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CHEQUE RECEIVED 14/6/02.

NO. 703629

DATE 10/6/02.

14 June 2002

Dear Lesley

SECTION 36 ELECTRICITY ACT 1989. PROPOSED ROBIN RIGG OFFSHORE WIND FARM

As you know Natural Power Company, together with Bond Pearce, act for Solway Offshore Limited and Offshore Energy Resources Limited who are together promoting Robin Rigg Offshore Wind Farm. We write on their behalf to seek consent under Section 36 Electricity Act 1989 for the construction and operation of this wind farm, which will generate in excess of 1MW (nominal capacity).

In support of this application we enclose:

1. 33 copies of an environmental statement in three volumes: the environmental statement, technical appendices and a non-technical summary.
2. An explanatory note which describes the various applications for consent for Robin Rigg Offshore Wind Farm. It should be particularly noted that the environmental statement is intended to accompany a number of the applications.
3. A cheque for £5,000.00 being the application fee.
4. Copies of a map showing the area to which the application relates (being Figure 2.1 within the environmental statement).
5. A copy of the advertisements which are being placed in the Edinburgh Gazette, The Herald, the Dumfries and Galloway Standard, the Galloway News, the Galloway Gazette, the West Cumbrian News and Star (circulating in the Borough of Allerdale in England), the West Cumberland Times and Star (also circulating in the Borough of Allerdale in England).
6. A copy of form B sent to Dumfries and Galloway Council. We appreciate that there is no planning authority with jurisdiction over the area of the application, but we felt



that it would be sensible to observe the spirit of the onshore requirements under Section 36, and hence the service of form B

7. A copy of a letter sent to Scottish Natural Heritage.

It is worth noting now that some additional environmental information will follow the documents sent with this letter. The environmental information now supplied is complete and adequate for the purposes of the environmental impact assessment of the project, and contains the information promised within the scoping report dated 18 January 2002 or otherwise required within your scoping opinion of 23 April 2002.

At the time of scoping the environmental information required to be supplied with the applications for consent Scottish Natural Heritage and English Nature noted the requirement to consider any need for appropriate assessment under Regulation 48 Habitats Regulations 1994. This is a topic which has been addressed within the environmental statement. The conclusion of those advising the promoters is that the development would not be likely to significantly affect the interests of any European site, so that no appropriate assessment will be needed. We felt that it would be sensible to draw your attention to this point at the outset.

We look forward to hearing from you.

Yours faithfully

A large black rectangular redaction box covers the signature area, obscuring the name and any handwritten notes or dates.

On behalf of OERC & SOL

PROPOSED ROBIN RIGG OFFSHORE WIND FARM

REGULATORY FRAMEWORK FOR APPLICATIONS FOR CONSENTS

EXPLANATORY NOTE TO ACCOMPANY APPLICATION PAPERS

Introduction

1. Offshore Energy Resources Limited and Solway Offshore Limited are seeking consents and authorisation to construct and operate Robin Rigg Offshore Wind Farm. The authorisation proposed is a Scottish Private Bill to address the public right of navigation and fishing. The Bill being presented in the Scottish Parliament, follows a different path to the other applications, and is not addressed further in this document.
2. This note will accompany the applications for consents in Scotland and England in order to give each consenting authority a comprehensive overall appreciation of the regulatory framework for the development proposed.

The Consents

3. The sixty proposed wind turbines will be wholly sited in Scottish waters together with an offshore sub-station to serve the development, cables between the wind turbines, and cables between the offshore 33/132kv sub-station and the boundary between England and Scotland.
4. Within English waters the cables originating in Scottish waters will continue onto the English mainland. From mean low water in England the cable will be taken underground to a proposed new switchyard. From the switchyard cables will connect to the existing 132kV line which in turn links into the 400 kV national grid at Harker Fell adjoining the M6 in Cumbria.
5. Figure 1.2 and 4.13.1 in the Environmental Statement illustrate the location of those elements of the development described in the previous two paragraphs for which applications are now being made. The remaining applications will be made in the very near future.
6. The following applications are being made for consents for Robin Rigg Offshore Windfarm. Following the brief description in this paragraph the remainder of this document goes into more detail about each of the applications for consent.
 1. An application for the construction and operation of the wind farm within Scottish waters under Section 36 Electricity Act 1989 is being made to the Scottish Ministers.
 2. Applications made being made under Section 5 of the Food and Environment Protection Act 1985 for the deposit of materials in the seabed within Scottish waters.

3. Application is being made to the Scottish Ministers under Section 34 of the Coast Protection Act 1949 for the erection of wind turbines, the construction of the offshore sub-station, and for the laying of cables within Scottish waters.
4. Application is being made under Section 34 of the Coast Protection Act 1949 to the Secretary of State for consent to lay cables within English waters between the Scottish border and mean high water springs in England.
5. Application is being made under Section 57 Town and Country Planning Act 1990 to Allerdale Borough Council for planning permission to excavate a trench in order to lay cables between mean low water springs in England and the proposed new switchyard, and for planning permission for the proposed new switchyard.
6. In due course application may be made by Norweb Plc under Section 37 Electricity Act 1989 to the Secretary of State Department for Trade and Industry in connection with the overhead grid line between the proposed new switchyard and the 132/400 kV connection point at Harker Fell. However, it has not yet being determined by Norweb that such an application will be required.

In More Detail

7. *Section 36 Electricity Act 1989.*

Applications for consent to construct and operate power stations are required where the intended capacity of what is proposed exceeds 1MW (for offshore plant). Robin Rigg Wind Farm will exceed that capacity in operation. The Section 36 application being made to the Scottish Ministers will cover the wind turbines and their foundations, an offshore 33kV/132kV substation, 33kV cables buried in the seabed between the wind turbines and the substation, and that part of the cable run from the offshore sub-station to the on-shore grid connection that lies within Scottish waters.

Environmental information has been provided to accompany the Section 36 application. This information has been voluntarily provided, but has been submitted and is intended to be received by the Scottish Ministers as statutory environmental information under The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000.

This application is being made on 14 June 2002.

8. *Section 5 Food and Environment Protection Act 1985*

The consent of the Scottish Ministers is required for the deposit of articles either in or under the seabed. In the case of Robin Rigg Wind Farm up to three applications are being made for licences. Two of the applications relate to alternative wind turbine foundation types (monopile or multipile). The third application is for the deposit of waste on the seabed : the need for this third application will only be necessary in the event of multipile foundations which also involve the extraction of material by drilling and the removal of that material outside the construction areas of the relevant wind turbines.

It should be noted that under the Deposits in the Sea (Exemptions) Order 1985 no licence under the 1985 Act can be required for the laying of cables in the seabed. These cables will be addressed under Section 36 of the Electricity Act 1989 within Scottish waters and under Section 34 Coast Protection Act 1949 both in Scotland and England.

While no regulations implement European Directives on environmental impact assessment for the purposes of the Food and Environment Protection Act 1985 Section 8 of that Act enables the Scottish Ministers to call for such environmental information as they see fit in support of applications under Section 5 of the Act. Such environmental information has been voluntarily supplied by the promoters.

These applications will be made in July 2002.

9. *Section 34 Coast Protection Act 1949 (Scotland)*

Consent under Section 34 is required for the construction of any works or for the deposit of any object or materials on, under or over any part of the sea shore below the level of mean high water springs which would cause or would likely to result in an obstruction or danger to navigation.

The promoters of Robin Rigg Offshore Wind Farm have taken the precautionary view that consent under Section 34 may be required and have therefore made the appropriate application for the laying of cables within Scottish waters.

No regulations have been made under Section 34 Coastal Protection Act 1949 requiring the environmental impact assessment of projects except within harbour areas. The proposed cables within Scottish waters are not within a harbour area. However, environmental information has been provided in this case under The Electricity Works (Environment Impact Assessment) (Scotland) Regulations 2000.

This application is to be made in July 2002.

10. *Section 34 Coast Protection Act 1949 (England)*

Reference is made to the preceding paragraph in terms of the need for consent under Section 34. In this case the promoters of Robin Rigg Offshore Wind Farm have taken a precautionary approach in applying for consent for the laying of cables between the Scottish border and mean high water springs in England.

As noted in paragraph 9 EIA cannot statutorily be required for Section 34 applications outside harbour areas. The proposed cables within English waters are not within a harbour area. Nevertheless, the promoters of Robin Rigg Offshore Wind Farm have taken the view that environmental information should be provided to accord with the requirements of relevant European Directives, and therefore environmental information is being provided in support of the Section 34 application.

Finally, it should be noted that the Section 34 application for the laying of cables within English waters may be made somewhat after the applications for development in Scottish waters.

This application will be made in July 2002.

11. *Section 57 Town and Country Planning Act 1990*

Planning permission is required under the 1990 Act for building and engineering operations which are material development for the purposes of the Act. The developers will be making an application for planning permission for the open trench work required to lay cables inland from mean low water and for the proposed new 132kV switchyard at the connection point to the existing 132kV distribution network.

Environment information will be provided in support of the planning application under the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999.

This application will be made in July 2002.

12. *Section 37 Electricity Act 1989*

Under Section 37 Electricity Act 1989 the consent of the Secretary of State Department for Trade and Industry is required for new overhead power lines and their supporting poles or pylons within England and Wales. The Overhead Lines (Exemption) Regulations 1990 prescribe circumstances in which consent under Section 37 may be required for improvements to existing overhead lines. At the date of this environmental statement Norweb Plc, as owner of the electricity distribution system to which Robin Rigg wind farm will connect, is investigating what will be required to connect the wind farm to its system. If an application under Section 37 Electricity Act 1989 is required that will be made by NorWeb with supporting environmental information provided (if required) under The Electricity Works (Environmental Impact Assessment) Regulations 2000.

Conclusion

13. This explanatory note has been provided so that each of the decision making authorities is aware of other consents for which application is being made, and so in turn to similarly inform those who may wish to make representations on the application and those who are directly consulted by decision making bodies. Further details of the contents of this document can be found within Section 2.8 of the Environmental Statement accompanying the applications.

Bond Pearce
For the Applicants
June 2002

**Solway Offshore Limited
and
Offshore Energy Resources Limited**

**ROBIN RIGG OFFSHORE WIND FARM
Notice of Application for consent to construct and operate a Wind farm
at Robin Rigg in the Solway Firth**

Notice is hereby given that Solway Offshore Limited and Offshore Energy Resources Limited of 1 Fleet Place, London, EC4M 7NR has applied under Section 36 Electricity Act, 1989 for the consent of the Scottish Ministers to construct and operate a wind farm at Robin Rigg in the Solway Firth.

The proposed development, known as Robin Rigg Wind farm, would have an electrical output in excess of 1MW, so that consent under Section 36 is required.

A copy of the application and a plan showing the land to which it relates, together with a copy of the Environmental Statement in support of the application, explaining the proposals in more detail and presenting an analysis of the implications, with a summary thereof, are available for inspection during normal working hours at:

Environment and Infrastructure, Dumfries & Galloway Council, Council Offices, 4 Market Street, Castle Douglas, DG7 1BE

Planning Department, Allerdale Borough Council, Allerdale House, New Bridge Road, Workington, CA14 3YJ

Planning Department, Copeland Borough Council, Council Offices, Catherine Street, Whitehaven, CA28 7NY

In addition copies have been placed on deposit at the following locations:

Ewart Library, Catherine Street, Dumfries, DG1 1JB

Dalbeattie Library, 23 High Street, Dalbeattie, DG5 4AD

Stranraer Library, 2-10 North Strand Street, Stranraer, DG9 7LD

Maryport Library, Lawson Street, Maryport, Cumbria, CA15 6ND

Copies of the Environmental Statement are available for purchase at a price of £250.00 from Natural Power Consultants of The Green House, Forrest Estate, Dalry, Castle Douglas, DG7 3XS (01644 430008) on behalf of the Applicant. Non-Technical Summaries of the Environmental Statement are available free of charge from Natural Power Consultants or may be downloaded from the website www.robinrigg.com.

Any representations should be made in writing to the Scottish Ministers c/o Lesley Thomson at the Scottish Executive, Energy Branch 1, Meridian Court, 5 Cadogan Street, Glasgow, G2 6AT email: lesley.thomson@scotland.gsi.gov.uk, stating the name of the project and the grounds for representation. Representations are invited by 19 July 2002. You may also wish to write to your local authority during this time at one of the above addresses.

The Applicants would appreciate an opportunity to respond to any issues you may have regarding the proposal. Therefore it would be appreciated if your representation could be copied to Natural Power Consultants (address above) on behalf of the Applicants.

**SECTION 36 ELECTRICITY ACT 1989
PROPOSED ROBIN RIGG OFFSHORE WIND FARM
Form B (Type II)**

DETAILS OF APPLICANT

Name: Solway Offshore Ltd
Offshore Energy Resources Ltd

Address: 1 Fleet Place London EC4M 7NR

Tel: [REDACTED]

PART I

Applicant's reference: [REDACTED]
To the Chief Executive
Dumfries & Galloway Council

Date: 14 June 2002

Dear Sir

Electricity Act 1989

Application is being made to the Scottish Ministers for their consent to the development described overleaf. The Scottish Ministers will at the same time be requested to direct that planning permission for this development shall be deemed to be granted. The consent and the direction may be given subject to conditions.

To assist the Scottish Ministers to determine the application the District Council is requested to return to me two copies of this Form with Part I Certificate and Part II completed and signed and to send one completed and signed copy to the County Council (where there is one),

Department of Energy Circular 1/90 (Electricity Generating Stations and Overhead Lines) describes this procedure and the reason for it.

Yours faithfully

For and on behalf of the applicant
Natural Power Company

Agents for the Applicants

CERTIFICATE

The Dumfries and Galloway Council

- i) *object on the grounds set out below/ have no objection to make to the development described overleaf;
- ii) *request / do not request that a public inquiry be held pursuant to paragraph 2 of Schedule 8 to the Electricity Act 1989 before the Secretary of State reaches his decision on the application.

Dated

Signed

*Delete as appropriate

Designation

On behalf of the Council

Reasons for objections

PARTICULARS OF PROPOSED DEVELOPMENT AND REPRESENTATIONS

Application is being made for consent under section 36 of Electricity Act 1989 to construct or operate a wind farm with a capacity of more than 1 MW (nominal capacity)

1. Particulars of proposed development.

The proposed development is fully described within the environmental statement which accompanies this form. The environmental statement comprises three volumes: the environmental statement, technical appendices and a non-technical summary. There are sufficient plans within the environmental statement to clearly describe the location and details of what is proposed. In most general terms the promoters wish to construct and maintain an offshore wind farm comprising 60 wind turbines, an offshore sub-station, and to lay cables between the wind turbines and to the sub-station, and cables from the sub-station as far as the English border. The proposed cables between the English border and the English mainland and from there to a grid connection are dealt with under other applications.

2. Particulars of any representations or objections which have been made to the applicant.

Pre-application consultations are fully recorded in the environmental statement.

3. Particulars of the applicant's compliance with his duty under paragraph 1 of Schedule 9 to the Electricity Act 1989.

The applicants are satisfied their duty under the above provision through the delivery of environmental information in support of the application for consent. The promoters are as a result of the compiling of the environmental information satisfied that what is proposed is appropriate in terms of the above provision.

Date 14 June 2002

Note: This part to be completed, dated and signed before submitting to the local planning authority.

Natural Power Company

Agents for the Applicants

4. Does the proposed development involve the demolition, alteration or extension of a building of special architectural or historic interest included in a list compiled or approved under the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997?

5. Does the local planning authority agree that the proposed development should be approved by the Scottish Ministers as described? (If the answer is no, please answer question 6.)

6. Would the local planning authority be prepared to agree that the proposed development should be approved subject to modifications or conditions? (If so, specify the modifications or conditions proposed and state whether they are acceptable to the applicant.) (Note the precise form of any modifications or conditions subject to which the consent or direction is given is a matter for the Scottish Ministers, who will however have regard to the form of the words used.)

7. Does the local planning authority consider that the application should be accompanied by an environmental statement in accordance with The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000? (If so, please specify the particular points arising from the application which have caused the local planning authority to take this view.)

Date 2002

Signed
Designation
Council

On behalf of the
(Local planning authority for the area in which the proposed development is to be carried out)

Two completed copies of this Form, both signed, should be returned to the applicant for submission by him to the Scottish Ministers.