

Our Ref: APP/2020/0234

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

31 March 2020

Dear Sir/Madam

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 response to your consultation on the above development dated 5 February 2020. After reviewing the submission, I can confirm that Aberdeenshire Council hold **NO OBJECTION**.

An assessment of the proposed variation against the Aberdeenshire Local Development Plan 2017 has been undertaken and is detailed within the appended Report of Handling (**Appendix 1**).

Previously, the primary concerns of Aberdeenshire Council related to the potential impact upon Built Heritage, Landscape and Visual Impact and Ornithology. Aberdeenshire Council considered that the impacts of the original development in relation to Built Heritage and Landscape and Visual Impact would be acceptable when considered against the relevant policies of the Aberdeenshire Local Development Plan 2017 (Policies HE1, HE2 and E2 respectively). It is considered that given the nature of the proposal, it is likely that there would be no additional impact in relation to Built Heritage and Landscape and Visual Impact and therefore the development would continue to comply with the relevant Policies of the Aberdeenshire Local Development Plan.

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 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 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

Appendix 1: APP/2020/0234 Report of Handling

1. Description of proposal

Aberdeenshire Council have been consulted by the Scottish Government in relation to an application which seeks to vary the stated maximum generation capacity of Section 36 Consent for Inch Cape Offshore Windfarm (ICOW), off the Angus Coastline. ICOW does not fall within or make landfall within Aberdeenshire, however may be visible from parts of the Local Authority Area. The proposed amendment to the generation capacity would see the maximum output increased from 700MW to 1000MW, with the design parameters remaining as originally consented. The original design envelope consists of up to 72 turbines of up to 291m (blade tip height) approximately 23km south east of Aberdeenshire.

Aberdeenshire Council is not the decision-making authority in respect of this application, but rather serves the role of a consultee. The comments of Aberdeenshire Council therefore relate to any impacts within the Local Authority Area.

2. Relevant Planning History

048/OW/RRP – 10: Section 36 Consent - Construction and Operation of Offshore Windfarm and Transmission Works - Inch Cape Offshore Windfarm (Revised Design), Firth of Forth, Approved June 2019

3. Supporting Information

Offshore Consents Variation Application Report, Inch Cape Offshore Ltd, 27 January 2020.

4. Variations & Amendments

None.

5. Representations

Representations cannot be made to Aberdeenshire Council in respect of this proposal, as Aberdeenshire Council is not the determining authority.

6. Consultations

No consultations undertaken.

7. Relevant Policies

Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

• to set the land use framework for promoting sustainable economic development;

- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

From the 29 March 2019, the Strategic Development Plan 2014 went beyond its fiveyear review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeenshire Local Development Plan 2017

Policy E1: Natural Heritage

Policy E2: Landscape

Policy HE1: Protecting Historic Buildings, Sites and Monuments

Policy HE2: Protecting Historic and Cultural Areas

8. Other Material Considerations

The Electricity Act 1989 (as amended)

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

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

9. Implications and Risk

There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

10. Directions by Scottish Ministers

None

11. Discussion

Aberdeenshire Council have been consulted by the Scottish Government in relation to an application which seeks to vary the stated maximum generation capacity of Section 36 Consent for Inch Cape Offshore Windfarm (ICOW), off the Angus Coastline as detailed in section 1 of this report. The consideration and assessment of this proposal shall be limited to the variation, and any impacts arising from said variation as all other matters were previously considered during the original consenting process.

The proposed variation seeks to amend the operating capacity as mentioned in the title of the S36 consent, without varying the physical parameters of the development (height, number of or location of turbines). It is therefore considered that the proposal is unlikely to give rise to any additional impacts which were not previously considered.

Previously, the primary concerns of Aberdeenshire Council related to the potential impact upon Built Heritage, Landscape and Visual Impact and Ornithology. Aberdeenshire Council considered that the impacts of the original development in relation to Built Heritage and Landscape and Visual Impact would be acceptable when considered against the relevant policies of the Aberdeenshire Local Development Plan 2017 (Policies HE1, HE2 and E2 respectively). It is considered that given the nature of the proposal, it is likely that there would be no additional impact in relation to Built Heritage and Landscape and Visual Impact and therefore the development would continue to comply with the relevant Policies of the Aberdeenshire Local Development Plan.

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 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 amendment.

Agnisola G (Giulia)

From: Agnisola G (Giulia)
Sent: 14 April 2020 10:03
To: Agnisola G (Giulia)

Subject: FW: Inch Cape Section 36 Variation Application

From: KellyR < KellyR@angus.gov.uk>

Sent: 31 March 2020 15:26

To: MS Marine Renewables < MS. Marine Renewables@gov.scot>

Cc: Ben King <Ben.king@redrockpower.co.uk>

Subject: RE: Inch Cape Section 36 Variation Application

Dear Sir/Madam,

Having considered the consultation I can advise that my Council has no comments to make on this matter.

Kind regards,

Ruari

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



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From: andy.mulholland@dundeecity.gov.uk

Sent:01 April 2020 15:50To:MS Marine RenewablesCc:Papanastasouli N (Nikoleta)

Subject: Re: FW: Consultation - Application to Vary Section 36 Consent - Inch Cape

Offshore Limited - Due by 12 April 2020

Dear Sir/Madam/Nikoleta

Thank you for the opportunity to comment on the above. Please note that I have no comments to make.

Regards Andrew

Andrew Mulholland Planning Officer

Planning Team
City Development Department
Dundee City Council
50 North Lindsay Street
DUNDEE
DD1 1LS

Phone: 01382 433612

Email: andy.mulholland@dundeecity.gov.uk
Web Page: http://www.dundeecity.gov.uk

-----< <u>Nikoleta.Papanastasouli@gov.scot</u>> wrote: ----To: < <u>development.management@dundeecity.gov.uk</u>>

From: < Nikoleta.Papanastasouli@gov.scot >

Date: 01/04/2020 03:28PM

Cc: <andy.mulholland@dundeecity.gov.uk>, <Giulia.Agnisola@gov.scot>

Subject: FW: Consultation - Application to Vary Section 36 Consent - Inch Cape Offshore Limited - Due

by 12 April 2020

Dear Sir/Madam,

Following my email below, this is a reminder that the consultation period for the consultation below ends on **12 April 2020.**

Should you have any queries, or would like further information please do not hesitate to contact MS-LOT.

Yours faithfully,

Nikoleta

Nikoleta Papanastasouli Marine Licensing Casework Officer – Marine Renewables

COVID-19: Marine Scotland - Licensing Operations Team (LOT) is working from home and unable to respond to phone enquiries. Please communicate with LOT via email. Email addresses are MS.MarineRenewables@gov.scot for marine renewables correspondence or MS.MarineLicensing@gov.scot for all licensing queries

Marine Scotland- Licensing Operations Team

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

Email: <a href="mailto:nikoleta.papanastasouli@gov.scot/ms.marinerenewables@gov.scot/ms.marinerenewable



From: MS Marine Renewables **Sent:** 05 February 2020 14:57

Cc: Agnisola G (Giulia) < Giulia. Agnisola@gov.scot >

Subject: Consultation - Application to Vary Section 36 Consent - Inch Cape Offshore Limited - Due by

12 April 2020

Dear Sir/Madam,

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).

On 30 January 2020, Inch Cape Offshore Limited (Company Number: No SC373173 ("the Applicant")) submitted an application to the Scottish Ministers, in accordance with the above legislation, for a variation to the existing section 36 consent ("s.36 consent") for the Inch Cape Offshore Wind Farm. The variation request is to increase the generating capacity from "around 700MW" to "up to 1000MW" without changing any physical parameters included in the current s.36 consent granted 17 June 2019 and that were assessed within the Environmental Impact Assessment Report and the Appropriate Assessment.

The variation application documentation can be downloaded from: http://marine.gov.scot/ml/section-36-consent-variation-construction-and-operation-offshore-windfarm-and-transmission-works

If you wish to submit any representations in response to the consultation regarding the above variation application, please ensure they are submitted to the Scottish Ministers, in writing, no later than **12 April 2020** and should be sent by email using the email address: MS.MarineRenewables@gov.scot.

If you have not responded by this date, the Marine Scotland Licensing Operations Team ("MS-LOT") will assume a 'nil return'.

MS-LOT will make your representations publicly available. Personal information (such as names, signatures, home and email addresses) will be redacted before the representations are made public. If you have any queries or concerns about how your personal data will be handled, please visit the MS-LOT website or contact MS-LOT at MS.MarineRenewables@gov.scot. Alternatively, please write to: Marine Scotland Licensing Operations Team, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB.

If you have any queries please do not hesitate to contact MS-LOT.

Yours faithfully,

Nikoleta Papanastasouli Marine Licensing Casework Officer – Marine Renewables

Marine Scotland- Licensing Operations Team

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

Direct Line: +44 (0)1312443886

Email: nikoleta.papanastasouli@gov.scot / ms.marinerenewables@gov.scot

Website: http://marine.gov.scot/marine-projects



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From: Squires, Jean <jsquires@eastlothian.gov.uk>

Sent: 16 March 2020 13:13 **To:** MS Marine Renewables

Subject: RE: Consultation - Application to Vary Section 36 Consent - Inch Cape Offshore

Limited - Due by 12 April 2020

Attachments: FW: Variation Request - Inch Cape Offshore Wind Farm - query from East Lothian

Council

Nikoleta,

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

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I refer to your consultation on the Variation application below.

East Lothian Council requested further information from the applicant regarding whether or not the increase in capacity would require any further onshore works, as advised by Marine Scotland. The applicant replied that it would not (see item attached). On this basis, the Council does not object to the proposed variation and welcomes the increase in renewable generation capacity.

If you have any queries about our response, please contact in the first instance Jean Squires on 01620 827370 or via email to jsquires@eastlothian.gov.uk

Regards,

Pp Keith Dingwall

Planning Servicer Manager Development East Lothian Council John Muir House HADDINGTON

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

Sent: 05 February 2020 14:57 **Cc:** Giulia.Agnisola@gov.scot

Subject: Consultation - Application to Vary Section 36 Consent - Inch Cape Offshore Limited - Due by 12 April 2020

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Dear Sir/Madam,

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

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If you have any queries please do not hesitate to contact MS-LOT.

Yours faithfully,

Nikoleta Papanastasouli Marine Licensing Casework Officer – Marine Renewables

Marine Scotland – Licensing Operations Team

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

Direct Line: +44 (0)1312443886

Email: nikoleta.papanastasouli@gov.scot / ms.marinerenewables@gov.scot

Website: http://marine.gov.scot/marine-projects











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From: Martin Mcgroarty <Martin.McGroarty@fife.gov.uk>

Sent: 13 March 2020 12:36
To: MS Marine Renewables

Subject: 20/00297/CON - Marine Scotland Consultation – Inch Cape Offshore Wind Farm

(Revision)

THE ELECTRICITY ACT 1989 (AS AMENDED)
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND)
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I refer to the above consultation and can indicate that, having consulted with colleagues and local Elected Members, Fife Council has no adverse comment to make on the proposal.

Our local Members are, however, interested to find out more regarding what provision is being made for the capture, and dispersal, of funds for community benefit from this and similar developments off the Fife coast. Perhaps, you would be able to provide me with an update on that so that I can report back to Members accordingly.

Kind regards,

Martin

Martin McGroarty

Lead Professional (Minerals)
Development Management
Economy, Planning & Employability Services
Fife Council
Fife House

North Street

GLENROTHES

Fife

KY7 5LT

03451 55 11 22

<u>development.central@fife.gov.uk</u> <u>www.fifedirect.org.uk/planning</u>

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Fife Council

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Miller, Craig < CMiller@scotborders.gov.uk> From:

Sent: 11 February 2020 16:10 To: MS Marine Renewables

Subject: FW: Consultation - Application to Vary Section 36 Consent - Inch Cape Offshore

Limited - Due by 12 April 2020

Hello

Thank you for consulting Scottish Borders Council on this variation request. We have studied the document and note that there are no changes to turbine dimensions, positions or method of construction.

We have no comments to make on this request,

Regards

Craig Miller Principal Planning Officer Regulatory Services Scottish Borders Council

01835 825029 Tel:

E-mail: cmiller@scotborders.gov.uk

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From: Fotheringham, Barry Sent: 07 February 2020 10:19

To: Miller, Craig < CMiller@scotborders.gov.uk>; Shearer, Scott < SShearer@scotborders.gov.uk>

Subject: FW: Consultation - Application to Vary Section 36 Consent - Inch Cape Offshore Limited - Due by 12 April

2020

Both

FYI

Thanks

Barry

From: Johnston, Charles Sent: 06 February 2020 14:46

To: McDermott, Siobhan <<u>SMcDermott@scotborders.gov.uk</u>>; Fotheringham, Barry <<u>bfotheringham@scotborders.gov.uk</u>>; Tharme, Andy <<u>ATharme@scotborders.gov.uk</u>>

Subject: FW: Consultation - Application to Vary Section 36 Consent - Inch Cape Offshore Limited - Due by 12 April

2020

For info

Thanks

Chic

From: MS.MarineRenewables@gov.scot [mailto:MS.MarineRenewables@gov.scot]

Sent: 05 February 2020 14:57 Cc: Giulia.Agnisola@gov.scot

Subject: Consultation - Application to Vary Section 36 Consent - Inch Cape Offshore Limited - Due by 12 April 2020

Dear Sir/Madam,

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THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT) (SCOTLAND)
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Yours faithfully,

Nikoleta Papanastasouli Marine Licensing Casework Officer – Marine Renewables

Marine Scotland – Licensing Operations Team

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

Direct Line: +44 (0)1312443886

Email: nikoleta.papanastasouli@gov.scot / ms.marinerenewables@gov.scot

Website: http://marine.gov.scot/marine-projects


