

[Redacted]

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**From:** [Redacted]  
**Sent:** 02 May 2017 12:50  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Scoping update

Thanks [Redacted]

I'll update the headers and will send memory sticks by courier to you. I'll also try to have a file sharing system set up and will get back to you on this.

Regards  
[Redacted]



[Redacted]

5th floor, 40 Princes Street  
Edinburgh EH2 2BY  
United Kingdom  
Tel: [Redacted]  
DL: [Redacted]  
Mobile: [Redacted]  
Email [Redacted]

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**From:** [Redacted]  
**Sent:** 02 May 2017 10:15  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Scoping update

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Regards,  
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**Cc:** [Redacted]  
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**From:** [Redacted]  
**Sent:** 28 April 2017 11:17  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Scoping update

[Redacted]

Please send the hardcopies/memory stick to:

[Redacted]  
Marine Scotland Licensing Operations Team  
Scottish Government, Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB

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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 ceadaichte 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 le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

[Redacted]

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**From:** [Redacted]  
**Sent:** 02 May 2017 15:02  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** query

[Redacted]

The *Revised Development* will generate up to how many MW? And how long is the period of consent being sought for?

I'm trying to complete the sentence below to be used in the consultation email, and I haven't found this information on the scoping report after a (very) quick search. I thought it would be quicker just to ask you.

*The Revised Development will generate up to XX MW and will consist of an array of up to 72 turbines. The period of consent to be sought for the array is XX years.*

Many thanks,  
[Redacted]

[Redacted]

---

**From:** [Redacted]  
**Sent:** 02 May 2017 12:48  
**To:** [Redacted]  
**Subject:** RE: consultees' contact details

Thanks [Redacted]

I'm pulling this together at the moment and will send through this afternoon.

Regards  
[Redacted]



[Redacted]

5th floor, 40 Princes Street  
Edinburgh EH2 2BY  
United Kingdom  
Tel: [Redacted]  
DL: [Redacted]  
Mobile: [Redacted]  
Email [Redacted]

---

**From:** [Redacted]  
**Sent:** 02 May 2017 10:52  
**To:** [Redacted]  
**Subject:** consultees' contact details

[Redacted]

Do you have the contact details for the regional consultees for the scoping report consultation? I'm not sure if you were informed that it is your responsibility to provide the contact details for the local consultees, therefore, this reminder.

Our standard consultees' spreadsheet - I believe [Redacted] sent you this last week - has the most up to date contact details.

Please let me know if you have any queries.

Best regards,  
[Redacted]

\*\*\*\*\*

[Redacted]

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**From:** [Redacted]  
**Sent:** 02 May 2017 10:12  
**To:** [Redacted]  
**Cc:** [Redacted]  
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[Redacted]  
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[Redacted]

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**From:** [Redacted]  
**Sent:** 03 May 2017 09:57  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** FW: Inchcape Onshore Transmission Works Renewal Application Request for a Scoping Opinion

Hi [Redacted]

As discussed, the issue was raised in progressing the PPP renewal for the previous site. ELC have confirmed that the confirmed that the current disagreement was a matter of principle relating to the relationship between the onshore and offshore elements of the scheme and therefore concerns would apply equally to a new site. As such, ELC were keen that we seek Direction from SG on this matter.

If you could follow up<sup>[Redacted]</sup> that would be greatly appreciated.

Best Regards,

[Redacted]

**From:**[Redacted]  
**Sent:** 10 March 2017 15:43  
**To:**[Redacted]  
**Cc:**[Redacted]  
**Subject:** RE: Inchcape Onshore Transmission Works Renewal Application Request for a Scoping Opinion

[Redacted]

Thank you for your e-mail and apologies for the slight delay in response.

Before commenting on the request for an extension of time for the Scoping Opinion, there are a few points we would like to clarify in response to your e-mail:

1. As was the case with the previous application for the onshore transmission works (14/00456/PPM), the EIA for the renewal application should take account of the offshore works. This would be done by taking account of the offshore works as part of a cumulative impact assessment, consistent with the previous approach.
2. There appears to be a misunderstanding of the scope of RSPB's judicial review challenge and the effect of the Outer House judgment. RSPB did not seek to challenge the adequacy of the Environmental Statement for the offshore works and the Outer House did not find that it was inadequate. In relation to EIA, RSPB's challenge and the Outer House judgment related to procedural issues, relating to the consultation exercise undertaken by Marine Scotland / the Scottish Ministers. The Environmental Statement for the offshore works therefore remains a valid document which can be relied upon in considering the cumulative impact assessment for the onshore works and therefore assessing the whole project.
3. Planning permission (14/00456/PPM) was granted by the Council after taking account of, and finding acceptable, the cumulative impacts of the offshore works consisting of the originally proposed 213 turbine offshore wind farm. The offshore wind farm which was ultimately consented by the Scottish Ministers (i.e. 110 turbines) and any future proposal that will be taken forward are within the 'Rochdale Envelope' of what has already been assessed by the Council and considered to be acceptable.
4. If any offshore works which are outside the 'Rochdale Envelope' that has already been taken into account are to be progressed at some later date, they would only be consented if the

effects of those works, including the cumulative impact with the onshore works, was considered to be acceptable. Such hypothetical scenarios are not relevant to the request for a scoping opinion. However, as noted in the submitted scoping report we would be happy for a condition equivalent to condition 3 of planning permission (14/00456/PPM) to be imposed on a renewal of the planning permission.

We therefore do not consider that a joint Scoping Opinion with Marine Scotland would be appropriate in these circumstances or that an extension of time of 5 weeks from 15 March 2017 should be necessary and look forward to receiving your consider response on the content of the EIA as soon as possible.

Please do not hesitate to contact me should you wish to discuss further.

Kind regards,

[Redacted]

[Redacted]

**SDIG**  **Red Rock Power Limited**

5th floor, 40 Princes Street  
Edinburgh EH2 2BY  
United Kingdom  
Tel:[Redacted]  
DL:[Redacted]  
Mobile:[Redacted]  
Email:[Redacted]

---

**From:**[Redacted]

**Sent:** 01 March 2017 17:25

**To:**[Redacted]

**Subject:** Inchcape Onshore Transmission Works Renewal Application Request for a Scoping Opinion

[Redacted]

**Inchcape Onshore Transmission Works Renewal Application**

**Request for a Scoping Opinion under Regulation 14(1) of the Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2011.**

I acknowledge receipt of the above Scoping Request. This was received on 9 February 2017. The 5 week statutory period the Council has for production of the Scoping Opinion therefore runs to 15 March 2016. The Regulations allow for an extension to this period with the written agreement of the person making the request. I am writing to you now to seek your written agreement to an extension of time for production of this Scoping Opinion.

The Council is currently considering the terms of your request. As you can probably appreciate, this request does raise some procedural issues. The Council aims ensure that its decision making processes are sound, and that in consequence, you are issued with a competent decision.

The EU Interpretation line on associated works (2011) (Interpretation line suggested by the Commission as regards the application of Directive 85/337/EEC to associated/ancillary works) states "If it appears that the associated works are inextricably linked to the main works, their approval and initiation should be considered as an initiation of the

project. Thus, where the main project requires an EIA, the approval and/or physical execution of the associated works could only start once the EIA for the whole project (main and associated) was carried out." It is the Council's view that the onshore and offshore works are an integral part of the main project, which consists of the offshore Inch Cape Wind Farm and the onshore transmission works.

Previously, the Council took the decision on the application for the onshore works (14/00456/PPM) having regard to a current Environment Statement for the whole project. This consisted of the Environment Statement submitted in support of the original onshore works application, but which contained a link to the Environment Statement for the offshore works. Both of these Environment Statements were current and could therefore be taken into consideration by decision makers and members of the public, and when coming to a decision on the works subject to 14/00456/PPM.

The position as it stands now is that there is no current consent for any offshore works, and, the Environment Impact Assessment process for the Inch Cape Offshore Wind Farm has been judged to be inadequate. There is therefore no up to date and adequate assessment of the main (and thus the whole) project.

In your Scoping Request, you have asked us to consider two scenarios:

Firstly, you state that you are seeking to reclaim the judicial review decision of 18 July 2016 of the consent decision of Scottish Ministers on 15 September 2014 for the Inch Cape Offshore Wind Farm, sought by the RSPB. This may or may not be successful. However, at this point, there is not an up-to-date and adequate Environment Statement for the Inch Cape Offshore Windfarm, a main part of the project. It is not considered possible therefore for East Lothian Council to take a decision on renewal of 14/00456/PPM based on an Environment Statement which covers the onshore works alone. In the case of a successful re-claiming motion of the original consent, the project to be considered is known. However, any application for the renewal of the onshore works would still need to be accompanied by an updated EIA on the impacts of the whole project, namely the original Inch Cape Windfarm and associated onshore and offshore works.

The second scenario you ask us to consider is that a smaller offshore proposal will be pursued. You give us very little information on this, so what the project will involve is not clear. In any case, the position is the same as with the first situation, in that there is no up-to-date, adequate Environment Statement for the offshore part of the project upon which any judgement may be made if combined with an up to date Environment Statement for the onshore works. In the case of the second scenario, the project (any new wind farm proposed) would require to be defined sufficiently such that the 'worst-case' impacts could be confidently assessed, in line with the 'Rochdale Envelope' approach. Assessment of the environmental impact of the whole project, namely both offshore and onshore works would, as with the case above, require to be included in the Environmental Statement for the renewal of permission for the onshore works.

It is therefore the Council's view that to allow a competent decision to be made on the application for renewal of permission for the onshore works, the Environment Statement for the onshore works would have to include or provide appropriate cross-reference to an up to date and adequate environmental assessment of the offshore works. **This approach would be in line with the principles of the approach followed previously. However, in this instance we note that, should your reclaiming motion be successful, that any Council decision to renew planning permission for the onshore works may be last in the sequence of planning consents for the whole project.**

In this context, it is therefore the Council's intention to approach Marine Scotland to investigate the possibilities of producing a joint Scoping Opinion. The Council does not intend to consult the Consultation Bodies until after the overall approach has been discussed with Marine Scotland and confirmed.

This means it is unlikely that it will be possible to produce the Scoping Opinion within the 5 week timescale. Instead, I propose that the Council will aim to produce the opinion within 5 weeks of discussing the overall approach with Marine Scotland. As such, I suggest that an initial extension of time be 5 weeks from the 15th of March 2017. It may be that the Council will come back to you to seek further time should it not prove possible to produce the Scoping Opinion in that time.

Please could you confirm that this extension of time is acceptable.

Regards

[Redacted]

East Lothian Council Development John Muir House Haddington EH41 2AN

[Redacted]

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[Redacted]

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**From:** [Redacted]  
**Sent:** 03 May 2017 14:52  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: query

Thank you.

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**From:** [Redacted]  
**Sent:** 03 May 2017 14:45  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: query

Hi [Redacted]

Our preference would be to not include MW capacity for the time being as it should not alter the discussion on EIA. May I suggest the following;

*The Revised Development will consist of an array of up to 72 turbines. The period of consent to be sought for the array is up to 50 years.*

Thanks  
[Redacted]



[Redacted]

5th floor, 40 Princes Street  
Edinburgh EH2 2BY  
United Kingdom  
Tel: [Redacted]  
DL: [Redacted]  
Mobile: [Redacted]  
Email [Redacted]

---

**From:** [Redacted]  
**Sent:** 02 May 2017 15:02  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** query

[Redacted]

The *Revised Development* will generate up to how many MW? And how long is the period of consent being sought for?

I'm trying to complete the sentence below to be used in the consultation email, and I haven't found this information on the scoping report after a (very) quick search. I thought it would be quicker just to ask you.

*The Revised Development will generate up to XX MW and will consist of an array of up to 72 turbines. The period of consent to be sought for the array is XX years.*

Many thanks,  
[Redacted]

\*\*\*\*\*

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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[Redacted]

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**From:** [Redacted]  
**Sent:** 03 May 2017 14:45  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: query

Hi [Redacted]

Our preference would be to not include MW capacity for the time being as it should not alter the discussion on EIA. May I suggest the following;

*The Revised Development will consist of an array of up to 72 turbines. The period of consent to be sought for the array is up to 50 years.*

Thanks  
[Redacted]

**SDIC**  **Red Rock Power Limited**

[Redacted]

5th floor, 40 Princes Street  
Edinburgh EH2 2BY  
United Kingdom  
Tel:[Redacted]  
DL:[Redacted]  
Mobile:[Redacted]  
Email:[Redacted]

---

**From:**[Redacted]  
**Sent:** 02 May 2017 15:02  
**To:**[Redacted]  
**Cc:**[Redacted]  
**Subject:** query

[Redacted]

*The Revised Development will generate up to how many MW? And how long is the period of consent being sought for?*

I'm trying to complete the sentence below to be used in the consultation email, and I haven't found this information on the scoping report after a (very) quick search. I thought it would be quicker just to ask you.

*The Revised Development will generate up to **XX** MW and will consist of an array of up to 72 turbines. The period of consent to be sought for the array is **XX** years.*

Many thanks,  
[Redacted]

[Redacted]

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**From:** [Redacted]  
**Sent:** 04 May 2017 18:37  
**To:** [Redacted]  
**Subject:** RE: consultees' contact details

Thank you

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**From:** [Redacted]  
**Sent:** 04 May 2017 16:12  
**To:** [Redacted]  
**Subject:** RE: consultees' contact details

Hi [Redacted]

Please find attached updated spreadsheet with contact details for consultees. Please let me know if you require further information.

Thanks  
[Redacted]

 **Red Rock Power Limited**

[Redacted]

5th floor, 40 Princes Street  
Edinburgh EH2 2BY  
United Kingdom  
Tel: [Redacted]  
DL: [Redacted]  
Mobile: [Redacted]  
Email: [Redacted]

---

**From:** [Redacted]  
**Sent:** 02 May 2017 10:52  
**To:** [Redacted]  
**Subject:** consultees' contact details

[Redacted]

Do you have the contact details for the regional consultees for the scoping report consultation? I'm not sure if you were informed that it is your responsibility to provide the contact details for the local consultees, therefore, this reminder.

Our standard consultees' spreadsheet - I believe [Redacted] sent you this last week - has the most up to date contact details.

Please let me know if you have any queries.

Best regards,  
[Redacted]

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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