

Redacted

From: Redacted
Sent: 14 November 2017 16:32
To: MS Marine Renewables
Subject: Inch Cape Offshore Limited - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

I can confirm a nil return from Angus Council in relation to the request that Scottish Ministers extend the period for the Commencement of the Development from five to seven years from the date the Inch Cape Offshore Limited Section 36 Consent was granted.

Regards,

Redacted Service Manager - Planning
Place Directorate, Angus Council, County Buildings, Market Street, FORFAR, DD8 3LG
Tel Redacted Mobile: [REDACTED] Email Redacted

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Redacted

From: Redacted
Sent: 13 October 2017 14:12
To: Redacted
Cc:
Subject: Re: Inch Cape Offshore Limited - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

Dear Redacted

I refer to your e-mail of 13th October, 2017, regarding the above and confirm that the request to extend the date of implementation raises no new planning issues for Dundee.

Regards
Redacted
d
Redacted

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

Phone: Redacted
Email Redacted
Web Page: <http://www.dundee.gov.uk>



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

Redacted
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 Redacted

ELECTRICITY ACT 1989

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

Inch Cape Offshore 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 Inch Cape Offshore Limited ("ICOL") that Scottish Ministers extend the period of the 'Commencement of the Development' (Condition 2 of the Section 36 Consent), from five (5) years to seven (7) years from the date the consent was granted. I note that you do not invite comments on the Section 36 consent. I also note that neither you nor ICOL state whether or not you consider that the Environment Statement prepared in support of the original Section 36 application remains valid 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 as previously expressed 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. Assessment of the onshore transmission works now subject to Scoping by East Lothian Council has not been included in the ES. At the time of the original ES the site for the onshore transmission works was not known. However EIA was subsequently separately carried out on the site previously proposed (subject to planning reference 14/00456/PPM), and contained a link to the offshore EIA. This planning consent has now lapsed. No application has yet been made for the onshore site now proposed.

(2) *Landscape and visual assessment.*

Methodology for visualisation of windfarms has been revised since submission of the original ES and additional information submitted with the Variation with the production of SNH's "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. The original ES did not contain viewpoints which the Council considered could have usefully been included, as set out in our response to the consultation on the previous proposal and the Committee Report attached to that. The viewpoint in East Lothian included in the original ES was among those agreed with FTOWDG for cumulative assessment rather than for Inch Cape offshore windfarm in particular.

(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 Inchcape (such as the revised Neart Na Gaoithe offshore windfarm and Forthwind) that may also apply 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 might be seen as being inconsistent with other proposals.

(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 [Redacted] on [Redacted] or via email to policy&projects@eastlothian.gov.uk.

Regards,

Redacted

Pp

Redacted

Service Manager, Planning

East Lothian Council

Redacted

From: Redacted
Sent: 08 November 2017 17:03
To: Redacted
Subject: Priority App - 17/03392/CON - Inch Cape Offshore Limited - Section 36 Condition 2

Dear Redacted

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

Kind regards,
Redacted

Redacted
Lead Professional (Minerals)
Development Management
Economy, Planning & Employability Services
Fife Council
Kingdom House
Kingdom Avenue
GLENROTHES
Fife
KY7 5LY

Redacted
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Fife Council



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EACHDRAIDHEIL
ALBA

By email to:
MS.MarineRenewables@gov.scot

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

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

Redacted
Redacted

Our ref: AMN/16/TA
Our case ID: 300020430

09 November 2017

Dear Redacted ,

[The Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#)
[Inch Cape Offshore Windfarm](#)
[Variation of Section 36 Consent Conditions - Commencement of the Development](#)

Thank you for your consultation which we received on 19 October 2017. This relates to the recent request from Inch Cape Offshore Limited for the extension of the period of the 'Commencement of the Development' for the Inch Cape Wind Farm to seven 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 Inch Cape Offshore Limited (27 August 2017). In this instance, we do not consider that an extension of the period for the 'Commencement of the Development' to seven years will give rise to additional impacts on our historic environment interests further to those identified in the Environmental Statement for the development. We are therefore content for the extension of the Commencement Period and have no further comments to make.



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Redacted and they can be contacted by phone on [Redacted] or by email on Redacted

Yours sincerely,

Historic Environment Scotland

Redacted

From: Redacted
Sent: 18 October 2017 09:15
To: MS Marine Renewables
Cc: Redacted
Subject: FW: Inch Cape Offshore Limited - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation
Attachments: Inch Cape - 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

Redacted

Redacted
Lead Planning Officer
Development Management
Regulatory Services
Scottish Borders Council

tel Redacted mobile - [REDACTED]
email -Redacted



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From: Redacted
Sent: 13 October 2017 12:59
Redacted

Subject: Inch Cape Offshore Limited - 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)

Inch Cape Offshore Limited

Our Ref: PCS/155585
Your Ref: Inch Cape

If telephoning ask for:
[Redacted]

09 November 2017

Redacted
Marinescotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

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

Dear Redacted

**The Electricity Act 1989
The Electricity Works (Environmental Impact Assessment) (Scotland)
Regulations 2017
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations
2017
Planning application: Inch Cape
Section 36 Condition 2 (Commencement of the Development) Extension Request
Inch Cape**

Thank you for your consultation email which SEPA received on 16 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 Inchcape 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....

- 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 Redacted or e-mail at planning.se@sepa.org.uk.

Yours sincerely

Redacted
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](#).

Redacted

From: Redacted
Sent: 10 November 2017 18:00
To: Redacted
Cc: MS Marine Renewables; MARINEENERGY; Catriona Gall
Subject: RE: Inch Cape Offshore Limited - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

Dear Redacted

Please be advised SNH have no comments to make on this consultation.

Redacted

Redacted
Senior Casework Manager – Offshore Renewables

Redacted

Battleby, Redgorton, Perth, PH1 3EW

Please note the email address for all marine energy correspondence is marineenergy@snh.gov.uk

From: Redacted
Sent: 13 October 2017 12:59
Redacted

Subject: Inch Cape Offshore Limited - 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)

Inch Cape Offshore 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 Inch Cape Offshore Limited, ("ICOL"), who were awarded a section 36 Consent on 10th 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 seven (7) years from the date the consent was granted.

MS-LOT, on behalf of the Scottish Ministers, would like to invite comments on the request from Angus Council, Dundee City Council, East Lothian Council, Fife Council, Scottish Borders Council, Scottish Natural Heritage and the Scottish Environment Protection Agency.

Please note that we do not seek comments on the section 36 Consents.