



29 April 2024

FAO Lauren Cowan  
Marine Director  
Licensing and Operations Team  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 0DB

**SECTION 36C OF THE ELECTRICITY ACT 1989**

**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING**

**INCH CAPE OFFSHORE WINDFARM – CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)**

Dear Lauren,

Annex 2, Condition 14 of the Section 36 consent granted to Inch Cape Offshore Limited (ICOL) for the Inch Cape Offshore Wind Farm states that:

*“The Company must, no later than six months prior to the Commencement of the Development, submit an Environmental Management Plan (“EMP”) in writing, to the Scottish Ministers for their written approval. Such approval may only be granted following consultation by the Scottish Ministers with SNH, Royal Society for the Protection of Birds Scotland (“RSPB Scotland”), WDC, FMS and any such other advisors or organisations as may be required at the discretion of the Scottish Ministers.*

*The EMP must provide a cover-all framework for on-site environmental management during the phases of development as follows:*

- a. All construction as required to be undertaken before the Final Commissioning of the Development;*
- b. The operational period of the Development from the Final Commissioning of the Development to the cessation of electricity generation (environmental management during decommissioning is addressed in the Decommissioning Programme provided for by condition 3).*

*The EMP must be in accordance with the Application insofar as it relates to environmental management measures. The EMP must set out the roles, responsibilities and chain of command for the Company personnel, any contractors or sub-contractors in respect of environmental*



management for the protection of environmental interests during the construction and operation of the Development. It must address, but not be limited to, the following overarching requirements for environmental management during construction:

- a. Mitigation measures to prevent significant adverse impacts to environmental interests, as identified in the Application and pre-consent and pre-construction monitoring or data collection, and include reference to relevant parts of the CMS (refer to condition 10);
- b. A pollution prevention and control method statement, including contingency plans;
- c. Management measures to prevent the introduction of invasive non-native marine species;
- d. A site waste management plan (dealing with all aspects of waste produced during the construction period), including details of contingency plans in the event of accidental release of materials which could cause harm to the environment. Wherever possible the waste hierarchy of reduce, reuse and recycle should be encouraged;
- e. The reporting mechanisms that will be used to provide the Scottish Ministers and relevant stakeholders with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed.

Additionally, Condition 3.2.2.11 of the Generation Licence (MS-00010140), and Condition 3.2.2.10 Offshore Transmission Infrastructure (OfTI) Marine Licence MS-00010593 issued to ICOL for the Inch Cape Offshore Wind Farm also state that:

*"The Licensee must, no later than six months prior to the Commencement of the Works, submit an EMP, in writing, to the Licensing Authority for its written approval. Commencement of the Works cannot take place until such approval is granted. Such approval may only be granted following consultation by the Licensing Authority with SNH, SEPA, RSPB Scotland, WDC, FMS and any such other advisory or organisations as may be required at the discretion of the Licensing Authority.*

The EMP must provide an over-arching framework for on-site environmental management during the phases of Works as follows:

- a. All construction as required to be undertaken before the Final Commissioning of the Works; and
- b. The operational period of the Works from the Final Commissioning of the Works until the cessation of electricity generation.

The EMP must be in accordance with the Application insofar as it relates to environmental management measures. The EMP must set out the roles, responsibilities and chain of command of company personnel, any contractors or sub-contractors in respect of environmental management for the protection of environmental interests during the construction and operation of the Works.



*It must address, but not be limited to, the following over-arching requirements for environmental management during construction:*

- a. Mitigation measures to prevent significant adverse impacts to environmental interests, as identified in the Application and pre-consent and pre-construction monitoring, and include the relevant parts of the CMS (refer to condition 3.2.2.16);*
- b. A pollution prevention and control method statement, including contingency planning;*
- c. Management measures to prevent the introduction of invasive non-native marine species;*
- d. A site waste management plan (dealing with all aspects of waste produced during the construction period), including details of contingency planning in the event of an incident, release of materials which could cause harm to the environment. Wherever possible the waste hierarchy of reduce, reuse and recycle should be encouraged; and*
- e. The reporting mechanisms that will be used to provide the Licensing Authority and relevant stakeholders with regular updates on construction activity, including any environmental issues that have been encountered and how these have been addressed.*

*The EMP must be regularly reviewed by the Licensing Authority or FTRAG, at intervals agreed by the Licensing Authority. Reviews must include, but not be limited to, the reviews of updated information on construction methods and operations of the Works and updated working practices. The EMP must be informed, so far as reasonably practicable, by the baseline monitoring or data collection undertaken as part of the Application and a PEMP.”* In accordance with the above Condition please find the CO2-INT-EC-OFC-007-INC-PLA-001 – Construction Environment Management Plan (CEMP) prepared on behalf of ICOL and submitted for Regulatory and multi-stage consent by the Marine Directorate on behalf of the Scottish Ministers.

The purpose of the CEMP is to provide an overarching framework for environmental management during the construction phase of the Inch Cape project, to ensure compliance with legislative requirements and relevant industry good practice and to ensure consistency in approach and performance of environmental management across Inch Cape and Inch Cape’s Contractors.

In considering this, ICOL’s knowledge of the title and the purpose of the CEMP does not apply to the operational phase of the development as stated in the above conditions. However, it was agreed with MD-LOT and MD-LOA at a meeting held on 15<sup>th</sup> November 2023, that ICOL would prepare a construction phase EMP (as enclosed) and that an Operational Environmental Management Plan (OEMP) would be submitted alongside the Operation and Maintenance Programme (OMP) in accordance with Annex Condition 16 of the S36 Consent and Condition 3.2.2.13 and Condition 3.2.2.14 of the ICOL Generation and OfTI Marine Licenses respectively. This approach has been adopted to facilitate the writing of an OEMP that fully considers and incorporates any site specific environmental management items that become apparent through the construction phase.

It is considered therefore that the enclosed CEMP is sufficient to satisfy the requirements of the above referenced conditions and the agreement made with MD-LOT on November 15<sup>th</sup> 2023, providing they are implemented and approved.



ICOL therefore request MD-LOT on behalf of the Scottish Ministers to confirm in writing following consultation, their agreement and approval of the enclosed CEMP in respect of the above-mentioned Section 36 and Marine Licence Conditions.

ICOL also request that MD-LOT on behalf of the Scottish Ministers confirm in writing at their earliest convenience their agreement to the arrangement for the submission of a CEMP which will be followed by an OEMP alongside the submission of the OMP.

If you have any queries or wish further discussion on any of the above then please do not hesitate to contact me at [gavin.kelly@inchcapewind.co.uk](mailto:gavin.kelly@inchcapewind.co.uk)

Your faithfully

Redacted

Gavin Kelly ICOL

Offshore Consent Manager