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Our Ref: 025/OW/FOD

7 December 2018

Dear ██████████

SCREENING OPINION UNDER PART 2, REGULATION 8 OF THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) (“the 2017 EW Regulations”)

Thank you for your email, dated 15 October 2018, requesting a screening opinion (“Screening Request”) to inform an application to vary the existing consent, granted under section 36 (“the s.36 consent”) of the Electricity Act 1989 (as amended) on 21 December 2016 to Forthwind Ltd., for the construction and operation of the Forthwind Project.

In considering your Screening Request, the Scottish Ministers have consulted the relevant planning authorities (East Lothian Council, City of Edinburgh Council and Fife Council) as to their view on whether the proposed s.36 consent variation application (“the Proposed Development”) is an environmental impact assessment (“EIA”) development. In addition, the Scottish Ministers have consulted Scottish Natural Heritage (“SNH”) and the Scottish Environment Protection Agency. Copies of the consultation responses are attached for your review (at Appendix 1).

The Proposed Development will seek to:

- Increase the consented generating capacity of the Forthwind Project from 18 megawatts (“MW”) to 30MW;
- Amend the proposed location of a wind turbine generator (“WTG”), Turbine A (subject to 100 metre micro-siting allowance), as detailed in Figure 1, Appendix 2; and
- Amend the site boundary of the Forthwind Project to encompass the new WTG location and associated cable corridor, as detailed in Figure 1, Appendix 2.

The Proposed Development constitutes a change to a schedule 2 development (as defined in the 2017 EW Regulations) which has already been authorised and the proposed change may have significant adverse effects on the environment. The Scottish Ministers therefore consider the Proposed Development to fall under paragraph 3 of schedule 2 of the 2017 EW Regulations.

When making a determination as to whether schedule 2 Development is an EIA development, the Scottish Ministers must take into account the selection criteria set out in schedule 3 to the 2017 EW Regulations. In this regard, the Scottish Ministers have considered the following:

Characteristics of the Proposed Development

The Proposed Development will represent a reduction in the overall site area of the Forthwind Project from 1.214km² to 0.97km². In addition, as per Fife Council's advice, the increase in generating capacity is reflective of advances in technology and the renewables market and will not result in any changes to the physical parameters of the WTGs. Therefore, these aspects of the Proposed Development will not have significant environmental effects.

The Proposed Development will, however, require the alteration and extension of parts of the site boundary so to incorporate additional areas of seabed. Turbine A is proposed to be located further from the near shore area with an attendant change in the route of the cable corridor to shore. This will place Turbine A in a new position relative to Council administrative boundaries.

SNH advised that the proposal to locate Turbine A outwith the site boundary of the Forthwind Project may result in additional impacts on receptors, including landscape/seascape and ornithology. SNH also highlighted that physical processes may require further assessment.

Based on the information provided and the advice received, the Scottish Ministers are of the opinion that the characteristics of the development (insofar as they are related to the proposal to amend the site boundary and location of Turbine A) are likely to have significant effects on the environment.

Location of the Proposed Development

The Proposed Development will alter the site boundary of the Forthwind Project. The Proposed Development will be located further away from the near shore area than the existing Forthwind Project. Turbine A is proposed to be located from a position roughly North East of Turbine B to a position roughly South East of Turbine B (see further Figure 1, Appendix 2).

East Lothian Council advised that the Proposed Development is likely to have significant effects on the environment, as a result of changes to the visual impact on receptors in its area. East Lothian Council further advised that the Proposed Development will now be located closer to its administrative boundary and that Special Landscape Areas have now been adopted within the East Lothian Council Local Development Plan (2018).

The City of Edinburgh Council advised that the Proposed Development would result in Turbine A being located closer to its administrative boundary, resulting in a potential change in the visual impact on receptors within the area.

The Proposed Development is located in a very important and sensitive area for seabirds. The location of the Proposed Development has connectivity with the qualifying interests of various European protected sites designated under Council Directive 2009/147/EC on the Conservation of Wild Birds and Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. Therefore, the Proposed Development is likely to have significant effects on the environment.

Based on the information above and advice received, the Scottish Ministers are of the opinion that there are likely to be significant effects on the environment as a result of the location of the Proposed Development.

Characteristics of potential impacts

The Proposed Development will alter the visual impact of the Forthwind Project on several different local authority areas. East Lothian Council highlighted that the Proposed Development would alter the cumulative impact of the Forthwind Project as a result of the proposed new location of Turbine A relative to the neighbouring Levenmouth Demonstrator Turbine, as well as nearby terrestrial developments. Highlighting in particular, the differing design of the WTGs for the Forthwind Project when compared to other developments. In addition, whilst Fife Council were content that the Proposed Development did not require EIA, they also advised that these cumulative impacts required to be considered.

The construction and operational phases of the Proposed Development may have significant environmental effects on multiple receptors. Whilst the Proposed Development will not alter the construction methods of the Forthwind Project, the amended location of Turbine A and the cable corridor may have significant environmental effects, notwithstanding the reduction in the overall site area.

In view of the findings outlined above and the advice received, the Scottish Ministers are of the opinion that there are likely to be significant effects on the environment as a result of the characteristics of the potential impacts of the Proposed Development.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Development is an EIA project under the 2017 EW Regulations and, therefore, an EIA is required to be carried out in respect of the Proposed Development.

If you increase, alter or extend the proposed development you are advised to contact Marine Scotland – Licensing Operations Team to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to the relevant planning authorities. This screening opinion has been made publicly available through the Marine Scotland Information webpage: <http://marine.gov.scot/ml/forthwind-offshore-development-phase-1>

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely



Marine Scotland Licensing Operations Team

Appendix 1

Consultee responses to the request for a screening opinion – Forthwind Project

Scottish Natural Heritage

Thank you for consulting us for the screening opinion for this Forthwind 2 turbine proposal variation. Changes in the proposal parameters include: increased capacity, locational change of one turbine and change in project boundary.

We advise that due to the changes in location of one of the turbines to a new location outwith the site boundary of the currently consented 2 turbine development that further assessment is required for birds and landscape. We highlight at this stage that physical processes may also require further assessment. We do not agree with the screening document conclusions that there will be no additional potential impact to any receptor already assessed for the currently consented project.

The methods and scope of the assessment should be agreed with Marine Scotland and ourselves and we would be happy to contribute to further discussion about the scope of assessment required for each of these receptors.

East Lothian Council

I refer to your request for the views of East Lothian Council on whether or not this proposal is Environmental Impact Assessment (EIA) development and therefore requires EIA. For the reasons given below, it is the Council's view that this proposal is likely to have significant effects on the environment by virtue of factors such as its nature, size or location; however it is for Scottish Ministers to determine if it is EIA development.

The applicant did not seek a Screening Opinion for the original proposal, having considered EIA guidance, the nature and size of the proposal, and the requirement for EIA for the single turbine at Methil. They considered that EIA was required, and therefore submitted an Environment Statement with their application. The Council agrees with that conclusion due to the characteristics, location, and characteristics of the potential impact of the original proposal.

The variation proposes turbines that are the same size as the consented turbines. The existing built turbines in Fife including the one at Methil appear to be on land when viewed from East Lothian. The turbines visible from East Lothian are all three bladed. The two consented turbines are two bladed on lattice towers, of a completely different design to the existing three bladed Methil turbine that has just been granted an extension of time. In landscape and visual terms the proposal for a different form of turbine to the existing three

bladed proposal, and the location further south and further within the water could have significant effects on the landscape and visual impact from East Lothian such as to require an EIA. The proposal to relocate turbine A will locate this turbine closer to East Lothian, but further from the existing Methil turbine. In the view from Gullane both the turbines will now be located to the west of the existing Methil turbine in this view and will not overlap with the view of the Earlseat turbines. However from Yellowcraig and North Berwick Sea Bird Centre, although the proposed repositioning will visually separate the existing Methil turbine from the two Forthwind turbines, they may now read with the Earlseat turbines. Another significant view is from the A6137 at West Garleton where there is a panoramic view over Aberlady Bay with Methil directly in the line of site. The Council would require visuals from all these viewpoints to fully assess the impact on East Lothian. The Council does not therefore agree with the conclusions in the Screening Report Table 1: Summary of Variation Screening Assessment that there will be no additional potential impact on landscape and visual resource from the variation.

In the Screening Request Table 2: Variation Screening Assessment on environmental aspect – Planning Policy, please note that East Lothian Council has recently adopted its first Local Development Plan. This plan designated Special Landscape Areas for the first time, including at the coast. Supplementary Planning Guidance on these Special Landscape Areas has also recently been approved. Also in this table, ‘Landscape and Visual’ the rationale for excluding a potential impact is that the revised location of Turbine A is further away from the nearest sensitive receptors. This may be the case for Fife, but not for East Lothian, to which it is now closer.

The Council values its birdlife, including that of the Firth of Forth SPA, the Forth Islands SPA and offshore, and Outer Firth of Forth and St Andrews Bay Complex proposed marine SPA. It also values the marine mammals which are visitors to the East Lothian coast, including those from the nearby Isle of May SAC and further afield Moray Firth SAC. There is legislative provision for the protection of such sites and some such species. The Council does not have expertise as to whether the proposal would have a significant effect on these interests, but would support the views of SNH on this matter.

City of Edinburgh Council

With regard to this opinion request, on behalf of City of Edinburgh Council we note that the proposed change would involve the potential relocation of a turbine beyond the parameters of the existing consent in a direction towards the CEC area. As such, there is a potential change in the visual impact on receptors in the CEC area.

We consider that this change could give rise to materially different effects in terms of visual impact, which require to be assessed.

Fife Council

An EIA Screening request has been submitted to Marine Scotland for a proposal to vary some of the parameters of an existing Section 36 Consent for two offshore wind turbine demonstrators in the Firth of Forth off the coast of Methil in Fife. The applicant has submitted relevant documentation with the intention of providing Marine Scotland with the necessary information to determine whether the proposed variation application requires an accompanying Environmental Impact Assessment.

Fife Council is not the determining Authority with regard to this proposed variation application but is responding to Marine Scotland's request for our view as part of the process to determine whether an EIA is required for the proposed variation.

This consultation response is given in the context of The Electricity Works (Environmental Impact Assessment)(Scotland) Regulations 2017, hereafter referred to as "the Regulations".

Location

The site is located approximately 1.5 km south west of the Mean High Water Springs on the shoreline of the Firth of Forth at the Fife Energy Park, Buckhaven.

Type of Development

<i>Description of Development</i>	<i>Applicable Thresholds and Criteria</i>
<i>(1) A generating station</i> <i>(3) Any change to or extension (including a change in the manner or period of operation) of development of a description listed in... paragraph (1) ...of this schedule where that development is already authorised</i>	<i>Where the change or extension may have significant adverse effects on the environment</i>

The proposed variation to the development is considered to fall within Schedule 2 of the Regulations which, as a change to a generating station already authorised and which has the potential for a significant adverse effect on the environment, requires screening for EIA.

Assessment of Impacts

The variation to the existing consented proposal would modify the following three parameters:

- An increase, from 18MW to 30MW, in the permitted generating capacity;

- Movement of one of the two turbines (Turbine A as per Figures 1 and 3 of the S36 consent) from a position roughly NE of Turbine B to a position roughly SE of Turbine B, subject to a 100m micro-siting tolerance; and
- Amending and reducing the overall area of the consented red line project boundary to encompass the new turbine location and associated cable corridor.

Fife Council has assessed the proposal against the indicative criteria in Schedule 3 of the Regulations to determine whether or not the proposed development is likely to have significant effects on the environment.

Whilst the power output of the two proposed turbines is proposed to be increased from 18MW to 30 MW, this is reflective of advances in technology and the renewables market, and the proposed change in itself does not present a significant environmental effect given that there are no changes proposed to any of the consented technical turbine parameters (e.g. rotor diameter, blade tip height, hub height, or operational lifetime).

Similarly, whilst Turbine A is proposed to be moved from the consented location, an assessment of the proposal against the indicative criteria in Schedule 3 of the Regulations (Characteristics of Development; Location of Development; Characteristics of the Potential Impact), it is considered unlikely that there will be any change from the consented development for the majority of parameters.

There are, however, two areas of possible change that may be occasioned by the relocation of Turbine A and it is considered that, whilst the potential impacts are not considered so significant at this stage to merit EIA process for the variation application, they will require more detailed examination once the variation application has been submitted, and Fife Council would expect to be consulted on that application in due course.

1. Landscape/Seascape/Visual Impact

From coastal viewpoints looking out to sea, the turbines would represent new focal points in the view. When seen from a greater distance across land, however, they would take on a different role – being seen as part of an array of turbines. In this context, cumulative impacts are relevant and, whilst 2-bladed turbines are less visually sympathetic when seen in conjunction with the more conventional 3-bladed units, the proposed use of a lattice tower would help to reduce the visual impact of the turbines.

Whilst the consented development therefore raised no major concerns in landscape/visual impact terms, the relocation of Turbine A further away from the Fife shoreline than the existing consented location will require consideration in terms of landscape and seascape impacts on coastal areas including parts of the Fife Coastal Path, the Wemyss Coast Special Landscape Area, and the coastal settlements (particularly parts of Buckhaven, Leven, and Wemyss villages).

2. Ornithological Impact

The Environmental Statement submitted with the consented proposal suggested that, whilst there would be potential issues of disturbance relating to marine mammals that could be successfully mitigated, the main impacts on the offshore ecology of the area would be likely to be in relation to the potential impact on bird-life in the Firth of Forth. Whilst these were considered to be acceptable in consenting the original development, Marine Scotland and Scottish Natural Heritage would have to be similarly assured that the proposed new location for Turbine A (further away from shore) would not have any significant adverse impact on the integrity of the Forth Islands Special Protection Area (“SPA”), Firth of Forth SPA and Outer Firth of Forth and St Andrews Bay Complex proposed Special Protection Area (pSPA).

Conclusion

The proposed variation to the development is considered to fall within Schedule 2 of the Regulations which, as a change to a generating station already authorised and which has the potential for a significant adverse effect on the environment, requires screening for EIA.

Taking into account the characteristics of the proposed variation to the consented development, the environmental sensitivity of its location, the characteristics of its potential impact and the relevant criteria, the Council as Planning Authority is of the view that the proposed variation application would not require an EIA.

The HRA and Appropriate Assessment will have to be reviewed and revised to include the new turbine location and new pSPA. It is unclear at this stage whether the potential impact of the new layout will be greater than that previously assessed, and this would also inform consideration of whether EIA is required, but SNH will advise Marine Scotland on this matter.

Scottish Environment Protection Agency

The Scottish Environment Protection Agency has no objection to this alteration and, in this instance, has no site-specific advice or comment to make.



Figure 1 Site Boundary – Showing Site Boundary for Forthwind Project and Proposed Development