

Marine Scotland
1 – A South
Victoria Quay
Edinburgh
EH6 6QQ

20 June 2012

Consultation on registerable marine activities and on marine licence applications requiring pre-application consultation

EDF Energy is one of the UK's largest energy companies with activities throughout the energy chain. Our interests include nuclear, coal and gas-fired electricity generation, renewables, and energy supply to end users. We have over five million electricity and gas customer accounts in the UK, including both residential and business users.

The Planning Act 2008 sets out the thresholds for nationally significant infrastructure projects (NSIPs) in the energy sector. The thresholds are:

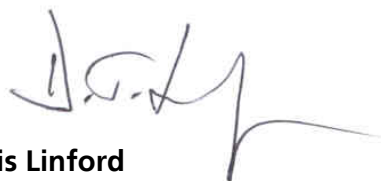
1. Electricity generating stations generating more than 50 megawatts onshore; and
2. 100 megawatts offshore.

The consultation proposes that applications for projects in the marine area below 100MW and above 30MW would be required to undertake a pre-application consultation. This would impose an extra layer of unnecessary bureaucracy on non NSIP renewable energy projects. The issues arising for smaller scale projects do not automatically require pre-application consultation. The concept of a pre-application consultation was introduced specifically for larger scale projects with more complex issues.

EDF Energy does not believe it is appropriate to mandate pre-application consultation for smaller scale projects. We also note that the option of having a pre-application consultation is always available as a voluntary undertaking to a developer if it feels that its particular project circumstances warrant its use. Mandating such a requirement would not provide a more streamlined and efficient service.

I confirm that this letter and its attachment may be published on Marine Scotland's website. Should you wish to discuss any of the issues raised in our response or have any queries, please contact my colleague David Cameron on 07875 111722, or me.

Yours sincerely,



Denis Linford
Corporate Policy and Regulation Director

Attachment

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EDF Energy's response to your questions

Question 1: What are your views on the overall costs and savings identified in the Business and Regulatory Impact Assessments?

The cost associated with pre-application consultation for developments in the marine area over 100 megawatts will be a fraction of the overall cost and is accepted as an integral part of the project.

Pre-application and its associated costs would become burdensome if it were to be rolled out to projects below 100MW and above 30MW in the marine area.

Question 2: Do you agree with the registration process as described?

EDF Energy has no comment to make regarding the proposed registration process for marine activities.

Question 3: If not, what changes would you propose to the process?

EDF Energy has no comment to make regarding potential changes to the proposed registration process for marine.

Question 4: Do you agree that the listed activities should be registerable, rather than licensable?

EDF Energy has no comment to make regarding whether listed activities should be registerable, rather than licensable.

Question 5: Do you have further comments regarding the activities listed above?

EDF Energy has no comment to make.

Question 6: Are there any other classes of activity that should be registerable?

EDF Energy has no comment to make regarding other classes of activity that should be registerable.

Question 7: Do you agree that statutory consultees should not be specified in legislation for the pre-application consultation process?

EDF Energy believes that if pre-application consultation is mandated within legislation then statutory consultees must also be specified in legislation.

There are also many other parties that hold a vested interest in developments within the marine area that require consultation. These interested parties should not be named in legislation as they may change in relation to the type of project, location or over time.

Question 8: If not, which persons or bodies do you believe should be specified as statutory consultees for the pre-application consultation process?

EDF Energy has no further comment to make regarding statutory consultees.

Question 9: Do you agree with the classes of activity that will be subject to pre-application consultation?

EDF Energy has recently had experience of pre-application consultation during the submission of the application for Hinckley Point C, Nationally Significant Infrastructure Project (NSIP). We believe that the pre-application procedure is useful for projects that are a similar scale to Hinckley Point C.

The Planning Act 2008 sets out the thresholds for nationally significant infrastructure projects (NSIPs) in the energy sector. The thresholds are:

1. Electricity generating stations generating more than 50 megawatts onshore; and
2. 100 megawatts offshore.

The consultation proposes that applications for projects in the marine area below 100MW and above 30MW would be required to undertake a pre-application consultation. This would impose an extra layer of unnecessary bureaucracy on non NSIP renewable energy projects. The issues arising for smaller scale projects do not automatically require pre-application consultation. This was introduced specifically for the larger scale projects with more complex issues. It is not appropriate to mandate pre-application consultation for smaller scale projects.

However, the option of pre-application consultation is always available as a voluntary undertaking to a developer if they feel their particular project circumstances warrant it.

Mandating such a requirement would not provide a more streamlined and efficient service.

Question 10: If not, what activities would you add or remove from the list?

EDF Energy has no comment to make regarding what activities should or shouldn't be you added or removed from the proposed list.

Question 11: Do you believe that the above proposals discriminate disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief?

EDF Energy has no comment to make regarding whether the proposals discriminate disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief.

Question 12: If you answered yes to Question 11, in what way do you believe the proposals to be discriminatory?

EDF Energy has no further comment.

**EDF Energy
June 2012**