For the two main impacts (construction noise and emf) Scottish Natural Heritage concluded that the state of applicable knowledge was poor and that this undermined the strength of the environmental statements associated with schemes such as this.

As this scheme is an experimental one the opportunity must be taken to increase the understanding of the impact of inshore wind farms on migratory salmon and sea trout populations.

- The three Boards, with technical input from the three associated River Trusts, would request that a monitoring plan and research programme be designed, approved and included as a condition of the consenting process.

Due to the lack of available scientific information it has been difficult to appropriately assess the level of predicted impact.

- As such safeguards and a contingency should be put in place in case damage is detected through the monitoring programmes. To this end all three rivers would request that part of the planning gain for this development should be to agree a programme to improve the habitat or ecological status of the three rivers. This should be agreed upon prior to the development being given final consent and reviewed in the light of the monitoring programmes.

In conclusion the three Boards are all forward thinking progressive bodies who do not wish to delay progress on a potentially important economic development for Scotland, particularly the North East. However that progress should not be to the detriment in any way to the ecology of the Rivers Dee, Don and Ythan. We hope we can positively work with the developer, not only during the consenting phase for this scheme but also through the operational lifespan of the project.

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All three Boards recognise that this trial development provides an excellent opportunity to gain a greater understanding on the impacts that such marine renewable developments can have on migratory salmonids. To this end the Boards would wish to meet with the licensing authorities and developer to discuss this response and to agree a clear way forward to our mutual benefit.

Yours faithfully



Mark Bilsby

Mark Andrew

Jon Davison

Dee District Salmon

Ythan District Salmon

Don District Salmon

Fishery Board

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SHEPHERD+ WEDDERBURN

OUR REF V0363.5-07/CWI
YOUR REF
12 May 2017

FAO Mark Christie/Jim McKie
Licensing Operations Team
Marine Scotland
Marine Planning & Policy
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

Dear Sirs

**Aberdeen Offshore Wind Farm Limited (AOWFL)
European Offshore Wind Deployment Centre (EOWDC)
Salmon Fishing Rights – [REDACTED]**

We refer to correspondence regarding the above which has been directed to our clients relating to the salmon fishing rights in the vicinity of Blackdog. In the correspondence there is specific reference to paragraph 1.3 of the Marine Licence issued on 3 May 2016 (Licence No. 04309/16/00). The Marine Licence covers both the wind farm and also the necessary export cables. Paragraph 1.3 of the licence is in the following terms:

"The licensee is deemed to have satisfied themselves that there are no barriers or restrictions, legal or otherwise, to carrying out the licensed operations. The issuing of this licence does not absolve the licensee from obtaining other such authorisations and consents which may be required under statute."

This provision is advisory rather than being a requirement of the Marine Licence. It is not uncommon in other consenting regimes for such an advisory statement to be made. In that context it is for the holder of the licence to consider their legal position in terms of any other legal rights.

We understand that other matters have been raised directly with you by [REDACTED] who, along with [REDACTED] are the heritable proprietors of salmon fishings known as the Blackdog, Millden & Eggie. The fishings run from the north end of Balmeddie Beach down to Tarbothill to the south of Blackdog. Our clients are fully aware of the rights that [REDACTED] hold to undertake salmon fishing within the waters identified above. That is however subject to the methods being undertaken in a manner which is lawful and within the season provided. Outwith the salmon fishing season, the [REDACTED] have no greater rights within the waters other than to leave certain restricted fishing equipment as specified in Statute.

You have received various claims from [REDACTED] and also claims within a purportedly independent report by Professor Anthony Hawkins. The Hawkins report, on page 9, makes certain complaints about lack of consultation and potential impacts on the Blackdog Fishing Station. At no stage does Professor Hawkins

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acknowledge the information nor record the basis on which the statements are made. It appears to derive from comments made by [REDACTED]. Furthermore, the Hawkins report does not provide any background to the development of the onshore cable routes through the Blackdog fishings and the role that the proprietors of the fishings have had in that process. This is most surprising.

The EOWDC has a relatively long history with the Section 36 application being submitted back in 2011. At that time a range of onshore locations were potentially identified. As a consequence an onshore cable corridor was provided for the cables as part of the Section 36 application and the Marine Licence. Subsequent to the submission of the Section 36 and Marine Licence applications, a planning application was submitted for an onshore sub-station at Blackdog located to the north of Hareburn Terrace, Blackdog. This was on land owned by [REDACTED]. Furthermore, at or around that time it was identified that the related onshore cable route would potentially be made from the beach area at a location in the vicinity of the Blackdog Fishing Station. Options relating to the acquisition of land at Blackdog for the sub-station and the acquisition of a long lease of land adjacent to Blackdog Fishing Station were entered into with [REDACTED]. Upon the Final Investment Decision being taken, the onshore sub-station site at Blackdog was purchased from the [REDACTED] and the long lease of the land adjacent to the fishing station was entered into. The onshore sub-station is currently being constructed. The long lease comprises a corridor to the south of the fishing station running from Hareburn Terrace down to the beach. We enclose a copy of the plan which shows the area leased to our clients. The Landlords are obliged not to object (either themselves or through others) and must provide reasonable assistance to our clients when applying for statutory consents relating to the electricity cables through this area of ground. In addition, the Landlords are obliged not to object or make any claim against our clients in respect of the wind farm.

As you will know, the Cable Laying Strategy was submitted in January 2017 in terms of Section 36 and Marine Licence conditions. The Cable Laying Strategy provides two options. Cable landfall location 1 would run through the subjects leased to our clients by [REDACTED] whereas cable landfall location 2 would be to the south through other landholdings. Our clients also have a lease from the Crown Estate which includes the right to lay export cables through the corridor from the wind farm to the potential landfall locations at or slightly south of Blackdog. The Crown Estate have the legal right to grant such rights. The cable laying strategy illustrates how AOWFL have sought to mitigate the potential impact of electromagnetic fields through the implementation of a cable attenuation plan. It is understood that AOWFL will also provide further evidence which will provide further comfort and which is based on up to date scientific research. The evidence submitted supports the findings of Appendix 22.2 of the original Environmental Statement.

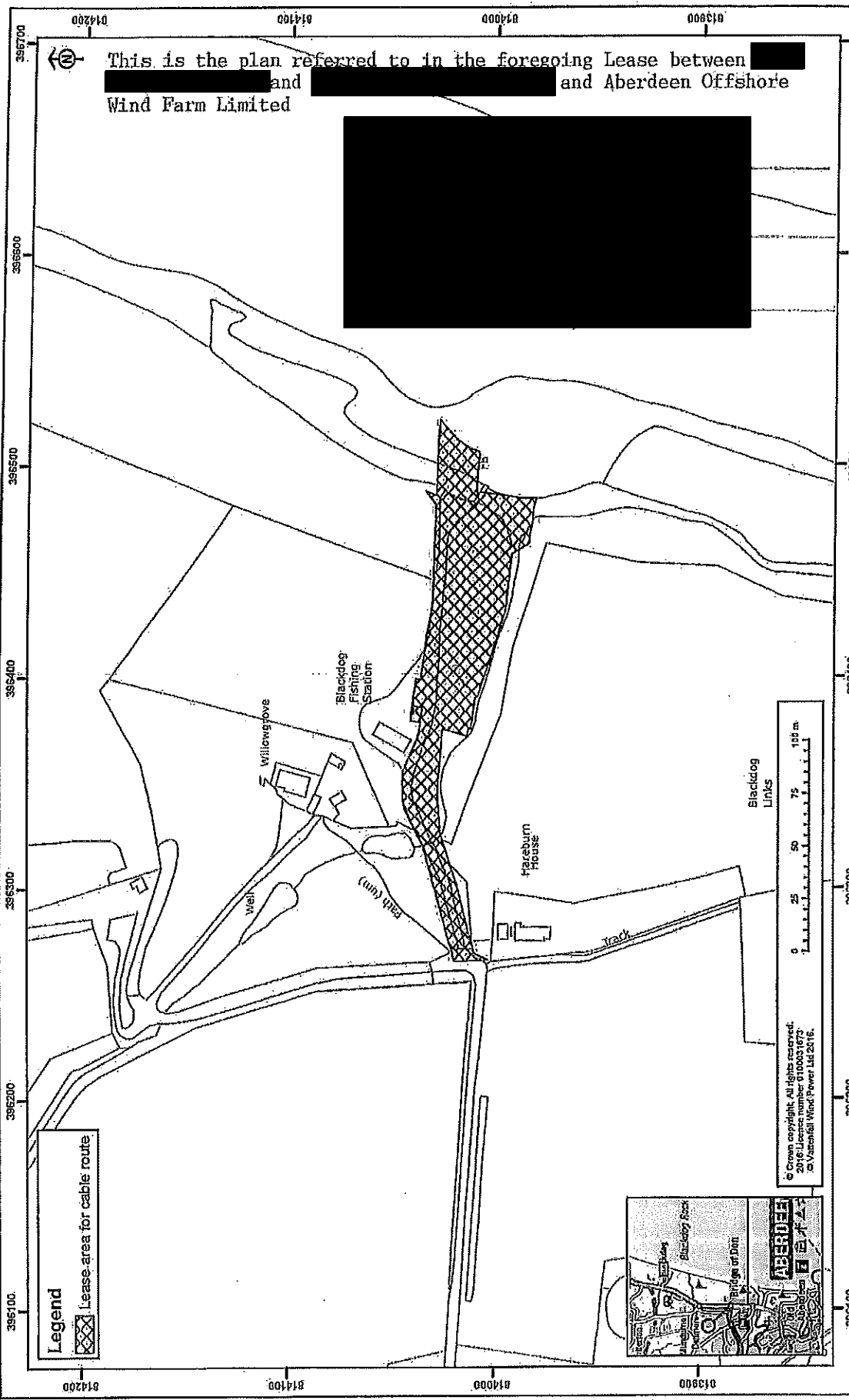
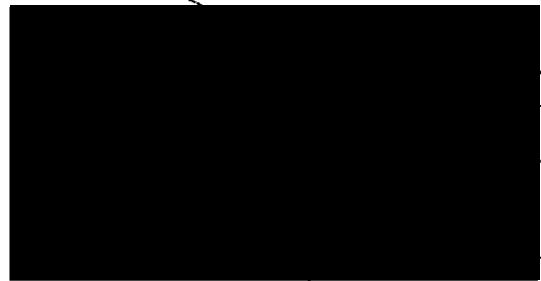
As identified above, AOWFL are fully aware of the salmon fishing rights at Blackdog. They have directly contracted with the owners of the salmon fishings to provide one potential route for the cables. In this respect, the owners of the salmon fishing rights have entered into commercial arrangements which have facilitated the potential delivery of cable landfall location 1. There are legal rights between the parties relating to activities on the beach and thereafter onshore. There is no evidence that the delivery of EOWDC will adversely affect the netting operations which can be undertaken at Blackdog. Our clients have properly considered paragraph 1.3 of the licence and have carefully considered the legal arrangements relating to the cable laying.

We have provided the above information to you to assist in understanding the context for the continued comments made to you in relation to EOWDC and the discharge of the relevant conditions.

Yours faithfully

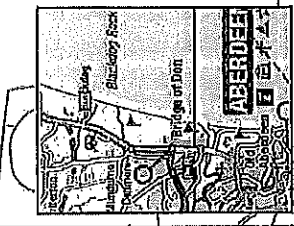
[REDACTED]
[REDACTED]
Colin Innes
For and on behalf of Shepherd and Wedderburn LLP
colin.innes@shepwedd.com
T 0131 473 5104

This is the plan referred to in the foregoing Lease between [redacted] and [redacted] and Aberdeen Offshore Wind Farm Limited



Legend
 Lease area for cable route

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Aberdeen Offshore Wind Farm Lease Area for Cable Route.		Purpose		For Information:	
		Drwg No	61250-3AG-400-004	Rev	B
		Rev		Layout	N/A
		Date	31/08/16	Drawn	
		By		Checked	
		Projct.	CSNG	Comment	
		Scale	A4		
		Datum	OSGB36		
		Projection	OSNG		
		Scale	1:2,500		

VATTENFALL
 Vattenfall Energy Services
 15001001 (Environmental) • City Square, Fraser and Neave Business Centre
 Aberdeen, Scotland AB9 8DQ. Tel: 01224 500000

Pendrey D (Daniel)

From: Dominguez Esther Villoria (WH-HE) ext <esthervilloria.dominguez@nuon.com>
Sent: 28 August 2017 12:50
To: McKie J (Jim) (MARLAB); Humphries S (Sophie)
Cc: Drew J (Jessica); Bain N (Nicola) (MARLAB); Ezzamel Adam (WO-P); Christie M (Mark)
Subject: RE: EOWDC - Guard Vessel Operating 25/08/2017

Dear Jim,

Apologies for the delay I was trying to get the dates from the team:

- Seiont-A left port on the 21st August at 2200hrs to join the Smit Kamara which was doing calibration trials (5 miles east of site).
- Both vessels returned to port and sailed out again on the 23rd August.
- NtM for the Smit Kamara was issued on the 21st July and for the Seiont-A was issued on the 23rd August.

Please do not hesitate to contact me if you require any further information.

Regards,
Esther

From: Jim.McKie@gov.scot [mailto:Jim.McKie@gov.scot]
Sent: Monday, August 28, 2017 9:54 AM
To: Dominguez Esther Villoria (WH-HE) ext; Sophie.Humphries@gov.scot
Cc: Jessica.Drew@gov.scot; Nicola.Bain@gov.scot; Ezzamel Adam (WO-P); Mark.Christie@gov.scot
Subject: RE: EOWDC - Guard Vessel Operating 25/08/2017

Esther/Adam,

We have to get back to Mr Fraser this morning on this matter, he raised an issue with the vessel operating in his fishings. We are just checking now but was an NtM required and if so was it issued?

Regards

Jim

James McKie
Head, Licensing Operations Team
Marine Scotland - Marine Planning and Policy

Scottish Government : Marine Laboratory : 375 Victoria Road : Aberdeen AB11 9DB

Direct Line : 01224 295470 Mobile No [REDACTED]
Switchboard: 01224 876544 Fax : 01224 295524

Email: Jim.Mckie@gov.scot
Web: <http://www.scotland.gov.uk/marinescotland>



From: Dominguez Esther Villoria (WH-HE) ext [<mailto:esthervilloria.dominguez@nuon.com>]
Sent: 27 August 2017 12:16
To: Humphries S (Sophie)
Cc: Drew J (Jessica); Bain N (Nicola) (MARLAB); Ezzamel Adam (WO-P); McKie J (Jim) (MARLAB); Christie M (Mark)
Subject: RE: EOWDC - Guard Vessel Operating 25/08/2017

Dear Sophie,

The Seiont-A has been chartered by AOWFL to act as a Guard Boat on the Project. The Seiont-A is currently working with the Smit Kamara (UXO surveys).

Regards,
Esther

From: Sophie.Humphries@gov.scot [<mailto:Sophie.Humphries@gov.scot>]
Sent: Friday, August 25, 2017 3:21 PM
To: Dominguez Esther Villoria (WH-HE) ext
Cc: Jessica.Drew@gov.scot; Nicola.Bain@gov.scot
Subject: EOWDC - Guard Vessel Operating 25/08/2017
Importance: High

Hi Esther

I would be grateful if you could please confirm whether the vessel 'Seiont A' is currently operating as a guard vessel at Aberdeen Bay on behalf of AOWFL?

Many thanks

Soph

Sophie Humphries
Marine Renewables Casework Officer

[marinescotland](http://marinescotland.gov.scot)
Marine Scotland Licensing Operations Team

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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