

22 August 2022

Marine Scotland Licencing Operations Team
Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB

Dear MS-LOT,

Please accept this letter as a request for an extension to the Section 36 (S36) consent, granted in March 2016 to European Marine Energy Centre (EMEC) to operate the Fall of Warness (FoW) tidal test site.

Background

EMEC provides a grid-connected test facility at the Fall of Warness, Eday, for developers of tidal stream marine energy converter devices to deploy and test in real-sea conditions (Figure 1).

EMEC currently holds a S36 consent for the Fall of Warness site in Eday which is valid until 22 March 2023. EMEC is seeking an extension to the end date of their current S36 consent for another 3 years until 22 March 2026. The current site activities lie within the project envelope described within the 2014 Environmental Appraisal (EA) and this will not change over the next 3 years. This, in turn, means there will be no change to the environmental impacts assessed in the original EIA.

On the 20th of July 2022, EMEC received written confirmation that the Scottish Ministers were of the opinion that the proposed development is not an EIA project under The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and, therefore, an EIA is not required to be carried out in this respect.

To facilitate further technology development of this sector, EMEC are currently progressing work on developing a new EIA and S36 consent to expand their electrical capacity to 50 MW and expand the project envelope parameters. The extension to the end date of the current S36 will allow continued use of the site for developers in the tidal sector in the interim period.

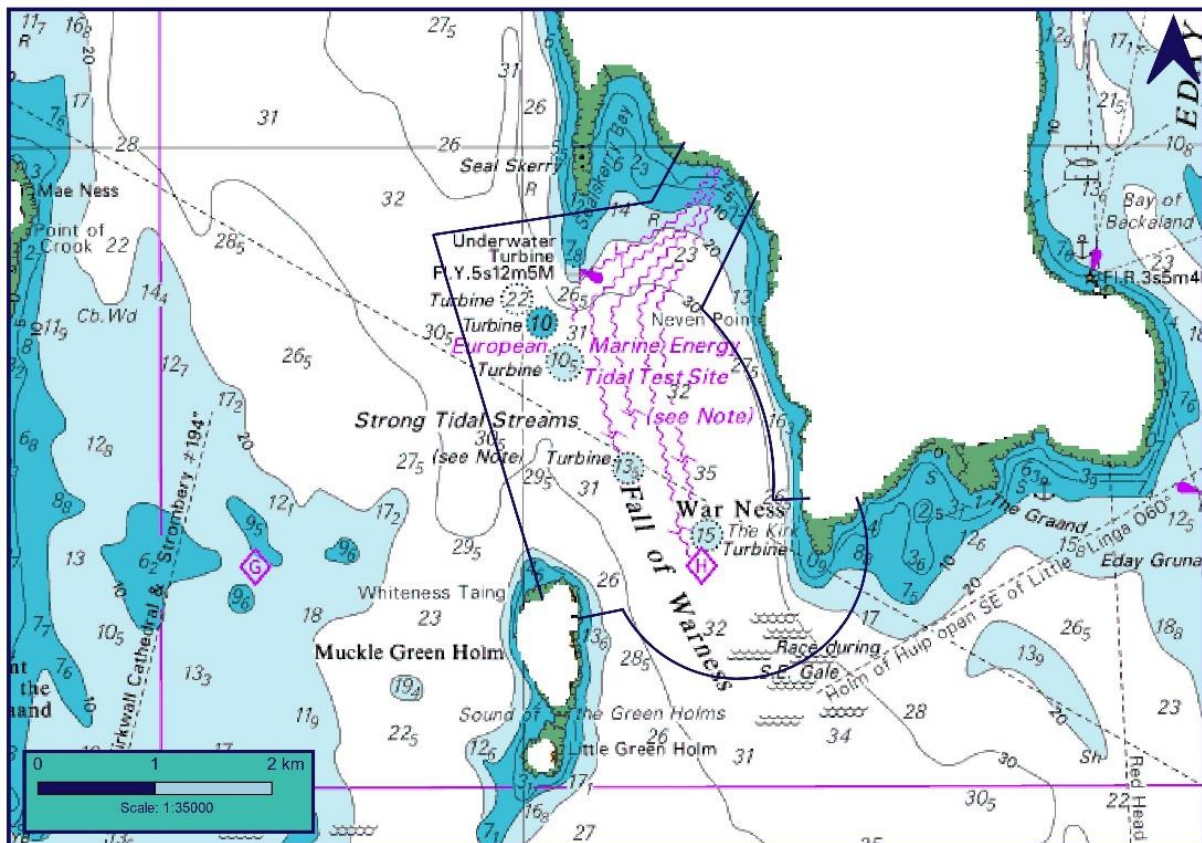


Figure 1: EMEC FoW Tidal Test Site

Legislative Framework

Section 36 Variation: Section 36C of the Electricity Act 1989 (“the 1989 Act”) provides powers to the Scottish Ministers to vary a Section 36 consent.

As per Section 3 (1) of The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulation 2013:

(b) A description of the proposed development and location is provided within this letter.

(d) (i) EMEC wish to extend the end date from 22 March 2023 until 22 March 2026. There are no further variations requested.

(d) (iii) (aa) This variation is requested from the current S36 for the FoW test site, granted on 22nd March 2016.

Request for extension to timeline

Based on the review of the original application and determination of the screening opinion decision from the 20th of July 2022, EMEC considers the request for an extension of consent for a further 3 years does not constitute a change to the licence activities, nor is it expected that increasing the lifespan of the S36 will alter predicted potential impacts. Therefore, EMEC hopes that the information presented within this letter will allow MS-LOT and Scottish Ministers to issue an extension to the end date of the S36 consent.

Yours sincerely

Donald Leaver
Senior Environment & Consents Officer

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Annex 1

Draft of variation

Annex 2 Part 1 Section 1 of the Section 36 has been amended from the consent period of 7 years to 10 years.

