



22nd June 2012

Matt Carney
Marine Scotland
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By email to MS.Licence.Consult@scotland.gsi.gov.uk

Dear Matt

CONSULTATION ON REGISTERABLE MARINE ACTIVITIES AND ON MARINE LICENCE APPLICATIONS REQUIRING PRE-APPLICATION CONSULTATION

ScottishPower Renewables (SPR) is developing world-leading offshore wind, wave and tidal projects as part of our ambitious development programme. Amongst these is the proposed Argyll Array offshore wind farm, which could produce 20% of Scotland's electricity, create up to 200 permanent jobs during operation and upwards of a thousand jobs during construction, generate over £6 billion of capital investment, and contribute significantly to Scotland's legally binding renewable energy and climate change targets. Our demonstration tidal array in the Sound of Islay gained consent in March 2011 and installation is scheduled to begin in 2013. We also have lease agreements with the Crown Estate to develop commercial arrays for wave and tidal energy generation in the Pentland Firth and Orkney Waters, and aim to do so later this decade. We therefore have experience of, and interest in, the marine licensing system in Scotland, in addition to our expertise developing offshore windfarms in England and elsewhere in the world, where we have experience of various pre-application requirements. We welcome the opportunity to respond to this consultation, and have limited our responses to questions 4-10.

Q4 Do you agree that the listed activities should be registerable, rather than licensable?

Yes, we agree with this list of activities and welcome any reduction in the regulatory burden for these activities, which could free MS-LOT resource to provide a more streamlined and efficient marine licensing service.

Q5 Do you have any further comments regarding the activities listed above?

No

Q6 Are there any other classes of activity that should be registerable?

Further consideration should be given to including wave buoys and ADCPs within this list of activities, as they carry a very low risk of environmental impact.

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Q7 Do you agree that statutory consultees should not be specified in legislation for the pre-application consultation process?

SPR believes that statutory consultees should not be specified in legislation. Each project will require input from a different range of consultees, and this should be agreed with Marine Scotland at the outset of the project. Specifying consultees in legislation runs the very real risk of creating a long list, which any developer would then be required to consult, but who may have little interest in, or relevance to, the project. This 'one-size-fits-all' model would create an unnecessary burden on developers and consultees alike. This is evidenced by the Infrastructure Planning Commission's early reluctance to scope out consultees in England and Wales, which led to delays in the pre-application process, through the introduction of unnecessarily onerous consultation requirements.

Q8 If not, which persons or bodies do you believe should be specified as statutory consultees for the pre-application consultation process?

SPR believes that statutory consultees should be agreed on a project basis with Marine Scotland, as these will vary depending on the nature and geographic location of the development in question. Any other approach will lead to unnecessary burdens of consultation with potentially irrelevant consultees, as outlined above.

Q9 Do you agree with the classes of activity that will be subject to pre-application consultation?

Generally, yes.

We agree that offshore wind, wave and tidal renewables developments should be included within the list of activities. However, we would argue that a threshold of 100 MW is more appropriate, above which developments would be subject to the formalised pre-application consultation arrangements. This would ensure consistency with approaches to Nationally Significant Infrastructure Projects (NSIPs) in the English and Welsh consenting and licensing regimes, which capture projects >100 MW.

We would also question the inclusion of some activities under 3) *Cables crossing the intertidal boundary*. Whilst pre-application consultation for renewables developments would include such cables as part of the project, we have some concerns about any requirement for pre-application consultation in the event of a like-for-like replacement of cabling should a fault occur. This type of cable replacement should not fall within the scope of pre-application consultation, as this would unnecessarily delay any necessary repair, and any additional environmental impact would be low.

It is important to note that, as part of our normal development practice, SPR already engages in the type of pre-application consultation outlined within the consultation, so we do not anticipate that any new requirements will be particularly onerous for us.

I hope this is helpful, but please let me know if you would like to discuss any of this further.

Yours sincerely,

Mandy Gloyer
Policy Manager