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[Redacted]

**Inch Cape Offshore Limited**  
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Date: 6 March 2023

Dear [Redacted]

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

Thank you for your screening opinion request and accompanying screening opinion report (“Screening Report”) dated 15 December 2022 in regards to the proposed variation to increase the temporary and permanent deposit quantities permitted, and to revise the offshore export cable coordinates (“the Proposed Works”) of the offshore transmission works (“OFTW”) marine licence for Inch Cape Offshore Windfarm (“the Project”). The revised design of the the Project includes the OFTW marine licence which connects the Project with the landfall location located near Cockenzie, East Lothian, granted in 2019 (“the Licensed Works”).

The Project is an Environmental Impact Assessment (“EIA”) project 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 being carried out in a sensitive area, as defines by the 2017 MW Regulations. 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 (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency (“SEPA”), the relevant local planning authorities (Aberdeenshire Council, Angus Council, Dundee City Council, East Lothian Council (“ELC”), Fife Council and Scottish Borders Council) and Historic Environment Scotland (“HES”) as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review (at Appendix I).

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**

The Licensed Works include a condition permitting no more than 180 kilometres (“km”) of marine cable and no more than two export cables, each measuring no more than 83.3 km. Inch Cape Offshore Limited (“the Applicant”) is seeking to utilise the full allowable deposit within the Licensed Works of up to 180 km of cable between landfall and the offshore substation platform location, as well as vary the coordinates of the export cable corridor to allow deviation from the centre line. This will allow capacity to divert the offshore export cables around challenging ground conditions and to deviate from the centre line of the offshore export cable corridor.

Additionally, following detailed design engineering, the Applicant is seeking to increase the volumes of temporary and permanent deposits allowable under the Licensed Works, as it is anticipated that an increase in the quantity of concrete bags/mattresses will be required for cable crossings. The Applicant proposes to increase number of concrete bags/mattresses to up to approximately 500 mattresses, with a volume of approximately 2,700 cubic metres. The proposed increase in concrete bags/mattresses equates to an increased footprint of <0.01 square kilometres (“km<sup>2</sup>”) and that in combination with the maximum allowed deposit of stone/rock/gravel (0.22km<sup>2</sup>) is a smaller footprint than what was previously assessed in the 2013 Environmental Statement and 2017 EIA Scoping.

The Scottish Ministers agree with NatureScot in its advice that any impact as a result of the increase to concrete bags/mattresses will be of a smaller magnitude than that previously assessed.

### **Location of the works**

The Proposed Works connect the Project, approximately 15-22 km off the Angus coastline, with the landfall location near Cockenzie, East Lothian. The Screening Report identified that the Proposed Works are within the Outer Firth of Forth and St Andrews Bay Complex Special Protection Area, and within the vicinity of a number of designated sites that the Applicant considers relevant to the screening request. This list includes all those considered in the Habitats Regulation Appraisal (“HRA”) undertaken at the time of the original application for the Project. The Screening Report concludes that no new or materially different impacts were identified that would lead to an increase in significant effects on any designated site.

NatureScot confirmed that it agrees with the conclusions of the Screening Report in relation to the impact on natural heritage receptors. NatureScot also advised that it has no comment on the proposed revision of the offshore export cable coordinates and concluded that the Proposed Works would not require an EIA in relation to its remit. ELC confirms that it supports NatureScot’s views in regards to HRA aspects.

HES states that it is content to agree with the Screening Report that there will be no further significant impacts on historic environment interests from the Proposed Works and have no further comments to make.

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

Angus Council and Fife Council are satisfied that no new or materially different impacts, to those already consented, were identified as having a potential significant effect, arising from the Proposed Works. Angus Council confirmed it accepts the conclusions of the Screening Report. Aberdeenshire Council agree that the potential environmental impacts of the Proposed Works does not warrant the submission of an EIA.

ELC considers that the proposed increase in concrete bags/mattresses will increase the carbon dioxide emissions of the Project. ELC requested information on expected emissions to allow consideration as to whether they are significant or not. The Scottish Ministers are content that the increase in carbon dioxide emissions from the Proposed Works are unlikely to have significant adverse effects on the environment and therefore an EIA is not required to support the variation application.

SEPA and Dundee Council had no comments 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

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Marine Scotland - Licensing Operations Team