

13 July 2017

Policy and Projects
East Lothian Council
John Muir House
Haddington
EH41 3HA

Dear Sir/Madam,

Inch Cape Onshore Transmission Works Renewal Application

**Request for a Scoping Opinion under Regulation 17(1) of the Town and Country Planning
(Environmental Impact Assessment) (Scotland) Regulations 2017**

This letter and the supporting Scoping Report represent a request from Inch Cape Offshore Limited (ICOL) for a Scoping Opinion, in accordance with the above Regulations, from East Lothian Council for the proposed of the Onshore Transmission Works (OnTW) associated with its Offshore Wind Farm located off the coast of Angus.

In accordance with Regulation 17(2) of the Regulations the following information has been provided to support this request:

- a description of the location of the development, including a plan sufficient to identify the land; (as shown in Figure 1.1 and described in Section 3.1 of the enclosed scoping report)
- a brief description of the nature and purpose of the development and of its likely significant effects on the environment; (section 3 and sections 6 to 14 of the enclosed scoping report)

The Onshore Transmission Works

ICOL intends to apply to East Lothian Council for Planning Permission in Principle under the Town and Country Planning (Scotland) Act 1997 (as amended) for a substation, electricity cables and associated infrastructure (the OnTW).

The planning application site lies to the east of Preston Links and is a partially restored brownfield site which previously housed a Coal-Fired Power Station. The Revised Application Site extends to an area of approximately 12 ha, however, it is expected that the land take for the Onshore Substation will be approximately 3.5 ha (roughly 33 % of the red line boundary).

Inch Cape Offshore Limited is a company registered in Scotland with registration number SC373173 whose registered office is at 5th Floor, 40 Princes Street, Edinburgh, EH2 2BY with VAT number GB115073645. Inch Cape Offshore Limited is a wholly owned subsidiary of Red Rock Power Limited.

The existing Cockenzie Substation, which forms the Inch Cape grid connection point, is located to the south of the Revised Application Site on the south side of the B1348.

The Scoping Report

The Scoping Report provides a description of the OnTW, proposed methodology which will be used in the EIA and an initial overview of the following topics, to be included in the EIA:

- Geology, Hydrology and Hydrogeology;
- Ecology and Ornithology;
- Landscape and Visual;
- Cultural Heritage and Archaeology;
- Noise and Vibration;
- Traffic and Transport;
- Socio-Economics, Access and Recreation, Land Use, Tourism;
- Air Quality; and
- Electric and Magnetic Fields.

ICOL is mindful of the new EIA Regulations and has included a summary of the changes and where these will be considered, where appropriate in the EIA Report.

We trust the information contained within the Scoping Report is sufficient to enable you to consult the relevant consultees and for you to subsequently adopt a Scoping Opinion. We would be grateful if you could confirm receipt of this submission, along with notification of the expiry date of the statutory period.

Yours sincerely,

[Redacted]

[Redacted]

Inch Cape Project Manager

[Redacted]

From: [Redacted]
Sent: 27 July 2017 10:52
To: [Redacted]
Cc: [Redacted]
Subject: Inchcape

Categories: Inch Cape

Dear [Redacted]

Apologies for not getting to this sooner. As discussed last week, here is the timeline for the various EIA guidance and changes to the Directive I mentioned in the meeting:

- (5/3/12) - EC note published. This is the Commission's interpretation of Directive 52/337/EEC in the absence of any definitive court rulings on ancillary works. Note, it does not have formal 'guidance' status.
<http://ec.europa.eu/environment/eia/pdf/Note%20-%20Interpretation%20of%20Directive%2085-337-EEC.pdf>
- 2011 – the 1985 Directive and its subsequent amendments are codified and replaced by Directive 2011/92/EU.
- 2012 – Dundas and Wilson EIA research makes recommendations for best practice in multi-regime consents.
<http://www.gov.scot/Resource/0042/00422499.pdf>
- 2013 - SG EIA PAN published: 1/2013. Paragraph 6.4 gives good practice advice on multi-regime EIA. (Note – the PAN has since been updated though para 6.4 remains unchanged.
<http://www.gov.scot/Publications/2013/08/6471>
- 2014 – The 2011 Directive is amended by Directive 2014/52/EU.
- 2017 – Town and Country Planning (EIA) (S) Regulations 2017 enter into force. In transposing the 2014 Directive these include amendments and updates to provisions on multi-stage EIA consents and which should make the overall consenting process more 'flexible'. Changes include new express provision concerning procedures in circumstances where certain significant effects on the environment are not identifiable when the principle decision is granted (regulation 4(5) and 4(6), and new provisions concerning applications for approval, consent or agreement required by any deemed planning permissions granted under S.57 of the Act, as well as updates to the drafting of Part 8 of the Regulations.
<http://www.legislation.gov.uk/ssi/2017/102/contents/made>

Kind Regards,

[Redacted]

[Redacted] Environment and Natural Resources | Planning & Architecture | Scottish
Government | [Redacted]

 | gov.scot      

[Redacted]

From: [Redacted]
Sent: 28 July 2017 15:45
To: [Redacted]

Cc: [Redacted]

Subject: Inch Cape Offshore Windfarm (Revised Design) - Scoping Opinion - July 2017

[Redacted]

Dear Sir/Madam,

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED)

SCOPING OPINION FOR THE PROPOSED SECTION 36 CONSENT AND ASSOCIATED MARINE LICENCE APPLICATION(S) FOR INCH CAPE OFFSHORE WIND FARM AND ASSOCIATED OFFSHORE TRANSMISSION WORKS, OFF THE ANGUS COASTLINE

Please find attached the response to the request made by Inch Cape Offshore Limited (ICOL) under Regulation 7 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended) and Regulation 13 and Schedule 4 of the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) to the Scottish Ministers for a scoping opinion on the proposed Inch Cape Offshore Windfarm (Revised Design).

The Scottish Ministers have consulted with the appropriate bodies and other persons who were likely to be concerned by the proposed development by reasons of their environmental responsibilities. Having regard to the responses received from all parties, please find enclosed the Scottish Minister's Scoping Opinion. Please note that separate addendums to cover Marine Mammals and Ornithology will follow on the 2nd and 14th August 2017 respectively.

Regulation 10 (1) of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended) requires that a copy of this response is forwarded to the planning authority (or authorities) within whose area the land which is the subject of the proposed application is situated (or, in relation to a proposed development in, on, over or under the sea, such planning authority or planning authorities as the Scottish Ministers consider appropriate). In accordance with the regulations, a copy of the response to the request for a scoping opinion is attached.

You should take steps to ensure that the scoping opinion is made available for public inspection at all reasonable hours at the place where the Planning Register is kept. If an application is subsequently made, the opinion and related documents should be transferred to Part 1 of the Register together with the application.

You should note that this opinion is based on information available to the Scottish Ministers as of 28th July 2017. The developer has been advised to have regard to subsequent proposals which are submitted to Planning Authorities or the Scottish Ministers prior to the determination of any future application. To this end, we have encouraged Inch Cape Offshore Limited to approach both the Planning Authority and the Scottish Ministers at the point of application to ascertain whether further proposals have come forward which may have a bearing on the information they have been asked to provide.

If you have any queries please do not hesitate to contact [Redacted]

Yours sincerely

[Redacted]



Scottish Awards for
Quality in Planning
2016: Award Winner

[Redacted]

Marine Scotland – Planning and Policy

Scottish Government | Area 1A South | Victoria Quay | Edinburgh EH6 6QQ

[Redacted]

e:[Redacted]

w: <http://www.scotland.gov.uk/marinescotland>

[Redacted]

From: [Redacted]
Sent: 03 August 2017 14:56
To: [Redacted]

Cc: [Redacted]

Subject: Inch Cape Offshore Windfarm Revised Design Scoping Opinion ADDENDUM - Marine Mammals - 03 August 2017

Attachments: Inch Cape Offshore Windfarm Revised Design Scoping Opinion ADDENDUM - Marine Mammals - 03 August 2017.pdf

Dear Sir/Madam,

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED)

ADDENDUM (MARINE MAMMALS) TO THE SCOPING OPINION FOR THE PROPOSED SECTION 36 CONSENT AND ASSOCIATED MARINE LICENCE APPLICATION(S) FOR INCH CAPE OFFSHORE WIND FARM AND ASSOCIATED OFFSHORE TRANSMISSION WORKS, OFF THE ANGUS COASTLINE

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The Scottish Ministers have consulted with the appropriate bodies and other persons who were likely to be concerned by the proposed development by reasons of their environmental responsibilities. Having regard to the responses received from all parties, please find enclosed the addendum to the Scottish Minister's Scoping Opinion issued on 28th July 2017. Please note, this addendum covers the aspects relating to Marine Mammals only. Please note that a separate addendum to cover Ornithology will follow on the 14th August 2017.

Regulation 10 (1) of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended) requires that a copy of this response is forwarded to the planning authority (or authorities) within whose area the land which is the subject of the proposed application is situated (or, in relation to a proposed development in, on, over or under the sea, such planning authority or planning authorities as the Scottish Ministers consider appropriate). In accordance with the regulations, a copy of the response to the request for a scoping opinion is attached.

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You should note that this addendum is based on information available to the Scottish Ministers as of 3rd August 2017. The developer has been advised to have regard to subsequent proposals which are submitted to Planning Authorities or the Scottish Ministers prior to the determination of any future application. To this end, we have encouraged Inch Cape Offshore Limited to approach both the Planning Authority and the Scottish Ministers at the

point of application to ascertain whether further proposals have come forward which may have a bearing on the information they have been asked to provide.

If you have any queries please do not hesitate to contact us.

Yours sincerely

[Redacted]

[Redacted]

Marine Renewables Casework Officer

marinescotland

Marine Scotland Licensing Operations Team

Scottish Government

Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB

[Redacted]

/ MS.MarineRenewables@gov.scot

<http://www.gov.scot/Topics/marine/Licensing/marine>

[Redacted]

From: [Redacted]
Sent: 03 August 2017 14:56
To: [Redacted]

Cc: [Redacted]

Subject: Inch Cape Offshore Windfarm Revised Design Scoping Opinion ADDENDUM - Marine Mammals - 03 August 2017

Attachments: Inch Cape Offshore Windfarm Revised Design Scoping Opinion ADDENDUM - Marine Mammals - 03 August 2017.pdf

Dear Sir/Madam,

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THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED)

ADDENDUM (MARINE MAMMALS) TO THE SCOPING OPINION FOR THE PROPOSED SECTION 36 CONSENT AND ASSOCIATED MARINE LICENCE APPLICATION(S) FOR INCH CAPE OFFSHORE WIND FARM AND ASSOCIATED OFFSHORE TRANSMISSION WORKS, OFF THE ANGUS COASTLINE

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point of application to ascertain whether further proposals have come forward which may have a bearing on the information they have been asked to provide.

If you have any queries please do not hesitate to contact us.

Yours sincerely

[Redacted]

[Redacted]

Marine Renewables Casework Officer

marinescotland

Marine Scotland Licensing Operations Team

Scottish Government

Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB

Phone:[Redacted]

[Redacted] / MS.MarineRenewables@gov.scot

<http://www.gov.scot/Topics/marine/Licensing/marine>

[Redacted]

From: [Redacted]
Sent: 10 August 2017 14:28
To: [Redacted]

Cc: [Redacted]
[Redacted]
Subject: Inch Cape Offshore Windfarm Revised Design Scoping Opinion ADDENDUM - Ornithology - 10 August 2017
Attachments: Inch Cape Offshore Windfarm Revised Design Scoping Opinion ADDENDUM - Ornithology - 10 August 2017#2.pdf

Dear Sir/Madam,

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED)

ADDENDUM (ORNITHOLOGY) TO THE SCOPING OPINION FOR THE PROPOSED SECTION 36 CONSENT AND ASSOCIATED MARINE LICENCE APPLICATION(S) FOR INCH CAPE OFFSHORE WIND FARM AND ASSOCIATED OFFSHORE TRANSMISSION WORKS, OFF THE ANGUS COASTLINE

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<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/ICOLRevised-2017>

Regulation 10 (1) of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended) requires that a copy of this response is forwarded to the planning authority (or authorities) within whose area the land which is the subject of the proposed application is situated (or, in relation to a proposed development in, on, over or under the sea, such planning authority or planning authorities as the Scottish Ministers consider appropriate). In accordance with the regulations, a copy of the response to the request for a scoping opinion is attached.

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encouraged Inch Cape Offshore Limited to approach both the Planning Authority and the Scottish Ministers at the point of application to ascertain whether further proposals have come forward which may have a bearing on the information they have been asked to provide.

If you have any queries please do not hesitate to contact us.

Yours sincerely

[Redacted]

[Redacted]

Marine Renewables Casework Officer

marinescotland

Marine Scotland Licensing Operations Team

Scottish Government

Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB

Phone:[Redacted]

/ MS.MarineRenewables@gov.scot

<http://www.gov.scot/Topics/marine/Licensing/marine>

29 August 2017

[Redacted]

Marine Scotland, on behalf
of the Scottish Ministers,
Marine Laboratory
PO Box 101
375 Victoria Road
Aberdeen, AB11 9DB

Dear [Redacted]

**Inch Cape Wind Farm: Section 36 of the Electricity Act 1989 consent-
Condition 2**

I write on behalf of Inch Cape Offshore Limited (ICOL) who were awarded a Section 36 consent on 10th October 2014.

As part of the consent ICOL received a series of consent conditions. Condition 2 in the consent states the following:

“The commencement of the Development must be no later than 5 years from the date the consent is granted, or such other date from the date of the granting of this consent as the Scottish Ministers may hereafter direct in writing.

Reason: To ensure the Commencement of the Development is undertaken within a reasonable timescale after consent is granted.”

As the consent is subject to ongoing legal challenge, and has been since January 2015 (3 months after receiving consent), it is considered reasonable that the Commencement of Development should be delayed beyond the 5 years set out in the condition.

Therefore, in light of the ongoing Judicial Review, and the associated delays beyond ICOL's control, I request that the Scottish Ministers direct that

Commencement of Development in the Section 36 consent must be a date no later than 7 years from the date that consent is granted.

Should you require any further information then please do not hesitate to contact me.

Yours sincerely,



[Redacted]

Inch Cape Project Manager

[Redacted]

@redrockpower.co.uk

[Redacted]

From: [Redacted]
Sent: 13 October 2017 12:59
To: [Redacted]

Cc: [Redacted]

Subject: Inch Cape Offshore Limited - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

Attachments: Inch Cape - Section 36 Condition 2 - Request to Extend Commencement Date.pdf

ELECTRICITY ACT 1989

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

Inch Cape Offshore Limited

Section 36 Consent Condition 2 – Commencement of the Development

Dear Sir/Madam

Marine Scotland Licensing Operations Team (“MS-LOT”) have received the attached correspondence from Inch Cape Offshore Limited, (“ICOL”), who were awarded a section 36 Consent on 10th October 2014, requesting that the Scottish Ministers extend the period of the ‘Commencement of the Development’ (Condition 2 of the Section 36 Consent), from five (5) years to seven (7) years from the date the consent was granted.

MS-LOT, on behalf of the Scottish Ministers, would like to invite comments on the request from Angus Council, Dundee City Council, East Lothian Council, Fife Council, Scottish Borders Council, Scottish Natural Heritage and the Scottish Environment Protection Agency.

Please note that we do not seek comments on the section 36 Consents.

We would appreciate any comments you may have on the attached document. If you wish to submit any comments, please do so to MS.MarineRenewables@gov.scot by **Tuesday 14th November 2017**

The section 36 Consent, as well as other relevant documentation, can be found on our website, following the link below:

<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/InchCape>

Kind regards

[Redacted]

Please note new telephone number

[Redacted]

Marine Renewables Casework Officer

marinescotland

Marine Scotland Licensing Operations Team

Scottish Government

[Redacted]

From: [Redacted]
Sent: 25 October 2017 12:25
To: [Redacted]
Subject: FW: Inch Cape Offshore Limited - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

[Redacted]

I refer to your consultation of this Council on the above.

Please could you clarify what you are seeking comments on through this consultation? The letter attached appears to be seeking a variation of consent given under Section 36 of the Electricity Acts. It is my understanding that the requirements for this are set out in The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013. This legislation requires that applications include the location of the proposed development by reference to a map, an explanation of why it is proposed that the section 36 consent should be varied, a draft of the variation of conditions and others. The letter supplied does not appear to include some of these requirements, e.g., a map, a draft of the proposed condition (although it would be fairly obvious what that would be!). Is this therefore a formal consultation on our views on the proposed variation of time? Or are you looking for comments on whether the Environment Statement previously submitted is sufficient as you mention the Electricity Works (EIA)(Scotland) Regulations in your email?

Regards,
[Redacted]

[Redacted]
Planner (Monday – Thursday)
Planning Service
Development
East Lothian Council
John Muir House
HADDINGTON
EH41 3HA

[Redacted]

Web: www.eastlothian.gov.uk/ldp

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[Redacted]

From: [Redacted]
Sent: 30 October 2017 16:01
To: [Redacted]
Cc: [Redacted]
Subject: RE: Inch Cape Offshore Limited - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

Dear [Redacted]

Many thanks for your e-mail.

The consultation relates solely to condition 2 of their existing consent which states, "*The Commencement of the Development must be a date no later than 5 years from the date this consent is granted, or such other date from the date of the granting of this consent as the Scottish Ministers may hereafter direct in writing.*"

The request for a direction from the Scottish Ministers as outlined above does not constitute a formal variation and, as such, does not require the submission and circulation of supporting documentation as outlined in the 2013 Regulations. MS-LOT are seeking your views on the time period extension only, not the validity of the submitted EIA.

Kind regards

[Redacted]

From: [Redacted]
Sent: 25 October 2017 12:25
To: [Redacted]
Subject: FW: Inch Cape Offshore Limited - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

[Redacted]

I refer to your consultation of this Council on the above.

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Regards,
[Redacted]

[Redacted]
Planner (Monday – Thursday)
Planning Service
Development

East Lothian Council
John Muir House
HADDINGTON
EH41 3HA

[Redacted]

Web: www.eastlothian.gov.uk/ldp

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For more information please visit <http://www.symanteccloud.com>

[Redacted]

From: [Redacted]
Sent: 31 October 2017 09:59
To: [Redacted]
Subject: RE: Inch Cape Offshore Limited - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

[Redacted]

Sorry yes I get it now!

[Redacted]

From [Redacted]
Sent: 30 October 2017 16:01
To: [Redacted]
Cc: [Redacted]
Subject: RE: Inch Cape Offshore Limited - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

Dear [Redacted]

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Kind regards

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[Redacted]
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Development
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EH41 3HA

[Redacted]

Web: www.eastlothian.gov.uk/ldp

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadachd a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil.

[Redacted]

From: [Redacted]
Sent: 07 November 2017 12:58
To: [Redacted]
Cc: [Redacted]
Subject: RE: Inch Cape Offshore Limited - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

Dear [Redacted]

I understand from speaking to [Redacted] that you may have concerns regarding this, if it would be helpful to discuss, please let me know and I can arrange a call with myself and [Redacted]

Kind Regards
[Redacted]

From: [Redacted]
Sent: 30 October 2017 16:01
To: [Redacted]
Cc: [Redacted]
Subject: RE: Inch Cape Offshore Limited - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

Dear [Redacted]

Many thanks for your e-mail.

The consultation relates solely to condition 2 of their existing consent which states, "*The Commencement of the Development must be a date no later than 5 years from the date this consent is granted, or such other date from the date of the granting of this consent as the Scottish Ministers may hereafter direct in writing.*"

The request for a direction from the Scottish Ministers as outlined above does not constitute a formal variation and, as such, does not require the submission and circulation of supporting documentation as outlined in the 2013 Regulations. MS-LOT are seeking your views on the time period extension only, not the validity of the submitted EIA.

Kind regards
[Redacted]

From: [Redacted]
Sent: 25 October 2017 12:25
To: [Redacted]
Subject: FW: Inch Cape Offshore Limited - Section 36 Condition 2 (Commencement of the Development) Extension Request - Consultation

[Redacted]

I refer to your consultation of this Council on the above.

Please could you clarify what you are seeking comments on through this consultation? The letter attached appears to be seeking a variation of consent given under Section 36 of the Electricity Acts. It is my understanding that the requirements for this are set out in The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013. This legislation requires that applications include the location of the proposed

development by reference to a map, an explanation of why it is proposed that the section 36 consent should be varied, a draft of the variation of conditions and others. The letter supplied does not appear to include some of these requirements, e.g., a map, a draft of the proposed condition (although it would be fairly obvious what that would be!). Is this therefore a formal consultation on our views on the proposed variation of time? Or are you looking for comments on whether the Environment Statement previously submitted is sufficient as you mention the Electricity Works (EIA)(Scotland) Regulations in your email?

Regards,
[Redacted]

[Redacted]
Planner (Monday – Thursday)
Planning Service
Development
East Lothian Council
John Muir House
HADDINGTON
EH41 3HA

[Redacted]

Web: www.eastlothian.gov.uk/ldp

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Your ref: none given
Our ref: CONS/GOV/2017

[Redacted]
EXECUTIVE DIRECTOR
(SERVICES FOR COMMUNITIES)

Sent via email only to MS.MarineRenewables@gov.scot

John Muir House
Haddington
East Lothian
EH41 3HA
[Redacted]

Dear [Redacted]

ELECTRICITY ACT 1989

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

Inch Cape Offshore Limited

Section 36 Consent Condition 2 – Commencement of the Development

I refer to your consultation of this Council for our views on the request by Inch Cape Offshore Limited ("ICOL") that Scottish Ministers extend the period of the 'Commencement of the Development' (Condition 2 of the Section 36 Consent), from five (5) years to seven (7) years from the date the consent was granted. I note that you do not invite comments on the Section 36 consent. I also note that neither you nor ICOL state whether or not you consider that the Environment Statement prepared in support of the original Section 36 application remains valid or whether any revision of this is necessary.

Whilst it is appreciated that this is not planning permission, it is a statutory consent which can be considered to be similar in character. Therefore, in considering an extension of time this can be considered to be comparable to a renewal of planning permission.

On that basis, the requirement for and matters to be covered in respect of an extension of time should reflect any change in the material circumstances of the project.

Although this is not a new application for consent, Scottish Ministers' agreement to extend the time in which the consent can commence would give development consent for commencement within a period where there was no consent to do so previously. It should also be considered whether this is a multi-stage consent in that although the main consent has been granted, the project cannot commence beyond 10 October 2019 without this further approval.

If Scottish Ministers consider this to be a multi-stage consent, where an Environment Statement has previously been provided, it is our view that Regulation 25 of the Environment Impact Assessment (Electricity Works)(Scotland) Regulations 2017 applies. This specifies in Regulation 25 (2)(a) that if it appears to Scottish Ministers that the development, or the part of the development to which the application for multi-stage consent relates may have significant effects on the environment that have not previously been identified; and (b) the developer has not submitted additional information in respect of those effects together with the application for multi-stage consent; the Scottish

Ministers must seek supplementary information from the developer in accordance with Regulation 19(2) in respect of such effects. Regulation 19(2) states that order to ensure the completeness and quality of the EIA Report, the Scottish Ministers must (having regard to current knowledge and methods of assessment) seek from the developer supplementary information about any matter mentioned in Schedule 4 which in the opinion of Scottish Ministers is directly relevant to reaching a reasoned conclusion on the significant effects of the development on the environment. As the ES was submitted before May 16th 2017, the transitional provisions of these Regulations would apply.

Matters that in the Council's view are changes in the material circumstances of the project which are potentially significant and that have not previously been identified in the ES with regard to current knowledge and methods of assessment include:

(1) *Onshore works*

It is the Council's view as previously expressed that the onshore works are an integral part of the project and should therefore be included in the description of the project and EIA as relevant. Assessment of the onshore transmission works now subject to Scoping by East Lothian Council has not been included in the ES. At the time of the original ES the site for the onshore transmission works was not known. However EIA was subsequently separately carried out on the site previously proposed (subject to planning reference 14/00456/PPM), and contained a link to the offshore EIA. This planning consent has now lapsed. No application has yet been made for the onshore site now proposed.

(2) *Landscape and visual assessment.*

Methodology for visualisation of windfarms has been revised since submission of the original ES and additional information submitted with the Variation with the production of SNH's "Visual Representation of windfarms" published 2017, which specifies that the guidance applies to both onshore and offshore windfarms. The windfarm has not been assessed using this up to date method of assessment. The original ES did not contain viewpoints which the Council considered could have usefully been included, as set out in our response to the consultation on the previous proposal and the Committee Report attached to that. The viewpoint in East Lothian included in the original ES was among those agreed with FTOWDG for cumulative assessment rather than for Inch Cape offshore windfarm in particular.

(3) *Baseline and policy changes.*

There are aspects of the baseline that have changed. The Outer Firth of Forth and Tay Bay Complex has been proposed for designation as an SPA and it is not clear that effects on this have been fully considered through the EIA process. There may be other aspects of the baseline which are affected given a delayed commencement of which the Council is unaware but could affect interests here. There are aspects of policy which have changed including the progression of the proposed East Lothian LDP towards adoption (now at examination) which includes proposed Special Landscape Areas, which would be designated upon adoption of the LDP. The LDP also contains site specific policy relevant to the Onshore Transmission Works.

There are other offshore windfarm proposals which may have cumulative impact with Inchcape (such as the revised Neart Na Gaoithe offshore windfarm and Forthwind) that may also apply to commence in this period will have to produce revised assessment according to the new methodology and taking into account the current baseline. Granting this time extension when it is possible that there might not be capacity for all proposals because of cumulative issues, when other proposals have to be assessed using the new methodology and current baseline might be seen as being inconsistent with other proposals.

(4) *Advice from statutory consultees*

Advice from statutory consultees may be different from that given to inform the original consent.

Whether or not this time extension is considered as a multi-stage consent, the Council considers the above revised environmental information and advice from statutory consultees should be taken into consideration in making the decision on extension of time.

The Council recommends that consideration is given to the level of public consultation that should take place on this decision which has environmental implications.

If you have any questions about the above please contact in the first instance [Redacted]
or via email to policy&projects@eastlothian.gov.uk .

Regards,

[Redacted]

Pp

[Redacted]

Service Manager, Planning

East Lothian Council

Your ref: none given
Our ref: CONS/GOV/2017



[Redacted]
EXECUTIVE DIRECTOR
(SERVICES FOR COMMUNITIES)

Sent via email only to MS.MarineRenewables@gov.scot

John Muir House
Haddington
East Lothian
EH41 3HA
[Redacted]

Dear [Redacted]

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Inch Cape Offshore Limited

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If you have any questions about the above please contact in the first instance [Redacted]
or via email to policy&projects@eastlothian.gov.uk .

Regards,

[Redacted]

Pp

[Redacted]

Service Manager, Planning
East Lothian Council

[Redacted]

From: [Redacted]
Sent: 10 November 2017 12:42
To: [Redacted]
Subject: Inch Cape Offshore Limited - Section 36 Condition 2 Consultation - Response - ELC - Acknowledgement of receipt

Dear [Redacted]

Many thanks for submitting a response to the above consultation on behalf of ELC. MS-LOT acknowledge receipt.

Kind regards

[Redacted]

From: [Redacted]
Sent: 09 November 2017 17:21
To: MS Marine Renewables
Subject: ELC Response: Inch Cape Offshore Limited - Section 36 Condition 2 (Commencement of the Development) Extension Request

[Redacted]

I attach East Lothian Council's response to the above,
[Redacted]

[Redacted]

Planner (Monday – Thursday)
Planning Service
Development
East Lothian Council
John Muir House
HADDINGTON
EH41 3HA

[Redacted]

Web: www.eastlothian.gov.uk/ldp

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[Redacted]

From: [Redacted]
Sent: 27 July 2017 10:52
To: [Redacted]
Cc: [Redacted]
Subject: Inchcape

Dear [Redacted]

Apologies for not getting to this sooner. As discussed last week, here is the timeline for the various EIA guidance and changes to the Directive I mentioned in the meeting:

- (5/3/12) - EC note published. This is the Commission's interpretation of Directive 52/337/EEC in the absence of any definitive court rulings on ancillary works. Note, it does not have formal 'guidance' status.
<http://ec.europa.eu/environment/eia/pdf/Note%20-%20Interpretation%20of%20Directive%2085-337-EEC.pdf>
- 2011 – the 1985 Directive and its subsequent amendments are codified and replaced by Directive 2011/92/EU.
- 2012 – Dundas and Wilson EIA research makes recommendations for best practice in multi-regime consents.
<http://www.gov.scot/Resource/0042/00422499.pdf>
- 2013 - SG EIA PAN published: 1/2013. Paragraph 6.4 gives good practice advice on multi-regime EIA. (Note – the PAN has since been updated though para 6.4 remains unchanged).
<http://www.gov.scot/Publications/2013/08/6471>
- 2014 – The 2011 Directive is amended by Directive 2014/52/EU.
- 2017 – Town and Country Planning (EIA) (S) Regulations 2017 enter into force. In transposing the 2014 Directive these include amendments and updates to provisions on multi-stage EIA consents and which should make the overall consenting process more 'flexible'. Changes include new express provision concerning procedures in circumstances where certain significant effects on the environment are not identifiable when the principle decision is granted (regulation 4(5) and 4(6), and new provisions concerning applications for approval, consent or agreement required by any deemed planning permissions granted under S.57 of the Act, as well as updates to the drafting of Part 8 of the Regulations.
<http://www.legislation.gov.uk/ssi/2017/102/contents/made>

Kind Regards,

[Redacted]

[Redacted]

| Environment and Natural Resources | Planning & Architecture | Scottish
Government | [Redacted]

 | gov.scot     | Development.scot

Directorate for Local Government and
Communities
Planning and Architecture
Planning Decisions



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: [REDACTED]
[REDACTED]

[REDACTED]
Planning Officer
East Lothian Council

[REDACTED]

Your ref: 18/00189/PPM
Our ref: CIN-ELN-001
9 April 2018

Dear [REDACTED]

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE FOR ONSHORE
TRANSMISSION WORKS ASSOCIATED WITH THE INCH CAPE OFFSHORE WIND
FARM COMPRISING THE CONSTRUCTION, OPERATION AND DECOMMISSIONING OF
AN ONSHORE SUBSTATION, ELECTRICITY CABLES AND ASSOCIATED
INFRASTRUCTURE REQUIRED TO EXPORT ELECTRICITY FROM THE INCH CAPE
OFFSHORE WIND FARM TO THE NATIONAL ELECTRICITY TRANSMISSION SYSTEM.
FORMER COCKENZIE POWER STATION SITE, PRESTONPANS, EAST LOTHIAN**

Scottish Ministers have decided to require the planning application noted above to be referred to them for determination in terms of Section 46 of the Town and Country Planning (Scotland) Act 1997. Accordingly a Direction to that effect is enclosed at Annex A.

Scottish Ministers have given this Direction as it is considered that the application raises matters which are potentially of national importance in the context of expectations set out in National Planning Framework 3 for the site of the former Cockenzie power station and the need for an enhanced high voltage energy transmission network.

Regulation 35 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 requires the planning authority to serve notice on the applicant for planning permission of the terms of the Direction, of the reasons for issuing it, that the application has been referred to Scottish Ministers and that the decision of Scottish Ministers will be final. In connection with the service of notice, your attention is drawn to section 271



of the 1997 Act. I should be glad if your Council would serve the required notice and let me have a copy.

In terms of the Town and Country Planning (Appeals) (Scotland) Regulations 2013, the application will be submitted to Planning and Environmental Appeals Division (DPEA), for an examination by a Reporter of all the evidence submitted. I would be grateful if you would prepare all the application documentation and send it to [Redacted]
[Redacted], DPEA, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR who will make arrangements for processing the case. Information can also be sent electronically via DPEA's ePlanning and SharePoint Sites by contacting the DPEA office mailbox, dpea@gov.scot, for access and advice on use. Thereafter, the appointed Reporter will submit a report, with recommendations, to Scottish Ministers for their consideration and determination.

Any queries relating to the future handling of the case should be directed to DPEA.

Yours sincerely

[Redacted]

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
THE TOWN AND COUNTRY (REFERENCE OF APPLICATION) (EAST LOTHIAN
COUNCIL) (APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE FOR
ONSHORE TRANSMISSION WORKS ASSOCIATED WITH THE INCH CAPE OFFSHORE
WIND FARM COMPRISING THE CONSTRUCTION, OPERATION AND
DECOMMISSIONING OF AN ONSHORE SUBSTATION, ELECTRICITY CABLES AND
ASSOCIATED INFRASTRUCTURE REQUIRED TO EXPORT ELECTRICITY FROM THE
INCH CAPE OFFSHORE WIND FARM TO THE NATIONAL ELECTRICITY
TRANSMISSION SYSTEM. FORMER COCKENZIE POWER STATION SITE,
PRESTONPANS, EAST LOTHIAN) DIRECTION 2018**

Scottish Ministers, in exercise of the powers conferred on them by Section 46 of the Town and Country Planning (Scotland) Act 1997, and of all other powers enabling them in that behalf, hereby direct that East Lothian Council refer to them for determination the application for planning permission in principle under the Town and Country Planning (Scotland) Act 1997 received by them from Savills on behalf of Inch Cape Offshore Limited, for planning permission in principle for proposed onshore transmission works associated with the Inch Cape Offshore Wind Farm comprising the construction, operation and decommissioning of an onshore substation, electricity cables and associated infrastructure required to export electricity from the Inch Cape Offshore Wind Farm to the National Electricity Transmission System Former Cockenzie Power Station Site Prestonpans, East Lothian.

This Direction is given in view of the proposed development raising matters which are potentially of national importance in the context of expectations set out in National Planning Framework 3 for the site of the former Cockenzie power station and the need for an enhanced high voltage energy transmission network. .

This Direction may be cited as the Town and Country Planning (Reference of Application) (East Lothian Council) (planning permission in principle for proposed onshore transmission works associated with the Inch Cape Offshore Wind Farm comprising the construction, operation and decommissioning of an onshore substation, electricity cables and associated infrastructure required to export electricity from the Inch Cape Offshore Wind Farm to the National Electricity Transmission System Former Cockenzie Power Station Site Prestonpans, East Lothian) Direction 2018.



Scottish Government
Directorate for Local Government and Communities
Planning and Architecture Division
Planning Decisions
Victoria Quay
EDINBURGH
EH6 6QQ

9 April 2018

From: [REDACTED]
To: [REDACTED]
Subject: Inchcape
Date: 27 July 2017 10:52:00

Dear [REDACTED]

Apologies for not getting to this sooner. As discussed last week, here is the timeline for the various EIA guidance and changes to the Directive I mentioned in the meeting:

- (5/3/12) - EC note published. This is the Commission's interpretation of Directive 52/337/EEC in the absence of any definitive court rulings on ancillary works. Note, it does not have formal 'guidance' status.
<http://ec.europa.eu/environment/eia/pdf/Note%20-%20Interpretation%20of%20Directive%2085-337-EEC.pdf>
- 2011 – the 1985 Directive and its subsequent amendments are codified and replaced by Directive 2011/92/EU.
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Kind Regards,

[REDACTED]

[Redacted] | Environment and Natural Resources | Planning &
Architecture | Scottish Government | [Redacted]