

15 August 2018

FAO Sophie Humphries  
Marine Scotland Licencing Team  
Marine Scotland  
375 Victoria Road  
Aberdeen  
AB11 9DB

Dear Sophie

**Inch Cape Wind Farm and Offshore Transmission Works: Application for Marine Licences, Section 36 Consents and Section 36A Declaration**

Inch Cape Offshore Limited (**ICOL**) hereby submits an application (the **Application**) for:

- two marine licences pursuant to Section 20 of the Marine (Scotland) Act 2010 (the **2010 Act**) for the deposit of substances and objects, and the construction, alteration or improvement of works, within the Scottish marine area (**Marine Licences**), one in relation to the Wind Farm and one in relation to the Offshore Transmission Works;
- Consent under Section 36 of the Electricity Act 1989 (the **1989 Act**) for the construction and operation of a Generating Station (**Section 36 Consent**); and
- A declaration under Section 36A of the 1989 Act to extinguish public rights of navigation so far as they pass through those places within the Scottish Marine Area where structures forming part of the Offshore Wind Farm and Offshore Transmission Works are to be located but not, for the avoidance of doubt, the areas of sea between those structures (**Section 36A Declaration**).

The Marine Licences for the Wind Farm and the Section 36 Consent applied for are for 'up to' 72 turbines, the maximum within the design envelope for the

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Development.

The Application also includes one Marine Licence for the Offshore Transmission Works.

The Wind Farm, Offshore Transmission Works, Generating Station, scope of the Section 36A Declaration application and the construction works to which this Application relates are as described below.

## 1. **SUBJECT OF THE APPLICATION**

### Wind Farm

- 1.1 The proposed Wind Farm is situated approximately 15-22 km off the Angus coastline to the east of the Firth of Tay and lies entirely within the Scottish marine area (as such term is defined in the 2010 Act).
- 1.2 The Wind Farm includes:
  - a) up to 72 WTGs secured to the seabed through jacket, monopile or gravity based foundations, of 3- bladed design and to be laid out in grid or off-set grid pattern (excluding any micro-siting allowances), spaced a nominal minimum of 1,278 m apart with a maximum height to blade tip of 291 m above the lowest astronomical tide;
  - b) inter-array cables, which will include three-core copper or aluminium electrical conductors, fibre optic communications cables, insulation and armouring, to connect the WTGs to the substations and between substations. These cables will be laid on the sea bed and be either buried or protected;
  - c) up to two OSPs which will collect the electricity generated by the WTGs and process for export;
  - d) metocean buoys; and
  - e) all foundations, substructures, fixtures, fittings, fixings, scour protections and cable crossings.
- 1.3 The Generating Station to which the proposed Section 36 Consent relates comprises the wind turbine generators and inter-array cables forming part

of the Wind Farm. The structures to which the proposed Section 36A Declaration relates comprise the wind turbine generators and metocean equipment (including foundations and substructures) forming part of the Wind Farm together with the offshore substations (including foundations and substructures) forming part of the Offshore Transmission Works described below. The Section 36 Consent and Section 36A Declaration are required for the operational life of the Wind Farm and Offshore Transmission Works.

#### Offshore Transmission Works

1.4 The proposed Offshore Transmission Works lie within the Scottish marine area and include:

- a) Up to two offshore export cables, which will include three-core copper or aluminium electrical conductors, fibre optic communications cables, insulation and armouring, each running for a maximum length of 83.3 km;
- b) landfall over the intertidal zone as far as the Mean High Water Spring Tide line at a point close to Cockenzie on the East Lothian coast; and
- c) all trenchings, foundations, substructures, fixtures, fittings, fixings, protections and cable crossings.

1.5 The export power cables will be High Voltage Alternating Current (HVAC). The cables will run from the proposed Wind Farm to a landfall at Cockenzie in East Lothian.

#### Construction Works

1.6 The proposed offshore construction works are associated with the Wind Farm and Offshore Transmission Works and include, in summary:

- a) foundation installation and associated site preparation;
- b) inter-array cable installation;
- c) installation of substructures;
- d) installation and commissioning of wind turbines;



- e) installation and commissioning of OSPs;
- f) export cable installation (excluding intertidal); and
- g) intertidal cable installation.

## 2. DOCUMENTATION ENCLOSED AND APPLICATION FEE

2.1 ICOL has been in correspondence with Marine Scotland-Licensing Operations Team (**MS-LOT**) regarding the required information for submission. The below list is understood to be a complete list of all required submission documents.

2.2 The following are enclosed with the submission:

- a) completed and signed Marine Licence application form for the Wind Farm;
- b) completed and signed Marine Licence application form for the Offshore Transmission Works;
- c) project Location Plan for the Wind Farm (as per section 6 of Marine Licence application form and Schedule 8 of the Electricity Act 1989) and list of coordinates;
- d) project Location Plan for the Offshore Transmission Works (as per section 6 of Marine Licence application form) and list of coordinates;
- e) Environmental Impact Assessment (EIA) Report covering both the Wind Farm and the Offshore Transmission Works (including annexes and figures) with the Non Technical Summary (NTS) and a report to inform a Habitats Regulation Appraisal (HRA) as a stand-alone document;
- f) Pre-application Consultation Report as per the form in Section 24 of The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013;
- g) Planning and Policy Statement; and
- h) Draft Public Notice

2.3 Fees for the sum of £60,000.00 for the Section 36 Consents for the Generating Station; £45,610.00 for the Marine Licence for the Wind Farm and £45,610.00 for the Marine Licence for the Offshore Transmission Works have been submitted to the Scottish Government.

### 3. APPLICATION REQUIREMENTS

3.1 The Application seeks consent and licences for the development described in summary above and in full in Chapter 7 of the EIA Report titled "Description of Development".

3.2 Once constructed and commissioned, all or most of the Offshore Transmission Works will be transferred to a new Offshore Transmission Networks Owner. It is not yet clear exactly which assets will be transferred to the Offshore Transmission Networks Owner and the timing.

3.3 The following matters are relevant to the Scottish Ministers' determination of the Application.

#### Environmental Impact Assessment

3.4 ICOL has carried out an Environmental Impact Assessment under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the **2017 EIA Regulations**) under the transitional arrangements in support of the Application.

#### Habitats Regulations Assessment

3.5 The Conservation (Natural Habitats, &c.) Regulations 1994 and the Conservation of Habitats and Species Regulations 2017 (the "**Habitats Regulations**") require a consideration of whether the Wind Farm or Offshore Transmission Works would be likely to have a significant effect on European (and Ramsar) sites (alone or in-combination), as defined therein and, if yes, then an Appropriate Assessment is required. This process is commonly referred to as a Habitats Regulations Appraisal.

3.6 Information to inform a Habitats Regulations Appraisal is included within the HRA which is included as a stand alone document to the EIA Report.

#### Navigational Risk Assessment

- 3.7 An application for Safety Zones have been identified as being an embedded mitigation through the Formal Safety Assessment (FSA) undertaken in Chapter 15 Shipping and Navigation of the EIA Report. The safety zone application will present a full justification of the need for safety zones. A Formal Safety Assessment (FSA) has been carried out in line with the International Maritime Organization (IMO) FSA process. Following Consultation with the Maritime and Coastguard Agency and Northern Lighthouse Board it was agreed that the Navigational Risk Assessment (NRA) undertaken in 2012 would not require an update, and thus has been submitted as part of this application. The application satisfies the requirements of the two documents, with a Marine Guidance Note (MGN) 543 checklist undertaken to verify that the NRA remains compliant. Safety Zones have also been included in other impact assessments identified in the EIA Report where required.

#### Amenity Duties under the Electricity Act 1989

- 3.8 To operate the Wind Farm a generation licence will be required under the 1989 Act. Paragraph 3(1)(a) of Schedule 9 to the 1989 Act places a duty on licence holders to have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological and physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest in forming proposals for the construction and operation of a Generating Station. Paragraph 3(1)(b) of Schedule 9 to the 1989 Act places a duty on licence holders to do what they reasonably can to mitigate the effect that the development would have on the aforesaid features. Paragraph 3(2)(a) and (b) of Schedule 9 to the 1989 Act requires that, before granting consent under Section 36 of the 1989 Act, the Scottish Ministers must have regard to the desirability of preserving the aforesaid features and the extent to which the licence holder has complied with its duties in respect of them.
- 3.9 The effects on the matters referred to in Schedule 9 are contained in the EIA Report and ICOL has had regard to these in preparing the Application. The mitigation measures identified by ICOL are also contained in the EIA Report.

#### Material/Relevant Considerations

- 3.10 The Scottish Ministers are required to take into account all material considerations in determining a consent application under Section 36 of the 1989 Act.

- 3.11 Section 15 of the 2010 Act requires that the Scottish Ministers make their decision on the Application insofar as it relates to the Scottish Marine Area in accordance with the appropriate marine plans (as therein defined), unless relevant considerations indicate otherwise.
- 3.12 Section 27 of the 2010 Act requires that in determining an application for a Marine Licence (including the terms on which it is to be granted and what conditions, if any, are to be attached to it), the Scottish Ministers must have regard to: the need to protect the environment, the need to protect human health, the need to prevent interference with legitimate uses of the sea; to the effects of any use intended to be made of the works in question when constructed, altered or improved; and to any representations made by anyone with an interest in the outcome of the Application and such other matters as the Scottish Ministers consider relevant.
- 3.13 The specific matters referred to above to which the Scottish Ministers must have regard are each considered in the EIA Report and an assessment of the proposed Wind Farm and Offshore Transmission Works in the context of the appropriate marine plans and appropriate marine policy documents is contained in the Planning and Policy Statement.

#### 4. **OTHER CONSENTS**

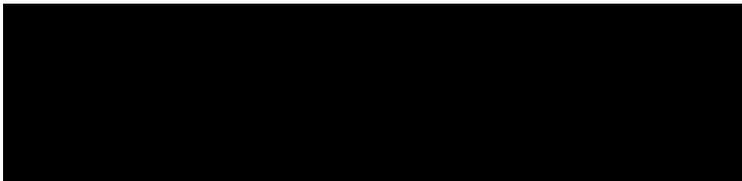
- 4.1 A separate consent will be required for the onshore transmission works under the Town and Country Planning (Scotland) Act 1997. The Onshore Transmission Works (OnTW) application was submitted in 2018 and has been called in by Scottish Ministers for determination.
- 4.2 Applications for safety zones under Section 95 of the Energy Act 2004 for the approval of Scottish Ministers may be made in the event that the Application is granted. Safety Zones have been considered in the EIA Report where relevant.
- 4.3 ICOL is also aware of the potential requirement for European Protected Species Licences under the Habitats Regulations and has considered this in the EIA Report.
- 4.4 With regard to the electricity consenting regime, ICOL has entered into a 700 MW grid connection agreement with National Grid for permission to connect to the grid, at Cockenzie, in East Lothian. This grid connection agreement may vary during the project design process.

**5. CONSULTATION**

- 5.1 ICOL has carried out pre-application consultation pursuant to Part 4 of the Marine (Scotland) Act 2010 and The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013. Statutory consultation on the Application and the EIA Report will also be required pursuant to the 2010 Act, the 2009 Act and the 1989 Act as well as pursuant to the 2017 EIA Regulations.
- 5.2 Details of the pre-application consultation undertaken are contained in the Pre-application Consultation Report as per the form in Section 24 of The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013 which has been submitted with this application. The responses of statutory and non-statutory consultees are listed and summarised and these have informed the evolution of the Application and the Development overall.

We look forward to hearing from you in relation to the formal acceptance of the Application. If we can be of any assistance in that regard, please do not hesitate to contact us.

**Yours faithfully**



**Tom Young**  
**Environment and Consents Manager**  
**Inch Cape Offshore Limited**

