

Forth Energy

Leith Renewable Energy Plant: *Participation* Strategy Report

Prepared by

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in association with
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1 Introduction

1.1 Background

- 1.1.1 Forth Energy is a joint venture company formed by Scottish and Southern Energy (SSE) and Forth Ports and has the potential to be Scotland's biggest developer of dedicated renewable power generation facilities. The joint venture is currently developing renewable energy projects around Forth Ports' sites in Scotland and England. SSE is the UK's largest renewable energy generator. Forth Ports owns and operates seven commercial ports and manages 280 square miles of navigable waters in the UK.
- 1.1.2 Forth Energy believes that the Leith Renewable Energy Plant will be a valuable step in tackling the global challenges of climate change and the national challenges of increasing the amount of energy to be generated from renewable sources. In addition the project contributes to addressing the potential generation capacity shortfall and security of energy supply issues.
- 1.1.3 This project will assist the company in meeting its Supplier Obligations under the Renewables Obligation¹, ensuring that the company plays a vital part in delivering solutions to the issues and challenges that face society today.
- 1.1.4 Energy developments are governed by the Electricity Act (1989), rather than the Planning Acts. For this type of development, Section 36 of the Electricity Act requires that an application be made to Scottish Ministers through the Scottish Government Energy Consents Unit (SGECU), to seek consent for the proposed development. This is a different process to the traditionally understood planning application process for major developments. There is no requirement for public participation within the provision of the Electricity Act. The applicant recognises, however, that the proposals will be of interest to a broad range of stakeholders, and has taken the decision to engage on the emerging proposals in the spirit of the new Planning Act, and in a similar manner to that which would be expected for a Major Planning Application.
- 1.1.5 This Participation Strategy Report sets out the basis of the proposed public participation, in a similar manner to that which would be expected in the form of a Proposal of Application Notice under the Planning Act. It provides information on the proposed approach, and method of recording the outcomes of the Participation exercise.

1.2 Application Procedure

- 1.2.1 When an application is lodged for development under Section 36 of the Electricity Act, 'deemed planning permission' is also sought under Section 75(2) of the Town and Country Planning Act 1997 (as amended by the Planning etc. Scotland Act 2006). This section provides that Scottish Ministers can direct that planning permission for the development shall be deemed to be granted in conjunction with the Section 36 consent, rather than a planning permission having to be applied for separately.
- 1.2.2 As the proposals are being considered under a Section 36 application, City of Edinburgh Council is classed as a Statutory Consultee in the process. Once the application is lodged formally with the Scottish Ministers, City of Edinburgh Council is required to respond to the Scottish Ministers giving its recommendation on the proposals. An application under Section 36 seeks consent for the principle of the development of a renewable energy plant, and does not seek to determine

¹ Renewables Obligation Order 2009

matters of detail in relation to the proposals. Conditions would be applied to any consent issued, requiring further detail to be agreed before development could commence. Should the Scottish Ministers be minded to grant consent for the proposals, the applicant would then develop significant additional detail in participation with City of Edinburgh Council and other key consultees, and seek to discharge the requirements of the Section 36 conditions with Scottish Ministers, and the requirements of any deemed planning permission conditions with City of Edinburgh Council.

1.3 Environmental Impact Assessment

- 1.3.1 The proposed development requires an Environmental Impact Assessment (EIA) to describe the project and consider the potential environmental effects in detail. The outcome of the EIA will be recorded in an Environmental Statement that will be submitted with the application.
- 1.3.2 As an early step in the process to assess the potential environmental effects of the proposal, the applicants lodged a Scoping Report with Scottish Ministers in December 2009. This Scoping Report was circulated to a wide range of statutory and non-statutory consultees with a view to gaining information to inform the approach to conducting the assessment of potential environmental effects. This EIA scoping process is currently ongoing and the feedback obtained will inform the development of the proposals. The proposals and their development will be communicated through the actions as outlined in this report.

1.4 Address and Location of Proposed Development

- 1.4.1 The development will take place on land within the Port of Leith. The site is located on land in the central area of the Port and includes the site of a Category B listed former grain silo. The site covers an area of 6.9ha. Appendix 1 indicates the location of the application site.

2 Development Proposal

2.1 Development Description

2.1.1 The proposed development is a 200 MegaWatt (MWe) Renewable Energy Plant (REP). This will comprise the following elements;

- A power generation area including boiler hall(s) and flue;
- A fuel storage area;
- Infrastructure corridors for cooling water pipelines and fuel conveyors; and
- An area for laydown during the construction phase.

2.2 Applicants Details

2.2.1 Forth Energy will be the applicant. The table below sets out the main planning contacts for Forth Energy and for their planning advisor Jones Lang LaSalle.

Applicant: Forth Energy	Planning advisor: Jones Lang LaSalle
<p>Michaela Sullivan Head of Planning</p> <p>Forth Energy Imperial House Albert Dock Leith Edinburgh EH6 7DN</p> <p>Tel: 0131 555 8759</p> <p>Email: michaela.sullivan@forthenergy.co.uk</p>	<p>Craig Wallace Director</p> <p>Jones Lang LaSalle Exchange Crescent 7 Conference Square Edinburgh EH3 8LL</p> <p>Tel: 0131 301 6763</p> <p>Email: craig.wallace@eu.jll.com</p>

2.2.2 Forth Energy has commissioned a multi-disciplinary team to assist in the preparation of necessary information to support the Section 36 application and accompanying Environmental Statement for the proposals. The core team and their associated responsibilities are summarised as follows:

- Jones Lang LaSalle –Planning Consultants;
- Sinclair Knight Merz – Environmental Consultants;
- Turley Associates – Community Engagement Consultants;
- Fichtner – Technical Advisors.

2.3 Information requirements

2.3.1 Forth Energy will implement this participation strategy as a means of engaging with statutory bodies and members of the public. This will allow interested parties a reasonable opportunity to comment on the proposed development.

2.3.2 The following supplementary information will be submitted with the application:

- Planning Statement bringing together the planning case and making an assessment against relevant planning policy and other material considerations.
- Statement of Participation explaining the approach to community participation, the outcomes of this process, and how the proposals have addressed the comments made.
- Environmental Statement (ES) considering the potential for environmental effects arising from the proposal, measures to mitigate against these, and highlighting any residual environmental effects associated with the construction and operation of the proposed development.

2.4 Parties who have received a copy of this Report

2.4.1 In addition to City of Edinburgh Council, the following groups have been provided with a copy of this Report:

Community group	Date of notification
Leith Harbour and Newhaven Community Council	February 2010
Leith Central Community Council	February 2010
Leith Links Community Council	February 2010
Trinity Community Council	February 2010

2.5 Details of the Participation Actions and Events

2.5.1 The programme for participation events proposed is as follows:

Action / Event:	Details
Letter and telephone contact with Community Councils	Direct Contact during January to publicise Participation Event and to establish the most appropriate means of future contact and engagement.
Pre-application Community Participation event with members of the team available for discussion, and questionnaires for people to record their opinions.	11 th -13th February 2010 in Ocean Terminal, Leith.
Pre-application workshop with Community Councils and local interest groups	Format to be discussed and agreed with relevant stakeholders based on feedback from initial contact and the Public Participation Event. Target to schedule during February/ March 2010.
Pre-submission presentation and exhibition with key invited stakeholders	Format to be reviewed in light of feedback from initial participation actions. Opportunity for further comment on proposals as they are developed towards submission. Target to schedule during May/June 2010

Action / Event:	Details
Post submission public exhibition	A public exhibition of the proposed development as submitted to Scottish Ministers. This exhibition is intended to be located Ocean Terminal. The precise date cannot be confirmed at this stage however, the intention is to work towards a June 2010 submission. This exhibition will provide information on how to make comments to the Scottish Government. The full application will also be put onto a website so that interested parties can view all the documentation.
Post-submission presentations to Community Councils / stakeholder groups as required	Presentations to be scheduled on an 'as required' basis - through discussion with relevant parties and potentially with a view to coordinating events with existing Community / Stakeholder meetings

2.6 Newspaper Advert

2.6.1 The Scottish Government Energy Consents Unit sets out guidelines for advertising applications made under Section 36 of the Electricity Act. Under these guidelines, the following advertisements will be made for the application at the time of submission;

- A newspaper advertisement to be placed in the local press (Edinburgh Evening News) and at least one National newspaper on two occasions and over two successive weeks;
- An advertisement in the Edinburgh Gazette

2.6.2 In addition, the public exhibitions will be advertised in the local press at least 7 days prior to the event. Advertisements detailing the event will be placed in the Edinburgh Evening News.

3 Key Milestones

3.1 Timetable

3.1.1 The timetable will be refined following the receipt of the Scottish Government's opinion on the Scoping Report submitted, taking into account the requirements of the EIA process. A series of target dates are identified below, and will be refined as the project progresses:

- June 2010 - Forth Energy to submit Section 36 Application to the Scottish Government Energy Consent Unit (SGECU);
- June 2010 - Winter 2010 - Progress S36 application with SGECU, including liaison with Statutory Consultees and other stakeholders;
- Winter 2010/Early 2011 - target determination date for consent

3.2 Statutory determination date

3.2.1 Under the provisions of the Electricity Act (1989), the target time period within which the SGECU should give notice to an applicant of their decision on an application is 9 months after the validation date.

3.3 Monitoring process

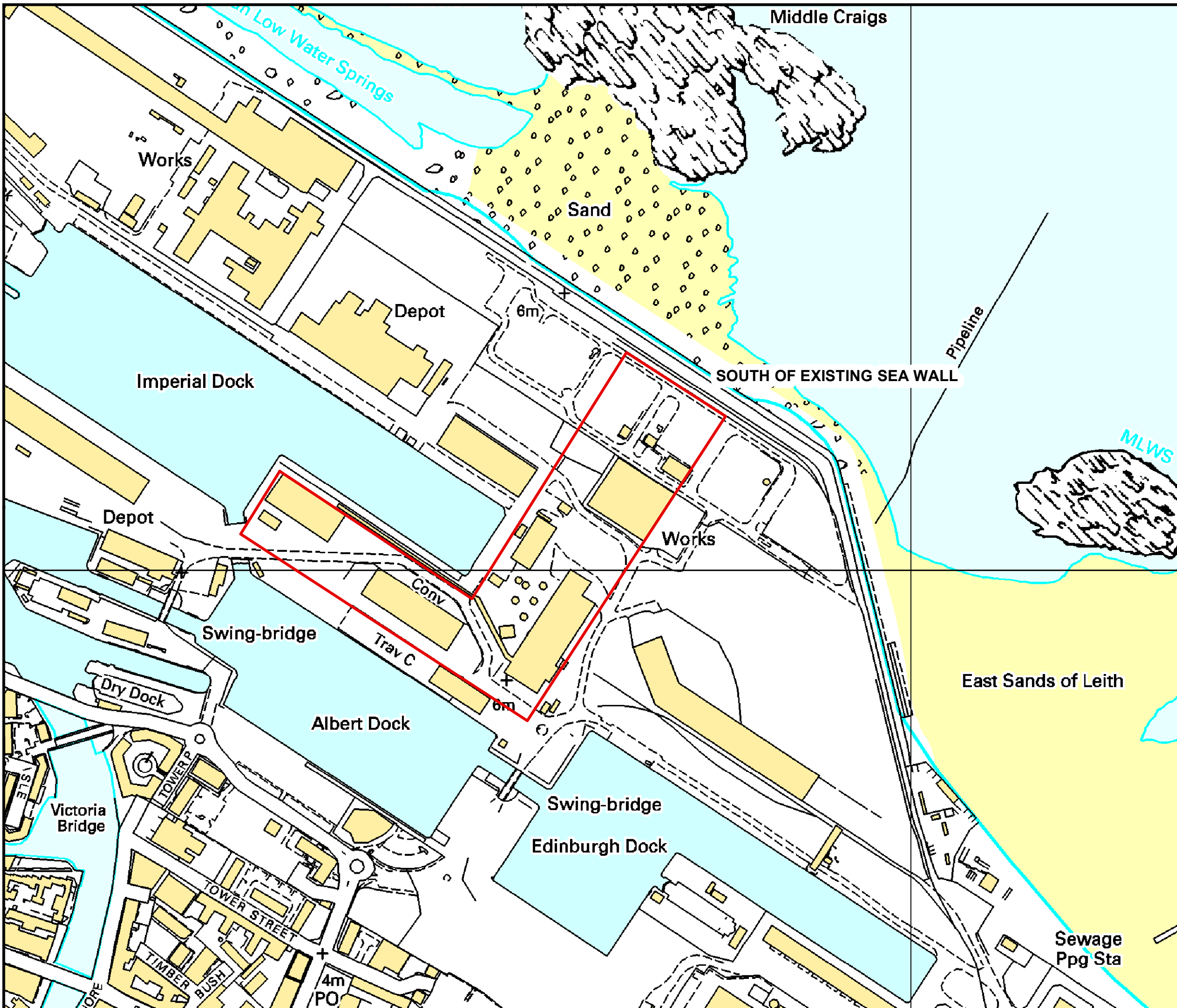
3.3.1 A review of the progress of the application will be made at regular intervals, and the timescales set will be revalidated or reordered as required. Forth Energy is keen to work closely with the SGECU to meet deadlines as efficiently as possible.

4 Conclusion

4.1 Next Steps

- 4.1.1 This document has set out the approach to participation and engagement in respect of the proposed Leith Renewable Energy Plant. The project team will make direct contact with the groups identified in paragraph 2.1.6, and we would welcome the opportunity to discuss the proposals with you in greater detail, and to provide you with information on the proposed development to assist with any response you may wish to make in future to the formal procedural aspects of the consenting process.
- 4.1.2 Should any additional information be required at this stage please do not hesitate to contact Forth Energy or their advisors Jones Lang LaSalle.

Appendix 1: Site Location Plan



Forth Energy

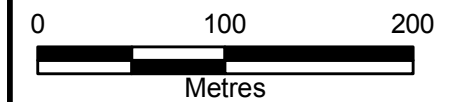
Leith Renewable Energy Plant

Figure 2

Site Boundary

Key:

Site Boundary



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