Morley L (Laura) (MARLAB)

From: [redacted]@aiairport.com>
Sent: 25 September 2013 13:12
To: MS Marine Licensing
Subject: RE: Environmental Statement Request

Thank you Laura.

With regard to a response on behalf of Aberdeen International Airport, we have no comments at this stage.

The airport will comment at full planning stage, based on recommendations from NATS, who assess such applications on potential effects on radar. Whilst I do not foresee any physical safeguarding issues, the airport will require the development to undergo a full technical assessment by NATS before providing a formal response.

No doubt NATS have already referred you to its turbine preplanning assessment service, and self-assessment maps but in case they haven't, please refer to the links below for further information.

http://www.nats.co.uk/services/information/wind-farms/pre-planning-assessment/

http://www.nats.co.uk/services/information/wind-farms/self-assessment-maps/

As mentioned yesterday, I would grateful for all future correspondence relating to developments of this nature, to come direct to myself.

Many thanks and regards

[redacted]
Safeguarding Manager

Aberdeen International Airport

Aberdeen International Airport
Dyce, Aberdeen AB21 7DU

t: [redacted]
w: aberdeenairport.com t: twitter.com/abz_airport
a: aberdeenairport.com/apps

360° Excellence

Arbroath and Montrose Static Gear Association

Marine Scotland
Licencing Operations Team
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

To Whom It May Concern

APPLICATION FROM INCH CAPE OFFSHORE LIMITED FOR CONSENTS UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND MARINE LICENCES UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE OFFSHORE WINDFARM

Firstly, may I say this is not written by an academic but by a fisherman who is representing a group of fishermen who are committed and passionate about their chosen profession, so where I fail in punctuation and grammar, I will more than make up in substance giving?
The views of the fishermen that our association represents.

It will be no surprise that the Arbroath and District Static Gear Association are totally opposed to the planning application for the offshore development. Our objections to the development are based on the following factors:

1. Effect on future stocks
We can accept there is no scientific evidence to suggest that the construction and operation of the turbines will have any effect on the lobster, crab and fish stock. However until we do have the evidence can we afford to take the chance? We think not and strongly believe that taking the chance with men's livelihoods and the local community infrastructure is totally unacceptable and tantamount to be immoral.

2. Area of sea lost to the fishing fleet
The loss of fishing grounds to both the inshore and offshore fleets is significant. Fishing opportunities throughout the North Sea are diminishing year on year. If you look at the areas currently closed to fishermen: closed areas, seasonal closures, real time closures, oil and gas installations etc. we cannot afford to loose anymore

3. Destruction to sea bed during construction
The general disturbance and destruction to the seabed from concrete and noise pollution is causing the utmost concern. We have grave concerns that the noise and vibration will drive marine life away.

4. Increased marine traffic during construction and maintenance
Marine traffic during construction will undoubtedly increase considerably with the potential to cause damage/loss of fishing gear i.e. pots and endanger boats and crews themselves. It is inevitable that there could be numerous incidents.

5. Heritage.
The members of the association all have one thing in common, our total commitment to the fishing industry. We take very seriously the responsibility we have to look after our seas to pass on to the next generation and to make sure that nothing or no-one threatens the sustainability of our rich fishing grounds.

Make no mistake about it, if the development goes ahead and it has an adverse effect on the marine life we will witness a coastal clearance that would be on a scale never witnessed before on the east coast of Scotland.

We as an association cannot have that on our conscience. Can you?

Yours Faithfully

[redacted]

Chair
Arbroath & Montrose Static Gear Association
5/9/13

Morley L (Laura) (MARLAB)

From: [redacted]@btinternet.com>
Sent: 18 September 2013 22:25
To: Morley L (Laura) (MARLAB)
Subject: Re: FW: 005/OW/SER - 10: Request For Comments Section 36 & Marine Licence Application Inch Cape Offshore Limited: 24 July 2013

Dear Ms Morley,
Unfortunately we do not have an official comment to make.
All that I can comment are there conscerns regarding the hazards to mariners created by the proposals.
If the area is clearely marked and identifiable by lights, buoys, radar reflectors, Racons etc.then it should be managable.
We will just have to wait and see.

Regards
[redacted]
ASBC

Morley L (Laura) (MARLAB)

From: [redacted]@asfb.org.uk>
Sent: 24 September 2013 09:50
To: Morley L (Laura) (MARLAB)
Subject: RE: 005/OW/SER - 10: Request For Comments Section 36 & Marine Licence Application Inch Cape Offshore Limited: 24 July 2013

Laura,

I apologise for the delay in responding and I hope that you will accept this submission.

The Association of Salmon Fishery Boards is the representative body for Scotland's 41 District Salmon Fishery Boards (DSFBs) including the River Tweed Commission (RTC), which have a statutory responsibility to protect and improve salmon and sea trout fisheries. The Association and Boards work to create the environment in which sustainable fisheries for salmon and sea trout can be enjoyed. Conservation of fish stocks, and the habitats on which they depend, is essential and many DSFB's operate riparian habitat enhancement schemes and have voluntarily adopted 'catch and release' practices, which in some cases are made mandatory by the introduction of Salmon Conservation Regulations. ASFB creates policies that seek where possible to protect wider biodiversity and our environment as well as enhancing the economic benefits for our rural economy that result from angling. An analysis completed in 2004 demonstrated that freshwater angling in Scotland results in the Scottish economy producing over £100 million worth of annual output, which supports around 2,800 jobs and generates nearly £50million in wages and self-employment into Scottish households, most of which are in rural areas.

Similar to other offshore wind projects in Scotland, we have significant concerns relating to the proposed development, particularly with regard to the uncertainty surrounding the potential negative effects on Atlantic salmon and sea trout and the integrity of a number of Special Areas of Conservation for Atlantic salmon.

DSFBs have a statutory duty to protect and improve salmon and sea trout *fisheries.* All salmon fishing rights in Scotland (freshwater and marine) are private heritable titles. As the environmental effects of offshore technologies are uncertain, we would expect that developers should be required to remedy any negative consequences of such developments on the heritable assets and the value of those assets (including employment within the fishery) of all fishery proprietors. We therefore believe that, as a condition of consent (should such consent be granted), there should be a requirement for a formal mitigation agreement between the developer and relevant DSFBs.

Our key concerns are set out in our guidance document relating to marine renewables developments (http://www.asfb.org.uk/wp-content/uploads/2011/04/ASFB-RAFTS-Advice-on-Marine-Renewables1.pdf)

ASFB recognises the importance of offshore renewable energy. However, the environmental statement has failed to demonstrate that the development will not adversely affect the integrity of the SAC rivers or indeed other salmon and sea trout fisheries. Where a Natura site is involved, the onus is on the developer to demonstrate no impact and in the absence of that the precautionary principle will apply. Under these circumstances, we do not consider that the proposed development is compatible with the requirements of the Habitats Directive or Scotland's Marine Nature Conservation Strategy. On that basis, we have no alternative but to formally object to the proposed development, until adequate monitoring and mitigation strategies have been put in place.

It should be emphasised that we have no wish to prevent or delay the proposed development unnecessarily and we remain keen to work constructively with the developers and Marine Scotland to identify appropriate monitoring programmes which will allow us to be able to assess the acknowledged risks of this development, and other proposed developments more appropriately. ASFB are members of the steering group overseeing the national strategy into strategic research for offshore marine renewables and anadromous fish. We will continue to engage positively with this process, in order to develop and help deliver a credible and effective research strategy. We would note that the steering group only met for the first time on 16th July and the second meeting is scheduled in late September. It is therefore clear that the strategy, which is currently only at the early stages of scoping, will not be developed in time to inform several of the developments currently in the consenting process. We would emphasise the importance of developing a finalised, agreed research plan, with a clear time schedule for delivery, at the earliest possible date. It is vital that adequate resources are made available to this work, in order that these key

questions can be answered, in a robust and timeous manner. This would allow migratory fish interests to approach the consenting process in the knowledge that a strategy is in place to address the legitimate concerns relating to possible negative interactions resulting from the construction and on-going operation of these developments. In the absence of such a strategy, we have no option but to formally object to the proposed development.

Finally, we would emphasise the importance of the process adopted towards consent being flexible enough to take into account relevant information relating to migratory fish, as and when such information becomes available. It is therefore important that conditions are included which allow appropriate additional mitigation to be put in place, should negative interactions prove to be more likely than set out in the ES.

Please don't hesitate to contact me if you require any further information.

Yours sincerely,

[redacted]

[redacted] Policy & Planning Director | Association of Salmon Fishery Boards
Capital Business Centre, 24 Canning Street, Edinburgh, EH3 8EG
Tel: [redacted] | Mob: [redacted]
www.asfb.org.uk | Twitter: @asfb_scotland

Morley L (Laura) (MARLAB)

From: [redacted]@openreach.co.uk on behalf of radionetworkprotection@bt.com
Sent: 25 July 2013 13:04
To: Morley L (Laura) (MARLAB); MS Marine Licensing
Subject: RE: 005/OW/SER - 10: Request For Comments Section 36 & Marine Licence Application Inch Cape Offshore Limited: 24 July 2013

Dear Sir/Madam

NIL return from BT Radio Network Protection

Regards

[redacted]
Radio Frequency Allocation & Network Protection
Tel [redacted]
mobile : [redacted]
[redacted]@bt.com
Web: http://operate.intra.bt.com/operate

Morley L (Laura) (MARLAB)

From: Windfarms <Windfarms@caa.co.uk>
Sent: 07 August 2013 15:59
To: Morley L (Laura) (MARLAB)
Cc: MS Marine Licensing
Subject: RE: 005/OW/SER - 10: Request For Comments Section 36 & Marine Licence Application Inch Cape Offshore Limited: 24 July 2013

Dear Sir/Madam,

Having reviewed the ES, EIA and associated Annexes provided for the proposed Inch Cape Offshore Wind Farm, the Civil Aviation Authority confirms appropriate aviation consultees have been identified and initial consultation has been done. However, the official position of all aviation stakeholders mentioned in the reports regarding the proposed development should be established. The report correctly discusses the potential impact that wind turbines have on the communications, navigation and surveillance infrastructure and also that turbines can cause a physical obstruction to aviation stakeholders which should be taken into account.

If the proposed development is approved, I would add the need to inform the Defence Geographic Centre icgdgc-aero@mod.uk of the locations, heights and lighting status of the turbines and meteorological masts, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, prior to the start of construction, to allow for the appropriate inclusion on Aviation Charts, for safety purposes.

Kind regards,

[redacted]

[redacted]
Squadron Leader (RAF)

Surveillance and Spectrum Management
Safety and Airspace Regulation Group
Civil Aviation Authority
45-59 Kingsway London WC2B 6TE
Tel: [redacted] Fax: [redacted]
windfarms@caa.co.uk

Eyemouth Harbour Trust
Harbour Office
Gunsgreen Basin
Eyemouth
TD14 5SD

8th October 2013

FAO Laura Morley
Marine Renewables Licensing Advisor
Marine Scotland – Marine Planning & Policy Division
Scottish Government
Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

Dear Ms Morley

APPLICATION FROM INCH CAPE OFFSHORE LIMITED FOR CONSENTS UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND MARINE LICENCES UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE OFFSHORE WINDFARM

Thank you for your invitation to respond to the above application. Eyemouth Harbour Trust supports the application in principle, and we are encouraged to see further information on this project through this consultation. We are particularly keen on the potential for creation of jobs and economic growth focussed on facilities such as ours.

We would like to take the opportunity to encourage the developer to seek continued engagement with stakeholders, and from Eyemouth Harbour's stakeholder view, particularly with ports, port and sea users, and the fisheries sector.

At Eyemouth Harbour, we are keen to engage with developers of offshore wind farms, particularly given our ideal location for the Firth of Forth, and offer services that may be of interest to them during the pre-construction/survey, construction, installation and operating phases of their projects. For reference, I have enclosed a copy of our brochure which details our attributes.

Yours sincerely

[redacted]

[redacted]
Business Manager

Harbour Master
t: [redacted]
f:
e: harbourmaster@eyemouth-harbour.co.uk

Business Manager
t:
f: [redacted]
e: businessmanager@eyemouth-harbour.co.uk

web: www.eyemouth-harbour.co.uk

HISTORIC SCOTLAND
ALBA AOSMHOR

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8730
Switchboard: 0131 668 8600
Robin.Campbell@scotland.gsi.gov.uk

Our ref: AMN/16/TA
Our Case ID: 201302548

3 September 2013

Mr Andrew Sutherland
Marine Scotland
Scottish Government
Marine Laboratory
Po Box 101
375 Victoria Road
ABERDEEN
AB11 9DB

Dear Mr Sutherland

Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000
Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2007
Application for Marine Licences and Section 36 Consents - Inch Cape Offshore Wind Farm and Offshore Transmission Works
Environmental Statement

I refer to the email correspondence and the accompanying Environmental Statement (ES) requesting comments on the above. For information, this letter covers our comments on the ES for our role as consultees through the Scottish Ministers under the terms of the above Regulations. The comments in this letter relate to our statutory remit for scheduled monuments and their settings, category A listed buildings and their settings, gardens and designed landscapes appearing in the Inventory, Inventory Battlefields and designated wreck sites (Protection of Wrecks Act 1973). In this case, our advice also includes matters relating to marine archaeology out with the scope of the terrestrial planning system.

The Proposed Development
I understand the proposed offshore wind farm will be approximately 15 to 22 km to the East of the Angus coastline and will consist of the following:

- Up to 213 wind turbines, spaced a minimum of 820m apart with a maximum height to blade tip of up to 215m;
- Inter-array cables;
- Up to three meteorological masts;
- Up to three metocean buoys; and
- All associated foundations, substructures, fixtures, fitting, fixings, protections and cable crossings.

Terrestrial Assets
We are content that as a result of the offshore works, there shall be no direct impacts on terrestrial assets within our statutory remit. In terms of indirect impacts, we have considered the potential for impacts on the setting of terrestrial assets, including the following:

Scheduled Monuments
- Tentsmuir Coastal defences (Index no. 9712)
- St Andrews Castle (Index no. 90259)
- St Andrews Cathedral and adjacent ecclesiastical remains (Index no. 90260)

- Crail Airfield,pillbox,Foreland Head (Index no. 6461)

Category A Listed Buildings
- Bell Rock Lighthouse (HB no. 45197)
- Ladyloan, Bell Rock Lighthouse Signal Tower and Entrance Lodges (HB no. 21230)

Gardens and Designed Landscapes
- St Andrews Links
- Cambo

Having reviewed the submitted information, we are content that there shall be no adverse indirect or cumulative impacts on terrestrial assets of a significance to warrant an objection.

Marine Assets
We understand that there are no assets within the Development Area Archaeological Study Area (ASA) that are subject to statutory protection. In terms of the survey work, we understand that a total of 135 marine geophysical anomalies have been identified within the Development Area ASA and that there are four confirmed wreck sites and four previously recorded wrecks.

We understand that 378 marine geophysical anomalies have been identified within the Offshore Export Cable Corridor ASA, as well as two confirmed wreck sites and two previously recorded wrecks.

In terms of mitigation, the ES states that a project specific Written Scheme of Investigation (WSI) will be prepared once the final layout of the offshore wind farm and offshore transmission works are established. The WSI will include details of the micro-siting, buffer zones and exclusion zones in order to avoid direct impacts. The WSI will also include a Protocol for Archaeological Discoveries which will mitigate risk of damage to any previously unrecorded archaeological remains.

Overall, we are content with the predicted significance of impacts on marine assets as a result of the proposed development. In addition, we are content with the proposed mitigation measures, including the preparation of a Written Scheme of Investigation and a Protocol for Archaeological Discoveries.

Conclusion
Overall, we are content with the principle of the development, and consider there shall be no adverse impacts on marine or terrestrial assets within our statutory remit of a significance to warrant an objection. We are satisfied with the proposed mitigation strategy as referred to above. As such, we offer no objection to the application.

Please contact me should you wish to discuss the contents of this letter.

Yours sincerely

[redacted]

Robin Campbell
Senior Heritage Management Officer (EIA)

Morley L (Laura) (MARLAB)

From: Windfarms Team <windfarms@jrc.co.uk>
Sent: 12 August 2013 14:41
To: MS Marine Licensing
Subject: Inch Cape Offshore --- Between 15 + 22 kilometres East of Angus Coastline

Dear Sir/Madam,

Planning Ref: Section 36 & 36A

Site Name: Inch Cape Offshore

Site Centre at NGR: 384610 734304

Development Radius: 10 km

Total 213 Turbines

Hub Height:129m Rotor Radius:86m

(defaults used if not specified on application)

Cleared with respect to radio link infrastructure operated by:-

Scottish Hydro (Scottish & Southern Energy) and Scotia Gas Networks

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry and the Water Industry in north-west England. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted.JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, developers are advised to seek re-coordination prior to considering any design changes.

Regards

[redacted]

Wind Farm Team

The Joint Radio Company Limited
Dean Bradley House,
52 Horseferry Road,
LONDON SW1P 2AF
United Kingdom

DDI: [redacted]
TEL: [redacted]
Skype: [redacted]

<windfarms@jrc.co.uk>

Maritime & Coastguard Agency

Navigation Safety Branch
Bay 2/04
Spring Place
105 Commercial Road
Southampton SO15 1EG
United Kingdom

Tel: + [redacted]
E-mail: [redacted]**@mcga.gov.uk**

Laura Morley
Marine Scotland

By Email
Ms.marinelicensing@scotland.gsi.gov.uk

Your ref: **005/OW/SER-10**
Our ref:

Date 22nd August 2013

Dear Laura

Application For Consent: Inch Cape Offshore Wind Farm

Many thanks for your letter of 24th July inviting comment on the application for consent for the proposed Inch Cape offshore wind farm. The Environmental Statement with particular reference to navigation safety has been reviewed and the following comments provided:

The NRA and embedded traffic survey, as presented are considered to meet the requirements of MGN 371. The MGN 371 checklist contained at annex 19 A.4 is accepted as the developer's confirmation of their compliance with MGN 371.

Cumulative Impacts
The cumulative impact approach undertaken within the NRA is accepted, noting that the Firth of Forth Round 3 zone only includes project alpha and bravo of its phase 1 development. Cumulative impacts views may change as development plans within the area mature. Indicated route deviations are subjective and at this time appear reasonable.

Cable Routes
Export cable routes, cable burial protection index and cable protections are issues that are yet to be fully developed. However due cognisance needs to address cable burial and protection, particularly close to shore where impacts on navigable water depth may become significant. A detailed condition of consent will be provided to protect navigable water depths and safe navigation.

Survey Data
MGN 371 Annex 2 Paragraph 6 iii requires that hydrographic surveys should fulfil the requirements of the International Hydrographic Organisation (IHO) Order 1a standard, with the final data supplied as a digital full density data set, and survey report to the MCA Hydrography Manager. This information is yet to be submitted,

Failure to report the survey or conduct it to Order1a may invalidate the Navigational Risk Assessment if it was deemed not fit for purpose. The survey data must be submitted and approved prior to any consent being granted.

Emergency Response & Co-operation Plans
An Emergency Response & Cooperation Plan will be provided by the developer to meet the requirements of annex 4 of MGN 371. This will need to be approved by MCA prior to construction commencing. A detailed condition of consent will be provided to address this requirement.

Conclusion
The comments above highlight areas where further information will be required or conditions of consent will need to be developed and addressed. The MCA in principal is content to accept the application for development, subject to suitable consent conditions being developed as appropriate.

Yours sincerely

[redacted]

[redacted]
MCA Navigation Safety

Morley L (Laura) (MARLAB)

From: [redacted]@montroseport.co.uk>
Sent: 20 September 2013 11:01
To: Morley L (Laura) (MARLAB)
Cc: [redacted]
Subject: RE: 005/OW/SER - 10: Request For Comments Section 36 & Marine Licence Application Inch Cape Offshore Limited: 24 July 2013

Laura

Thanks for the reminder.

Montrose Port Authority(MPA) has a positive outlook on the Inch Cape proposals in principle. On behalf of MPA, I have witnessed the jobs created in ports and communities currently hosting the operation and maintenance of such offshore wind farms and clearly see the economic benefits from them. MPA is not qualified to judge the economic case for the energy provision of these windfarms.

Regards

[redacted]
Chief Executive
MONTROSE PORT AUTHORITY
[redacted]
[redacted]@tiscali.co.uk
www.montroseport.co.uk

Morley L (Laura) (MARLAB)

From: [redacted]@nats.co.uk>
Sent: 29 July 2013 17:52
To: Morley L (Laura) (MARLAB)
Cc: MS Marine Licensing; NATS Safeguarding
Subject: RE: 005/OW/SER - 10: Request For Comments Section 36 & Marine Licence Application Inch Cape Offshore Limited: 24 July 2013

Dear Madam,

NATS has no comments to make on the application referenced above.

Regards

[redacted]
NATS Safeguarding Office

NATS

[redacted]
ATC Systems Safeguarding Engineer

☎: [redacted]
✉: [redacted]@nats.co.uk

NATS Safeguarding
4000 Parkway,
Whiteley, PO15 7FL

http://www.nats.co.uk/windfarms

Northern Lighthouse Board

[redacted]
DIRECTOR OF MARINE OPERATIONS

84 George Street
Edinburgh EH2 3DA
Switchboard: 0131 473 3100
Fax: 0131 220 2093
Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk

Your Ref: 005/OW/SER - 10
Our Ref: AJ/OPS/ML/O6_04_194

Ms Laura Morley
Marine Scotland – Licensing Operations Team
Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

02 August 2013

Dear Laura,

APPLICATION FOR TWO CONSENTS UNDER SECTION 36 and 36A of the ELECTRICITY ACT 1989 AND THREE MARINE LICENCES UNDER PART 4, SECTION 20 of the MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE AN OFFSHORE WINDFARM, FIRTH OF FORTH

We are in receipt of correspondence dated 22 July 2013 regarding the application by **Inchcape Offshore Windfarm Limited** to install and operate wind turbines, offshore sub-stations and the associated electrical interconnecting cables and export cables corridor at their wind farm site in the outer Firth of Forth.

The following is a compilation of the recommendations that we would expect to be implemented on the conclusion of decisions regarding design, size and position of the turbines within the site area. The recommendations are based on the Environmental Statement extracts accompanying the correspondence, including the Navigational Risk Assessments for both the Development Site and the Export Cables Corridor area.

With regard to the consultation and the scope of the assessment, we would only comment on any part relating to Shipping and Navigational Safety contained within the supporting documentation. We would require that Notice(s) to Mariners, Radio Navigation Warning and publication in appropriate bulletins will be required stating the nature and timescale of any works carried out in the marine environment relating to this project.

We would propose that marking and lighting of the site will be required for the three phases of the wind farm life, namely the construction, operational and de-commissioning phases, to give the best possible indication to the mariner of the nature of the works being carried out.

Construction Phase
During the construction phase we would require that the site boundary shall be marked by up to 6 lit Cardinal Mark buoys. The Cardinal Buoys shall be a minimum of 3 metres in diameter at the waterline, have a focal plane of at least 3 metres above the waterline and be of suitable construction for the sea conditions commonly experienced in the North Sea. The light range on these buoys shall be 5 Nautical

Miles. The final location and identifying characteristics of these Cardinal Marks will be advised by NLB once turbine layout and construction plan are known.

If the final site design occupies the majority of the development area, it may be necessary to add a further intermediary lit Special Mark buoys on the development boundary lines to ensure that mariners are adequately warned of the construction site. All required buoyage shall remain in place until completion of the construction phase.

During this construction phase, we note the Navigational Risk Assessment and the conclusions drawn within Volume 2H Appendix 19A. We require that any vessel engaged in these works shall be marked in accordance with the International Rules for the Prevention of Collisions at Sea, and if any jack-up craft are used, in accordance with the Standard Marking Schedule for Offshore structures if secured to the seabed.

Operational Phase

We would advise that we are unable to specify final marking and lighting requirements of the operational site until a decision has been reached on the size, number and layout of turbines, the final number and location of offshore sub-stations, and the cumulative impacts with regard to the Neart na Gaoithe and Firth of Forth Phase 1 Alpha and Bravo projects which the NLB will require to be consulted on.

In general terms, during the Operational Phase the windfarm site shall be marked and lit as per IALA Recommendation O-139 as follows:

- The tower of every wind generator should be painted yellow all round from the level of Highest Astronomical Tide (HAT) to 15 metres or the height of the Aid to Navigation, if fitted, whichever is greater.
- The structures designated as Significant Peripheral Structures (SPS) shall have lights visible from all directions in the horizontal plane. These lights should be synchronised to display a character of one yellow flash every 5 seconds, with a range of not less than 5 nautical miles.
- Selected Intermediate Structures (IS) on the periphery of the wind farm should be marked with lights visible from all directions in the horizontal plane. These lights should be synchronised to display a character of one yellow flash every 2.5 seconds, with a range of not less than 2 nautical miles.
- All lights shall be placed not less than 6 metres and not more than 30 metres above Mean High Water Springs (MHWS)
- A sound signal shall be attached to each SPS and IS as to be audible upon approaching the wind farm from any direction. The sound signal should be placed not less than 6 metres and not more than 30 metres above MHWS and should have a range of at least 2 nautical miles. The character shall be rhythmic blasts corresponding to Morse letter 'U' every 30 seconds. The minimum duration of the short blast shall be 0.75 seconds. The sound signal shall be operated when the meteorological visibility is two nautical miles or less. All sound signals should be synchronised.
- Each tower shall display identification panels with black letters or numbers one metre high on a yellow background visible in all directions. These panels shall be easily visible in daylight as well as at night, by the use of illumination or retro-reflecting material.

- AtoN should not be obscured by any other lighting such as working lights except when necessary for safe access at the time of access.

- All navigation lights should have an availability of not less than 99.8% (IALA Category 1) over a rolling three year period. Sound signals should have an availability of not less than 97% (IALA Category 3) over a rolling three year period. The operator must have sufficient resources, equipment redundancy and response arrangements to achieve this.

- Offshore sub-stations and meteorological masts shall also be marked. Again, recommendations will be given once the final site layout is submitted and particular consideration being given the positions of any Met Masts falling outside of the main development site.

The lighting and marking may need to be amended during the operational phase to take into account adjacent wind farm developments.

With regards to lighting and marking the turbines for aviation, NLB would draw the developers attention to CAA trials with synchronised flashing medium intensity red morse 'W' (Whisky) lights replacing the fixed red lights that may have the potential to be interpreted as Marine Navigation lights when viewed from a distance. NLB would encourage the developer to seek approval from the CAA to use the synchronised red morse 'W' character.

Export Cables Corridor

We note that the Export Cables Corridor is discussed and assessed as a separate project area to the main development site when considering the Navigational Risk Assessment and the conclusions drawn within Volume 2H Appendix 19B. We require that the marking and lighting of any vessel engaged in the trenching, cable laying and protection operations will be marked in accordance with the International Rules for the Prevention of Collisions at Sea, and if jack-up craft are used in accordance with the Standard Marking Schedule for Offshore structures if secured to the seabed.

It may also be necessary to mark the landfall site of the export cable routes depending on the location chosen. We would then require that Lit Cable Marker Boards should be positioned as near as possible to the shoreline so as to mark the points at which the cable comes ashore. The Cable Marker Boards shall be diamond shaped, with dimensions 2.5 metres long and 1.5 metres wide, background painted yellow with the inscription 'Cables' painted horizontally in black. The structures shall be mounted at least 4 metres above ground level, with a navigation light flashing yellow once every five seconds (Fl Y 5s) mounted on the upward apex of the board. The nominal range of these lights should be 3 nautical miles.

Where cable protection is used, sufficient depth of water must be maintained for safe passage of existing marine traffic along the cables entire route. Any reduction in depth must be reported to the UKHO.

Decommissioning Phase

When the site eventually reaches the end of its designed life and there is a need to enter into dialogue with stakeholders on decommissioning options, we would require

that the Northern Lighthouse Board is consulted on the requirement for marking and lighting during this phase.

General
All navigational marking and lighting of the site or its associated marine infrastructure will require the Statutory Sanction of the Northern Lighthouse Board prior to deployment.

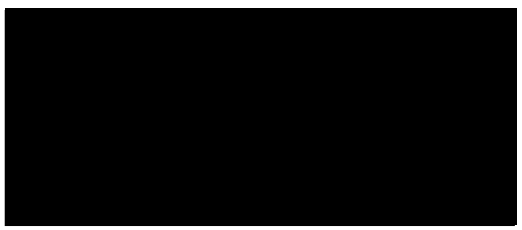
We require that the cable routes, offshore sub-stations and cable landing points should be communicated to the United Kingdom Hydrographic Office in order that all relevant charts and publications can be correctly updated.

A comprehensive contingency plan will be required, detailing the emergency response to all possible catastrophic failure and collision scenarios.

With respect to the application for a declaration under section 36A of the electricity act to extinguish navigation rights: this is the first time NLB has been aware of such an application. We would query whether it is necessary given the marine licence will permit placing structures on the seabed and that those structure will in themselves prevent navigation. However if such a declaration is necessary this must be limited to the actual turbine, met mast, and sub-station locations only and in no way limits navigation between turbines. A consistent approach for all developments on this matter is advised.

These recommendations are based on the application documents and previously supplied documentation. At this stage we can make no firm recommendations but are content for a licence to be issued with the condition that NLB is consulted on final layout and development plans. The licence should ensure that the developer/operator provides marking to our requirements in all phases of construction, operation and decommissioning.

Please advise if we can be of any further assistance, or require clarification any of the above.



giving nature a home

RSPB Scotland

Laura Morley
Marine Scotland – Renewables Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB

5th September 2013

Dear Mr Tate,

Inch Cape Offshore Limited's application for Marine Licenses & Section 36 Consent

RSPB Scotland welcomes the opportunity to provide comment on the application for the Inch Cape offshore wind farm, situated in the Forth & Tay region some 15km to 22km to the east of Angus coastline. Following submission, the applicant met with RSPB Scotland to present their proposals and approach to assessment of the ornithological elements of the project. We appreciate this openness and the efforts taken to keep stakeholders informed.

The application, including the supporting environmental assessment of seabirds, is of a very high standard. The methodologies applied, the transparency provided in the description of assessment and the clarity of the reporting are very much welcomed. This high standard has aided our ability to understand and appraise the application.

ICOL are aware of the research projects, commissioned by Marine Scotland, that will support and inform the decision making process for Inch Cape and the other two offshore wind farm applications in the Forth & Tay region. RSPB Scotland is part of the steering groups to these projects that are considering the population level effects from offshore wind development on seabirds in the Forth & Tay region. Alongside all interested parties, we are awaiting finalisation and publication of this research as we are reliant on best available science to inform our position on Inch Cape. Furthermore, it is critical for us to consider the potential cumulative environmental impacts of Inch Cape with Neart na Gaoithe and Seagreen offshore wind projects as it is apparent that a number of seabird species are likely to be significantly impacted by all three proposals. It is also clear that there is the potential for adverse impacts on the integrity of Special Protection Areas in the region.

In the knowledge that further case relevant information will be forthcoming, we feel it unfortunate Marine Scotland were unable to agree an extension to the statutory consultation period. An extension would have allowed consultation responses to be fully informed. Nonetheless, we have met the response deadline and RSPB Scotland **objects** to Inch Cape Offshore Ltd's application, pending publication of the above mentioned research and, given the possible cumulative impacts, the final submissions from Seagreen's project. This information will provide important contextual input from which we can reassess our position.

Yours sincerely,

[redacted]

Conservation Planner (Marine)

Cc'd [redacted] – Repsol Nuevas Energias UK Limited
– Joint Nature Conservation Committee
– Scottish Natural Heritage

Scotland Headquarters
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BirdLife INTERNATIONAL

RYA SCOTLAND

Royal Yachting Association Scotland

RYA Scotland

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Tel: +44 (0)131 317 7388
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Email: admin@ryascotland.org.uk
Web: www.ryascotland.org.uk

9 August 2013

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

Dear Ms Morley,

Inchcape Offshore Ltd Application

Although RYA Scotland has no objections to Inchcape Offshore Ltd's consent application, we make two comments.

1. There is inconsistency in the width of the key gap between the development area and the Bell Rock. In 19.5.1 section 42 it is given as about 4 nautical miles whereas Figure 19.1 in 7.13 suggests the gap is 8 nautical miles. We assume that the former is the case.

2. Section 19.6.2 paragraph 142 states that 'During the operation and maintenance stage of the Wind Farm, recreational vessels will be required to either deviate around the Development Area or pass between Inch Cape Structures (when conditions allow). There is a risk to recreational vessels transiting through the Development Area of alliding with an Inch Cape Structure, especially in adverse weather and poor visibility. Recreational vessels will also be affected by displaced commercial vessels and fishing vessels, therefore increasing the vessel to vessel collision risk.' The first sentence is unclear and seems inconsistent with section 7.13.2. It could be construed as meaning that temporary exclusion zones could be implemented at short notice or even that vessels could be directed to travel through the wind farm, which we feel sure was not the intention. The RYA would oppose any attempt to implement any safety zone in the operational phase that is not supported by a compelling risk analysis and an explanation of the measures that would be implemented by the operator to enforce it. It must be remembered that GNSS navigation systems are typically only accurate to 10 to 50 m and that small craft of less than 13.7m LOA are not required to carry VHF. It is the skipper's responsibility to plan a safe passage depending on the prevailing conditions, taking account of information published in hydrographic charts and Sailing Directions, Pilots and Notices to Mariners. This is a tried and tested system that works for all other aspects of navigation.

Yours faithfully,

[redacted]

Planning and Environment Officer, RYA Scotland

[redacted]
Director of Environment & Infrastructure

Head of Planning & Regulatory Services
[redacted]

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

Please ask for: [redacted]
Our Ref: *13/00844/S36*
Your Ref: *005/OW/SER-10*
E-Mail: [redacted]*@scotborders.gov.uk*
Date: *8th October 2013*

Dear Sir/Madam

APPLICATION FROM INCH CAPE OFFSHORE LIMITED FOR CONSENTS UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND MARINE LICENCES UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE OFFSHORE WINDFARM.

You notified Scottish Borders Council on 24th July 2013 of the above Section 36 application. I now write to advise you that, following consideration by the Planning and Building Standards Committee yesterday, this consultee raises no objection to the scheme as submitted. This is the formal response of Scottish Borders Council, as Section 36 consultee.

I have also attached a copy of the Report of Handling submitted to the Committee, which your case officers should consider as background information.

The Committee added in its decision a request to respectfully remind Marine Scotland that it will need to satisfy itself, in advance of issuing a decision, the applicant holds an appropriate Licence under the Electricity Act 1989 or is an exempt person for the purposes of that legislation.

Please do not hesitate to contact me if I can be of further assistance. For completeness, consultation responses received from SBC consultees can be viewed at http://eplanning.scotborders.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MPZF53NT08G00

Yours faithfully

[redacted]
Planning Officer (Major/Wind Energy Developments)

Environment and Infrastructure
Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA
Tel: 01835 824000 Fax: 01835 825071
E-mail: prs@scotborders.gov.uk Website: www.scotborders.gov.uk
Visit http://eplanning.scotborders.gov.uk/publicaccess/ to view Planning information online

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7 OCTOBER 2013

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND MARINE LICENCES UNDER SECTION 20 OF THE MARINE (SCOTLAND) ACT 2010

ITEM: **REFERENCE NUMBER:** 13/00844/S36

OFFICER: [redacted]
WARD: East Berwickshire
PROPOSAL: To construct and operate an offshore windfarm comprising of up to 213 turbines, substation platforms, interconnecting and export cables
SITE: Inch Cape Offshore Wind Farm, off Angus coast, Scotland
APPLICANT: Inch Cape Offshore Limited
AGENT: None

1.0 PURPOSE OF REPORT

1.1 To advise the Scottish Government of the response from Scottish Borders Council on the applications by Inch Cape Offshore Limited to construct and operate an off shore windfarm approximately 15-22km to the east of the Angus coastline. The nearest noteworthy settlements are Arbroath, Montrose, Carnoustie and St Andrews.

2.0 PROCEDURE

2.1 Scottish Borders Council is a consultee. Its views will be provided to Marine Scotland, the body responsible (on behalf of Scottish Government) for processing the applications. Marine Scotland advertises the application and carries out direct consultation with other interested bodies. There is, therefore, no need for Scottish Borders Council to undertake a tandem process although consultation has taken place with relevant officers within the Council.

2.2 Unlike for shore windfarm development, it is Marine Scotland, rather than the planning authority, that is also the relevant enforcement authority responsible for monitoring compliance with the terms of an approval and any conditions imposed thereon.

3.0 SITE DESCRIPTION:

3.1 The site would occupy an area of approximately 150km^2, in water between 40 and 57m deep in the North Sea, north-east of the Firth of Forth and east of St Andrews Bay. The actual distance between the site and Scottish Borders is approximately 55km or thereabouts (near Cockburnspath/Dunglass).

3.2 The nearest viewpoint to the Borders selected as part of the visualisation process is situated 50km from the site at Dunbar, in East Lothian. The visualisations (see Appendix 16F of the Environmental Statement, Viewpoint 25) identify the development in a cumulative context with other wind energy projects mentioned in Section 5 below.

4.0 PROPOSED DEVELOPMENT:

4.1 The development would comprise:

- up to 213 wind generators (turbines) with a maximum blade tip height of 215m
- 5 substation platforms to collect electricity for export
- connecting cables (interconnecting and to enable connection to grid)
- up to 3 meteorological masts (one of these already the subject of a separate planning application)
- substation on-shore to facilitate connection to grid, at Cockenzie (East Lothian). This item to be considered in a separate application to East Lothian Council.

4.2 It is intended that the lifespan of the development would be 25-50 years, although the precise period has not yet been established. It would be managed from an on-shore site, but inevitably would require physical maintenance/management via marine transport.

4.3 The development would potentially produce 3000 Gigawatt hours of energy per annum.

4.4 It should be noted, as described in 'Delivering the Project' (Non-Technical Summary, Page 12) that the design of the development is not yet finalised. Although an assumption may be made that if the development is consented, it will be substantially based on the principles described in all submissions, factors may lead to change during and leading up to project delivery. These would include:

- requirement for further site investigation
- continued design and economic optimisation
- need to identify precise nature of development components
- requirement to 'microsite' due to findings of more detailed surveys

5.0 PLANNING HISTORY:

5.1 In December 2012, the Planning and Building Standards Committee considered a report by the Head of Planning and Regulatory Services for a separate offshore wind farm named 'Neart na Gaoithe'. The Head of Planning and Regulatory Services' recommendation not to object to the development was agreed by the Committee. That development is situated approximately 10km south of the current proposal.

5.2 The Neart na Gaoithe proposal comprises 75-125 turbines with a maximum tip height of 197m. Planning permission and Licence(s) have not been granted to date on that site.

5.3 The projects described as Inch Cape, Neart na Gaoithe and 'Firth of Forth' (seen in cumulative graphical information within the Environmental Statement) all relate to earlier strategic work and consultation resulting from The Crown Estate's invite in 2008 (at Scottish Government's request) for potential developers to submit proposals for offshore wind farm sites within Scottish Territorial Waters.

6.0 APPLICANTS' SUPPORTING INFORMATION

6.1 The submissions to Marine Scotland include an Environmental Statement (ES) resulting from an Environmental Impact Assessment (EIA). SBC has been provided with the hard copies of the following elements from it:

- Non Technical Summary
- Volume 3C 'Figures'

- Volume 3A Appendices 16F ('Seascape and Landscape Visualisations') and 17B ('Cultural Heritage Visualisations')
- Volume 3B Appendice 16G ('Seascape, Landscape and Visual Figures')

7.0 REPRESENTATION SUMMARY

7.1 Third party representations are submitted to Marine Scotland and it is for that agency to take these into consideration when assessing the proposed development on behalf of Scottish Ministers.

8.0 DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Local Plan 2011:

Principle 1 – Sustainability
Policy G1 – Quality Standards for New Development
Policy NE3 – Local Biodiversity
Policy EP4 - Coastline
Policy D4 – Renewable Energy Development

SESplan Strategic Development Plan June 2013:

Policy 10 - Sustainable Energy Technologies

9.0 OTHER PLANNING CONSIDERATIONS:

Adopted SBC Supplementary Planning Guidance and other documents:

Supplementary Planning Guidance on Renewable Energy 2007
Supplementary Planning Guidance on Wind Energy 2011
Supplementary Planning Guidance on Local Landscape Designations 2012
Supplementary Planning Guidance for Biodiversity 2005

Scottish Government Planning Policy and Guidance:

Scottish Planning Policy 2010
National Planning Framework for Scotland (2) 2009
Scottish Historic Environment Policy 2011

Scottish Government On-line Renewables Advice:
PAN 3/2011 Environmental Impact Assessment (S) Regulations 2011
PAN 2/2011 Planning and Archaeology
PAN 60 Planning for Natural Heritage 2008
PAN 58 Environmental Impact Assessment 1999
PAN 51 Planning, Environmental Protection and Regulation

'Blue Seas, Green Energy – A Sectoral Marine Plan for Offshore Wind Energy in Scottish Territorial Waters'.

SNH On line advice on renewables

10.0 CONSULTATION RESPONSES:

Landscape Architect:

No response to date.

Archaeology Officer:

No objection.

Ecology Officer:

No response to date.

Roads Planning Manager:

No response to date.

11.0 KEY PLANNING ISSUES:

11.1 At 55km from the boundary of Scottish Borders, the potential effects when assessed against Scottish Borders development plan policy are likely to be limited. Scottish strategic policy and guidance, in particular within the SESplan Strategic Development Plan in a regional context, requires the potential benefits arising from providing sustainable renewable energy development to be weighed against the environmental impacts it will cause. Mitigation relating to such impacts must be taken into account.

11.2 The potential effects and impacts are likely to be experienced most appreciably in/from local authority areas which are closer to the Inch Cape site. Matters of relevance to Scottish Borders are highly likely to be limited to:

- visual impacts arising from the project, cumulatively with other wind farms in terms of landscape/seascape
- visual impacts arising from the project, cumulatively with other wind farms in terms of cultural heritage
- ecological/ornithological impacts arising from the project, cumulatively with other wind farms

12.0 ASSESSMENT OF APPLICATION:

Planning Policy Principle:

12.1 Scottish Planning Policy broadly supports offshore wind as a form of sustainable renewable energy. Taking into consideration the location and nature of the site, and the nature of the development, the principle is acceptable in planning terms. Scottish Government and The Crown Estate have effectively promoted the locale as an area where offshore wind energy development might be pursued. Scottish Borders Council's planning policy framework does not conflict with this.

Visual Impacts:

12.2 At such a distance, despite the size of the turbines and the spread across what might be described as a large expanse of sea, the effects of the wind farm by itself are likely to be

negligible. From the fringes of Borders including parts of the Lammermuir Hills, St Abbs Head and elsewhere in the Berwickshire Coast Special Landscape Area, it would be possible to glimpse the Inch Cape Wind Farm. This does not present any overriding visual impact issues for the Borders, although it must be noted that these effects will be much greater from the point of view of other planning authorities closer to the site (Aberdeenshire, Fife, Angus). Visualisations within the ES demonstrate how prominent, even at 15-22km, the development might be. It would relate to sections of the Scottish coast known for their attractiveness and would be seen in this context regularly.

12.3 The visual effects of the cumulative picture with Inch Cape, with Neart na Gaoithe and with Firth of Forth give rise to a slightly greater level of concern. From a Borders point of view, there would be an element of sequential visual impact appreciable in a coastal context. Neart na Gaoithe would be observed in the foreground of Inch Cape, creating a sense of massing which would compete with views of the land/seascapes and introduce a strong industrial component to the ocean panorama. Firth of Forth is likely to be visible to the east and partially behind Neart na Gaoithe. There is a risk that this cumulatively formed new industrial component of the seascape would become the most noticeable feature in some views, in that it competes with the open character of the sea. It should be acknowledged that the generally distant views of the development would potentially diminish any such effects from a Borders point of view.

12.4 Any harm arising from visual effects must be balanced against the potential benefits caused by the construction of the development and the level of energy it would provide in contributing to Scottish Government's targets for 100% renewable electricity by 2020. Certainly, in a Borders context, the impacts would be outweighed by the high level of benefit the development would give rise to, including economic growth in Scotland.

Natural Heritage:

12.5 It is inevitable, taking into account the sensitivities of the site within the broader marine context, that impacts would arise that affect:

- marine habitat
- biodiversity dependent on the habitat

12.6 Survey information is provided within the ES in detail, and mitigation is proposed. Mitigation cannot prevent all harm, but can secure minimisation of long-term harm arising from development.

12.7 Natural heritage is considered in focus by Scottish Natural Heritage, by Marine Scotland and other agencies consulted during this particular planning process. Given the distance from Borders and the likelihood that all potential effects described in the ES will be scrutinised by specialist consultees, SBC need not provide a detailed analysis of the submissions in this context.

13.0 OTHER IMPORTANT CONSULTATION RESPONSES (SUBMITTED TO SCOTTISH GOVERNMENT/MARINE SCOTLAND):

13.1 RSPB Scotland is objecting to the development until such a time as further research relating to cumulative impacts on birds is available. This is a holding objection.

13.2 No other consultees which have submitted consultation responses to Marine Scotland have stated an objection. Several raise concerns in relation to impacts within the sea/seabed area and at the coast where the connections would be made. Most list potential mitigation or require further assessment/re-assessment in relation to certain issues.

13.3 A notable absent consultation response is that of Scottish Natural Heritage. Within this response it is anticipated that landscape/seascape and visual impacts, plus ecological impacts would be appraised and commented upon. Whilst the views of SNH would have assisted the assessment of the application, the Council is obliged, in any event, to come to its own conclusion as to the acceptability or otherwise of the development..

14.0 CONCLUSION:

14.1 The assessment of the application has been carried out in terms of the development's implications for the Scottish Borders only. It is anticipated that other planning authorities consulted will consider the implications for their areas, which may ultimately be more consequential than those for the Scottish Borders. It will also be legitimate for Scottish Natural Heritage to consider the wider consequences for the east coast of Scotland of this development in association with the other proposed off shore windfarm developments.

14.2 In terms of impacts on the Scottish Borders, it is considered that the distance and location of the windfarm combine to limit any significant impact. Even cumulative visual and landscape impacts would be at worst moderate and would be minor or negligible from many receptors.

15.0 RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

15.1 That the Council indicate to Scottish Government that it has **no objections** to the application for an off-shore windfarm at Inch Cape Wind Farm.

Approved by

Name	Designation	Signature
[redacted]	Head of Planning and Regulatory Services	

The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

Author(s)

Name	Designation
[redacted]	Planning Officer (Major/Wind Energy Developments)

SCOTTISHPOWER
Energy Wholesale

Generation Services

Your ref. 005/OW/SER - 10
Our ref. ICOL response 23092013
Date 23 September 2013
T: [redacted]
E: [redacted]@scottishpower.com

Marine Scotland Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB

Dear Sirs

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000.
SECTION 36 APPLICATION FOR THE INCH CAPE OFFSHORE WINDFARM, OUTER FIRTH OF TAY.

I refer to the recent applications for both Section 36 consent and Marine Licences by Inch Cape Offshore Limited (ICOL) to develop, finance, construct, operate, maintain and decommission the Inch Cape Offshore Wind Farm (ICOW). This letter contains the representations of ScottishPower Generation Limited (SPGL) to the proposal submitted by ICOL.

ScottishPower operates both coal fired and gas fired stations throughout the UK, in Scotland it operates the 2.4GW power plant at Longannet and at the former Cockenzie power station, we have secured S36 consent and deemed planning permission to construct and operate a gas-fired CCGT generating station. In addition through ScottishPower Renewables we are the UK's largest developer of wind-generated power.

ICOW consists of a number of components and all permanent and temporary works required to generate and transmit electricity to the national grid including:

- The Wind Farm, inter-array cables and up to three meteorological masts;
- The Offshore Transmission Works (OfTW); and
- The Onshore Transmission Works (OnTW).

In order to transmit the generated electricity from the Wind Farm to the national grid, a connection will be made through the OfTW and the OnTW. The OnTW includes an onshore substation which receives power from the Export Cables and processes it for transmission through underground cables to the existing grid network. Initial work has indicated a landfall for Export Cables will be possible near Cockenzie. The Onshore Transmission Works (OnTW) will be subject to a separate application to East Lothian Council and the impacts of these works have been considered at an appropriate level to inform the assessment in the ES accompanying this application.

The Offshore Export Cables, which transmit power to shore, will be located at a landfall area in East Lothian. Two potential landfall areas have been identified near Cockenzie or Seton Sands, and one of these options will be selected as part of the detailed design process.

The ES and accompanying reports confirm seven routes to shore were analysed and are considered feasible. A route to Cockenzie or Seton Sands has been selected as the most suitable when considering all relevant criteria including cost and the distance from landfall to the onshore grid connection point; and are both included in the Offshore Export Cable Corridor. The Environmental Statement considers two landfall options; Cockenzie and Seton Sands. A decision on the final location of the landfall will be made once further work has been undertaken to determine the most appropriate location for the onshore infrastructure taking account of environmental, technical and commercial considerations.

With regard to the proposal, it is the OnTW that impact upon SPGL interests. As previously indicated SPGL have secured consent to construct and operate a gas-fired CCGT generating station at Cockenzie, and any on-shore works to allow for a grid connection cannot compromise SPGL's ability to implement its consent for the CCGT, which is identified as a national development within NPF 2. In reviewing the landfall options being promoted by ICOL it is considered that the westerly option adjacent to the power station itself which would be likely to route cables through the area known as Preston Links could impact on SPGL development interests. Therefore, SPGL would recommend that further detailed information regarding the OnTW to the required Grid connection point is made available in order to enable a full assessment and consideration of the landfall options being proposed by ICOL, and that these additional details fully consider the impact this element of the proposed development may have upon the national development identified for Cockenzie.

Other than these comments in respect of the OnTW, SPGL have no further observations to make upon the proposal at this time.

I trust you will note these comments.

Yours Faithfully

[redacted]

[redacted]

Development Project Manager
ScottishPower Generation Services

SEPA
Scottish Environment Protection Agency

Our ref: PCS/128024
Your ref: 005/OW/SER

If telephoning ask for: [redacted]

20 August 2013

Licensing Operations Team
Marine Scotland
Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

By email only to: ms.marinelicensing@scotland.gsi.gov.uk

Dear Sir

Marine (Scotland) Act 2010
The Electricity Act 1989
Application reference: 005/OW/SER Application for consent under Section 36 and 36A of the Electricity Act 1989 and Marine Licences under Part 4, Section 20 of the Marine (Scotland) Act 2010 to construct and operate an offshore windfarm, 15 – 22 kilmoetres east of Angus coastline

Thank you for your consultation letter of 24 July 2013.

We have **no objection** to this application. Please note the advice provided below.

Advice for the Marine Scotland

1. River basin management planning

1.1 Since development will take place within some of the Firth of Forth coastal water bodies the river basin management planning (RBMP) process should be considered in the ES. More information on the RBMP process can be found on the SEPA website at http://www.sepa.org.uk/water/river_basin_planning.aspx. The RBMP Web Mapping Application available on SEPA's website (http://gis.sepa.org.uk/rbmp/) shows the Water Framework Directive (WFD) water body boundaries for transitional and coastal waters and provides further water body classification information.

1.2 Marine Scotland is a designated authority under the Water Environment and Water Services (Scotland) Act (WEWS) 2003 and should ensure that marine licensing assists in the delivery of RBMP objectives.

2. Bathing waters

2.1 It should be noted that the proposed landfall location close to Longniddry crosses the EC Designated Bathing Water at Seton Sands. SEPA monitors Scotland's designated bathing

waters throughout the bathing water season from 1 June to 15 September. Large scale sediment disturbance can result in elevated faecal coliform concentrations which can potentially lead to bathing water failure. Ideally such works should take place outwith the bathing water season.

2.2 Further guidance and information on the Bathing Waters Directive (2006/7/EC) can be obtained from SEPA's website (www.sepa.org.uk/water/bathing_waters/bathing_water_profiles.aspx).

2.3 Should the easterly landfall option be taken forward SEPA should be notified when cable installation is scheduled to take place at the earliest opportunity.

3. Pollution prevention

3.1 With regard to construction plant on the shoreline the applicant should refer to the appropriate sections in the following guidance –

- SEPA's Pollution Prevention Guidelines (PPGs) (www.sepa.org.uk/about_us/publications/guidance/ppgs.asp)
- CIRIA Guidance, in particular C584 - Coastal and Marine Environmental Site Guide (www.ciria.org).

3.2 Disturbance to the shoreline should be minimised and the shore restored to as near its former condition following the works as reasonably possible.

4. Marine Non–Native Species

4.1 With regard to the reference to the introduction of Non Indigenous Species (NIS) and MSFD section 122 on pg 46 of Chapter 12 – Benthic Ecology, it should also be recognised that the accidental introduction of NIS or Marine Non-Native Species (MNNS) has been highlighted as a risk for water body degradation under the WFD.

4.2 SEPA recommends that controls should be included in development planning and marine licensing for MNNS in line with WFD and Marine Strategy Framework Directive objectives, and EU Biodiversity Strategy targets. Under the WFD the presence of MNNS within a water body can constitute a significant pressure on the biological elements. Good status is usually the maximum a water body can achieve if MNNS are detected and this can fall to moderate status if MNNS are present above certain thresholds. Once well established, efforts to eliminate MNNS species have proven to be extremely expensive and so far, no non-native species have been successfully eradicated from the marine environment. Therefore, in view of these difficulties, SEPA supports the GB Non-Native Species Secretariat (https://secure.fera.defra.gov.uk/nonnativespecies/home/index.cfm) recommendation to put in to place effective biosecurity measures to prevent introduction and to stop their spread. Guidance that may be drawn upon includes:-

The alien invasive species and the oil and gas industry guidance produced by the Oil & as industry (www.ogp.org.uk/pubs/436.pdf).

SNH web-based advice on Marine non-native species (www.snh.gov.uk/land-and-sea/managing-coasts-and-sea/marine-nonnatives/)

Marine non-native guidance from the GreenBlue (recreation advice) (www.thegreenblue.org.uk/clubs_and_training_centres/antifoul_and_invasive_species/best_practice_invasive_species.aspx).

5. Engineering activities in the water environment at landfall

5.1 No exact locations were provided as to where the pipelines will cross on land as decisions have not been taken in this regard, however, should the design involve crossing a water course, it is advised that any construction is in line with SEPA's Engineering in the Water Environment: Good Practice Guide. www.sepa.org.uk/water/water_regulation/guidance/idoc.ashx?docid=fa231e19-ed87-4417-91d1-fda918bc56c0&version=-1

Regulatory advice for the applicant

6 Regulatory requirements

6.1 In terms of authorisation required under the Water Environment (Controlled Activities) (Scotland) Regulations 2011, the landfall works will potentially require to be authorised. The applicant should consult SEPA's Practical Guide to the Controlled Activities Regulations in order to determine the appropriate level of authorisation;

6.2 Within the proposal area, developers should be aware of the Canty Burn and the Seton Burn which both lie within this region. Further discussions with our operations team may be advisable in due course once decisions are made on the landfall location.

6.3 Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

Clearwater House, Heriot Watt Research Park, Avenue North, Riccarton, EH14 4AP, tel 0131 449 7296

If you have any queries relating to this letter, please contact me by telephone on 01698 839340 or e-mail at planning.se@sepa.org.uk

Yours faithfully

[redacted]
Senior Planning Officer
Planning Service

eCopy to: inchcapewind@repsol.com

Disclaimer
This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning

application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in How and when to consult SEPA, and on flood risk specifically in the SEPA-Planning Authority Protocol.

SCOTTISH
FISHERMEN'S
FEDERATION

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Our Ref: MM/fl/CR13-105

Your Ref:

12th September 2013

Laura Morley
Marine Renewables Licensing Advisor
Marine Scotland – Marine Planning & Policy Division
Scottish Government
Marine Laboratory 101
375 Victoria Road
Aberdeen
AB11 9DB

Dear Ms Morley,

Inch Cape Offshore Windfarm Various Consents Application

The Scottish Fishermen's Federation (SFF) represents the interests of fishermen in membership of the Anglo-Scottish Fishermen's Association, the Clyde Fishermen's Association, the Fish-Salesmen's Association (Scotland) Ltd, the Mallaig and North-West Fishermen's Association, the Orkney Fishermen's Association, Scallop Association, the Scottish Whitefish Producers' Association Ltd and the Shetland Fishermen's Association, which combination of members accounts for over 90% of the Scottish Fisheries Quota and the vast majority of Scallop landings. The SFF clearly understands the importance of engagement in the consultation process for development of offshore renewables, and on behalf of its members is pleased to have the opportunity of comment on this application.

Before describing it's specific response to this application, the SFF would note its disappointment that there currently does not exist a National Marine Plan, with a full appraisal of the need for sustainable development in the Marine environment which would have given traditional users of the sea some comfort that their industry was being given due consideration, rather than the perceived presumption in favour of development. Giving strength to that perception, on reading Chapter 6, Site Selection and alternatives, in the list of Key Factors in para 8, the importance of fishing to the area has not been mentioned. Meanwhile, the chapter on Benthic Ecology would suggest that the area could have been identified as an MPA.

Furthermore, there does not seem to be sufficient understanding by either developers or regulators of the added burden to already full workloads of fishing representatives, that these developments bring. Developers have invested significant human and financial resources in their applications, which the catching industry cannot hope to match, and this may result in a lack of parity for representations on the consent application. Being aware of that, the SFF understands the political and societal drive to develop renewable energy and whilst our primary role is protection of the fishing industry, it is sensible that as part of that prerogative we engage in this process and encourage every means to ensure the development of future co-existence of fishing and renewables.

Detailed responses

The application acknowledges in Chapter 13 that the development area itself is in vicinity of the highest intensity scallop fishing grounds, whilst the cable route's primary interaction will be with Nephrops and creel fisheries. This response will note many issues and it should be clear that if these fisheries are not protected or the development's effects suitably mitigated the SFF must remain opposed to the development.

To the SFF it seems disingenuous to say, in 18.3.6 that fishing in the development will resume, whilst recognising that, for various reasons some ability to fish will be restricted. Given that the prevalent fishery is Scallops, it is apparent that scallop gear may be the most problematic in terms of ground penetration, and any displacement due to loss of access will have a significant impact on the scallop fleet.

Furthermore the SFF would contend that there is insufficient understanding of the many effects of displacement appearing in the marine environment; along with renewables development, cognisance must be taken of the emerging network of Marine Protected Areas. There should be a proper attempt at quantifying the displacement in socio-economic terms so that there is a better understanding of the impacts on the fishing industry.

The SFF is disappointed to see various re-iterations of the concept that reducing fishing activity in the development area is a benefit, without any serious scientific justification. For the fishing industry any reduction in activity, however minor or negligible the Environmental Statement may portray it as, has the potential of serious negative economic impact on catchers.

The SFF notes that in the Offshore Planning and Policy Statement, Para 4.4.5 have the bullet point "the need to prevent interference with legitimate users of the sea," yet the expansion on this point in para's 4.36 and 4.37 seems to be focussed solely on Navigational rights, without taking into account the fact that the right to fish is accorded the same protection in statute as navigation.

The SFF welcomes the engagement with Industry described in Chapter 18, at 18.2.1, along with the description of Embedded Mitigation measures in para 51 of the same chapter. The Commercial Fisheries Working Group (CFWG) is a very important part of the process, and the SFF would expect that Marine Scotland (Licencing) would monitor the outputs of this group to ensure it serves its purpose and that the developers are co-operating with the fishing industry and complying with any conditions imposed on their licence.

As a pre-cursor to realistic debate on the mitigation needed for the development, the SFF would expect that the Rochdale envelope approach would be refined down to the "most likely" scale for the development as soon as feasible. The CFWG Fisheries members can then begin to develop a better understanding of the real physical presence that is being proposed for introduction to their working environment.

The SFF strongly believes that the commercial fisheries baseline is an important tool for the ongoing assessment of any scientific or socio-economic impacts. Of particular importance are the possibility, discussed in the Benthic Ecology chapter, of the proliferation of scavengers, with starfish as the example given. If that was to happen there would be a great potential for negative impacts on all shell fisheries. In Chapter 13, the desktop study has indentified some spawning areas as being remote from the development, but this should be taken into context as part of a dynamic marine ecosystem which in modern times has seen as proliferation of Hake in the North Sea and a more widespread catch of Anglerfish.

Armed with those basic pieces of information the CFWG is the best place for discussion and agreement on the best possible layout for the development, both in terms of Turbine siting and spacing, and cables, internal and exporting., in order to minimise disruption to fishing activity.

The SFF would also expect that group to agree to any programme of rolling closures associated with construction work to enable development, with the expectation that there would be no widespread barriers to fishing or navigation during construction. Similarly a clear protocol for the movements of construction traffic should be agreed in order to minimise the disruption to any fishing operations, particularly static gear.

During construction, it is accepted that the soft start method will be used for piling, and there will be MMO's utilised in this phase. The SFF would therefore expect that the MMO's would also be aware of the anecdotal evidence of piling noise shockwaves killing demersal species and note if that appears to be the case.

The SFF would also expect that the piling operation takes into account any aggregations of Cod, Herring or Sprats in the vicinity which may be adversely affected by underwater noise.

On the subject of cables, the SFF notes that a target of 1 metre burial is given, which we would prefer to see as a minimum depth, both for cable protection and in order to assuage any concerns that fishers have over the effects of EMFF on commercial species, but shellfish in particular.

The SFF would state a clear preference for the simultaneous laying and burial of cables, with rock dumping as the alternative where burial is not possible. The cable laying operation should be followed as soon as feasibly possible by overtrawling to try and return the area to a condition suitable and safe for fishing. Regarding the inter array cables it would appear to the SFF that the loop system described is more likely to prove an impediment to the possibility of fishing that the string system.

The SFF notes that the developers have adopted what they would recognise as best practice in ensuring that there exists a communications system utilising Fishery Liaison Officers and Fishing Industry Representatives and would encourage the full and proper use of this methodology.

The SFF believes that developers should subscribe to a model whereby all information about their physical structures is disseminated correctly through such avenues as Notices to Mariners and Kingfisher, in order to demonstrate a responsible approach to safety.

It would also be the contention of the SFF that developers should engage in a system whereby agreement could be reached to compensate fishers for any damage or loss of earnings caused by unattributable debris on the seabed. A successful example of this mechanism already exists in the Oil and Gas industry.

The SFF would expect that the developers would provide a decommissioning plan prior to consent and that the said decommissioning plan would be a licence condition.

As most developers allude to employment opportunities for fishermen, and this particular application speaks about this in the Offshore Planning and Policy Statement, the SFF would expect that, prior to consent the developers would become much more specific, perhaps through the CFWG, about exactly what opportunities are envisaged for training and employment,.

The SFF would seek the support of MS (Licencing) in ensuring that any and all licence conditions which are set on the first issue of the licence are then agreed, understood and acted on by all sub-contractors and subsequent owners of the development.

The SFF remains open to dialogue on those issues, and engaging in the CFWG, but must stress that our primary concern is protecting the rights of fishermen to prosecute their trade, and this is the cornerstone of our response. If fishermen are to be denied the right to earn a living, we could not support the development of any proposal for a windfarm.

Yours sincerely,

[redacted]
Chief Executive
Scottish Fishermen's Federation

SURFERS AGAINST SEWAGE

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17.09.13

Surfers Against Sewage Comments on the proposed Inch Cape Offshore Wind Farm

Surfers Against Sewage (SAS) have concerns about the potential for the proposed offshore wind farm to interfere with the wave resource that might travel through the site and as it passes through to the established surfing areas.

Previous models from round 3 offshore wind farm proposals have shown offshore wind turbines to have detrimental impacts on waves depending on the number and size of the turbines, the method used to secure the turbines to the sea bed and the distance from the shore.

SAS is also concerned about the potential cumulative impacts from separate proposals in the area.

SAS has provided the developers with advice on how best to measure these impacts.

Yours sincerely

[redacted]
SAS Campaign Director

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3 September 2013

Dear Sir/Madam

RE: 005/OW/SER - 10: Request For Comments Section 36 & Marine Licence Application Inch Cape Offshore Limited: 24 July 2013

The UK Chamber of Shipping welcomes the opportunity to comment on the application to construct and operate the Inch Cape Offshore Wind Farm.

We have the following comments to make on Chapter 19 and Appendices 19A & 19B of the Environmental Statement (ES):

1. We have concerns over the potential cumulative impacts on navigation resulting from the simultaneous construction of Inch Cape and other offshore wind farm developments in the region. We consider that the increase in vessel traffic associated with simultaneous construction could result in further safety risk to some shipping routes indentified in the Navigational Risk Assessment (NRA) traffic surveys and may lead to further route deviations. These deviations could lead to increased voyage times and have impacts on the commercial viability of affected routes. Therefore, we suggest additional assessment and mitigation measures are considered as project construction timetables are confirmed.

   We recommend that the Forth and Tay projects' construction timetables are made available as soon as possible in order to enable proper assessment of any additional navigational safety risks or route deviations.

2. The Environmental Statement does not take into account the future increases in shipping density resulting from possible future non offshore wind developments in the Forth, such as the potential development of three to four biomass plants, which may increase numbers of large bulk carriers in the region.

3. We recommend that the export cables are buried using techniques approved by the MCA, particularly in the high risk areas for incidents indicated in the NRA, in order to mitigate safety risks to emergency anchorage areas. Burial should be at depths sufficient to reduce the risk of anchor interaction to acceptable levels. Where burial is

not possible and protection is required, navigable water depth should not be reduced by more than 5% of chart datum.

4. For vessels routing to the east of the Inch Cape site, we feel that mitigation measures should be applied to ensure that a safely navigable corridor is maintained between Inch Cape and the Firth of Forth Round 3 projects. The width of any proposed corridor should be in line with MCA and Northern Lighthouse Board (NLB) advice. The MGN 371 shipping template is currently undergoing review by the NOREL group but the indication is that corridor proposals will be reviewed on a case-by-case basis. As a starting point, the developers should refer to the current version of the template, which recommends a minimum distance of 3.5NM between offshore wind sites. Such a corridor would have the potential to mitigate the route deviation impacts of offshore wind developments in the region and provide an alternative route that would allow vessels to avoid potentially unsafe courses close to the coastline or further offshore.

5. We have previously raised concerns regarding the "L" shape of the Inch Cape boundary. Any vessel on a southbound course navigating to the east of the site has the potential to be met with head-on rows of turbines. Advice should be sought from the MCA and NLB on suitable mitigation measures, including marking and lighting, to reduce the navigational risks to tolerable levels in such a case.

6. We are particularly concerned that any preferred adverse weather routes may no longer be available due to the development of offshore wind farms in the area. Since vessels may be pushed further offshore or closer to the coast in heavier weather, the increase in risk should be assessed and mitigated. Again, a corridor between sites may help to mitigate the impacts.

7. We remain concerned over the potential compression of traffic between the Inch Cape western boundary and Bell Rock and the potential for vessels to be forced west of the Rock and closer to the coast. While the NRA has deemed navigational safety risks to be tolerable in this regard, we request that the UK Chamber's concerns are noted.

In summary, the cumulative development of the Inch Cape, Neart na Gaoithe and Firth of Forth Round 3 offshore wind projects has the potential to significantly reduce available sea room in the region, leading to increases in navigational safety risks and negative commercial impacts on shipping due to route diversions. We have previously discussed the possibility of a regional study with both Marine Scotland and the project developers to help identify additional mitigation options and would very much welcome the opportunity to explore this further. Should you wish to discuss any of the points raised in this letter in greater detail, please do not hesitate to contact me.

Yours faithfully,

[redacted]

[redacted]

Manager – Offshore

Morley L (Laura) (MARLAB)

From: [redacted]@gmail.com>
Sent: 20 August 2013 12:32
To: Morley L (Laura) (MARLAB)
Cc: McKie J (Jim) (MARLAB); '[redacted]Usan Salmon Fisheries Ltd'; '[redacted]Usan Salmon Fisheries Ltd'; '[redacted]@publictendersuccess.com
Subject: Inch Cape offshore windfarm consultation

Importance: High

Laura

I refer to my note below. We have now received the relevant environmental information from Repsol. Having carefully considered the information provided, we wish to renew our objection to the proposed development on the grounds that:

- There are predicted impacts on the salmonid population, however it still remains unclear as to the potential effects on our business from any change in the migratory behaviour of the species. As a small Scottish business, we simply cannot stand by and be silent where there is any possibility that our economic situation would be adversely affected.

- It is quite clear from reading the information, that gaps still exist in the knowledge base and that there are expected to be effects upon the salmon/sea trout population to some degree, albeit these may be classified as minor or moderate (perhaps played down for the purposes of obtaining the necessary approvals). Without wishing to regurgitate large sections of the report here, while the predicted effects are classified in the foregoing terms, this does not provide us with sufficient comfort as to the likely effects upon our business. Given that we own the private heritable titles to fish for salmon which are considerable commercial assets in themselves and critical to our business, we simply cannot agree to any activity which may result in a devaluation of those assets (potentially resulting in much wider economic consequences), unless financial mitigation measures are explicitly included. We would contend that the Scottish Government, in giving its approval to proceed, would materially fail in its duty unless such matters are fully considered and an agreement in principle made, for compensatory provision to be activated, should our livelihoods be negatively impacted by the proposed developments. It is unacceptable to adopt a 'hope for the best' mentality, when our economic viability may well be at stake.

- Knowledge gaps remain and developments of this type and scale should not be taken forward and until the effects are fully considered and mitigation planned for, both biologically and financially.

- As you know, ours are mixed stock fisheries and we take a proportion of fish from SAC rivers (the nearest to us being the Esk system). It is quite clear from the report, that this area along with others will be affected to some degree.

- There does not appear to have been any thought given as to what would happen if the salmon/sea trout populations were damaged and/or our catches were materially affected as a result of the operations. Whilst minor to moderate effects may be predicted, the impact on us as a small business could potentially be catastrophic. To that end, at the very least we would expect some sort of financial compensation safety net to be put in place to cover that eventuality. If Repsol and ultimately the Scottish Government, are indeed confident that there will be no material effect, then there should be no issues in agreeing to such an arrangement (to be activated only if required).

While Repsol have offered to meet us, there would seem to be little point (given the predictions), unless they are willing to discuss the terms of an appropriate commercial safety net.

In light of the above, we hereby renew our objections in accordance with due process and ask that the Scottish Government fully considers the points made and ensures that these legitimate concerns are fully addressed.

As you will have seen, I have copied you in on our response to Repsol for information. I would be grateful for acknowledgement of receipt of this correspondence.

[redacted]

On behalf of [redacted] Director, Usan Salmon fisheries Ltd

19 September 2013

Laura Morely
Scottish Government
Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen
AB11 9DB

Dear Ms Morely,

Scoping Opinion Request Inch Cape Offshore Wind Farm

Thank you for giving VisitScotland the opportunity to comment on the above offshore wind farm development.

Our response focuses on the crucial importance of tourism to Scotland's local and national economy, and of the natural landscape for visitors.

Background Information

VisitScotland, as Scotland's National Tourism Organisation, has a strategic role to develop Scottish tourism in order to get the maximum economic benefit for the country. It exists to support the development of the tourism industry in Scotland and to market Scotland as a quality destination.

While VisitScotland understands and appreciates the importance of renewable energy, tourism remains crucial to Scotland's economic and cultural well-being. It sustains a great diversity of businesses throughout the country. According to a recent independent report by Deloitte, tourism generates £11 billion for the economy and employs over 200,000 - 9% of the Scottish workforce. Tourism provides jobs in the private sector and stimulates the regeneration of urban and rural areas.

One of the Scottish Government and VisitScotland's key ambitions is to grow tourism revenues and make Scotland one of the world's foremost tourist destinations. This ambition is now common currency in both public and private sectors in Scotland, and the expectations of businesses on the ground have been raised as to how they might contribute to and benefit from such growth.

Importance of scenery to tourism

Scenery and the natural environment have become the two most important factors for visitors in recent years when choosing a holiday location.

The importance of this element to tourism in Scotland cannot be underestimated. The character and visual amenity value of Scotland's landscapes and seascapes is a key driver of our tourism product: a large majority of visitors to Scotland come because of the landscape, scenery and the wider environment, which supports important visitor activities such as walking, cycling wildlife watching and visiting historic sites.

The VisitScotland Visitor Experience Survey (2011/12) confirms the basis of this argument with its ranking of the key factors influencing visitors when choosing Scotland as a holiday location. In this study, over half of visitors rated scenery and the natural environment as the main reason for visiting Scotland. Full details of the Visitor Experience Survey can be found on the organisation's corporate website, here: http://www.visitscotland.org/research_and_statistics/tourism_topics/wind_farms.aspx

Taking tourism considerations into account

We would suggest that full consideration is also given to the Scottish Government's 2007 research on the impact of wind farms, both on and offshore, on tourism. In its report, you can find recommendations for planning authorities which could help to minimise any negative effects of wind farms on the tourism industry. The report also notes that **planning consideration would be greatly assisted if the developers produced a Tourist Impact Statement** as part of the Environmental Impact Analysis, and that planning authorities may wish to consider the following factors to ensure that any adverse local impacts on tourism are minimised:

- The number of tourists travelling past en route elsewhere
- The views from accommodation in the area
- The relative scale of tourism impact i.e. local and national
- The potential positives associated with the development
- The views of tourist organisations, i.e. local tourist businesses or VisitScotland

The full study can be found at www.scotland.gov.uk/Publications/2008/03/07113507/1

Conclusion

Given the aforementioned importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland, VisitScotland would strongly recommend any potential detrimental impact of the proposed development on tourism - whether visually, environmentally and economically - be identified and considered in full. This includes when taking decisions over turbine height and number.

VisitScotland would also urge consideration of the specific concerns raised above relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.

We hope this response is helpful to you.

Yours sincerely

[redacted]

[redacted]

Corporate Affairs Executive
VisitScotland

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5th September 2013

Dear Laura Morley,

WDC comments on the Inch Cape Offshore Wind Farm Environmental Statement

We understand that Inch Cape Offshore Wind Farm will be located approximately 15 to 22 kilometres (km) to the east of the Angus coastline in Scotland (see Figure 1.1 below). The Wind Farm has a grid connection agreement for 1,050 Megawatts (MW) and is anticipated to consist of up to 213 wind turbine generators.

Thank you for the opportunity to provide comments on the Inch Cape Environmental Statement. The ES has been well written and is very clearly laid out. Given our area of interest, we have only focused on the marine mammal sections.

WDC are endeavouring to assist with the environmentally sustainable development of marine renewable energy in Scotland. Whilst welcoming the Scottish Governments' commitment to renewable energy generation, particularly noting the potential consequences of climate change for cetaceans, we have serious concerns about current levels of uncertainty and the possible negative impacts these developments, both individually and cumulatively, may have on cetaceans (whales, dolphins and porpoises) and seals in Scottish waters.

In summary

There is considerable scientific uncertainty surrounding the impacts of pile driving during construction on all species, and in this region. As a result, our preference is that pile driving is not used at all during construction.

The predicted increase in disturbance and displacement of bottlenose dolphins, harbour porpoises, grey and harbour seals, from the construction of Inch Cape, and in-combination with other proposed developments, leads us to believe that whilst the ES has been well presented, it is not possible to rule out Likely Significant Effects. We are also concerned about potential impacts to priority marine features, including minke whales and white-beaked dolphins

We understand from the Environmental Statement and a meeting with the developers project specific mitigation and monitoring plans will be developed prior to construction and will reflect current guidance at the time of construction. However, the lack of a Marine Mammal

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Monitoring Programme (MMMP) and a detailed Mitigation Plan to reduce the impacts of pile driving, increased vessel movements and in combination/cumulative impacts on marine mammals in the area makes it difficult to provide comments on this aspect of the Environmental Statement.

For the MMMP, marine mammal observers should be from a JNCC accredited source and there should be enough of them to work continuously without tiring. Passive acoustic monitoring (PAM) should be conducted in parallel to visual observations at all times. For the Mitigation Plan, we do not consider 'soft-start' to be an adequate mitigation measure to ensure there are no significant impacts. Whilst a common sense measure, soft start is not a proven mitigation technique and so cannot be relied upon to mitigate impacts, especially for developments in close proximity to Special Areas of Conservation (SACs). Only proven mitigation measures can be relied upon to maintain the conservation objectives and should consent be given, this should be a condition.

The MMMP and Mitigation plan should be developed in consultation with scientists with expertise in the Natura species to ensure that monitoring of the bottlenose dolphin, and grey and harbour seal SAC populations contribute to existing monitoring studies, to understand how bottlenose dolphins and seals use the area and to assess any changes to site use or other significant impacts. The MMMP should be appropriate to the level of works. WDC requests involvement in the development of these plans.

Specific comments

Table 14.8: Criteria used for predicting significance of impacts. Whilst we understand that this assessment matrix was agreed with academics and the Statutory Nature Conservation Bodies (SNCBs) prior to the assessment, potentially affecting up to 10 % of a population cannot be considered to be of negligible-minor impact. Affecting up to 10 % of a species protected by Natura designations is not considered precautionary, or appropriate. We consider this figure to be arbitrary and without scientific basis, if there is supporting evidence, this should be made available.

Pile driving

Alternatives to pile driving should be considered. Use of noise-reducing techniques could considerably reduce the radius of impacts of this development and those in the region, would reduce cumulative impacts and could mean that there is less dependence on mitigation and less risk to developers. Should pile driving be conducted, further information on the pile driving method and mitigation techniques to reduce the impact of underwater noise generated during pile driving needs to be covered more significantly (as requested above). Considerable uncertainty remains about the efficacy of active acoustic devices, and the impacts resulting from their use and we do not consider their use to be a suitable or adequate mitigation.

Increase in vessel movements

We have concerns about the increase in vessel movements in the area during construction and, to a lesser extent, operation, especially considering the close proximity to the Firth of Tay and Eden Estuary harbour seal SAC. The port(s) to be used for Inch Cape Offshore Wind Farm have yet to be decided, so we cannot make any specific comments at present.

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Corkscrew injuries

The extent of corkscrew injuries is likely to be underestimated due to the low probability than carcasses make it ashore and are found. Fife has been identified as one of the UK's hotspots for corkscrew injuries as a cause of death for harbour seals, especially in summer months (Bexton et al., 2012). The use of ducted propellers should not be permitted unless they are guarded or potential impacts can be effectively mitigated in some other way, especially for harbour seals. If ducted propellers are to be used, a proposed Marine Mammal Corkscrew Injury Monitoring Scheme (MMCIMS) should include Marine Mammal Observer searches for seal carcasses to determine if injuries to seals are occurring. Beach searches should be conducted regularly enough to allow the carcasses to be 'fresh' enough for a cause of death, where possible, to be determined. There is growing evidence that harbour porpoises suffer from 'corkscrew injuries', in addition to seals (Deaville et al., 2013), including around Fife (Scottish Marine Animal Stranding Scheme (SMASS), unpublished data), Therefore any stranded marine mammals should be reported to the SMASS. Should any incident that results in mortality occur during construction, activities should be halted immediately until an investigation can be completed.

Harbour seals

Section 67: *The percentage of the reference population predicted to be affected ranges from 7.4 to 12.2 per cent for PTS (low to medium magnitude of impact) to up to 53.3 per cent for some form of behavioural displacement (high magnitude of impact).* Whilst we agree that these are classified as a 'high magnitude of impact' we have serious concerns about these values. Affecting such a high number of individuals from a SAC population is unacceptable, and could have devastating effects for an already declining population.

Section 110 and 163 states that '*the risk of corkscrew injury to harbour seal is deemed to be high. There are, however, such low numbers of harbour seals associated with the Firth of Tay and Eden Estuary SAC that the number of animals at risk of exposure to corkscrew injury is innately very low. Therefore, the impact of increased risk of injury to harbour seals from the use of ducted propellers during operation and maintenance activities is considered to be of minor magnitude*'. We whole heartily disagree with this statement.

Section 113. *Robust mitigation methods need to be put in place to ensure that there is no increase in adult* (and juvenile) *mortality due to PTS or that behavioural displacement that affects breeding.* WDC considers that a loss of even 1 individual from this decreasing harbour seal population is considered to be 'too high' (and significant at a population level), especially considering the significant decrease in the population which has occurred without the construction of marine renewable developments in the area.

Harbour porpoises

The Joint Nature Conservation Committee (JNCC) currently has contract out to identify whether persistent areas for harbour porpoise are supported by available evidence, with a view to future SAC designations. Whilst we note that there are currently no SACs for harbour porpoises in Scotland, as an Annex II species and given the high density of porpoises in the proposed development and surrounding area, this area has the potential to be designated as

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an SAC to protect the harbour porpoise and for these reasons we feel that the harbour porpoise should be considered on the same level as harbour seals, grey seals and bottlenose dolphins.

There is still considerable uncertainty about the most appropriate management unit to use for harbour porpoise (Northridge, 2012). There is growing evidence of biologically distinct populations within the North Sea. The assessment of cumulative impacts needs to include all developments in the same range used for the population estimate.

Section 81: *The number of harbour porpoises predicted to be affected through temporary displacement is large and the duration of the effect is medium term.* When cause of death (CoD) can be determined from stranded harbour porpoises in Scotland, the main CoD is due to bottlenose dolphin attacks. Whilst the impact of PTS onset and behavioural displacement of harbour porpoises is expected to be minor, we have concerns about the high level of displacement potentially moving porpoises into areas with high densities of bottlenose dolphins, that they would normally avoid.

As mentioned above, we also have concerns about the use of ducted propellers causing fatal cork-screw injuries to harbour porpoises.

Bottlenose dolphins

Sections 84 and 86: We agree that '*a moderate impact for the duration of the piling activities is predicted over the medium term*'. However, we have concerns about the high level (15.3-19.4 %) of the population showing behavioural displacement during construction.

Aberdeen Harbour Development Environmental Impact Assessment Scoping Report has recently been submitted to Marine Scotland. Whilst we understand that to-date Inch Cape did not need to account for Aberdeen Harbour extension in their cumulative impacts assessment, if construction of the two developments is likely to overlap, cumulatively there is likely to be a significant impact on the Moray Firth SAC bottlenose dolphin population. Furthermore, due to the known connectivity of the Moray Firth bottlenose dolphins, and the vast quantity of proposed and consented activity on the east coast of Scotland, we feel that the proposed Ardersier, Invergordon and Nigg developments should also be included in the cumulative impact assessment.

White-beaked dolphin and minke whales

The area next to Inch Cape has been highlighted as an important habitat for white-beaked dolphins and minke whales by Marine Scotland in their Marine Protected Areas consultation. Therefore, we do not agree that potentially affecting up to 10 % of the populations can be considered 'low impact' and 'minor'.

Cumulative impacts

Section 252: *Other developments are considered to be of a sufficiently long distance from the Development Area and Offshore Export Cable Corridor, or there are no noisy or otherwise disturbing activities that may impact on marine mammals predicted to occur in relation to the Project, for there to be a cumulative effect on marine mammals.* As stated above, all developments within the known reference population for each species should be assessed for

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cumulative impacts.

Habitat Regulation Appraisal (HRA)

Whilst not a requirement for the HRA, WDC are grateful to note that the potential impact on other cetacean species e.g. minke whale, harbour porpoise and white-beaked dolphin, which are listed as Priority Marine Features and minke whale and white-beaked dolphin which are drivers in the Scottish Marine Protected Areas project, have been given adequate consideration in the HRA.

Section 372: WDC welcomes Inch Cape's collaboration with Marine Scotland, TCE and FTOWDG to conduct pre-, during and post-construction monitoring to provide valuable data regarding the predicted to actual effects of the Project on marine mammal species to inform and further develop best practice measures.

A licence to cause disturbance to EPS will be required for construction.

The Inch Cape Environmental Statement, including HRA, has been very well presented and the appropriate analysis (and more) has been conducted. However, WDC objects to this development unless effective mitigation methods are developed and implemented during construction of the Inch Cape Wind Farm. The proposed development is not compatible with the requirements on the Habitats Directive due to the potential effects on the integrity of the Firth of Tay and Eden Estuary harbour seal SAC. WDC feels that more needs to be done to ensure the survival of this population, rather than accepting that it is not going to be a biologically viable population in next few years.

Should consent be given, an annex of suggested license conditions is attached.

We hope you find these comments useful and would be happy to discuss any of these comments further.

Yours Sincerely,

[redacted]

Scottish Policy Officer

References

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WHALE AND DOLPHIN CONSERVATION

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ANNEX

Should consent be given to this proposed development, WDC suggests the following consent conditions:

- Alternative methods to pile driving should be investigated.
- If pile driving is used, a noise-reducing barrier (such as a bubble curtain) should be maintained around the source to mitigate the impacts of radiated noise levels. The barrier should remain in place until piling has been completed. The use of noise-reducing techniques is the best way to reduce construction impacts to marine mammals.
- Visual and acoustic monitoring should be ongoing throughout construction.
- Activities should be halted when marine mammals approach within a specified distance of operations (mitigation zone).
- Ground-truthing of modelled noise assessment data should be undertaken.
- The Marine Mammal Protection Plan should be developed in consultation with scientists with expertise in the Natura species to ensure that monitoring of the bottlenose dolphin, and grey and harbour seal SAC populations contribute to existing monitoring studies, to understand how bottlenose dolphins and seals use the area and to assess any changes to site use and are appropriate to the level of works.
- The monitoring plan should include the recommendations from the Aberdeen scientific study 'Population consequences of disturbance'.
- The monitoring plan should be appropriate to all developments in the area (Neart na Gaoithe, Inch Cape, Firth of Forth, Aberdeen Bay and in the Moray Firth), scientifically robust, and all the developers should work together to achieve this.
- The use of ducted propellers should not be allowed.
- If the use of ducted propellers is permitted during construction and/or operation, there should be regular monitoring of beaches for stranded animals to determine if any injuries to marine mammals, e.g. corkscrew injuries, are occurring.
- Should any incident that results in mortality occur during construction, activities should be halted immediately until an investigation can be completed.

Recommendation to Marine Scotland

An audit of Environmental Impact Assessments associated with marine spatial planning and the renewable energy industry should be undertaken, to identify strengths and weaknesses in assessments, with a view to ensuring best practice.