



Our Ref:  
Your Ref:

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Marine Scotland  
Marine Laboratory  
PO Box 101  
375 Victoria Road  
Aberdeen  
AB11 9DB

20 December 2018

Dear Sir/Madam

**Inch Cape Offshore Wind Farm (Revised Design)  
Application for consent under Section 36 of the Electricity Act 1989 (as amended) and Marine Licence under part 4 of the Marine (Scotland) Act 2010**

I refer to your notification for the above development, hereafter referred to as Inch Cape. The proposal is based on a design envelope consisting of up to 72 turbines of up to 291m (blade tip height) approximately 22km south east of Aberdeenshire.

I confirm that Aberdeenshire Council has **no objection** to the proposed development, subject to the resolution of the concerns raised by SNH in relation to ornithology within Aberdeenshire.

As the development lies some distance from Aberdeenshire, the potential for direct impacts within the Local Authority area is limited, however where an impact has been identified it has been assessed against the Aberdeenshire Local Development Plan 2017 (LDP). In relation to Aberdeenshire, it is considered that the development is likely to impact upon Landscape/ Visual Amenity, Ecology and Built Heritage.

With regard to Landscape, the development is likely to be most prominent when viewed from the South East Coast Special Landscape Area (SLA). Whilst the LDP seeks to prevent development which would undermine the qualifying interests of the SLA, Policy E2 Landscape does make provision for development which may impact upon the SLA where the effects of the development are clearly outweighed by social, environmental or economic benefit of at least local importance. After reviewing the SLVIA which has been submitted in support of this application it is considered that the development

would be permissible under this policy. While the development would have some degree of impact upon the South East Coast SLA (in isolation and cumulative with other offshore developments), these are likely to be limited to the southern section of the SLA and therefore would not fundamentally alter the qualifying interests of the entire designation. While Policy E2 would suggest that any development which undermines the qualifying interests should be resisted, it is noted that the development would make a significant contribution towards the transition towards a low carbon economy through the generation of a significant quantity of renewable energy.

With regard to Ecology, Aberdeenshire Council are aware of the consultation response from SNH which has objected to the development partially on the basis of the predicted impact upon Fowlsheugh SPA within Aberdeenshire. Policy E1 Natural Heritage seeks to prevent development which would have an unacceptable impact upon nature conservation sites. In this instance development which would impact upon Fowlsheugh SPA to the extent indicated by SNH, would only be permissible where:

- There are imperative reasons of overriding public importance; AND
- There is no alternative solution; AND
- Appropriate compensatory measures are implemented

The EIAR indicates that embedded mitigation has been taken into account in assessing the impact of the development on the qualifying interests of the SPA, as have wider best practice measures such as the employment an Ecological Clerk of Works. These measures have informed the assessment of the impact, and indeed have been considered by SNH in assessing the application. The measures do not appear to suitably mitigate against the identified impact upon the SPA and therefore it is considered that the mitigation measures would not constitute appropriate compensatory measures as required by Policy E1. Aberdeenshire Council are therefore in agreement with the conclusions reached and outlined by SNH.

With regard to the built environment, policies HE1 and HE2 seek to protect, enhance and preserve listed buildings and conservation areas respectively. The South East Aberdeenshire Coastline contains a number of listed buildings and conservation areas (Stonehaven, Johnshaven and Muchalls). The proposal would not have a direct impact upon heritage designations within Aberdeenshire, with a change to their settings the most likely impact. A change to the setting of a listed building, scheduled monument, conservation area or other heritage designation is not inherently contrary to policy or indeed negative. In this instance the impact within Aberdeenshire is likely to be constrained to those assets within the South East Aberdeenshire Coast, where historic development relates strongly to the North Sea. Given that the proposal lies approximately 22km from Aberdeenshire (closest point), the impact from this development on the historic context and setting of the area, in isolation is likely to be minor. As such Aberdeenshire Council do not consider the development likely to impact upon built and cultural heritage to be so significant as to warrant objection on these grounds.



### Conclusion

The development as contained within the submission documents would likely have some degree of impact on Aberdeenshire in relation to landscape/ visual amenity, ecology and built heritage, particularly along the southern section the South East Aberdeenshire coast.

The Aberdeenshire Local Development Plan recognises that in some instances the public good in terms of social, environmental and economic benefits may outweigh the potential harm of development. The SLVIA has indicated a degree of visibility and therefore impact along the South East Coast SLA, which would be most concentrated along the southern end of this designation, however Aberdeenshire Council are satisfied that this impact would be unlikely to undermine the qualify interests of the SLA as a whole. In this instance and on balance it is considered that the potential Landscape/ Visual Amenity impact is acceptable in terms of the wider environmental benefit (transition towards a low carbon economy) that the development would bring when assessed against any impact upon the South East Coast SLA.

A degree of uncertainty remains in relation to the potential ecological impacts, and as to whether further mitigation measures could alleviate the predicted impacts. As SNH have provided detailed comments in relation to this matter, Aberdeenshire Council are satisfied to defer to their advice which we are in agreement with.

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

Yours faithfully

**Redacted**

**Head of Planning and Building Standards**

Your Ref:  
Our Ref: 18/00664/S36

28 November 2018

Dear Ms Humphries  
Marine Scotland  
By email to: [MS.MarineRenewables@gov.scot](mailto:MS.MarineRenewables@gov.scot)



**PLACE**  
Strategic Director:  
Alan McKeown

Dear Ms Humphries,

**The Electricity Act 1989  
The Electricity Generating Stations (Applications for Variation of Consent) (Scotland)  
Regulations 2013  
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000**

**Application for Consent Under Section 36 of The Electricity Act 1989 (As Amended)  
and Marine Licence Under Part 4 of The Marine (Scotland) Act 2010 to Construct and  
Operate Inch Cape Offshore Windfarm (Revised Design) Off the Angus Coastline**

I write in response to your email of 21 August 2018 in respect the above noted application, requesting comments from Angus Council as a consultee.

Appendix 1 to this letter forms Angus Council's formal response to the consultation.

I trust that the above/enclosed are in order. Should you have any queries, however, please do not hesitate to contact my colleague Ruari Kelly on 01307 473306 or email [KellyR@angus.gov.uk](mailto:KellyR@angus.gov.uk). We look forward to hearing of progress with the application/consent in due course.

Yours sincerely

Kate Cowey  
Service Leader – Planning & Communities

Appendix 1: Angus Council Response to Consultation

## Appendix 1: Angus Council Response to Consultation

Angus Council has previously provided responses for the consented project. The parameters of the consented and the project now proposed are:

Parameter	The Consented Project	The Proposed Project
Maximum Turbine Generating Capacity	784MW	700MW
Total Number of Turbines	110	72
Maximum Turbine Hub Height	129m above LAT	166m above LAT
Maximum Turbine Height	215m above LAT	291m above LAT
Maximum Rotor Diameter	172m	250m

As previously identified in my Council's response to the initial Section 36 application the proposed development will give rise to some potentially significant impacts on Angus Council's administrative area. The assessment for the purposes of the current consultation will focus on any changes arising from the proposed variations to the scheme for the material considerations identified by Angus Council in the original consultation, which are:

1. Seascape, Landscape and Visual Impacts;
2. Cumulative Seascape, Landscape and Visual impacts;
3. Impact on Cultural Heritage; and
4. Other Considerations.

### Seascape, Landscape and Visual Impacts

Chapter 12 of the Environmental Impact Assessment Report assesses Seascape, Landscape and Visual Impacts (including cumulative effects). This undertakes an assessment of the 'worst case' design scenario and considers the effects of installing 40 turbines with a hub height of 166m above LAT, a maximum blade tip height of 291m above LAT and a maximum rotor diameter of 250m. It is considered that this assessment captures the potential effects associated with the proposed turbine specification sought when compared to the consented project, and the associated impact, would not be any greater than that predicted in the EIA Report.

Whilst the development proposes to reduce the overall number of turbines the respective increase in tip height and rotor diameter will invariably make the individual turbines more visible. It is considered that there would be significant impacts upon landscape and seascape character however these are not considered to be unacceptable. In relation to visual impacts setting aside the separation distances from Angus to the proposed development the turbines will result in a significant visual impact. Notwithstanding this, the findings of the EIA Report are considered to be accurate; the visual impact on Angus is not considered to be unacceptable.

This Authority previously highlighted concerns in its consultation to the original proposal regarding the lighting of the windfarm for both shipping navigation and aviation. It is evident that this matter has been assessed in greater detail in the EIA Report although it is considered that there are limitations to this assessment. The night time viewpoints confirm that the lighting would be viewed in close association

and at a greater height to the light on the Bell Rock Lighthouse. Such a scenario would result in significant impacts on the setting of the lighthouse. It is evident from the visualisations that lighting both aviation and navigation would have significant night seascape impacts. Further consideration requires to be given to this matter in order to ensure an appropriate technical solution is identified and if this is the case the associated effects would be unlikely to be unacceptable.

### **Cumulative Seascape, Landscape and Visual Impacts**

In relation to cumulative impacts the EIA Report at Chapter 12 identifies the 'worst case' design scenario for the other offshore windfarm developments as those presented in the Scoping Reports submitted to Marine Scotland for the respective developments which assume a smaller number of larger turbines. Such an approach to the cumulative assessment appears logical as it seems unlikely the consented projects will now be constructed.

Our concerns in relation to cumulative impacts remain as previously expressed in our consultation to the original proposal. We would stress that a key cumulative consideration is the relative height and design of the three different off-shore windfarm developments. A level of consistency is important to prevent the collective view becoming visually inconsistent or distorting seascape perspective by for example having turbines of noticeably different sizes within the same view. The proposal for Inch Cape potentially proposes the use of 291m high turbines (blade tip). This scale of turbine would be greater in height than the potential 208m high turbines (blade tip) proposed by Neart Na Gaoithe. This would lead to a situation whereby larger turbines from are located in the foreground with smaller turbines in the background. Although this proposal is not unacceptable in its own right, in order to avoid a confusing and poorly harmonised visual image a co-ordinated approach to the finalised height of each development should be considered.

It is also relevant for consideration to be given to the cumulative impacts associated with the lighting of the proposed developments. The presence of three developments will result in them being viewed alongside or in front of each other typically extending the extent of horizon affected by aviation lighting. There will also be lights in front of lights along some parts of the horizon which will significantly increase night time impacts of the developments. The lighting will likely be visible in prominent views from long distances across Angus with navigation lighting likely to be visible from higher ground which will further increase the cumulative impacts of the developments. The Bell Rock Lighthouse would be typically viewed within the same part of the horizon which would contain the turbine lighting which would significantly erode the presence of this landmark in the seascape. Further consideration requires to be given to the lighting of the developments in order to ensure a consistent lighting solution is identified and to identify methods to mitigate adverse impacts.

### **Impact on Cultural Heritage**

Chapter 13 of the EIA Report assesses the potential impacts on cultural heritage interests resulting from the construction and operation of the wind farm in a worst case scenario.

Angus Council has previously expressed its concerns regarding the impact of the development on the Bell Rock Lighthouse and would concur with the assessment of Historic Environment Scotland but would highlight that the EIA Report does still have limitations in terms of assessing impacts of aviation and navigation lighting on the setting of the asset.

### **Other Considerations**

It is noted that the EIA Report recognises the potential for the scheme to impact on commercial fishing and recreational use of the waters, both during construction and operation. Impact on these activities has potential to affect much of the Angus coast. In particular the commercial fishing fleet, pleasure craft industries and yachting located at Arbroath Harbour and marina and commercial port operations at Montrose Port are highlighted. Disruption to these activities through access and exclusion during construction and limitation on access or increased steaming time whilst in operation are regarded as a material consideration given the potential socio-economic impacts on industry and tourism.

Some of these impacts are considered to have the potential to be higher than forecasted in the EIA Report and may, in some instances, particularly during construction, be significant. This impact is not however considered to be unacceptable subject to mitigation measures set out.

### **Conclusion**

It is concluded that the impacts of the proposed Inch Cape offshore wind farm, in terms of material considerations relevant to Angus Council administrative area, do not raise any new or significant issues. The comments provided previously by Angus Council on the original Section 36 application still, remain relevant. Angus Council does not object to this application.

Redacted

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**From:** andy.mulholland@dundeecity.gov.uk  
**Sent:** 13 December 2018 15:34  
**To:** Redacted  
**Subject:** Reply - Fw: Inch Cape Offshore (Revised Design) - SNH Consultation Response

Sorry Redacted I thought I'd sent a response but evidently not.

Thank you for forwarding SNH's response. It remains the case that Dundee City Council has no objections to the proposal.

Regards  
Andy

**Andrew Mulholland**  
**Planning Officer**  
Planning Team  
City Development Department  
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50 North Lindsay Street  
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# Dundee City Council

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Our Ref: CONS/GOV/2017 Inchcape Revised Proposal  
Your Ref: None given

Date: 21 December 2018

Monica Patterson  
EXECUTIVE DIRECTOR  
(SERVICES FOR COMMUNITIES)

Via email to [ICOL.Representations@gov.scot](mailto:ICOL.Representations@gov.scot)

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

Dear Sir/Madam

**ELECTRICITY ACT 1989 (AS AMENDED)**

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

**The Electricity (Applications for Consent) Regulations 1990**

**MARINE (SCOTLAND) ACT 2010**

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

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED)  
AND MARINE LICENCES UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT  
AND OPERATE INCH CAPE OFFSHORE WINDFARM (REVISED DESIGN), OFF THE ANGUS COASTLINE**

1. I refer to your email of 21 August 2018 inviting representations on the above. In this response the following abbreviations are used:

AGLV – Area of Great Landscape Value  
ELC – East Lothian Council  
EIA – Environmental Impact Assessment  
ELLDLP – East Lothian Local Development Plan  
ER – Environment Report/Environment Statement  
SLA – Special Landscape Area  
SPA – Special Protection Area  
SLVIA – Seascape, Landscape and Visual Impact Assessment

2. ELC does not wish to object to the application provided conditions are placed on the consent which achieve the aims of the conditions annexed and discussed below. ELC has the following comments.

**Planning history and current application**

3. This application is on an offshore site extending to around 150km<sup>2</sup> located around 15 – 22 km off the Angus Coast, east of the Firth of Tay. There is consent (granted 2014) under the relevant legislation for the construction of a windfarm on this site already. The exact details of some elements of the proposal including the turbines were not determined at the time of the original consent due to the need to allow for technological progress and detailed technical work to be carried out. This approach has been repeated here, and is acceptable, with the applicant assessing what they consider the 'worst-case' for each receptor in the ER.

4. The previous offshore wind turbine scheme on this site was given consent in 2014 by Scottish Ministers. It included 110 wind turbine generators, 215m to blade tip, 129m to hub and 172m diameter rotors for a maximum period of 25 years. The main changes between the original development and that currently proposed are a reduction in the number of turbines from up to 213 to up to 72; increase of hub height from up to 176m from 92-129m; increase in blade tip height to 291m from 152-215m; increase in rotor diameter to 250m from 120 – 172m; indicative minimum separation between turbines would be 1,278m from 820m. There will be a reduction in piling events. The application was originally to commence within 5 years of consent which was given on 10 October 2014. This period was subsequently extended to 7 years by variation. The original consent is for 25 years. This application states it is for the operational life of the windfarm, which is stated in page 10 of the Non-Technical Summary, to be up to 50 years. The applicant states that it is their intention to construct either the consented windfarm, or this one, but not both.
5. The application is mainly within the offshore area but part of the cable route extends to the Mean High Water Springs, within the East Lothian Council area as planning authority. Schedule 8 section 2.2 of the Electricity Act 1989 provides that where the planning authority objects to the application and do not withdraw that objection, a public inquiry will be held. Planning Circular 1/2015 Renewable Energy paragraph 74 advises that terrestrial planning authorities are statutory consultees on the application as a whole, including offshore elements, where any part of the infrastructure covered under the Section 36 consent is to be built in their area, as it is in this case.
6. The existing consented windfarm had consent to connect to the grid via a substation onshore at a site near the former Cockenzie Power Station, planning reference 14/00456/PPM, now lapsed. The applicant has made an application for the onshore substation and associated works at the actual site of the former Cockenzie Power Station, planning reference 18/00189/PPM.
7. East Lothian Council did not object to the original scheme. However, ELC noted that there would be visual impact on East Lothian, and that this impact was greater than identified in the ES. ELC noted impacts of the development on SPA birds, and that development that would harm the overall integrity of an SPA would be contrary to policy. ELC expressed the view that they expected SNH would address the interest of the birds of the Firth of Forth and Forth Islands SPAs. ELC also noted that there would be some impact on fishing, commercial vessels and recreational sailors.
8. Since the previous application, in addition to changes to EIA regulations, a new local development plan has been adopted in East Lothian, as well as Supplementary Planning Guidance on Special Landscape Areas. Both Landscape Institute Guidelines for Landscape and Visual Impact Assessment and SNH guidance on Visual Representation of Windfarms have been updated since the previous application.

## **Environmental Impact Assessment**

9. A request for a Scoping Opinion in relation to this proposal was made on 28<sup>th</sup> April 2017. This means that the transitional provisions of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the 'Electricity EIA Regulations') and the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (the

‘Marine EIA Regulations’) apply. Regulation 5(3) of the Electricity EIA Regulations provides that the Environment Report should be based on the Scoping Opinion. The Scoping Opinion was issued on 28 July 2017, with appendices on marine mammals and ornithology issued in August, and notes that its shelf life is for a year. The application was not made until 15 August 2018, beyond a year. The applicant was advised to check that the Scoping Opinion required updating if that happened. ELC is not aware of whether or not this has been done and so whether or not the Scoping Opinion remains valid.

10. The Scoping Opinion sets out what should be considered in the ER, including noting that comments from consultees should be read in full and addressed unless the Scoping Opinion says otherwise.
11. The Scoping Opinion states in paragraph 2.2 that it is essential that the ER concerning the onshore works be available at the time of the offshore works being considered so that information for the project as a whole is available. It is ELC’s view that the project for EIA purposes consists of both offshore and onshore works which are integral to the project. The onshore works including the substation (planning reference 18/00189/PPM, called in by Scottish Ministers) are therefore considered to form an integral part of the project.
12. The planning application for the onshore works, to which ELC recommended refusal, is still under consideration, but ELC considered that the part of the EIA for the onshore works was satisfactory. There is a link in the part of the offshore EIA to the onshore EIA, including where it can be found, and ELC considers this approach is satisfactory.
13. It is for Scottish Ministers to determine whether or not the provision of information in the Environment Report meets the terms of the legislation, and to ensure that the timing of consents, including any multi-stage elements, meets EIA requirements.

#### **ER comments - Landscape**

14. A 50km area of study was proposed by the applicant. Both East Lothian Council and Angus Council asked that this be extended to 60km due to the increased proposed height and scale and therefore likely increased visibility of the wind turbines. The Scoping Opinion agrees a study area of 50km “with the addition of potentially sensitive visual receptors located outside this will ensure that areas where there could be a significant effect will be taken into account”. The Scoping Opinion further states that these potentially sensitive receptors should be as agreed with the relevant local authorities and specifically include wirelines from Tantallon Castle, Ravensheugh Sands, Yellow Craig and an additional viewpoint towards Bass Rock from the A198.
15. The SLVIA has not considered the impact on SLAs within East Lothian. ELCs response annexed to the Scoping Opinion includes a reference to SLAs as a source of information. At every meeting and within written feedback at pre-application and scoping stage ELC made the applicants aware of the Local Landscape Designation Review that has been undertaken within East Lothian to update the Landscape Character Area Assessment and AGLVs, replacing the latter with SLAs. The applicants were aware that ELC was preparing to adopt the ELLDP with technical guidance on the SLAs at the time of producing their report. The application was submitted to Marine Scotland on the 15 August 2018 at which point ELC’s position with regard to the ELLDP was that they were minded to adopt. The applicants have refused to consider the impact on the proposed SLAs. Both applicants for Neart Na Gaoithe and Seagreen have considered the impact on SLAs in their SLVIAs.

16. The impact on the A198 east of North Berwick has not been included within the SLVIA. The SLVIA states that this is due to its distance from the development yet then states that the closest point on the A198 is 49.86km from the development, therefore within the study area. We previously noted the importance of this route as a tourist route and in providing spectacular coastal views over Tantallon Castle and the Bass Rock at scoping stage and the applicant agreed to provide a wireline from this route (although this has not been assessed within the SLVIA).
17. Even though the above information has been omitted from the ER ELC can still provide an assessment on the landscape and visual impacts of the proposal on East Lothian. However for members of the public who are not necessarily aware of the existence of SLAs, the ER does not fully explain the impacts on these sites.

#### ER comments - Weather effects

18. In our response to Scoping, ELC noted that impacts on local weather should be considered. The Scoping Opinion in paragraph 5.2.2 notes that Scottish Ministers expect all consultee comments to be addressed in the ER unless otherwise stated. ICOL have briefly considered this and state that it is a rare event, so is not considered in the ER. The ER notes that discussions with Marine Scotland have confirmed its exclusion from formal Scoping Requirements. ELC would question whether there is any provision in legislation for the provisions of the Scoping Opinion to be amended in this way. As the construction of wind turbines in this area is new, provision for monitoring of weather effects should be included.

#### Planning Policy

19. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications should be determined according to the development plan unless material considerations dictate otherwise. As a Section 36 application, this does not apply, however it is usual practice to take the policies of the development plan into consideration in Section 36 applications, along with other relevant material considerations.

#### National Policy

20. NPF3 sets out four planning outcomes. Two of these are most relevant to this application. Planning should make Scotland a **successful, sustainable place**, supporting sustainable economic growth and regeneration, and the creation of well-designed places. It should make Scotland a **low carbon place**, reducing our carbon emissions and adapting to climate change. It should make Scotland a natural, resilient place, helping to protect and enhance our natural and cultural assets and facilitating their sustainable use.
21. Paragraph 1.7 notes that “Scotland’s varied coast and islands have an exceptional, internationally recognised environment. They now have an unprecedented opportunity to secure growth from renewable energy generation as well as other key economic sectors including tourism and food and drink”. The section on ‘Edinburgh and the South East’ notes the importance of both tourism and energy. Paragraph 3.9 notes ‘we want to continue to capitalise on our wind resource, and for Scotland to be a world leader in renewable energy’. Paragraph 3.41 notes that “the low carbon agenda forms a crucial part of our strategy”. NPF3 also acknowledges the important role that landscapes have to play in sustaining local distinctiveness and cultural identity and supporting health and well-being (paragraph 4.4). The

importance of designated and undesignated biodiversity, including marine wildlife, is noted in paragraph 4.5. The historic environment is also noted as an integral part of our well-being and cultural identity.

22. Scottish Planning policy likewise contains strong support for the development of renewable energy as well as protection of the natural and historic environment.
23. ELC notes the provisions of the National Marine Plan. This contains a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of this plan. Chapter 11 covers Offshore Wind. Map 9 shows the site of this proposal as a Scottish Territorial Waters offshore wind site. The National Marine Plan also contains policy towards community benefits from wind development.
24. RENEWABLES 1: Proposals for commercial scale offshore wind and marine renewable energy development should be sited in the Plan Option areas identified through the Sectoral Marine Plan process (Map 9). 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. This proposal is in such an area.
25. The National Marine Plan refers to a Sectoral Plan for Offshore Wind. The document 'Blue Seas Green Energy' covers energy within Scottish Territorial waters, and identifies this site as one of 6 Offshore Wind SEA Short Term Options.

#### Development Plan

26. The current development plan for the area is the SESPlan 1 Strategic Development Plan June 2013 (SDP1). Its replacement, Strategic Development Plan 2016 (SDP2) is with Scottish Ministers for approval post Examination, with the Examination Report having just been published. The East Lothian Local Development Plan 2018 (ELLDP) has recently been adopted. This plan designated Special Landscape Areas (SLAs) which broadly replace AGLVs; a Technical Note 9: Planning for Local Landscape Designation Review was published in 2016 describing the SLAs and their Special Characteristics and Features. Special Landscape Area Supplementary Planning Guidance based on this Technical Note was subsequently approved in October 2018. SLAs are not assessed in the Environment Report. The ELLDP 2018 also designates Local Geodiversity Sites and Local Biodiversity Sites. These were mapped in the proposed ELLDP and described in Technical Note 10; Planning for Biodiversity and Technical Note 11 Planning for Geodiversity, again both published in 2016.
27. SDP1 Policy 1B instructs Local Development Plans to ensure there are "no significant adverse impacts on the integrity of international, national and local designations in particular ... Special Protection Areas, SSSI's and Area of Great Landscape Value ... and European Protected Species" and "contribute to the response to climate change through mitigation and adaptation". Policy 10 notes the SDP seeks to promote sustainable energy sources. Proposed SDP2 likewise recognises the importance of moving to a low carbon economy as well as protection of the natural and cultural environment.
28. The East Lothian Local Development Plan contains policy on Wind Turbines, stating that they will be supported where they are acceptable in terms of cumulative issues; landscape and/or visual impacts; impacts on natural and cultural heritage assets including their settings where relevant; impact on tourism and recreation; and has no adverse effect on the integrity of

European sites either alone or in combination with other projects and plans. The policy also notes that the economic impact of proposals, the scale of contribution to renewable energy targets and effects on greenhouse gas emissions. The proposed plan also contains policies protecting the natural and cultural heritage. In addition it designates and protects Special Landscape Areas to replace Areas of Great Landscape Value as the local landscape designation.

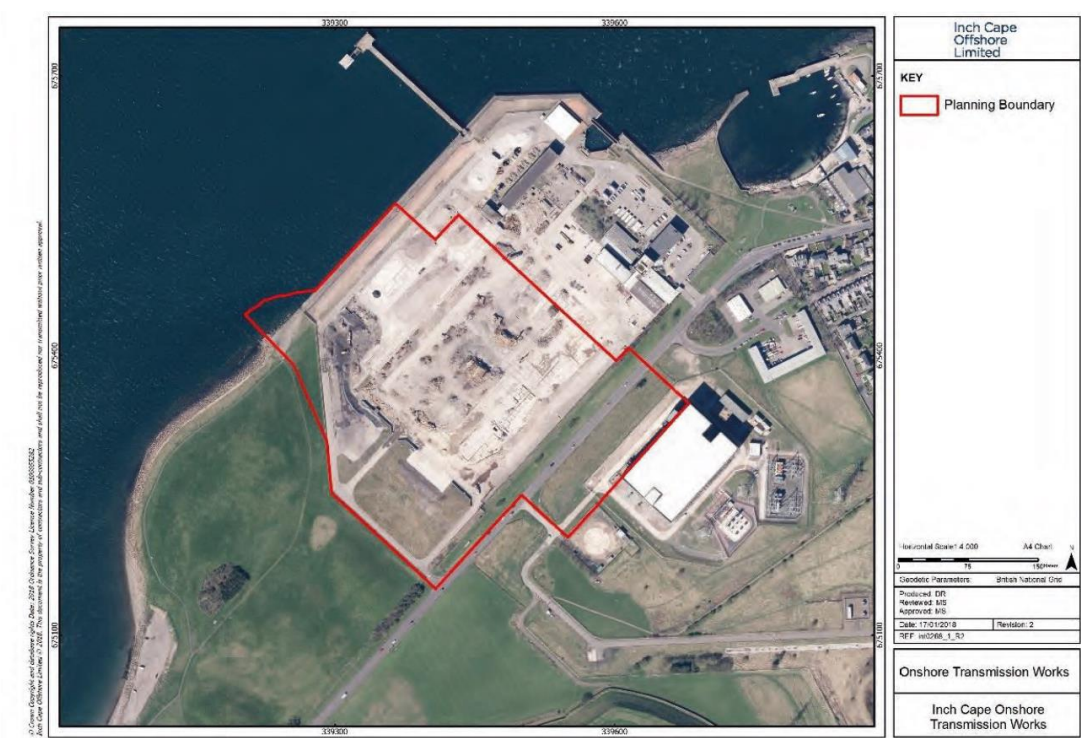
Consultation by East Lothian Council

- 29. ELC consulted all the Community Councils in its area seeking their views on the application, as there is some theoretical visibility from each, however none responded.

Consideration

Intertidal works and cable landfall

- 30. The previous consent for onshore works has now lapsed, and the applicant is currently seeking consent for an alternative site at the former Cockenzie Power Station, as shown in Figure 1.1 of the onshore ER, reproduced below. That application (for the onshore works) includes the cable landfall where two offshore export cables will be brought ashore and will run underground to the Cable transition pits. The ER for the onshore works states (section 5.4.1) that the landfall will be located on the north-west boundary of the application site. Two offshore export cables will be brought across the intertidal area, under the existing seawall and into the cable transition pits. The detailed location will be subject to further work.



- 31. However, the cable route export corridor as shown in Figure 7.6: Cable landfall within the Offshore ER, shows a much larger potential cable landfall area from Hays Rocks to Cockenzie

Harbour. As consent under Section 36 of the Electricity Act brings deemed planning permission, this means that the cables could be laid anywhere in the area shown. This area intersects with several designated sites: ELC\_15 Prestonpans Local Geodiversity Site; ELC\_16 Cockenzie and Port Seton Local Geodiversity Site; Cockenzie Conservation Area; Cockenzie Harbour itself is listed. The cable landfall is shown as to the northern end of the Prestonpans Coast Special Landscape Area. The originally consented onshore works also contained these areas, but the designated sites were not included in the 'Cable approach and Landfall Area'.

32. No assessment of potential for impact on these sites has been included in the Offshore ER. The Local Geodiversity Sites and Conservation Area was not noted at Scoping, however, the applicant's attention was drawn to the then forthcoming East Lothian Local Development Plan which includes these areas. As noted above, the applicant was aware ELC intended to designate SLAs and that these should be considered.
33. ELC has concerns about the visual impact of the cable landfall location within East Lothian shown within the offshore ER.
34. The Prestonpans Coast SLA extends to the low water mark. The northern end of the SLA consists of an area known locally as the Green Hills. These are identified as one of the Special Qualities and Features of the SLA, providing a large open green space easily accessible from the neighbouring towns with raised views along the coast and out over the Firth of Forth. The national route of the John Muir Way follows the coastline at this point affording open panoramic views over the coast and sea. ELLDP Policy DC9 of the states that development within or affecting Special Landscape Areas will only be permitted where either it accords with the Statement of Importance and does not harm the special character of the 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.
35. The construction stage of the development will require the presence of installation vehicles and trenching of the cable by methods such as burial ploughs, jetting trenchers, mechanical cutters, open trenching or horizontal direction drilling. Some of these methods will be more visually intrusive than others, but the works will be of a limited period and once installed there should be minimal landscape impact. However ELC notes that the Northern Lighthouse Board require cable marker boards where the cables make landfall. These consist of diamond shaped boards 2.5m long by 1.5m wide painted yellow with black writing and placed 4m above ground. The required marker boards could have a significant detrimental impact on appreciation of the coast in this location. A method statement should be conditioned to be submitted detailing the works to be carried out and the timescale of the proposed works and the design and location of any markers must be provided for assessment.
36. It appears from the onshore application that the intention is to bring the cables ashore as shown in the onshore application, which should be secured by condition on this consent. ELC considers this would be needed to comply with EIA legislation and avoid potential impacts on the Local Geodiversity Sites, Cockenzie and Port Seton Conservation Area and the listed Cockenzie Harbour.

#### **Offshore works – Biodiversity**

37. ELC values its birdlife, including that of the Firth of Forth SPA, the Forth Islands SPA and offshore, and Outer Firth of Forth and St Andrews Bay Complex proposed marine SPA. It also values the marine mammals which are visitors to the East Lothian coast, including those from the nearby Isle of May SAC and further afield Moray Firth SAC. There is legislative provision for

the protection of such sites and some such species. ELC does not support development that would have an adverse impact on the integrity of European sites within East Lothian, or involving such an effect on qualifying interest species of sites outwith East Lothian that visit East Lothian or its coast.

38. ELC notes that where Appropriate Assessment is required, as in this case, the competent authority must consult the appropriate nature conservation body, which is Scottish Natural Heritage. SNH have expertise on whether or not the development, either alone or in combination with other developments, would adversely impact the integrity of European sites. SNH are the statutory consultee on this matter, and they advise that in combination with the consented Neart na Gaoithe and Seagreen offshore windfarms this proposal will have an adverse effect on site integrity for some qualifying interests of the site.
39. ELC notes that SNH considers this scheme (in combination with others) will have an adverse impact on the integrity of a Natura 2000 site. SNH further state however that its impacts would be less than those of the consented scheme. ELC considers this scheme would therefore be preferable to the already consented scheme.

#### Offshore works - Geology and Water Quality

40. ELC considers that risks of pollution should be minimised and appropriate arrangements made if an incident for which the developer is responsible occurs. Such an incident could affect East Lothian if pollution were to reach the shores of East Lothian, which could require remediation. We note that the Environment Report considers shipping collision risk to be Moderate, or for recreational vessels, moderate to minor.
41. ELC would request that conditions are placed upon the consent to ensure;
  - (a) that in the details of construction, operation and decommissioning phases of the development best practice is adhered to avoid risk of pollution as far as possible; and
  - (b) Appropriate financial arrangements are made and maintained for the life of the scheme (including decommissioning) such that if an incident does occur for which the developer is responsible, that sufficient resources are available for remediation and any associated costs do not fall to ELC.

#### Offshore works - Cultural heritage

42. ELC has no comments to make in respect of the Historic Environment for the offshore elements of Inch Cape. ELC notes that the cable export corridor shown includes Cockenzie Harbour and has commented on this above.

#### Offshore works - Human Health

43. ELC does not envisage any significant impacts due to noise or air quality from the offshore works. Potential noise from helicopters is discussed in section 7.11.2 of the ER. The applicant has confirmed through correspondence sent through Marine Scotland that helicopters will not be operated over East Lothian. *“The helicopter position for the project is that whilst helicopter operations are unforeseen at present, if they are to be used I [sic] operations the flight path would not be over the East Lothian region.”*



44. ELC recommends that this is explicitly secured by condition, as it would not be covered by a general condition that the development should be constructed and operate in accordance with the ER as this information was not included in the ER.

#### **Offshore works - Seascape and Landscape**

45. ELLDP Policy WD3 – All Wind Turbines states that wind turbine development will be supported provided that the impact of the turbines and ancillary development is acceptable in terms of among other considerations:
- Cumulative issues with other development,
  - Landscape and /or visual impacts,
  - Impacts on natural and cultural heritage assets including their settings where relevant,
  - Impact on recreational value of public access routes.
46. The current proposal has the same developable footprint as the original application but has allowed for future proofing of any granted permission by assessing the impact of 40 turbines up to 291m to blade tip, 166m to hub and 250m diameter for a time period of 50 years. These turbines are not commercially available yet and therefore little information can be given on their detailed design. The ER notes that the wind turbines are to be pale grey in colour with a semi-matt finish. ELC can find no information in the ER on the actual proposed RAL colour, but would suggest that RAL 7038 agate grey should be considered. ELC would ask that information on the proposed colour of the turbine be provided and agreed with it.
47. These turbines are as much as a third again in height to both blade tip and hub height as the previously granted ones. Although fewer turbines are being assessed, their increased size will significantly increase their visibility and therefore visual impact on views from East Lothian.
48. Their size compared with the proposed turbine size for Neart Na Gaoithe has the effect of making the turbines of the two wind farms appear similar in scale in views from East Lothian. This has two detrimental effects. Firstly, it has the effect of making the Inch Cape turbines appear closer in views from East Lothian, increasing their visual dominance within the seascape. Secondly, cumulatively the turbines appear to be one windfarm spread across a significant proportion of the seascape horizon from East Lothian.

#### *Landscape Impact*

49. In terms of landscape character Appendix 12A assesses seascape character. It refers to the seascape character area SA17 from Eyebroughy to Torness Point and the receptors and designations within this including tourists, residents, A-roads, road users, recreational users, Areas of Great Landscape Value (which no longer exist), SLA (which are not assessed) and Gardens and Designed Landscapes. It notes that this seascape character area has a High to Medium value due to lying within a coastal Areas of Great Landscape Value of Medium sensitivity due to areas with scenic quality around Tantallon and North Berwick contrasting with industrial development associated with cement works, Torness Power Station and main road/rail links leading to a Medium sensitivity to change.
50. As the SLVIA has not included information on the East Lothian SLAs ELC has included this below:
- Tantallon Coast SLA
- The area closest to the proposed site is identified as the Tantallon Coast SLA and partly within the 50km study area. This is described within its Statement of Importance as East Lothian's

most scenic and diverse stretch of coastline consisting of the rocky cliffs and headlands of North Berwick and Tantallon with small sandy coves giving way to the expansive windswept beach at Peffers and Ravensheugh Sands. It is the wildest, most remote and least developed area of mainland coast within East Lothian. It is often rugged with mysterious elements particularly on the coast. An open landscape facing the sea, views are panoramic and spectacular with changing light and weather conditions having dramatic effects on the sea. This coastal SLA includes the island of the Bass Rock, part of East Lothian's Unspoiled Coast.

#### Belhaven Bay SLA

The coast to the west of Dunbar is also designated as the Belhaven Bay SLA. This area has high aesthetic appeal. It is an open landscape orientated towards the sea, affording good views over the coast and sea, as well as inland. It is varied and diverse, from estuaries to sand dunes, salt marsh, rocky shore and plantation woodland set within some of the best agricultural land in Scotland. The area has high recreational value including beaches, woodland, parks and recreational routes including the John Muir Way. This area includes the majority of John Muir Country Park, important for landscape, wildlife and recreation. Open views out to sea are a special quality and feature of the area.

#### Dunbar to Barns Ness Coast SLA

To the east of Dunbar the coast is designated as the Dunbar to Barns Ness Coast SLA important for its dramatic landscape with complex and rugged elements. The relatively undeveloped nature of this rocky coastline and separation from the land by low rocky cliffs creates a sense of wildness and isolation with uninterrupted, undeveloped views out to sea along the entire stretch of coastline. The area has good public access including the route of the John Muir Way path along its entire length and several parking areas and picnic spots. It has however limited built recreation facilities and attracts fewer recreational visitors than the northern beaches, being further from main population centres, helping to maintain its sense of wildness and isolation.

#### North Berwick to Seton Sands SLA

To the west of North Berwick the coastline is designated as the North Berwick to Seton Sands SLA. This area is the heart of East Lothian's recreational coast, including many beautiful, well-loved beaches, as well as the expansive nature reserve of Aberlady Bay and world class golf courses. Its coastline is diverse including low rocky headlands, estuaries and sandy beaches as well as the rare feature of mobile sand dunes. The islands of Fidra, Lamb and Craighleith also lie within the area, their remote areas of land providing havens for wildlife. They form part of the iconic seascape that is one of East Lothian's greatest assets.

51. As with the SLVIA assessment of the North Berwick to Dunbar Coastal AGLV we would define the sensitivity of the each SLA as High.
52. The visibility of turbines at over 50km is assessed in the SLVIA to be about 28% of the year, equivalent to 102 days. However, these days of good clear weather are more likely to attract larger visitor numbers to the coast or areas of higher ground such as North Berwick Law or Traprain, from where the turbines are visible. This introduction of a permanent new feature to the seascape changes the open undeveloped character of the seascape and introduces lighting into a previously dark scene. This leads to the loss of the unbroken horizon line of the sea and could detract from the appreciation of the coast as a natural area.

53. Lighting if visible from the coast of East Lothian will have a significant detrimental impact on the landscape character of the above Special Landscape Areas in particular by the introduction of the feel of development in areas described as remote, isolated and undeveloped with open landscapes facing the sea. Flashing yellow nautical lighting will be placed no higher than 30m from sea level on the turbines to be visible not less than 5 miles from the turbines. Given the distance of the turbines from East Lothian these lights will be positioned below the horizon in views from East Lothian and will not impact on the appreciation of the landscape character in views from East Lothian. Aviation lighting of at least one medium intensity 2000 candela steady red light fixed as close as possible to the top of the structure will also be required. With CAA permission this may be limited to just the periphery turbines. The applicant has submitted studies that suggest that the lighting at this intensity and coloured red will not be visible beyond 37 km from the lit structure. Article 233 also allows for reduction in lighting intensity to not less than 10% of the minimum peak intensity where visibility is more than 5km in all directions. This should mean that the turbine lighting is not visible from the coastline of East Lothian and should not impact on appreciation of the landscape character of East Lothian. However due to the negative impact that visibility of lighting from the turbines could have on appreciation of the undeveloped nature of the coastal character of East Lothian ELC requests a condition be placed on any consent for lighting to be monitored and should visibility be apparent from East Lothian that this be addressed. ELC would suggest that a maximum as well as a minimum lighting requirement be included within the condition and the condition include the requirement for dimming when visibility is greater than 5km.

#### *Visual Impact*

54. Two viewpoints from East Lothian have been fully assessed within the SLVIA. Several other viewpoints from East Lothian have been provided as illustrative wirelines but no detailed assessment on the effects on these locations has been provided.
55. **Viewpoint 26** in the SLVIA is from North Berwick Law. This is a prominent conical hill that is a recognised viewpoint popular with locals and tourists. It is within the small and tightly defined North Berwick Law Special Landscape Area. The excellent views, especially along the coast, from the top of the Law are identified as one of the SLA's special qualities and features. This is therefore identified as of High Value and High Visual Sensitivity using the criteria within the SLVIA.
56. The visual from North Berwick Law, viewpoint 26, shows the Bass Rock to be a point of focus within this panoramic view. The proposed Inchcape turbines sit along the horizon to the left and separate from the island in this view. However the turbines sit behind and evenly spread to either side of the Isle of May. The Isle of May although distant from East Lothian has a distinctive flat shelf-like form that becomes a feature within the seascape when the weather conditions are right. It is likely that when visibility is suitable to view the Isle of May that the turbines of Inchcape will also be visible. The SLVIA suggest that due to the distance of the wind turbines from the Isle of May that a gap of sea will be visible between them. However when the increased proposed height of the turbines set beyond the island will detract from its linear form, even if it can be seen that the turbines are separate to the island.
57. The turbines break the open horizon of the seascape by the introduction of permanent, vertical and moving man-made form. This differs from the ship movements across the

seascape, which are transitory and obviously related to the seascape in which it is viewed. The turbines detract from the natural undeveloped nature of this view. This would be less significant if the seascape was a single uninterrupted element. However in this location the islands create focus to the view from which the turbines will detract.

58. Although the windfarm by itself represents only a limited area of development within a wider seascape, cumulatively with the revised granted proposals at Neart Na Gaoithe, and less so the proposal for Seagreen Fig. 12.60f, the wireline from North Berwick Law indicates that the spread of turbines of Inchcape and Neart Na Gaoithe fill the viewer's field of vision. Seagreen sits beyond adding to the massing and clutter, but not the spread. Cumulatively the wind turbines become the dominant feature in this view significantly detracting from the spectacular seascape coastal view of East Lothian and the Bass Rock and Isle of May. The increase in proposed height of the Inchcape turbines compared with the existing granted Inchcape windfarm adds to this impact by giving the impression of a single large windfarm, cumulatively with Neart Na Gaoithe, of turbines of the same height. It is East Lothian's landscape opinion that the SLVIA therefore underestimates the magnitude of cumulative change that the Inchcape windfarm would have on this highly sensitive and valued viewpoint and Special Landscape Area. ELC considers the magnitude of cumulative change afforded by the Inchcape proposals to be Moderate where the wind turbines represent a notable increase in the proportion of the seascape and view affected by windfarm developments.
59. It is proposed to layout the turbines in either a grid or offset grid design. One visual effect with viewing a windfarm laid out in a grid is that in some views you will see some of the turbines lined up in a grid structure but others do not appear to be lined up and this changes as the view position changes. From the visual at viewpoint 26 North Berwick Law where the turbines appear in lines to the left side but spread out to the right side. This apparent mix of turbine positions can appear worse where there are more than one wind farm within the view such as in this view where the turbines of Inchcape overlap with the Neart Na Gaoithe turbines but in different layouts. An offset grid layout may potentially address this issue.
60. Given the High sensitivity of the North Berwick Law SLA and the High sensitivity of the North Berwick Law viewpoint and the Moderate magnitude of change this would equate to a Moderate/Major detrimental significance of effect using table 12.21 in the SLVIA. This is a Significant effect on both seascape character and visual amenity.
61. **Viewpoint 25** in the SLVIA is from the clifftop at Winterfield Park in Dunbar on the John Muir Way. The John Muir Way is a nationally recognised coast to coast cycling and walking route promoted in tourist literature. Views of the sea and coast along this route form a recognised part of the visitor experience. It is therefore identified as of High Value using the criteria in the SLVIA. The viewpoint is also representative of local residents within Dunbar and is therefore of High Visual Sensitivity for proprietary interest and prolonged viewing opportunities. The viewpoint is also located within the Belhaven Bay SLA described as an open landscape orientated towards the sea. Recreation and views out to the sea are key qualities of this area.
62. Given the lower elevation of this viewpoint than that from North Berwick Law the turbines have reduced visibility in this view and are assessed in the SLVIA to be visible for 19 percent of the time equivalent to 69 days of the year. Although the windfarm by itself represents only a limited area of development within a wider seascape it reads cumulatively with the revised

granted proposals at Neart Na Gaoithe. Using table 12.19 of the SLVIA the magnitude of cumulative change would appear to be underestimated within the SLVIA. We consider the magnitude of cumulative change afforded by the Inchcape proposals to be Low where the Inch Cape wind turbines would represent a minor addition to the proportion of the seascape affected by wind farm developments. The change would be discernible, but the original baseline conditions would be largely unaltered.

63. Given the High sensitivity of this viewpoint and the Low magnitude of cumulative change this would equate to a Moderate and not significant effect on the seascape character and visual amenity.
64. Several wirelines have been submitted for other viewpoints felt to be sensitive within East Lothian.

#### **The A198 road east of North Berwick**

65. This viewpoint and the sequential views along the A198 heading east as you leave North Berwick provide an iconic view of the Bass Rock set in open sea beyond the cliffs east of North Berwick. The gannets diving into the sea around the island are visible to the naked eye. The Bass Rock provides one of East Lothian's least developed areas of coast. This is highly sensitive receptor. It is also located within the Tantallon Coast SLA, one of East Lothian's most scenic areas. An open landscape facing the sea, views are panoramic and spectacular with changing light and weather conditions having dramatic effects on the sea.
66. The importance of this view is supported by the recent development of the café on the cliff top situated to look towards the Bass Rock. The sensitivity of the receptor is at least High and it could be argued that it is Very High.
67. The Bass Rock is the focus of this view. The granted Neart Na Gaoithe turbines site mainly to the right of the Bass Rock in this view. The Inch Cape wind turbines form a significant additional element in this view extending the spread of wind turbines across the horizon to the left of the Bass Rock and beyond the Isle of May and impacting further on the setting of the Bass Rock. This can be assessed as a Moderate magnitude of cumulative change. A moderate level of change combined with a High sensitivity of receptor equates to a Moderate/Major significance of effect using table 12.21 in the SLVIA. This is a Significant detrimental effect on both seascape character and visual amenity.

#### **Tantallon Castle**

68. This is highly sensitive receptor. It is important as a tourist attraction and for the heritage of the area. It is also located within the Tantallon Coast Special Landscape Area, one of East Lothian's most scenic areas.
69. As with the view from Dunbar the viewpoint from Tantallon Castle is focused out to sea. The Inch Cape wind turbines form a significant additional element in this view extending the spread of wind turbines across the horizon to the left of the granted Neart Na Gaoithe turbines up to and behind the Isle of May. However in this view the turbines are not located where they impact on the setting of the Bass Rock which can still be seen in isolation within an open sea view. This would be assessed as a Moderate to Low magnitude of cumulative

change. This would equate to a Moderate and not significant effect on the seascape character and visual amenity from this location.

#### **Ravensheugh Sands**

70. As with the above two viewpoints this is a highly sensitive receptor located within the Tantallon Coast Special Landscape Area, one of East Lothian's most scenic areas. It is the wildest, most remote and least developed area of mainland coast within East Lothian. Ravensheugh Sands and the adjacent Peffers Sands create an expansive area of sandy windswept beach. Its sense of isolation is increased by separation from the land by high dunes backing the beach. The focus of the view is out to sea. In this view the proposed wind turbines at Inch Cape represent a minor addition to the proportion of seascape view affected by wind farm developments. They extend the spread of the wind farm development across the horizon forming a single element that reads with the wind turbines of Neart Na Gaoithe. However their reduced height in this view create a visual effect of the wind farm stepping down at the edge. The effect of a Low magnitude of change on a High sensitivity receptor creates a Moderate but not significant effect.

#### **Yellowcraig**

71. Another highly sensitive receptor important for users of the coast from families playing on the beach, to dog walkers to nature lovers all enjoying the scenic qualities of the area provided by the wide sandy beach and off shore islands. Yellowcraig beach joins with Broadsands to form a large expanse of sandy beach leading from Fidra Island round to North Berwick. It lies within the North Berwick to Seton Sands Coast Special Landscape Area. It is described as being at the heart of East Lothian's recreational coast and offers iconic views of the East Lothian seascape with the islands of Fidra, Lamb and Craigleith in the near sea with the Bass Rock and the Isle of May further off, and North Berwick Law framing views to the south. As you walk along this beach eastwards your view is focussed on the off shore islands. The distance to the nearest turbine is further than for the other viewpoints and the wind turbines are low to the horizon. The angle of the view to the wind farm however affords a wider view of turbines spread across the horizon. The granted turbines of Neart Na Gaoithe spread along the horizon between The Lamb and the Isle of May. The proposed Inch Cape turbines extend further across the horizon from the Isle of May towards the coast of Fife. They may have the effect of starting to visually tie the coast of East Lothian to the coast of Fife by creating a continuous link between the islands to the south side of the Forth to the island to the North side. The cumulative magnitude of change is therefore higher than negligible within this view and should be considered low. The effect of a Low magnitude of change on a High sensitivity receptor creates a Moderate but not significant effect.

#### *Landscape and Visual impact – conclusion*

72. As can be seen in the above visual assessment the proposed Inch Cape wind turbines will have a significant adverse cumulative impact on areas of the coast of East Lothian beyond the 50km study area, including on one of the most iconic and spectacular views of the East Lothian coast from the A198 to the east of North Berwick and from North Berwick Law over the Bass Rock. The proposed turbines will have a detrimental visual impact on much of the coastline particularly on days of good visibility when people are more likely to visit the coast. The increased proposed height of the Inch Cape turbines however blurs the distinction between the wind farms making Inch Cape and Neart Na Gaoithe appear as one spreading wind farm in views from East Lothian and may therefore have the effect of making the turbines of Inch

Cape appear closer to East Lothian. This will have a greater detrimental visual impact than the consented Inch Cape scheme. The consented scheme, although for more turbines, being of a lower height will not be visible from as many locations within East Lothian, and where it is visible, will be less distinct and will not read as one with the consented scheme at Neart na Gaoithe.

73. However the proposed development has fewer turbines, spread further apart with higher hub heights than the previous approved application which generally gives a clearer picture of the wind farm when viewed from East Lothian. It reduces the clutter of the denser layout with lower turbines pulsing on the horizon.
74. It should be noted that as the baseline assessment contains other offshore windfarms ELC has not considered the impact of Inch Cape windfarm as a standalone development.

#### *Landscape mitigation*

75. Mitigation could be undertaken to reduce the impact by ensuring lighting is not visible from East Lothian and by considering the turbine layout to balance the wind farm in views from East Lothian. Additionally this study is a worst case scenario assessment. The turbines proposed are not available at present and any reduction in height would help to reduce visual impacts on the coast of East Lothian. Any reduction in height would also help the Inch Cape turbine appear separate to the Neart Na Gaoithe wind farm. Alternatively reducing the spread of the turbines could also have this effect.
76. Due to the turbines location to the northeast of East Lothian when viewed from East Lothian the sun will be reflected on them. This could lead to an increase in visibility of the turbines from East Lothian. Finish must be matt and unreflective and a suggested colour may be RAL 7038 agate grey.
77. ELC would ask that a condition of any consent be that detailed design and layout resulting from micro siting and other limiting factors be discussed with and approved by East Lothian Council.
78. We would also ask that a condition be placed on any granted application for lighting to be monitored and should visibility be apparent from East Lothian that this be addressed and reduced where possible with the replacement of lighting as new systems/methods become available during the life of the windfarm. We would suggest that a maximum as well as a minimum lighting requirement be included within the condition and the condition include the requirement for dimming when visibility is greater than 5km.
79. ELC notes the Environment Report expects there to be an adverse effect on elements of the landscape/seascape resource. ELC considers this to be a greater impact than stated in the ER, as noted above. This is experienced by recreational users, who may suffer detriment to their recreational experience, or attempt to recreate elsewhere. Regulations 22 of the EIA regulations sets out provision for monitoring, and if necessary remediation of significant effects. Monitoring should include study of the effect of the scheme (if any) on the qualitative experience of recreational users and any impact on levels of use of recreational areas where the landscape resource is predicted to be impacted, in particular the coast, Dunbar and North Berwick Law. If necessary appropriate remedial action should be identified such as increasing

awareness of alternative areas through e.g. leaflets; increasing recreational possibilities elsewhere; or non-standard maintenance of existing recreational areas to ensure that the recreational offer in East Lothian remains of the same quality overall as without the scheme. ELC therefore requests monitoring of the effect on the experience of recreational users and levels of use, and appropriate remedial action to be taken if necessary to ensure the recreational offer in East Lothian remains of the same quality overall as without the scheme.

## **Decommissioning**

80. ELC is concerned that provision be made for decommissioning, as noted in the project description. Due to impacts on landscape and seascape, among others, ELC is particularly concerned about the removal of the turbines, towers and other offshore works above the sea bed however, it may be that best practice at the time of decommissioning seeks further (or less) work. ELC would prefer that the decommissioning condition retains the option of removing all elements of the project. ELC therefore requests a condition requiring decommissioning in accordance with best practice or advice at the time, and seeks to be consulted on the Decommissioning Programme both prior to construction and prior to decommissioning.
81. ELC also requests that a condition be placed on consent to ensure financial arrangements are put in place to secure decommissioning in the event that the owner of the scheme does not carry it out.

## **Conclusion**

82. ELC considers that the proposal will have significant adverse effects on interests within East Lothian as detailed above. In comparison to the consented scheme, the effects on the interests of Natura sites are reduced. However, the seascape, landscape and visual impact will be greater than the consented scheme, due to the increased height, particularly cumulatively with Neart na Gaoithe. The impacts will also be greater due to the increased proposed length of time of consent. However, the amount of renewable energy projected to be produced is considerable and will help address climate change and air pollution through displacing fossil fuel generation.
83. National policy and the East Lothian Local Development Plan support the generation of renewable energy, subject to consideration of landscape and other interests. ELC did not object to the original scheme, considering the benefits of renewable energy generation to outweigh the impacts of the scheme. ELC considers that the impacts of the current proposed scheme overall will not be greater than those of the consented scheme, as although the turbines are higher, and will be seen from more places, there are fewer of them, and they are more widely spaced. However, the consent period for this scheme is 50 years rather than the original 25 years, and this doubles the length of time during which impacts will occur.
84. Nonetheless ELC does not object to the proposals provided conditions are placed on the consent to achieve the aims of the conditions annexed below.
85. The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 place increased importance on mitigation and monitoring. The increased length of time for the proposed project over the original consented works also increases the impact and therefore the desirability of both monitoring and mitigation of impacts.



## **Note on Community Benefits from Offshore Renewable Energy Developments – Scottish Government Good Practice Principles.**

86. The consultation draft of Scottish Government Good Practice Principles document sets out the key principles of designing and providing a community benefit package. In this regard, ELC recognises the voluntary nature of the benefits, and the value of the project in contributing to low carbon generation. However, ELC also recognises that while the impacts are considered acceptable when balanced against the need to generate renewable energy, nonetheless, the impacts are felt within a particular area including parts of East Lothian, whereas the benefits such reduced carbon dioxide emissions will be more widely distributed.
87. The main adverse impacts are an adverse impact on landscape and seascape resource both on and offshore including impacts on recreational and daily experience of landscape/seascape. Most if not all community council areas in East Lothian will have some visibility of the scheme, though in some areas it will be much more noticeable than others, mainly areas on the north-eastern and eastern coast, as well as from higher ground. For these reasons, it is our view that areas within East Lothian should be considered as part of the community if community benefits are to be considered.
88. If you would like to discuss the contents of this letter further, please contact J Squires (Monday to Thursday only) on 01620 827370, or email to [jsquires@eastlothian.gov.uk](mailto:jsquires@eastlothian.gov.uk)

Yours sincerely,

J Squires

**Pp Iain McFarlane**  
**Planning Service Manager**  
**Development**  
**Communities**  
**East Lothian Council**

## ANNEX: Conditions

1. Intertidal works must be constructed in accordance with the works and conditions set out in consent related to East Lothian planning reference 18/00189/PPM or subsequent planning permission for onshore works  
*Reason: to avoid harm to Local Geodiversity Sites and/or Cockenzie Harbour and to comply with EIA legislation.*
2. A method statement should be submitted detailing the intertidal works to be carried out and the timescale of the proposed works and the design and location of any cable marker boards markers should be shown, with details of the works and design and location of markers to be agreed with East Lothian Council.  
*Reason: to protect the visual amenity of the area*
3. A maximum rating for light emission should be included such that the lighting is at a level below which it is expected to be visible from East Lothian, as reported in the Offshore ER. No further lighting should be permitted other than for temporary emergency health and safety reasons, without prior written approval from Scottish Ministers in consultation with ELC. The lighting should be dimmed when the visibility is greater than 5km. The visibility of the lighting from East Lothian should be assessed within 6 months of installation, and if it is visible from mainland East Lothian, remedial action should be taken.  
*Reason: Lighting should be kept to a level where it is not visible from East Lothian in the interests of visual amenity of East Lothian.*
4. Noise:
  - Helicopters used in relation to the scheme should not fly over East Lothian
  - fog warning sound should also be kept to a minimum and reviewed regularly*Reason: in the interests of amenity*
5. That East Lothian Council be consulted on details of design not fixed by the application including the final layout and colour of the turbines, prior to approval.  
*Reason; to protect the landscape, seascape and visual resource of East Lothian*
6. (a) That provision for decommissioning of the project in line with best practice at the time is made, allowing for the possibility that all elements of the project are required to be removed.  
(b) That sufficient funds are available to decommission the project, should the owner of the scheme be unwilling or unable to do so at the end of the term of consent; financial provision should be maintained during the lifetime of the scheme to fully cover the costs of decommissioning.  
*Reason; to ensure the scheme is decommissioned at the end of its operational life and that the costs do not fall to the public authorities*
7. That in the details of construction, operation and decommissioning phases of the development best practice is adhered to avoid risk of pollution as far as possible; and appropriate financial arrangements are made and maintained for the life of the scheme (including decommissioning) such that if an incident does occur for which the developer is responsible, that sufficient resources are available for remediation and  
*Reason: to avoid any costs associated with a polluting incident falling to the public authorities*



# Redacted

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**From:** Martin McGroarty <Martin.McGroarty@fife.gov.uk>  
**Sent:** 13 December 2018 12:31  
**To:** Redacted  
**Subject:** 28/08/18- PRIORITY- KW-18/02444/CON- Inch Cape Offshore Windfarm (Revised Design)

**ELECTRICITY ACT 1989 (AS AMENDED)**

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)  
The Electricity (Applications for Consent) Regulations 1990

**MARINE (SCOTLAND) ACT 2010**

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

**APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) AND  
MARINE LICENCES UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE  
INCH CAPE OFFSHORE WINDFARM (REVISED DESIGN), OFF THE ANGUS COASTLINE**

Good afternoon <sup>Redacted</sup>,

Having consulted with Elected Members and colleagues on this matter, I can confirm that Fife Council has no objection to the proposal but would add the following.

Fife Council's previous comments on offshore windfarm developments have indicated that the cumulative impact of the developments on bird species from European designated sites within the Forth of Firth, in particular the Forth Islands SPA, is a potential cause for concern and this remains the case. It is expected that SNH specialists will advise regarding any adverse effect on the integrity of the Forth Islands SPA and any other European site.

Kind regards,  
Martin

**Martin McGroarty,**

Lead Professional (Minerals)

Economy, Planning & Employability Services, Fife Council, Kingdom House, Kingdom Avenue,  
GLENROTHES, Fife. KY7 5LY

03451 55 11 22 [development.central@fife.gov.uk](mailto:development.central@fife.gov.uk)

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# Redacted

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**From:** Miller, Craig <CMiller@scotborders.gov.uk>  
**Sent:** 13 December 2018 08:50  
**To:** Redacted  
**Subject:** FW: 18/01109/S36 APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) AND MARINE LICENCES UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE INCH CAPE OFFSHORE WINDFARM (REVISED DESIGN)  
**Attachments:** Inch Cape Ecology.docx

Craig Miller  
Principal Planning Officer  
Regulatory Services  
Scottish Borders Council  
Tel: 01835 825029  
E-mail : [cmiller@scotborders.gov.uk](mailto:cmiller@scotborders.gov.uk)

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**From:** Miller, Craig  
**Sent:** 13 December 2018 08:49  
**To:** ' Redacted  
**Subject:** 18/01109/S36 APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) AND MARINE LICENCES UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE INCH CAPE OFFSHORE WINDFARM (REVISED DESIGN)

Dear Madam

I refer to the above S36 application and your consultation to this Authority of 21 August 2018. Scottish Borders Council had previously raised no objections to the original 2013 scheme nor the time extension to commencement of development. We understand that this revised design remains in the same location and has the same site boundaries as the earlier scheme, but represents a decrease in the number of turbines, whilst raising tip heights. Given that we initially had no objections to the originally proposed 213 turbines at 215m tip height, we believe that the tip height increase to 291m is still both so distant (55km) from the Borders coastline that such an increase would be unlikely to create any significant effects and that those effects have been offset by the reduction in turbine

numbers from the 110 originally approved. We consequently raise no objections to this revised design of development.

For your information, I also attach comment from our Ecology Officer who recognises that there may be impacts on the St Abb's Head to Fast Castle SPA in relation to black-legged kittiwake but that the statutory agency (SNH) are addressing this matter in their response on the S36. Conditions are also recommended as stated in his response,

Regards

Craig Miller  
Principal Planning Officer  
Regulatory Services  
Scottish Borders Council  
Tel: 01835 825029  
E-mail : [cmiller@scotborders.gov.uk](mailto:cmiller@scotborders.gov.uk)

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# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Ecology Officer Name and Post:	Contact e-mail/number:
	Dr Andy Tharme, Ecology Officer	<a href="mailto:atharme@scotborders.gov.uk">atharme@scotborders.gov.uk</a> T: 01835-826514
Date of reply	13 November 2018	
Planning Application Reference	18/01109/S36	Case Officer: Craig Miller
Proposed Development	Offshore wind farm comp[ri]sing up to 72 wind turbines together with associated interconnecting cabling works	
Site Location	Inch Cape Off shore windfarm, Arbroath, Angus	
<b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b>		
Background and Site description		
Key Issues	<ul style="list-style-type: none"><li>Potential impacts on Natura Sites (Berwickshire and North Northumberland Coast SAC and St Abb's Head to Fast Castle SPA)</li></ul>	
Assessment	<p>Relevant LDP policy is <i>EP1: International Nature Conservation Sites and Protected Species</i>.</p> <p>Development Proposals which will have a likely significant effect on a designated site or proposed Natura site are only permissible where:</p> <ul style="list-style-type: none"><li>a) An appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or</li><li>b) There are no alternative solutions, and</li><li>c) There are imperative reasons of overriding public interest including those of a social or economic nature</li></ul> <p>The only likely significant ecological receptors in Scottish Borders that may be affected by the proposal are the Berwickshire and North Northumberland Coast SAC (<i>qualifying interest grey seals, large shallow inlets and bays (Shallow inlets and bays), mudflats and sandflats not covered by seawater at low tide (Intertidal mudflats and sandflats) submerged or partially submerged sea caves (Sea caves), reefs</i>) and St Abb's Head to Fast Castle SPA (<i>qualifying interest seabird assemblage razorbill, common guillemot, black-legged kittiwake, herring gull and European shag</i>).</p> <p>Information has been provided to inform a Habitat Regulations Appraisal including an Appropriate Assessment (Marine Mammals Habitat Regulations Appraisal and Ornithology Habitats Regulations Appraisal (both Inch Cape Offshore Ltd)).</p> <p>Impacts on grey seals may arise through displacement/permanent threshold shift</p>	

(auditory injury to grey seals) from piling during construction and disturbance from increased noise (geophysical survey systems). It is predicted in the HRA report that impacts on grey seals as a qualifying interest of the Berwickshire and North Northumberland SAC, either alone or in combination with other proposals, will not cause deterioration of the habitats of grey seals or significant disturbance to grey seals, ensuring the integrity of the site is not adversely affected. SNH (28/09/18) advise that there will be no adverse effect on site integrity for grey seals as qualifying interest of the SAC subject to conditions relating to construction including piling.

The Ornithological report focusses on the assessment for the four breeding seabird colony SPAs on the Conservation Objective to maintain, in the long term, the “population of the species as a viable component of the site”. The Competent Authority will be required to carry out the Appropriate Assessment.

I note that SNH (28<sup>th</sup> September 2018) object to the proposal on the basis that this will have an adverse impact on the site integrity for the qualifying interest of the Forth Islands SPA, and an adverse impact on the site integrity for the qualifying interest of Fowlsheugh SPA and that there could be an adverse impact on site integrity for black-legged kittiwake as a qualifying interest of St Abb’s Head to Fast Castle SPA.

SNH advise that the revised Inch Cape scheme on its own will not cause an adverse effect on site integrity to any Special Protection Area (SPA). However, adverse impacts arise in combination with the consented Neart na Gaoithe and Seagreen offshore wind farms as set out above.

With regard to the impacts on St Abb’s Head to Fast Castle SPA the impacts are through collision risk.

No adverse effect on the site integrity of St Abb’s Head to Fast Castle SPA for herring gull and common guillemot is predicted from Inch Cape in combination with other wind farm proposals.

This assessment is based on the worst-case scenario (in-combination with 2014 proposals for Neart Na Gaoithe, and Seagreen Alpha and Seagreen Bravo, plus UK North Sea wind farms and passage migration period).

I note that the St Abb’s Head to Fast Castle SPA black-legged kittiwake population is in steep decline (the NNR component of the population was down to 3,244 apparently occupied nests, the second lowest count on record). The SPA citation population is 21,170 pairs (at designation in 1997 or where amended by 2001 SPA review.)

SNH are unable to conclude that Inch Cape in combination impacts for kittiwake collision will not have an adverse effect on site integrity at the St Abb’s Head to Fast Castle SPA. If site specific flight heights rather than generic flight heights had been used in the modelling this would have reduced impacts significantly.

SNH refer to impacts from Inch Cape in combination with Neart Na Gaoithe and Seagreen proposals resulting in a predicted population size of 97% (counterfactual population size) of the un-impacted population after 25 years and 89% after 50 years. This does not appear to correspond with the data shown in table 4.57 of the HRA report. The 89% figure (11% population decline refers to the in combination effects with Neart Na Gaoithe and Seagreen proposals and passage from other UK North Sea wind farm and represents the worst case scenario. The



	<p>equivalent value for 25 years is a population size of 94% of the unimpacted scenario.</p> <p>I am aware that further updated proposals for Neart Na Gaiotie and Seagreen are being consulted on.</p> <p>There is uncertainty as to whether there is a significant adverse impact on the integrity of the St Abb's Head to Fast Castle SPA for its qualifying interest (black-legged kittiwake only). SNH are adopting the precautionary principle with regard to impacts on St Abb's Head to Fast Castle SPA.</p> <p>I am content that the statutory agency is addressing this matter which will need to be considered by the Competent Authority (Scottish Ministers).</p>			
<b>Recommendation</b>	<input type="checkbox"/> <b>Object</b>	<input checked="" type="checkbox"/> <b>Do not object</b>	<input type="checkbox"/> <b>Do not object, subject to conditions</b>	<input type="checkbox"/> <b>Further information required</b>
<b>Recommended Conditions</b>	<ul style="list-style-type: none"> <li>• Condition for a Piling Strategy to ensure sequential pile driving is avoided in relation to other in-combination proposals.</li> <li>• Condition to enable mitigation (e.g. curtailment) to address any significant adverse impacts on seabird populations at St Abb's Head to Fast Castle SPA that may arise that are identified through monitoring.</li> </ul>			
<b>Recommended Informatives</b>				