

E: ms.marinerenewables@gov.scot

**Ms Sarah Arthur  
Inch Cape Offshore Limited  
5<sup>th</sup> Floor  
40 Princes Street  
Edinburgh  
HE 2BY**

Date: 24 March 2023

Dear Sarah,

**SCREENING OPINION UNDER THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017**

Thank you for your screening opinion request and associated screening opinion report (“Screening Report”) dated 26 January 2023 in regards to the proposed additional landfall works at Cnockie associated with the Inch Cape Offshore Windfarm (“the Project”). The proposed additional landfall works include removal and replacement of sections of an existing seawall, works to an existing rock revetment, and the removal of an existing outfall pipe and construction of a new outfall pipe (“the Proposed Works”) to facilitate the construction of the offshore export cables for the Project.

The Project is an Environmental Impact Assessment (“EIA”) project and therefore the Scottish Ministers consider the Proposed Works to fall under paragraph 13 of schedule 2 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”) on the basis of the Proposed Works meeting the corresponding threshold described in column 2 of schedule 2. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are an EIA project under the 2017 MW Regulations.

Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted with NatureScot (operating name of Scottish Natural Heritage), Scottish Environment Protection Agency (“SEPA”), the relevant local planning authorities (Aberdeenshire Council, Angus Council, Dundee City Council, East Lothian Council (“ELC”), Fife Council, and the Scottish Borders Council) and Historic Environment Scotland (“HAS”) as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review.

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must provide their reasons in a written statement, taking into account the selection criteria set out in schedule 3 of the 2017 MW Regulations, as are relevant to the Proposed Works. This is set out below.

## **Characteristics of the works**

Inch Cape Offshore Limited (“the Applicant”) was awarded a marine licence for the construction of two export cables on 17 June 2019 that will transmit electricity from the Project. As part of this work the Applicant has identified that additional landfall works would be required for construction of the export cables which includes removal and replacement of sections of an existing seawall, works to an existing rock revetment, and the removal of an existing outfall pipe and construction of a new outfall pipe.

Three sections of the existing sea wall, each up to 7 metres wide, will be temporarily removed. One section will allow the diversion of the outfall pipe. The other two sections will allow the export cable containment troughs to cross from offshore to onshore. One of the cable sections will be where the seawall is supported by a buried steel sheet pile wall, and the other will be where it is supported by a rock revetment.

Where export cable 1 coincides with the buried steel sheet-pile wall, the Applicant proposes to break out the concrete in front of the wall and cut a window through the steel piles. Steel framing will be used to maintain the stability of the buried sheet pile during cutting works.

Where export cable 2 coincides with the rock revetment and concrete crest wall, the Applicant proposes to break out the crest wall and excavate a trench through the revetment.

Prior to the construction of the export cable trenches, the existing outfall pipe will be diverted. The Applicant proposes to install a new outfall to the west of the landfall location and remove the existing outfall. To install the new outfall it is necessary to excavate a trench through the existing rock revetment.

Two options are considered for installation of the new outfall: placing the pipe directly into a shallow trench in the seabed and backfilling with mass concrete and/or rock armour; or placing a precast concrete trough into a trench in the seabed, installing the pipe into this precast trough, and then backfilling with concrete. Displaced seabed materials and rock armour will be stored on site and then re-used to reinstate the beach profile. The new outfall will be secured to the seabed using drilled and grouted stainless steel rods.

The Applicant proposes to reinstate the three sections of the sea defence wall. The two export cable penetration locations will be replaced with precast letterboxes and a standard wall section will be constructed where the outfall is diverted.

## **Location of the works**

The Proposed Works are located within the consented export cable corridor for the Project, near the onshore substation site to the west of Cockenzie, East Lothian. The Proposed Works are not within any designated site. However, the Screening Report identifies a number of designated sites which lie within the vicinity that the Applicant considers relevant to the screening request. The list includes all those considered in the Habitats Regulations Appraisal undertaken at the time of the original application for the Project and an additional two designated sites which lie within the vicinity of the Proposed Works. The Screening Report concluded that due to the temporary and localised nature of the Proposed Works it is not anticipated that any significant effects will arise.

NatureScot advised that the Proposed Works will generate likely significant effects on some designated sites and disagreed with the conclusion of the Screening Report. However, NatureScot advised that as the scale and magnitude of these effects fall within existing consented parameters, there will be no adverse effects on site integrity and therefore, an EIA is not required.

### **Characteristics of the potential impact**

The Screening Report identified potential impacts on benthic ecology, ornithology, cultural heritage and marine archaeology as potential significant effects arising from the Proposed Works. Following further consideration, the Screening Report concluded that the Proposed Works are lesser in both scale and magnitude than those already consented. Therefore no significant effects are predicted to arise on any of the above receptors as a result of the Proposed Works than has previously been assessed.

HES agreed with the Screening Report that there will be no further significant impacts from the Proposed Works and welcomed the proposed mitigation noted in the Screening Report.

ELC noted that the mitigation measures included in the Screening Report to reduce flood risk must be adhered to, to prevent an increased flood risk on site. Additionally, ELC noted that the Screening Report does not clearly set out disposal methods of generated waste. ELC also requested information in relation to green house gas emissions of the Proposed Works and any mitigation. ELC confirmed that it does not consider that the Proposed Works will have significant effects on all other receptors considered in the Screening Report. The Scottish Ministers are content that impacts to flood risk, waste and green house gas emissions from the Proposed Works are unlikely to have significant adverse effects on the environment.

Angus Council is satisfied that the Proposed Works will not result in impacts to Angus which are of significance or are materially different to those of the already consented Project.

Aberdeenshire Council agreed with the conclusion of the Screening Report that the Proposed Works will not result in any potential significant effects and therefore an EIA is not required.

Fife Council stated that the Proposed Works are unlikely to give rise to significant effects on the environment, and therefore an EIA is not required.

SEPA, Dundee City Council and Scottish Borders Council had no comment to make on the Proposed Works.

The Scottish Ministers are content that, in line with the advice received, the Proposed Works are unlikely to have significant adverse effects on the environment.

### **Conclusion**

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are not an EIA project under the 2017 MW Regulations and, therefore, an EIA is not required to be carried out in respect of the Proposed Works.

If you increase, alter or extend the Proposed Works, you are advised to contact Marine Scotland - Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to the relevant local authorities' planning

departments. The screening opinion has also been made publicly available through the [Marine Scotland Information](#) website.

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely

Stephanie Morrison

Marine Scotland - Licensing Operations Team