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1 Planning and Policy Statement

1.1 Introduction

- 1 This planning and policy statement has been prepared by Savills (UK) Limited on behalf of Inch Cape Offshore Limited (ICOL) to support the applications for an Offshore Wind Farm (the 'Wind Farm') and the Offshore Transmission Works (OfTW) related to the Wind Farm (together 'the Development'). The application is accompanied by an Environmental Impact Assessment (EIA) Report.
- 2 The Applicant is ICOL. Following the sale of Repsol in 2016, ICOL is now a wholly owned subsidiary of Red Rock Power Limited (RRPL), a UK company based in Edinburgh to develop, own and operate clean energy projects owned by SDIC Power Co Ltd of China. ICOL is a company formed for the purpose of developing, financing, constructing, operating and maintaining the Inch Cape Wind Farm.
- 3 Whilst ICOL holds valid consents to develop a wind farm at this location, this application is for a revised project design, that the 2014 consent does not allow. The revised design sees a reduction in turbines from 110 to a maximum of 72 and for turbines up to a height of 291 metres (m) (the consented development allows up to 215 m to tip). The application also sees refinement in the design across a number of areas, such as a reduction in the maximum number of offshore export cables from six to two. These changes aim to minimise predicted environmental impacts whilst ensuring that the project continues to make a significant contribution to renewable energy targets and addressing climate change.
- 4 It should be noted that it is ICOL's intention to construct either the Inch Cape 2014 consented wind farm or, if consented, the Wind Farm that this application relates to, but not both.

1.2 Project history

- 5 In July 2013 ICOL submitted separate applications to Marine Scotland (MS) for consent under Section 36 of the *Electricity Act 1989* and Section 25 of the *Marine (Scotland) Act 2010* for the Offshore Wind Farm and OfTW, (the Inch Cape 2013 Environmental Statement (ES)).
- 6 In October 2014, ICOL was granted consent under Section 36 of the *Electricity Act 1989* and Marine Licenses under the *Marine (Scotland) Act 2010*, for the Offshore Wind Farm and OfTW (the Inch Cape 2014 Consent).
- 7 In January 2015, the Royal Society for the Protection of Birds Scotland (RSPB Scotland) raised a legal challenge to the Outer House of the Court of Session seeking a judicial review of the October 2014 consent decisions for four offshore wind projects in the Forth and Tay, including ICOL's Offshore Wind Farm.
- 8 In July 2016, the Outer House of the Court of Session found in favour of RSPB Scotland and quashed the October 2014 Forth and Tay consent decisions, including the Inch Cape 2014 Consent.

- 9 In August 2016, the Scottish Ministers lodged a reclaiming motion to the Inner House of the Court of Session to appeal the Outer House decision. In May 2017 following the Scottish Ministers' successful reclaiming motion, the decision of the Outer House of the Court of Session to quash the offshore consents was overturned. In November 2017, RSPB Scotland's application to the Supreme Court for permission to appeal the Inner House judgement was refused. As such, ICOL holds legally valid offshore consents for the Inch Cape Offshore Wind Farm and OfTW, and the consents therefore can be implemented.
- 10 While the reclaiming motion for judicial review was in progress, ICOL began the process of preparing a new consent application for the Offshore Wind Farm and OfTW (this application). The reason that ICOL has decided to progress with a new application for the Offshore Wind Farm and OfTW is due to the advances in turbine technology that have taken place since the Offshore Wind Farm was consented in October 2014.
- 11 While all relevant consents for the offshore works are present through the successful reclaiming motion, ICOL are now progressing this new application for the Offshore Wind Farm and OfTW.
- 12 The revised Onshore Transmission Works (OnTW) application was submitted in March 2018 and has been called in by Scottish Ministers for determination as the application raises matters which are potentially of national importance in the context of expectations set out in National Planning Framework 3 (NPF3) for the site of the former Cockenzie power station and the need for an enhanced high voltage energy transmission network. At the time of writing the outcome of this application has not been determined.

1.3 Site description

- 13 The site of the Development comprises the 'Development Area' outlined in red on the Location Plan [Location Plan – Figure 1.1 and also shown on Figure 1.2 of the EIA Report] and the Offshore Export Cable Corridor outlined in black on the same plans. *Chapter 7: Description of the Development* of the EIA Report provides additional detail and lists coordinates for the Development Area in Table 7.1 and for the Offshore Export Cable Corridor in Table 7.2.
- 14 The Development Area will accommodate the Wind Farm, including wind turbine generators (WTGs), inter-array cables and associated ancillary infrastructure. It is anticipated it will consist of up to 72 WTGs which will be secured to the seabed. The Development Area will also accommodate part of the OfTW comprising the offshore substation platforms (OSPs) and the initial sections of Offshore Export Cable. It has an area of approximately 150 square kilometres and is located in the North Sea approximately 15-22 km off the Angus coastline, to the east of the Firth of Tay.
- 15 The Offshore Export Cable Corridor will accommodate most of the Offshore Export Cables which will be required to transmit power from the Wind Farm to the shore. Up to two Offshore Export Cables will exit the Development Area and will be individually buried or protected until Landfall at Cockenzie, East Lothian.

- 16 The Offshore Export Cable Corridor is approximately 1.4 km across at the widest point reducing to about 250 m in shallower areas. The Offshore Export Cable Corridor widens at the coast to incorporate the landfall. This variation in width is required to accommodate adequate separation between cables, allowing safe construction, operation and maintenance.
- 17 Both the Development Area and Offshore Export Cable Corridor lie entirely within Scottish Territorial Waters (STW).

1.4 Description of Proposals (as relevant to the consents required)

- 18 *Chapter 1: Introduction* of the EIA Report gives an overview of the Development and *Chapter 7* of the EIA Report gives a full description of the works relating to the Wind Farm and OfTW. The design of the Wind Farm and OfTW cannot be finalised at this stage. This is primarily due to procurement and supply chain considerations, the requirement for further site investigation and continuing refinement of the design and the timing of investment decisions. In order to accommodate sufficient flexibility, the Development design is expressed at this stage in a set of parameters relating to the discrete components within which the final design will lie. The EIA has therefore been completed using a design envelope which sets broad parameters for the Development and its assumed methods of construction, operation, maintenance and decommissioning. This approach is recognised by the consenting authorities as appropriate for a project of this nature, and has been approved by the courts in the Rochdale cases. The discrete components which make up the design envelope for the Development are described in full in *Chapter 7* of the EIA Report.
- 19 In terms of the Design Envelope, the Wind Farm will comprise:
- Up to 72 WTGs secured to the seabed through jacket, monopile or gravity based foundations, of 3- bladed design and to be laid out in grid or off-set grid pattern, spaced a nominal minimum of 1,278 m apart with a maximum height to blade tip of 291 m above the lowest astronomical tide;
 - inter-array cables to connect the WTGs to the substations. These cables will be laid on the sea bed and be either buried or protected;
 - up to two OSPs which will collect the electricity generated by the WTGs and process for export;
 - metocean buoys; and
 - all foundations, substructures, fixtures, fittings, fixings, scour protections and cable crossings.
- 20 The OfTW will comprise:
- Up to two offshore export cables, each running for a maximum length of 83.3 km;
 - landfall over the intertidal zone as far as the Mean High Water Spring Tide line at a point close to Cockenzie on the East Lothian coast; and

- all trenchings, foundations, substructures, fixtures, fittings, fixings, protections and cable crossings.
- 21 The main construction phase is expected to last for approximately 24 months over a three year period and will require the use of a variety of vessels. Full details of the construction works can only be determined after detailed engineering has been undertaken but will include the following:
- pre-construction surveys and site investigations;
 - installation/construction of foundations and associated site preparation for the WTGs and the OSPs;
 - Installation of substructures for the WTGs and the OSPs;
 - transportation, installation and commissioning of WTGs;
 - installation and commissioning of OSPs;
 - installation of inter-array cables;
 - installation of the Offshore Export Cables including in the intertidal area; and
 - installation of metocean equipment.

1.5 Environmental Context

- 22 The Development lies close to the Firths of Forth and Tay and to the coast of Fife and Angus. The coastline ranges from generally rocky with some sandy bays to extensive intertidal and sub-tidal sandbanks. There are a number of islands, some of importance to protected species (e.g. the Isle of May) and rocky reefs including Inch Cape which accommodates the Bell Rock Lighthouse. While there are no protected zones or designated sites within the Development Area, a number of Special Areas of Conservation (SACs) have been designated in the wider area giving protection to various marine mammals and several species are known to move between the Firths of Forth and Tay.
- 23 The Offshore Export Cable Corridor runs close by the Forth Islands Special Protection Area (SPA) and at landfall on the East Lothian coast it runs through the overlapping Firth of Forth SPA, Ramsar and Site of Special Scientific Interest (SSSI).

1.6 Context of Other Proposals

- 24 There are various other offshore wind farm proposals within the vicinity of the Development. These, together with a range of other offshore and onshore projects have been assessed for cumulative impacts as part of the EIA Report, as described in *Chapter 4: Process and Methodology* and as assessed in the relevant technical chapters of the EIA Report.

1.7 Submission Package

25 The submission package comprises the following:

- Covering letter including applications for consent under the *Electricity Act 1989*;
- Completed and signed Marine Licence application forms for the Wind Farm and supporting information;
- Completed and signed Marine Licence application form for the OfTW and supporting information;
- EIA Report covering both the Wind Farm and the OfTW;
- Habitats Regulations Report (HRA);
- Non-Technical Summary;
- Pre-application Consultation Report as per the form in Section 24 of The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013; and
- Planning and Policy Statement (this document).

2 Statutory Considerations

2.1 Statutory Context

26 The Development Area and the Offshore Export Cable Corridor both lie within STW. However European Directives and both United Kingdom (UK) and Scottish legislation are applicable and must be considered when assessing the Development. Legislation relating to works within the marine environment flows from various European Directives and these are summarised in Table A.1 in *Appendix A*. This table also notes the relationship between international directives/conventions and UK and Scottish legislation.

27 Whilst the Development in its entirety requires work to take place onshore to form the connection to the national electricity transmission system (i.e. the national grid), such development work is subject to a separate application for planning permission under the *Town and Country Planning (Scotland) Act 1997* (as amended). That application, submitted in March 2018, is accompanied by the necessary assessments and information and is subject to separate consideration.

2.2 Consents Being Sought

28 The Development requires the following consents:

29 Marine Licences are issued by The Scottish Ministers, acting through Marine Scotland. Separate licences are being applied for in respect of the Wind Farm and the OfTW to allow for transfer of the OfTW licence to an Offshore Transmission Owner (OfTO):

- a) Marine licence pursuant to Section 20 of the *Marine (Scotland) Act 2010* (the 2010 Act) for the deposit of substances and objects, and the construction, alteration or improvement of the Wind Farm; and
- b) Marine licence pursuant to Section 20 of the *Marine (Scotland) Act 2010* (the 2010 Act) for the deposit of substances and objects, and the construction, alteration or improvement of the OfTW.

30 Consent under Section 36 of the *Electricity Act 1989* to construct and operate a generating station is also sought. This is required for the Wind Farm only, i.e. the WTGs and inter-array cables. A declaration under Section 36A of the *Electricity Act 1989* will also be required to allow WTGs and other structures to interfere with rights of navigation.

31 Under Section 36B of the *Electricity Act 1989* (as outlined in Section 99 of the *Energy Act 2004*) the Scottish Ministers may not grant Section 36 consent where the generating station would interfere with 'recognised sea lanes essential to international navigation'. In deciding whether navigation will be obstructed, the Scottish Ministers must take into account how they intend to exercise their powers in relation to any application for a declaration to extinguish public rights of navigation and any application for a safety zone.

32 European or UK protected species licences will also be sought in order to give full consideration to the potential for disturbance of certain protected species.

- 33 The applicable EIA regulations are the *Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017* and the *Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017*. The applicable HRA regulations are the *Conservation of Habitats and Species Regulations 2017* and the *Conservation (Natural Habitats, &c.) Regulations 1994*. The EIA Report submitted as part of the application has been undertaken in accordance with good industry practice. It incorporates an assessment of the potential effects of the Development on nature conservation sites. These assessments have been included to provide the information for the Competent Authority, Marine Scotland on behalf of Scottish Ministers, to use in undertaking their Appropriate Assessments.

3 Matters Relevant to the Determination - Policy Context

3.1 Marine Policy Context

- 34 The *Marine (Scotland) Act 2010* (MSA) introduced a framework for sustainable management of the seas around Scotland, aiming to ensure environmental protection is balanced with economic growth of marine industries. The *UK Marine Policy Statement* (UKMPS) 2011 is currently the only marine policy document in effect for this area. It sets out general principles and policy objectives for the marine environment and requires that decisions are consistent with obligations under international law.
- 35 The UKMPS establishes a presumption in favour of granting consent for sustainable development but also states that this has to be weighed against the environmental impacts including the extent to which development will impact on the ecosystem and other activities taking place within the marine environment. A proposal for renewable energy generation is undoubtedly a sustainable form of development. The EIA Report has been prepared in order to assess environmental and other impacts and to identify mitigation measures which will address adverse impacts.
- 36 *Scotland's National Marine Plan* (SNMP) was published by the Scottish Government in 2015. A key priority under the heading of offshore wind and marine renewable energy is to "contribute to achieving the decarbonisation target of 50gCO₂/kWh by 2030" (page 78). Another key objective is the sustainable development of offshore wind farms in the most suitable locations. The SNMP advocates adopting a presumption in favour of development while at the same time taking account of various environmental issues such as cultural heritage assets, National Scenic Areas, air quality, the coastal environment, and avoiding harm to marine ecology, biodiversity and geological conservation interests through location, mitigation and consideration of reasonable alternatives.
- 37 The SNMP notes that marine planners and decision makers must act in the way best calculated to mitigate climate change (page 18).
- 38 The MSA allows for the designation of Marine Protected Areas (MPAs) in order to protect biodiversity, geodiversity and contribute to the UK's agreement with international partners to create an ecologically coherent network of well-managed MPAs in the North East Atlantic. The SNMP illustrates the location of various MPAs and protected sites at Map 3 on page 20 of the document. There are no designated MPAs close to the Development Area. The Bell Rock Lighthouse, which is a category A listed building, around 7.9 km from the Development Area is noted on Map 3. *Chapter 13: Cultural Heritage and Marine Archaeology* provides detail in relation to listed buildings and the Wind Farm. The EIA Report has been prepared in order to assess the potential environmental and other impacts which should be considered in making a determination. As the site is not within an area of search for an MPA, this supports the view that the location is not considered sensitive in environmental terms.
- 39 *Scotland's seas – Blue Seas, Green Energy*, published in March 2011, is a sectoral marine plan relating to wind energy developments and so does not have statutory force. It is

however an important material consideration in the determination of the Offshore Wind Farm application. It was developed from a draft plan which was subject to a Strategic Environmental Assessment (SEA) which assessed ten short term options for wind energy development, including Inch Cape. Within the defined 'East' region, Inch Cape and Neart na Gaoithe (NnG) are being progressed but the other short term site identified, Forth Array, has since been withdrawn. This plan established that there was significant potential for developing these short term options. The SEA recommended that for these particular sites further consideration should be given to navigation mitigation, impacts on fishing, resolution of radar issues, completion of HRA (including an assessment of potential effects on the Moray Firth Dolphins), cumulative and in-combination effects and potential impacts on migratory fish. The SEA also identified other marine sectors that could potentially be affected including commercial fisheries, shipping/ports and recreational boating. Inch Cape Development Area is one of six sites (out of ten), within STW, considered acceptable for potential offshore wind farm development.

- 40 *Blue Seas, Green Energy* considered the East region to have significant potential for economic investment and employment. Key issues to be addressed were noted as shipping and navigation, fishing, biodiversity, radar and defence activities and aviation. The EIA Report has addressed all issues raised through the SEA process and assessed the impact of the Development on the environment and its interaction with other activities, including shipping and navigation, fishing and aviation.

3.2 Scotland's National Planning Context

- 41 The *National Planning Framework 3* (NPF3) was published by the Scottish Government in 2014. It provides overarching guidance for the terrestrial plan-led system and is required by statute to contribute to sustainable development. Energy is noted as a key challenge, and there is support to realise the potential of Scotland's renewable energy resources and facilitate the generation of power and heat from all clean, low carbon sources. NPF3 notes that good progress has been made in diversifying Scotland's energy generation capacity and lowering the carbon emissions associated with it, however the document also states that it is important that the country continues to capitalise on its wind resource and for Scotland to be a world leader in offshore renewable energy.
- 42 NPF3 encourages the development of offshore wind electricity generation, tempered by the need to safeguard the environment and communities and specifically refers to the potential for development of offshore wind farms off the Firths of Tay and Forth. Under paragraph 3.14 Cnockzie and the Forth coast is identified within NPF3 as a potentially important energy hub and the significant plans for offshore wind to the east of Cnockzie are also recognised. The Scottish Government recognises significant opportunities for renewable energy-related investment in this area.
- 43 NPF3 also recognises that the marine and coastal environment is a unique asset which helps to define Scotland's character and supports a wide range of economic activities, including fishing, aquaculture, energy production and tourism, hence there is a need to assess the impact of proposals on this range of economic activities and to demonstrate that the site

has been carefully chosen to minimise adverse impacts. In addition, one of the 'National Developments' within NPF3 is the collective 'High Voltage Electricity Transmission Network' which includes upgrading existing or developing new offshore electricity transmission cabling of or exceeding 132 kilovolts with the express purpose of assisting to meet national electricity generation targets, statutory climate change targets and security of energy supplies.

- 44 *Scottish Planning Policy (SPP)*, the most recent version of which was published in 2014, gives general support for renewables, including offshore wind. It constitutes the Scottish Government's policy on nationally important land use planning matters and includes a section on 'Policy Principles', referring to the need for planning policies to guide decision-making to support climate change mitigation and support delivery of infrastructure and energy related development and reduce emissions of the greenhouse gases.
- 45 SPP states that development plans should provide for the development requirements of uses requiring a coastal location. Within the section entitled 'A Low Carbon Place' the significant renewable energy resources of Scotland are recognised. SPP states within this context that the planning system should support the transformational change to a low carbon economy, support the development of a diverse range of renewable technologies and guide development to the most appropriate locations.
- 46 In the section relating to 'Coastal Planning', SPP notes that the terrestrial planning system and the marine planning system are legally and functionally separate but overlap in the inter-tidal area. Planning authorities and Marine Planning Partnerships are asked to work closely together particularly with regard to the inter-tidal area and to the wider coastal zone. Planning authorities should take into account the likely effect of proposals on the marine environment when making decisions on applications and 'Integrated Coastal Zone Management (ICZM)' is a useful strategic management tool.
- 47 At national level there is clear support in principle for the development of offshore wind electricity generation. These policy documents recognise the suitability of sites on the east coast, and particularly to the east of the Firth of Tay, for development. Specifically, NPF3 recognises at paragraph 3.41 the significant plans for offshore wind to the east of the Firths of Forth and Tay, as well as the potential for renewable energy investment at Cockenzie. Whilst these documents require a balance to be struck in relation to minimising the environmental impacts of energy infrastructure developments on one hand and maximising the associated benefits to climate change mitigation and transition to a low carbon economy on the other hand, there is strong support in principle for offshore wind farm development in Scotland.

3.3 Statutory Development Plans Relating to Coastal Areas

- 48 The approved and adopted Development Plans are not statutory documents for the purposes of determining applications for S.36 consent and Marine Licences. However, they will be essential documents to guide the determination of the planning application for the onshore works (including the inter-tidal area where marine and terrestrial regimes overlap) and they also constitute material or relevant considerations for offshore consenting. The implications

of the proposals for the onshore areas relate largely to landscape and visual effects, wildlife and protected species, socio-economics and, temporarily, construction traffic. The most relevant Development Plans are those relating to East Lothian and Angus Councils because they possess the nearest directly affected shorelines. However, Development Plans for Aberdeenshire, Dundee and Fife are also relevant with regard to the potential impact on coastal landscapes and views out to sea, any adverse effects on wildlife and protected species, and socio-economic impacts and potential benefits. The relevant plans and their policies are listed in *Appendix B*. Without exception, these Development Plans give general support to the development of renewable energy and protect coastal environments in the following ways.

- 49 The coast around Arbroath is the closest onshore area to the Wind Farm and is expected to experience some landscape and visual impacts as well as socio-economic impacts. This area is covered by:
- TAYplan Strategic Development Plan 2012-2032 (TAYplan) (Approved June 2012); and
 - Angus Local Development Plan (adopted 2016)
- 50 The objectives of the TAYplan support the switch to a low carbon and zero waste economy by providing for appropriate infrastructure and improvements and also seek to protect and enhance the quality of built and water environments, landscape, biodiversity and natural resources. TAYplan seeks a strengthening of the economic base in order to support the renewable energy and low carbon technology sectors, and recognises the importance of growth in the off-shore renewable energy sector through the protection of the region's ports for port-related uses, particularly at Dundee and Montrose. Coastal management is another issue highlighted. *Policy 3 – Managing TAYplan's assets* – makes reference to the undeveloped coastline in Angus; *Policy 6 – Energy and Waste/Resource Management Infrastructure* – sets out considerations for development proposals, such as assessing the anticipated effects of construction and operation on air quality, emissions, noise etc. and the sensitivity of the landscape with reference to landscape character, biodiversity and habitats.
- 51 The *Angus Local Development Plan* (Angus LDP) contains *policy PV 9* relating to the assessment of renewable energy development including criteria relating to location, siting and appearance of apparatus and infrastructure, environmental impacts, including landscape and cumulative issues. The Angus LDP states that the Council aims to promote and facilitate a range of sustainable energy developments and recognises that opportunities exist across Angus to generate energy from renewable and low carbon sources.
- 52 Angus Council also has *Renewable and Low Carbon Energy Development Supplementary Guidance* (Angus Supplementary Guidance), which was published in June 2017 and forms part of the statutory development plan, meaning that it has the same weight as the Angus LDP document in relation to decision making. The Angus SG states at page 13 that the integration of marine and terrestrial planning should result in better assessment of offshore renewable energy proposals and their potential impacts on the coastal environment and economy. The document goes on to comment that development proposals must recognise the need to

maintain the high quality of the coastal environment. The Angus Shoreline Management Plan will inform the assessment of applications.

- 53 The Angus LDP also includes policies which seek to protect natural heritage and biodiversity as well as to protect landscape character. *Policy PV 16 Coastal Planning*, acknowledges that where a development clearly demonstrates that it requires a coastal location, this should be favourably considered but that designated marine heritage sites should be protected.
- 54 The Wind Farm will also be visible from the coast in Aberdeenshire. *Aberdeen City and Shire Strategic Development Plan* (approved 2014) seeks an increasing supply of energy from a balanced mix of renewable sources and aims to be a city region which takes the lead in reducing the amount of carbon dioxide released into the air. However, the *Aberdeenshire Local Development Plan* (adopted 2017) is protective of landscape and of the coastal zone but *Policy C2 Renewable Energy* states that Council's support of wind farm development in appropriate locations whilst avoiding unacceptable environmental impacts.
- 55 The Wind Farm will also be visible from Fife, and development plan policies are again protective of undeveloped coast and certain landscapes. The *Fife Local Development Plan* (adopted 2017) contains *Policy 12 Flooding and Water Environment* and refers to the Council's *Shoreline Management Plan*, which contains further guidance on planning and environmental considerations.
- 56 The East Lothian Coast will be directly affected by the landfall of transmission cables, however there will only be views of the Wind Farm from East Lothian in conditions of good visibility because the East Lothian Coast is located at a considerable distance (48.7km) from the Development Area. The Strategic Development Plan for Edinburgh and South East Scotland 2013 (SESplan) recognises the importance of the Firth of Forth's coastline to the economic, social and environmental wellbeing of Lothian.
- 57 The *SESplan Proposed Plan* (i.e. not yet approved) recognises the importance of renewables in terms of energy generation and economic development. It leaves detailed policy development to Local Development Plans, indicating in *Policy 10* that Local Development Plans (LDPs) should set a framework for the encouragement of renewable energy proposals, taking into account relevant economic, social, environmental and transport considerations.
- 58 The current adopted *East Lothian Local Plan 2008* (the local plan) states that "The Council is supportive of Government policy to secure greater energy generation from renewable sources". *Policy NRG3 Wind Turbines* contains a number of criteria to be used in decision making for wind turbine proposals including for landscape and visual impact, noise and shadow flicker. The local plan identifies the need to protect valued landscape features such as the undeveloped coast, and an Area of Great Landscape Value to the east of Seton Sands. Policies also seek to protect natural heritage, internationally protected areas and Sites of Special Scientific Interest. *Policy NRG1 - Electricity Generating Stations* safeguards Cockenzie Power Station and associated land for use as or in association with a power generating station.

- 59 The *East Lothian Local Development Plan* (ELLDP) is currently in its final stages prior to formal adoption, until this process is complete however, the 2008 local plan remains East Lothian Council's adopted policy. In May 2018, at a Special Meeting, East Lothian Council agreed to adopt the ELLDP. Having made this resolution, the ELLDP is now with Scottish Ministers for review prior to formal adoption. Many of the policies contained in the ELLDP have a very similar content and basis as those described above. Although of more relevance to the current planning application for the OnTW, the ELLDP has been amended via the Reporter's post-examination report to recognise the continued importance of the former Cockenzie power station site and surrounding land for energy purposes. The ELLDP will support opportunities for renewable energy related investment at Cockenzie. This policy foundation has clear implications in supporting both this application for the Offshore Wind Farm and OfTW as well as the OnTW application.
- 60 All the relevant development plans provide support in principle for developing renewable energy generation undertakings. Strategic development plans recognise the potential role that such developments can play in the local and regional economies. This support is tempered by the need to protect landscapes and wildlife habitats which can only be determined in relation to the detail of emerging proposals and the findings of the EIA.

3.4 Other Current Policies (Energy, Renewables, Climate Change)

- 61 According to the United Nations Intergovernmental Panel on Climate Change's (IPCC) fifth assessment report (2014), fossil fuel power generation should be phased out 'almost entirely' by the end of the century to limit global warming to 2 degrees Celsius (°C) above pre-industrial levels. The report states that low carbon electricity supply will have to increase from 30% currently to more than 80% by 2050.
- 62 A number of relevant European, UK, Scottish and other regional non-statutory policies should influence decision-making, such as those relating to energy policy. These will also be material to the determination of applications for consents. The key policies and plans which are relevant are as follows.
- 63 UK renewable energy policy is founded on objectives which are in accordance with overall European policy objectives and are focused on a number of key challenges including: the reduction of CO₂ emissions to tackle climate change; the promotion of competitive energy markets in the UK and abroad to encourage sustainable economic growth and improve productivity; and securing national energy supply as part of a long term sustainable energy policy.
- 64 The UK's target under the *Kyoto Protocol* was to reduce greenhouse gas emissions by 12.5 per cent from 1990 levels within the five year period 2008 to 2012. The *2009 Renewable Energy Directive* sets a binding target for the UK to achieve 15 per cent of its total energy consumption from renewable sources by 2020.
- 65 The *UK Low Carbon Transition Plan* was published in July 2009 and presents the UK Government's plan to tackle climate change. The plan consists of five strands, one of which

is to build a low carbon UK. It notes that the development of renewable energy proposals will improve energy security in addition to providing low-carbon energy generation and mitigating climate change. Renewable energy developments must be implemented in order for the aims of the *Low Carbon Transition Plan* to come to fruition and the UK to meet its own targets. The Wind Farm will make a significant contribution to meeting these targets.

- 66 The *Climate Change Act 2008* sets a legally binding target for the UK to cut its greenhouse gas emissions by at least 80% below 1990 levels by 2050 and introduces a system of binding five-year 'carbon budgets', to be set at least 15 years in advance, to provide certainty for investors and decision-makers. Progress towards targets is monitored by the Committee on Climate Change.
- 67 The *Climate Change (Scotland) Act 2009* sets a greenhouse gas emissions target, for a reduction of 80 per cent from 1990 levels by the year 2050 and requires annual targets to be set for greenhouse gas emissions in Scotland. Following consultation with the relevant advisory bodies, Scottish Ministers must report on progress. The Scottish Government's *Climate Change Plan: The Third Report on Proposals and Policies 2018-2032* was laid down in parliament in February 2018 and aims to drive emissions down by 66% by 2032. The *Climate Change Plan* notes that a critical role for the planning system will be to try to accommodate the further development of low emissions energy generation facilities, for renewables to continue to play a key role in this along with other flexible and responsive technologies.
- 68 *Electricity Generation Policy Statement 2013*, is a Scottish Government publication which examines the way in which Scotland generates electricity and is underpinned by 4 key principles, one of which includes a largely decarbonised electricity generation sector by 2030.
- 69 *Scottish Energy Strategy: The future of energy in Scotland (December 2017)* is a more recently published strategy document aiming to guide Scottish Government decisions and priorities in the context of a 'whole system' approach to energy production and consumption. Two new 2030 targets are set by the strategy. Firstly, that the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption is to be supplied from renewable sources. Secondly, an increase in 30% in the productivity of energy use across the Scottish economy.
- 70 A number of technologies will contribute to these targets, including tidal, biomass technologies and landfill gas, but it is onshore and offshore wind that are recognised as being most reliable, and the Scottish Government acknowledges that there are significant opportunities in Scotland to generate electricity from offshore wind technologies to help meet these ambitious targets.
- 71 Whilst none of these plans is statutorily binding for the consenting process, their provisions are relevant to consideration of the application and will be treated as material considerations. They give clear support to the development of offshore wind farms, and identify the east coast of Scotland as a particularly suitable location. They create an imperative for the development of renewable energy projects and lend support in principle to the Development.

Development of an offshore wind farm will clearly make a significant contribution towards achieving the UK and Scottish targets for emissions reductions

4 Matters Relevant to the Determination

72 In this section, matters which are relevant to the determination of the submission are now considered further. These matters, which together constitute 'relevant considerations' include the findings of the EIA, compliance with the various legal tests, the extent to which the proposals are consistent with national and other policies (statutory and non-statutory), and other matters which are relevant or material to the determination. In order to draw matters together coherently, the section has been structured around the four legal tests of the MSA (see below).

4.1 Legal tests within the *Electricity Act 1989* and the MSA

73 The extent to which the Applicant has complied with Schedule 9 of the *Electricity Act 1989* is reflected through the EIA Report as a whole, and is further considered within the conclusions section of each chapter and the overall conclusions.

74 The MSA requires decisions made by the Scottish Ministers on Marine Licence applications to be in accordance with specified marine plans and policy documents unless 'relevant considerations' indicate otherwise. Section 15 of the MSA sets out the key legal test:

"A public authority must take any authorisation or enforcement decision in accordance with the appropriate marine policy documents, unless relevant considerations indicate otherwise. If a public authority takes an authorisation or enforcement decision otherwise than in accordance with the appropriate marine policy documents, the public authority must state its reasons."

75 Section 27 of the MSA defines the matters to be taken into account in decision-making and these can be considered to be relevant considerations. They are:

- The need to protect the environment;
- The need to protect human health;
- The need to prevent interference with legitimate users of the sea;
- Such other matters as the Scottish Ministers consider relevant;
- The practical availability of any alternative method;
- To have regard to any representations received from any person having an interest in the outcome of the application; and
- To have regard to the response made by the applicant to comments from interested persons or consultees.

76 The relevant marine plan in Scotland is the SNMP. Section 11 of the SNMP relates to offshore wind and marine renewable energy. A number of objectives are listed including the following:

- Sustainable development of offshore wind;

- Economic benefits of offshore wind to be maximised through securing a competitive local supply chain in Scotland; and
- Contribute to renewables targets for electricity generation and the achievement of decarbonisation.

77 *Marine Planning Policy Renewables 1* on page 79 of the SNMP applies to the Development. Renewables 1 states that:

“Proposals for commercial scale offshore wind and marine renewable development should be sited in the Plan Option areas identified through the Sectoral Marine Plan process (Map9). Plan Options are considered the preferred strategic locations for the sustainable development of offshore wind and marine renewables. This preference should be taken into account by marine planners and decision makers if alternative development or use of these areas is being considered. Proposals are subject to licensing and consenting processes.”

78 Although the Development is not located within an identified Plan Option area, it is marked on Map 9 of the SNMP as a ‘Planned Development’. Given the existing consent for Inch Cape Wind Farm remains valid and can be implemented it is reasonable to state that the relevant consenting and licensing authorities have already considered it to be a suitable area for an offshore wind farm development. The policy above states that Plan Option areas are the ‘preferred’ locations for offshore wind but this does not discount such development within other suitable areas.

79 The Development complies with the stated objectives of the SNMP and the Development is highlighted as a ‘Planned Development’ in the document. The existing consent for Inch Cape Wind Farm demonstrates clearly the suitability and acceptability of an offshore wind farm at this location in principle.

80 Other relevant considerations to be taken into account in decision-making include government policy, such as the UKMPS, terrestrial planning policy, and any other matters which Scottish Ministers may consider to be relevant to the determinations. It is only by assessing the proposals against the relevant considerations that the determining issues will become clear. In order to review relevant considerations, it is important to consider the weight that should be attached to the various policy documents referred to in the previous section both in terms of the principle of the Development and the details that are known at this stage and presented in the application. The primary objectives of the legislation are to protect both the marine ecosystem and human health and to minimise interference and nuisance to other legitimate users of the sea. Compliance with these objectives is discussed below.

4.2 Relevant Considerations – In Principle

81 With regard to the principle of the Development, the statutory documents are considered to have the greatest weight. Although several of these do not strictly apply to the marine domain they have been subject to a thorough process of public participation and scrutiny and

accordingly should be given greater weight. The statutory documents in this case are the UKMPS, SNMP, NPF3 and the relevant approved or adopted Development Plans.

- 82 The UKMPS clearly states that there is a presumption in favour of sustainable development and supports the development of offshore wind generation noting in particular that offshore wind is expected to provide the largest single renewable energy contribution. It also requires a healthy marine ecosystem to be maintained, and establishes the principle that development should aim to cause no harm to marine ecology, biodiversity and geological conservation interests. However, it also makes clear that where significant harm cannot be avoided, then appropriate compensatory measures should be sought. The EIA Report highlights where embedded mitigation is contained within the Development as well as identifying the further mitigation measures that could be taken.
- 83 NPF3 also gives support to realising the potential of Scotland's renewable energy resources and facilitating the generation of power and heat from all clean, low carbon sources. It gives encouragement to the development of offshore wind as a growing contributor and is specific about the potential for development within the Firths of Tay and Forth as locations with potential for development of offshore wind farms. This support is tempered by the need to safeguard the environment and communities, hence the need to assess the impact of proposals on the full range of economic marine-related activities, including fishing, aquaculture, energy production and recreational boating as well as on the environment. It is therefore necessary to demonstrate that the application site has been carefully chosen to minimise adverse effects. This is addressed in *Chapter 6: Site Selection and Alternatives* of the EIA Report.
- 84 The relevant approved/adopted Development Plans relating to the landward Councils' areas are also supportive in principle to renewable energy developments, although these plans also have policies which recognise the sensitivity of their coastal zones and landscapes. Policies in emerging plans continue to be equally supportive. Importantly the emerging ELLDP recognizes the potential attractiveness of Cockenzie to the development of onshore links to offshore wind farm, which clearly aligns with the OnTW planning application to facilitate the development of the Wind Farm.
- 85 In summary, therefore, the Development complies in principle with the terms of the statutory plans and policy statements and these are of the greatest importance. Underlying this support in principle is a requirement to maintain a healthy ecosystem.
- 86 Non-statutory policies are also a relevant consideration to the principle of the development, although it is considered lesser weight should be attached to these. These also support the Development in principle. Of particular relevance are the sectoral plans for offshore wind energy in *Scottish territorial waters - Blue Seas - Green Energy*. There is clear support in principle within all the established policies for developing an offshore Wind Farm within the general zone of the Development Area. This support is tempered by an acknowledgement that there are more localised environmental and other matters which will require to be assessed in a degree of detail and taken into account in the determination, as noted below.

4.3 The Need to Protect the Environment

- 87 The need to protect the environment has underpinned the Development design. The key findings of the EIA and an assessment of the extent to which the proposals fit with the various policies now follows.
- 88 With regard to **Fish and Shellfish**, the EIA Report concludes that the impact from pile driving associated with the Development will not result in any significant effects on these, either alone or cumulatively with other projects. Whilst it is noted that there will be some disturbance to habitat temporarily and permanently, the extent of such disturbance is considered to be small in the context of similar habitat beyond the Development Area and Offshore Export Cable Corridor as such it was agreed not required to be assessed in the EIA.
- 89 With regard to **Marine Mammals**, the EIA has examined the potential for a range of impacts on several marine mammal species which are known to move between the Firths of Forth and Tay (both Special Areas for Conservation). The key species considered in the EIA Report are grey seal, harbour or common seal, bottlenose dolphin, harbour porpoise, white-beaked dolphin and mince whale.
- 90 Four SACs lie within a potential zone of ecological impact of the Development, and the risks to designated species that could arise have been noted as disturbance from noise associated with pile driving and the use of geophysical survey systems.
- 91 The EIA Report identifies e m b e d d e d mitigation measures in *Chapter 10: Marine Mammals* which is built into the design of the Development. The implementation of a 'soft start' (when the piling impact energy is gradually increased over a period of time) will ensure that adverse impacts to marine mammals are minimized. Further to this a marine mammal protection plan will be implemented for pile driving and use of geophysical survey systems, which will be finalised in the Construction Method Statement (CMS)/ environmental management plan (EMP).
- 92 Information to inform an HRA has been presented and has predicted that the Development, alone or in combination with other known plans or projects, will not cause deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of each of the sites is maintained and each of the sites makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features in the long term.
- 93 *Chapter 11: Ornithology* of the EIA Report confirms that, with regard to birds, again no significant impacts are predicted. The ornithological assessment concluded that residual effects for the Development alone and cumulatively would be at most moderate and ecologically non-significant and no additional mitigation is proposed as a result.
- 94 During the operational phase of the Wind Farm, the largest impact on birds will occur through displacement/barrier effects and collisions. The receptors scoped into the assessment in relation to one or both of these impacts were the breeding populations of gannet, herring gull, kittiwake, guillemot, razorbill and puffin. For the Development-alone, minor and non-

significant impacts were predicted from displacement/barrier effects for kittiwake, guillemot, razorbill and puffin and gannet. The impact of collisions on herring gull was predicted to be negligible and thus non-significant. Of these six receptors, only kittiwake were considered to be susceptible to impacts from both displacement/barrier effects and collisions, with the Development-alone impacts for these combined effects also predicted to be minor. The cumulative effects were predicted to be moderate and ecologically non-significant for kittiwake (collisions and displacement/barrier effects) and gannet (collisions only), and minor/moderate and therefore ecologically non-significant for guillemot and razorbill (displacement/barrier effects only). Cumulative effects on puffin and herring gull were minor and negligible, respectively. Impacts from the Offshore Export Cable Corridor were predicted to be minor/moderate and ecologically non-significant during the construction (and decommissioning) and operational phases on all receptors scoped into the assessment for the Offshore Export Cable Corridor. On the basis that the magnitude of all impacts from the Offshore Export Cable (irrespective of phase) was identified as non-significant, there was considered to be no potential for cumulative impacts from the Offshore Export Cable Corridor.

- 95 Information to inform an Appropriate Assessment has been presented in relation to the four SPAs and one proposed Special Protection Area (pSPA), for which it was concluded in the HRA Report that LSE cannot be excluded. The four SPAs were breeding seabird colony SPAs, for which the potential impacts were displacement/barrier effects and collisions during the operational phase of the Wind Farm. The potential impacts to the pSPA were concerned with the effects of the Offshore Export Cable Corridor on the associated seabird and waterbird qualifying features. For each of these designated sites, it was possible to conclude no adverse effects on site integrity, both for the Development-alone and the range of in-combination scenarios that were considered.
- 96 The results of the **Seascape, Landscape and Visual Assessment (SLVIA)** are presented in *Chapter 12* of the EIA Report. The Study Area for this covers a 50km radius from the outer edge of the Development Area, as agreed by Scottish Natural Heritage (SNH) and the Local Planning Authorities during pre-application consultation. It was also agreed to include North Berwick Law in the assessment, which lies just beyond the 50km Study Area radius. In accordance with SNH guidelines, the SLVIA has considered the cumulative effects arising from combined and/or consecutive (concurrent) visibility (where the observer would be able to see two or more developments from one viewpoint location), and sequential effects (where a number of similar developments would be visible individually or simultaneously over a sequence of connected viewpoints, such as would be found along a road or footpath).
- 97 Aside from direct effects on seascape character experienced within and adjacent to the proposed Development Area itself, the effects on seascape and landscape character will be indirect as they will mostly be experienced by land-based receptors at least 15.6 km distant from the Wind Farm and OSPs (this being the distance between the nearest turbine and the closest point on the coast).
- 98 The SLVIA considered the Inch Cape Wind Farm in conjunction with existing and consented wind farms and will undoubtedly impact on the character of seascapes on the Angus, Aberdeenshire and Fife coasts. However, no overall significant impacts on landscape

character areas within the study area are predicted, although there may be localised significant effects on landscape character, for example, parts of the Dipslope Farmland landscape (covering a large area from south of Montrose to west of Dundee) in which sea views are an important element of the landscape. The SLVIA concluded that there may be a potential adverse effect on the Garden and Designed Landscape at Cambo close to Fife Ness on the basis that there are open sea views towards Inch Cape. Significant landscape effects on designated areas are limited to two coastal Local Landscape Areas (LLAs) in Fife, namely the St Andrews to Fife Ness LLA, and the Forth Islands LLA (Isle of May only).

- 99 Overall visibility of Inch Cape from within coastal and inland settlements is likely to be limited. However, the visual amenity of properties which have views of the open sea in the direction of Inch Cape may be affected - coastal settlements and properties in Angus, Fife and Aberdeenshire may experience some adverse effect on visual amenity. Significant effects on the visual amenity of road users, walkers and recreational cyclists are also predicted along limited sections of the A92, the Fife Coastal Path and National Cycle Network (NCN) Route 1.
- 100 With regard to Inch Cape in conjunction with wind farms which are at application and scoping stage, the adverse effects on seascape character are predicted to be similar. Effect on landscape character is also similar, but more pronounced at St Andrews (Garden and Designed Landscape) and impacting on additional LLAs, namely the St Andrews Links LLA, and the Tentsmuir Coast LLA. Significant cumulative effects on visual amenity follow the same pattern as the effects of Inch Cape on its own or with existing/consented wind farms.
- 101 It is generally recognised that commercial wind energy developments are likely to give rise to some significant effects on seascape/landscape character and visual amenity. The Wind Farm will consist of turbines occupying an extensive sea area but it will be more than 15.6 km away from the nearest land. In general, the significant effects are predicted at ranges greater than would typically be experienced with onshore wind energy developments. This is due to the size and scale of the Wind Farm, both in terms of wind turbine numbers and heights, but also in relation to the area of the sea which it will occupy. However, the assessment has assumed a 'worst-case' scenario. Conditions of good weather and bright daylight when visibility will be at its clearest are assumed while the SLVIA shows that at a distance of around 35 km from the Wind Farm, visibility of the wind turbines is only likely to occur for, on average, 40% of the year. It is also important to note that, in line with the design envelope being considered, actual turbine numbers and heights may be fewer and/or smaller than assumed for the assessment. In addition, the Wind Farm proposes to reduce the number of turbines by more than third of those included in the Inch Cape 2014 consented scheme, from up to 110 turbines to up to 72 turbines.
- 102 Reducing CO₂ emissions will also help to protect the environment from further damage and degradation arising through the effects of climate change. Weighing up the various impacts on the environment, requires a judgement to be made about the weight to be attached to adverse impacts and the benefits to the environment which will result in the longer term. There are no significant impacts predicted for fish and shellfish, marine mammals or birds. There are no significant impacts predicted for the offshore physical environment or benthic

ecology as these were agreed to be scoped out of the EIA. While there are likely to be significant effects on seascape areas and visual amenity in some cases, it should be considered that the assessment has assumed the worst case scenario and so the impacts could be less than predicted. The effects on seascape, landscape and visual impacts are also broadly aligned to the effects assessed in the Inch Cape 2013 ES.

4.4 The Need to Protect Human Health

- 103 With regard to human health, the Development Area is at a considerable distance from centres of population such as the Arbroath and Dundee areas and no direct effects on human health are anticipated in the broad sense. The potential of the Development to give rise to pollution and waste could have a direct impact on the health of those living in coastal settlements. However, the applicant is committed to the preparation of an EMP which will include monitoring of emissions during construction and operational phases. Surveys have revealed unexploded ordnance on the seabed and there is potential for this to be a safety hazard. Other indirect effects may arise through impacts on aviation, including civil and military radar systems and search and rescue operations (particularly helicopter movements). The SEA carried out for *Blue Seas – Green Energy* recommended that further consideration should be given to navigation mitigation, impacts on fishing, and resolution of radar issues.
- 104 The EIA Report also includes an assessment of physical obstruction to aviation, interference with radar systems and search and rescue operations. The predicted residual effect will be minor on radar systems at Leuchars, Remote Radar Head (RRH) Brizlee Wood and RRH Buchan Air Defence Radar (ADR) systems, but only once the WTGs are operational. Technical mitigation will require to be established and agreed with the Ministry of Defence (MOD) prior to construction.
- 105 Reducing the effects of climate change will help to protect human health and also yield potential benefits. It is not considered that the Development will be detrimental to human health. A technical mitigation solution is anticipated for the impact on radar systems and work to achieve this is underway. Balanced against the clear benefits that the Development will bring to human health through the reduction in emissions, it is submitted that overall the Development will help to protect human health.

4.5 The Need to Prevent Interference with Legitimate Users of the Sea

- 106 A *Navigational Risk Assessment (NRA)* (included at *Technical Appendices 15C.1B*) and a *Marine Traffic Validation Study (Appendix 15A)* compliant with Marine Guidance Note 543 have been carried out following agreement of the process with all relevant stakeholders. The potential for deviations, increased collision and allision risk as well as interference with anchoring have been investigated. The key users of the sea area relevant to the Development were identified in relation to commercial shipping, commercial fishing transits, a submarine exercise area and emergency responders. There are no oil and gas surface platforms or licensed aggregate dredging sites nearby. Furthermore, there is little interaction with recreational craft. The NRA included a dedicated marine traffic survey which was carried out over a 28 day period and recorded traffic mostly from commercial cargo and tanker. The

Development Area and offshore export cable are crossed by domestic and international main routes and the Offshore Export Cable Corridor.

- 107 On the basis of embedded mitigation, WTGs will be designed in accordance with the relevant Marine Guidance Note, a 'rolling' safety zone will be retained around any working areas (with a vessel on location) during construction works and major maintenance operations, and WTG rotor blade clearance will be at least 22m above highest astronomical tide. The EIA Report identifies mitigation through management measures such as marine co-ordination, the possible use of 'guard vessels', effective promulgation of information and the lighting and marking of the site.
- 108 The assessment of potential impacts on commercial fisheries is presented in *Chapter 14: Commercial Fisheries* of the EIA Report. This considers impacts on scallop, creel, squid and nephrop fisheries. Although there is a risk of displacement of fishing vessels into other areas during the operation and maintenance of the Development, the EIA Report concludes that taking into account embedded mitigation, no significant effects arise from the Development Alone.
- 109 During construction and operation of the Development, fishing activity is expected to be restricted from certain areas or during discrete periods resulting in either permanent or temporary loss of fishing grounds. The effects of this are not considered to be significant to any of the four fisheries within the assessment. When considering the effects on fishing with other projects, due to the level of current scallop fishing activity that is undertaken in the area where the Seagreen Offshore Wind Farm is proposed a significant effect on this fishing may be experienced during the operational phase of the wind farm. This significant impact is considered the worse-case assuming the original Seagreen developments are built out and assuming scallop fishermen do not return to fish in the site (or into any other of the wind farms proposed), if the revised development with fewer, wider spaced turbines is built it is likely over time that fishermen will try/ become acclimatised to fishing within all of the wind farms.
- 110 As per the extensive consent conditions received for the Inch Cape 2014 consent, any concerns relating to other legitimate users of the sea can be addressed through the relevant conditions that are likely to be associated with any new consent. The Development will not interfere with 'recognised sea lanes essential to international navigation' and so there would be no grounds under section 36B of the *Electricity Act 1989* to refuse to grant the Section 36 consent.

4.6 Relevant considerations – Benefits of the Proposals

- 111 The benefits associated with the Development are considered to be:
- Economic benefits arising directly and indirectly from the Development;
 - Mitigation of the effects of climate change; and

- Delivery of secure domestic supplies of energy and contribution to a sustainable energy mix within the UK (Energy Security).
- 112 The development of the Wind Farm will lead to significant economic benefits, locally, regionally and nationally. These can be summarised as increased investment in infrastructure, development and diversification of industry, increased income, employment and skills, and reduced negative economic impacts of climate change. *Chapter 16: Socio-economic* of the EIA Report contains full details of the socio-economic benefits of the Development.
- 113 The appropriate infrastructure must be put in place to support the development of the Wind Farm and OfTW. Port and construction facilities will be required, and a supply chain of sufficient scale will be critical in terms of manufacturing, especially during construction, and servicing during the operational life of the Development. There is potential for new engineering and other businesses to be established and these will then have the opportunity to gain from domestic and export markets. There is likely to be the utilisation of the capacity strengthening measures that are being implemented across the UK in the form of education and training infrastructure and initiatives necessary for the provision of up-skilling and the transfer of skills required to accommodate the offshore wind industry.
- 114 New employment opportunities will support established communities, encouraging regeneration of local economies, and underpinning the sustainability of neighbourhoods. Once a critical mass of offshore wind-related businesses develops in the UK and Scotland, more investment, businesses and labour will be attracted.
- 115 It has been estimated that the Development is expected to support investment in the renewables industry in Scotland by creating between £55.8 million and £136.2 million of Gross Value Added in the construction phase and between £10.3 million and £18.6 million per annum in the operational and maintenance phase. Employment in Scotland will be created during all phases of the Development in the offshore industry sector and its supply chain. Employment creation within Scotland is estimated to create between 429 and 1048 direct, indirect and induced Full Time Equivalent (FTE) jobs during construction and 80 and 143 direct, indirect and induced FTE jobs during operation and maintenance.
- 116 In addition to jobs, there will be opportunities for training and further education. Work is already in hand to assess the skills available within the existing UK workforce and future upskilling and training needs. Training courses are already being developed across the UK by higher and further education providers. The Development would increase the imperative to deliver the necessary training within an appropriate timeframe.
- 117 In order to combat climate change the European Union (EU), UK and Scotland have legislation and binding targets for reductions in carbon emissions and corresponding renewable electricity power generation targets. The Wind Farm will offset greenhouse gas emissions and help to achieve the renewable energy targets for Scotland and the UK. It has been calculated that the amount of CO₂ that will be offset in comparison with other forms of generation could be equivalent to 8.8 per cent (over gas-fired generation), 13 per cent (over fossil fuel mix generation) to 21 per cent (over coal-fired generation) of the total CO₂ emissions estimate for

Scotland in 2015, assuming that gas-fired, coal-fired or fossil fuel mix generation are replaced alone. The time taken to payback the CO₂ costs of the Development through offsetting emissions from fossil fuel mixed generation would be slightly less than 14 months.

- 118 Offshore wind farms are a critical element to ensure EU, UK and Scottish carbon emissions targets are met as part of the wider international climate change reduction commitment. This is in itself a benefit. The *Offshore Valuation Report*¹ suggested that Britain's offshore renewable resources could also deliver CO₂ reductions of 1.1 billion tonnes by 2050. Overall, there is considered to be 206 Giga Watt (GW) of offshore wind, wave and tidal resource which has the potential to be harnessed from Scottish Waters. There are also indirect economic benefits in terms of avoiding the consequences of unmitigated climate change. This single project must be viewed within the context of the international drive to reduce CO₂ emissions in the medium to long term thereby stabilising climate patterns and reducing the incidence of extreme weather events. Mitigation of climate change will therefore reduce wasteful expenditure on the emergency responses and clean-ups which are necessitated by extreme events.
- 119 The aim of energy security is to ensure domestic consumers can meet their energy requirements at prices that are not excessively volatile. The UK has historically experienced strong energy security through a diverse energy mix and extensive North Sea resources. However, the UK energy system is changing; older infrastructure is being shut down, North Sea fossil fuel reserves are in decline and current policies establish low-carbon objectives. There is an urgency to this, as explained in the UK Government's first Energy Security Strategy (ESS), published in 2012, which notes that one-fifth of power stations are due to close within a decade. There is enormous potential in offshore wind around the UK to ensure security of supply. The *Offshore Valuation Report* provided a full economic valuation of this renewable resource and found that using just one-third of the UK's wind, wave and tidal resource could unlock the electricity equivalent of one billion barrels of oil a year, thus matching annual North Sea oil and gas production. It could also deliver significant CO₂ reductions as noted above. Given the suitability of Scotland's east coast for this form of development, there is an expectation that wind farm development should be secured within the marine environment to help deliver this benefit.
- 120 The Development will potentially deliver a wide range of benefits which together would help to deliver sustainable economic growth in Scotland. This is one of the key aims of Scottish Planning Policy which is cascaded down into strategic and local development plans, for example policies such as those within the *Fife Structure Plan*. It is therefore important to consider the proposals within this wider perspective.

4.7 Representations and Any Other Relevant Considerations

- 121 The applicant has engaged with a diverse range of stakeholders throughout the process of preparing this submission. *Chapter 5: Stakeholder Engagement* of the EIA Report provides full

¹The Offshore Valuation Group, 2010, *Offshore Valuation Report*, <http://publicinterest.org.uk/offshore/> [Accessed: 15/08/2018]

details of this, along with a Pre-Application Consultation report included at *Appendix 5A*. Parties consulted include statutory consultees, organisations who have an interest in the Development, and those who live, work or have an interest in areas affected by the proposals. In order to engage with these parties, a variety of communication methods have been used – letters, targeted meetings, public engagement exhibitions in various locations, and website information. Key communication opportunities were considered to be at the stage of scoping in the EIA process, and at the later pre-submission stage. In addition, exhibitions have been held at community events in order to engage with a wider audience. Points raised at scoping stage have been addressed through the process of preparing the EIA Report.

5 Conclusion

- 122 In determining the applications, the Scottish Ministers must have regard to the following:
- In the case of the section 36 application the test in Schedule 9 of the *Electricity Act 1989*; and
 - In the case of the marine licence applications, sections 15 and 27 of the *Marine (Scotland) Act 2010*.
- 123 There are a number of key policy documents to be considered by the Scottish Government in their decision-making process and a review of these documents illustrates clear support in principle for the Development. This is provided that no harm will be caused to marine ecology, biodiversity and geological conservation interests. In fact the UKPMS clearly states that there is a presumption in favour of sustainable development and supports the development of offshore wind generation. If significant harm cannot be avoided, then appropriate compensatory measures may be able to be put in place. The key question is whether or not the concerns arising from the design, construction and operation of the Development or the sensitivities about their design and location outweigh this support in principle.
- 124 In this case:
- a) The site has been carefully chosen to minimise adverse effects;
 - b) Embedded mitigation will reduce the impacts of the Development to, in most cases, an acceptable level i.e. in most cases there will be no significant adverse impacts;
 - c) Where there are predicted to be adverse impacts, those are outweighed by the benefits that the Development will bring namely direct and indirect economic benefits, mitigation of the effects of climate change; and the delivery of secure domestic supplies of energy and contribution to the sustainable energy mix within the UK and Scotland.
- 125 Importantly and additionally, the Inch Cape 2014 Consent is extant and implementable. The current proposal would allow for the installation of the latest and most efficient turbine technology, allowing for fewer but larger turbines to be installed. As can be seen in the summary tables in *Chapter 18: Summary of Effects* (Tables 18.1 and 18.2) the proposed design changes are broadly in line with the impacts assessed in 2013. Further to this, as the EIA focused on significant effects many impacts were agreed with the Marine Scotland, in consultation with key stakeholders, to be scoped out where there was clear evidence of a similar or reduced impact and deemed to have a non-significant environmental effect. Considering the existence of a fall-back position as a material consideration in consent decisions recognised by the courts, and so the Inch Cape 2014 Consent will be an important relevant consideration. The planning history of the site and the existence of all relevant consents for the Development also clearly demonstrates the acceptability of the Development in terms of planning and environmental considerations. Accordingly, Scottish Ministers are asked to give their approval to the proposals and grant the applications.

APPENDIX A Statutory references

Table A.1: Summary of International Conventions/Legislation, European Directives and National Regulations Relevant to Offshore Wind Farms and Related Works

International European Directives	National Legislation
<i>Marine Strategy Framework Directive (2008/56/EC) (MSFD).</i>	<i>Marine (Scotland) Act 2010.</i> <i>(See also Electricity Act 1989 (Section 36) as amended by the Energy Act 2004 (Section 95) and The Crown Estate Act (1961).</i>
<i>Conservation of natural habitats and of wild fauna and flora (Habitats Directive) 92/43/EEC.</i>	<i>Conservation (Natural Habitats, &c.) Regulations 1994, as amended; and</i> <i>The Conservation of Habitats and Species Regulations 2017 Regulations 2010</i>
<i>Conservation of wild birds (Birds Directive) 79/409/EEC (as amended).</i>	<i>Conservation (Natural Habitats, &c.) Regulations 1994;</i> <i>The Conservation of Habitats and Species Regulations 2017; and</i> <i>The Wildlife and Countryside Act 1981 (as amended by the Countryside Rights of Way Act 2004).</i>
<i>Ramsar Convention</i>	Not applicable.
<i>Environment Assessment (The EC Directive 85/337/EEC as amended by Directive 97/11/EC and 2003/35/EC (the EIA Directive).</i>	<i>Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017; and</i> <i>Marine Works (Environmental Impact Assessment) Regulations 2017.</i>
<i>Water Framework Directive 92/43/EEC (WFD).</i>	<i>Water Environment and Water Services (Scotland) Act 2003 (WEWS Act); and</i> <i>Controlled Activities Regulations, (CAR). The Water Environment (Controlled Activities) Regulations 2011 (CAR)</i>

APPENDIX B Relevant Plans and Policies

- B1. The relevant Development Plans are those relating to coastal areas in Aberdeenshire, Angus, Dundee, Fife and East Lothian. Table B.1 below shows which plans are relevant for each area of coastline.

Table B.1: Relevance of Development Plans

Location	Strategic Development Plan	Local Development Plan
Aberdeenshire	Aberdeen City and Shire Strategic Development Plan (2014)	Aberdeenshire Local Development Plan (2017)
Angus	TAYplan SDP (2016-36)	Angus Local Development Plan (2016)
Dundee	TAYplan SDP (2016-36)	Dundee Local Development Plan (2013)
Fife	TAYplan SDP (2016-36); SESplan SDP (2013; and) Proposed SESplan SDP 2 (2016)	FIFEplan (2017)
East Lothian	SESplan SDP (2013) Proposed SESplan SDP 2 (2016)	East Lothian Local Plan (2008); and Proposed East Lothian Local Development Plan (2016)

Aberdeen City and Shire Strategic Development Plan (2014)

- B2. OBJECTIVE: To be a city region which takes the lead in reducing the amount of carbon dioxide released into the air, adapts to the effects of climate change and limits the amount of non-renewable resources it uses.

‘We also need to tackle both the supply of and demand for energy during the plan period. This will involve increasing the supply of heat and power from renewable sources.’

- B3. TARGET: ‘For the city region’s electricity needs to be met from renewable sources by 2020.

Aberdeenshire Local Development Plan (2017)

- B4. *Policy R1 Special rural areas* states that development opportunities in the greenbelt and coastal zone will be significantly restricted. The following types of development may be acceptable in appropriate circumstances in the greenbelt: extensions or ancillary uses; development for the purposes of agriculture, forestry, horticulture, nature conservation, essential public infrastructure, or recreation; the restoration, conservation or extension of

vernacular buildings or buildings of architectural merit; accommodation required for a worker in a primary industry; development identified as a national priority; or development identified under the policy for safeguarding of resources and areas of search as required to meet established need. The detailed circumstance in which development in the coastal zone and greenbelt may be acceptable is set out in the following supplementary guidance:

Sg 4 The Coastal Zone

- B5. *Policy E2 Landscape:* Aberdeenshire Council will refuse development that causes unacceptable effects through its scale, location or design on key natural landscape elements, historic features or the composition or quality of the landscape character. Development should not otherwise erode the characteristics of landscapes as defined in the Landscape Character Assessments produced by Scottish Natural Heritage.
- B6. *Policy C2 Renewable energy:* Aberdeenshire Council will support solar, wind, biomass and hydro-electricity development which are in appropriate sites and of the right design. All windfarms must be appropriately sited and designed and avoid unacceptable environmental effects taking into account the cumulative effects of existing and consented wind turbines. Turbines must not compromise health and safety or adversely affect aircraft or airfields and or/ telecommunications. They will approve wind energy developments in appropriate locations taking into account the spatial framework mapping. The more detailed guidance set out in the Strategic Landscape Capacity Assessment for wind turbines is also a relevant consideration.

TAYplan Strategic Development Plan (2016-36)

- B7. **OBJECTIVE:** To deliver a low carbon future and contribute to meeting Scottish Government energy and waste targets and prudent resource consumption objectives.
- B8. *Policy 7 Energy, waste and resource* ensures that energy and waste/resource management infrastructure are in the most appropriate locations. Development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been justified, at a minimum, based on these considerations:
- The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones where these exist;
 - Waste/resource management proposals are justified against the Scottish Government's Zero Waste Plan and support the delivery of the waste management hierarchy;
 - Proximity of resources (e.g. woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials and waste products, where appropriate;
 - Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on off-site properties;

- Sensitivity of landscapes, the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
- Impacts of associated new grid connections and distribution or access infrastructure;
- Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure;
- Strategic cross-council boundary impacts as a result of energy proposals which may be strategically significant including landscape, historic and environmental considerations identified in the spatial framework;
- The appropriate safety regimes and post operational restoration of land, particularly for extraction of solid, liquid and gas minerals; and,
- Consistency with the *National Planning Framework* and its Action Programme.

Angus Local Development Plan (2016)

- B9. *PV5 Protected Species* states that development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the *Habitats Directive* will only be permitted where it can be demonstrated to the satisfaction of Angus Council that:
- There is no satisfactory alternative;
 - There are imperative reasons of overriding public health and/or safety, nature social or economic interest and beneficial consequences for the environment; and,
 - The development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.
- B10. *PV6 Development in the Landscape* states that development proposals should take account of the guidance provided by the Tayside Landscape Character Assessment and where appropriate will be considered against the following criteria:
- a) sites selected should be capable of absorbing the proposed development to ensure that it fits into the landscape;
 - b) where required, landscape mitigation measures should be in character with, or enhance, the existing landscape setting;
 - c) new buildings/structures should respect the pattern, scale, siting, form, design, colour and density of existing development; and,
 - d) priority should be given to locating new development in towns, villages or building groups in preference to isolated development.
- B11. *PV9 Renewable and Low Carbon Energy Development* states that proposals for renewable and low carbon energy development will be supported in principle where they meet the following criteria:

- The location, siting and appearance of apparatus, and any associated work and infrastructure have been chosen and/or designed to minimise impact on amenity, landscape and environment, while respecting operational efficiency;
- Access for construction and maintenance traffic can be achieved without compromising road safety or causing unacceptable change to the environment and landscape;
- The site has been designed to make links to the national grid and/or other users of renewable energy and heat generated on site;
- There will be no unacceptable impact on existing or proposed aviation, defense, seismological or telecommunications facilities;
- There will be no unacceptable adverse impact individually or cumulatively with other existing or proposed development on landscape character sites designated for natural heritage, scientific, historic, cultural or archaeological reasons, protected species, amenity of communities or individual dwellings; and,
- During construction, operation and decommissioning of the energy plant there will be no unacceptable impact on groundwater, surface water, carbon rich solids, deep peat and priority peatland habitat or geodiversity.

B12. *PV16 Coastal Development* states that development requiring new sea defenses will not be supported and proposals should be directed to the developed coast or be associated with existing development. Within the undeveloped coast proposals will only be supported where there is:

- A justifiable locational requirement for the development
- No conflict with designated or proposed marine heritage sites; and
- No conflict with existing coastal protection works.

Dundee Local Development Plan (2013)

B13. *Policy 31 Wind Turbines*: Dundee Council will support proposals involving the production of energy from wind turbines subject to:

- 1) The Council being satisfied that there will be no unacceptable negative effects in relation to number, height, visual impact, landscape impact, shadow flicker, noise, residential amenity, electro-magnetic interference, proximity to roads and railway lines, or historic and nature conservation interests including impact on birds, and cumulative impact.

B14. *Policy 35 Protected Species*: Dundee Council will not support development proposals which are likely to have a significant effect on European protected species unless:

- 1) There is no satisfactory alternative; and,

- 2) The development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature or which have beneficial consequences of primary importance for the environment.
- B15. *Policy 43 Protecting and Improving the Water Environment* states that proposals for development that compromise the objectives of the *Water Framework Directive (2000/60/ES)*, aimed at the protection and improvement of Scotland's water environment will not be supported.
- B16. *Policy 47 Environmental Protection* state that any new development or an extension to an existing development that would generate noise, vibration or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.
- B17. *Policy 52 Garden and Designed Landscapes*: Development affecting gardens and designed landscapes shall protect, preserve and enhance such places and shall not impact upon their character, upon important views to, from and within them, or upon the site or setting of component features which contribute to their value.
- B18. *Policy 12 Flooding and Water Environment*: Development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively:
- a) Increase flooding or flood risk on the site or elsewhere;
 - b) Reduce the water conveyance and storage capacity of a functional flood plain;
 - c) Detrimentially impact on ecological quality of the water environment;
 - d) Detrimentially impact on future options for flood management;
 - e) Require new defenses against coastal erosion and coastal flooding;
 - f) Increase coastal erosion on the site or elsewhere.

FIFeplan (2017)

- B19. *Policy 9 Green Belt*: Development in designated green belt will only be supported where it:
- 1) Is required for agricultural, horticultural, woodland or forestry operations;
 - 2) Is for retailing directly connected with agriculture and horticulture;
 - 3) Is for outdoor recreation uses compatible with an agriculture or natural setting;
 - 4) Is for intensification of established uses;
 - 5) Is for housing where it meets the requirements set out in the Policy;
 - 6) Is for essential infrastructure, such as digital communications and electricity grid connections, and no other suitable site is available; or,

- 7) It is for development meeting a national requirement or established need, if no other site is available.

B20. In all cases development in the green belt must:

- 1) Be of a scale and nature compatible with surrounding uses;
- 2) Maintain the setting and the key views to and from the historic core of Dunfermline or St Andrews, as appropriate;
- 3) Improve the landscape and environmental quality of the green belt;
- 4) Improve local infrastructure, which may include improving opportunities for public access between the town and countryside by linking green spaces; and,
- 5) Be of a high quality design.

B21. *Policy 11 Low Carbon Fife*: The assessment of low carbon energy schemes will be supported provided that the proposals do not result in unacceptable significant adverse effects or impact which cannot be satisfactorily mitigated, giving due regard to relevant environmental, community and cumulative impact considerations. Assessments will include the following considerations:

- Landscape and visual impacts, including landscape character;
- All cumulative impacts;
- Impacts on communities and individual dwellings;
- Effects on the natural heritage and hydrology, the water environment and flood risk;
- Net economic impact;
- The scale and contribution to renewable energy targets;
- The need for conditions relating to decommissioning of developments;
- The need for robust planning obligations; and,
- Impacts on aviation and defense interests, public access, the historic environment, tourism and recreation, telecommunications and broadcasting installations, forestry and woodlands, hazardous installations and carbon rich soils.

B22. *Policy 13 Natural Heritage and Access*: Development proposals will only be supported where they protect or enhance natural heritage and access assets including:

- Designated sites of international or national importance;
- Designated sites of local importance;
- Woodlands;
- Biodiversity in the wider environment;
- Protected and priority habitats and species;
- Landscape character and views;

- Carbon rich soils;
- Green networks and greenspaces; and,
- Core paths, cycle ways, existing rights of way, footpaths etc.

B23. Where adverse impacts on existing assets are unavoidable Fife Council will only support proposals where these impacts can be satisfactorily mitigated.

SESplan Strategic Development Plan (2013)

B24. AIMS: Contribute to the response to climate change through mitigation and adaption and promote high quality design/ development.

B25. *Policy 10 Sustainable Energy Technologies:* The Strategic Development Plan seeks to promote sustainable energy sources. It states that LDPs will set a framework for the encouragement of renewable energy proposals that aim to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply and to take account of the potential for developing heat networks.

B26. *Policy 12 Green Belts:* LDPs will define and maintain Green Belts around Edinburgh and to the south west of Dunfermline for the following purpose to:

- a) Maintain the identity and character of Edinburgh and Dunfermline and their neighbouring town, and prevent coalescence, unless otherwise justified by the Local Development Plan settlement strategy;
- b) Direct planned growth to the most appropriate locations and support regeneration;
- c) Maintain the landscape setting of these settlements; and
- d) Provide opportunities for access to open space and the countryside.

B27. *Policy 15 Water and Flooding* states that LDPs will:

- a) Make provision to prevent deterioration of the water environment resulting from new development and promote water efficiency in all development proposals. Where appropriate, promote enhancement of the water environment.

SESplan Proposed Strategic Development Plan (2016)

- B28. The SDP for the South East Scotland area is currently under review. The Strategic Development Planning Authority for Edinburgh and the South East Scotland are in the process of preparing a new SESplan. It is expected that the proposed SESplan will be approved by Scottish Ministers and adopted in 2018.
- B29. The Proposed SESplan stated that LDPs will identify and maintain green belts and other countryside designations, fulfilling a similar function where they are needed:
- To maintain the identity, character and landscape setting of settlements and prevent coalescence;
 - To protect and provide access to open space; and,
 - To direct development to the most appropriate locations and support regeneration.
- B30. The proposed SESplan's spatial strategy reflects the need for the region to grow in a way that contributes to a low carbon economy.
- B31. The proposed SESplan states that the former Cockenzie Power Station is retained within the Forth Energy Business Cluster, reflecting the opportunity for these sites to contribute to servicing off shore renewables.
- B32. The proposed SESplan will establish a Cross-Boundary Windfarm working Group to explore the potential for a plan-led approach to identifying strategic capacity for wind farms and repowering opportunities in areas where there are likely to be cross boundary effects. In addition, SESplan states that LDP's will set out the full range of additional considerations they will apply to wind farm proposals based on the characteristics of each area. Figure 4.2 on page 39 of the proposed SESplan provides a map which identifies areas with potential for windfarm development, areas of significant protection and areas where windfarms are not acceptable.

East Lothian Local Plan (2008)

- B33. *Policy ENV8 Gardens and Designed Landscapes* states that development that would harm the conservation objectives of areas included within 'The Inventory of Gardens and Designed Landscapes' will not be permitted.
- B34. *Policy DP1 Landscape and Streetscape Character* states that all new built development must be well integrated into its surroundings, retain important existing natural and physical features into the development in a positive way, use appropriate landscaping to provide an attractive setting to the development and, where justified, provide a landscape structure for the site.
- B35. *Policy DC2 Development in the Edinburgh Green Belt* states that Development in the Edinburgh Green Belt will only be permitted in the following circumstances:
- a) Where it is necessary for agricultural, horticultural or forestry operations, for countryside recreation, or where by its scale and nature it will not harm the rural character of the area; and

- b) Where it meets the requirements of Policy DC1 (Development in the Countryside and Undeveloped Coast Part 5);
 - c) In all cases, where it does not detract from the landscape setting of Edinburgh and its neighbouring towns, or lead to their coalescence.
- B36. *Policy NH4 Areas of Great Landscape Value* states that development that harms the landscape character and appearance of Areas of Great Landscape Value will not be permitted.
- B37. *Policy NRG3 Wind Turbines* states that subject to consistency with other plan policies, proposals for wind farms will be supported where:
- 1) They would not change the existing landscape character in an unacceptable way;
 - 2) They would not have an unacceptable visual impact on landscape or townscape including the impact on distinctive public views, landmark buildings or natural features, or routes;
 - 3) They would not have an unacceptable impact from noise at any noise sensitive property including the gardens of such properties however large;
 - 4) There would be not demonstrate nuisance from a shadow flicker effect;
 - 5) They would have no unacceptable adverse impacts on hydrogeology or hydrology;
 - 6) Alternative, better, sites are not available; and,
 - 7) There are no unacceptable cumulative impact.
- B38. In assessing all proposals the Council will have regard to the findings and recommendations of the Landscape Capacity Study for Wind Turbine Development in East Lothian (May 2005).

Proposed East Lothian Local Development Plan (2016)

- B39. East Lothian Council are in the final stages of preparing a new *East Lothian Local Development Plan*. Once adopted by the Council, the proposed LDP will replace the *East Lothian Local Plan 2008*. It is expected that the Proposed Local Development Plan will be adopted in 2018.
- B40. AIMS: To ensure that new development, and the locations where and the way in which it is delivered, contributes to climate change and regeneration objectives, including...reducing energy consumption and waste, and to provide for appropriate renewable energy generation opportunities.
- B41. AIM: To ensure strategic approach to managing landscape change when accommodating new development... and by avoiding inappropriate development in locations where it is important to protect the character, setting and identity of the area.
- B42. AIM: To direct development, particularly vulnerable uses, away from areas of flood risk to appropriate locations, and to design new development so it will be resilient to the effects of climate change and help to reduce or avoid flood risk.

- B43. The Proposed LDP states that it supports means of energy generation that help to reduce greenhouse gas emissions. The proposed LDP seeks to support a diverse range of renewable and low carbon energy generation in appropriate locations.
- B44. *Policy WD1 Wind Farms* states that Wind farms (four or more turbines over 42m) within group 2 will only be supported where the Council is satisfied that siting, design or other mitigation can substantially overcome any significant effects on the qualities of the relevant designation(s) that justify inclusion in a Group 2 area. Proposals will only be supported where they will not have an adverse effect on the integrity of European sites.
- B45. *Policy WD3 All Wind Turbines* states that application for freestanding wind turbine development (as against roof mounted or wall mounted) will be supported subject to Policy WD1 provided the impact of turbines, access tracks, and any other ancillary development is acceptable in terms of the following considerations:
- a) Cumulative issues with other development;
 - b) Impacts on communities or individual dwellings;
 - c) Landscape and/or visual impacts
 - d) Impacts on natural and cultural heritage assets including their settings where relevant;
 - e) Impact on tourism or recreation;
 - f) Impact on the recreational; value of public access routes;
 - g) Impacts on aviation, defense interests, seismological monitoring;
 - h) Impacts on the water environments;
 - i) Impacts on telecommunications and broadcasting installations;
 - j) Feasible and acceptable connection to the energy grid, where relevant;
 - k) Feasible and acceptable routes and proposals for accommodating any abnormal loads and mitigating impacts on road network;
 - l) The generating potential of an Area of Strategic Capacity would not be undermined
 - m) There is no adverse effect on European sites;
 - n) The economic impact; and
 - o) The scale of contribution to renewable energy targets, and effects on greenhouse gas emissions.
- B46. *Policy DC6: Development in the Coastal Area* states that development in the coastal area will be assessed against the relevant qualities of the coastal area in addition to all other relevant Plan Policies. Where it is proposed on the:
- Developed Coast it will be supported where it complies with other relevant Plan policies;
 - Constrained Coast it will only be supported if it required a coastal location;

- Largely Unspoiled Coast it will only be supported if there is an established need for the development and a specific need for that particular coastal location.
- B47. *Policy DC7: Development in the Edinburgh Green Belt* states that new built development will only be permitted in the Edinburgh Green Belt where necessary for:
- Agricultural, horticultural or forestry operations, including community woodlands;
 - An extension or alteration to an existing building, or ancillary development within its curtilage;
 - A national requirement or established need, if no other suitable site is available;
 - A replacement house (supported under *Policy DC3*); or,
 - Essential infrastructure.
- B48. Proposals should be of a size, scale and nature that do not harm green belt objectives or the character or appearance of the local area.
- B49. *Policy CH6: Gardens and Designed Landscapes* states that development that would significantly harm the elements justifying designation of sites of national importance listed in the Inventory of Gardens and Designed Landscapes, or sites of local or regional importance included in historic gardens and designed landscape records, will not be permitted.
- B50. *Policy DC9: Special Landscape Areas* states that Development within or affecting Special Landscape Areas will only be permitted where it accords with the Statement of Importance and does not harm the special character area or the public benefits of the development clearly outweigh any adverse impact and the development is designed, sited and landscaped to minimise such adverse impacts.