

Aberdeenshire Council

Our Ref: ENQ/2022/1056

Your Ref:

Ask for: James Hewitt

Tel: 01467 533055

Email: james.hewitt@aberdeenshire.gov.uk

Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

11 August 2022

Dear Sir/Madam

EIA Screening/Scoping Opinion for Proposed Variation to Section 36 Consent and Generating Station Marine Licence at Inch Cape Offshore Windfarm, East Of Angus

I am writing to you in respect of the consultation request for the development above. After a review of the submission, I would offer the following observations:

- The interests of Aberdeenshire Council are limited to those effects or impacts which would occur within the Aberdeenshire Council Area.
- Aberdeenshire Council agree that the development would fall under Schedule 2 paragraph 2 as stated within the Screening Report. The scope of the screening therefore relates to differential impact of the variation, as opposed to reassessing the development as a whole.
- The variation falls largely within the previously agreed parameters, with the proposed textual changes limited to a reduction in turbine spacing and a statement on design parameters.

Bearing in mind the above points, it is considered that the scope for comment is limited. As such Aberdeenshire Council would agree that the **potential environmental impacts of the variation are unlikely to be so wide spread as to warrant the submission of a complete Environmental Impact Assessment (EIAR).**

This screening opinion is offered without prejudice to the assessment of any future application or further screening requests. I would highlight that the Seascape, Landscape and Visual Impact of the development would remain a key consideration for Aberdeenshire Council and as such the variation application should be supported by appropriate information in respect of this matter.

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

Yours faithfully

[Redacted]

Paul Macari
Head of Planning and Economy

Angus Council

From: [Ruari Kelly](#)
To: [MS Marine Renewables](#)
Subject: Inch Cape Offshore Limited – Proposed Variation to Section 36 Consent and Generating Station Marine Licence – Inch Cape Offshore Windfarm (Revised Design), Firth of Forth – Consultation on Request for Screening Opinion – Response Required by 28 July 2022
Date: 14 July 2022 07:29:40
Attachments: [image001.gif](#)
[image002.jpg](#)

Dear Sir/Madam,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (“The MW Regulations”)
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (“The EW Regulations”)
COLLECTIVELY, “The EIA Regulations”
CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE MW REGULATIONS AND
PART 2, REGULATION 8(5) OF THE EW REGULATIONS**

I refer to the above consultation and having reviewed the submitted information in so far as potential impacts on Angus, Angus Council is satisfied that the S36 variation proposal would not result in impacts of significance that are new or materially different to those of the consented Inch Cape Project.

Angus Council would be minded to accept the conclusions presented in the screening report.

Yours sincerely,

Ruari Kelly

Ruari Kelly | Planning Officer (Development Standards) | Angus Council | 01307 492125 | kellyr@angus.gov.uk | www.angus.gov.uk

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COVID-19

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Dundee City Council

From: [Alistair Hilton](#)
To: [MS Marine Renewables](#)
Subject: RE: Inch Cape Offshore Limited – Proposed Variation to Section 36 Consent and Generating Station Marine Licence – Inch Cape Offshore Windfarm (Revised Design), Firth of Forth – Consultation on Request for Screening Opinion – Response Required by 28 July 2
Date: 12 July 2022 11:24:23

Thank you for sending the screening information. I can advise that we have no comment to make on the request for a screening opinion.

Regards,



Alistair Hilton

Principal Planning Officer (Planning & Economic Development) at City Development

E alistair.hilton@dundeecity.gov.uk

P [01382 433760](tel:01382433760)

W www.dundeecity.gov.uk

A [Dundee House, 50 North Lindsay Street, DUNDEE, DD1 1QE](#)

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>

Sent: 07 July 2022 11:58

Cc: Lauren.Cowan@gov.scot; Stephanie.Sweeting@gov.scot

Subject: Inch Cape Offshore Limited – Proposed Variation to Section 36 Consent and Generating Station Marine Licence – Inch Cape Offshore Windfarm (Revised Design), Firth of Forth – Consultation on Request for Screening Opinion – Response Required by 28 July 2022

Dear Sir/Madam,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (“The MW Regulations”)**

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (“The EW Regulations”)**

COLLECTIVELY, “The EIA Regulations”

**CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE MW REGULATIONS AND
PART 2, REGULATION 8(5) OF THE EW REGULATIONS**

Inch Cape Offshore Limited – Proposed Variation to Section 36 Consent and Generating

Station Marine Licence – Inch Cape Offshore Windfarm (Revised Design), Firth of Forth

Inch Cape Offshore Limited has requested the Scottish Ministers adopt a screening opinion in relation to the above proposed works under regulation 10(1) of the MW Regulations and regulation 8(1) of the EW Regulations.

I should be grateful if you would please review the documents provided at the below web address and, as required by regulation 10(5) of the MW Regulations and regulation 8(5) of the EW Regulations, provide your view as to whether the above proposed works are an EIA project as defined in the EIA Regulations.

The documents can be found here:

[Inch Cape Offshore Windfarm \(Revised Design\), Firth of Forth – Proposed Variation – Screening Request and Report | Marine Scotland Information](#)

In accordance with regulation 10(6) of the MW Regulations and regulation 8(6) of the EW Regulations, please ensure you provide your view to MS.MarineRenewables@gov.scot no later than **28 July 2022**.

Kind regards,

Lauren

Lauren Cowan
Casework Officer - Consenting

(she/her)

Marine Scotland - Marine Planning & Policy
Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB
Website: <http://www.gov.scot/Topics/marine/Licensing/marine>

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East Lothian Council

From: [Squires, Jean](#)
To: [MS Marine Renewables](#)
Subject: Inch Cape Offshore Limited – Proposed Variation to Section 36 Consent and Generating Station Marine Licence – Inch Cape Offshore Windfarm (Revised Design), Firth of Forth – Consultation on Request for Screening Opinion – Response Required by 28 July 2
Date: 11 August 2022 19:13:34

Dear Marine Scotland,

Thank you for consulting us on the proposed variation and for allowing us some extra time to consider this proposal.

This Variation is to be considered under Schedule 2 paragraph 2 of the Electricity Works EIA Regulations as:

“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 paragraph 1 of this schedule [Schedule 2] 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.”

The proposal is for a new layout which has the effect of increasing the density of the turbines. This proposal will appear in views from East Lothian in the context of the Forth Islands. These views are obtainable in particular from the coast around North Berwick. Both visitors and residents appreciate these views. We consider these views to be among the best in East Lothian, and therefore are a highly sensitive receptor. The change does not introduce turbines into the view, as this was done by the consented proposal. Nor does it significantly extend the view. However, it does intensify the impact of the proposal as the turbines appear considerably ‘busier’ and with less separation between them. We consider this to be a moderate effect. As a moderate impact on a highly sensitive receptor, we consider the proposal is likely to have significant adverse effects on the environment. In our view therefore the change should be considered through EIA.

If you have any questions about this response please contact J Squires via email at jsquires@eastlothian.gov.uk

Regards,

J Squires
Pp
Keith Dingwall
Planning Service Manager
Development
Communities
East Lothian Council

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>
Sent: 07 July 2022 11:58
Cc: Lauren.Cowan@gov.scot; Stephanie.Sweeting@gov.scot
Subject: Inch Cape Offshore Limited – Proposed Variation to Section 36 Consent and Generating Station Marine Licence – Inch Cape Offshore Windfarm (Revised Design), Firth of Forth – Consultation on Request for Screening Opinion – Response Required by 28 July 2022

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Dear Sir/Madam,

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (“The MW Regulations”)

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (“The EW Regulations”)

COLLECTIVELY, “The EIA Regulations”

CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE MW REGULATIONS AND PART 2, REGULATION 8(5) OF THE EW REGULATIONS

Inch Cape Offshore Limited – Proposed Variation to Section 36 Consent and Generating Station Marine Licence – Inch Cape Offshore Windfarm (Revised Design), Firth of Forth

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The documents can be found here:

[Inch Cape Offshore Windfarm \(Revised Design\), Firth of Forth – Proposed Variation – Screening Request and Report | Marine Scotland Information](#)

In accordance with regulation 10(6) of the MW Regulations and regulation 8(6) of the EW Regulations, please ensure you provide your view to MS.MarineRenewables@gov.scot no later than **28 July 2022**.

Kind regards,

Lauren

Lauren Cowan
Casework Officer - Consenting

(she/her)

Marine Scotland - Marine Planning & Policy
Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB
Website: <http://www.gov.scot/Topics/marine/Licensing/marine>

COVID-19: Marine Scotland - Licensing Operations Team(MS-LOT) is working from home and as a result determination of applications may take longer than our stated timelines. In addition MS-LOT is unable to respond to phone enquiries, please communicate with MS- LOT via email. Email addresses are MS.MarineRenewables@gov.scot for marine renewables correspondence or MS.MarineLicensing@gov.scot for all licensing queries.

Fife Council

From: [Martin MCGroarty](#)
To: [MS Marine Renewables](#)
Cc: [Cowan L \(Lauren\)](#); [Sweeting S \(Stephanie\)](#); [Sweeting S \(Stephanie\)](#)
Subject: 22/02274/CON - Inch Cape Offshore Limited – Proposed Variation to Section 36 Consent and Generating Station Marine Licence – Inch Cape Offshore Windfarm (Revised Design), Firth of Forth – Consultation on Request for Screening Opinion
Date: 20 July 2022 08:57:20

FAO Lauren Cowan

Lauren,

Having examined the details of the proposed variation to the Inchcape OWF, I can confirm that Fife Council has no comment to make on the matter.

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
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Fife Council

HES



By email: 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

Our case ID: 300020430

28 July 2022

Dear Marine Scotland

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Inch Cape Offshore Limited
Proposed Variation to Section 36 Consent and Generating Station Marine Licence
Inch Cape Offshore Windfarm (Revised Design), Firth of Forth
EIA Screening

Thank you for your consultation which we received on 07 July 2022 seeking our comments on an Environmental Impact Assessment (EIA) screening opinion for the above proposed development.

Our view on whether or not this development requires EIA is based solely on whether or not there will be significant effects on our historic environment interests. Our interests cover World Heritage Sites, scheduled monuments and their setting, category A-listed buildings and their setting, inventory gardens and designed landscapes, inventory battlefields and marine archaeology.

The relevant local authority archaeological and conservation advisors will also be able to offer advice for their interests. This may include unscheduled archaeology, category B- and C-listed buildings and conservation areas.

Our Screening opinion

We are content to agree with the scoping report that the changes to the design of the scheme will not have significant effects on our interests. We note that there will be no change to impacts on marine archaeology from the previous scheme. The only potential for increased impacts would be on the setting of terrestrial heritage assets.

The change in impacts on the setting of heritage assets would result from alterations to the scheme design, including reduction in turbine tip height from 291m to 274m, increase in turbine numbers from 40 to 72 turbines and an additional offshore substation platform.



We consider that of these changes, the only one which would have the potential to materially alter setting impacts for our interests is the change in turbine numbers and layout.

As the screening report states, the 2018 EIA Report assessed impacts based on a worst case scenario, with the highest number of turbines and the greatest height to tip. The currently proposed variation therefore would not increase the impacts as previously assessed for our interests.

We are content that any alteration to layout is not likely to alter the impacts on our terrestrial interests significantly. Paragraph 71 of the screening report notes that impacts on marine archaeology receptors are avoided by embedded mitigation. We therefore have no identified any reason to consider the proposed variation as EIA development for cultural heritage reasons within our remit.

We hope this is helpful. 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.

Yours faithfully

Historic Environment Scotland

NatureScot

From: [Caitlin Cunningham](#)
To: [MS Marine Renewables](#)
Cc: [Sweeting S \(Stephanie\)](#); [Cowan L \(Lauren\)](#)
Subject: RE: Inch Cape Offshore Limited – Proposed Variation to Section 36 Consent and Generating Station Marine Licence – Inch Cape Offshore Windfarm (Revised Design), Firth of Forth – Consultation on Request for Screening Opinion – Response Required by 28 July 2
Date: 29 July 2022 15:23:02

Dear Lauren,

Thank you for the consultation on the EIA Screening of a proposed Section 36 and Marine Licence variation at Inch Cape Offshore Limited (ICOL). Thank you also for the extension to the 1st of August.

We note that ICOL is proposing to vary the 2019 consents to allow for the following changes:

- An increase in WTGs around the border of the Development Area, with the remaining WTGs arranged in a grid in the centre of the Development Area, and a change of the minimum spacing to 1,025m
- Increased hammer energy to 5,500kJ to successfully install the foundations
- Confirmed parameters pertinent to the Preferred Design Scenario, that fall between Scenario A and Scenario B as defined in Marine Licence 06781
- Reduction in the maximum number of OSPs to one, which we assume will not impact the maximum inter-array cable length or scour protection

However, we note that on page 26 (PDF page 31) of the Screening Report (IC02-INT-EC-OFL-001-INC-RPT-002 Rev 2), the final proposed revision of the Section 36 and Marine Licence condition text (highlighted in yellow) is not worded clearly. We advise that this is reviewed and reworded in the application.

Overall we are content with the approaches and findings outlined in the Screening Report and appendices such that we agree that there would be no material change to predicted natural fish and shellfish, marine mammals, ornithology or seascape/landscape impacts from the proposed variation.

Therefore NatureScot consider that the proposed variation would not require a full EIA to support the variation application. Please see below for further advice specific to marine mammals, ornithology and SLVIA, that we hope will assist Inch Cape with their forthcoming variation application.

Marine mammals advice

-
 We have reviewed the Screening Report and note that the percentage of the reference population impacted, as based on the updated modelling, is still considered to be not significant under EIA legislation. However, it would have been helpful to have the numbers of individuals and percentages of reference populations detailed in this report to enable comparison. We advise that this evidence is included in the variation application as it will also assist with consideration for subsequent EPS licences.

-
Ornithological advice

We have reviewed the CRM approach outlined in the Screening Report and Appendix A and note that this assessment was run as a like for like with the previous CRM for ICOL (with updated turbine parameters). We made comparisons with current NatureScot and SNCB advice and note a couple of discrepancies highlighted below, which we recommend are updated for the variation application.

	Species	Band Model Option	Avoidance Rate	Nocturnal Activity Score	Bird Length	Wingspan	Flight speed	Flight type
ICOL	Gannet	2	98.90%	1 (=0%)	0.94	1.73	14.9	Flapping
NatureScot		2	0.989	1.32**	0.94 (±)	1.72	14.9	Gliding

advice			(±0.002 SD)		0.325 SD)	(±0.0375 SD)		
ICOL	Kittiwake	2	98.90%	2 (=25%)	0.39	1.08	13.1	Flapping
NatureScot advice		2	0.989 (±0.002 SD)	2 (25%) and 3 (50%)	0.39 (±0.005 SD)	1.08 (±0.04 SD)	13.1 (±0.40 SD)	Flapping
ICOL	Herring Gull	2	99.50%	2 (=25%)	0.6	1.44	12.8	Flapping
NatureScot advice		2	0.995 (±0.001 SD)	2 (25%) and 3 (50%)	0.6	1.44 (±0.03 SD)	12.8 (±1.8 SD)	Flapping
** Deterministic model								

As highlighted above, we recommend that variability is incorporated for all collision risk modelling. This can be implemented using the sCRM for Seabirds in Flight tool developed by McGregor et al. (2018) – for the nocturnal activity scores this should be run once with each value.

We also recommend that mean collision estimates and associated 95% confidence limits should be presented in tabular form, as generated by the sCRM tool.

We note the use of Option 2 of the basic Band model, which we recommend is always presented, with other options also presented as/if appropriate.

SLVIA advice

We have reviewed Appendices C-E and note the comparisons to the 2018 EIA, which was carried out for 40 WTGs with a 166m hub height and a 291m tip height, as this was determined to be the worst-case scenario for SLVIA at the time. The ZTV for the proposed variation is based on 79 turbines with 155.6m hub heights and 273.6m tip heights. We note that whilst the proposed variation is for 72 WTGs, 79 potential WTG locations have been presented in the visualisations because the final layout is still being refined.

We agree with the conclusions of the Screening Report that there will be limited changes to predicted visibility from the proposed variation and that whilst the appearance of the wind farm would change, there would be no change to the likely significant effects to seascape, landscape or visual receptors. Therefore NatureScot agree that there is no requirement to undertake a new SLVIA for the proposed variation. However, we advise that the revised wirelines should also be included in the variation application, to show the significant changes in the appearance of the wind farm and to provide the baseline for consideration against the Design Statement, that is a requirement of the original consent, to provide visualisations to indicate the as built windfarm.

We hope you find this advice useful.

Best Wishes,

Caitlin

Caitlin Cunningham (She/Her) | **Marine Sustainability Adviser** | **Sustainable Coasts & Seas**

NatureScot | Homeworker | t: [Redacted]

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

Scottish Borders Council

From: [Miller, Craig](#)
To: [MS Marine Renewables](#)
Cc: [Shearer, Scott](#); [Sweeting S \(Stephanie\)](#); [Cowan L \(Lauren\)](#)
Subject: [OFFICIAL] RE: Inch Cape Offshore Limited – Proposed Variation to Section 36 Consent and Generating Station Marine Licence – Inch Cape Offshore Windfarm (Revised Design), Firth of Forth – Consultation on Request for Screening Opinion – Response Require...
Date: 29 July 2022 10:03:33
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)

Dear Madam

Thank you for consulting Scottish Borders Council but we have no comments to offer on the Screening request as we feel that any areas of interest to this Council would be adequately covered by other bodies and agencies, given the distance of the wind farm from our Council boundary,

Regards

Craig Miller
Principal Planning Officer
Planning Housing and Related Services
Scottish Borders Council
Tel: 01835 825029
E-mail : cmiller@scotborders.gov.uk

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From: Planning & Regulatory Services <prs@scotborders.gov.uk>
Sent: 29 July 2022 09:02
To: Miller, Craig <CMiller@scotborders.gov.uk>; Shearer, Scott <SShearer@scotborders.gov.uk>
Subject: FW: Inch Cape Offshore Limited – Proposed Variation to Section 36 Consent and Generating Station Marine Licence – Inch Cape Offshore Windfarm (Revised Design), Firth of Forth – Consultation on Request for Screening Opinion – Response Required by 28 July 2

From: MS.MarineRenewables@gov.scot <MS.MarineRenewables@gov.scot>
Sent: 29 July 2022 08:25
To: Planning & Regulatory Services <prs@scotborders.gov.uk>
Cc: Stephanie.Sweeting@gov.scot; Lauren.Cowan@gov.scot
Subject: RE: Inch Cape Offshore Limited – Proposed Variation to Section 36 Consent and Generating Station Marine Licence – Inch Cape Offshore Windfarm (Revised Design), Firth of Forth – Consultation on Request for Screening Opinion – Response Required by 28 July 2

CAUTION: External Email

Dear Sir/Madam,

I am writing regarding the below consultation which was due to end yesterday **28 July**. MS-LOT has not yet received a response from you.

Please could you acknowledge receipt of this email and provide a date by which you will be able to respond to the consultation? MS-LOT has granted other consultees an extension to **11 August 2022**, so it would be helpful if you were able to align with this.

Kind regards,

Lauren

Lauren Cowan
Casework Officer - Consenting

(she/her)

Marine Scotland - Marine Planning & Policy
Scottish Government | Marine Scotland | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU
Website: <http://www.gov.scot/Topics/marine/licensing/marine>

COVID-19: Marine Scotland - Licensing Operations Team(MS-LOT) is working from home and as a result determination of applications may take longer than our stated timelines. In addition MS-LOT is unable to respond to phone enquiries, please communicate with MS- LOT via email. Email

SEPA

From: [Planning South East](#)
To: [MS Marine Renewables](#)
Cc: [Cowan L \(Lauren\)](#); [Sweeting S \(Stephanie\)](#)
Subject: RE: Inch Cape Offshore Limited – Proposed Variation to Section 36 Consent and Generating Station Marine Licence – Inch Cape Offshore Windfarm (Revised Design), Firth of Forth – Consultation on Request for Screening Opinion – Response Required by 28 July 2
Date: 07 July 2022 12:39:07

OFFICIAL

To whom it may concern

Thank you for your consultation email.

SEPA does not consider that EIA is required, in relation to our interests.

It therefore appears that this application falls under our standing advice. Please therefore refer to the advice provided in our document “[SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations](#)”

Should you have concerns regarding this development, which are not covered by our standing advice, we would be happy to be re-consulted. However, please provide details of the specific issues upon which you would like our comment.

Yours faithfully

Jess Taylor

Planning Officer

Planning Service

SEPA Stirling Office, Strathallan House, Castle Business Park, Stirling FK9 4TZ

email: planningsoutheast@sepa.org.uk

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Mura h-ann dhuibhse a tha am post-d seo, feuch gun inns sibh dhuinn sa bhad le bhith cur post-d gu postmaster@sepa.org.uk.

Oifis chlàraichte: Taigh Srath Alain, Pàirc Gnothachais a' Chaisteil, Sruighlea FK9 4TZ. Fo Achd