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**Ms Sarah Arthur
Inch Cape Offshore Ltd
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40 Princes Street
Edinburgh
EH2 2BY**

Date: 16 September 2022

Dear Sarah Arthur,

SCREENING OPINION UNDER THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 AND THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

Thank you for your screening opinion request and accompanying screening opinion report dated 4 July 2022 in regards to the proposed variation to the section 36 consent and generating station marine licence for the Inch Cape Offshore Wind Farm (“the Project”).

The proposed variation includes a decrease in the minimum nominal turbine spacing, an increase in hammer energy required to install the wind turbine generator (“WTG”) foundations and a change to the description of the construction works as detailed on the marine licence for the Project which is located approximately 15-22km off the coast of Angus in the North Sea off the Firth of Forth (“the Proposed Works”).

The revised design for the Project which was granted consent in 2019 was an Environmental Impact Assessment (“EIA”) project. As the Proposed Works represent a change to this project, the Scottish Ministers therefore consider the Proposed Works to fall under paragraph 13 of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”) with the Proposed Works meeting the corresponding threshold described in column 2 of schedule 2. The Scottish Ministers also consider the Proposed Works to fall under paragraph 3 of schedule 2 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 EW Regulations”). Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are an Environmental Impact Assessment (“EIA”) project under the 2017 MW Regulations and the 2017 EW Regulations.

Under regulation 10(5) of the 2017 MW Regulations and regulation 8(5) of the 2017 EW Regulations, the Scottish Ministers have consulted with NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency (“SEPA”), the relevant local planning authorities (Aberdeenshire Council, Angus Council, Dundee City Council, East Lothian Council (“ELC”), Fife Council and Scottish Borders Council) and Historic Environment Scotland (“HES”) as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review (at Appendix I).

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must provide their reasons in a written statement, taking into account the selection criteria set out in schedule 3 of the 2017 MW Regulations and the 2017 EW Regulations as are relevant to the Proposed Works. This is set out below.

Characteristics of the works

In light of updated geotechnical data and in order to maximise wind resource capture, Inch Cape Offshore Limited (“the Developer”) proposes to change the layout of the WTG to an optimised border layout. This will result in an increase in WTG around the border of the wind farm site with the remaining WTG arranged in a grid in the centre. This will also require a change in the minimum spacing between WTG from 1,278m as is currently permitted by the section 36 consent and generating station marine licence to 1,025m.

The Description of the Construction Works within the generation station marine licence includes two design scenarios, A or B. Each scenario permits a different set of design parameters which were assessed in the EIA Report for the Project. The Developer has identified a new preferred design scenario which is outwith both scenario A and B. The new preferred design scenario in terms of WTG parameters and number of Offshore Substation Platforms (“OSPs”) has been identified by the Developer in the Screening Report and includes 72 WTGs with a maximum height to blade tip of 270.7m; a maximum rotor diameter of 236m; a minimum blade tip clearance of 34.7m; and a maximum blade width of 5.1m, and the number of OSPs to be reduced from two to one.

The Developer has identified that the ground conditions are harder than anticipated and therefore an increase in hammer energy is required to successfully install the monopile WTG foundations. The Developer proposes to increase the hammer energy from 5,000kJ (which was previously assessed in the Design Envelope presented in the EIA Report for the Project) to 5,500kJ.

The Scottish Ministers expect any variation application to include variation requests for both transmission and generation marine licences in addition to a section 36 variation. This will encompass all changes as described in the screening opinion request.

Location of the works

The Proposed Works are to be located approximately 15-22 km off the coast of Angus in the North Sea off the Firth of Forth. The Proposed Works are not within any designated sites. However, the Screening Report identifies a number of designated sites which lie within the vicinity that the Developer considers relevant to the screening request. This list includes all those considered in the Habitats Regulations Appraisal undertaken at the time of the original application for the Project. The screening report concludes that no new or materially different impacts were identified that would lead to an increase in significant effects on any designated site.

The Developer carried out updated collision risk modelling as part of the request for a screening opinion (please see Appendix A of the Screening Report). This concluded that the collision estimates associated with the preferred design scenario are lower than the worst-case for collision mortality assessed at the consent stage for the Project.

NatureScot confirmed that it is content with the approaches and findings outlined in the Screening Report and concluded that the Proposed Works would not require a full EIA to support the variation application.

HES stated that the Proposed Works would not increase the impacts previously assessed for its interests and therefore concluded that it has no reason to consider the Proposed Works an EIA development for cultural heritage reasons within its remit.

Characteristics of the potential impact

The Screening Report identifies noise during piling; impact on ornithology; seascape, landscape and visual; cultural heritage and marine archaeology; and shipping and navigation as a potential significant effects arising from Proposed Works but concluded that no new or materially different impacts had been identified.

The Developer has carried out an analysis of the impact of the increase in hammer energy on hearing specialist fish and marine mammals and concluded that there are no new or materially different significant effects as a result of the increased energies required. NatureScot agrees with this conclusion.

ELC considers that the change in layout is likely to have significant adverse effects on the environment and should be considered through an EIA.

NatureScot advised that whilst the appearance of the wind farm would change, there would be no change to the likely significant effects to the seascape, landscape or visual receptors. NatureScot agrees with the Developer that there is no requirement to undertake a new Seascape, Landscape and Visual Impacts Assessment. NatureScot also noted that it agreed with the approaches and findings outlined in the Screening Report and appendices that there would be no material change to predicted natural fish and shellfish or marine mammal impacts from the proposed variation. In this regard, NatureScot concluded that the Proposed Works would not require a full EIA to support the variation application.

All local authorities consulted, with the exception of ELC, confirmed that they either had no comments to make or that the Proposed Works are not an EIA project and therefore a full EIA for the Proposed Works is not required.

SEPA also stated that it does not consider an EIA is required for the Proposed Works in relation to its interests.

The Scottish Ministers are content that, in line with the NatureScot response, the proposed change to the size, design and installation method of the Proposed Works are unlikely to have significant adverse effects on the environment.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works **are not** an EIA project under the 2017 MW Regulations and 2017 EW Regulations and, therefore, an EIA **is not** required to be carried out in respect of the Proposed Works.

If you increase, alter or extend the Proposed Works, you are advised to contact Marine Scotland - Licensing Operations Team ("MS-LOT") again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to the relevant local authorities' planning departments. The screening opinion has also been made publicly available through the Marine Scotland Information website.

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

Yours sincerely



Toni-Marie McGinn
MS-LOT