

Keir A (Alan) (MARLAB)

From: KellyR <KellyR@angus.gov.uk>
Sent: 16 November 2017 15:58
To: MS Marine Renewables
Subject: RE: Neart na Gaoithe Offshore Windfarm - Section 36 Condition 2 - Extension Request - Consultation REMINDER

Dear Sirs,

In response to the consultation my Council has no comments to make on the consultation.

Yours sincerely

Ruari Kelly

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | Communities Directorate | Planning | County Buildings, Market Street, Forfar, DD8 3LG. ☎ (01307) 473306

From: PLNProcessing
Sent: 16 November 2017 09:38
To: KellyR
Subject: FW: Neart na Gaoithe Offshore Windfarm - Section 36 Condition 2 - Extension Request - Consultation REMINDER

Ruari,

Were you dealing with this?

Regards

From: DownieKM **On Behalf Of** PLANNING
Sent: 15 November 2017 15:23
To: PLNProcessing
Subject: FW: Neart na Gaoithe Offshore Windfarm - Section 36 Condition 2 - Extension Request - Consultation REMINDER

Kathleen Downie, Clerical Officer, Angus Council, Communities, Planning & Place, County Buildings, Market Street, Forfar DD8 3LG Tel: 01307473376 Email:downiekm@angus.gov.uk

From: Sophie.Humphries@gov.scot [<mailto:Sophie.Humphries@gov.scot>]
Sent: 15 November 2017 14:05
To: PLANNING; CoweyKJ
Cc: Alan.Keir2@gov.scot
Subject: Neart na Gaoithe Offshore Windfarm - Section 36 Condition 2 - Extension Request - Consultation REMINDER

Dear Sir/Madam

Further to my previous email, dated 11th October 2017, please note that **this consultation closed on Friday, 10th November 2017.**

Humphries S (Sophie)

From: andy.mulholland@dundeecity.gov.uk
Sent: 13 October 2017 11:32
To: Humphries S (Sophie)
Cc: gordon.reid@dundeecity.gov.uk
Subject: Re Neart na Gaoithe Offshore Windfarm - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms Humphries

I refer to your e-mail of 11th October, 2017, regarding the above and confirm that the request to extend the date of implementation raises no new planning issues for Dundee.

Regards
Andy

Andrew Mulholland
Planning Officer
Planning Division
City Development
Dundee City Council
Dundee House
50 North Lindsay Street
DUNDEE
DD1 1LS

Phone: 01382 433612
Email: andy.mulholland@dundeecity.gov.uk
Web Page: <http://www.dundeecity.gov.uk>



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Your ref: none given
Our ref: CONS/GOV/2017

Monica Patterson
EXECUTIVE DIRECTOR
(SERVICES FOR COMMUNITIES)

Sent via email only to MS.MarineRenewables@gov.scot

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

Dear Ms Humphries

ELECTRICITY ACT 1989

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)

Neart na Gaoithe Offshore Wind Limited

Section 36 Consent Condition 2 – Commencement of the Development

I refer to your consultation of this Council for our views on the request by Neart na Gaoithe Offshore Wind Limited (“NNG”), that Scottish Ministers extend the period of the ‘Commencement of the Development’ (Condition 2 of the Section 36 Consent), from five (5) years to eight (8) years from the date the consent was granted. I note that you do not invite comments on the Section 36 consent. I also note NNG state that they consider the assessments and conclusions set out within the Environment Statement (ES) for the original application remain valid; and that you note the varied Section 36 Consent contains the most up-to-date information on this development but that you do not state whether or not you consider that this information remains sufficient or whether any revision of this is necessary.

Whilst it is appreciated that this is not planning permission, it is a statutory consent which can be considered to be similar in character. Therefore, in considering an extension of time this can be considered to be comparable to a renewal of planning permission.

On that basis, the requirement for and matters to be covered in respect of an extension of time should reflect any change in the material circumstances of the project.

Although this is not a new application for consent, Scottish Ministers’ agreement to extend the time in which the consent can commence would give development consent for commencement within a period where there was no consent to do so previously. It should also be considered whether this is a multi-stage consent in that although the main consent has been granted, the project cannot commence beyond 10 October 2019 without this further approval.

If Scottish Ministers consider this to be a multi-stage consent, where an Environment Statement has previously been provided, it is our view that Regulation 25 of the Environment Impact Assessment (Electricity Works)(Scotland) Regulations 2017 applies. This specifies in Regulation 25 (2)(a) that if it appears to Scottish Ministers that the development, or the part of the development to which the application for multi-stage consent relates may have significant effects on the environment that have not previously been identified; and (b) the developer has not submitted additional information

in respect of those effects together with the application for multi-stage consent; the Scottish Ministers must seek supplementary information from the developer in accordance with Regulation 19(2) in respect of such effects. Regulation 19(2) states that order to ensure the completeness and quality of the EIA Report, the Scottish Ministers must (having regard to current knowledge and methods of assessment) seek from the developer supplementary information about any matter mentioned in Schedule 4 which in the opinion of Scottish Ministers is directly relevant to reaching a reasoned conclusion on the significant effects of the development on the environment. As the ES was submitted before May 16th 2017, the transitional provisions of these Regulations would apply.

Matters that in the Council's view are changes in the material circumstances of the project which are potentially significant and that have not previously been identified in the ES with regard to current knowledge and methods of assessment include:

(1) *Onshore works*

It is the Council's view that the onshore works are an integral part of the project and should therefore be included in the description of the project and EIA as relevant.

We acknowledge that development has commenced for the onshore works associated with the main project. However, Scottish Ministers should consider whether or not the environmental impacts of the onshore part of the project should be considered together.

(2) *Landscape and visual assessment.*

Methodology for visualisation of windfarms has been revised since submission of the original Environment Statement and variation with the production of SNHs "Visual Representation of windfarms" published 2017, which specifies that the guidance applies to both onshore and offshore windfarms. The windfarm has not been assessed using this up to date method of assessment.

(3) *Baseline and policy changes.*

There are aspects of the baseline that have changed. The Outer Firth of Forth and Tay Bay Complex has been proposed for designation as an SPA and it is not clear that effects on this have been fully considered through the EIA process. There may be other aspects of the baseline which are affected given a delayed commencement of which the Council is unaware but could affect interests here. There are aspects of policy which have changed including the progression of the proposed East Lothian LDP towards adoption (now at examination) which includes proposed Special Landscape Areas, which would be designated upon adoption of the LDP. The LDP also contains site specific policy relevant to the Onshore Transmission Works.

There are other offshore windfarm proposals which may have cumulative impact with Neart Na Gaoithe (such as the revised Inchcape offshore windfarm and Forthwind) that are also applying to commence in this period will have to produce revised assessment according to the new methodology and taking into account the current baseline. Granting this time extension when it is possible that there might not be capacity for all proposals because of cumulative issues, when other proposals have to be assessed using the new methodology and current baseline could be seen as unfairly benefitting this proposal.

(4) *Advice from statutory consultees*

Advice from statutory consultees may be different from that given to inform the original consent.

Whether or not this time extension is considered as a multi-stage consent, the Council considers the above revised environmental information and advice from statutory consultees should be taken into consideration in making the decision on extension of time.

The Council recommends that consideration is given to the level of public consultation that should take place on this decision which has environmental implications.

If you have any questions about the above please contact in the first instance Jean Squires on 01620 827370 or via email to policy&projects@eastlothian.gov.uk .

Regards,

J Squires

Pp
Iain McFarlane
Service Manager, Planning
East Lothian Council

Humphries S (Sophie)

From: Martin MCGroarty <Martin.McGroarty@fife.gcsx.gov.uk>
Sent: 09 November 2017 15:23
To: Humphries S (Sophie)
Subject: 17/03391/CON - Neart na Gaoithe Offshore Windfarm - Section 36 - Condition 2

Dear Sophie,

I can confirm that, in light of the delay caused by the judicial process around the Neart na Gaoithe Marine Licence, Fife Council has no adverse comment to make on the request for an extension to the commencement date.

Kind regards,
Martin

Martin McGroarty
Lead Professional (Minerals)
Development Management
Economy, Planning & Employability Services
Fife Council
Kingdom House
Kingdom Avenue
GLENROTHES
Fife
KY7 5LY
03451 55 11 22
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By email to:
MS.MarineRenewables@gov.scot

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

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Alison.Baisden@hes.scot
T: 0131 668 8575

Our ref: AMN/16/TA
Our case ID: 300020973

09 November 2017

Dear Ms Humphries,

[The Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#)
[Near na Gaoithe Offshore Wind Farm](#)
[Variation of Section 36 Consent Condition - Commencement of the Development](#)

Thank you for your consultation which we received on 19 October 2017. This relates to the recent request from Near na Gaoithe Offshore Wind Limited for the extension of the period of the 'Commencement of the Development' to eight years. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

The relevant council's archaeological and cultural heritage advisors will also be able to offer advice on the request. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

Our Advice

We have reviewed the request letter issued by Near na Gaoithe Offshore Wind Limited (3 August 2017) and note that the conclusions and assessments within the Environmental Statement for the development will remain unchanged. On this basis, we are content for the extension of the Commencement Period and have no further comments to make.



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ALBA

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Alison Baisden and they can be contacted by phone on 0131 668 8575 or by email on Alison.Baisden@hes.scot.

Yours sincerely,

Historic Environment Scotland

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

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Humphries S (Sophie)

From: Miller, Craig <CMiller@scotborders.gov.uk>
Sent: 18 October 2017 09:09
To: MS Marine Renewables
Cc: Humphries S (Sophie)
Subject: FW: Neart na Gaoithe Offshore Windfarm - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation
Attachments: Neart na Gaoithe - Section 36 Condition 2 - Request to Extend Commencement Date.pdf

Dear Sir/Madam

I can confirm that on behalf of Scottish Borders Council, we have no comments or objections to this request to extend the development commencement date,

Regards

Craig

Craig Miller MRTPI
Lead Planning Officer
Development Management
Regulatory Services
Scottish Borders Council

tel - 01835 825029 mobile - [REDACTED]
email - cmiller@scotborders.gov.uk



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From: Sophie.Humphries@gov.scot [mailto:]
Sent: 11 October 2017 17:32
To: MARINEENERGY@snh.gov.uk; erica.knott@snh.gov.uk; planning@angus.gov.uk; development.management@dundeecity.gov.uk; policy&projects@eastlothian.gov.uk; development.central@fife.gov.uk; planning.perth@sepa.org.uk; Miller, Craig; Aikman, Ian; gordon.reid@dundeecity.gov.uk; Martin.McGroarty@fife.gov.uk; Planning & Regulatory Services; Johnston, Charles
Cc: Nicola.Bain@gov.scot; Alan.Keir2@gov.scot; Joao.Queiros@gov.scot; Panos.Pliatsikas@gov.scot; Gayle.Holland@gov.scot
Subject: Neart na Gaoithe Offshore Windfarm - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

ELECTRICITY ACT 1989

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)

Neart na Gaoithe Offshore Wind Limited

Sophie Humphries
Marinescotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

If telephoning ask for:
Anna Gaffney

09 November 2017

By email only to: MS.MarineRenewables@gov.scot

Dear Ms Humphries

**The Electricity Act 1989
The Electricity Works (Environmental Impact Assessment) (Scotland)
Regulations 2017
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations
2017
Planning application: Neart na Gaoithe Offshore Wind Farm
Section 36 Consent: Condition 2 – Commencement of the Development Request**

Thank you for your consultation email which SEPA received on 11 October 2017.

Advice for Marine Scotland

- 1.1 We note that the Condition2 (Commencement of the Development) Extension Request is for the offshore components only of the Neart na Gaoithe Offshore Windfarm.
- 1.2 As we only now comment on proposals for works above MLWS which fall under the appropriate Town and Country Planning (Scotland) Act, we have no comments to make on the Scoping Report for the offshore element of this proposal.
- 1.3 Please refer to our standing advice on marine consultations within guidance document [SEPA standing advice for The Department of Energy and Climate Change and Marine Scotland on marine consultations](#).
- 1.4 If, after consulting this guidance, you consider that a particular part of this proposal is novel or raises a particular environmental issue relevant to our interests which is not addressed by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of your consultation request.

continued.....



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Edinburgh Office

Silvan House, 3rd Floor, 231 Corstorphine Road,
Edinburgh EH12 7AT.

www.sepa.org.uk • customer enquiries 03000 99 66 99

- 1.5 We do note however that the proposed offshore wind farm will require transmission cabling and other associated infrastructure works. We will welcome future engagement through the appropriate Town and Country Planning (Scotland) Acts in due course.
- 1.6 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

Silvan House SEPA 3rd Floor 231 Corstorphine Road Edinburgh EH12 7AT
Tel: 0131 449 7296

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7259 or e-mail at planning.se@sepa.org.uk.

Yours sincerely

Anna Gaffney
Planning Officer
Planning Service

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 this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar 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 or similar 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. For planning applications, 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 on our [website planning pages](#).

Humphries S (Sophie)

From: Catriona Gall <Catriona.Gall@snh.gov.uk>
Sent: 09 November 2017 13:57
To: Humphries S (Sophie)
Cc: Erica Knott
Subject: RE: Neart na Gaoithe Offshore Windfarm - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

Dear Sophie,

Thank you for this consultation and confirming that SNH have no comments to make in this regard.

Yours sincerely,

Catriona Gall

Marine Renewables Casework Adviser - Offshore Wind

SNH
Battleby
Redgorton
Perthshire
PH1 3EW

direct dial: 01738 - 458665

From: Sophie.Humphries@gov.scot [mailto: Sophie.Humphries@gov.scot]
Sent: 11 October 2017 17:32
To: MARINEENERGY; Erica Knott; planning@angus.gov.uk; development.management@dundee.gov.uk; policy&projects@eastlothian.gov.uk; development.central@fife.gov.uk; planning.perth@sepa.org.uk; cmiller@scotborders.gov.uk; IAikman2@scotborders.gov.uk; gordon.reid@dundee.gov.uk; Martin.McGroarty@fife.gov.uk; prs@scotborders.gov.uk; CJohnston@scotborders.gov.uk
Cc: Nicola.Bain@gov.scot; Alan.Keir2@gov.scot; Joao.Queiros@gov.scot; Panos.Pliatsikas@gov.scot; Gayle.Holland@gov.scot
Subject: Neart na Gaoithe Offshore Windfarm - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

ELECTRICITY ACT 1989

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)

Neart na Gaoithe Offshore Wind Limited

Section 36 Consent Condition 2 – Commencement of the Development

Dear Sir/Madam

Marine Scotland Licensing Operations Team (“MS-LOT”) have received the attached correspondence from Neart na Gaoithe Offshore Wind Limited (“NnGOWL”), who were awarded a section 36 Consent each on 10 October 2014, requesting that the Scottish Ministers extend the period of the ‘Commencement of the Development’ (Condition 2 of the Section 36 Consent), from five (5) years to eight (8) years from the date the consent was granted. NnGOWL successfully applied for a variation to the Section 36 Consent granted in October 2014. The