



**Code:** UKCAL-CWF-CON-EIA-APL-00001-A010

## **Application Document 4**

### Caledonia North Planning Statement

Caledonia Offshore Wind Farm Ltd

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## Acronyms and Abbreviations

<b>AA</b>	Appropriate Assessment
<b>AEoSI</b>	Adverse Effect on Site Integrity
<b>CaP</b>	Cable Plan
<b>CES</b>	Crown Estate Scotland
<b>CMS</b>	Construction Method Statement
<b>DE</b>	Design Envelope
<b>EIA</b>	Environmental Impact Assessment
<b>EIAR</b>	Environmental Impact Assessment Report
<b>EMP</b>	Environmental Management Plan
<b>EU</b>	European Union
<b>FMMS</b>	Fisheries Management and Mitigation Strategy
<b>GHG</b>	Greenhouse Gas
<b>GW</b>	Gigawatts
<b>HRA</b>	Habitats Regulations Appraisal
<b>ICCI</b>	In-Combination Climate Change Impacts
<b>km</b>	Kilometre
<b>IFP</b>	Instrument Flight Procedures
<b>LDP</b>	Local Development Plan
<b>LMP</b>	Lighting and Marking Plan
<b>LSE</b>	Likely Significant Effect
<b>MD-LOT</b>	Marine Directorate - Licensing Operation Team
<b>MHWS</b>	Mean High Water Springs

<b>MLWS</b>	Mean Low Water Springs
<b>MMMP</b>	Marine Mammal Mitigation Plan
<b>MPCP</b>	Marine Pollution Contingency Plan
<b>MPS</b>	Marine Policy Statement
<b>MS-LOT</b>	Marine Scotland – Licensing Operations Team
<b>MW</b>	Megawatt
<b>nm</b>	Nautical miles
<b>NETS</b>	National Electricity Transmission System
<b>NMP</b>	National Marine Plan
<b>NPF4</b>	National Planning Framework 4
<b>O&amp;M</b>	Operations and Maintenance
<b>OECC</b>	Offshore Export Cable Corridor
<b>OftI</b>	Offshore Transmission Infrastructure
<b>OSP</b>	Offshore Substation Platforms
<b>OWF</b>	Offshore Wind Farm
<b>PEMP</b>	Project Environmental Monitoring Programme
<b>PPP</b>	Planning Permission in Principle
<b>PS</b>	Piling Strategy
<b>PSR</b>	Primary Surveillance Radar
<b>RIAA</b>	Report to Inform Appropriate Assessment
<b>SAC</b>	Special Areas of Conservation
<b>SCDS</b>	Supply Chain Development Statement
<b>SDP</b>	Strategic Development Plan



<b>SLVIA</b>	Seascape, Landscape and Visual Impact Assessment
<b>SMP</b>	Sectoral Marine Plan
<b>SMR</b>	Scottish Marine Regions
<b>SPA</b>	Special Protection Areas
<b>UK</b>	United Kingdom
<b>UXO</b>	Unexploded Ordnance
<b>WTG</b>	Wind Turbine Generator

# 1 Introduction

## 1.1 Overview and Purpose

- 1.1.1.1 This Planning Statement ('the Statement') has been prepared on behalf of Caledonia Offshore Wind Farm Limited, (the Applicant) in support of; an application for Section 36 consent submitted to Scottish Ministers and applications for Marine Licences to the Marine Directorate: Licensing Operations Team (MD-LOT) for Caledonia North.
- 1.1.1.2 The Caledonia Offshore Wind Farm (OWF) comprises; Caledonia North and Caledonia South, collectively referred to as the Proposed Development (Offshore). Separate offshore consents (Section 36 and Marine Licences) are sought for Caledonia North and Caledonia South.
- 1.1.1.3 The Onshore Transmission Infrastructure (OnTI) required to transfer the power from the Proposed Development (Offshore) to a connection to the National Electricity Transmission System (NETS) is referred to as the Proposed Development (Onshore).
- 1.1.1.4 Collectively, the Proposed Development (Offshore) and Proposed Development (Onshore) are referred to in this Statement as the Proposed Development. Figure 1-1 provides an indicative schematic of the Proposed Development.
- 1.1.1.5 This Statement considers Caledonia North in the context of the extant marine and renewable energy policy framework. It demonstrates that Caledonia North accords with the relevant policy tests and is acceptable in marine planning and energy policy terms.
- 1.1.1.6 The consent sought under Section 36 of the Electricity Act 1989 (United Kingdom (UK) Parliament, 1989<sup>1</sup>) seeks permission for the following:
- the construction of the power generation site (offshore wind farm) and any inter-array cabling.
- 1.1.1.7 The two Marine Licence applications for Caledonia North sought under the provisions of Part 4 of the Marine (Scotland) Act 2010 (Scottish Parliament, 2010<sup>2</sup>) and Part 4 of the Marine and Coastal Access Act 2009 (UK Parliament, 2009<sup>3</sup>) seek consent for the following:
- The generating stations to allow for the construction of each wind farm infrastructure; and
  - The construction of the Offshore Transmission Infrastructure (OfTI) assets.
- 1.1.1.8 A single Environmental Impact Assessment Report (EIAR) has been submitted in support of the Proposed Development, which encompasses the Proposed Development (Offshore) and the Proposed Development (Onshore). This Statement should be read in conjunction with the EIAR.

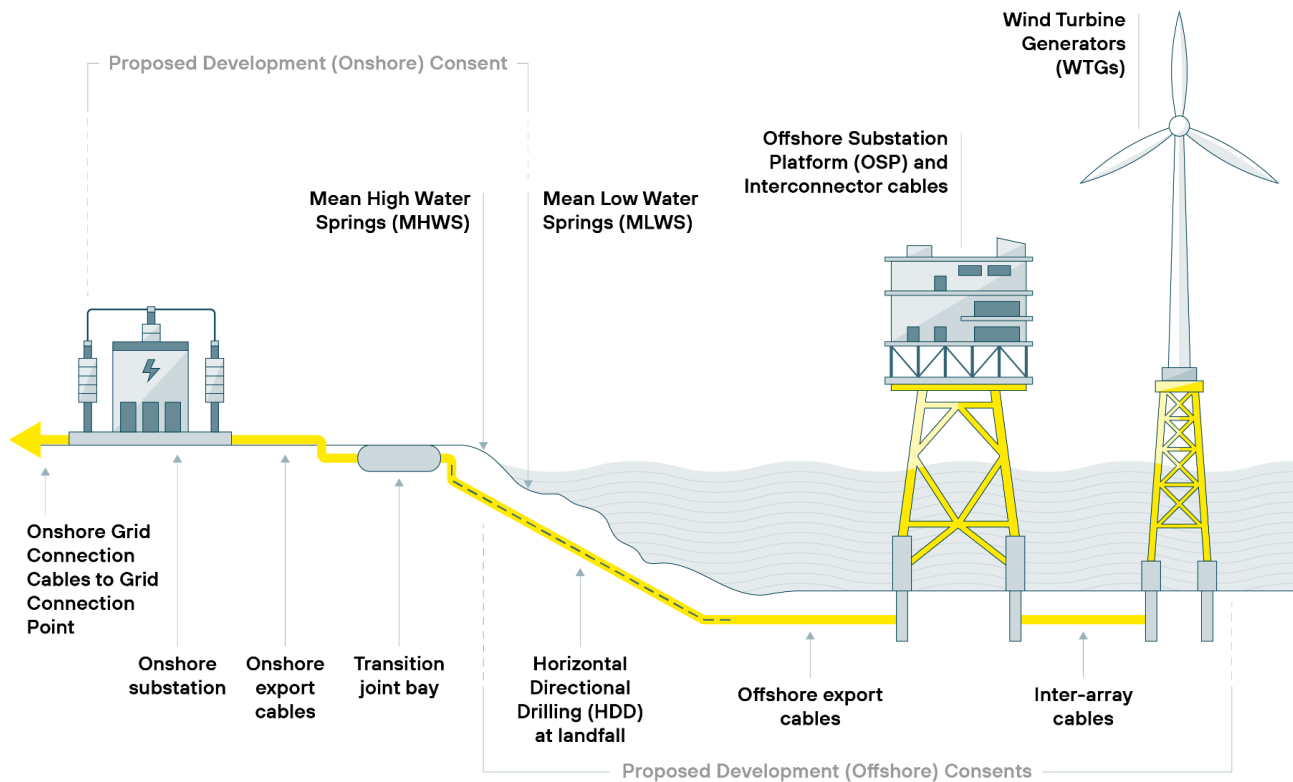


Figure 1-1: Proposed Development Indicative Schematic

## 1.2 Background

### 1.2.1 Overview

- 1.2.1.1 In January 2022, as part of the ScotWind leasing round, the Applicant was successfully awarded an Option Agreement granting exclusive rights to develop an OWF which is located within the outer Moray Firth, off the north-east coast of Scotland.
- 1.2.1.2 The OWF site was known as the NE4 Plan Option during the ScotWind Leasing process run by Crown Estate Scotland (CES) and subsequently named the Caledonia Offshore Wind Farm (Caledonia OWF) via the newly incorporated limited company of Caledonia Offshore Wind Farm Limited ('the Applicant'). The 429 square kilometres (km<sup>2</sup>) site sits in the outer Moray Firth in the North of Scotland, immediately adjacent to the north-eastern boundary of the Moray East Offshore Wind Farm.
- 1.2.1.3 The Applicant is progressing the proposals for Caledonia OWF. The terms of the Option Agreement are dependent upon the Applicant being awarded all key consents and permissions to construct and operate the OWF from the relevant regulatory authorities.

- 1.2.1.4 The Applicant is seeking to deliver electricity to the NETS from 2030 and expects the Proposed Development to be delivered in phases. See Section 3 of this Statement and Volume 1, Chapter 5: Proposed Development Phasing of the EIAR for further detail in relation to the phased approach and connection to the NETS.

## 1.2.2 Consenting Approach

- 1.2.2.1 To facilitate the development of the Caledonia OWF and support the deliverability of phasing, the Applicant is required to submit several consenting applications including:
- 2 x Section 36 applications (Caledonia North and Caledonia South) for the construction of the power generation site (offshore wind farm) and any inter-array cabling. To be submitted to MD-LOT;
  - 4 x Marine Licence applications for any offshore platforms and cabling to the platforms and to shore (2 x Generation and 2 x Transmission). To be submitted to MD-LOT; and
  - A Planning Permission in Principle (PPP) application submitted to Aberdeenshire Council for all onshore works (all works landward of Mean Low Water Springs (MLWS)).
- 1.2.2.2 These applications are supported by a single EIAR (covering both onshore and offshore).
- 1.2.2.3 The two consent packages for the Proposed Development (Offshore) are referred to as:
- Caledonia North; and
  - Caledonia South.
- 1.2.2.4 The Caledonia North application package is to construct and operate all infrastructure which will be sited within the Caledonia North Array Area (fixed foundation Wind Turbine Generators (WTGs), Inter-Array/Interconnector Cables, Offshore Substation Platform(s) (OSPs)) as well as the Offshore Export Cables which will be installed within the Caledonia North Offshore Export Cable Corridor (OECC) and extend to the Landfall Site on the Aberdeenshire coast up to Mean High Water Springs (MHWS).

## 1.2.3 Need for Caledonia North

- 1.2.3.1 The following key considerations, which relate to Scottish energy policies, demonstrate the need for Caledonia North:
- **Delivery of Scottish Government Energy Policy:** ScotWind is a primary component of the Scottish Government's Energy & Net Zero policy:  
*"Today, I would like to update Parliament on the outcome of the ScotWind Offshore Wind Leasing Round, a major milestone in our journey to Net Zero; ScotWind will provide us with enough power for every home in*

*Scotland, place Scotland at the forefront of the green hydrogen revolution and allow us to become a major exporter of clean energy.” (Matheson, 2022<sup>4</sup>).*

- **Deliverability:** As one of the few ScotWind sites capable of early delivery using proven technology (fixed bottom foundations), the proposed development is a vital contributor to the Scottish and UK Government’s energy policy targets.
- **Climate Change, Net Zero and Decarbonisation:** Both the Scottish Government and UK government have ambitious targets relating to climate change and net zero to mitigate the impacts of global climate change. The Proposed Development will contribute substantially to these targets through the generation of low-carbon renewable energy.
- **Security of Supply:** Energy security has become a greater concern in recent years following Covid, and Russia’s invasion of Ukraine. These events highlighted the importance of energy independence from imported sources. Offshore wind is considered to be a key step in reducing Scotland’s reliance on imported sources given the industry’s maturity in Scotland.
- **Affordability of Supply:** Ensuring the energy is available to consumers at the lowest possible cost to ensure the highest quality of life. The Offshore Wind Policy Statement (Scottish Government, 2020a<sup>5</sup>) statement states “Offshore wind is one of the lowest cost forms of electricity generation at scale, offering cheap, green electricity for consumers, with latest projects capable of generating power at below wholesale electricity prices”. It is therefore considered the expansion of offshore wind will improve the affordability of supply for the UK’s citizens.

1.2.3.2 Caledonia North will make an important contribution in helping to achieve the climate change policy aims and legislative requirements. Caledonia North will also contribute to both Scotland and the UK’s net zero targets as well as offshore wind overall delivery targets.

## 1.3 List of Plans and Documents

1.3.1.1 The following key plans and documents are submitted in support of the application for Section 36 consent and associated Marine Licences:

- Covering Letter;
- Application Form;
- Site Drawings with a red line boundary;
- Pre-Application Consultation Report;
- EIAR (including Non-Technical Summary and EIAR Guide);
- Caledonia North Report to Inform Appropriate Assessment;

- Caledonia North Habitats Regulations Appraisal Derogation Case (including compensation plan);
- Planning Statement (this document);
- Supporting documents and appendices (outline management plans, MPA Assessment); and
- Gap Analysis.

## 1.4

### Report Structure

#### 1.4.1.1

The remainder of this Statement is structured as followed:

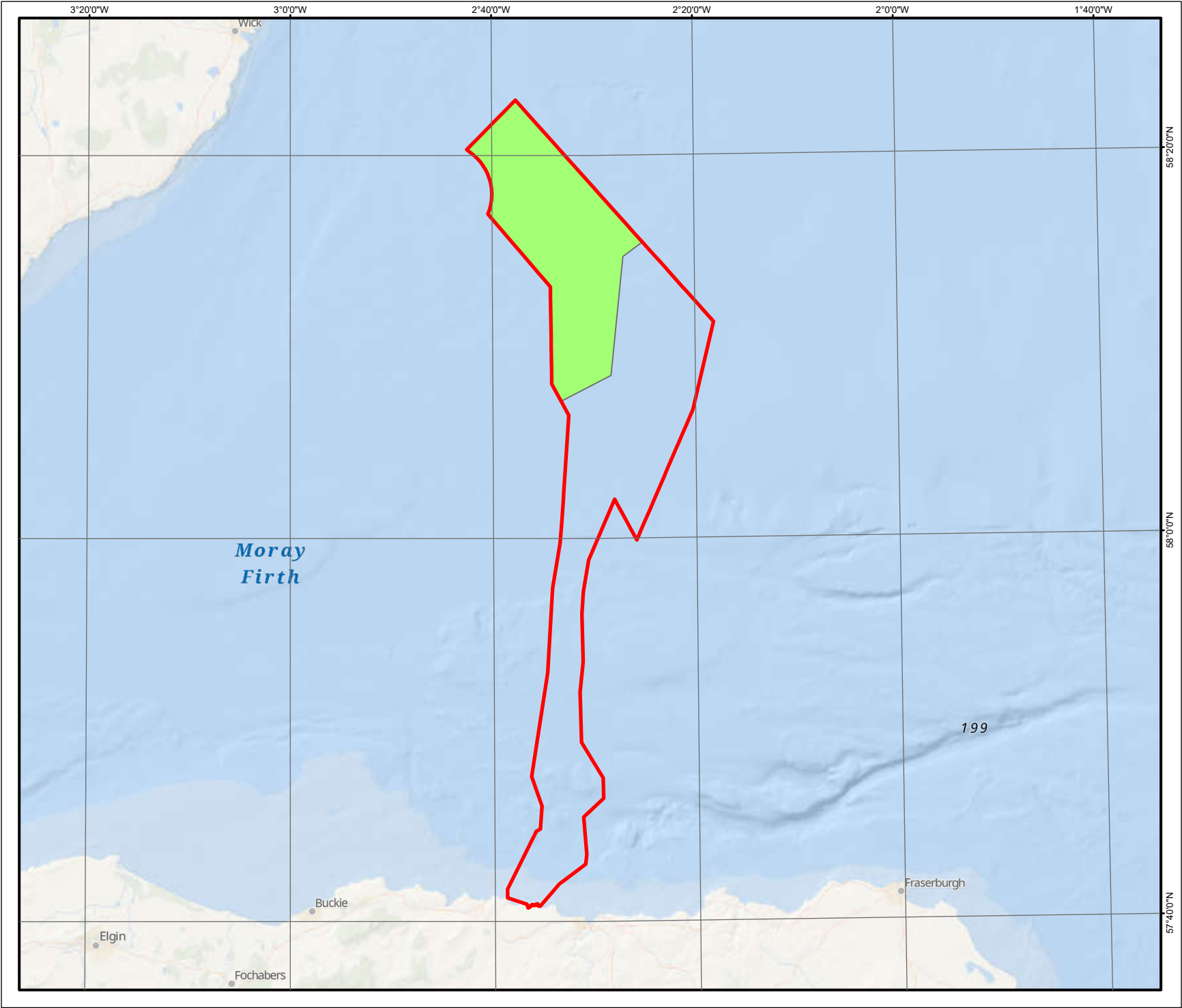
- Section 2 – Site Context;
- Section 3 – Regulatory and Policy Framework; and
- Section 4 – Policy Assessment.

## 2 Site Context

- 2.1.1.1 This section of the Statement provides context of Caledonia North.
- 2.1.1.2 Caledonia North, in context, is shown on the Site Location Plan submitted to support the Section 36 consent application and marine license applications as shown on Figure 2-1.
- 2.1.1.3 Further details of Caledonia North are provided within EIAR Volume 1, Chapter 3: Proposed Development Description (Offshore).

## 2.2 Site Description

- 2.2.1.1 Caledonia North is located within the NE4 Plan Option identified in the Scottish Government's Sectoral Marine Plan (SMP) for Offshore Wind Energy (Scottish Government, 2020b<sup>6</sup>).
- 2.2.1.2 The Caledonia North Site is approximately 218.5km<sup>2</sup> in size with the northern boundary approximately 28 kilometre (km) from Wick with the southern boundary approximately 48km from Banff, in Aberdeenshire.
- 2.2.1.3 There are a number of protected areas in the vicinity of Caledonia North. There is a direct overlap between the OECC and the Southern Trench nature conservation Marine Protected Area (MPA), which has been designated for the protection of minke whales, a number of habitats including burrowed mud, fronts and shelf deeps, and several geological features such as moraines and sub-glacial tunnel valleys.
- 2.2.1.4 Caledonia North is also located in the vicinity of the following environmental designations:
- East Caithness Special Protection Area (SPA) (approximately 20km);
  - Moray Firth SPA (approximately 30km);
  - Troup, Pennan and Lion's Head SPA (approximately 30km)
  - North Caithness Cliffs SPA (approximately 30km); and
  - Moray Firth Special Area of Conservation (SAC) (approximately 55km).



Proposed Development (Offshore)  
Application Area

Extent of Caledonia North Array Area  
Section 36 and Generation Marine Licence

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0

5

10

15

20

km

02	10/10/2024	Approved	CW	BN	EC
01	17/05/2024	For Review	CE	GS	EC
REV	DATE	DOC STATUS	ORIGIN	REVIEW	APP

CALEDONIA

Offshore Wind Farm

ARUP

CONTRACTOR DRAWING NO  
UKCAL1\_ARP\_WNF\_ENV\_MAP\_00611

CONTRACTOR REV  
02

GEODETIC PARAMETERS  
WGS 84 / UTM Zone 30N (EPSG:32630)

DRAWING TITLE  
Figure 2-1:  
Caledonia North  
Application Area

STATUS  
Approved

SCALE  
1:500,000

DRAWING NUMBER  
N/A

SHEET NO  
01 of 01

REV  
N/A



## 2.3 Pre-Application Consultation Process

- 2.3.1.1 A comprehensive approach to stakeholder engagement and public consultation has been undertaken to help inform the proposals for the Proposed Development.
- 2.3.1.2 To support the development of the EIA, the Applicant has sought to engage with relevant statutory and non-statutory bodies on a range of topics. Engagement has included meetings, correspondence, and provision of digital documentation where appropriate. In particular, regular meetings have taken place with MD-LOT as the design has developed.
- 2.3.1.3 Public consultation has been undertaken to inform the development of the Section 36 consent and marine licence applications at key stages; first consultation events (Offshore: November 2022 to February 2023 and Onshore: June to July 2023) and further feedback events (Onshore and Offshore April to June 2024). The PAC Report (Application Document 1: Pre-Application Consultation Report) submitted in support of the Section 36 and marine applications to MD-LOT summarises the pre-application process, responses received and how the design has developed in response.
- 2.3.1.4 The Applicant submitted a Scoping Report to Scottish Ministers via MD-LOT<sup>i</sup> in September 2022 and a Scoping Opinion was received from MD-LOT in January 2023.
- 2.3.1.5 In addition to formal pre-application consultation events, the Applicant has carried out local engagement with the public, community councils, businesses and local organisations.

<sup>i</sup> In 2023, Marine Scotland was renamed Marine Directorate, and thus the marine licensing and consents team is now referred to as Marine Directorate Licensing Operations Team (MD-LOT).

## 3 Caledonia North Components

### 3.1 Caledonia North Description

3.1.1.1 Caledonia North is comprised of the Array Area, OfTI and the Landfall Site. The components are provided in detail below:

- Up to 77 WTGs to be installed using bottom-fixed foundations;
- Up to two OSPs which transform electricity generated by the WTGs to a higher voltage allowing more efficient transmission to shore;
- Inter-array cables which connect the WTGs together;
- Interconnector cables which connect OSPs to each other;
- Two Offshore Export Cable (OEC) circuits within an OECC which will be laid between the OSP and the Landfall Site; and
- A Landfall Site.

3.1.1.2 Caledonia North consists of all works seaward of MHWS. This overlaps with onshore in the intertidal area (the Proposed Development (Onshore) assesses all works landward of MLWS).

3.1.1.3 Further descriptive details of each component for Caledonia North are provided within EIAR, Volume 1, Chapter 3: Proposed Development Description (Offshore).

### 3.2 Design Envelope Approach

3.2.1.1 The Applicant has utilised a Design Envelope (DE) approach to inform the EIAR. The DE approach enables a range of parameters to be presented for each offshore aspect which provides the flexibility to allow for further refinement of the offshore design post-consent. The EIA must, however, assess the maximum impact option(s) that could be constructed and operated to ensure that all potential environmental impacts have been assessed appropriately.

3.2.1.2 Where a DE approach is adopted through the need for flexibility, it is recommended that a formal Scoping Opinion is sought from the Scottish Ministers. The first version of the DE was set out to underpin the Offshore Scoping Report, which was submitted to MD-LOT in September 2022 (Caledonia Offshore Wind Farm Limited, 2022<sup>7</sup>). The resulting Scoping Opinion was received in January 2023 (Marine Scotland – Licensing Operations Team (MS-LOT), 2023<sup>8</sup>). The DE has since been reviewed, updated and further refined in accordance with the outcome of this Scoping Opinion, as well as taking into consideration more site-specific information that is now available from environmental, engineering and technical surveys, modelling outputs and subsequent project-level discussions with the relevant stakeholders.

- 3.2.1.3 According to the Scottish Government's Planning Advice Note on Environmental Impact Assessments (Scottish Government, 2013a<sup>9</sup>), it is recognised that some aspects of a final project require a degree of flexibility to address uncertainties due to the changing nature of proposed developments and evolving technology. Reasons for the requirement for flexibility should be clearly explained and assessments should be undertaken on the parameters likely to result in the maximum adverse effect (i.e., the realistic worst-case scenario).
- 3.2.1.4 The key areas of the DE that require flexibility include:
- WTG technology;
  - Foundation(s);
  - Array layout;
  - Construction programme;
  - Site preparation; and
  - Vessel requirements.
- 3.2.1.5 The DE approach has been adopted in accordance with the Scottish Government Guidance for applicants on using the design envelope for applications under Section 36 of the Electricity Act 1989, prepared by the Energy Consents Unit and Marine Scotland (Scottish Government, 2022a<sup>10</sup>).
- 3.2.1.6 See EIAR Volume 1, Chapter 3: Proposed Development Description (Offshore) for further details.

### 3.3 Approach to Phasing

- 3.3.1.1 As per EIAR Volume 1, Chapter 5: Proposed Development Phasing, the Proposed Development is being brought forward in a phased manner as a result of the NETS capacity availability and to support with deliverability.
- 3.3.1.2 The division of the Caledonia OWF into two discrete application areas allows for flexibility to phase the build out of the application areas in either order. The DE and EIA consider concurrent and sequential/phased build scenarios, such that Caledonia North or Caledonia South may be constructed and connected to the NETS in either order. Therefore, the EIAR considers these scenarios within EIAR Volume 1, Chapter 5: Proposed Development Phasing.
- 3.3.1.3 The numbers of WTGs in Caledonia North and Caledonia South are dependent on which phase will be constructed first. If constructed first, the number of WTGs in Caledonia North will not exceed 77. If Caledonia South is constructed first, the number of WTGs in Caledonia South will not exceed 78. In both instances, the number of WTGs in the following phase will be such that the total number of WTGs across the Proposed Development

(Offshore) will not exceed 140. Accordingly, the individual assessments of Caledonia North and Caledonia South consider the larger phase as a worse-case scenario; 77 WTGs for Caledonia North and 78 WTGs within Caledonia South.

## 4 Compliance with the Regulatory and Policy Framework

- 4.1.1.1 A full review of the relevant marine and energy legislation and policy associated with Caledonia North is provided in the EIAR, Volume 1, Chapter 2: Legislation and Policy. The EIAR topic specific chapters submitted with the Section 36 and marine licence applications include a comprehensive assessment of Caledonia North and the wider Proposed Development.
- 4.1.1.2 This section focuses on the relevant legislative and policy considerations that are relevant to Caledonia North. It outlines the legislative provisions that directly apply to the determination of the applications for Section 36 consent and associated Marine Licences. It sets out the policy framework for renewable energy developments in the UK and highlights the key policies that decision makers must consider when issuing consents and licences.
- 4.1.1.3 Figure 4-1 shows the legislative requirements and consenting bodies within the marine environment.

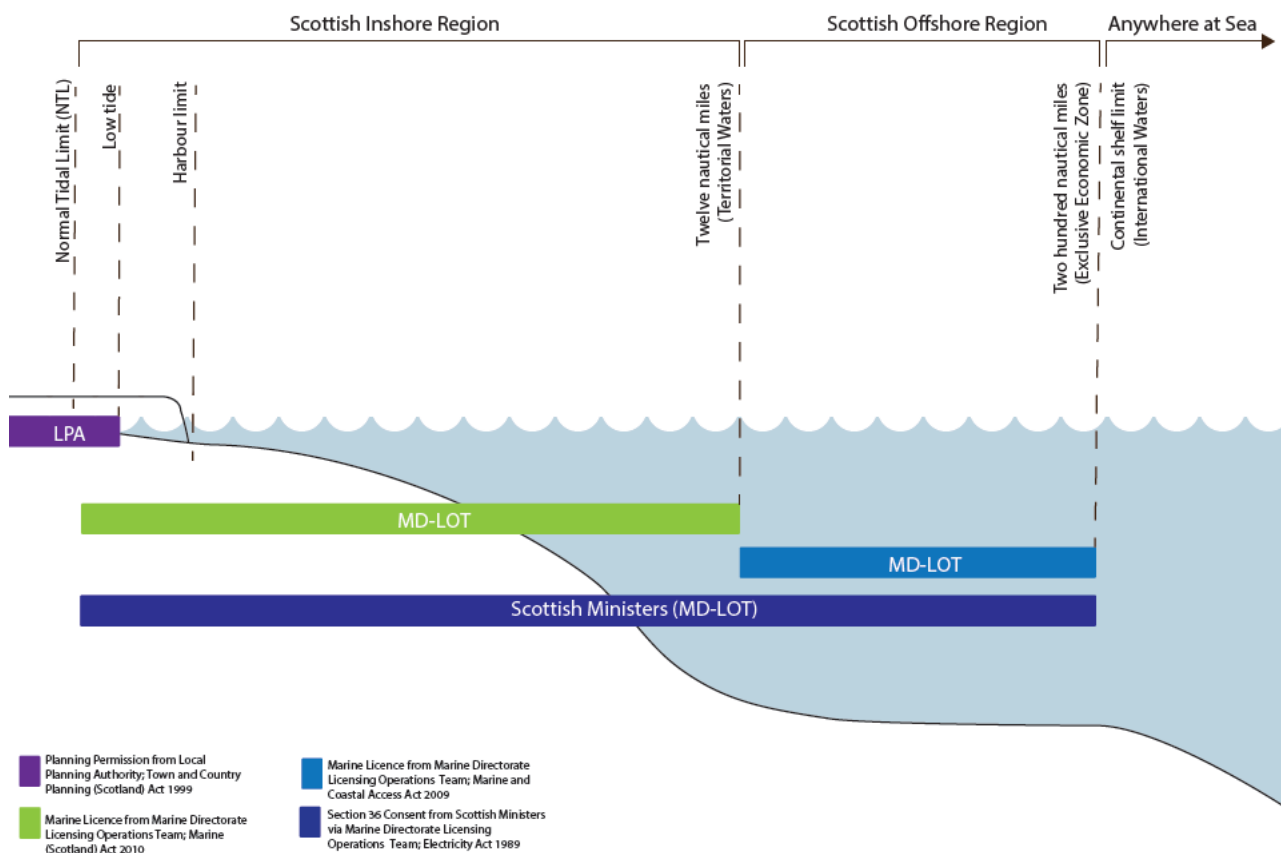


Figure 4-1: Scotland Marine Consenting Legislation

## 4.2 Relevant Legislation

### 4.2.1 Electricity Act 1989

- 4.2.1.1 The Electricity Act 1989, ("1989 Act") (UK Parliament, 1989<sup>1</sup>) provides the primary consent required for the construction and operation of a proposed offshore wind farm. Applications for consent are made under Section 36 of the forementioned Act.
- 4.2.1.2 Consent under Section 36 of the 1989 Act is required for any proposal to construct, extend, or operate a generating station (an OWF) situated in:
- Scottish Territorial Waters (from baselines out to 12 nautical miles (nm)), with a generation capacity in excess of 1 Megawatt (MW); or
  - Scottish Offshore Region (from 12nm to 200nm), with a generating station in excess of 50MW.
- 4.2.1.3 Scottish Ministers can grant consent under Section 36 of the 1989 Act with consideration of input and recommendations from MD-LOT.
- 4.2.1.4 Caledonia North will be subject to an application to the Scottish Ministers under Section 36 of the 1989 Act for consent to construct and operate an electricity generating station (wind farm).
- 4.2.1.5 The scope of this consent will include the construction, installation and operations and maintenance (O&M) of WTGs and inter-array cables within the application area. In addition, the Scottish Ministers may make a declaration under Section 36A of the 1989 Act extinguishing the public rights of navigation for the locations of the proposed WTGs and OSP structures.
- 4.2.1.6 Caledonia North has been developed through an iterative design process that has regard to the environmental matters specified within paragraph 3 of Schedule 9 of the 1989 Act. In addition, where adverse effects have been identified reasonable mitigation has been proposed

### 4.2.2 Marine and Coastal Act 2009

- 4.2.2.1 The Marine and Coastal Access Act 2009 ("the 2009 Act") (UK Parliament, 2009<sup>3</sup>) provides devolved authority to Scottish Ministers (from the UK Government) over marine planning, marine licensing, and nature conservation in the Scottish Offshore Region (from 12nm to 200nm). The 2009 Act set out the requirements for a UK Marine Policy Statement which aims to facilitate an integrated approach to marine planning in the UK.
- 4.2.2.2 Part 4 (Marine Licensing) of the 2009 Act includes licensable activities (Section 66) for which the following would apply to the proposed development:

- (1) To deposit any substance or object within the UK marine licensing area, either in the sea or on or under the seabed, from –
  - (a) any vehicle, vessel, aircraft or marine structure,
  - (b) any container floating in the sea, or
  - (c) any structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea.
- (2) To deposit any substance or object anywhere in the sea or on or under the seabed from—
  - (a) a British vessel, British aircraft or British marine structure, or
  - (b) a container floating in the sea, if the deposit is controlled from a British vessel, British aircraft or British marine structure.
- (7) To construct, alter or improve any works within the UK marine licensing area either—
  - (a) in or over the sea, or
  - (b) on or under the seabed.
- (8) To use a vehicle, vessel, aircraft, marine structure or floating container to remove any substance or object from the seabed within the UK marine licensing area.
- (9) To carry out any form of dredging within the UK marine licensing area (whether or not involving the removal of any material from the sea or seabed).

4.2.2.3 Under the 2009 Act (in the context of the Scottish Offshore Region), Caledonia North will be required to obtain Marine Licences in relation to the construction and deposition of structures beyond 12nm.

## 4.2.3 Marine (Scotland) Act 2010

- 4.2.3.1 The Marine (Scotland) Act 2010 ("the 2010 Act") (Scottish Parliament, 2010<sup>2</sup>) provides the legislative and management framework for the marine environment within Scottish Territorial Waters (from MHWS out to 12nm). Under the 2010 Act, Scottish Ministers are responsible for the determination for licensing and enforcement within the Scottish Inshore region of UK water. Under the 2010 Act, Caledonia North will be required to obtain Marine Licences in relation to the construction and deposition of structures below MHWS.
- 4.2.3.2 Part 4 (Marine Licensing) of the 2010 Act includes licensable marine activities (Section 21) for which the following would apply to the Caledonia North:

(1) To deposit any substance or object within the Scottish marine area, either in the sea or on or under the seabed, from any of the following:

- (a) vehicle, vessel, aircraft or marine structure,
- (b) container floating in the sea, or
- (c) structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea.

(2) To deposit any substance or object anywhere in the sea or on or under the seabed from a vehicle, vessel, aircraft, marine structure or floating container which was loaded with the substance or object either:

- (a) in Scotland, or
- (b) in the Scottish marine area.

(5) To construct, alter or improve any works within the Scottish marine area either:

- (a) in or over the sea, or
- (b) on or under the seabed.

(6) To use a vehicle, vessel, aircraft, marine structure or floating container to remove any substance or object from the seabed within the Scottish marine area.

(7) To carry out any form of dredging within the Scottish marine area (whether or not involving the removal of any material from the sea or seabed).

4.2.3.3 Section 15 of the 2010 Act requires decisions of Scottish Ministers on marine licence applications to be in accordance with specified marine plans and policy documents unless 'relevant considerations indicate otherwise'. The same requirement is stated in Section 58 of the 2009 Act. Scottish Ministers grant a Marine Licence under Part 4 of the 2010 Act with consideration of input and recommendations from MD-LOT.

4.2.3.4 Section 27 of the 2010 Act and Section 69 of the 2009 Act, requires that in determining a Marine Licence application, the Scottish Ministers must have regards to:

- The need to protect the environment;
- The need to protect human health;
- The need to prevent interference with legitimate uses of the sea;
- Any such other matters as the Scottish Ministers consider relevant; and



- Any representations received from any person having an interest in the outcome of the application.

4.2.3.5 Under Section 83 of the 2010 Act and Section 26 of the 2009 act, when granting authorisation for an act (e.g., licensable activity), the Scottish Ministers are required to consider whether that licensable activity is capable of affecting an MPA (other than insignificantly). If there is a significant risk of the act hindering the objectives or purpose of an MPA, they must notify NatureScot and apply a consultation period of 28 days before deciding to grant authorisation.

4.2.3.6 Consideration of these matters has informed the EIA and proposed mitigations.

## **4.3 Key Environmental Legislation**

### **4.3.1 EIA Development**

4.3.1.1 Requirements for EIA were defined in the EIA Directive (2011/92/EU<sup>11</sup>, as amended by Directive 2014/52/EU<sup>12</sup>) which were transposed into Scottish law. The purpose of the EIA Directive was to ensure that the potential effects of a project on the environment are taken into consideration before relevant consents are granted. Following the UK's departure from the European Union (EU) on 31 December 2020, the UK is no longer an EU Member State. Amendments have therefore been made to EIA Regulations so that they continue to be effective and maintain the same standards of protection now that the UK is no longer part of the EU. The EIA Regulations continue to apply in substantially the same way as they did before the UK's departure from the EU.

### **4.3.2 The Electricity Works (Environmental Impact Assessment) (EIA) (Scotland) Regulations 2017 (as amended)**

4.3.2.1 The requirements of the European EIA directive were enacted through relevant Scottish legislation for electricity generation projects requiring consent under Section 36 of the Electricity Act 1989 by the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (Scottish Parliament, 2017a<sup>13</sup>). The regulations set out the types of development that either always require an EIA to be carried out (Schedule 1) or developments where an EIA may be required (Schedule 2).

4.3.2.2 In accordance with the regulations, an EIA was undertaken for Caledonia North.

### **4.3.3 The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) and The Marine Works (Environmental Impact Assessment) Regulations 2007**

- 4.3.3.1 The requirements of the EIA Directive for marine licencing under the 2010 Act and the 2009 Act are enacted by the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (Scottish Parliament, 2017b<sup>14</sup>) and the Marine Works (Environmental Impact Assessment) Regulations 2007 respectively (UK Parliament, 2007<sup>15</sup>).
- 4.3.3.2 The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) apply to marine licence applications within Scottish Territorial Waters (from MHWS to 12nm). An EIA is required under Schedule 2 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) for installations for the harnessing of wind power for energy production (wind farms) if the work involves more than 2 turbines or the height of any turbine or any other structure exceeds 15 metres (m). As Caledonia North exceeds these thresholds, an EIA is required and has been undertaken.
- 4.3.3.3 The Marine Works (Environmental Impact Assessment) Regulations 2007 apply to marine licence applications from 12nm to 200nm. Schedule A1 and A2 of the regulations set out the type of projects which may require an EIA which includes installations for the harnessing of wind power for energy projects (wind farms). Schedule 1 of the regulations sets out the matters which must be considered when determining whether or not an EIA is required. Matters include certain characteristics such as the size and cumulative effect of the project, the sensitivity of the environment and the significance of the potential impacts of the development. Due to the scale and location of Caledonia North, an EIA is required and was undertaken.
- 4.3.3.4 In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (Scottish Parliament, 2017a<sup>13</sup>), the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (Scottish Parliament, 2017b<sup>14</sup>) and the Marine Works (Environmental Impact Assessment) Regulations 2007 (UK Parliament, 2007<sup>15</sup>), collectively known as the 'EIA Regulations', an EIA has been undertaken for Caledonia North. The EIAR will be submitted in support of the applications for Section 36 and Marine Licences.
- 4.3.3.5 An Offshore Scoping Report was submitted to Scottish Ministers, via MD-LOT in September 2022. The Offshore Scoping Report considered all activities associated with the Proposed Development extending seawards from MHWS. This includes the WTGs, the inter-array and interconnector cabling, any OSP infrastructure requirements, the OECs and Landfall Site.

- 4.3.3.6 A formal scoping opinion was received from MD-LOT in January 2023, which is included in EIAR Volume 7, Appendix 3: Offshore Scoping Opinion.
- 4.3.3.7 The following effects are assessed in the relevant chapters of Volume 2, Volume 3 and Volume 6 of the EIAR in relation to the Proposed Development (Offshore) and specifically, Caledonia North:

Table 4-1: Summary of EIAR Chapters in relation to Caledonia North

<b>Volume 2: Offshore (Proposed Development (Offshore))</b>	<b>Volume 3: Offshore (Caledonia North)</b>	<b>Volume 6: Combined Onshore and Offshore Topic Assessments</b>
Marine and Coastal Processes	Marine and Coastal Processes	Socio-Economics, Tourism and Recreation
Marine Water and Sediment Quality	Marine Water and Sediment Quality	Climate Change Resilience
Benthic Subtidal and Intertidal Ecology	Benthic Subtidal and Intertidal Ecology	Greenhouse Gases
Offshore Ornithology	Offshore Ornithology	Intertidal Assessment
Marine Mammals	Marine Mammals	
Commercial Fisheries	Commercial Fisheries	
Shipping and Navigation	Shipping and Navigation	
Marine Archaeology and Cultural Heritage	Marine Archaeology and Cultural Heritage	
Military and Civil Aviation	Military and Civil Aviation	
Seascape, Landscape and Visual Impact Assessment	Seascape, Landscape and Visual Impact Assessment	
Other Human Activities	Other Human Activities	

## 4.3.4 Habitats Regulations

- 4.3.4.1 For Scotland's marine environment, the requirements of the Habitats Directive (92/43/EEC)<sup>16</sup> and the Birds Directives (2009/147/EC)<sup>17</sup> were transposed into domestic legislation by the Conservation (Natural Habitats. & c.) Regulations 1994 (UK Parliament, 1994<sup>18</sup>). The Conservation of Habitats and Species Regulations 2017 (UK Parliament, 2017a<sup>19</sup>) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (UK Parliament, 2017b<sup>20</sup> (collectively referred to as the ('Habitats Regulations'))).

- 4.3.4.2 Despite the UK's departure from the European Union in 2020, the Habitats Regulations, detailed above, with minor adjustment, remain in force and continue to provide the regulatory framework for habitats regulations assessments.
- 4.3.4.3 The Habitats Regulations may require an Appropriate Assessment to be conducted prior to a plan, project or activity being granted consent where there is potential for the development to have a Likely Significant Effect (LSE) on a European site. In accordance with the Habitats Regulations, and the Habitats Regulations Appraisal (HRA) process, where HRA screening has identified an LSE on a European site, the applicant is required to produce information through a Report to Inform Appropriate Assessment (RIAA). The RIAA should assess whether Caledonia North will have an adverse effect on site integrity of the designated sites screened in for assessment to fulfil the requirements of the HRA.
- 4.3.4.4 The Applicant has prepared a RIAA (Application Document 13: Caledonia North Report to Inform Appropriate Assessment) as part of this application. The assessment of effects of Caledonia North on European sites is presented in the RIAA. A Derogation Case has been submitted as part of this application due to the identified risk of adverse effects of integrity (AEoI) on the European Protected Sites.

## 4.4 Other Consents

- 4.4.1.1 Whilst this Statement relates to permission sought for Section 36 consent and associated Marine Licences for Caledonia North, it is acknowledged that other consents or procedures are required for some of the works to support the delivery of the OWF. These are described below.
- 4.4.1.2 As highlighted in the Section 1 and detailed within Volume 1, Chapter 1: Introduction, the Applicant requires the following consents in relation to the proposed infrastructure and associated works:
- Two consents under Section 36 of the Electricity Act 1989 (UK Parliament, 1989<sup>1</sup>) for the OWF generating stations, specifically for Caledonia North and Caledonia South.
  - Four Marine Licence applications under the provisions of Part 4 of the Marine (Scotland) Act 2010 (Scottish Parliament, 2010<sup>2</sup>) and Part 4 of the Marine and Coastal Access Act 2009 (UK Parliament, 2009<sup>3</sup>) as broken down below:
    - Two Marine Licences for the generating stations to allow the for the construction of each wind farm infrastructure:
      - one applicable to Caledonia North; and
      - one applicable to Caledonia South.

- Two Marine Licences for the construction of the Offshore Transmission Infrastructure (OfTI) assets:
  - one applicable to Caledonia North; and
  - one applicable to Caledonia South.
- One PPP application for the OnTI, under the Town and Country Planning (Scotland) Act 1997 (as amended) (Scottish Parliament, 1997<sup>21</sup>).

4.4.1.3 Additionally, several other environmental consents and licences may be required:

- European Protected Species Licences;
- Basking Shark Licences;
- Safety zones;
- Decommissioning for renewable energy installation in Scottish Waters; and
- Controlled activities regulations for proposed engineering works within the water environment.

4.4.1.4 EIAR Volume 1, Chapter 2: Legislation and Policy of the EIAR details the consenting process and requirements for each of these consents in more detail.

## 4.5 Relevant Marine Plans and Policy

4.5.1.1 This section highlights the plans and policies relevant to the marine environment and the determination of the Section 36 consent and the Marine Licence applications.

### 4.5.2 Marine Policy Statement (2011)

4.5.2.1 The Marine Policy Statement (MPS) (UK Government, 2011<sup>22</sup>) provides the policy framework for the marine planning system and taking decisions affecting the marine environment. It is a joint policy adopted by the Secretary of State for the Environment, Food and Rural Affairs, Scottish Ministers, Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.

4.5.2.2 The MPS sets high level principles and policy objectives for the marine environment and requires compliance and collaboration between marine and terrestrial planning. Marine plans must be in conformity with the MPS, unless relevant considerations indicate otherwise, which aims to bring consistency in marine planning across the UK marine area.

4.5.2.3 The MPS recognises the important role of offshore wind and states *"offshore wind is expected to provide the largest single renewable electricity generation contribution as we move towards 2020 and beyond"*.

### 4.5.3 Blue Economy Action Plan (2022)

- 4.5.3.1 Published in 2022, A Blue Economy Vision for Scotland (Scottish Government, 2022b<sup>23</sup>) sets out the long-term ambition for Scotland's blue economy to 2045. The vision is as follows; *"By 2045 Scotland's shared stewardship of our marine environment supports ecosystem health, improved livelihoods, economic prosperity, social inclusion and wellbeing"*. The vision is consistent with the vision defined within the UK Marine Policy Statement.
- 4.5.3.2 Scotland's blue economy includes the marine, coastal and inter-linked freshwater environment of Scotland and encapsulates the legislation, policies, programmes, and international commitments that determine its management. The vision sets out 6 key outcomes which have been identified to respond to major challenges of our time including the climate and nature crises and transition to net zero. The 6 outcomes are divided under the 3 underlying themes of the vision; Environment; Economic; and Social.
- 4.5.3.3 Offshore wind is included as one of the components which contribute to Scotland's blue economy. The vision recognises the important role Scotland's offshore wind sector plays in providing low carbon, clean power across the country which makes a significant contribution to tackling the climate emergency.

### 4.5.4 Scotland's National Marine Plan (2015)

- 4.5.4.1 In March 2015, the Scottish Government published Scotland's National Marine Plan (NMP) (Scottish Government, 2015<sup>24</sup>). It sets out strategic policies for the sustainable development of Scotland's marine resources out to 200nm. The NMP is required to be compatible with the UK MPS and existing marine plans across the UK, in particular where there is interaction between England's inshore and offshore marine plans and Northern Ireland's Marine Plans.
- 4.5.4.2 Sector-specific objectives (Offshore Wind and Marine Renewable Energy) of Scotland's NMP to Caledonia North are shown in Table 4-2 below.
- 4.5.4.3 Scotland's NMP encompasses both the policy and planning framework for offshore wind and provides the policy against which development proposals are considered against. The NMP promotes sustainable economic growth whilst considering environmental factors and renewable energy targets. The Scottish Government is currently progressing work on Scotland's National Marine Plan 2.
- 4.5.4.4 Chapter 11 of the NMP, *Offshore Wind and Marine Renewable Energy*, identifies the key objectives of marine planning policy for offshore wind. These objectives include; sustainable development of offshore wind in the most suitable locations; alignment of marine and terrestrial planning and

efficient consent and licensing processes; and contribution to achieving Scotland's decarbonisation and renewable energy targets.

Table 4-2: Offshore wind and marine renewable energy objectives of Scotland's National Marine Plan

Objective	Economic	Social	Marine Ecosystem	Climate Change - Mitigation
Sustainable development of offshore wind, wave and tidal renewable energy in the most suitable locations.	x		x	x
Economic benefits from offshore wind, wave and tidal energy developments maximized by securing a competitive local supply chain in Scotland.	x	x		
Alignment of marine and terrestrial planning and efficient consenting and licensing processes including but not limited to data sharing, engagement and timings, where possible.	x	x		
Aligned marine and terrestrial electricity transmission grid planning and development in Scottish waters.	x			
Contribute to achieving the renewables target to generate electricity equivalent to 100% of Scotland's gross annual electricity consumption from renewable sources by 2020.				x
Contribute to achieving the decarbonization target of 50 g CO <sub>2</sub> /kWh by 2030 (to cut carbon emissions from electricity generation by more than four-fifths).				x

Objective	Economic	Social	Marine Ecosystem	Climate Change - Mitigation
Sustainable development and expansion of test and demonstration facilities for offshore wind and marine renewable energy devices.	x	x		x
Co-ordinated government and industry-wide monitoring	x	x	x	

4.5.4.5 Policies of relevance to Caledonia North from the NMP are highlighted in Table 4-3 below. The below is not an exhaustive list of policies within the NMP but selects those of most relevance to this project.

Table 4-3: NMP Relevant Policies

Policy	Description
<b>General Marine Policies</b>	
GEN 1 General Planning Principle	States there is a presumption in favour of sustainable development and use of the marine environment. This policy is relevant to all marine activities, especially growth sectors.
GEN 2 Economic benefit	Sustainable development and uses which provide economic benefits to Scottish communities are encouraged when consistent with the policy and objectives of SMP.
GEN 3 Social benefit	Sustainable development and use which provides social benefits is encouraged when consistent with the policy and objectives of SMP.
GEN 4 Co-existence	Proposals which enable co-existence with other sectors and activities within the Scottish marine environment are encouraged when consistent with the policy and objectives of SMP.
GEN 5 Climate change	Marine planners and decision makers must act in the way best calculated to mitigate and adapt to climate change.



Policy	Description
GEN 6 Historic environment	Development and use of the marine environment should protect, and where appropriate enhance heritage assets in a manner proportionate to their significance.
GEN 7 Landscape/seascape	Marine planners and decision makers should ensure that development and use of the marine environment takes seascape, landscape and visual impacts into account.
GEN 8 Coastal process and flooding	Developments and activities in the marine environment should be resilient to coastal change and flooding, and not have unacceptable adverse impact on coastal processes or contribute to coastal flooding.
GEN 9 Natural heritage	Development and use of the marine environment must comply with legal requirements for protected areas and species, have no significant impact on the national status of Priority Marine Features and protect and, where appropriate, enhance the health of the marine area.
GEN 10 Invasive non-native species	Opportunities to reduce the introduction of invasive non-native species to a minimum to proactively improve the practice of existing activity should be taken when decisions are being made.
GEN 12 Water quality and resource	Developments and activities should not result in a deterioration of the quality of waters to which the Water Framework Directive, Marine Strategy Framework Directive or other related Directives apply.
GEN 18 Engagement	Early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes.
GEN 21 Cumulative impacts	Cumulative impacts affecting the ecosystem of the marine plan area should be addressed in decision making and plan implementation.
<b>Fisheries</b>	
FISHERIES 1	Taking account of the EU's Common Fisheries Policy, Habitats Directive, Birds Directives and Marine Strategy Framework Directive, marine planners and decision makers should ensure existing fishing opportunities are safeguarded where possible and an ecosystem-based approach is taken to the management of fishing which ensures sustainable and resilient fish stocks and avoids damage to habitats.

Policy	Description
FISHERIES 2	The following key factors should be taken into account when deciding on uses of the marine environment and the potential impact on fishing; cultural and economic importance of fishing; potential impact of marine developments on the sustainability of fish and shellfish stocks; environmental impact on fishing grounds; and potential effect of displacement on fish stocks, fuel costs to fishers.
FISHERIES 3	Where existing fishing opportunities or activities cannot be safeguarded, a Fisheries Management and Mitigation Strategy should be prepared by the developer involving full engagement with local fishing interests in the development of the strategy.
<b>Wild Fish</b>	
WILD FISH 1	The impact of development and use of the marine environment on diadromous fish species should be considered in marine planning and decision-making processes. Where evidence of impact on diadromous species is inconclusive, mitigation should be adopted where possible.
<b>Renewables</b>	
RENEWABLES 1	Proposals for commercial scale offshore wind and marine renewable energy development should be sited in the Plan Option areas identified through the Sectoral Marine Plan process.
RENEWABLES 4	Applications for marine licences and consents relating to offshore wind and marine renewable energy projects should be made in accordance with the Marine Licensing Manual and Marine Scotland's Licensing Policy Guidance.
RENEWABLES 5	Marine planners and decision makers must ensure that renewable energy projects demonstrate compliance with Environmental Impact Assessment and Habitat Regulations Appraisal legislative requirements.
RENEWABLES 7	Marine planners and decision makers should ensure infrastructure is fit for purpose now and in future. Consideration should be given to the potential for climate change impacts on coasts vulnerable to erosion.
RENEWABLES 8	Developers bringing forward proposals for new developments must actively engage at an early stage with the general public and interested stakeholders of the area to which the proposal relates.

Policy	Description
RENEWABLES 10	Good practice guidance for community benefit from offshore wind and renewable energy development should be followed by developers, where appropriate.
<b>Recreation and Tourism</b>	
REC & TOURISM 2	Several key factors should be taken into account when deciding on uses of the marine environment and potential impact on recreation and tourism which include: the extent to which the proposal may interfere with infrastructure that underpins a recreational activity; and where significant impacts are likely, whether reasonable alternatives can be identified.
<b>Transport</b>	
TRANSPORT 1	Navigational safety in relevant areas used by shipping now and in the future will be protected, adhering to the rights of innocent passage and freedom of navigation contained in United Nations Convention on the Law of the Sea (UNCLOS).
TRANSPORT 3	Ferry routes and maritime transport to island and remote mainland areas provide essential connections and should be safeguarded from inappropriate marine development and use that would significantly interfere with their operation. Developments will not be consented where they will unacceptably interfere with lifeline ferry services.
TRANSPORT 6	Marine planners and decision makers and developers should ensure displacement of shipping is avoided where possible to mitigate against potential increased journey lengths (and associated fuel costs, emissions and impact on journey frequency) and potential impacts on other users and ecologically sensitive areas
<b>Cables</b>	
CABLES 1	Cable and network owners should engage with decision makers at the early planning stage to notify of any intention to lay, repair or replace cables before routes are selected and agreed.
CABLES 2	Several factors will be taken into account on a case by case basis when reaching decisions regarding submarine cable development and activities including; cables should be suitably routed to provide sufficient requirements for installation and cable protection and cables

Policy	Description
	should be buried to maximise protection where there are safety risk and to reduce conflicts with other marine users.
<b>Defence</b>	
DEFENCE 3	The established code of conduct for managing fishing and military activity detailed in the documents 'Fishing Vessels Operating in Submarine Exercise Areas' and 'Fishing Vessel Avoidance: The UK Code of Practice Fishing Vessel Avoidance' will be adhered to.

#### 4.5.5 Regional Marine Planning

- 4.5.5.1 Regional marine plans are currently in the process of being prepared within those Scottish Marine Regions (SMRs) where there is an established Regional Marine Planning Partnership. The planning competence of these Regional Marine Planning Partnerships extends out to 12 nm. Regional marine plans are required to be developed in accordance with Scotland's NMP (unless relevant considerations indicate otherwise) and are required to consider the Plan Option areas identified via the sectoral marine planning process, as well as co-ordination with CES's ScotWind Leasing regime and any relevant NETS requirements and initiatives.
- 4.5.5.2 Elements of Caledonia North are within the Moray Firth SMR which encompasses the coastal waters from Fraserburgh to Duncansby Head, extending from MHWS out to 12nm. The approach to regional marine planning has been reviewed and updated by the Marine Directorate response to the report created by the Environment, Climate Change and Land Reform Committee (Marine Directorate, 2023<sup>25</sup>).

#### 4.5.6 Sectoral Marine Plan

- 4.5.6.1 The first Sectoral Marine Plan for Offshore Wind Energy in Scottish Territorial Waters, referred to as Blue Seas – Green Energy (Scottish Government, 2011<sup>26</sup>), was adopted in 2011. In July 2013, Marine Scotland published the Draft Sectoral Marine Plan for Offshore Wind, Wave and Tidal energy in Scotland. It identified potential future options for commercial scale offshore wind energy developments. These draft plans were never formally adopted by Scottish Ministers, but the draft options were included in Scotland's NMP and are retained in the Offshore Wind Energy in Scottish Waters Regional Locational Guidance (Scottish Government, 2020c<sup>27</sup>) for reference.

- 4.5.6.2 In November 2017, CES announced their intention to run a further leasing round for commercial scale offshore wind energy projects in Scottish Waters. To inform the spatial development of this leasing round, Marine Scotland (now known as the Marine Directorate), as planning authority for Scotland's seas, were required to undertake a planning exercise in accordance with Scotland's NMP.
- 4.5.6.3 The Sectoral Marine Plan for Offshore Wind Energy (Scottish Government, 2020b<sup>6</sup>), published in October 2020, provides the strategically planned spatial footprint for offshore wind development in Scotland. It identifies the 15 sustainable Plan Options for the future development of commercial-scale offshore wind energy in Scotland, including deep water wind technologies and covering both Scottish inshore and offshore waters. It also contributes to achieving Scottish and the UK's energy and climate change objectives and was developed to ensure consistency with Scotland's NMP. In the recent ScotWind Leasing process, a total of 20 proposed OWF projects were awarded option agreements within the 15 Plan Options, for a total of 27.6 Gigawatts (GW) of capacity. This includes 17 proposed OWF projects awarded in January 2022, with a further three sites awarded in August 2022 as part of the ScotWind 'clearing' process.
- 4.5.6.4 The Sectoral Marine Plan for Offshore Wind Energy, 2020 suggests that the NE4 Plan Option (Caledonia OWF) is likely to be important as a foraging area for seabirds, including kittiwake from multiple designated sites, and has been classified as subject to 'high levels of ornithological constraint'. It also identifies that there is potential for development in the NE4 Plan Option to have significant consequences for navigational safety, due to a large overlap with the key shipping route around the Scottish coastline. Relatively low socio-economic costs (compared to other Plan Options) are identified as potentially arising from development within the NE4 Plan Option. The only costs identified are associated with commercial shipping and fishing both of which are low when considered over the lifetime of the Proposed Development. These key issues relating to offshore ornithology, shipping and navigation and commercial fisheries are addressed as part of the EIA and parallel HRA process for nature conservation designated sites.
- 4.5.6.5 A key part of the Sectoral Marine Plan implementation includes the application of an Iterative Plan Review process. This process allows for new evidence through, for example, scientific research and/or monitoring programmes to be considered and incorporated into the Plan where appropriate. The Applicant acknowledges that the Iterative Plan Review is ongoing, being undertaken by the Offshore Wind Directorate, and will engage with this process, while attempting to facilitate the necessary evidence to inform the review of the NE4 Plan Option Caledonia North has completed a RIAA which has concluded that there is potential adverse effects on integrity to five sites when considering the Proposed

Development (Offshore) in combination with other plans and projects. As such, a derogation case is submitted which includes a compensation plan.

## 4.5.7 Marine Plans and Policy Alignment

- 4.5.7.1 The relevant marine planning policy discussed above provides substantial support for Caledonia North.
- 4.5.7.2 The UK Marine Policy Statement and the NMP both include a presumption in favour of granting consent for sustainable development within the marine environment, however, states various environmental and social issues such as historic and natural heritage assets, impact on fisheries, noise and impact on marine ecology and biodiversity should be addressed. An EIAR has been prepared which considers and addresses potential environmental impacts and identifies mitigation measures.
- 4.5.7.3 The Caledonia North Site is located within a plan option identified as a suitable option for offshore wind within the SMP for Offshore Wind Energy and is considered to comply with the objectives stated in the NMP.

## 4.6 Energy and Climate Change Policy

- 4.6.1.1 The challenges of climate change, energy supply and security of supply are driving governmental policy and decision making on renewable energy developments. There are now a significant number of national and international policies, strategies and regulations relating to climate change and the development of renewable energy in the UK and Scotland.
- 4.6.1.2 Table 4-4 highlights the plans and policies relevant to the energy and climate change and their key objectives and targets.

Table 4-4: Energy and Climate Change Policy

Policy/Legislation	Objectives/Targets
The United Nations Framework Convention on Climate Change (United Nations, 1992 <sup>28</sup> )	International treaty for addressing climate change. Sets out the framework for the creation of future agreements that would create obligations on the reduction of Greenhouse Gas (GHG) emissions.
The Kyoto Protocol (United Nations, 2002 <sup>29</sup> )	Sets clear GHG emissions reduction targets for state parties. The UK and Scotland transposed these commitments via the Climate Change Act 2008 (UK Parliament, 2008 <sup>30</sup> ) and the Climate Change (Scotland) Act 2009 (Scottish Parliament, 2009 <sup>31</sup> ) respectively. Superseded by the Paris Agreement (see below)
The Paris Agreement (United Nations, 2016 <sup>32</sup> )	Legally binding international treaty on climate change. Key actions are to reduce the human impact on climate change, limiting global warming to just under 2°C but a maximum increase of 1.5°C.

Policy/Legislation	Objectives/Targets
Electricity Generation Policy Statement - 2013 (Scottish Government, 2013b <sup>33</sup> )	Aims to deliver equivalent of 100% gross electricity consumption from renewables by 2020.
UK Renewable Energy Roadmap Update 2013 (UK Government, 2013 <sup>34</sup> )	Initially established a target of 15% of all UK electricity generated by renewables by 2020.
Clean Growth Strategy (UK Government, 2017 <sup>35</sup> )	Continued to commit the UK to strengthening its status as a leading market for offshore wind development.
Scottish Energy Strategy (Scottish Government, 2017 <sup>36</sup> )	By 2030 the equivalent of 50% energy for heat, transport and electricity to be supplied from renewable sources and an increase by 30% in the productivity of energy use across the Scottish economy.
Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Scottish Parliament, 2019 <sup>37</sup> )	An amendment to the Climate Change (Scotland) Act 2009, introducing a 2045 target for achieving net zero.
Offshore Wind Energy Policy Statement (Scottish Government, 2020a <sup>5</sup> )	Scottish Government's ambition to capitalise on the potential that offshore wind development can bring to Scotland and the role this technology could play in meeting Scotland's commitment to reach net zero by 2045.
UK Government Build Back Better: Our Plan for Growth (UK Treasury, 2021 <sup>38</sup> )	The UK will aim to generate 40GW from offshore wind by 2030 and support up to 60,000 jobs.
The British Energy Security Strategy (UK Government, 2022 <sup>39</sup> )	Sets out the UK Government's ambition to deliver up to 50 GW of offshore wind energy development by 2030, including up to 5 GW of innovative floating wind.
A Blue Economy Vision for Scotland (Scottish Government, 2022b <sup>23</sup> )	Offshore wind is one of the many components that form Scotland's Blue Economy. The Scottish Government has created a vision for Scotland's Blue Economy.
Draft Energy Strategy and Just Transition Plan (Scottish Government, 2023a <sup>40</sup> )	As a cheap form of electricity, offshore wind will help to decarbonise energy demand and facilitate just transition to net zero.

## 4.6.2 Energy and Climate Change Alignment

4.6.2.1 Caledonia North, as a source of clean energy, will make an important contribution in helping to achieve the relevant International, European, UK and Scottish climate change policy aims and legislative requirements. It is

evident that wind energy has a very significant role to play in the effort to reduce global carbon emissions.

4.6.2.2 The above policy and regulatory aims can be summarised as four key drivers for the shift in energy production to low carbon sources in the UK and Scotland, including renewable energy, which are:

- The urgent need to tackle climate change;
- The need to secure energy supply, through the development of renewable electricity capacity;
- The need for new energy infrastructure; and
- The need to maximize economic opportunities.

4.6.2.3 Caledonia North will contribute to the four drivers above by delivering around 1GW of low carbon energy.

## 4.7 Other Relevant Considerations

4.7.1.1 This section describes other policy considerations that do not directly fall under renewable, or climate change policy themselves however hold relevance in informing the assessment process. Specifically, in relation to terrestrial planning policies.

### 4.7.2 National Planning Framework 4

4.7.2.1 National Planning Framework 4 (NPF4) (Scottish Government, 2023b<sup>41</sup>) was adopted by the Scottish Government on 13 February 2023.

4.7.2.2 NPF4 sets out the long-term spatial strategy for Scotland and national planning policies as part of the statutory development plan.

4.7.2.3 NPF4 places significant emphasis on the global climate emergency and the nature crisis. At the core of NPF4's responses to these twin crises, is the need for Scotland to decarbonise its energy. NPF4 states that "the global climate emergency and the nature crisis formed the foundations for the spatial strategy as a whole".

4.7.2.4 NPF4 does not cover marine areas, however, recognises the importance of supporting onshore development to facilitate offshore renewable energy developments. Several of the policies set out in NPF4 are of relevance to Caledonia North. Policy 11 aims to "encourage, promote and facilitate all forms of renewable energy development onshore and offshore". This includes transmission and distribution infrastructure to support energy generation.

4.7.2.5 NPF4 identifies 18 national developments which support the delivery of the spatial strategy. The designation of a national development doesn't guarantee planning permission for any proposal however it does mean the principle of the development is supported.



- 4.7.2.6 Caledonia North falls within "3. Strategic Renewables Electricity Generation and Transmission Infrastructure, which supports renewable electricity generation, repowering, and expansion of the electricity grid". Part A states "On and offshore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity" will be designated as a national development.

### **4.7.3 Statutory Development Plans (onshore)**

- 4.7.3.1 Statutory development plans do not form part of the statutory policy documents in the determination of a Section 36 application or associated marine licences for Caledonia North, however, it is considered that they have some relevance to their determination due to potential onshore impacts of Caledonia North.
- 4.7.3.2 Such impacts include:
- Landscape and visual impacts;
  - Socio-economics – effects on tourism and recreational activities;
  - Traffic and transport – effects onshore from construction; and
  - Cultural Heritage – effects on onshore receptors.
- 4.7.3.3 The relevant Local Development Plan (LDP) is the Aberdeenshire LDP (2023) (Aberdeenshire Council, 2023<sup>42</sup>). The Aberdeenshire LDP was adopted on 13 January 2023.
- 4.7.3.4 No specific reference to offshore wind is made in the LDP, however, there is recognition of the role renewable energy will play in tackling the challenge of climate change.

## 5 Policy Assessment

### 5.1 Introduction

- 5.1.1.1 In this section of the Statement, Caledonia North is assessed against the key policies and material considerations to the determination of the applications for Section 36 consent and marine licences.
- 5.1.1.2 As outlined in the Marine (Scotland) Act 2010 (Scottish Parliament, 2010<sup>2</sup>), in determining marine licenses, Scottish Ministers will have regard to the following:
- o The need to protect the environment;
  - o The need to protect human health;
  - o The need to prevent interference with legitimate uses of the sea;
  - o Any such other matters as the Scottish Ministers consider relevant; and
  - o Any representations received from any person having an interest in the outcome of the application.

### 5.2 Assessment of effects on the environment, human health and maritime users

- 5.2.1.1 In light of the above, this Section provides a high-level consideration of the key findings of the EIAR in relation to protecting the environment, protecting human health and preventing interference with maritime users to allow conclusions to be drawn on the accordance of Caledonia North against the relevant policy objectives identified.
- 5.2.1.2 The EIAR has been prepared drawing on the legislative requirements of the EIA Regulations (comprising the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (Scottish Parliament, 2017a<sup>13</sup>), the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (Scottish Parliament, 2017b<sup>14</sup>) and the Marine Works (Environmental Impact Assessment) Regulations 2007 (UK Parliament, 2007<sup>15</sup>). The EIAR identifies the predicted environmental effects of Caledonia North.
- 5.2.1.3 The extent to which the applicant has had regard to the legislative and policy framework and complied with the EIA regulations above is reflected throughout the EIAR and is considered further in this section.

Table 5-1: Relevant EIAR Chapters

Category	EIAR chapter and Supporting Documents
The Need to Protect the Environment	<p>Volume 3 Caledonia North, Chapter 2: Marine and Coastal Processes</p> <p>Volume 3 Caledonia North, Chapter 3: Marine Water and Sediment Quality</p> <p>Volume 3 North, Chapter 4: Benthic Subtidal and Intertidal Ecology</p> <p>Volume 3 Caledonia North, Chapter 5: Fish and Shellfish Ecology</p> <p>Volume 3 Caledonia North, Chapter 6: Offshore Ornithology</p> <p>Volume 3 Caledonia North, Chapter 7: Marine Mammals</p> <p>Volume 3 Caledonia North, Chapter 10: Marine Archaeology and Cultural Heritage</p> <p>Volume 6 Intertidal and Combined Assessments, Chapter 3: Climate Change Resilience</p>
The Need to Protect Human Health	<p>Volume 3 Caledonia North, Chapter 12: Seascape, Landscape and Visual Impact Assessment</p> <p>Volume 6 Intertidal and Combined Assessments, Chapter 2: Socio-Economics, Tourism and Recreation</p>
The Need to Prevent Interference with Legitimate Users of the Sea	<p>Volume 3 Caledonia North, Chapter 8: Commercial Fisheries</p> <p>Volume 3 Caledonia North, Chapter 9: Shipping and Navigation</p> <p>Volume 3 Caledonia North, Chapter 11: Military and Civil Aviation</p> <p>Volume 3 Caledonia North, Chapter 13: Other Human Activities</p>

## 5.3 Mitigations and Residual Effects

5.3.1.1 Two forms of mitigation are presented in the topic chapters of the EIAR, embedded mitigation and secondary mitigation.

### 5.3.2 Embedded Mitigation

5.3.2.1 Embedded mitigation is intended to prevent, reduce and where possible, offset significant adverse impacts on the environment. Embedded mitigation measures are identified during the project design process. Where possible, mitigation measures will be embedded into the design of Caledonia North.

5.3.2.2 Where changes have been made to the design of Caledonia North during the EIA process, these measures are clearly identified within relevant EIAR chapters.

5.3.2.3 The impact assessment presented in Table 5-2, Table 5-3 and Table 5-4 take into account proposed embedded mitigations. Embedded mitigations for each receptor are discussed in detail within the relevant EIAR chapters.

### 5.3.3 Secondary Mitigation

- 5.3.3.1 Secondary mitigation measures are required where there are significant effects identified which cannot be mitigated through the implementation of embedded mitigation. If required, secondary mitigation measures and proposed monitoring are outlined in topic chapters within the EIAR.

### 5.3.4 Residual Effects

- 5.3.4.1 Remaining effects following the implementation of available mitigation measures are known as 'residual effects'.
- 5.3.4.2 Following the identification of any necessary secondary mitigation measures, effects have been re-assessed to determine and describe the residual effects using the same methodology as the assessment of the potential effects. Where no additional mitigation measure is proposed, the EIAR topic chapters explain why the significance of effect cannot be reduced through mitigation.

## 5.4 The Need to Protect the Environment

- 5.4.1.1 The need to protect the physical environment is a key objective of the design of Caledonia North. This section summarises the potential effects on the physical environment identified within the EIAR. A summary of the physical environment effects reported within the EIAR is provided below in Table 5-2.

Table 5-2: Effects on the Environment

Receptor Group	Description of Effects	NMP Relevant Policy	Individual Residual Effects	Cumulative Residual Effects
Marine and Coastal Processes	<p>The likely effects of the construction, operation, and decommissioning phases on Marine Coastal Processes are assessed as negligible/ not significant, as the seabed is undesignated and exposed to seabed level changes.</p> <p>These changes along with sediment plumes have the potential to cause a cumulative impact, but due to the short-lived nature of the plumes and the undesignated nature of the seabed this causes the impact to be of no significance during construction.</p> <p>During operation there is potential modifications to wave and tidal regimes caused by Caledonia North</p>	GEN 8	No	No

Receptor Group	Description of Effects	NMP Relevant Policy	Individual Residual Effects	Cumulative Residual Effects
	<p>along with other developments in the region resulting in changes to sediment transport, however since the seabed area is undesignated the impact is assessed as not significant.</p> <p>All identified construction, operational, and decommissioning effects were assessed as not significant in EIA terms, therefore residual effects are assessed as not significant.</p>			
Marine Water and Sediment Quality	<p>The effects of construction, operation, and decommissioning on Marine Water and Sediment Quality assessed as not significant.</p> <p>Impacts considered include the deterioration of water quality due to suspension of sediments, release of sediment bound contaminants and deterioration of water quality due to drilling mud.</p> <p>The proposed embedded mitigation measures include development of and adherence to a Cable Plan (CaP), Construction Method Statement (CMS), Environmental Management Plan (EMP) and Marine Pollution Contingency Plan (MPCP).</p> <p>Caledonia North is likely to have a negligible to minor adverse impact upon the identified receptors, impacts are expected to be localised and temporary in nature and therefore not significant in EIA terms.</p>	GEN 12	No	No
Benthic Subtidal and Intertidal Ecology	<p>The likely effects of the construction, operation, and decommissioning phases on Benthic Subtidal and Intertidal Ecology are assessed as not significant.</p> <p>Receptors identified include both designated sites with qualifying benthic ecology features and non-designated sites. Impacts considered include temporary habitat disturbance, increases in</p>	GEN 9	No	No

Receptor Group	Description of Effects	NMP Relevant Policy	Individual Residual Effects	Cumulative Residual Effects
	<p>suspended sediment concentrations and colonisation of hard substrates.</p> <p>All identified construction, operation and decommissioning effects were assessed as not significant in EIA terms and therefore the residual effects are also considered not significant in EIA terms, requiring no additional mitigation beyond the embedded mitigation.</p>			
Fish and Shellfish Ecology	<p>The likely effects of the construction, operation, and decommissioning phases on Fish and Shellfish Ecology are assessed as not significant.</p> <p>The fish and shellfish ecology effects that have been assessed as part of the EIAR include injury to fish and shellfish, loss or disturbance of habitats, introduction of Invasive Non-Native Species, colonisation of hard substrates and electromagnetic fields from cables. The embedded mitigation measures include development and adherence to a Piling Strategy (PS), MPCP, Project Environmental Monitoring Programme (PEMP), EMP, CaP, and Decommissioning Programme.</p> <p>Caledonia North is likely to have a negligible to minor adverse impact upon the identified receptors. Effects are expected to be localised and temporary in nature and therefore not significant in EIA terms.</p>	<p>GEN 10</p> <p>WILD FISH 1</p>	No	No
Offshore Ornithology	<p>The likely effects of the construction, operation, and decommissioning phases on Offshore Ornithology are assessed to not be significant.</p> <p>The likely effects on ornithological receptors include distributional responses including barrier effects, collision risk, indirect impacts on prey species and artificial light. The likely cumulative effects include</p>	GEN 9	No	No

Receptor Group	Description of Effects	NMP Relevant Policy	Individual Residual Effects	Cumulative Residual Effects
	<p>disturbance and displacement and collision risk.</p> <p>The embedded mitigation measures includes development and adherence to a CMS, EMP, PS, PEMP, Vessel Management Plan, Lighting and Marking Plan (LMP) and blade clearance of at least 35 metre (m) above Mean Sea Level.</p> <p>Caledonia North is likely to have a negligible to minor adverse effects upon the identified receptors, which is considered not significant in EIA terms.</p>			
Marine Mammals	<p>The likely impacts of the construction, operation and decommissioning phases on marine mammals include auditory injuries, behavioural disturbances and displacement from habitats from construction, vessel traffic, geophysical surveys as well as indirect impacts due to changes in prey availability and water quality.</p> <p>The embedded mitigation measures include development and adherence to a Cable Plan, Environmental Management Plan, a Marine Mammal Mitigation Plan (MMMP) and avoidance of unexploded ordnance (UXO) (for which low order techniques (deflagration) will be the preferred method of UXO clearance).</p> <p>Given the commitment to embedded mitigation measures, Caledonia North is likely to have a negligible to minor adverse effects upon the identified receptors, which is considered not significant in EIA terms.</p>	GEN 11 GEN 13	No	No
Marine Archaeology and Cultural Heritage	<p>The likely effects of the construction, operation and maintenance, and decommissioning phases on Marine Archaeology and Cultural Heritage are assessed to not be significant.</p>	GEN 6	No	No

Receptor Group	Description of Effects	NMP Relevant Policy	Individual Residual Effects	Cumulative Residual Effects
	<p>Potential impacts identified include loss or damage to known and unknown historic environment assets through construction, maintenance and decommissioning. The embedded mitigation measures proposed include development of and adherence to a cable plan, scour protection and a written scheme of archaeological investigation.</p> <p>With the proposed embedded mitigation measures, there will be no residual significant effects of Caledonia North.</p>			
Climate Change Resilience	<p>The likely effects of the construction, operation, and decommissioning phases on Climate Change Resilience are assessed to be not significant, due to climate change risks being mitigated during the design process.</p> <p>The potential In-Combination Climate Change Impacts (ICCI) were assessed with other EIA topics, however the ICCI assessment concluded that there are no potential ICCI effects and therefore are identified as not significant in EIA terms due to the temporary and minimal nature of the impacts, as well as uncertainty relating to climate change effects.</p>	GEN 5 Renewables 7	No	No

## Marine and Coastal Processes

- 5.4.1.2 The NMP policy relevant to marine and coastal processes is Policy GEN 8. Policy GEN 8 requires that developments and activities in the marine environment should not have unacceptable adverse impact on coastal processes. The EIAR concluded that there would be temporary effects to marine and coastal processes through sediment transport and sediment plumes during the construction and decommissioning phase of Caledonia North. However, as these effects are temporary, localised and do not impact a designated seabed, it is considered that Caledonia North complies with Policy GEN 8.



### Marine Water and Sediment Quality

- 5.4.1.3 The NMP policy relevant to marine water and sediment quality is Policy GEN 12. Policy GEN 12 states that developments and activities should not result in a deterioration of the quality of waters to which the Water Framework Directive, Marine Strategy Framework Directive or other related Directives apply. During the construction and decommissioning phases, the low magnitude of deterioration of water quality due to suspension of sediments is predicted to be localised, short-term duration, intermittent and of high reversibility, with even lower impacts anticipated during operation, therefore having no residual effect on marine water quality, demonstrating compliance with Policy GEN 12.
- 5.4.1.4 Caledonia North is considered to be compliant with the objectives of the Water Framework Regulations, with no deterioration in water body status anticipated, nor will installations or activities associated with Caledonia North prevent the achievement of future objectives.

### Benthic Subtidal and Intertidal Ecology

- 5.4.1.5 The NMP policies relevant to benthic subtidal and intertidal ecology are policies GEN 9 and GEN 10. Policy GEN 9 requires development within the marine environment to comply with legal requirements for protected areas and protected species, not result in a significant impact on Priority Marine Features and protect and, where appropriate, enhance the health of the marine area.
- 5.4.1.6 Policy GEN 10 requires that the introduction of invasive non-native species is kept to a minimum, this is to prevent damage to the environment, economy and health. There is a risk that the introduction of hard substrate into a predominately sedimentary habitat will enable the colonisation of the introduced substrate by invasive species and with movement of vessels to Caledonia North there is the potential for impact upon the benthic subtidal and intertidal ecology. Embedded mitigation measures, including and EMP with a marine biosecurity plan, will ensure the risk of potential introduction and spread of marine invasive non-native species is minimised as far as practicable. Therefore, Caledonia North complies with Policy GEN 10.

### Fish and Shellfish Ecology

- 5.4.1.7 The NMP policies relevant to fish and shellfish ecology are policies GEN 10 and Wild Fish 1. Policy GEN 10 requires that the introduction of invasive non-native species is kept to a minimum, this is to prevent damage to the environment, economy and health. Invasive non-native species present a multifaceted threat by disrupting ecosystem services, altering native habitats and predating on native species. The embedded mitigation measures detailed in paragraph 5.4.1.5 demonstrate how Caledonia North complied with Policy GEN 10.
- 5.4.1.8 Policy Wild Fish 1 requires that the effect of development on diadromous fish species should be considered when marine planning and mitigation

should be adopted where evidence of impacts on salmon and other diadromous species is inconclusive. Numerous migratory species such as Atlantic Salmon and European Eel migrate through the Caledonia North study area and could be vulnerable to an increase of invasive non-native species. Paragraph 5.4.1.5 details the embedded mitigation proposed to reduce the impact of invasive non-native species and with proposed embedded mitigation measures the impact on diadromous fish is not significant, therefore complies with Policy Wild Fish 1.

### **Offshore Ornithology**

- 5.4.1.9 The NMP policy relevant to offshore ornithology is Policy GEN 9. Policy GEN 9 requires development within the marine environment to comply with legal requirements for protected areas and protected species, not result in a significant impact on Priority Marine Features and protect and, where appropriate, enhance the health of the marine area. The EIAR considered both designated sites with qualifying ornithological features and non-designated sites and considered the distributional responses (including barrier effects), collision risk, indirect impacts on prey species and artificial light. Embedded mitigation measures proposed included a blade clearance of at least 35m above Mean Sea Level, development of and adherence to a lighting and marking plan and development of and adherence to a project environmental monitoring programme. With proposed embedded mitigation measures, Caledonia North will not have a significant impact on offshore ornithology therefore complying with Policy GEN 9.

### **Marine Mammals**

- 5.4.1.10 The NMP policies relevant to marine mammals are policies GEN 11 and GEN 13. GEN 11 requires that developers take measures to address marine litter where appropriate. Marine litter can lead to ingestion by and entanglement of marine mammals. Development of and adherence to an EMP which sets out mitigation measures relating to dropped objects and waste management will be undertaken to protect marine mammals from marine litter, therefore complying with Policy GEN 11.
- 5.4.1.11 GEN 13 requires that development within the marine environment should avoid significant adverse effects of man-made noise and vibration. Pile installation associated with the construction of foundations has the potential to generate underwater noise which could result in injury or disturbance to marine mammals during the construction stage. With the proposed embedded mitigation measures of a piling strategy and a MMMP which details appropriate mitigation measures for offshore activities that are likely to produce underwater noise and vibration, the effect of noise on marine mammals is considered not significant, therefore complying with Policy GEN 13.

## Marine Archaeology and Cultural Heritage

- 5.4.1.12 The NMP policy relevant to marine archaeology and cultural heritage is policy GEN 6. Policy GEN 6 requires that development within the marine environment should protect and where appropriate, enhance heritage assets. The assessment identified 17 recorded wreck or obstruction sites within the study area for the Caledonia North Site and 13 recorded wreck, obstruction or aircraft crash sites within the Caledonia North OECC, one of which may be designated if aircraft material is identified at its location in the future. Marine Archaeology and Cultural Heritage receptors are a finite resource which cannot be replaced once impacted and so their sensitivity is defined as high. It is therefore important to reduce the magnitude of any impact to reduce the overall significance of effect. Embedded mitigation measures, which include the development of and adherence to a written scheme of archaeological investigations and seabed preparation to avoid any seabed heritage assets, mean that the impact of Caledonia North on marine archaeology and cultural heritage is not significant.

## Climate Change Resilience

- 5.4.1.13 The NMP policies relevant to climate change resilience are GEN 5 and Renewables 7. Policy GEN 5 requires marine planners and decision makers to act in the way best calculated to mitigate and adapt to climate change. The climate change resilience assessment identified the following potential risk to Caledonia North caused by climate hazards which included the risk of damage to assets, risk of disruption to construction and decommissioning due to extreme weather and health and safety risks to staff. Embedded mitigation measures considered included the design of assets to withstand different weather thresholds higher than currently expected and within operational life and the pausing of construction during extreme weather events. With the proposed embedded mitigation measures, there would be no significant adverse effect on climate change resilience as a result of Caledonia North, therefore complying with Policy GEN 5.
- 5.4.1.14 Policy Renewables 7 requires that marine planners and decision makers ensure that infrastructure is fit for purpose now and in the future and consideration is given to the potential effects of climate change. Paragraph 5.4.1.12 describes how Caledonia North will be resilient to climate change, therefore complying with Policy Renewables 7.

## Conclusion

- 5.4.1.15 **As detailed above, the EIAR concludes that there are no anticipated significant residual or cumulative effects on the above environmental receptors as a result of Caledonia North. This demonstrates that Caledonia North meets the policy requirements and objectives of the NMP in relation to the need to protect the environment.**

## 5.5 The Need to Protect Human Health

5.5.1.1 The need to protect human health is a key objective of the design of Caledonia North. This section summarises the potential effects on human health identified within the EIAR. A summary of the effects on human health reported within the EIAR is provided below in Table 5-3.

Table 5-3: Effects on Human Health

Receptor Group	Description of Effects	NMP Relevant Policy	Individual Residual Effects	Cumulative Residual Effects
Seascape, Landscape and Visual Impact	<p>During the construction, operation and decommissioning of Caledonia North, impacts on seascape (coastal) or landscape character, including designated areas, have been assessed as not significant in EIA terms.</p> <p>However, the assessment of key viewpoints has identified potential significant visual effects along the coastal areas of Caithness in the Highlands between the Hill of Harley and Whaligoe Steps.</p> <p>Cumulative effects are expected at the Caithness coast due to the cluster of OWFs including Beatrice OWF, Moray East OWF and Moray West OWF.</p> <p>Further north along the Highlands coast and from the Orkney Isles the effects have found to be not significant. Similarly, along the Aberdeenshire and Moray Coast, Caledonia North would have no significant effect.</p> <p>The night-time effects have been assessed as not significant.</p>	GEN 7	Yes (at some viewpoints only)	Yes (at some viewpoints only)
Socio-economics, Tourism and Recreation	<p>During the construction, operations and decommissioning phase, impacts were identified as low or negligible and therefore not significant in EIA terms.</p> <p>Enhancements include staff for managing supply chain and community investments, along with investments from the Supply Chain Development Statement (SCDS).</p>	<p>GEN 2</p> <p>GEN 3</p> <p>REC &amp; TOURISM 2</p>	No	No

Receptor Group	Description of Effects	NMP Relevant Policy	Individual Residual Effects	Cumulative Residual Effects
	<p>Cumulative economic impacts identified include increased offshore wind supply chain activity and increased competition for resources and were assessed as not significant in EIA terms.</p> <p>No significant positive or negative effects were identified on relevant economic, social, tourism and recreation receptors. On balance, the economic impacts for Caledonia North are expected to be positive.</p>			

### Seascape, Landscape and Visual Impact

- 5.5.1.2 The Seascape, Landscape and Visual Impact Assessment (SLVIA) concluded that there would be significant residual effects at certain viewpoints as a result of Caledonia North.
- 5.5.1.3 Policy GEN 7: Landscape/Seascape of the NMP states, that marine planners and decision makers should ensure that development within the marine environment takes seascape, landscape and visual impacts into account. Under Policy GEN 7, Paragraph 4.29 of the NMP states that potential residual and cumulative effects on landscapes and seascapes should be carefully considered and developers should use careful planning and design to minimise adverse impacts.
- 5.5.1.4 EIAR Volume 3, Chapter 12: Seascape, Landscape and Visual Impact Assessment considers the potential impact on receptors of Caledonia North and is based on a Design Envelope and a defined 'worst case scenario' in terms of WTGs and OSPs dimensions and locations.
- 5.5.1.5 As part of the final layout and design of Caledonia North, the Applicant will work with stakeholders to seek to reduce, where possible, the perception of turbines as 'outliers' which could appear to extend the horizontal extent of the wind farm disproportionately when compared to the energy gained. Post-consent there will be a condition requiring a review and preparation of a Design Statement by a landscape architect in relation to the finalised proposals including WTG and OSP positions and sizes as well as the proposed lighting.
- 5.5.1.6 The above measures demonstrates the Applicant's commitment to reducing the impact of Caledonia North on the seascape, landscape and visual impact where possible and will continue to proactively engage with stakeholders.

## Socio-economics, Tourism and Recreation

- 5.5.1.7 The NMP policies relevant to socio-economics, tourism and recreation are policies GEN 2, GEN 3 and Rec & Tourism 2. GEN 2 supports sustainable development which provides economic benefit to Scottish communities when consistent with the policies of the NMP. GEN 3 supports sustainable development which provided social benefits when consistent with the policies of the NMP. Caledonia North will have a positive economic impact by supporting the creation of jobs and contributing to the just transition to net zero. A Supply Chain Development Statement has been produced by the Applicant and indicates an associated expenditure with the Proposed Development of £1,406 m for Scotland and £1,705 m for the rest of the UK. The UK Government's Department of Energy Security and Net Zero is developing recommendations for funding for communities in proximity to electricity transmission network infrastructure. The Applicant will comply with these recommendations once these are finalised and will consult on our proposals when these recommendations have been issued. This demonstrates compliance with Policies GEN 2 and GEN 3.
- 5.5.1.8 Policy Rec & Tourism 2 requires that development takes into consideration the potential impacts on recreation and tourism. Given the position of some historic tourist attractions on the coast, they may be affected by the visual impacts of Caledonia North; however, there are a range of other factors that are important in their attractiveness to visitors therefore the effect is not considered to be significant. Though there is the potential for visual impact to affect tourism, given the appearance of existing WTGs from Beatrice OWF and Moray East OWF and the key features of the attraction, it is not expected that there will be a significant impact, therefore complying with Policy Rec & Tourism 2.

## Conclusion

- 5.5.1.9 **The EIAR concluded that, excluding SLVIA, no significant effects are anticipated to occur to human health receptors as a result of Caledonia North. This demonstrates that Caledonia North meets the policy requirements and objectives set out in the NMP, in relation to the need to protect human health.**

## 5.6 The Need to Prevent Interference with Legitimate Users of the Sea

- 5.6.1.1 The need to prevent interference with maritime users is a key objective of the design of Caledonia North. This section summarises the potential effects on maritime users identified within the EIAR. A summary of the effects on maritime users reported within the EIAR is provided below in Table 5-4.

Table 5-4: Effects on Maritime Users

Receptor Group	Description of Effects	NMP Relevant Policy	Individual Residual Effects	Cumulative Residual Effects
Commercial Fisheries	<p>During construction, access to established fishing grounds in the Caledonia North Site and the Caledonia North OECC will be restricted, with fishing expected to resume after construction with temporary displacement possible during maintenance activities. Potential effects include loss of access, increased fishing pressure in other areas, gear snagging risks, increased vessel traffic, and disturbance to commercially important fish and shellfish.</p> <p>Significant impacts will be avoided through embedded mitigation measures such as advance warnings, safety zones, safe passing advice, and ongoing communication with fishing fleets. Additional monitoring, including cable protection surveys, will be implemented through an outline Fisheries Management and Mitigation Strategy (FMMS).</p> <p>After implementation of mitigation measures, the impacts on commercial fisheries are considered not significant in EIA terms.</p>	<p>GEN 4 FISHERIES 1 FISHERIES 2 FISHERIES 3</p>	No	No
Shipping and Navigation	<p>The likely impact of the construction, operations and maintenance and decommissioning phases on Shipping and Navigation have been assessed as not significant in EIA terms.</p> <p>Potential effects include the displacement of existing vessel routes or activity, increased collision risk and reduced access to local ports.</p> <p>Embedded mitigation measures include the application for safety zones, a buoyed construction area and marking on nautical charts.</p> <p>Secondary mitigation measures proposed include liaison with Whitehills, Banff and Macduff</p>	<p>GEN 4 TRANSPORT 1 TRANSPORT 3 TRANSPORT 6</p>	No	No

Receptor Group	Description of Effects	NMP Relevant Policy	Individual Residual Effects	Cumulative Residual Effects
	<p>harbour authorities to mitigate the impact of reduced access to local ports during construction and decommissioning.</p> <p>Cumulative effects together with other OWF developments are expected to be not significant in EIA terms.</p> <p>After implementation of mitigation measures, the impacts on shipping and navigation were concluded to be as low as reasonably practicable and not significant in EIA terms.</p>			
Military and Civil Aviation	<p>The likely effects of the construction and operational phases on Military and Civil Aviation, due to the creation of an aviation obstacle environment, are assessed to be minor and not significant.</p> <p>An exception to this is the potential creation of an Aviation Obstacle Environment on Wick Airport Instrument Flight Procedures (IFPs), where moderate and significant effects have been identified due to their impact on flight operations. The applicant is actively engaging with Wick Airport to agree suitable mitigation measures in the form of revisions to IFPs.</p> <p>During the operational phase, the cumulative effects on civil and military Primary Surveillance Radar (PSR) systems at NATS Allanshill, RRH Buchan, and RAF Lossiemouth are considered major and significant under EIA terms due to the high sensitivity and the high magnitude of the impact. However, the radar mitigation approach outlined in the EIA reduces this effect to negligible and not significant.</p> <p>No significant residual effects are predicted following the implementation of embedded mitigation.</p>	DEFENCE 1 GEN 4	No	Yes



Receptor Group	Description of Effects	NMP Relevant Policy	Individual Residual Effects	Cumulative Residual Effects
Other Human Activities	<p>The likely effects of construction, operation and maintenance and decommissioning on Other Human Activities are assessed to be not significant.</p> <p>The assessment identified several other human activities receptors within the vicinity of Caledonia North including other wind farms and associated cabling, oil and gas infrastructure and utilities developments.</p> <p>The potential impacts include temporary obstructions to other OWFs, utilities developments and licenced marine disposal sites throughout the construction, O&amp;M and decommissioning phases.</p> <p>With the proposed mitigations in place, the assessment concludes that there would be no significant impact in terms of Caledonia North and cumulatively with other developments.</p>	GEN 4	No	No

### Commercial Fisheries

- 5.6.1.2 The NMP policies relevant to commercial fisheries are policies GEN 4 and Fisheries 1 & 2. Policy GEN 4 supports developments which enable co-existence with other development sectors and activities within the Scottish marine area. The Applicant has committed to on-going discussions with all fishing fleets.
- 5.6.1.3 Policy Fisheries 1 requires marine planners should aim to ensure that fishing opportunities are safeguarded where possible, other sectors consider the need to preserve fish stocks and put in place mechanisms for managing conflicts between fishermen and/or fishing sector. Policy Fisheries 2 requires that key factors including cultural and economic importance of fishing, impact on sustainability of fish stocks, environmental impact on fishing grounds and potential displacement of fishing stocks, are considered when forming development proposals. Policy Fisheries 3 requires a Fisheries Management and Mitigation strategy to be prepared by the developer where fishing opportunities or activity cannot be safeguarded.
- 5.6.1.4 The Applicant has developed embedded mitigation measures of relevance to the commercial fisheries including advance warning and accurate

location details of construction operations via Safety Zones, advisory safe passing distances and on-going liaison with all fishing fleets.

- 5.6.1.5 In addition to the embedded mitigation, a suite of robust additional mitigation and monitoring measures have been developed to be implemented through the Outline Fisheries Management and Mitigation Strategy, including cable protection surveys, monitoring of fisheries activity pre, during and post construction and during the operational phase. The proposed embedded and additional mitigation measures in place the impacts on commercial fisheries is not significant, demonstrating compliance with Policies Fisheries 1, 2 and 3.

### **Shipping and Navigation**

- 5.6.1.6 The NMP policies relevant to shipping and navigation are policies GEN 4 and Transport 1, 3 and 6. Policy GEN 4 supports developments which enable co-existence with other development sectors and activities within the Scottish marine area. The Applicant has committed to ongoing discussions with harbour authorities including Whitehills, Banff and Macduff to mitigate the impact of reduced access to local ports during the construction and decommissioning phases of Caledonia North. This demonstrates the Applicant's commitment to enabling co-existence and therefore complying with policy GEN 4.
- 5.6.1.7 Policy Transport 1 aims to protect navigational safety in relevant areas used by shipping and adhering to the rights of innocent passage and freedom and must consider factors including the extent to which the locational decision interferes with existing or planned routes using by shipping, reasonable alternatives to interference and appropriate mitigation measures in accordance with the International Maritime Organisation. Policy Transport 3 states that developments which would significantly interfere with ferry routes and maritime transport to islands and remote mainland areas will not be supported. Policy Transport 6 states that marine planners and decision makers should ensure shipping displacement is avoided and where possible mitigate against increased journey lengths.
- 5.6.1.8 Embedded mitigation measures to protect navigational safety include the development and adherence to a lighting and marking plan, development and adherence to a navigational safety plan and advanced warning of operations given to Mariners. The proposed embedded mitigation measures demonstrate compliance with Policy 1.
- 5.6.1.9 Vessel traffic data was analysed to inform the assessment, and this was discussed in consultation with shipping and navigation stakeholders in a Hazard Workshop. During operation, it is expected, and accepted, that small vessels and fishing vessels will navigate through the Caledonia North Site; however, larger commercial vessels would likely deviate east around the Caledonia North Site. The above conclusions demonstrate compliance with Policy Transport 3 and 6.

## Military and Civil Aviation

- 5.6.1.10 The NMP policies relevant to military and civil aviation are policies Defence 1 and GEN 4. Policy Defence 1 aims to maintain operational effectiveness in Scottish waters used by the armed services, with specific consideration given to naval areas, firing danger areas, exercise maps and communications. The Applicant is in communication with affected radar operators, including the Ministry of Defence to discuss technical mitigation solutions for radar interference. It is anticipated with embedded mitigation measures, there will be no significant effect on military aviation, specifically communication, therefore Caledonia North complies with Policy Defence 1.
- 5.6.1.11 Policy GEN 4 supports developments which enable co-existence with other development sectors and activities within the Scottish marine area. Consultation has been advanced with aviation stakeholders to detail additional appropriate mitigations to safeguard airport operations. Adverse impact on Wick Airport's IFPs can be mitigated by amendment of the IFPs, and it is anticipated that agreement with the stakeholder can be reached to put in place the required mitigation. The Applicant has additionally been in discussions with the Ministry of Defence to agree radar interference solutions. This demonstrates the Applicant's commitment to co-existence discussions and solutions and therefore complies with Policy GEN 4.

## Other Human Activities

- 5.6.1.12 The NMP relevant to other human activities is Policy GEN 4. Policy GEN 4 supports developments which enable co-existence with other development sectors and activities within the Scottish marine area. Caledonia North is within the vicinity of other offshore wind farms, wave and tidal energy developments, utilities developments, oil and gas infrastructure and a number of other marine infrastructure sites. Embedded mitigation measures proposed include advanced warning and location details of construction, maintenance, and decommissioning operations and marine coordination and communication to manage project vessel movements. Consultation has been advanced with relevant stakeholders to detail additional appropriate mitigation to safeguard other developments and projects. As a result, no significant effects were identified. The proposed mitigation and discussion with stakeholders for further mitigations demonstrates the Applicant's commitment to co-existence, therefore complying with Policy GEN 4.

## Conclusion

- 5.6.1.13 The EIAR concluded that no significant effects are anticipated to occur to the receptors identified as Legitimate Users of the Sea as a result of Caledonia North. This demonstrates that Caledonia North meets the policy requirements and objectives set out in the NMP, relating to the need to prevent interference with legitimate users of the sea.**

## **5.7 Caledonia North Report to Inform Appropriate Assessment and Habitats Regulations Appraisal Derogation Case**

### **5.7.1 Caledonia North Report to Inform Appropriate Assessment (RIAA)**

- 5.7.1.1 The Caledonia North RIAA has been drafted to provide the Scottish Ministers with the information necessary to undertake a HRA as part of the determination process for the Section 36 application for Caledonia North.
- 5.7.1.2 The RIAA (Application Document 13: Caledonia North Report to Inform Appropriate Assessment) builds upon the conclusions of the Stage One HRA Screening Report (Application Document 12: Proposed Development (Offshore) Habitat Regulations Appraisal Stage 1 Screening Report) which determines whether Caledonia North alone or in-combination with other plans and projects could result in Likely Significant Effects (LSE) on European sites in relation to their Conservation Objectives. In instances where LSE cannot be ruled out, a Stage Two Appropriate Assessment (AA) must be conducted.
- 5.7.1.3 The RIAA provides information to inform the Stage Two AA which assesses whether sites (including transboundary) with the potential for LSE also have the potential for an Adverse Effect on Site Integrity (AEoSI) alone or in-combination with other plans and projects. The three receptor groups assessed within this RIAA include: marine mammals, offshore and intertidal ornithology and migratory fish.
- 5.7.1.4 Following an extensive assessment, it has been concluded that there is no potential for AEoSI resulting from Caledonia North, alone or in-combination with other plans and projects for any sites designated for marine mammal and migratory fish receptor groups.
- 5.7.1.5 For sites designated for offshore and intertidal ornithology, it has been concluded that there would be no AEoSI resulting from Caledonia North alone; however, for the Proposed Development (Offshore) in-combination with other plans and projects a conclusion of AEoSI has been drawn for five designated sites.

### **5.7.2 Caledonia North Habitats Regulations Appraisal Derogation Case**

- 5.7.2.1 The outcomes of the Caledonia North RIAA determined that an AEoSI, in-combination with other plans or projects, could not be ruled out using the guidance approach for the Forth Islands SPA (Gannet *Morus bassanus*), Sule Skerry and Sule Stack SPA (Puffin *Fratercula arctica*), Buchan Ness to

Collieston Coast SPA (Kittiwake *Rissa tridactyla*), Troup, Pennan and Lion's Head SPA (Kittiwake), and East Caithness Cliffs SPA (Guillemot *Uria aalge* and Kittiwake).

- 5.7.2.2 For guillemot and puffin, the HRA derogation case is without prejudice, based on the fact that the Applicant Approach in the Caledonia North RIAA concluded no AEoSI for those two species. The derogation provisions will be required if Caledonia North is to achieve consent.
- 5.7.2.3 The derogation case concludes that there is an urgent need for Caledonia North to become operational as soon as possible, primarily to help address the global climate change emergency but also for other reasons of overriding public interest (building on the evidence presented within the Statement of Need), therefore helping to ensure key policies and targets both at a national and international level are met.
- 5.7.2.4 Given the establishment of AEoSI within the Caledonia North RIAA, compensation measures are required to offset the potential impacts of Caledonia North and preserve the coherence of the National Site Network. These measures have been established within a suite of supporting documents appended to the derogation case, which include roadmaps for the delivery of these measures. The package of compensation measures are considered appropriate and sufficiently comprehensive to ensure the overall coherence of the National Site Network is maintained.
- 5.7.2.5 The Derogation Case (Application Document 15: Caledonia North Habitats Regulations Appraisal Derogation Case) provides the evidence required by the Scottish Ministers to conclude that Caledonia North passes the tests set out within the Habitats Regulations Appraisal derogation provisions and can therefore be granted consent.

## 5.8 Marine Protected Areas

- 5.8.1.1 The Caledonia North OECC directly overlaps with the Southern Trench Nature Conservation MPA, hereinafter referred to as the Southern Trench MPA. An MPA Assessment (Application Document 9: Marine Protected Area Assessment) has been produced to provide supporting information to support the Scottish Ministers with their assessment of Caledonia North and to address any concerns that might not have been addressed specifically within the EIAR, but stakeholders have raised in consultation.
- 5.8.1.2 The MPA Assessment determined no risk of hindrance in relation to burrowed muds and fronts and, therefore, it is considered there is no requirement for any conditions to be applied to the activities related to Caledonia North.
- 5.8.1.3 Due to the high degree of uncertainty regarding minke whale responses to underwater noise and baseline data available, it is uncertain whether there is a risk to disturbance to the biodiversity protected feature of minke whale

during piling activities (from Caledonia North alone or cumulative with other projects and plans.

#### 5.8.1.4

The Applicant is committed to collaborating with stakeholders and academic institutions to minimise impacts on minke whales and to address knowledge gaps regarding their behavioural response to disturbance through ongoing research and monitoring efforts. Where feasible, phased construction schedules for the Proposed Development (Offshore) will be optimised to reduce underwater noise within the MPA. Alongside ongoing efforts to refine the assessment methodology and participate in strategic initiatives, the Applicant is exploring opportunities with other North East OWF developers to improve understanding of the minke whale baseline and benefits to minke whale within the MPA in the future.

## 6 Conclusions

- 6.1.1.1 This section of the Statement outlines conclusions on the accordance of Caledonia North with the relevant legislative and policy requirements.
- 6.1.1.2 Section 4 of this Statement sets out how Caledonia North has complied with the legislative requirements of the Electricity Act 1989, the Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010.
- 6.1.1.3 It is considered that the policy assessment provided in this Statement adequately demonstrates how Caledonia North complies with the key policies and relevant considerations for Section 36 consent and Marine Licenses.
- 6.1.1.4 As set out in Section 4.6 of this Statement, there is an urgent need for offshore wind to meet Scottish and UK Government's renewable energy and climate change targets. The renewable energy and climate change policy documents provide significant support and demonstrate a clear need case for the development of Caledonia North.
- 6.1.1.5 The need to achieve net zero emissions is legally binding for the UK and Scottish Government through the Climate Change Act 2008 (UK Parliament, 2008<sup>30</sup>) and the Climate Change (Scotland) Act 2009 (Scottish Parliament, 2009<sup>31</sup>). Caledonia North would contribute up to 1GW of clean energy, supporting the transition to net zero and help tackle the climate emergency.
- 6.1.1.6 Caledonia North is expected to have a positive economic impact and across the Proposed Development around 3,720 jobs could be created, directly contributing to Scotland's Just Transition to Net Zero.
- 6.1.1.7 As detailed in this Statement and within the accompanying EIAR, there is the potential for Caledonia North to have significant effects on the environment, human health and users of the sea; however, as detailed in Section 5 the effects of Caledonia North are limited due to the careful consideration of embedded mitigation measures.
- 6.1.1.8 In addition to embedded mitigation measures, the Applicant has undertaken extensive consultation with statutory bodies and key stakeholders and will continue to do so to minimise potential negative effects.
- 6.1.1.9 Overall, Caledonia North has significant policy support and will contribute to climate change and renewable energy targets. When considered against the legislative requirements, Caledonia North has been appropriately environmentally assessed in line with EIA legislation and has been designed to ensure environmental impacts are minimised.
- 6.1.1.10 Based on the information provided within this Statement and supporting EIAR, it is concluded that Section 36 and the associated Marine Licenses should be granted for Caledonia North.

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