

## Wright H (Hamish)

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**From:** DIO-Safeguarding-Offshore (MULTIUSER) <DIO-Safeguarding-Offshore@mod.gov.uk>  
**Sent:** 29 January 2021 09:07  
**To:** MS Marine Renewables  
**Subject:** RE: 20210129-00009071 - Kincardine Offshore Windfarm - UXO Clearance Works - DIO 10050438-O

Good Morning,

FAO Rhys Potter

Further to your e-mail below and after our investigation I can confirm that the MOD has No Objection regarding this activity in the location specified. I hope this information is sufficient for your purposes.

Regards

**Michael Billings**

Assistant Safeguarding Manager  
Estates – Safeguarding

**Defence  
Infrastructure  
Organisation**

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Building 49, DIO Sutton Coldfield, Kingston Road, B75 7RL

**Due to COVID-19 I am working from home until further notice.**

**In line with the latest guidance, I am working offline where possible to ease the pressure on the IT network. Therefore I will only check emails and Skype periodically which will mean that I might not respond as promptly as usual.**

**Mob:** [REDACTED] | **Email:** [michael.billings950@mod.gov.uk](mailto:michael.billings950@mod.gov.uk)

**Website:** [www.gov.uk/dio/](http://www.gov.uk/dio/) | **Twitter:** @mod\_dio

**Read DIO's blog:** <https://insidedio.blog.gov.uk/>

 Defence Infrastructure Organisation

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HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

**By email:** [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot)

Marine Scotland (Marine Renewables)  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our case ID: 300020430

03 February 2021

Dear Marine Scotland

The Electricity Act 1989 (As Amended)  
The Electricity Generating Stations (Applications for Variation of Consent) (Scotland)  
Regulations 2013 (As Amended)

Application Under Section 36C of the Electricity Act 1989 (As Amended) to Vary the  
Consent Granted Under Section 36 of the Electricity Act 1989 (As Amended) to Construct  
and Operate the Inch Cape Offshore Wind Farm (Revised Design).

Thank you for your consultation which we received on 27 January 2021. We have considered it in our role as a consultee under the terms of the above regulations and for our historic environment remit. Our remit is World Heritage Sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories.

You should also seek advice from the relevant local authority archaeology and conservation advisors for matters including unscheduled archaeology and category B and C-listed buildings.

### **Our Advice**

We are content that the variation to consent will not alter the level of impact on our historic environment interests. We therefore have no comments to offer at this stage and refer you to our previous advice, which remains relevant.

Our comments should be treated as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. Our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



## Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).

Please contact us if you have any questions about this response. The officer managing this case is Ruth Cameron, who can be contacted by phone on 0131 668 8657 or by email on [Ruth.Cameron@hes.scot](mailto:Ruth.Cameron@hes.scot).

Yours faithfully

## Historic Environment Scotland

Rhys Potter  
Marine Scotland  
Licencing Operations Team  
By email

9<sup>th</sup> February 2021

Dear Mr Potter,

APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 (AS AMENDED) TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) TO CONSTRUCT AND OPERATE THE INCH CAPE OFFSHORE WIND FARM (REVISED DESIGN).

RSPB Scotland welcome the opportunity to comment on the above noted application. This is the second variation to generating capacity limit on the Section 36 consent and the applicant seeks to remove the generation capacity limit of “up to 1000MW”. We note that it is not proposed to alter any of the design envelope parameters.

The Inch Cape project, in-combination with the Neart na Gaoithe and Seagreen Phase 1 offshore wind farms, is predicted to have very substantial impacts on protected seabird populations. RSPB Scotland objected to the original Inch Cape project and our position remains that the impacts on seabirds from this project in isolation and in-combination with the aforementioned offshore windfarm constitute adverse effects on integrity of nearby SPAs, including the Forth Islands and Fowlsheugh designated sites (see RSPB Scotland response dated 26th March 2014).

With the above in mind, a key concern is for Marine Scotland to ensure the changes required to increase generation capacity do not alter or exceed the original design parameters of the existing environmental assessment. For example, changes in technology which facilitate even a minor increase in the range of windspeeds a turbine could operate in would likely increase the proportion of time it is operational for. This in turn could increase the collision risk to seabirds.

Lastly, increasing the generating output without increasing the environmental impacts is logical in principle. There could be an attempt made to explore potential opportunities for reducing the substantial predicted impacts to seabirds and we would welcome such investigation. Generating the same capacity with fewer, higher output turbines could realise a substantial reduction in impacts to seabirds and contribute toward realising maximum renewable capacity for least environmental effect.

Yours sincerely,

*Catherine Kelham*

Senior Marine Conservation Planner

**RSPB Scotland Headquarters**

2 Lochside View  
Edinburgh Park  
Edinburgh  
EH12 9DH

**Tel:** 0131 317 4100  
**Facebook:** RSPBScotland  
**Twitter:** @RSPBScotland  
[rspb.org.uk/Scotland](http://rspb.org.uk/Scotland)



The RSPB is part of BirdLife International, a partnership of conservation organisations working to give nature a home around the world.

FAO Rhys Potter  
Marine Scotland Licensing

Via Email

ABZ Ref: ABZ2950

12<sup>th</sup> February 2021

Dear Rhys

**THE ELECTRICITY ACT 1989 (AS AMENDED)  
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF  
CONSENT) (SCOTLAND) REGULATIONS 2013 (AS AMENDED)  
APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 (AS AMENDED) TO  
VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS  
AMENDED) TO CONSTRUCT AND OPERATE THE INCH CAPE OFFSHORE WIND FARM  
(REVISED DESIGN)**

I write in relation to the above application. The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

Yours Sincerely

Kirsteen MacDonald

Safeguarding Manager  
Aberdeen Airport

  
[abzsafeguard@airport.com](mailto:abzsafeguard@airport.com)

## Wright H (Hamish)

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**From:** Sandra Robson <sandra.robson@forthports.co.uk>  
**Sent:** 09 February 2021 16:40  
**To:** MS Marine Renewables  
**Cc:** Pamela Smyth  
**Subject:** RE: inch cape offshore windfarm section 36 consent variation application consultation - by 1 March 2021

I confirm Forth Ports has no objection to the variation below.

Regards

Sandra Robson  
PA to the Group General Counsel and Company Secretary

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## Wright H (Hamish)

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**From:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Sent:** 28 January 2021 16:25  
**To:** MS Marine Renewables  
**Subject:** RE: inch cape offshore windfarm section 36 consent variation application consultation - by 1 March 2021 [SG08578]

Our Ref: SG08578

Dear Rhys

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully



**NATS Safeguarding**

E: [natssafeguarding@nats.co.uk](mailto:natssafeguarding@nats.co.uk)

4000 Parkway, Whiteley,  
Fareham, Hants PO15 7FL

[www.nats.co.uk](http://www.nats.co.uk)



## Wright H (Hamish)

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**From:** Karen Taylor <Karen.Taylor@nature.scot>  
**Sent:** 08 February 2021 10:27  
**To:** MS Marine Renewables  
**Cc:** Agnisola G (Giulia); Wright H (Hamish)  
**Subject:** RE: inch cape offshore windfarm section 36 consent variation application consultation - NatureScot advice

Dear Giulia

Thank you for requesting our advice on the application made by Inch Cape Offshore Limited (ICOL) to vary their existing s36 consent to remove the wording that refers to the maximum generating capacity of the wind farm. We have reviewed both the letter (document reference: IC02-INT-QU-EC-OFL-RRP-APP-001 Rev 1) and supporting report (IC02-INT-EC-OFL-003-RRP-APP-002 Rev 2) provided by ICOL and note the following:

- The existing s36 consent, granted in 2020, allows for 'up to 1000MW' maximum energy generation from the wind farm as per Table 1.
- The variation does not seek to change any of the consented physical design parameters (as outlined in Table 1 & 2). The maximum design envelop will therefore remain the same.
- The worst case scenario used to assess the impact of the wind farm within the EIAR and HRA was based on the physical design parameters such as the number of turbines and did not consider the maximum generating capacity of the wind farm.
- Removing the maximum generating capacity wording from the consent will not change any of the significant effects predicted through the EIAR and HRA for this wind farm development as it is indicated that there will be no change in any of the physical parameters. There is therefore in our view no requirement for any further reassessment. If, however any of the physical wind turbine parameters were to change e.g. blade width, rotation speed, pitch etc., this could affect the outcome of our conclusion and would need to be reconsidered.

By removing the maximum energy generation specification from the consent and not changing any of the wind turbine parameters it will enable ICOL to consider higher rated WTGs which would increase the maximum generation of the wind farm without changing any of the physical parameters or the previously assessed predicted effects.

We therefore have no further comment to make.

I trust this is of assistance.

Best wishes,  
Karen

**Karen Taylor | Marine Sustainability Adviser**

NatureScot | The Enterprise Centre | Kilmory Industrial Estate | Lochgilphead | Argyll | PA31 8SH

Mobile: [REDACTED]

[nature.scot](http://nature.scot) | [@nature\\_scot](https://twitter.com/nature_scot) | *Scotland's Nature Agency* | *Buidheann Nàdair na h-Alba*

\*\*Please note I am working from home as a result of the Covid-19 pandemic. Due to the current set of restrictions I am working reduced hours. If your email is urgent please resend to [marineenergy@nature.scot](mailto:marineenergy@nature.scot) where it will be prioritised by the casework manager\*\*



**From:** [Pauline McGrow](#)  
**To:** [MS Marine Renewables](#)  
**Subject:** RE: inch cape offshore windfarm section 36 consent variation application consultation - by 1 March 2021  
**Date:** 24 February 2021 11:25:26  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.png](#)

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Dear Rhys,

I write to inform you that RYA Scotland has no objections to make on this application.

Kind Regards

Pauline

**Pauline McGrow**  
**Senior Administrator**  
**Mob:** [REDACTED]

**Royal Yachting Association Scotland**  
**T: 0131 317 7388**  
**E: [pauline.mcgrow@ryascotland.org.uk](mailto:pauline.mcgrow@ryascotland.org.uk)**



RYA Scotland, Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ  
T: 0131 317 7388, Fax: 0844 556 9549

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**From:** [Fiona Read](#)  
**To:** [MS Marine Renewables](#)  
**Cc:** [Sarah Dolman](#)  
**Subject:** RE: inch cape offshore windfarm section 36 consent variation application consultation - by 1 March 2021  
**Date:** 28 January 2021 21:17:48  
**Attachments:** [image001.png](#)

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Dear Rhys,

Thank you for your email and including WDC in the consultation. We have very limited capacity at the moment and so are unable to respond to the present consultation.

Best wishes,

Fiona

**Fiona Read**

Policy officer

*End Bycatch*

**WDC, Whale and Dolphin Conservation**

Telephone: +44 [REDACTED]

[whales.org](http://whales.org)



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Our Ref: APP/2021/0174

Your Ref:

Ask for: Kincardine & Mearns Team

Tel: 01467-534333

Email: [planning@aberdeenshire.gov.uk](mailto:planning@aberdeenshire.gov.uk)

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

29 January 2021

Dear Sir/Madam

**Notification under Electricity Act 1989 for Section 36 Variation Application at Inch Cape Offshore Wind Farm, Angus,**

I acknowledge receipt of your consultation regarding the above. This is currently being allocated to an officer who will correspond with you in due course.

Note: The information held with your submission will be managed by the Council in accordance with the principles set out in the General Data Protection Regulations 2018. For further information on how we use your information, who we share this information with and how long we keep information is detailed in our [Privacy Notices](#).

Please quote the reference number provided above in any future correspondence.

Yours faithfully

Head of Planning and Environment Service

Our Ref: CONS/GOV 2021 Inchcape removal of capacity limit  
Your Ref: none given

Date: 18 March 2021

Monica Patterson  
EXECUTIVE DIRECTOR  
(SERVICES FOR COMMUNITIES)

Via email to [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot)

Cc [kdingwall@eastlothian.gov.uk](mailto:kdingwall@eastlothian.gov.uk)  
[Giulia.Agnisola@gov.scot](mailto:Giulia.Agnisola@gov.scot)  
[Hamish.Wright@gov.scot](mailto:Hamish.Wright@gov.scot)

John Muir House  
Haddington  
East Lothian  
EH41 3HA  
Tel 01620 827827  
Fax 01620 824295

Dear Sirs,

### **Inchcape Offshore Wind farm Section 36 Consent Variation Request**

**THE ELECTRICITY ACT 1989 (AS AMENDED)  
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF  
CONSENT) (SCOTLAND)  
REGULATIONS 2013 (AS AMENDED)**

**APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 (AS AMENDED)  
TO VARY THE CONSENT  
GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) TO  
CONSTRUCT AND OPERATE THE  
INCH CAPE OFFSHORE WIND FARM (REVISED DESIGN).**

I refer to your email inviting representations on the above, documents on your website containing the request for this variation, and the related report from Inch Cape Offshore Limited (Company Number: No SC373173 (“the Applicant” or “ICOL”). This application is for variation of consent is to allow the deletion of the generating capacity limit on the consent for Inch Cape Offshore Windfarm. The applicant has previously applied for and been given consent to increase the overall generating capacity from ‘around 700MW’ to ‘up to 1000MW’. The Council did not object to that variation, having received an assurance that no further onshore works would be required to export that further generation capacity.

The applicant states that wind turbine generating technology is progressing rapidly and predicts that higher rated models will be available within the next few years. ICOL has recently been awarded an updated grid connect agreement of 1080MW and therefore seek to remove reference to generating capacity limit to allow this to be used, and to avoid the potential need for further such requests in future.

ICOL state that an increase in generating capacity for the Inch Cape Wind Farm would be achieved through no change to the infrastructure than that already consented. The applicant states this would allow larger capacity wind turbine generators to be constructed under the existing consent parameters, thus increasing the overall capacity of the site without affecting its appearance or impact on the environment.

It is clearly desirable in principle that the maximum amount of electricity be generated from the site where this can be increased without environmental effects beyond those already accepted. However, the Council is concerned with the potential impact of increased generation on the capacity of the existing export route to the national grid and the possibility

of the need for further onshore works as a consequence. Whatever the capacity of the currently consented export route, onshore transmission works, and pylon line, it is clearly not infinite. Removal of the limit entirely could therefore imply the need for further onshore works.

The onshore substation and related works connecting this windfarm to the grid are located at Cockenzie, an important site falling between Cockenzie and Prestonpans. The Council has ambitions for land use in this area which will promote jobs and regeneration of the surrounding communities. Although the Council recognizes the benefits of increased generation, and that electricity from offshore windfarms must come ashore somewhere, it is concerned about any implications for further related works at Cockenzie or potentially elsewhere in East Lothian.

I note that this application is not accompanied by an Environment Statement. I can find no record of a Screening Opinion and am therefore unsure if one has been issued. Under Schedule 2 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, screening should be carried out for:

“(3) any change to or extension (including a change in the manner or period of operation) of development of a description listed in schedule 1 or in paragraphs (1) or (2) of this schedule where that development is already authorised, executed, or in the process of being executed, and the change or extension *may* have significant adverse effects on the environment” (my italics).

This application is for a change to an authorised generating station. However it is possible that Marine Scotland do not consider this change ‘may’ have significant effects on the environment. It is difficult to see how this conclusion could be reached for a complete removal of the limit. Although the applicant has said there will be no change to the infrastructure, it is unclear if that includes the onshore transmission infrastructure, or only the infrastructure covered by the Section 36 consent (as amended). As the capacity limit is proposed to be infinite, it is not possible to be certain that no further changes to the export infrastructure will be required. That being the case, it can likewise not be certain that there would be no significant environmental effects arising. Scottish Government Guidance “Applying for Variation of section 36 consents of the Electricity Act for Generating Stations in Scotland” also emphasises it is essential that the application documents give a clear and complete picture of what development would result if the varied consent is implemented. As the decision maker, it is for Marine Scotland to determine whether this variation complies with EIA regulations, and to take this guidance into account.

It has previously been put to the Council that grid connection works could be carried out under permitted development rights. Our view is that as an integral part of the offshore windfarm and substation, alterations to the onshore transmission works would require to be screened under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. If there could be significant environmental effects, the development would be EIA development and therefore would not benefit from permitted development rights. As such, any onshore connection works needed because of the removal of generation capacity limits and which had significant environmental impacts would require further consent.

The Council would prefer that a limit is placed on the generation capacity such that it does not exceed the capacity of the consented onshore transmission works or any other grid connection infrastructure. This would in our view more clearly comply with EIA regulations, however that is for Marine Scotland to consider. As further consent would be required for onshore works with significant environmental effects, the Council does not object to the application.

If you would like to discuss the contents of this letter further, please contact J Squires by email at [jsquires@eastlothian.gov.uk](mailto:jsquires@eastlothian.gov.uk)

Yours sincerely,

**Keith Dingwall, Service Manager, Planning**

**From:** [Martin Mcgroarty](#)  
**To:** [MS Marine Renewables](#)  
**Subject:** 21/00272/CON - inch cape offshore windfarm section 36 consent variation application consultation  
**Date:** 03 February 2021 10:01:53

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FAO Rhys Potter

Dear Rhys

**THE ELECTRICITY ACT 1989 (AS AMENDED) THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND) REGULATIONS 2013 (AS AMENDED)**

**APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 (AS AMENDED) TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) TO CONSTRUCT AND OPERATE THE INCH CAPE OFFSHORE WIND FARM (REVISED DESIGN)**

I refer to your consultation request dated 27th January 2021 regarding the above and can confirm that, having examined the proposed variation, Fife Council has no comment to make on the proposal to vary the consent.

Kind regards,  
Martin

**Martin McGroarty**

Lead Professional (Minerals)  
Development Management  
Planning Services  
Fife Council  
Fife House  
North Street  
GLENROTHES  
Fife  
KY7 5LT

[development.central@fife.gov.uk](mailto:development.central@fife.gov.uk)

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Fife Council

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**From:** [Miller, Craig](#)  
**To:** [MS Marine Renewables](#)  
**Subject:** FW: inch cape offshore windfarm section 36 consent variation application consultation - by 3 April 2021 18/01109/S36  
**Date:** 01 February 2021 12:10:20  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image003.png](#)

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Dear Sir/Madam

Thank you for consulting Scottish Borders Council on this variation request. We understand there are no changes to turbine dimensions, positions or method of construction.

We have no comments to make on this request,

Regards

Craig Miller

Craig Miller  
Principal Planning Officer  
Regulatory Services  
Scottish Borders Council  
Tel: 01835 825029  
E-mail : [cmiller@scotborders.gov.uk](mailto:cmiller@scotborders.gov.uk)

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**From:** Tait, Laura  
**Sent:** 28 January 2021 10:18  
**To:** Miller, Craig  
**Subject:** FW: inch cape offshore windfarm section 36 consent variation application consultation - by 3 April 2021

18/01109/S36

13/00844/S36

Laura Tait  
Registration/Administration Assistant  
Development Management  
Planning & Related Services  
Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
Scottish Borders TD6 0SA  
Tel: 01835 825 586 (Direct Dial)  
E-Mail: [laura.tait@scotborders.gov.uk](mailto:laura.tait@scotborders.gov.uk)

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**From:** Tait, Laura **On Behalf Of** Regadmin  
**Sent:** 28 January 2021 09:22  
**To:** Miller, Craig <[CMiller@scotborders.gov.uk](mailto:CMiller@scotborders.gov.uk)>  
**Subject:** FW: inch cape offshore windfarm section 36 consent variation application consultation - by 3 April 2021

Craig,

I've received this from PRS, does it need to be registered?

Laura Tait



Our Ref: APP/2021/0174  
Your Ref:

Ask for: James Hewitt  
Tel: 01467 533055  
Email: james.hewitt@aberdeenshire.gov.uk

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

9 March 2020

Dear Sir/Madam

**SECTION 36 VARIATION TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) TO CONSTRUCT AND OPERATE THE INCH CAPE OFFSHORE WIND FARM (REVISED DESIGN)**

I write in response to your consultation on the above development dated 27 January 2021. The proposed amendment seeks to remove reference to the maximum generating capacity of the installation. The submission states that no physical alterations in terms of the scale or location of turbines are proposed. After reviewing the submission, I can confirm that Aberdeenshire Council hold **NO OBJECTION**.

Aberdeenshire Council has previously assessed the impact of the Inch Cape development upon the Council Area, with potential impacts limited to the Historic Environment, Visual Impact and Ornithology.

The impact upon the Built Environment was previously considered to be indirect, in that the development may alter the setting of heritage assets, however on balance it was considered that the distance of the development from said features, intervening landscape and limit visibility would preclude a significant impact. The proposal was considered to comply with Policy HE2 of the Aberdeenshire Local Development Plan 2017. The current proposal would not materially impact the scale or location of the Inch Cape development and therefore would have no differential impact upon Built Heritage in Aberdeenshire.

The visual impact of the development was previous considered to be limited, due to the distance of the development from Aberdeenshire, and limited pockets of visibility. The current proposal would not materially impact the scale or location of the Inch Cape development and therefore would have no differential impact upon Visual receptors in Aberdeenshire.

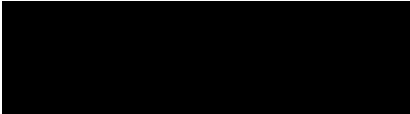
With regard to Ornithology, Aberdeenshire Council previously objected on the basis that uncertainty remained in relation to the potential effect on the Fowlsheugh SPA, and

whether further mitigation could alleviate these concerns. It was considered that the previous application did not comply with Policy E1 of the Aberdeenshire Local Development Plan 2017. While Aberdeenshire Council remain unconvinced that the impact of the development in relation to Fowlsheugh SPA can be reconciled with the Local Development Plan, it is accepted that the scope of this new application is limited. As the proposal under consideration would not alter the physical parameters of the development, it is accepted that there is unlikely to be a pathway through which additional impacts in relation to ornithology may occur.

It is considered that the limited scope of the proposed amendment, and in particular the absence of physical alterations to the scheme would preclude any significant additional impacts upon the Aberdeenshire Council Area and therefore the Council hold no objection to the proposed amendment.

I trust the above response is clear. Should you have any queries, please contact the officer named at the head of this letter.

Yours faithfully



Head of Planning and Environment Service