

Appendix 4.3 EIA Scoping Opinion

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**The Scottish
Government**

Riaghaltas na h-Alba

SCOTTISH GOVERNMENT

ENERGY CONSENTS UNIT

Yell Wind Farm

**Scoping Opinion on behalf of the Scottish Ministers
Under Part 4 of the Electricity Works (Environmental
Impact Assessment)(Scotland) Regulations 2017.**

Issued to Energy Isles Ltd

16 April 2018

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1. Introduction

On 10 October 2017 Farningham Planning Ltd, on behalf of Energy Isles Ltd (“the Applicant”) submitted a request to Scottish Ministers for a scoping opinion relating to Yell Wind Farm (“the proposed wind farm”) which will be located on a site approximately 1.5 kilometres (“km”) west of Cullivoe and 1.1km south of Gloup on the Island of Yell in the Shetland Isles. The request was accompanied by a scoping report which stated that the proposed wind farm would consist of up to 63 wind turbines and that it would have a generating capacity in excess of 50 megawatts (“MW”). On 19 February 2018 Farningham Planning Ltd, on behalf of the Applicant, submitted an updated layout for the proposed wind farm accompanied with confirmation that the number of turbines had been reduced from 63 to 50, each with a blade tip height of 200 metres (“m”).

2. The proposed wind farm

Yell Wind Farm (“the proposed wind farm”) covers 2,212 hectares and is located in the north-west of the Island of Yell between Gloup and Dalsetter. The site consists of open moorland with scattered lochs and burns across it and it is mainly used for sheep farming. There are no residential properties within the site the nearest being in Gloup over 1km to the north-east of the site boundary.

The site of the proposed wind farm is 1.75km from the operational Garth Wind Farm and 7.53km and 13.54km respectively from the proposed Hill of Lusetter and Beaw Field wind farms.

The proposal is for 50 turbines each having a blade tip height of 200m. The total generating capacity will be in excess of 50MW.

In addition to the wind turbines there will be ancillary infrastructure including:

- 50 crane hardstandings;
- permanent meteorological mast/s;
- access tracks;
- in site control building;
- potential on-site excavations or on-site borrow pits;
- a temporary construction compound.

3. The Planning Authority

The Planning Authority for the proposed wind farm is Shetland Islands Council.

4. Environmental Impact Assessment Report (“the EIA report”)

Regulation 3 of the Electricity Works (Environmental Impact Assessment)(Scotland) Regulations 2017 (“the Regs”) prohibits the Scottish Ministers from granting Electricity Act consent for EIA development or directing that planning permission is deemed to be granted in respect of EIA development unless an Environmental Impact Assessment has been carried out in respect of a proposed development and the environmental information fully taken account of.

Regulation 4 of the Regs describes the Environmental Impact Assessment process and sets out the minimum requirements of the EIA report.

5. Consultation

In response to the request for a Scoping Opinion submitted on 10 October 2017 by Farningham Planning Ltd, on behalf of Energy Isles Ltd (“the Applicant”) a scoping consultation was initiated on 24 November 2017 by the Energy Consents Unit, the deadline for which was 15 January 2018. A number of consultative bodies requested more time to provide comments on the scoping request and the consultation was extended to 15 February 2018. Thereafter, on 19 February 2018 Farningham Planning Ltd, on behalf of Energy Isles Limited, submitted an updated layout for the proposed wind farm accompanied with confirmation that the number of turbines had been reduced from 63 to 50, each with a blade tip height of 200 metres (“m”). A further consultation was initiated by the Energy Consents Unit on 21 February 2018, the deadline for which was 07 March 2018.

On the whole, in their responses to the second consultation, consultees advised that their responses to the first consultation remain unchanged.

It should be noted that the actual of the height of the turbines was not specifically detailed in the Scoping Report but instead stated that the turbines would have “*hub heights of 90-100m and rotor diameters of greater than 120m*”. Responses from consultees are not consistent in respect of the turbine height under consideration. No response confirms that the turbine height of 200m was the turbine height considered. For example, the Shetland Islands Council makes reference to the turbine height being 145m, Scatsta Airport makes reference to the height being 120m and SNH makes reference to them being “*over 150m to tip*”. In the event that is requested from a consultee, further consideration of the impacts of turbines with a tip height of 200m will be allowed and if appropriate, an amended Scoping Opinion superseding this Scoping Opinion will be issued.

The Scottish Ministers received 15 responses. For a list of respondents and copies of their consultation responses see **Annex A**. Each response should be read in full for detailed requirements from individual consultees and for comprehensive advice and guidance and, where appropriate, templates for preparation of the EIA report.

With regards to those consultees who did not respond, it is assumed that they have no comment to make on the Scoping Report. They will be consulted again in the event that an application for section 36 consent is made.

Scottish Ministers are satisfied that the requirements for consultation set out in Regulation 12(4) of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 have been met.

6. The Scoping Opinion – explanation

This Scoping Opinion has been adopted following consultation with the Shetland Islands Council as the planning authority in whose area the proposed wind farm would be situated, Scottish Natural heritage (“SNH”), the Scottish Environment Protection Agency (“SEPA”) and Historic Environment Scotland, all as statutory consultation bodies. Other bodies which Scottish Ministers consider likely to have an

interest in the proposed wind farm by reason of their specific environmental responsibilities or local and regional competencies were also consulted.

Having taken into account of the information provided by the Applicant in the request dated 10 October 2017 and then again on 19 February 2018 and the specific characteristics of the proposed wind farm and representations received in response to the consultation undertaken, the Scottish Ministers adopt this Scoping Opinion.

In providing this Scoping Opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have taken into account the specific characteristics of the proposed wind farm, the specific characteristics of that type of development and the environmental features likely to be affected.

This Scoping Opinion is, effectively, a collection of the responses received to the consultation requests of 24 November 2017 and 21 February 2018. It is issued to Farningham Planning Ltd, on behalf of Energy Isles Ltd on behalf of Scottish Ministers to in relation to the proposed Yell Wind Farm.

A copy of this Scoping Opinion has been sent to the Shetland Islands Council for transferring to part 1 of the planning register. It has also been uploaded to the Energy Consents Unit portal at www.energyconsents.scot

7. Duration of this Scoping Opinion

This Scoping Opinion is based on information available at today's date (see date on front page), on information contained in the Scoping Report which accompanied the written request for a scoping opinion and on the supplementary information subsequently submitted on 19 February 2018.

Nothing in this written Scoping Opinion will prevent Scottish Ministers from seeking additional information at application stage, for example, to include cumulative impacts of additional developments which enter the planning process after the date of this opinion.

Without prejudice to that generality, it is recommended that an additional scoping opinion be sought from Scottish Ministers in the event that no application has been submitted within 12 months of the date of this Scoping Opinion.

8. Site specific issues of particular interest to Scottish Ministers

Please note: Scottish Ministers expect the EIA report which will accompany any application for the proposed development to include full details showing that all the advice, guidance, concerns and requirements raised by each consultee in the correspondence attached at Annex A to this Scoping Opinion, as being addressed.

The sections below highlight points raised in consultation responses which are of particular importance with regards to the EIA report.

8.1 GENERAL

- i. All the specific elements of the proposed wind farm for which Electricity Act section 36 consent (and deemed planning permission) is applied for must be detailed and made clear in the EIA report;
- ii. If they are to be used, numbers and locations of all borrow pits should be specified in the EIA report;
- iii. Full details, including works to be carried out, assessments, findings, conclusions and mitigation (where appropriate) of all on-site construction should be provided in the EIA report;
- iv. Clarification on the proximity of the construction compound to the aquatic environments and the mitigation measures needed to completely rule out any potential aquatic pollution events should be provided in the EIA report;
- v. Locations of groundwater abstractions including all Private Water Supplies should be provided in the EIA report;
- vi. A clear summary table, entitled **Scheme of Mitigation** and containing details of all mitigation measures associated with the proposed wind farm, should be included in the EIA report.
- vii. With regards to selecting and finalising **viewpoints** to be included in the EIA report the Applicant should consult with Shetland Islands Council and Scottish Natural Heritage. This includes viewpoints in respect of night-time aviation lighting. (**See 8.3 Aviation Lighting**).
- viii. As advised and recommended by Shetland Islands Council, as the proposed wind farm will be within an area adjacent to Remote High Cliffs seascape character type, the LVIA should include an assessment of its impact on the sense of openness and exposure in relation to the aspects of this particular seascape character type.

8.2 Aviation

As stated in the consultation response from Scatsta Airport, it is likely that the turbines of the proposed wind farm will be visible to the Airport's radar and generate unwanted returns (clutter) on air traffic control display screen. This will have the potential to mask aircraft in the vicinity of the proposed wind farm.

Applicants should demonstrate that a solution to potential aviation issues is either agreed or well advanced, **prior to** submission of the application. On that basis, it is strongly recommended that the Applicant in this instance provides Scatsta Airport with the information highlighted by Scatsta Airport in section **d. Insufficient Information** in its consultation response and that the Applicant thereafter engages with Scatsta Airport with a view to exploring all/any mitigation options and agreeing a solution which will ensure that the proposed wind farm will cause no deterioration or adverse impact to the Airport's operability.

8.3 Aviation Lighting

Article 219 of the UK Air Navigation Order (ANO) 2009 (Article 219”) stipulates that any en-route structure extending 150m or greater must be fitted with medium intensity (2000 candela) steady red lights mounted as close as possible to the top of the structure and at intermediate levels not exceeding 52 metres. Each of the turbines of the proposed wind farm being 200m in height, will be required to be fitted with aviation lighting that meets the requirements of Article 219.

Article 219 also stipulates that such lighting should be displayed at night and be visible from all directions at night, dusk and during low level light conditions during the day. Illuminating the turbines at night could result in significant effects and consequently, there is a requirement for an assessment of the landscape and visual effects arising from the visible lighting at the proposed wind farm. This will include the effects that the lighting will have on Landscape Character, Landscape Setting of Heritage Assets and on Visual Amenity.

The following should be the basis of all assessments:

- Sensitivity - identify the night time lighting characteristics of the landscape character area, which would be gained from visiting the viewpoints or other receptors that will be visited in any case; and,
- Magnitude of change - assess the extent of visibility/ contrast/ prominence of the proposed aviation lighting in this context; and,
- Significance - assess based on the combination of the above.

The Applicant should further engage with the Shetland Islands Council and Scottish Natural Heritage to agree viewpoints for visual representations and to agree the methodology to be used.

8.4. Peat

The proposed wind farm is located largely on Class 1 nationally important carbon-rich soils, deep peat and priority peatland habitat. Class 1 soils are included within *Group 2 - Areas of Significant Protection* in **Scottish Planning Policy 2014 table of Spatial Frameworks**. It also Priority Habitat in Annex 1 of the EU Habitats Directive, and a UK Priority Habitat.

Paragraph 205 of **Scottish Planning Policy 2014** states “*Where peat and other carbon rich soils are present, applicants must assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments must aim to minimise this release*”.

Peat slides can have a direct impact on fisheries and peat disturbance can have indirect effects on water quality, therefore all construction should avoid areas of deep peat, where this is not possible appropriate mitigation measures should be put in place. Natural peat drainage channels should be preserved throughout the development; excavated material should not be stock piled in areas of unstable peat; concentrated water flows onto peat slopes should also be avoided.

The EIA report will be required assess whether there will be any significant effects on the qualities of this area and if so, it will be required to demonstrate that they can be substantially overcome by siting, design or other mitigation. It will also be required to demonstrate how the disturbance of peat and consequential release of carbon dioxide has been minimised and detail the preventative/mitigation measures to avoid significant drying or oxidation of peat. As recommended by RSPB Scotland it should also include:

- The mapped extent of active peat bog within the proposed site;
- Description of vegetation communities and structural features of the bog surface;
- Identification of the basic hydrological units of the peatland area;
- Peat-depth data for both the site of wind farm infrastructure (tracks and turbines and other infrastructure) and also any transmission lines.

A site specific Peat Management Plan as recommended by SEPA should be included in the EIA report as should a Habitat Management Plan as recommended by SNH and RSPB Scotland.

How excavated peat will be dealt with to prevent damage blanket bog and other semi-natural habitats should also be detailed.

As recommended by Shetland Island Council's Planning Services the hydro morphological approach as endorsed by ***The Joint Nature Conservation Committee*** should be used to assess the existing blanket bog habitat resource and impacts upon it.

8.5 The Bluemull & Colgrave Sounds proposed Special Protection Area

The EIA report should include a full Environmental Impact Assessment dealing specifically with the potential effects the proposed wind farm will have on the Bluemull & Colgrave Sounds proposed Special Protection Area ("the proposed SPA"). As recommended by RSPB Scotland, this should demonstrate that the integrity of the proposed SPA will not be affected and that its conservation objectives will not be undermined. Potential impacts on all species of birds who have statutory protection and those for which there is conservation interest should be fully assessed and details of appropriate mitigation provided.

8.6 The Yell RSPB Reserve

The EIA report should include details and conclusions of an Environmental Impact Assessment dealing specifically with the potential effects the proposed wind farm will have on the Yell RSPB Reserve especially the Lumbister section.

8.7 The East Mires Special Area of Conservation

The EIA report should include details and conclusions of an Environmental Impact Assessment dealing specifically with the potential effects the proposed wind farm will have on the East Mires Special Area of Conservation.

8.8 Traffic and Transportation

The EIA report should include a Construction Traffic Management Plan as recommended by Shetland Islands Council in **section 12 Traffic & Transport** of its response to the Scoping consultation.

With regards to any works to be carried out on the existing road between the A968 at Basta Voe and the B9082 at Cullivoe the Applicant should consult with Roads Service of Shetland Islands Council.

In the event that a new jetty is constructed on Yell for the delivery of abnormal roads to the island, full assessment of potential effects and mitigation proposed should be included in the EIA report.

8.9 Biosecurity

Measures to prevent the introduction of invasive alien species as highlighted by RSPB Scotland should be detailed and included in the EIA report.

8.10 Drinking Water Protected Areas

In the event that turbines T12, T36, T37, T38, T40, T48 and T50, associated infrastructure and other associated activities including access routes cannot be located outside the drinking water catchment area as requested by Scottish Water, a site specific assessment of the site specific risks and mitigation measures required to ensure there will be no deterioration in water quality and quantity should be undertaken and included in the EIA report. This should also include turbines T8, T35, T41 and T49 which Scottish Water believe are “borderline”.

As also advised by Scottish Water, an assessment which determines alternative water supplies should be included in the EIA report as should a notice of commitment from the Applicant to the setting up of a contingency fund to address any impacts on water quality and quantity during post construction.

8.11 Ornithological

For the EIA report, full consideration must be given to the potential impacts on and mitigation required for the species identified by the Shetland Bird Club in their response to the Scoping consultation. Full consideration should also be given to the potential impacts on the Naura sites referred to by the Shetland Bird Club.

8.12 Cumulative Impacts

The cumulative impacts of all consented and proposed developments in Shetland should be assessed and presented in the EIA report.

8.13 Fish

The EIA report should contain a section which specifically considers fish – especially salmon and trout - and fisheries concerns and details steps to be taken to ensure that adequate mitigation measures are in place to safeguard watercourses and fish populations therein.

9. National & Local Planning Policy, Planning Advice Notes and Guidance

In addition to those listed in **section 3 (Planning Policy Context)** of the Scoping Report, consideration should also be given to the policies, guidance and Planning Advice Notes referred to in the following sections of the consultation response from Shetland Islands Council:

- section 2 **Policy Context**, sub-sections 2.2, 2.3 & 2.4;
- section 3 **Landscape & Visual**, sub-sections 3.3 & 3.3;
- section 7 **Marine Planning**, sub-section 7.3;
- section 10 **Cultural Heritage & Archaeology**, sub-section 10.3 & 10.6.

The following should also be fully considered:

- **Scotland's National Peatland Plan** (as recommended in the SNH response to the Scoping consultation);
- **The Scottish Government's Draft Peatland & Energy Policy Statement** (as recommended in the SNH response to the Scoping consultation).

10. Process Going Forward

It is acknowledged that the Environmental Impact Assessment process is iterative and should inform the final layout and design of proposed developments. The Scottish Ministers note that further engagement between parties in relation to the refinement of the design of this proposed development will be required and would request that they are kept informed of on-going engagement in relation to this

All Applicants are encouraged to engage with officials at the Scottish Government's Energy Consents Unit before proposals reach design freeze. This will afford an opportunity for additional comments to be provided on the final proposals at pre application stage.

Applicants are reminded that there will be limited opportunity to materially vary the form and content of a proposed development post submission.

When finalising the EIA report, Applicants are asked to provide a summary in tabular form of where within the EIA report each of the specific matters raised in this Scoping Opinion has been addressed.

11. Other

It should be noted that to facilitate uploading to the Energy Consents Unit's portal, the ES and its associated documentation, when submitted, should be accompanied with a CD containing the ES and its associated documentation divided into appropriately named separate files of sizes no more than 10 megabytes ("MB"). This will also assist SNH and other consultees.

This and other application procedures and requirements will be fully discussed at pre application.

ANNEX A CONSULTATION RESPONSES

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**RESPONSE TO CONSULTATION ON SCOPING OPINION REQUEST FOR THE
PROPOSED YELL WIND FARM, SHETLAND
(SIC File Ref: 2017/373/ECUCON)**

Electricity Act 1989 SECTION 36

**The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations
2017**

1. INTRODUCTION

1.1 The following is Shetland Islands Council's Planning Service's response to a scoping opinion consultation request received from Scottish Ministers on 24 November 2017. The request is received in accordance with regulation 12 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, seeking the views of the Local Planning Authority on the information which ought to be provided in the Environmental Impact Assessment Report (EIA Report).

1.2 A copy of the scoping report, being submitted directly to the Scottish Government by Energy Isles Ltd, was made available to the Planning Authority on 24 November 2017. The report is intended to provide a structure for consultation on the approach to the Environmental Impact Assessment (EIA) and the proposed content of the EIA Report.

1.3 The report relates to a proposed onshore wind farm to be known as Yell Wind Farm. The proposed development site is approximately 1.5km west of Cullivoe and 1.1km south of Gloup. The development would comprise of up to 63 wind turbines being up to 90 to 100 metres to hub height and rotor diameter greater than 120 metres, giving a maximum height to blade tip of up to 145 metres, the total wind farm generating a capacity of up to 200 MW. It is accepted that the indicative layout and largest prospective wind turbine dimensions are to be assessed as the selected option.

1.4 The proposed site would contain infrastructure, associated with wind turbines, including access tracks, crane hard standing, underground cabling, control building, temporary construction compound, excavation or borrow pits and permanent meteorological masts. This scoping consultation response will provide comment on the report. The comments are given without prejudice to the full consideration and assessment of the EIA Report as part of the formal consultation exercise under the appropriate regulations and taking due account of specialist advice and feedback at that time.

2. POLICY CONTEXT

2.1 The report lists various National, Local Strategic and Local Detailed Planning Policies. A full and comprehensive review of the pertinent Land Use Planning Policies will inform the Planning Authority's response at the time of the application.

2.2 The Shetland Local Development Plan (2014) (SLDP) is current and this will guide the consultation response from the Council.

The Onshore Wind Energy SG (SIC 2018) has been approved for adoption by the Council since the scoping report was completed and the applicant should note that the proposed development is located largely on Class 1 nationally important carbon-rich soils, deep peat and priority peatland habitat. This soil information was not available at the time of the previous draft SG upon which the applicant has relied. Class 1 soils are included within Group 2 - Areas of Significant Protection, shown on Map 2. The areas identified on Map 2 have a recognised sensitivity to large scale wind energy developments and as such are afforded significant protection due to their national or international natural heritage value. In line with Scottish Planning Policy large scale wind energy developments may be permitted within these areas where it can be demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

2.3 Reference should also be made to Scottish Historic Environment Policy (December 2016), which sets out Scottish Minister's policies for the historic environment, Planning Advice Note (PAN) 2/2011 on Planning and Archaeology and Historic Scotland's Guidance Note Managing Change in the Historic Environment: Setting.

2.4 In addition to the policies listed at 3.4.3, the following policies of the SLDP will also be applicable to the development:

GP1 Sustainable Development

GP2 General Requirements for All Development

GP3 All Development: Layout and Design

W5 Waste Management Plans and facilities in all new developments.

The applicants should note the comments below and those which will have been made by the various consultees as they will guide the proposal to ensure that the policies contained within the SLDP are given account to.

3. LANDSCAPE AND VISUAL

3.1 The Planning Service notes the intended approach and would point to the advice given by Scottish Natural Heritage (SNH) in response to this consultation especially with regard to *Siting and Design Wind Farms in the Landscape 2017*. The landscape and visual assessment must be undertaken with due account of all the relevant and contemporary best practice. Furthermore, whilst cited, the developer is advised to closely refer to the report "Landscape Sensitivity and Capacity Study for Wind Farm Developments on the Shetland Islands". This report was commissioned by Shetland Islands Council and prepared by Land Use Consultants (March 2009). The LUC report will be used as a tool by officers when undertaking formal assessment at the consultation stage.

3.2 Reference should also be made to Scottish Historic Environment Policy (2016) which sets out Scottish Minister's policies for the historic environment, Planning Advice Note (PAN) 2/2011 on Planning and Archaeology and Historic Scotland's Guidance Note Managing Change in the Historic Environment: Setting.

3.3 Some documents referred to in "4.2 Relevant Guidance and Advice" have been superseded. It is recommended that the following document is used - *Siting and Designing Wind Farms in the Landscape, SNH 2017* (rather than the 2014 version stated)
Shetland Local Development Plan - Onshore Wind Energy Supplementary Guidance, SIC 2018 (rather than the 2014 version stated) (From SNH 2017 Guidance)

3.4 Considerable road widening may be required to facilitate turbine access. These effects should be considered by the LVIA.

3.5 Paragraph 4.3. 8. This para needs to be updated; most of the site of the proposed development lies within an area that has a recognised sensitivity to large scale wind energy developments that, as such, is afforded significant protection due to its national or international natural heritage value (for Class 1 peatland). The EIA Report should assess whether there will be any significant effects on the Class 1 peatland and if so, whether these can be substantially overcome by siting, design or other mitigation.

3.6 The question of cumulative impact on landscape and visual quality is likely to be significant for this development, and the Planning Service is content that SNH current guidance is to be used in considering this in the EIA Report.

The report notes that the development is proposed in an area partly within and adjacent to both the Gloup Voe and Bluemull Sound Local Landscape Area (LLA)

and the West Sandwick to Gloup Holm LLA, identified in the draft Supplementary Guidance Local Landscape Areas (2014). The designation statement for each LLA sets out their special qualities and the impacts of the development on these should be assessed in the EIA Report. The EIA Report should also assess how the development will take account of the Development Guidelines as part of the assessment of reasonable alternatives required by Schedule 4 of the 2017 Regulations, which I consider relates to mitigation by design considering (but not limited to) the location, size and scale of the development.

3.7 The proposed development would be within an area adjacent to Remote High Cliffs seascape character type (as described in Scott, K.E., Anderson, C., Dunsford, H., Benson, J.F. and MacFarlane, R. (2005). An assessment of the sensitivity and capacity of the Scottish seascape in relation to offshore windfarms. Scottish Natural Heritage Commissioned Report No.103). The location is remote, isolated and essentially undeveloped with extensive visibility from the sea and the LVIA should include an assessment of the proposed development's impact on its sense of openness and exposure in relation to these aspects.

4 ECOLOGY and NATURE CONSERVATION

4.1 The Planning Service is satisfied that the Scoping Report submitted by the applicant covers the potential issues that should be addressed in the EIA report and would as follows:

4.2 These issues are primarily the potential impacts upon the ornithology of the area, the likely presence of otters on site (as a primary feature of the Yell Sound Coast SAC), and the presence of the blanket bog as the pre-dominant habitat within the boundary of the site. The Planning Service is also satisfied that the methodologies suggested for assessing the nature of these potential impacts are satisfactory, but would like to add that the applicant should pay regard to the comments provided by other nature conservation organisations. SNH have also provided comment which should also be taken into account and you will note that they have highlighted two main areas in particular:

- 1.** The impact on the adjacent Bluemull and Colgrave Sounds proposed Special Protection Area (pSPA), which is identified as a foraging area for breeding red-throated diver.
- 2.** Impacts on peat and peatland habitats.

4.2 At paragraph 6.1.2 there is an incomplete listing of designations. It is suggested that SACs are replaced with "Natura sites". Also it is suggested the existing site has a much greater zone of influence than 250m, especially on coastal slopes and watercourses leaving the site and also in terms of fauna that use and/ or transit the site. It would be useful to also consider these, especially in terms of how existing natural drainage/ hydrology and birds and otters outwith the site will be impacted by the development and how these will be mitigated.

4.3 Separating the tables and maps showing Ecological and Ornithological Designated Sites at Tables 6.1 and 7.1 and Figures 5 and 7 respectively is seen as being rather an artificial distinction, since many of the sites are of interest in both "categories" and doing so could avoid some duplication, artificial separation and potential confusion. Also, whilst it is accepted by the Planning Service that data sources, and survey methods will differ across different fauna and habitats there is scope to align them in the EIA Report and avoid unnecessary duplication. It is noted that, to some extent, the applicants have done this in the "Proposed Assessment Methods" section.

4.4 The EIA Report should consider the effect of the proposal on this site and propose mitigation measures. As part of the assessment of reasonable alternatives, specifically in relation to this section, the Planning Authority should expect to see how the design and layout of the turbines, roads, buildings and other constructions has minimised the overall disturbance to and displacement of, peat. The applicants should include an analysis of how the peatland of higher value for biodiversity (e.g. peat land that comprises intact blanket bog, deep peat (already stated at 14.1.3) or exhibits more diverse biology) has been conserved during the design process. The applicants should prepare a habitat management plan for the whole site to show how the specific mitigations concluded to be necessary as part of this process will be achieved and also to set out how areas of degraded blanket bog will be restored across the site.

Much of the proposed application area is covered by blanket bog, some of which is likely to be active (i.e. still peat-forming), which is a priority habitat on Annex 1 of the EU Habitats Directive and therefore of international importance. Blanket bog is also a priority habitat for both the UK BAP and the Scottish Biodiversity Strategy.

4.5 The Planning Service recommends that the hydro morphological approach as endorsed by JNCC should be used to assess the existing blanket bog habitat resource and impacts upon it. This approach, employed since the early 1980s in many parts of the world, now forms the basis of official guidance from JNCC to

the UK conservation agencies and features in Ramsar Convention Guidance for Peatlands (Lindsay and Freeman 2008).

Aspects of the proposed development, in particular, the construction of turbine bases, hardstandings and tracks and the disposal of excavated peat, has the potential to damage blanket bog, which in turn could adversely impact upon important bird species. The Planning Service notes that RSPB Scotland is seriously concerned about the excavation of large quantities of peat and its re-use or disposal. With this in mind it is regarded by the Planning Service as essential that excavated acrotelm peat is carefully stored and re-used for reinstatement of disturbed areas. Conversely, the spreading of excavated catotelm peat on track verges and other areas should be avoided. These aspects of the proposed development must be clearly addressed in the EIA Report.

4.6 It is essential that excavated peat is dealt with in a sensitive way to both prevent further damage to blanket bog and other semi-natural habitats in the area and to prevent a situation where the development could result in the release of more carbon than it would save over its operational lifetime. This must in the Planning Service's view be clearly addressed in the EIA Report.

4.7 Carbon Displacement - the applicant states that the carbon balance will be tested using the Scottish Government model. This is acceptable and the outcome of these calculations should be included and conclusions summarised in the non-technical summary.

5 ORNITHOLOGY

5.1 The Planning Service is satisfied that appropriate steps are being taken to ensure that the desk study information gathering exercise is a thorough one. The applicant should also take account of local information and knowledge that may be imparted during the public consultation period in developing the proposals.

The EIA Report will have to demonstrate that the proposed development will not affect the integrity of the application site or undermine its conservation objectives. The EIA Report will need to address the project's potential for impacts on the SPA's red-throated diver population. In particular, as a consequence of collision with turbines, as well as disturbance-displacement from breeding lochs, and from the effects of increased energetic demands arising from turbines acting as a barrier between marine foraging areas and freshwater breeding sites during the chick-rearing period. The EIA Report will need to include sufficient information for a full Habitats Regulations Appraisal, either to demonstrate that there is no

likely significant effect on the SPA, or to allow the Scottish Ministers to carry out an Appropriate Assessment.

5.2 It is noted that the RSPB and SNH has also made comprehensive comment to the ECU. The Planning Service also makes the following comment. Breeding populations of several important birds are found around the area and the Planning Service is pleased to note Table 7.1 which identifies the birds which may be potentially impacted. Red-throated diver, merlin, golden plover and dunlin are listed in Annex 1 of EU Directive 79/409/EEC on the Conservation of Wild Birds. Red-throated diver and merlin are included in Schedule 1 of the Wildlife and Countryside Act 1981, which affords them special protection whilst breeding. Dunlin, Arctic skua and skylark are of high conservation concern as their populations have undergone declines of at least 50% over the past 25 years and accordingly, are on the Red List of Birds of Conservation Concern (BOCC). Shetland holds over 40% of the world population of great skuas and this species is also on the Amber list of the BOCC. In addition, curlew, Arctic skua and skylark are UK Biodiversity Action Plan (BAP) species, recognised as requiring conservation action to ensure the survival of healthy populations.

5.2 For those species on Annex 1 and the regularly occurring migratory species, Article 4 of the 'Birds' Directive requires "special conservation measures" to be taken "to ensure their survival and reproduction in their area of distribution". Such measures include, *inter alia*, due regard to their conservation in the taking of development control decisions. For all species, especially those of conservation concern, such decisions also contribute to the "requisite measures" taken by Member States to secure the objectives of Articles 2 and 3.

5.3 For many of these species, operational disturbance, displacement, barrier effects and risk of collision with turbines could all have significant adverse effects on their Shetland populations. The EIA Report must address mitigation, including the removal of turbines from particularly sensitive locations within the application site, in an attempt to reduce any potential damage to key species from the proposal.

5.4 At Figure 7 Ornithological Designations - there seems to be some confusion with the key, and Bluemull and Colgrave Sounds pSPA is not listed. [From SNH response: The site is shown in Figure 7 (Ornithological Designations), coloured solid yellow, but this does not correspond to any designation listed in the key (The Figure has two other apparent errors – the key indicates that NNRs are hatched yellow, however none is shown on the map, although Hermaness NNR is named; and the extent of Fetlar to Haroldswick MPA is incorrect)].

5.5 At paragraph 7.3.3 since Important Bird and Biodiversity Areas (IBAs) are mentioned it would be helpful to know where these are.

5.6 The Planning Service is broadly content with the proposed scope of ornithological and ecological surveys set out in the Scoping Report. The applicant should however pay close attention to the comments made by the RSPB and SNH to the ECU.

6 HYDROLOGY AND HYDROGEOLOGY

6.1 In respect of hydrology, should a potential environmental impact be identified, the applicant should clearly demonstrate in the EIA Report that the water quality will be safeguarded during: the construction phase; the operational phase; and the future decommissioning phase of the development.

6.2 The Planning Service considers that the views of SEPA should be sought in respect of the methodologies being proposed in relation to peat management.

6.2 In respect of this technical area the Planning Service sees those comments already made about peat/ bog/ mire above, under Ecology and Nature Conservation, as being also relevant. An analysis of how the peatland of higher value for hydrological functions (e.g. peatland that comprises intact blanket bog, deep peat or with other valuable hydrological qualities) has been conserved during the design process will in its view be required. Also an important area that the EIA Report should set down is how the design of the proposed development has minimised the overall amount of peat that will require to be disposed of off-site, quantifying amounts destined for landfill, including locations of such destinations.

7 MARINE PLANNING

7.1 Although not referred to in the scoping report, the proposed development is located close to Bluemull and Colgrave Sounds proposed Special Protection Area (pSPA) selected for breeding red-throated diver. The Scottish Government has it is understood a policy of protecting such sites as if they were designated as set out in Scottish Planning Policy. The status of the site means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the "Habitats Regulations") apply. The proposal has the potential to impact on the pSPA given divers from the pSPA are likely to nest at the proposed wind farm site. The EIA Report should therefore assess the potential impacts of the proposal on the pSPA including appropriate mitigation to ensure no adverse impact on site integrity.

7.2 No detail has been provided on proposed borrow pits (number, location, size etc.) If these are to be proposed as part of the development the EIA Report needs to address all the associated potential impacts. Should any blasting be

proposed as part of the development, the EIA Report should assess the disturbance impacts of any such operations on the surrounding designated sites and their protected features.

7.3 The EIA Report should assess the potential impacts of any siltation run-off from the development site into nearby Basta Voe and Whale Firth given the aquaculture developments located there and since both areas are designated as Shellfish Water Protected Areas under the Water Environment (Shellfish Waters Protected Areas: Designation) (Scotland) Order 2013.

8 OUTDOOR ACCESS

8.1 The area for the proposed windfarm development is a large remote and rugged area unique in Shetland for the limited human interference to it, arguably even more so than the Ronas Hill Wild Land Area to the south.

8.2 The Shetland Islands Council Core Paths Plan shows CPPY04 tracing the proposed site's western boundary from the A968 at Dalsetter to Cullivoe with CPPY03 rounding the headland Gloop Ness whilst Access Route ARY01 leads south from Gloop Memorial along the Ester Lee of Gloop. Additionally walks from Gloop south to Scordaback and Gloop around Gloop Voe to West-a-Firth touch it's north-west boundary and are promoted in various publications.

8.2 Shetland Heritage's 'Yell' publication also shows points of interest for the public to visit on the island's north and west coast including Burgi stack Iron Age fort and Vigon that are also mentioned in a number of publications. However the scoping report makes no mention of this formal recreation or points of visitor interest in the area and the development of the windfarm would significantly affect the character of the landscape and views. The scoping report states:

8.4 Should this proposal proceed the development of an Access Route Plan demonstrating how access will be incorporated and accounted for will be sought and should include:

A map detailing the existing paths and desire lines on or adjacent to the site.

A map detailing the Core Paths, Access Routes and Public Rights of Way on or adjacent to the site.

Where applicable, a map detailing the links to schools, leisure and community services (including open space), public transport, and points of interest.

A report on the consultation undertaken with local communities and relevant recreational user groups (e.g. walking, cycling, equine, water sport, nature study) with respect to informal and formal access use. The report must include details of the groups consulted, the range of views expressed and how the development may have changed as a result.

Details of any new routes and proposed changes, including:
A map detailing the diversions and management of access required during and after construction
Path construction specifications
Structures, fitting and signage specifications
Project and delivery plan for path works
Future path maintenance plan, including an outline of:
Who will be responsible for funding path maintenance
Who will maintain the paths and over what timescale
The path maintenance schedule (monitoring, vegetation control, furniture replacement)"

It is expected that any windfarm access tracks constructed would be incorporated into the access plan to be developed as routes for recreation along with other connecting routes to make a useable recreational network along with other supporting information and infrastructure

9 AIRPORT MANAGER – SCATSTA

9.1 The Planning Service is unsure whether the ECU has formally consulted with Scatsta Airport and therefore has attached the response received as an appendix.

10 CULTURAL HERITAGE AND ARCHAEOLOGY

10.1 In respect of cultural heritage and archaeology, the applicant is asked to consider the following in their preparation of the EIA Report.

10.2 Archaeology

10.3 The Historic Environment chapter (8) is rather thin and relies heavily on National guidance and advice. The comments made below will enable it to come up to the standard generally expected.

Paragraph 8.2.1. Relevant Guidance and Advice should include reference to the Shetland Local Development Plan, in particular policies HE1 and HE4.

Paragraph 8.3.1 The Shetland SMR/HER has not been consulted for the Baseline Environment section.

The "SIC HER" is of course housed at Shetland Amenity Trust and they should come directly to us for information and advice

Shetland Archives hold maps created by Thomas Irvine which may cover this area, and so should be checked

8.6.3 Identify areas with the potential..... Add "and recommend appropriate mitigation"

Proposed Field Survey Methods

This should include geophysical survey in the pockets of land where the terrain is suitable for this and archaeological peat coring (which may take the form of a suitably qualified and experienced archaeologist working with the team carrying out the environmental peat coring)

A consideration of the impact on the settings of scheduled monuments in the vicinity (eg: Burgi Geos)

The outcome of the Desk Based Assessment, Walkover and Geophysics/Coring should be the production of a mitigation strategy which is likely to include:

The appointment of a suitably qualified and experienced Archaeological Clerk of Works, approved by the Regional Archaeologist on behalf of the Planning Authority,

10.4 A strategy for any micrositeing required

10.5 A method statement for the following:

Permanent fencing

Watching briefs

Any Evaluation Excavation required, with the possible requirement for full excavation

Procedures to employ in the event of discovery of archaeology during the development

Reporting (even if nothing found) to OASIS through to full post-excavation and publication if appropriate

An Interpretative Strategy

All of which to be approved in advance with the Regional Archaeologist on behalf of the Local Planning Authority.

10.6 Historic Environment

The Planning Service is content with the scope of the areas proposed to be covered as outlined at section 7.3. In compiling the baseline information, the applicant may also wish to look at: The Inventory of Historic Gardens and Designed Landscapes, compiled by Historic Scotland; and maps, plans etc. held by Shetland Museum and Archives and the National Archives of Scotland.

11 NOISE – ENVIRONMENTAL HEALTH

11.1 The Planning Service can confirm that having reviewed the scoping report the Council's Environmental Health Service has confirmed that it agrees with the proposed regulation, standards and guidance to be used in the completion of Environmental Impact Assessment for this development.

The Service has however advised that it can only make comment on the proposed development once a detailed assessment of the main stressors, Noise and vibration, traffic, transportation and quarrying activities, shadow flicker and air quality, has been completed and submitted for review.

12 TRAFFIC AND TRANSPORT

12.1 A Construction Traffic Management Plan is required. This document submission should identify the main quantities/ volumes/ weights of plant and materials required for the construction of the project along with their sources and transport routes/ methods to get them on-site.

12.2 Any haulage of surplus/waste materials off-site should be similarly identified along with authorised disposal sites.

12.3 The applicant should note that the existing road between the A968 at Basta Voe and the B9082 at Cullivoe is a public road. This road is not currently suitable for the haulage of plant and materials for any significant construction project. The applicant will therefore need to consider in the EIA Report the requirement to bring the road in question up to a suitable standard as an early part of the development. This work will require to be done under a Road Construction Consent in agreement with the Roads Service of Shetland Islands Council. This is a separate consent that will be required before any construction work on the project begins.

13 SHADOW FLICKER AND REFLECTIVITY

13.1 The Planning Service is content with the approach intended to assess shadow flicker that is set down in the Scoping Report.

14 SOCIO-ECONOMICS

14.1 The Planning Service looks forward to the EIA Report assessing a targeted socio-economic survey and report that takes account of the Shetland/Yell specific activities that may be impacted (positively and negatively) as a result of the development.

15 CLIMATE AND AIR QUALITY

15.1 It is clear that given the location of the proposed development, there is potential to displace and/or degrade a significant volume of peat. The Planning Service will review the calculations and survey/assessment results as part of the Environmental Impact Assessment (EIA) and EIA Report that is prepared when the Planning Authority's comments are invited on an application.

15.2 The Planning Service looks forward to reviewing any proposed habitat/peat land improvement proposals, that are directly linked to the proposed development.

15.3 Good construction practices, site management and adherence to appropriate conditions relating to mitigation measures should be sufficient to ensure that dust emissions are controlled. However, it is recognised by the Planning Service that there is the potential for emissions from plant and machinery to impact upon neighbouring land uses depending on the site layout/construction work and relationships with dwellinghouses etc. These are aspects of a development that should be considered within the body of the EIA Report.

16 PUBLIC CONSULTATION

16.1 The Planning Service welcomes the applicant's assertion that a comprehensive stakeholder engagement programme will be undertaken. In the absence of any specific public consultation protocol as part of the Section 36 application process, the use of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 as a procedural guide in respect of public engagement and consultation is considered appropriate.

16.2 Notwithstanding the above, the applicant should make it absolutely clear in the EIA report and to stakeholders as part of the engagement programme that the proposal is being put forward as an application to Scottish Ministers under the relevant **Act**.

17 CAVEAT

17.1 Ministers should note that this response is an opinion provided following consideration of the information contained within the scoping report supplied by the applicant. At the time of reporting a number of internal consultations had not been returned. Therefore, other matters may arise during the course of the assessment and the Planning Authority may in providing comments on an application recommend that additional information or clarification on particular issues should be sought at that time before a determination is made.

Yours faithfully

Richard MacNeill
Planning Officer – Development Management

APPENDIX

SCATSTA AIRPORT MANAGER COMMENTS

Following a review of the Scoping Documents, Serco (in its capacity as operator of Scatsta Airport) objects to the proposed wind farm development comprising of 63 turbines located at approximately 1.5km west of Cullivoe and 1.1km south of Gloup, Island of Yell, Shetland (the "Development") for the reasons detailed in this letter of objection.

Background

Scatsta Airport is one of Shetland's leading employers and is strategically placed as the UK's most northerly airport acting as a dedicated hub for the oil and gas industry, servicing Northern North Sea assets in the east Shetland basin and west of Shetland. Scatsta Airport currently handles approximately 14,000 passenger movements per month with passengers predominantly transported to Scatsta Airport from Aberdeen by fixed wing aircraft and then onwards to offshore assets by helicopter. The airport also services the adjacent oil and gas processing plants known as the Sullom Voe Terminal and Shetland Gas Plant. As such, Scatsta Airport plays a vital role in the government's drive to maximise economic recovery from older oil and gas fields as well as supporting new exploration and development activity.

Scatsta Airport operates all year round, regularly extending operating hours to evenings and weekends, and often functioning in adverse weather conditions, with between 14,000 and 20,000 fixed and rotary wing aircraft movements per annum. Significant investment has been made in the last 5 years to upgrade navigational aids and introduce primary and secondary radar feeds as well as Instrument Flight Procedures ("IFP") currently lodged with the Directorate of Airspace Policy ("DAP") to allow for the introduction of RNAV/GNSS procedures. Topographical constraints together with a relatively short and narrow Code 3 C runway and challenging weather conditions mean that all navigational aids, primary and secondary radar feeds and established procedure must be carefully balanced and fully utilised.

(2) Review of the Application

a. Impact Generally

The Development is located in close proximity to Scatsta Airport in a key area of airspace beneath the main inbound approach and outbound route to and from Scatsta Airport (please refer to the aerodrome safeguarding map held by Shetland Island

Council Planning Department and the proposed location of the Development and its proximity to Scatsta Airport). In its proposed location, the Development may have a significant impact on the final approach track and climb out, requiring amendment to the IFP. An assessment of the Instrument Flight Procedures (IFP's) to ascertain the potential impact to Scatsta Airport, any amendment to IFPs would require a review in accordance with the safety management system, risk assessed by Scatsta Airport stakeholders before being submitted and approved by the DAP. This is a time consuming process which can take approximately 12-18 months from initial submission to approval (with such approval not being guaranteed).

b. IFP/Radar Reports

Serco is concerned that the proposed turbines with a maximum height of 120 metres would be visible to Scatsta Airport radar and generate unwanted returns (clutter) on air traffic control display screens with the potential to mask aircraft in the vicinity of the Development. The Scoping Document section 11.5 stipulates an aviation impact assessment shall be undertaken which shall incorporate consultation with aviation stakeholder and relevant operator's.

On receipt of the assessment Scatsta Airport shall review any potential impacts or mitigation and respond accordingly.

c. Minimum Obstacle Clearance Altitude ("MOCA")

The assessment of the IFP's when conducted for the purposes of the Application shall determine any impact to the MOCA, as with the radar assessment this shall be reviewed on receipt of the document.

d. Insufficient Information

There is insufficient information on the following items to allow proper assessment of the resulting impact on the operability of Scatsta Airport navigational aids:

- i. assessment of signal degradation in connection with the NDB;
- ii. assessment of signal degradation in respect of the LOC and DME; and
- iii. assessment of air traffic control/aircraft radio telecommunications.

We note that the Development is situated to the north-east of Scatsta Airport and the NDB is situated 2.6 miles to the north-east of Scatsta Airport. The majority of air traffic to Scatsta Airport approaches from the north-east and therefore the turbines may interpose an obstacle to the NDB signal (similar issues may also be applicable to the LOC/DME signals for a runway 24 approach). By way of clarification, aircraft are required to receive the signal (i) before their final approach into the airfield; (ii) before proceeding to a holding fix; and (iii) where instigating a missed approach procedure,

accordingly, the Development could significantly impact Scatsta Airport's ability to operate.

In respect of air traffic control/aircraft radio telecommunications, no assessment has been made as to the potential impact on radio telecommunications and mitigations may be required once impacts are understood. Notwithstanding that the Development is situated beneath the main inbound and outbound route to and from Scatsta Airport, the location of the turbines is directly aligned with the flight path to the Magnus offshore installation (amongst others) and Serco is specifically concerned that the Development may adversely affect communications with fixed wing and rotary aircraft travelling on this flight path. Furthermore, we note that no information has been provided in the Application with regard to obstacle lighting and the potential impact on Scatsta Airport's navigation aids.

e. Obstacle Limitation Surface ("OLS")

Any unmitigated infringement to the OLS would be unacceptable in terms of airport safeguarding.

(3) Conclusion

Having regard to the information detailed in this letter of objection, and particularly in light of aircraft safety and the operational impact to Scatsta Airport as a result of the Development, Serco requests that the Scottish Ministers:

- (i) Refuse the Application; or
- (ii) if the Scottish Ministers are minded to grant the Application, to grant the Application subject to mitigation of the concerns set out in this letter to the satisfaction of Serco (in its capacity as operator of Scatsta Airport) and all other stakeholders with an interest in Scatsta Airport in order to ensure that there will be no deterioration or adverse impact to Scatsta Airport operability as a result of the Development.

As noted in the body of this letter, there is insufficient information provided in a number of respects in order to enable proper assessments of the Application to be undertaken. Accordingly, Serco reserves all rights it may have to examine any additional information provided in response to this letter and to make further submissions to the Scottish Ministers in connection with the Application with regard to proposed mitigation in order for the Development to comply with Scatsta Airport safeguarding requirements.

From: richard.macneill
Sent: 07 March 2018 11:29
To: McMillan J (Jenny)
Cc: john.holden
Subject: 2017/373/ECUCON Yell Wind Farm Scoping Updated Layout
Attachments: 2017-373-ECUCON Updated Layout NHO COMMENTS - Scoping Report for North Y....doc

Dear Ms McMillan,

THE ELECTRICITY ACT 1989 SECTION 36

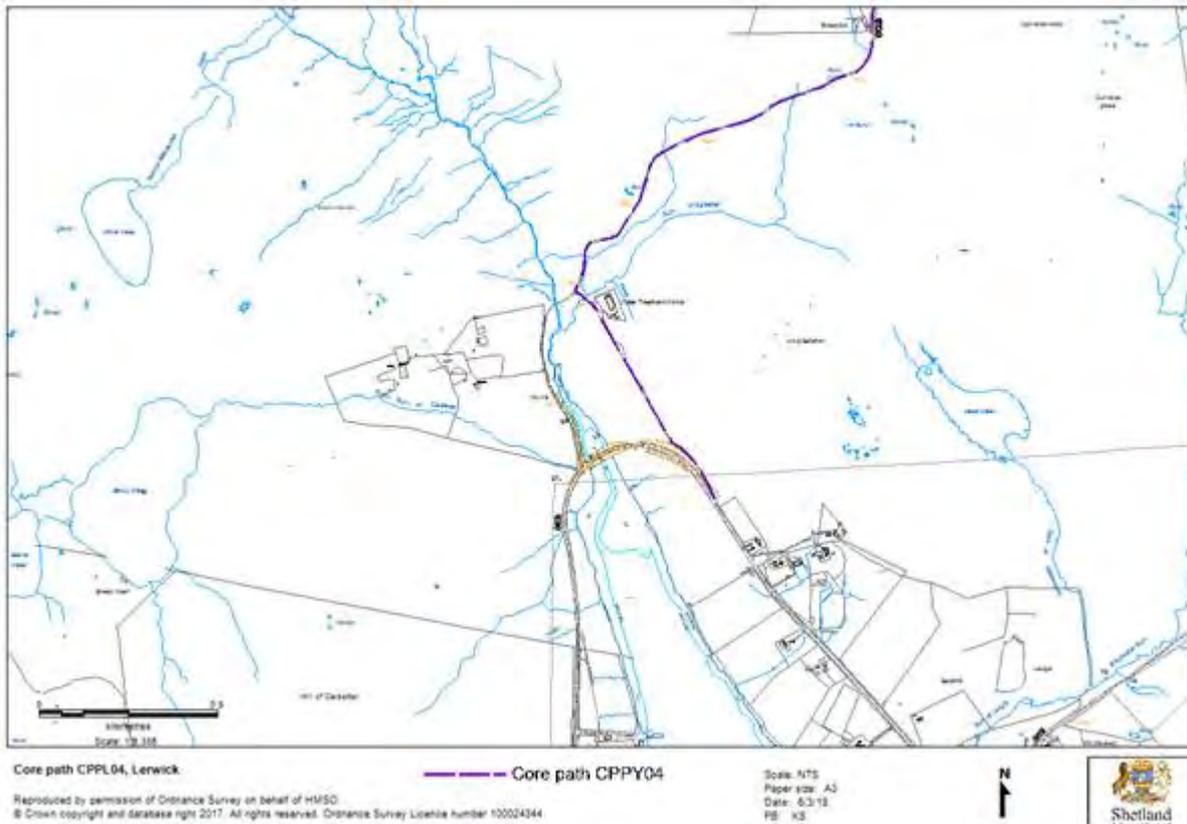
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

SCOPING OPINION REQUEST FOR PROPOSED APPLICATION UNDER SECTION 36 FOR THE YELL WIND FARM, IN THE PLANNING AUTHORITY AREA OF SHETLAND ISLANDS COUNCIL

I refer to further correspondence received on the 21 February 2018. I attached further comments from our Heritage Officer and can advise that these do not substantially change our advice.

I also include below comments from our Access Officer which do have a bearing on core paths and roads access. We had not requested advice from Roads Service but would advise that they should be consulted.

In addition to my previous comments regarding outdoor access please note that the new site boundary layout now takes in core path CPPY04 which is the old Dalsetter to Cullivoe Road, a section of the A968 which is also National Cycle Route 1, along with the old road to the ford at Easter House. CPPY04 is a route known to be used by cyclists and walkers and potentially has use by horse riders.



Assuming that this site boundary change is to allow for the creation of road access and a junction from the A968 to access the site the development will now directly affect access to the core path and potentially a length of it. Consideration will need to be given to the nature of these junctions and management of the range of uses and needs both during construction and during the running of the wind farm and be included in a detailed Access Route Plan.

“If when you are sending a response to this email you are making a submission of further information (plans, particulars, documents, materials or evidence) in connection with a planning application, please make your response to development.management@shetland.gov.uk .

Richard MacNeill
 Planning Officer
 Shetland Islands Council
 Planning
 Development Services
 c/o Train Shetland
 North Gremista Industrial Estate
 Lerwick
 Shetland
 ZE1 0PX

Works Wednesday Thursday and Friday normally

Our values: excellent service, taking personal responsibility, working well together

This email has been scanned by the Symantec Email Security.cloud service.

Planning Ref: 2017/373/ECUCON
Proposal: Construction and operation of a wind farm comprising up to 63 turbines with an installed capacity of around 200mw and include associated tracks, crane hardstandings, underground cabling, in site control building, temporary construction compounds, excavation and borrow pits and permanent meteorological masts
Address: West Of Cullivoe, South Of Gloup, Yell, Shetland
Applicant: Energy Isles Limited

Natural Heritage Officer Consultation Response –

The proposed development is located in a very remote and difficult to access area of north-west Yell. On the face of it I fail to see why SNH did not identify it as Wild Land because it definitely is an area of high wildness with minimal signs of human influence. I further believe it to be one of Shetland's and Scotland's wildest landscapes and one that merits strong protection. Additionally, the landscape is highly visible from Gloup, being on the other side of Gloup Voe; and is prominent to users of the A968 in the vicinity of Sellafirth to Colvister, at the head of Basta Voe.

I am content with the applicant's proposal that this development be subject to EIA and also with the proposed structure of the EIA report in respect of matters within my areas of interest.

In addition to the policies listed at 3.4.3, the following policies will also be applicable to the development:

- GP1 Sustainable Development
- GP2 General Requirements for All Development
- GP3 All Development: Layout and Design
- W5 Waste Management Plans and facilities in all new developments

Onshore Wind Supplementary Guidance

The Onshore Wind Energy SG (SIC 2018) has been approved for adoption by the Council since the scoping report was completed and the applicant should note that the proposed development is located largely on Class 1 nationally important carbon-rich soils, deep peat and priority peatland habitat. This soil information was not available at the time of the previous draft SG upon which the applicant has relied. Class 1 soils are included within Group 2 - Areas of Significant Protection, shown on Map 2. The areas identified on Map 2 have a recognised sensitivity to large scale wind energy developments and as such are afforded significant protection due to their national or international natural heritage value. In line with Scottish Planning Policy large scale wind energy developments may be permitted within these areas where it can be demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

Landscape and Visual

Some documents referred to in "4.2 Relevant Guidance and Advice" have been superseded. Recommend using:

- Siting and Designing Wind Farms in the Landscape, SNH 2017 (rather than the 2014 version stated)

Comment [TAPaH1]: I should have made it clear in my original response that, whilst it is for the ECU to undertake any Habitats Regulations Appraisal to consider the effect of the proposal on any Natura Site before the development can be consented, the Council would also expect to see sufficient data to enable it to be content that the proposal can be granted in terms of those Regulations.

Comment [TAPaH2]: The revised layout may be slightly less prominent along some of this road than it would have been as per the original layout.

Comment [TAPaH3]: Has now been adopted. See http://www.shetland.gov.uk/planning/documents/SIC_Onshore_wind_Energy_SG_Feb_2018_Adopted.pdf

- Shetland Local Development Plan – Onshore Wind Energy Supplementary Guidance, SIC 2018 (rather than the 2014 version stated)

(From SNH 2017 Guidance)

- Considerable road widening may be required to facilitate turbine access. These effects should be considered by the LVIA.
- Planning permissions should therefore contain a condition limiting the distance that turbines can be microsituated without a requirement for further permission.

4.3.8 This para needs to be updated; most of the site of the proposed development lies within an area that has a recognised sensitivity to large scale wind energy developments that, as such, is afforded significant protection due to its national or international natural heritage value (for Class 1 peatland). The EIA Report should assess whether there will be any significant effects on the Class 1 peatland and if so, whether these can be substantially overcome by siting, design or other mitigation.

The question of cumulative impact on landscape and visual quality is likely to be significant for this development and I am content that SNH current guidance is to be used in considering this in the EIA Report.

The report notes that the development is proposed in an area partly within and adjacent to both the Gloup Voe and Bluemull Sound Local Landscape Area (LLA) and the West Sandwick to Gloup Holm LLA, identified in the draft Supplementary Guidance Local Landscape Areas (2014). The designation statement for each LLA sets out their special qualities and the impacts of the development on these should be assessed in the EIA Report. The EIA Report should also assess how the development will take account of the Development Guidelines as part of the assessment of reasonable alternatives required by the EIA 2017 Regulations, which I consider relates to mitigation by design considering (but not limited to) the location, size and scale of the development.

The proposed development would be within an area adjacent to Remote High Cliffs seascape character type (as described in Scott, K.E., Anderson, C., Dunsford, H., Benson, J.F. and MacFarlane, R. (2005). An assessment of the sensitivity and capacity of the Scottish seascape in relation to offshore windfarms. Scottish Natural Heritage Commissioned Report No.103). The location is remote, isolated and essentially undeveloped with extensive visibility from the sea and the LVIA should include an assessment of the proposed development's impact on its sense of openness and exposure in relation to these aspects.

Ecology and Nature Conservation

6.1.2 Incomplete listing of designations. Suggest replace SACs with "Natura sites". Also, I suggest the existing site has a much greater zone of influence than 250m, especially on coastal slopes and watercourses leaving the site and also in terms of fauna that use and/ or transit the site. It would be useful to also consider these, especially in terms of how existing natural drainage/ hydrology and birds and otters outwith the site will be impacted by the development and how these will be mitigated.

Replace "relevant authority and local structure plans" with "relevant authority and local development plans".

Comment [TAPaH4]: The applicants should also take account of Scottish Natural Heritage Guidance note Coastal Character Assessment August 2017 in undertaking the LVIA, available at: <https://www.nature.scot/sites/default/files/2018-02/Guidance%20Note%20-%20Coastal%20Character%20Assessment.pdf>

Replace “UK Biodiversity Action Plan” with “Scottish Biodiversity List” and use appropriate data source here and throughout the document.

I think separating the tables and maps showing Ecological and Ornithological Designated Sites at Tables 6.1 and 7.1 and Figures 5 and 7 respectively is rather an artificial distinction, since many of the sites are of interest in both “categories” and doing so could avoid some duplication, artificial separation and potential confusion. Also, whilst I accept that data sources, and survey methods will differ across different fauna and habitats there is scope to align them in the EIA Report and avoid unnecessary duplication. I note that, to some extent, the developers have done this in the “Proposed Assessment Methods” section.

The EIA should consider the effect of the proposal on this site and propose mitigation measures. As part of the assessment of reasonable alternatives, specifically in relation to this section, I should expect to see how the design and layout of the turbines, roads, buildings and other constructions has minimised the overall disturbance to and displacement of, peat. The developer should include an analysis of how the peatland of higher value for biodiversity (e.g. peatland that comprises intact blanket bog, deep peat (already stated at 14.1.3) or exhibits more diverse biology) has been conserved during the design process. The developers should prepare a habitat management plan for the whole site to show how the specific mitigations concluded to be necessary as part of this process will be achieved and also to set out how areas of degraded blanket bog will be restored across the site.

Ornithology

Figure 7 Ornithological Designations – there seems to be some confusion with the key and Bluemull and Colgrave Sounds pSPA is not listed. [From SNH response: The site is shown in Figure 7 (Ornithological Designations), coloured solid yellow, but this does not correspond to any designation listed in the key (The Figure has two other errors - key indicates that NNRs are hatched yellow, however none is shown on the map, although Hermaness NNR is named; and the extent of Fetlar to Haroldswick MPA is incorrect)]. See my comment above re: separate ecology and ornithology maps/ tables.

7.3.3 Since Important Bird and Biodiversity Areas (IBAs) are mentioned it would be helpful to know where these are.

I am broadly content with the proposed scope of ornithological and ecological surveys set out in the Scoping Report.

Hydrology, Hydrogeology and Geology

9.4.1 See my comments about peat/ bog/ mire above, under Ecology and Nature Conservation. I should also expect to see an analysis of how the peatland of higher value for hydrological functions (e.g. peatland that comprises intact blanket bog, deep peat or with other valuable hydrological qualities) has been conserved during the design process and how the design has minimised the overall amount of peat that will require to be disposed of off-site, quantifying amounts destined for landfill, including locations of such destinations.

Miscellaneous

14.1 Carbon Displacement – the developer states that the carbon balance will be tested using the Scottish Government model. This is acceptable and the outcome of these calculations should be included and conclusions summarised in the non-technical summary.



By email to: Econsents_Admin@gov.scot

Energy Consents Unit
4th Floor, 5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Our ref: AMN/16/Z
Our case ID: 300024962

06 March 2018

Dear Ms Anderson

[The Electricity Act 1989 Section 36](#)
[The Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#)
[Yell Wind Farm, Shetland Islands](#)
[Scoping Report - Revised Layout](#)

Thank you for your consultation which we received on 21 February seeking our comments on the revised layout for the proposed Yell Wind Farm.

We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

The Shetland Islands Council's archaeological and cultural heritage advisors will also be able to offer advice on this revised layout. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

We note that the revised layout shows the location of 50 wind turbines. We also note that 13 wind turbines in the southern area within the boundary of the proposed development have been removed and the remaining 50 repositioned.

As most of the closest nationally important heritage assets that we identified for assessment in our earlier correspondence are located to the north of the proposed development, we have no substantial comments to make on the revised layout. However, the removal of 13 southern turbines is likely to lessen the setting impacts on one scheduled monument: *Windhouse, broch 75m W of (SM 2093)*.

I can also confirm that our previous advice contained in the letters of 12 January 2018 and 23 September 2016 is still applicable.



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We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupszynska

Yours sincerely

Historic Environment Scotland

By email to: Theresa.McInnes@gov.scot

Ms Theresa McInnes
Local Energy and Consents
Scottish Government
5 Atlantic Quay
GLASGOW
G2 8LU

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our ref: AMN/16/Z
Our Case ID: 201602488
23 September 2016

Dear Ms McInnes

Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011
Yell Wind Farm - pre-app

Thank you for your invitation to the pre-application meeting on 13 September. At the meeting I agreed to send on written comments summarising the information I provided at the meeting. We have considered the pre-application information provided and draft scoping report and have the following comments to make on the proposals:

Proposed Development

We understand that the proposed development relates to the construction of up to 63 no. wind turbines on land approximately 1.5km west of Cullivoe and 1.1km south of Gloup, plus associated infrastructure. The proposed turbines have a maximum blade tip height of 150-160m. I understand following our meeting on 13th September that the precise locations of the turbines and infrastructure have yet to be determined.

Potential Direct Impacts

I can confirm that there are no scheduled monuments, category A listed buildings, Inventory battlefields, gardens and designed landscapes or World Heritage Sites within the proposed development site.

Potential Indirect Impacts

There are a number of heritage assets within our remit in the vicinity of the development whose settings have the potential to be significantly adversely impacted by it. From the information supplied at this stage the proposals appear to have the potential to raise significant concerns for our interests. The annex to this letter gives details of a number of assets which appear likely to experience impacts. This list should not be treated as exhaustive, and is only intended as a reference to those assets which at this stage appear most likely to be impacted.

Potential Cumulative Impacts

There are other proposed wind farms within the near surrounding area. We would recommend that the potential cumulative impacts of the proposed development in combination with other developments in the vicinity be assessed. This should assess the incremental impact or change when the proposal is combined with other past, present and reasonably foreseeable developments.

The Draft Scoping Report

We are generally content with the overall methodology set out in the draft Scoping Report. We recommend that the cultural heritage assessment is carried out by an appropriately qualified and experienced heritage professional and that this should feed into the design of the development. For information, you may wish to consider updating the references in section 8.2.1 and elsewhere as the Scottish Historic Environment Policy (SHEP) is no longer current and has been replaced by the [Historic Environment Scotland Policy Statement 2016](#). Our Managing Change guidance note on setting has also recently been updated, you can find it on our website [here](#).

We welcome the use of a ZTV to assist in establishing which historic environment assets should be assessed in the ES, however, we would note that even where a detailed ZTV indicates that no intervisibility would be possible from any such assets identified, the potential may remain for turbines to appear in the background of key views towards these assets, and this should be considered as part of the assessment.

We note that fairly limited information has currently been supplied regarding the proposed methodology for assessing effects on setting in the draft scoping report, however we welcome that site visits will be carried out and that visualisations will be provided for those assets where significant effects are considered likely. Regarding setting effects, as noted above our recently updated Managing Change guidance note on setting provides useful advice on assessing setting and we recommend its use.

We strongly welcome further consultation with Historic Environment Scotland. We would be happy to be involved in further discussions regarding this application and to provide comments on any interim material generated, such as a list of potential viewpoints, draft visualisations or methodology for assessment, as the development progresses and prior to the submission of any Environmental Statement or planning application.

General Considerations

Detailed guidance on the application of national policy is set out in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Our website provides general information on a number of issues the applicant may find helpful. This includes our role in the [Environmental Impact Assessment \(EIA\) process](#), advice about pre-application consultations and general recommendations about the Scoping and Environmental Statement stages.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Victoria Clements and they can be contacted by phone on 0131 668 01316688730 or by email on victoria.clements@hes.scot.

Yours sincerely

Historic Environment Scotland

Annex

Historic Environment Scotland consider that it may be possible to accommodate a wind farm proposal at this location but, based on the information provided so far, it appears that the proposals have the potential to raise significant concerns for our interests. There is the potential for significant adverse impacts on the setting of historic environment assets around the site. In order to address these issues we strongly recommend that the design of the scheme takes into account the settings of the assets in the vicinity of the development to mitigate any potential adverse impacts.

The list below is not considered to be exhaustive, and we would recommend that a wider search is undertaken of the surrounding area for potential impacts in the first instance. It is important to note that some assets have settings that are particularly sensitive to impacts, and the likely sensitivity of the setting should be used to help determine which sites are assessed in more detail in the Environmental Statement (ES).

Scheduled Monuments

- Burgi Geos, promontory fort (SM 11274)
- St Olaf's Church, remains of church, Kirk Loch, North Yell (SM 2098)
- Burgi Geo, broch 510m NNE of N Brough (SM 2060)
- Papil, remains of chapel and burial ground 120m WSW of, North Yell (SM 2674)
- Bayanne House, prehistoric Settlement 100m WSW of (SM 13125)
- Windhouse, broch 75m W of (SM 2093)

In particular, we would note that Burgi Geos, promontory fort (SM 11274) is in very close proximity to the proposed wind farm boundary. The promontory fort is located in a remote and open landscape with wide ranging views, largely unaltered by modern infrastructure. We would recommend that the cultural heritage assessment give particular consideration to the setting of this scheduled monument and that the design of the proposed scheme should take this into account in order to mitigate any potential impacts. We would welcome early consultation on any potential impacts to the setting of this monument and would be happy to comment on any interim material such as draft visualisations for this asset.

We would also note that the setting of the monuments on the E of the island may also be affected by such a large wind development proposal and consideration should be given to these assets, particularly should the design of the scheme see turbines located to the E of the ridgeline in the centre of the island, and towards Sandwater Hill.

Category A listed buildings

- Belmont House (LB 17474)
- Brough Lodge (LB 45269)

Inventory of Gardens and Designed Landscapes

- Belmont House
- Brough Lodge

We would expect the assessment to contain a full appreciation of the setting of these heritage assets and the likely impact on their settings. It would be helpful, if the assessment

identifies significant impacts on heritage assets, if the ES contained appropriate visualisations such as photomontage and wireframe views of the development in relation to the sites and their settings, illustrating views both towards and from the proposed development if necessary.

Historic Environment Scotland
23 September 2016

Our ref: PCS/156282
Your ref: ECU00000512

If telephoning ask for:
Alison Wilson

12 January 2018

Nikki Anderson
Scottish Government - Energy Consents Unit
5 Atlantic Quay
Glasgow
G2 8LU

By email only to: econsents_admin@gov.scot

Dear Nikki

**THE ELECTRICITY ACT 1989 SECTION 36
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2017
SCOPING OPINION REQUEST FOR PROPOSED APPLICATION UNDER SECTION 36
FOR THE YELL WIND FARM, IN THE PLANNING AUTHORITY AREA OF SHETLAND
ISLAND COUNCIL**

Thank you for consulting SEPA on the scoping opinion for the above development proposal by way of your email received on 24 November 2017.

Advice to the determining authority

We previously provided advice on a Scoping Report, dated May 2016, on 12 July 2016 (our reference PCS/147540) and as such some of our previous advice is reiterated. In addition we note that a Phase 1 Habitat Survey and National Vegetation Survey have now been undertaken and supporting drawings provided in the Scoping Report date July 2017. Our site specific advice is provided in Sections 1 – 3 below.

We consider that the following key issues must be addressed in the Environmental Impact Assessment process. To **avoid delay and potential objection**, the information outlined below and in the attached appendix must be submitted in support of the application.

- a) Peat depth survey and table detailing re-use proposals.
- b) Map and assessment of all engineering activities in or impacting on the water environment including proposed buffers, details of any flood risk assessment and details of any related CAR applications.



Chairman
Bob Downes
Chief Executive
Terry A'Hearn

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- c) Map and assessment of impacts upon Groundwater Dependent Terrestrial Ecosystems and buffers.
- d) Map and site layout of borrow pits.
- e) Schedule of mitigation including pollution prevention measures.
- f) Borrow Pit Site Management Plan of pollution prevention measures.
- g) Map of proposed waste water drainage layout.
- h) Map of proposed surface water drainage layout.
- i) Map of proposed water abstractions including details of the proposed operating regime.
- j) Map and assessment of impacts upon groundwater abstractions and buffers.
- k) Map and site layout of borrow pits.
- l) Decommissioning statement.

Further details on these information requirements and the form in which they must be submitted can be found in the attached appendix. We also provide site specific comments in the following sections which can help the developer focus the scope of the assessment.

1. Site specific comments

- 1.1 In this case, where much of the site is on peat, we expect the application to be supported by a comprehensive site specific Peat Management Plan (PMP). At the early stages, the applicant should identify possible appropriate re-uses for excavated peat on site. We would recommend that any beneficial reuse or potential disposal of any waste peat off site is considered at the earliest opportunity as the Island of Yell may offer limited opportunity for either if required.
- 1.2 Further advice is provided in Section 3 of Appendix 1 below but we would summarise that further to undertaking a detailed peat depth survey, the PMP should:
 - conservatively estimate (i.e. worst case) and itemise the amount of peat that will be excavated during the development;
 - identify how the excavated peat will be managed;
 - list re-uses on site
 - quantify how much peat used for each re-use
 - how any stored peat will be kept wet, right way up and vegetated prior to reinstatement/restoration; and safe from peat slide risk
 - how handling of peat will be minimised; and
 - estimate amount of peat to be taken offsite for disposal (for any remaining volume of excavated peat remaining after appropriate re-use options have been exhausted);
 - include a contingency plan for alternative re-uses if any of the planned uses are not available due to subsequent changes.

Good Practice in Windfarm Construction v3 (2015) is a useful source of guidance, and signposts to further guidance.

- 1.3 We note from Section 2.1.3 of the Scoping Report that “The site is mainly used for sheep farming and there are no residential properties within the site boundary, although the remains of some farm buildings are present. The closest residential properties are at the hamlet of Gloup, over 1 km to the north-east of the site boundary”. Based on the information provided at this stage it seems unlikely that any development will take place within 250 m of a groundwater supply source; if this is the case it would be helpful if the ES provides evidence to confirm this.
- 1.4 We would take this opportunity to highlight that the proposed development encompasses the entire catchment for the Yell drinking water supply and consultation should be undertaken with Scottish Water in regard to this.
- 1.5 Provided watercourse crossings are designed to accommodate the 1 in 200 year event and other infrastructure is located well away from watercourses we do not foresee from current information a need for detailed information on flood risk – see our further advice below.

2. Flood risk

- 2.1 In summary, if formally consulted through the planning process on the proposed development, we would be unlikely to object on flood risk grounds based on the information supplied with this consultation. Notwithstanding this we would expect Shetland Islands Council to undertake their responsibilities as the Flood Prevention Authority.
- 2.2 Our pre-application advice relies on the accuracy and completeness of the information supplied with this consultation. Should finalised development proposals differ in any future planning application we reserve the right to alter our position if we are of the opinion that such proposals would not meet with the principles of Scottish Planning Policy
- 2.3 We have reviewed the information provided in this consultation and it is noted that, although the site appears to lie out with the SEPA Flood Map, there are several small water courses and lochs within the application site which may be a source of flood risk. The [SEPA Flood Maps](#) have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland.
- 2.4 Small watercourses are often poorly understood with respect to the severity of the flood hazard that can be generated on a catchment of this scale. We hold a wealth of information on past small catchment flooding in Scotland which has led to significant impacts upon people and property.
- 2.5 Scottish Planning Policy states (paragraph 255) that “the planning system should promote flood avoidance by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas.” It further defines (glossary) that “For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year”. Built development should not therefore take place on the functional flood plain.
- 2.6 We note that the proposed development includes 63 wind turbines and associated infrastructure including access tracks, hard standings, underground cabling, control building, construction compounds, excavation and borrow pits and a meteorological mast.
- 2.7 From OS maps, there doesn't appear to be any sensitive receptors in close vicinity and given that the site has steep gradients, it seems unlikely that the development would have an adverse impact on local fluvial flood risk. As such we would be unlikely to object on flood risk grounds.

- 2.8 Given the above, we would normally recommend that a minimum buffer strip of 6m remains between the top of the bank and all development, including any lay down areas and storage of excavated materials, to allow natural watercourse migration and to reduce the impact of any overtopping. A buffer would also ensure adequate watercourse access for maintenance assessment and ensure bank stability. However please refer to the advice in Section 2.1 of Appendix 1 below for our advice on the requirement for this to be a 50m buffer.
- 2.9 With regards to all proposed access tracks, it should be ensured that any new / temporary access roads are designed in such a way which maintains the existing ground levels and does not result in an elevation of the land as far as is reasonably achievable. This will ensure that no flood plain storage is lost as a result of the roads development.
- 2.10 Additionally, mitigation measures may need to be implemented to prevent increased surface water runoff or sediment load from entering watercourses, particularly during the construction phase.
- 2.11 We consider water quantity aspects of surface water drainage to largely be the remit of local authorities and as such we would wholly support any comments made by The Shetland Islands Council regarding additional assessment of the site in relation to surface water flooding.
- 2.12 We would strongly advise that any water course crossings are avoided where possible however if necessary, the design of the water course crossing should follow good practice guidelines and should be adequately sized to enable them to convey the 1 in 200 year design flow at each point without causing constriction of flow or exacerbation to flood risk elsewhere.

3. Disruption to Groundwater Dependent Terrestrial Ecosystems (GWDTE)

- 3.1 We note the findings of the Phase 1 Habitat Survey have been presented in Appendix C, Figures 5a and b and the National Vegetation Classification (NVC) Survey findings in Figures 6a and b. We welcome the inclusion of these drawings but would request that in the ES the turbine locations and other infrastructure be overlaid on these maps to make the ecological assessment easier.
- 3.2 In addition to this, more detail on the survey findings will be required e.g. Section 6.5.9 states that there are seven NVC communities which are potentially highly groundwater dependent but no names/categories are provided. There are also other habitats potentially highly groundwater dependent such as M10a and M32a that cannot be found on the map.
- 3.3 All infrastructure in the proposed development, including the underground cabling, should be shown in a map with the following buffer zones. The map should demonstrate that all GWDTE are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting.
- 3.4 Given the proximity of some turbines to the site boundary e.g. T15, T58 the NVC survey needs to extend beyond the site boundary where the distances require it.
- 3.5 Please see Section 4 of Appendix 1 below for further advice including details of the assessment required if these buffers cannot be achieved.

Regulatory advice for the applicant

4. Regulatory requirements

- 4.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- 4.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 4.3 You may need to apply for a construction site licence under CAR for water management across the whole construction site. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that you have pre-application discussions with a member of the regulatory team in your local SEPA office.
- 4.4 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulations team in your local SEPA office at: The Esplanade, Lerwick, Shetland, ZE1 0LL, Tel: 01595 696926.

If you have any queries relating to this letter, please contact me by email at planning.aberdeen@sepa.org.uk.

Yours sincerely

Alison Wilson
Senior Planning Officer
Planning Service

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

Appendix 1: Detailed scoping requirements

This appendix sets out our scoping information requirements. There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site in order **to avoid delay and potential objection**.

If there is a delay between scoping and the submission of the application then please refer to our website for our latest information requirements as they are regularly updated; current best practice must be followed.

We would welcome the opportunity to comment on the draft submission. As we can process files of a maximum size of only 25MB the submission must be divided into appropriately named sections of less than 25MB each.

1. Site layout

1.1 All maps must be based on an adequate scale with which to assess the information. This could range from OS 1: 10,000 to a more detailed scale in more sensitive locations. Each of the maps below must detail all proposed upgraded, temporary and permanent site infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. Existing built infrastructure must be re-used or upgraded wherever possible. The layout should be designed to minimise the extent of new works on previously undisturbed ground. For example, a layout which makes use of lots of spurs or loops is unlikely to be acceptable. Cabling must be laid in ground already disturbed such as verges. A comparison of the environmental effects of alternative locations of infrastructure elements, such as tracks, may be required.

2. Engineering activities which may have adverse effects on the water environment

- 2.1 The site layout must be designed to avoid impacts upon the water environment. Where activities such as watercourse crossings, watercourse diversions or other engineering activities in or impacting on the water environment cannot be avoided then the submission must include justification of this and a map showing:
- a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
 - b) A minimum buffer of 50m around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works.
 - c) Detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.
- 2.2 If water abstractions or dewatering are proposed, a table of volumes and timings of groundwater abstractions and related mitigation measures must be provided.
- 2.3 Further advice and our best practice guidance are available within the water [engineering](#) section of our website. Guidance on the design of water crossings can be found in our [Construction of River Crossings Good Practice Guide](#).
- 2.4 Refer to Appendix 2 of our [Standing Advice](#) for advice on flood risk. Watercourse crossings must be designed to accommodate the 0.5% Annual Exceedance Probability (AEP) flows, or information provided to justify smaller structures. If it is thought that the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk

Assessment must be submitted in support of the planning application. Our [Technical flood risk guidance for stakeholders](#) outlines the information we require to be submitted as part of a Flood Risk Assessment. Please also refer to [Controlled Activities Regulations \(CAR\) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities](#).

3. Disturbance and re-use of excavated peat and other carbon rich soils

- 3.1 Scottish Planning Policy states (Paragraph 205) that "Where peat and other carbon rich soils are present, applicants must assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments must aim to minimise this release."
 - 3.2 The planning submission must a) demonstrate how the layout has been designed to minimise disturbance of peat and consequential release of CO₂ and b) outline the preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, drainage channels, cable trenches, or the storage and re-use of excavated peat. There is often less environmental impact from localised temporary storage and reuse rather than movement to large central peat storage areas.
 - 3.3 The submission must include:
 - a) A detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's [Guidance on Developments on Peatland - Peatland Survey \(2017\)](#)) with all the built elements (including peat storage areas) overlain to demonstrate how the development avoids areas of deep peat and other sensitive receptors such as Groundwater Dependent Terrestrial Ecosystems.
 - b) A table which details the quantities of acrotelmic, catotelmic and amorphous peat which will be excavated for each element and where it will be re-used during reinstatement. Details of the proposed widths and depths of peat to be re-used and how it will be kept wet permanently must be included.
 - 3.4 To avoid delay and potential objection proposals must be in accordance with [Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste](#) and our [Developments on Peat and Off-Site uses of Waste Peat](#).
 - 3.5 Dependent upon the volumes of peat likely to be encountered and the scale of the development, applicants must consider whether a full Peat Management Plan (as detailed in the above guidance) is required or whether the above information would be best submitted as part of the schedule of mitigation.
 - 3.6 Please note we do not validate carbon balance assessments except where requested to by Scottish Government in exceptional circumstances. Our advice on the minimisation of peat disturbance and peatland restoration may need to be taken into account when you consider such assessments.
- ### **4. Disruption to Groundwater Dependent Terrestrial Ecosystems (GWDTE)**
- 4.1 GWDTE are protected under the Water Framework Directive and therefore the layout and design of the development must avoid impact on such areas. The following information must be included in the submission:
 - a) A map demonstrating that all GWDTE are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.

- b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all GWDTE affected.

4.2 Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice and the minimum information we require to be submitted.

5. Existing groundwater abstractions

5.1 Excavations and other construction works can disrupt groundwater flow and impact on existing groundwater abstractions. The submission must include:

- a) A map demonstrating that all existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
- b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all existing groundwater abstractions affected.

5.2 Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice on the minimum information we require to be submitted.

6. Borrow pits

6.1 Scottish Planning Policy states (Paragraph 243) that “Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place.” The submission must provide sufficient information to address this policy statement.

6.2 In accordance with Paragraphs 52 to 57 of Planning Advice Note 50 [Controlling the Environmental Effects of Surface Mineral Workings](#) (PAN 50) a Site Management Plan should be submitted in support of any application. The following information should also be submitted for each borrow pit:

- a) A map showing the location, size, depths and dimensions.
- b) A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.
- c) You need to provide a justification for the proposed location of borrow pits and evidence of the suitability of the material to be excavated for the proposed use, including any risk of pollution caused by degradation of the rock.

- d) A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table.
- e) A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.
- f) A site map showing proposed water abstractions with details of the volumes and timings of abstractions.
- g) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas. The drawing notes should include a commitment to check these daily.
- h) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's [Guidance on Developments on Peatland - Peatland Survey \(2017\)](#)) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO₂.
- i) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.
- j) Details of how the rock will be processed in order to produce a grade of rock that will not cause siltation problems during its end use on tracks, trenches and other hardstanding.

7. Pollution prevention and environmental management

- 7.1 One of our key interests in relation to developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration. A schedule of mitigation supported by the above site specific maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques (for example, the maximum area to be stripped of soils at any one time) and regulatory requirements. They should set out the daily responsibilities of ECOWs, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to [Guidance for Pollution Prevention \(GPPs\)](#).

8. Life extension, repowering and decommissioning

- 8.1 Proposals for life extension, repowering and/or decommissioning must demonstrate accordance with [SEPA Guidance on the life extension and decommissioning of onshore wind farms](#). Table 1 of the guidance provides a hierarchical framework of environmental impact based upon the principles of sustainable resource use, effective mitigation of environmental risk (including climate change) and optimisation of long term ecological restoration. The submission must demonstrate how the hierarchy of environmental impact has been applied, within the context of latest knowledge and best practice, including justification for not selecting lower impact options when life extension is not proposed.
- 8.2 The submission needs to demonstrate that there will be no discarding of materials that are likely to be classified as waste as any such proposals would be unacceptable under waste management licensing. Further guidance on this may be found in the document [Is it waste - Understanding the definition of waste](#).

From: Planning Aberdeen <planningaberdeen@sepa.org.uk>
Sent: 22 February 2018 13:51
To: Econsents Admin
Subject: PCS/157677 Yell Wind Farm - Scoping Opinion - Updated Layout

Dear Ms McMillan

Thank you for your consultation email of 21 February 2018. We note the changes on the Layout Yell Windfarm Shetland Islands Figure 1 drawing, Revision A.

We can confirm that our initial advice and information requirements of 12 January 2018 (our reference PCS/156282) remain unchanged. We would require detailed information at the application stage to demonstrate the turbines and associated infrastructure avoid unacceptable environmental impacts.

Regards,

Alison Wilson
Senior Planning Officer
Planning Service, SEPA, Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA

For our planning guidance, please visit www.sepa.org.uk/environment/land/planning



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Nikki Anderson
Consents Manager
Energy Consents Unit
The Scottish Government

By eMail

8th February 2018

Dear Ms Anderson

The Electricity Act 1989 Section 36 The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Scoping opinion request for proposed application under section 36 for the Yell wind farm, in the planning authority area of Shetland Islands Council

Thank you for your email consultation, dated 27th November 2017, seeking our views on the scope of Environmental Impact Assessment (EIA) required for this proposed development, and for allowing an extension to the original response deadline.

1. Natural heritage advice

Our advice is that development in this area raises two main issues. Careful consideration of these will be required during the design iteration process as part of the EIA:

1. The impact on the adjacent Bluemull and Colgrave Sounds proposed Special Protection Area (pSPA), which is identified as a foraging area for breeding red-throated diver.
2. Impacts on peat and peatland habitats.

Bluemull and Colgrave Sounds pSPA

Although at this stage Bluemull and Colgrave Sounds is only proposed as an SPA, the Scottish Government has a policy of protecting such sites as if they were designated, as set out in Scottish Planning Policy. The EIA must therefore be able to demonstrate that the development will not have an adverse effect on the integrity of the site.

Full details of the pSPA can be found on our website at <https://www.nature.scot/2016-17-marine-bird-proposed-special-protection-areas-consultation-ppspas-consultation-closed>. The applicant should assess the direct and indirect impacts on the pSPA and its qualifying interests in the context of its conservation objectives, as set out in the document "Advice to Support Management" which can be found through that web address. The assessment should consider the effects of the proposal on its own and cumulatively with other plans or projects also affecting the pSPA.

There are other protected areas in the vicinity of the proposed development. However, based on the information presented in the scoping report, we do not consider that they will be affected either directly or indirectly. In particular we are satisfied from the results of one year's targeted vantage point observation that the proposal will have no likely significant effect on red-throated diver population of Otterswick and Graveland SPA and no further consideration of impacts on this site is necessary. Should the proposal change significantly, we would expect the applicant to review the list of sites and assess any additional sites affected as part of the EIA process.

Peat and peatland habitats

The proposed development area is dominated by areas of carbon rich soils, deep peat and priority peat habitat. Scottish Planning Policy identifies these as nationally important interests and that "*further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.*"

We consider that it will be very difficult to build a wind farm of the scale proposed without significant effects on deep peat and priority peatland habitat, and that opportunities to mitigate this through siting, design and other measures will be very limited.

However, on the basis of the existing proposal, we welcome the commitment to a Peat Slide Risk Assessment and to drafting a Peat Management Plan. These would almost certainly be necessary for any wind farm development proposal in this area. Our advice is that a Habitat Management Plan is also required, particularly to ensure that there is no overall loss of peatland habitat or the services that delivers, but also to take account of other habitats subject to loss and damage.

Several references are made in the Scoping Report to the 'Onshore Wind' section of Scottish Planning Policy; Paragraph 161 *et seq.* However, no reference is made to Table 1 which identifies carbon rich soils, deep peat and priority peatland habitat as a "*nationally important mapped environmental interest*". This omission should be addressed through the EIA.

Similarly, Paragraph 205 "*Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release*" should, as indicated in the Scoping Report, be addressed through measures described in the proposed Construction Environmental Management Plan. This should include layout and design.

In Chapter 6 (Ecology and Nature Conservation), Section 6.5.1 should include, along with other plans and policies:

- Scotland's National Peatland Plan https://www.nature.scot/sites/default/files/2017-07/A1697542%20-%20150730%20-%20peatland_plan.pdf
- Scottish Government's Draft Peatland and Energy Policy Statement <http://www.gov.scot/Resource/0050/00502389.pdf>

The latter notes, "*Land use practices should seek to avoid peatland disturbance as far as possible. Where the disturbance of peat is unavoidable, such disturbance should be minimised and managed in line with good practice guidance, and restoration activities implemented as early and fully as possible.*"

We note that there is no reference to a Habitat Management Plan. Given the scale of the proposal and its likely impact on important habitats, this will be essential.

We acknowledge and welcome the commitment in Chapter 9 (Hydrology, Hydrogeology and Geology) to an investigation into the peat depths across the site, undertaking a peat slide risk assessment and provision of a draft peat management plan.

The desk-based assessment (Paragraph 9.6.2) should also take account of the published Carbon and Peatland Map 2016 <https://www.nature.scot/professional-advice/planning-and-development/general-advice-planners-and-developers/planning-and-development-soils/carbon-and-peatland-2016-map> This map indicates that almost all of the site is probably Class 1 Carbon and Peatland, i.e. deep peat supporting priority peatland habitat, and thus of national importance. It is not clear to us how a wind farm of the size proposed can avoid this resource or mitigate impacts.

2. Advice on the scope of the EIA

In addition to the issue identified in section 1, there are other natural heritage interests likely to be affected by the proposed development. Careful design and mitigation will be required to reduce these impacts to a minimal level. We refer the applicant to our general scoping advice (available via <http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/general-advice-and-information/>) for more information on this, as well as advice on the format of the ES. We also have the following specific advice in relation to information provided in the scoping report:

Landscape and visual impacts

The EIA 2017 Regulations require an assessment of reasonable alternatives, which we consider relates to mitigation by design considering (but not limited to) the location, size and scale of the development. We support an iterative approach to design taking due cognisance of our most up-to-date Siting and Design Guidance: *Siting and Design Wind Farms in the Landscape 2017*.

The LVIA should consider all elements of the development, including turbines, access tracks, borrow pits and any ancillary buildings. As the proposed turbines are over 150 metres to tip they will require safety lighting and the LVIA should include a lighting impact assessment, including a baseline assessment which considers 'darkness' characteristics and describes people's likely use of different areas during darkness and low light (dusk/ dawn) conditions. We would encourage the applicant to explore all forms of lighting mitigation and, particularly, to consider the potential for proximity activated lighting. We understand that proximity activated mitigation is likely to mean that lights would only be activated for less than 2% of the time, which would make it one of the most effective methods to reduce potential landscape and visual effects as well as effects on birds. Discussion of case-specific permissibility issues for proximity activated lighting should be taken forward with the Civil Aviation Authority (CAA)

The assessment of impacts on landscape character proposed in para 4.4.1 of the scoping report should include assessment of how the landscape character areas combine to contribute to the wider landscape character of Yell, and in turn how the development would impact upon this this.

We welcome the opportunity together with SIC to identify suitable viewpoints for the LVIA. The Zone of Theoretical Visibility (ZTV) map included in the scoping report is too small a scale to be useful for identifying viewpoints. Hard copies of more detailed ZTV information (as set out in our Visual Representation Guidance) are required before we can advise further on viewpoints for use in the assessment of the development, cumulative assessment and night-time assessment.

Otters

We are satisfied with the proposed survey along watercourses as an initial assessment of the level of otter activity in the area. As the layout of turbines, tracks and other infrastructure is finalised, a corridor extending at least 100 metres on each side of the proposed access tracks and the area within 250 metres of each turbine base should be surveyed for otters to allow impacts on any otter holts within the site to be mitigated by micro-siting (or a species protection plan to be drawn up and license applied for, if disturbance will occur).

Ornithology

We are broadly content with the proposed scope of ornithological surveys and assessments set out in the Scoping Report.

Collision risk assessment requires flight lines to be divided into three bands: below rotor height, within rotor envelope and above rotor height. As the exact dimensions of the turbines are not known at this stage, flight line data should be recorded in a manner that will allow them to be banded to match the range of likely turbine designs in order to make an accurate assessment of collision risk for each.

Flight line records should also be used to assess displacement and barrier effects, with particular regards to red-throated diver.

We confirm that the Natural Heritage Zone (i.e. Shetland) is the appropriate scale for consideration of cumulative ornithological impacts. The assessment of cumulative impacts should include consideration of all major developments, not only wind farms and their associated structures, including power lines. On the basis of the numbers of nesting territories identified in the initial breeding bird survey of the site we consider the key species for the cumulative assessment to be those set out in the table below:

	Wildlife & Countryside Act Schedule 1	Birds Directive Annex 1	"Birds of Conservation Concern" listing	Shetland population as % of GB.
Red-throated diver	✓	✓		~32%
Merlin	✓	✓	Red	~7%
Golden plover		✓		~15%
Curlew			Red	~15%
Dunlin			Amber	~18%

3. Concluding remarks

Please note that while SNH is supportive of the principle of renewable energy, our advice is given without prejudice to a full and detailed consideration of the impacts of the proposal if submitted for formal consultation as part of the EIA or planning process.

Yours sincerely

Jonathan Swale
Operations Officer, Shetland
Northern Isles and North Highland

From: Jonathan Swale
Sent: 28 February 2018 09:06
To: McMillan J (Jenny)
Subject: RE: Yell Wind Farm - Scoping Opinion - Updated Layout

Dear Jenny

Thank you for consulting us over this amendment. The removal of turbines from the southern part of the site where there is a concentration of red-throated diver activity would be expected to reduce the potential impacts on red-throated diver and on Bluemull and Colgrave Sounds SPA but doesn't entirely eliminate them. The scope of EIA required therefore remains unchanged.

Regards

Jonathan

Jonathan Swale | Operations Officer

Scottish Natural Heritage | Dualchas Nàdair na h-Alba | Ground Floor | Stewart Building | Alexandra Wharf | Lerwick | Shetland | ZE1 0LL | t: 01595 693345

nature.scot – Connecting People and Nature in Scotland – [@nature_scot](https://twitter.com/nature_scot)

From: @atkinsglobal.com>
Sent: 14 March 2018 05:18
To: Econsents Admin
Cc: @scottishwater.co.uk
Subject: WF 32909 - Yell wind Farm - Updated layout- Kirks, Shetland, T1 - T50 - HP 48216 04478

Dear Sirs,

I am responding to an email of 27-02-2018, regarding the above named proposed development.

The above application has now been examined in relation to UHF Radio Scanning Telemetry communications used by our Client in that region and we are happy to inform you that we have **NO OBJECTION** to your proposal.

Please note that this is **not** in relation to any Microwave Links operated by Scottish Water

Atkins Limited is responsible for providing Wind Farm/Turbine support services to TAUWI.

Atkins Limited is responsible for providing Wind Farm/Turbine support services to the Telecommunications Association of the UK Water Industry. Web: www.tauwi.co.uk

Windfarm Support

ATKINS

The official engineering design services provider
for the London 2012 Olympic and Paralympic Games
Web: www.atkinsglobal.com/communications

From: @openreach.co.uk on behalf of radionetworkprotection@bt.com
Sent: 24 November 2017 14:47
To: Anderson N (Nikki); Econsents Admin
Subject: RE: Scoping Consultation Request - Yell Wind Farm

Dear Sir/Madam,

RE: PROPOSED YELL WIND FARM

OUR REF; WID10737

Thank you for your letter dated 24/11/2017.

We have studied this Windfarm proposal with respect to EMC and related problems to BT point-to-point microwave radio links.

The conclusion is that, the Project indicated should not cause interference to BT's current and presently planned radio networks.

Regards,

Paul Atkinson

Radio Frequency Allocation & Network Protection (BLP952)

Openreach

Web: www.openreach.co.uk

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British Telecommunications plc

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From: @openreach.co.uk on behalf of radionetworkprotection@bt.com
Sent: 22 February 2018 11:04
To: Econsents Admin
Cc: McMillan J (Jenny)
Subject: FW: Yell Wind Farm - Scoping Opinion - Updated Layout
Attachments: Yell Wind Farm- Scoping - Updated Layout.pdf; Yell Wind Farm Scoping Report.pdf

Dear Sir/Madam,

RE: PROPOSED YELL WIND FARM

OUR REF; WID10737

Thank you for your email dated 21/02/2018.

We have studied this updated Windfarm proposal with respect to EMC and related problems to BT point-to-point microwave radio links.

The conclusion is that, the Project indicated should not cause interference to BT's current and presently planned radio networks.

Regards,
Paul Atkinson
Radio Frequency Allocation & Network Protection (BLP952)
Openreach

Web: www.openreach.co.uk

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From: JRC Windfarm Coordinations <windfarms@jrc.co.uk>
Sent: 24 November 2017 15:09
To: Anderson N (Nikki)
Subject: Scoping Consultation Request - Yell Wind Farm [WF724368]

Dear nikki,

A Windfarms Team member has replied to your coordination request, reference **WF724368** with the following response:

Dear Sir/Madam,

*****Please could you request individual turbine locations sent to us when known? Preferably in eastings and northings so that we can do a more accurate search. As well as the hub height in meters and rotor radius*****

Site Name:

The Yell Windfarm

Turbine at NGR:

449981 1201219

0.1km search radius used

Hub Height: 90m **Rotor Radius:** 50m *(please note these sizes are used if not specified)*

*This proposal ***cleared*** with respect to radio link infrastructure operated by:*

The local electricity utility

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal. Please note that due to the large number of adjacent radio links in this vicinity, which have been taken into account, clearance is given specifically for a location within the declared grid reference (quoted above).

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, you are advised to seek re-coordination prior to submitting a planning application, as this will negate the possibility of an objection being raised at that time as a consequence of any links assigned between your enquiry and the finalisation of your project.

JRC offers a range of radio planning and analysis services. If you require any assistance, please contact us by phone or email.

Regards

Wind Farm Team

*The Joint Radio Company Limited
Dean Bradley House,
52 Horseferry Road,
LONDON SW1P 2AF
United Kingdom*

TEL: +44 20 7706 5199

*JRC Ltd. is a Joint Venture between the Energy Networks Association (on behalf of the UK Energy Industries) and National Grid.
Registered in England & Wales: 2990041
<http://www.jrc.co.uk/about-us>*

We hope this response has sufficiently answered your query.
If not, please **do not send another email** as you will go back to the end of the mail queue, which is not what you or we need. Instead, **reply to this email keeping the subject line intact or login to your account** for access to your coordination requests and responses.

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From: JRC Windfarm Coordinations <windfarms@jrc.co.uk>
Sent: 22 February 2018 13:35
To: McMillan J (Jenny)
Subject: Yell Wind Farm - Scoping Opinion - Updated Layout [WF635875]

Dear jenny,

A Windfarms Team member has replied to your coordination request, reference **WF635875** with the following response:

Dear Jenny,

Site Name:

Yell Wind Farm

Turbine at NGR:

- T1 - 448216 1204478
- T2 - 448844 1204228
- T3 - 449377 1204277
- T4 - 448613 1203612
- T5 - 449178 1203625
- T6 - 449739 1203833
- T7 - 448444 1203111
- T8 - 449005 1203083
- T9 - 449578 1203018
- T10 - 450038 1203350
- T11 - 448386 1202552
- T12 - 448982 1202515
- T13 - 449564 1202452
- T14 - 448139 1202044
- T15 - 449121 1201966
- T16 - 449679 1201887
- T17 - 450099 1202281
- T18 - 450832 1203315
- T19 - 451401 1203479
- T20 - 451937 1203668
- T21 - 450724 1202748
- T22 - 451256 1202929
- T23 - 451111 1202310
- T24 - 451638 1202437
- T25 - 452183 1202388
- T26 - 452548 1202789
- T27 - 451860 1201919
- T28 - 451311 1201747
- T29 - 451741 1201368
- T30 - 451433 1200891
- T31 - 451912 1201114

T32 - 450532 1200684
T33 - 449974 1200800
T34 - 449879 1201360
T35 - 448963 1201420
T36 - 448376 1201523
T37 - 448114 1201011
T38 - 448672 1200945
T39 - 449446 1200991
T40 - 448669 1200429
T41 - 449178 1200569
T42 - 449932 1200236
T43 - 450481 1200120
T44 - 451031 1200216
T45 - 451589 1200347
T46 - 450652 1202086
T47 - 448327 1204003
T48 - 448632 1202029
T49 - 449404 1200055
T50 - 448494 1199924

Hub Height: 112.5m **Rotor Radius:** 87.5m

*This proposal ***cleared*** with respect to radio link infrastructure operated by:*

The local electricity utility and Scotia Gas Networks

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal. Please note that due to the large number of adjacent radio links in this vicinity, which have been taken into account, clearance is given specifically for a location within the declared grid reference (quoted above).

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, you are advised to seek re-coordination prior to submitting a planning application, as this will negate the possibility of an objection being raised at that time as a consequence of any links assigned between your enquiry and the finalisation of your project.

JRC offers a range of radio planning and analysis services. If you require any assistance, please contact us by phone or email.

Regards

Wind Farm Team

The Joint Radio Company Limited
Dean Bradley House,
52 Horseferry Road,
LONDON SW1P 2AF
United Kingdom

TEL: +44 20 7706 5199

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We hope this response has sufficiently answered your query.
If not, please **do not send another email** as you will go back to the end of the mail queue, which is not what you or we need. Instead, **reply to this email keeping the subject line intact or login to your account** for access to your coordination requests and responses.

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Ms Nikki Anderson
Energy Consents Unit
Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Our ref: FL/59-7

December 15th 2017

Dear Nikki,

YELL WIND FARM, YELL, SHETLAND ISLANDS

Thank you for seeking advice from Marine Scotland Science (MSS) on the scoping report for the proposed Yell wind farm on the island of Yell, Shetland Islands.

A number of watercourses drain the proposed development site in which salmon and trout populations have been recorded. These salmonids are important for both economic and conservation interests, salmon is listed in the EU Habitat's Directive as a species of European importance and both salmon and trout are listed in the Scottish Biodiversity list as priority species for conservation. Both species should therefore be carefully considered throughout the proposed development. We encourage the developer to consult our scoping guidelines which outlines how wind farm developments may have an impact on fish populations <http://www.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren>.

MSS welcomes the intention of the developer to provide a description of the existing ecology baseline including UK Biodiversity Action Plan species and therefore we recommend site characterisation surveys of fish populations to determine the presence and abundance of fish species in watercourses within and downstream of the development area and of the water quality, at high and low flows. Information from these surveys is necessary to assess the potential impacts of the proposed development on fish populations and to establish

appropriate site specific mitigation measures (e.g. buffer zones, SUDS based drainage systems, the appointment of an Ecological Clerk of Works, the use of floating roads where necessary, the design of all watercourse crossings to consider the migratory requirements of fish and the adherence to pollution prevention guidelines and current best practice techniques) and an integrated water quality and biotic (macroinvertebrate and fish populations) monitoring programme. For the latter, we suggest pre-construction baseline surveys to be carried out at least 12 months prior to construction commencing, during construction and for at least one year after construction is complete. Further sampling may be required one to two years prior to decommissioning, details of which can be outlined in a decommissioning plan. Water quality monitoring should be carried out at a minimum of a monthly frequency with electrofishing surveys carried out in late summer/autumn and macroinvertebrate sampling in spring and/or autumn. Watercourses likely to be impacted, both within and downstream of the development area, should be sampled along with control sites, sites where an impact is unlikely. Details regarding the sampling strategy, methodology, parameters to measure, data analysis, the reporting mechanism and an action plan, if a problem does occur, should be outlined in the Environmental Impact Assessment Report (EIAR). Further information can be found in our generic monitoring guidelines <http://www.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren>.

The potential cumulative impacts of the present proposal and adjacent developments should be discussed in the EIAR and further considered in the selection of control sites for the monitoring programmes.

We note there are small areas at risk of localised flooding and encourage the developer to consider the potential impacts of flooding on fish populations and to propose appropriate mitigation measures.

In summary, the presence of salmon and trout populations within the proposed development area necessitates appropriate mitigation and monitoring programmes to be established as a means of avoiding and/or minimising the potential impacts of the proposed development on these valuable fish stocks and to ensure the water quality does not deteriorate, the latter is a requirement of the Water Framework Directive.

Kind regards,

Dr Emily E. Bridcut

From: NATS Safeguarding <NATSSafeguarding@nats.co.uk>
Sent: 18 December 2017 15:22
To: Econsents Admin
Subject: RE: Scoping Consultation Request - Yell Wind Farm (Our Ref: SG25549)

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours Faithfully



NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk



From: NATS Safeguarding <NATSSafeguarding@nats.co.uk>
Sent: 27 February 2018 08:35
To: McMillan J (Jenny); Econsents Admin
Subject: RE: Yell Wind Farm - Scoping Opinion - Updated Layout (Our Ref: SG25549)

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours Faithfully



NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk





RSPB Scotland

09 February 2018

Ms Nikki Anderson
 Energy Consents Unit
 Scottish Government
 5 Atlantic Quay
 150 Brommielaw
 Glasgow
 G2 8LU

By email only

Dear Ms Anderson

Energy Consents Unit: ECU00000512

Proposal: EIA Scoping Request for Proposed 63 Turbine, 200MW Windfarm and Associated Infrastructure, West of Cullivoe, South of Gloup Yell, Shetland.

Thanks you for consulting RSPB Scotland on this request for an Environmental Impact Assessment (EIA) scoping opinion and for an extension to the response deadline. RSPB Scotland has considerable concerns regarding the size and location of this proposed development and particularly its potential impacts on breeding birds of conservation concern and deep peat.

We wish to highlight the following particularly significant environmental issues associated with this proposal:

- The proximity of the Bluemull and Colgrave Sounds proposed Special Protection Area.
- The presence of a number of important bird species breeding in the area.
- The presence of blanket bog, of which most is likely to be active (i.e. currently peat forming).
- The potential for the release of stored carbon from the deep peat during construction works and storage and disposal of excavated peat.
- The potential for in-combination or cumulative effects with other windfarms (proposed, consented and already constructed) and other developments.

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 Chairman, Committee for Scotland: Professor Colin Galbraith Director, RSPB Scotland: Stuart Housden OBE Regional Director: Martin Auld
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- The potential for impacts on the Lumbister section of the Yell RSPB Reserve, which is located directly to the south of the proposed development.
- Potential biosecurity risks associated with the use of contaminated plant, machinery other equipment or materials.

The EIA should assess the potential impacts of the proposed development in relation to all these issues.

Special Protection Areas (SPAs) including the Bluemull and Colgrave Sounds proposed Special Protection Area (pSPA)

The proposed development site is close to the Bluemull and Colgrave Sounds pSPA (within 2km at its closest point). Whilst the site has not yet been formally designated, Scottish Planning Policy states that planning authorities should afford the same level of protection to proposed SPAs (i.e. sites which have been approved by Scottish Ministers for formal consultation but which have not yet been designated) as they do to sites which have been designated. The EIA should therefore fully consider the potential effects of the development on the pSPA. It should be demonstrated that the development would not affect the integrity of the site or undermine its conservation objectives.

This site is proposed for the foraging habitat it provides for breeding red-throated diver which, while nesting inland, fly to forage in nearby coastal waters. Foraging dives are mostly in shallow coastal waters within 9km of the nest location while breeding¹. The red line for the proposed development lies well within 9km of the pSPA and therefore the entire area may support breeding divers which are foraging in the pSPA. The EIA should consider impacts on the SPA's red-throated diver population (including nonbreeding individuals), including as a consequence of collision with turbines, as well as disturbance and / or displacement from breeding lochs / lochans and from the effects of increased energetic demands arising from turbines acting as a barrier between the pSPA marine foraging areas and freshwater nesting sites during the breeding season. It is noted that the developer has undertaken specific vantage point surveys to ascertain if there was any inter-connectivity between the Otterswick and Graveland SPA and the proposed development site. RSPB considers it important that

¹ Bluemull and Colgrave Sounds Proposed Special Protection Area (pSPA) NO. UK9020312, SPA Site Selection Document: Summary of the scientific case for site selection, SNH, 2016.

additional vantage point surveys are undertaken at a variety of locations to determine if red – throated diver breeding within the proposed development area are foraging within the pSPA. Full consideration is required of all potential breeding locations within 9km of the pSPA.

The EIA Report will need to include sufficient information to inform a full Habitats Regulations Appraisal under the terms of the Habitats Regulations, either to demonstrate that there is no ‘likely significant effect’ on the pSPA and the SPAs listed in Table 7.1 of the scoping report, or to allow the Energy Consent to carry out an Appropriate Assessment.

It is noted that in Figure 7 of the scoping report the area of the pSPA is shown in solid yellow but it is not referred to either on the map or in the rest of the document. In addition, in Figure 7 the area identified as a Marine Protected Area is incorrect and while referred to as a National Nature Reserve in the text this is not reflected in the key for Hermaness.

With regards to other designated sites the potential for impacts should be fully assessed in the EIA to determine if it is considered that there will or will not be an impact.

Birds

The area supports breeding populations of a number of important bird species. The proposed development area is particularly important for red-throated diver and also supports merlin, dunlin and golden plover, all of which are listed in Annex I of EU Directive 2009/147/EC on the Conservation of Wild Birds (‘the Birds Directive’). Red-throated diver, merlin and whimbrel are also included in Schedule 1 of the Wildlife and Countryside Act 1981, which affords them special protection whilst breeding. A number of other species of conservation interest are also likely to be present within or adjacent to the area, including (but not restricted to) arctic skua, arctic tern, curlew, great skua, lapwing, oystercatcher, redshank, skylark and snipe. The potential impacts of the development on all these species, and appropriate mitigation should be fully considered in the EIA.

As well as the impacts identified in the scoping report , the impacts of habitat loss and fragmentation should also be considered due to the infrastructure that would be required and the change in habitat character that would occur as a result of this proposed development. The potential for the project to impact upon the Shetland populations of the species listed above through operational disturbance, displacement, barrier effects and risk of collision with turbines should be fully considered as part of the EIA. In addition to national guidance (such

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as on collision rates) from SNH the EIA should take into account local conditions, notably the foggy conditions that often occur in Shetland which could lead to increased collision rates. The EIA Report should fully discuss and detail mitigation measures, focusing on avoidance of impacts in the first instance including the careful siting of turbines away from particularly sensitive locations, in an attempt to reduce any potential damage to key species arising from the proposal.

It states in the scoping report that SNH standard ornithological guidance has been used and followed, including Scottish Natural Heritage (2014) *Recommended bird survey methods to inform impact assessment of onshore wind farms*. However, the 2014 guidance recommends (in paragraph 3.6) that for wind farms over 50MW, a comparable control or reference site should be selected and surveyed at the time of the initial surveys, to allow post construction monitoring. It should be confirmed whether this is the case here.

There should be no additional overhead electricity lines as part of this development, RSPB Scotland would expect all cables to be buried to avoid additional collision risk to birds, given the very open nature of the landscape in this area.

The impacts of the proposed development upon the Lumbister section of the Yell RSPB Reserve to the immediate south of the development site will also need to be considered and assessed as part of the EIA.

Blanket Bog and Carbon Emissions

Much of the application area is covered in blanket bog, much of which is likely to be active (i.e. still peat forming). This is a Priority Habitat in Annex 1 of the EU Habitats Directive, and a UK Priority Habitat. As part of the assessment the quality and extent of peat should be considered in a local and national context. It is sometimes possible to accommodate wind farms in some areas of blanket bog and deep peat where deep peat can be avoided, disturbance minimised and commitments made to restoration. However given the extent and quality of blanket bog and deep peat on this site, we are concerned that it will be very challenging, if possible at all, to accommodate the scale of development proposed at this site without unacceptable peat impacts. Especially when this is considered in the context of the multi-million pound Peatland Action Scheme created by the Scottish Government to restore areas of peatland - this scheme will damage habitat that that other landowners are being funded to restore. Consideration of the National Peatland Plan is also important, the principal

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aim of which is to protect, manage and restore peatlands to maintain their natural functions, biodiversity and benefits. One of the supporting aims is to protect areas of peatland currently in good condition. RSPB Scotland notes and echoes Scottish Natural Heritages advice that “it is unclear to us how a wind farm of the size proposed can avoid this resource or mitigate impacts”.

We recommend that the hydromorphological approach as endorsed by JNCC should be used to assess the existing blanket bog habitat resource, and impacts upon it. Aspects of the proposed development, in particular the construction of turbine bases, hardstandings (including temporary storage or construction compounds), any proposed borrow pits and tracks and the disposal of excavated peat, could seriously damage blanket bog. Such damage could adversely impact upon the important bird species listed above. RSPB Scotland would be seriously concerned about the excavation of large quantities of peat and its re-use or disposal. It is considered highly unlikely that the disposal of peat on site would be appropriate.

The EIA Report should include:

- The mapped extent of active peat bog within the proposed site,
- Description of vegetation communities and structural features of the bog surface
- Identification of the basic hydrological units of the peatland area
- Peat-depth data for both the site of wind farm infrastructure (tracks and turbines and other infrastructure) and also any transmission lines

It is considered vital that for a project of this scale that there should be significant peat restoration and habitat restoration proposals to mitigate for/offset the impacts of the development, although restoration commitments are not a substitute for appropriate siting and micrositing to avoid impacts on blanket bog in the first instance. Details of these measures should be provided in the EIA Report, and should include details of proposed time scales for management and ongoing financial commitment secured through an independent financial guarantee such as a bond or ESCROW.

It is critical that excavated peat is dealt with in a sensitive manner to prevent further damage to blanket bog and other habitats in the area.

The scoping report states (at paragraph 3.4.5) that in the Shetland Islands Council draft

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Supplementary Planning Guidance for Onshore Wind Energy, the proposed development lies within a ‘Group 3’ area which is considered capable, in principle of support large scale wind energy development. This is considered to be misleading however, as the map referred to was produced prior to the publication of the Scottish Natural Heritage Carbon and Peatland 2016 map, which indicates that the vast majority of the proposed development area is actually in “Class 1 - Nationally important carbon-rich soils, deep peat and priority peatland habitat. Areas likely to be of high conservation value”. Therefore in line with the requirements of Scottish Planning Policy (SPP, paragraphs 161 and 163 and Table 1) this area should be identified the spatial framework for Shetland as being within Group 2: Areas of Significant Protection. In such areas, SPP states that further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. RSPB Scotland highlighted this to Shetland Isles Council following the recent consultation on the draft SPG.

Carbon displacement is identified as a miscellaneous issue in the scoping document, however, RSPB Scotland considers this to be a crucial issue. Wind farms on sensitive peatlands and deep peat can significantly undermine the climate benefits of renewable energy and as such we welcome the commitment by the applicant that turbines will be sited to avoid the areas of deep peat as far as possible and measures taken to minimise peat disturbance. We note that this is required by Scottish Planning Policy (Para 205) which states “[W]here peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release.” However, we are concerned that in this location these opportunities will be limited.

RSPB Scotland supports the reference to undertaking a carbon calculation in line with current best practice to determine the ‘carbon payback period’ over the operational life of the development. We recommend that the carbon calculator is used as early as possible in the planning process, to inform siting and micrositing of both turbines and tracks and other infrastructure, and not simply undertaken after the site layout has been determined. This must be clearly addressed in the EIA Report along with all the information input into the model. RSPB Scotland considers that the maximum payback period should be six months as a maximum and ideally as close to zero as possible, in addition to achieving ‘no net loss’ of peatland habitat in furtherance to Scottish Government ambitions on peatland restoration,

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achieved firstly through avoiding deep peat disturbance and secondly through commitments to restoration. We also recommend that the Energy Consents Unit request validation of the carbon calculation by SEPA and seek advice on whether the carbon impacts are acceptable.

Cumulative Impact

The cumulative impact assessment should include all existing, approved and proposed wind farms and other relevant developments and be conducted at a Shetland-wide scale.

Traffic and Transportation

It states in the scoping report that a new jetty may be required to facilitate the transport of materials to site. If this is required we consider that it should be included within the red line of the application site and assessed as part of this EIA to allow a full consideration of all the environmental impacts of the scheme.

Biosecurity

As part of the EIA consideration will need to be given to measures to prevent the introduction of invasive alien species. Information on the proposed track and fill materials is required to ensure that they are either inert or chemically similar to existing conditions to ensure that they are suitable for use on site.

Please contact me if you require any further information. We would be more than willing to meet the applicant or their agent to discuss our response and the emerging proposals.

Yours sincerely

Martin Schofield
Conservation Officer

CC: Iain McDiarmid, Shetlands Islands Council
Andrew Ramand, Energised Environments Limited

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6 March 2018

Ms Nikki Anderson
Energy Consents Unit
Scottish Government
5 Atlantic Quay
150 Brommielaw
Glasgow
G2 8LU

By email only

Dear Ms Anderson

THE ELECTRICITY ACT 1989 SECTION 36

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2017**

**SCOPING OPINION REQUEST FOR PROPOSED APPLICATION UNDER
SECTION 36 FOR THE YELL WIND FARM, IN THE PLANNING AUTHORITY
AREA OF SHETLAND ISLANDS COUNCIL**

Thanks you for consulting RSPB Scotland on this request for an Environmental Impact Assessment (EIA) scoping opinion for a revised layout for the above scheme with the number of turbines reduced from 63 to 50. It is noted that the original scoping report has not been amended to reflect this new layout. The vast majority of the issues and concerns raised by RSPB Scotland in relation to the original layout are still valid and for the avoidance of any doubt are set out again below. The only change is that the development has been moved away from the northern boundary of the Lumbister section of the RSPB Yell Reserves.

RSPB Scotland has considerable concerns regarding the size and location of this proposed development and particularly its potential impacts on breeding birds of conservation concern and deep peat.

We wish to highlight the following particularly significant environmental issues associated with this proposal:

- The proximity of the Bluemull and Colgrave Sounds proposed Special Protection Area.
- The presence of a number of important bird species breeding in the area.
- The presence of blanket bog, of which most is likely to be active (i.e. currently peat forming).
- The potential for the release of stored carbon from the deep peat during construction works and storage and disposal of excavated peat.
- The potential for in-combination or cumulative effects with other windfarms (proposed, consented and already constructed) and other developments.
- The potential for impacts on the Lumbister section of the Yell RSPB Reserve, which is located just under 2.5km to the south of the proposed development (especially but not exclusively with regards to species which may breed on the reserve but forage over larger areas).
- Potential biosecurity risks associated with the use of contaminated plant, machinery other equipment or materials.

The EIA should assess the potential impacts of the proposed development in relation to all these issues.

Special Protection Areas (SPAs) including the Bluemull and Colgrave Sounds proposed Special Protection Area (pSPA)

The proposed development site is close to the Bluemull and Colgrave Sounds pSPA (within 2km at its closest point). Whilst the site has not yet been formally designated, Scottish Planning Policy states that planning authorities should afford the same level of protection to proposed SPAs (i.e. sites which have been approved by Scottish Ministers for formal consultation but which have not yet been designated) as they do to sites which have been designated. The EIA should therefore fully consider the potential effects of the development on the pSPA. It should be demonstrated that the development would not affect the integrity of the site or undermine its conservation objectives.

This site is proposed for the foraging habitat it provides for breeding red-throated diver which, while nesting inland, fly to forage in nearby coastal waters. Foraging dives are mostly

in shallow coastal waters within 9km of the nest location while breeding¹. The red line for the proposed development lies well within 9km of the pSPA and therefore the entire area may support breeding divers which are foraging in the pSPA. The EIA should consider impacts on the SPA's red-throated diver population (including nonbreeding individuals), including as a consequence of collision with turbines, as well as disturbance and / or displacement from breeding lochs / lochans and from the effects of increased energetic demands arising from turbines acting as a barrier between the pSPA marine foraging areas and freshwater nesting sites during the breeding season. It is noted that the developer has undertaken specific vantage point surveys to ascertain if there was any inter-connectivity between the Otterswick and Graveland SPA and the proposed development site. RSPB considers it important that additional vantage point surveys are undertaken at a variety of locations to determine if red – throated diver breeding within the proposed development area are foraging within the pSPA. Full consideration is required of all potential breeding locations within 9km of the pSPA.

The EIA Report will need to include sufficient information to inform a full Habitats Regulations Appraisal under the terms of the Habitats Regulations, either to demonstrate that there is no 'likely significant effect' on the pSPA and the SPAs listed in Table 7.1 of the scoping report, or to allow the Energy Consent to carry out an Appropriate Assessment.

It is noted that in Figure 7 of the scoping report the area of the pSPA is shown in solid yellow but it is not referred to either on the map or in the rest of the document. In addition, in Figure 7 the area identified as a Marine Protected Area is incorrect and while referred to as a National Nature Reserve in the text this is not reflected in the key for Hermaness.

With regards to other designated sites the potential for impacts should be fully assessed in the EIA to determine if it is considered that there will or will not be an impact.

Birds

The area supports breeding populations of a number of important bird species. The proposed development area is particularly important for red-throated diver and also supports merlin, dunlin and golden plover, all of which are listed in Annex I of EU Directive 2009/147/EC on the Conservation of Wild Birds ('the Birds Directive'). Red-throated diver, merlin and

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whimbrel are also included in Schedule 1 of the Wildlife and Countryside Act 1981, which affords them special protection whilst breeding. A number of other species of conservation interest are also likely to be present within or adjacent to the area, including (but not restricted to) arctic skua, arctic tern, curlew, great skua, lapwing, oystercatcher, redshank, skylark and snipe. The potential impacts of the development on all these species, and appropriate mitigation should be fully considered in the EIA.

As well as the impacts identified in the scoping report, the impacts of habitat loss and fragmentation should also be considered due to the infrastructure that would be required and the change in habitat character that would occur as a result of this proposed development. The potential for the project to impact upon the Shetland populations of the species listed above through operational disturbance, displacement, barrier effects and risk of collision with turbines should be fully considered as part of the EIA. In addition to national guidance (such as on collision rates) from SNH the EIA should take into account local conditions, notably the foggy conditions that often occur in Shetland which could lead to increased collision rates. The EIA Report should fully discuss and detail mitigation measures, focusing on avoidance of impacts in the first instance including the careful siting of turbines away from particularly sensitive locations, in an attempt to reduce any potential damage to key species arising from the proposal.

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There should be no additional overhead electricity lines as part of this development, RSPB Scotland would expect all cables to be buried to avoid additional collision risk to birds, given the very open nature of the landscape in this area.

The potential impacts of the proposed development upon the Lumbister section of the Yell RSPB Reserve located just under 2.5km to the south of the development site will also need to be considered and assessed as part of the EIA. This reserve supports breeding pairs of a number of mobile species including red-throated diver, great skua and Arctic skua which will

forage over a wide area and therefore may be impacted by the windfarm.

Blanket Bog and Carbon Emissions

Much of the application area is covered in blanket bog, much of which is likely to be active (i.e. still peat forming). This is a Priority Habitat in Annex 1 of the EU Habitats Directive, and a UK Priority Habitat. As part of the assessment the quality and extent of peat should be considered in a local and national context. It is sometimes possible to accommodate wind farms in some areas of blanket bog and deep peat where deep peat can be avoided, disturbance minimised and commitments made to restoration. However given the extent and quality of blanket bog and deep peat on this site, we are concerned that it will be very challenging, if possible at all, to accommodate the scale of development proposed at this site without unacceptable peat impacts. Especially when this is considered in the context of the multi-million pound Peatland Action Scheme created by the Scottish Government to restore areas of peatland - this scheme will damage habitat that that other landowners are being funded to restore. Consideration of the National Peatland Plan is also important, the principal aim of which is to protect, manage and restore peatlands to maintain their natural functions, biodiversity and benefits. One of the supporting aims is to protect areas of peatland currently in good condition. RSPB Scotland notes and echoes Scottish Natural Heritages advice that “it is unclear to us how a wind farm of the size proposed can avoid this resource or mitigate impacts”.

We recommend that the hydromorphological approach as endorsed by JNCC should be used to assess the existing blanket bog habitat resource, and impacts upon it. Aspects of the proposed development, in particular the construction of turbine bases, hardstandings (including temporary storage or construction compounds), any proposed borrow pits and tracks and the disposal of excavated peat, could seriously damage blanket bog. Such damage could adversely impact upon the important bird species listed above. RSPB Scotland would be seriously concerned about the excavation of large quantities of peat and its re-use or disposal. It is considered highly unlikely that the disposal of peat on site would be appropriate.

The EIA Report should include:

- The mapped extent of active peat bog within the proposed site,
- Description of vegetation communities and structural features of the bog surface
- Identification of the basic hydrological units of the peatland area

- Peat-depth data for both the site of wind farm infrastructure (tracks and turbines and other infrastructure) and also any transmission lines

It is considered vital that for a project of this scale that there should be significant peat restoration and habitat restoration proposals to mitigate for/offset the impacts of the development, although restoration commitments are not a substitute for appropriate siting and micro-siting to avoid impacts on blanket bog in the first instance. Details of these measures should be provided in the EIA Report, and should include details of proposed time scales for management and ongoing financial commitment secured through an independent financial guarantee such as a bond or ESCROW.

It is critical that excavated peat is dealt with in a sensitive manner to prevent further damage to blanket bog and other habitats in the area.

The scoping report states (at paragraph 3.4.5) that in the Shetland Islands Council draft Supplementary Planning Guidance for Onshore Wind Energy, the proposed development lies within a ‘Group 3’ area which is considered capable, in principle of support large scale wind energy development. This is considered to be misleading however, as the map referred to was produced prior to the publication of the Scottish Natural Heritage Carbon and Peatland 2016 map, which indicates that the vast majority of the proposed development area is actually in “Class 1 - Nationally important carbon-rich soils, deep peat and priority peatland habitat. Areas likely to be of high conservation value”. Therefore in line with the requirements of Scottish Planning Policy (SPP, paragraphs 161 and 163 and Table 1) this area should be identified the spatial framework for Shetland as being within Group 2: Areas of Significant Protection. In such areas, SPP states that further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. RSPB Scotland highlighted this to Shetland Isles Council following the recent consultation on the draft SPG.

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and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release.” However, we are concerned that in this location these opportunities will be limited.

RSPB Scotland supports the reference to undertaking a carbon calculation in line with current best practice to determine the ‘carbon payback period’ over the operational life of the development. We recommend that the carbon calculator is used as early as possible in the planning process, to inform siting and micrositing of both turbines and tracks and other infrastructure, and not simply undertaken after the site layout has been determined. This must be clearly addressed in the EIA Report along with all the information input into the model. RSPB Scotland considers that the maximum payback period should be six months as a maximum and ideally as close to zero as possible, in addition to achieving ‘no net loss’ of peatland habitat in furtherance to Scottish Government ambitions on peatland restoration, achieved firstly through avoiding deep peat disturbance and secondly through commitments to restoration. We also recommend that the Energy Consents Unit request validation of the carbon calculation by SEPA and seek advice on whether the carbon impacts are acceptable.

Cumulative Impact

The cumulative impact assessment should include all existing, approved and proposed wind farms and other relevant developments and be conducted at a Shetland-wide scale.

Traffic and Transportation

It states in the scoping report that a new jetty may be required to facilitate the transport of materials to site. If this is required we consider that it should be included within the red line of the application site and assessed as part of this EIA to allow a full consideration of all the environmental impacts of the scheme.

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As part of the EIA consideration will need to be given to measures to prevent the introduction of invasive alien species. Information on the proposed track and fill materials is required to ensure that they are either inert or chemically similar to existing conditions to ensure that they are suitable for use on site.

Please contact me if you require any further information. We would be more than willing to meet the applicant or their agent to discuss our response and the emerging proposals.

Yours sincerely

Martin Schofield
Conservation Officer

CC: Iain McDiarmid, Shetlands Islands Council
Andrew Ramand, Energised Environments Limited



**Scottish
Water**

Trusted to serve Scotland

20 December 2017

Ms Nikki Anderson
Scottish Government

SCOTTISH WATER

The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
G33 6FB

By email to: Econsents_Admin@gov.scot.

www.scottishwater.co.uk
EIA@scottishwater.co.uk

Dear Ms Anderson,

Yell Wind Farm – EIA Scoping Report

Thank you for consulting with Scottish Water regarding the above proposed development.

Drinking Water Protected Areas (DWPAs)

A review of our records indicates that part of the site falls within a drinking water catchment, and a Scottish Water abstraction point is situated in Gossa Water (see attached drinking water catchment map). Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. Gossa Water supplies Yell Water Treatment Works (WTW), which is an important supply for the local area providing drinking water to approximately 1000 customers. It is essential, therefore, that water quality and water quantity in the area are protected.

A review of the site layout in Figure 1 of the scoping report indicates that the following 10 turbines are located in the drinking water catchment: T10, T23, T31, T32, T39, T40, T46, T47, T51 and T56. Some of these turbines are located close to the edge of the catchment boundary. It should be noted, however, that catchment boundaries derived at this scale can be subject to uncertainty. Further assessment and ground-truthing may be required to confirm whether the borderline infrastructure is within the catchment.

We would request that turbines, infrastructure and other associated activities, including access routes, are located outside of the catchment to prevent any potential impacts to source water quality. If this can be accommodated, Scottish Water will not require further involvement with the proposal, or request for precautions to be taken to protect the source. If this can be demonstrated to be impracticable, Annex 1, details a list of precautions to be taken into account. This list, however, is not site specific. We would request that the developer undertakes an assessment of the site specific risks and mitigation measures required, to ensure there will be no deterioration in water quality and quantity.

Scottish Water has significant concerns regarding the impact of this wind farm development on water quality. Yell WTW has been designed to work within certain water quality criteria and any changes to water quality may seriously impact the ability to provide compliant drinking water to customers. This WTW already experiences high concentrations of natural organic matter in the water, and if these were to increase, it could exceed the capability of the asset and our regulatory requirements.

According to our records, and based on information from a recent catchment survey, the main soil type within the catchment is blanket peat. There are large areas showing signs of peat degradation, with the peat in large parts of the catchment being in unfavourable condition. There is a high risk that any activities within the catchment that disturbs this peat, will increase the concentrations of natural organic matter in the watercourses and at our abstraction point.

If this work were to go ahead, an assessment will be required to determine alternative water supplies. This will be in the event of deterioration in water quality, as a result of the development as a whole or a pollution event, that renders the public water supply un-potable. Please be aware that there are limited feasible options for an alternative supply and therefore there is a significant risk at this site to maintain supplies to customers. We would request that a contingency fund is put in place to address any impacts on water quality and quantity during and post construction.

We welcome further involvement and discussions with the planning authorities, developer and stakeholders, to enable the points above to be satisfactorily addressed and to ensure that sufficient importance is given to

protecting water supplies. Scottish Water would wish the developer to demonstrate that the water quality and quantity will not deteriorate as a result of the proposal.

Scottish Water Assets

A review of our records indicates that there is a 250mm raw water main within close proximity to turbine T49. The location of Scottish Water assets (including water supply and sewer pipes, water and waste treatment works etc.) should be confirmed through obtaining detailed plans from our Asset Plan Providers. Details of our Asset Plan Providers are included in Annex 1.

All Scottish Water assets potentially affected by the development should be identified, with particular consideration being given to access roads and pipe crossings. If necessary, local Scottish Water personnel may be able to visit the site to offer advice. All of Scottish Water's processes, standards and policies in relation to dealing with asset conflicts must be complied with.

In the event that asset conflicts are identified then early contact should be made with the Scottish Water Asset Impact Team (AIT) at **service.relocation@scottishwater.co.uk**. All detailed design proposals relating to the protection of Scottish Water's assets should be submitted to the AIT for review and written acceptance. Works should not take place on site without prior written acceptance by Scottish Water.

Annex 1 includes a list of precautions to be taken when working within the vicinity of Scottish Water assets. This list of precautions is not exhaustive but should be taken into account as the development progresses through the planning and development process.

If you have any questions relating to the above, or in relation to the information presented in Annex 1, please do not hesitate to contact me.

Yours sincerely

Rebecca Williams
Strategic Planner – Environmental Impact Assessment
EIA@scottishwater.co.uk

Annex 1: Precautions to protect drinking water and Scottish Water assets during windfarm construction and operational activities

General requirements

1. The proposed timing of the works, including planned start and completion dates, should be submitted to Scottish Water in advance of any activities taking place on-site. This information should be submitted to **EIA@scottishwater.co.uk**.
2. If a connection to the water or waste water network is required, a separate application must be made to the Scottish Water Development Operations Team for permission to connect. It is important to note that the granting of planning consent does not guarantee a connection to Scottish Water assets. The Development Operations Team can be contacted by telephone on **0800 389 0379** or via email at **developmentoperations@scottishwater.co.uk**.
3. In the event of an incident occurring that could affect Scottish Water we should be notified without delay using the Customer Helpline number **0800 0778 778** and the local contact if known.

Protecting drinking water quality

Regulatory requirements

4. Scottish Water is required to ensure that any activity within a drinking water catchment does not affect the ability of Scottish Water to meet its regulatory requirements.
5. Water Treatment Works are designed to treat the specific parameters of the raw water source they receive (i.e. the specific chemical, biological and other characteristics of natural, untreated water). If the characteristics of the raw water change or deteriorate, it can affect the ability of the works to supply drinking water to customers at the required standards.
6. The regulations relating to the quality of drinking water supplied by Scottish Water are the Public Water Supplies (Scotland) Regulations 2014 as amended. Quality Standards are derived from the European Drinking Water Directive 98/83/EC.
7. Drinking water catchments feed Scottish Water abstractions which supply water to water treatment works. Under Article 7 of the Water Framework Directive, waters used for the abstraction of drinking water are designated as Drinking Water Protected Areas (DWPA). The objective of the Water Framework Directive is to ensure that no activity results in the deterioration of waters within the DWPA. If an activity falls within a DWPA or drinking water catchment, it is essential that water quality and quantity are protected.

Specific precautions for drinking water protection during windfarm activities

8. A detailed, site specific Construction Method Statement including e.g. Construction Environmental Management Plan, Risk Assessment, Pollution Prevention and Contingency Plan must be submitted to Scottish Water at least three months prior to the works commencing. This should be agreed with Scottish Water prior to any operations taking place. Any other associated documents (e.g. Drainage Plan, Peat Management Plan etc.) should also be submitted and agreed with Scottish Water at least three months prior to works commencing. In the first instance, this information should be supplied to **EIA@scottishwater.co.uk**.
9. Where possible, infrastructure and activities should be located outside of the drinking water catchment. If this can be demonstrated to be impracticable then all infrastructure and activities should be located 100m from any watercourse where possible, and a minimum of 50m distant where 100m can be demonstrated to be undeliverable. This includes turbine locations, crane hard standing areas, cable trenches, access tracks and temporary construction related activities such as borrow pits, plant stockpiled materials, cement batching, wheel washing and construction compound areas.
10. Any potential effect on the hydrology of the area resulting from the construction and operation of the proposed development should be assessed and the findings presented in the Environmental Statement or environmental appraisal accompanying the planning application. This should include consideration of natural drainage patterns, base flows/volume, retention/run-off rates and potential changes to water quantity. Any required mitigation measures and proposed monitoring should also be detailed in the Environmental Statement or environmental appraisal accompanying the planning application.
11. When constructing roads, drainage ditches and trenches, drainage should not be directed into adjacent catchments but retained within the existing catchment.
12. Any potential pollution risk which could affect water quality should be considered and mitigation measures implemented to prevent deterioration in water quality and pollution incidents. This includes sediment run-off, soil or peat erosion, management of chemicals and oils, etc. (see also point 17 below). This should be considered for operations at all stages of development including pre- and post-construction.

13. Mitigation measures to prevent pollution to watercourses should be outlined in the Environmental Statement or environmental appraisal accompanying the planning application, and adopted in the Construction Method Statement/Construction Environmental Management Plan prior to work starting on-site. Any measures implemented should be regularly checked, maintained and improved if pollution occurs.
14. Consideration should be given to the use of food grade oils within turbines in close proximity to watercourses. The use of food grade oils within other plant and vehicles should also be considered depending on the risk to the drinking water catchment.
15. Watercourses that feed into any watercourses or reservoirs that Scottish Water abstracts from should be considered when developing new road or access infrastructure. Any crossing of these watercourses should be kept to a minimum. Pollution prevention measures should be put in place at each crossing point and silt traps, or equivalent, should be installed at regular intervals to minimise the risk from pollution.
16. Once constructed, site roads and access routes should be regularly maintained to ensure minimal erosion, and hence run-off and pollution, from the road surface. Avoid using material resulting in metallic, sulphide-rich or strongly acidic polluted water run-off, ideally using inert materials with low erodibility
17. No refuelling or storage of fuel or hazardous materials should take place within the drinking water catchment area. If this can be demonstrated to be impracticable, then the appropriate Pollution Prevention Guidelines (PPGs) or updated Guidance for Pollution Prevention (GPPs) should be followed. This includes, GPP 2: Above ground oil storage tanks, GPP 5 Works and maintenance in or near water, PPG 6: Working and Construction and Demolition Sites, GPP 8: Safe storage and disposal of used oils, GPP 21: Pollution incident response planning and PPG 22: Incident response – dealing with spills. Rather than 10m buffers from watercourses, we would recommend 50m buffers are applied to watercourses and 50m applied to spring, well or borehole. Oil storage should be in accordance with The Water Environment (Oil Storage) Regulations (Scotland) 2006. There should be dedicated oil storage areas created. Spill kits should be located within all vehicles, plant and high risk areas.
18. Waste storage, concrete preparation and all washout areas should not be within the drinking water catchment area. If this can be demonstrated to be impracticable then this should be in dedicated areas 50m from a watercourse and designed to be contained and to prevent escape of materials/run-off to the environment.
19. Welfare/waste water facilities should preferably be located outside the drinking water catchment. If not practicable, then portable toilets should be used and waste disposed of off-site. Alternatively secondary treatment and soakaways should be used and, if required, a sampling chamber installed and sampling programme agreed. The proposed method of managing welfare and waste water facilities should be detailed in the Environmental Statement or environmental appraisal accompanying the planning application. If sampling is required, Scottish Water should be contacted via EIA@scottishwater.co.uk in the first instance.
20. Any proposed abstractions for activities such as welfare facilities or cement batching plants should be detailed in the Environmental Statement or environmental appraisal accompanying the planning application.
21. Induction training should be given to all personnel on-site and should include Scottish Water site sensitivities in relation to drinking water catchments and assets (see below), as well as spill response as outlined in PPG 22: Dealing with spills.
22. Construction and Environmental Management Plans, Pollution Prevention and Contingency Plan and associated documents should include the Scottish Water Customer Helpline Number **0800 0778 778** and the local contact details.

Protecting drinking water in peatland areas

23. When peat is present within the proposed area of activity the Environmental Statement or environmental appraisal accompanying the planning application should include an assessment on the potential release of colour, dissolved organic carbon and total organic carbon as a result of changes to hydrology and/or physical disturbance. This should cover the construction and post-construction phases.
24. Excavations and ground disturbance in areas of deep peat should be avoided. Deep peat is considered to be peat greater than 0.5m deep as stated in Good Practice During Windfarm Construction, 2015 (joint publication by Scottish Renewables, Scottish Natural Heritage, SEPA, Forestry Commission Scotland and Historic Environment Scotland).
25. The natural hydrology within peat should be maintained and/or restored. This should be taken into account when designing the turbine foundations, crane hardstanding areas, access tracks and cable trenches, etc. Any necessary measures to maintain natural drainage of peat and sub-surface hydrology, such as tailored drain spacing on access tracks, should be implemented as part of the design of the development.

26. Scottish Water requests that, where possible, access tracks in the drinking water catchment are constructed as floating tracks with adequate provision for maintaining existing drainage patterns.
27. Exposed soils and peat can release sediment, colour and dissolved organic carbon. The use of geotextiles, turf replacement and/or reseeded, should be undertaken as soon as possible.
28. Restoration of any degraded peat should be considered for areas within the drinking water catchment.

Protecting drinking water due to forestry activity

29. An assessment of any forestry activity, including felling, planting or other activity, likely to affect the drinking water catchment should be included in the Environmental Statement or environmental appraisal accompanying the planning application. Any specific mitigation measures should be identified and incorporated into the Construction Environmental Management Plan for the site prior to works commencing.
30. The Environmental Statement or environmental appraisal accompanying the planning application should include details on the harvesting/clearance process for any felling/woodland removal. The least disturbing method/s should be selected where possible.
31. Any historic drains or ditches within the windfarm area that discharge directly to a watercourse in the drinking water catchment should be blocked and slowly discharged to a buffer area in line with current Forestry Commission Forest and Water Guidelines. Where possible, this should be undertaken in advance of any work being carried out on-site, to provide protection for watercourses during site activities.

Monitoring requirements to protect drinking water quality

32. During construction, a programme of daily visual inspection of the watercourses, flow conditions (i.e. high, medium, low, or no flow), prevailing weather and any other pertinent observations, will be required to be implemented. The results should be recorded and the information submitted to Scottish Water (i.e. in a monthly progress report). This should be undertaken when water quality samples are taken. In the first instance, reporting should be provided to EIA@scottishwater.co.uk.
33. A water sampling programme shall be established and agreed with Scottish Water. This should assess the baseline water quality for a minimum of one year prior to any activities commencing on-site where possible, including ground investigations and any felling activities, to allow an accurate understanding of baseline conditions at the site. Water sampling should continue during construction and then post-construction for a minimum of one year. Following completion of one year of sampling post-construction, this should be reviewed to determine whether this should continue for a further agreed period. The parameters, frequency and sampling locations will also need to be agreed with Scottish Water. This monitoring will establish if any decline in water quality can be attributed to the development. It may also be necessary to establish trigger levels to determine when any potential issues should be reported to Scottish Water.
34. The appointed Ecological or Environmental Clerk of Works should be accredited with the Association of Environmental and Ecological Clerk of Works (AEECoW) and should have relevant knowledge and experience to provide advice and monitor compliance with measures for the protection of water quality in relation to abstractions for water supply.
35. Depending on the vulnerability of the public water supply, Scottish Water may request that a dedicated Environmental Manager be appointed and present on-site to assess and monitor any effects caused by the development.

Guidance documents

36. Please ensure that appropriate Guidance Documents are followed, including:
 - Good Practice during Wind Farm Construction, Version 3. SNH/SEPA/Scottish Renewables/Forestry Commission Scotland (September 2015).
 - Floating Roads on Peat. Forestry Civil Engineering and SNH. (August 2010).
 - Constructed tracks in the Scottish Uplands, 2nd edition. SNH (June 2013).
 - Forests and water UK Forestry Standard Guidelines, 5th Edition. Forestry Commission (2011).
 - General Binding Rules under the Controlled Activities Regulations (see The Water Environment (Controlled Activities) Scotland Regulations (as amended) A Practical Guide, Version 7.2, SEPA (March 2015)).
 - SEPA Pollution Prevention Guidelines (<http://www.sepa.org.uk/regulations/water/guidance/>).

Protecting Scottish Water assets

37. If an activity associated with a development proposal is located within close proximity to Scottish Water assets, including water and waste water pipe infrastructure, treatment works and reservoirs etc., it is essential that these assets are protected from damage. To this end, the developer will be required to comply with Scottish Water's current process, guidance, standards and policies in relation to such matters.
38. Copies of Scottish Water's relevant record drawings can be obtained from the undernoted Asset Plan Providers. This is distinct from the right to seek access to and inspect apparatus plans at Scottish Waters area offices, for which no charge is applied.

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223
 Email: sw@sisplan.co.uk
www.sisplan.co.uk

National One-Call

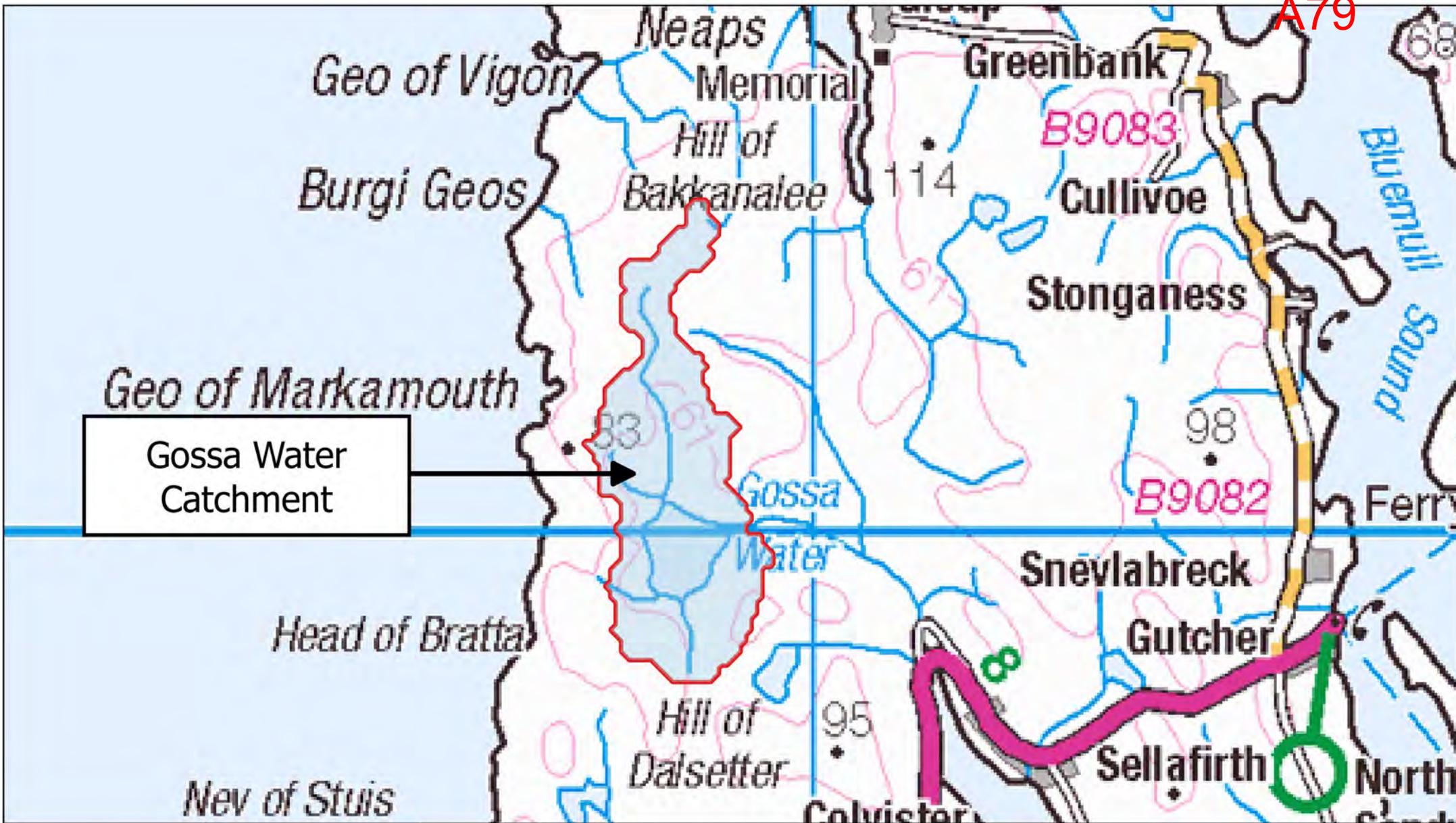
Tel: 0844 800 9957
 Email: swplans@national-one-call.co.uk
www.national-one-call.co.uk/swplans

Cornerstone Projects Ltd

Tel: 0151 632 5142
 Email: enquiries@cornerstoneprojects.co.uk
<http://www.cornerstoneprojects.co.uk/index.php/scottishwaterplans>

39. It should be noted that the site plans obtained via the Asset Plan providers are indicative and their accuracy cannot be relied upon. It is therefore recommended that the developer contacts the **Scottish Water Asset Impact Team** at service.relocation@scottishwater.co.uk for further advice if assets are shown to be located in the vicinity of the proposed development, and where the exact location and the nature of the infrastructure shown could be a key consideration for the proposed development. An appropriate site investigation may be required to confirm the actual position of assets in the ground. Scottish Water will not be liable for any loss, damage or costs caused by relying upon plans or from carrying out any such site investigation.
40. Prior to any activity commencing, all known Scottish Water assets should be identified, located and marked-out.
41. Scottish Water expects method statements, safe systems of work and risk assessments to be prepared and submitted in advance to Scottish Water for formal review and acceptance. These documents shall consider and outline in detail how existing Scottish Water assets are to be protected and/or managed for the duration of any construction works and during operation of the development if relevant. These documents must be submitted to Scottish Water's Asset Impact team for formal prior written acceptance.
42. The developer shall obtain written acceptance from Scottish Water's Asset Impact Team where any site activities are intended to take place in the vicinity of Scottish Water's assets. The Asset Impact Team can advise on any potential risk mitigation measures that may be required.
43. Scottish Water and its representatives shall be allowed access to Scottish Water assets at all times for inspection, maintenance and repair. This will also ensure that the Scottish Water assets are protected and that any Scottish Water requirements are being observed.
44. Any obstruction or hindrance of access to Scottish Water assets should be avoided. The prompt and efficient use and manipulation of valves, hydrants, meters or other apparatus is required at all times. There should also be no interference with the free discharge from water main scours or sewer overflows.
45. In the event of an incident occurring that could affect Scottish Water, including any damage to assets, Scottish Water should be notified without delay, using the Customer Helpline number **0800 0778 778**, and the local contact if known. Scottish Water apparatus should not be interfered with or operated by anyone other than Scottish Water personnel.
46. The 'offset distance' is the distance between any Scottish Water asset and adjacent properties and structures. Scottish Water reserves the right to ask for an offset distance in accordance with its own current policy and standards and to suit specific circumstances. The details of this requirement should be confirmed with Scottish Water as an early part of the design process.
47. Stationary plant, equipment, scaffolding, construction or excavated material, etc. should not be placed over, or close to, any Scottish Water assets without the prior written consent of Scottish Water which may be withheld depending on circumstances on-site.

48. Special care should be taken to avoid the burying of Scottish Water assets or the obstruction of sewers or manholes with fill or other material. Arrangements for altering the level of any chambers should be agreed in advance with Scottish Water and these should be constructed in accordance with Scottish Water requirements. The cost of any work to Scottish Water assets will be met by the project developer.
49. Excavation works (e.g. of wind turbine foundations) should not be carried out in the proximity of a water or waste water main without due notice having been given to Scottish Water and prior written acceptance obtained. The developer will comply fully with any Scottish Water specific site requirements.
50. Any tree planting associated with the development (e.g. compensatory planting or screening etc.) should be undertaken in line with Water for Scotland 3rd Edition (April 2015) to ensure that Scottish Water assets are not put at risk by future growth of tree roots.
51. Vibration in close proximity to Scottish Water pipelines or ancillary apparatus should be managed in accordance with British Standard 5228-1:2009 (Code of practice for noise and vibration control on construction and open sites). The predicted levels of vibration should be agreed in advance with Scottish Water as part of the risk assessment and method statement and agreed vibration monitoring arrangements will be required.
52. The developer will consider the possibility of increased loading on Scottish Water apparatus and measures will be taken to eliminate or mitigate increased loading on assets. Care should be taken to identify any assets which may be crossed by vehicles on the access route to the site and crossing points will be engineered to the requirements of Scottish Water. Any pipe crossing proposals are subject to prior written acceptance by Scottish Water.
53. Scottish Water will not accept liability for any costs incurred in fulfilling any of the above requirements during the development planning, construction or operational phases, either by the developer, the developer's associates, contractors or any other person or organisation involved in the project.
54. If the developer damages any Scottish Water asset they will be held liable for any costs resulting from this.
55. Scottish Water may require costs associated with the development to be reimbursed by the developer or the developer's agents.



The representation of physical assets and the boundaries of areas in which Scottish Water and others have an interest does not necessarily imply their true positions. For further details contact the appropriate district office.

Public Water Supply Catchment on Yell

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Castle House, 6 Castle Drive, Dunfermline, KY11 8GG

Tel No: 0845 601 8855

Scale 1:47,000

Printed by: Water Resources/DT

Date: 7 Dec 2017

From: Rebecca Williams SCOTTISHWATER on behalf of EIA
<EIA@scottishwater.co.uk>
Sent: 07 March 2018 15:13
To: McMillan J (Jenny)
Subject: RE: Yell Wind Farm - Scoping Opinion - Updated Layout
Attachments: Yell Wind Farm_SW Response_20122017.pdf; Yell_WindFarm_Update_Feb2018.png

Hi Jenny, thank you for your email.

Further to our previous comments which remain the same (attached), we note that there are still a number of turbines within the catchment, although the numbers have changed. It would appear that turbines 12, 36, 37, 38, 40, 48, 50 are within the catchment. Turbine 8, 35, 41 and 49 may be borderline.

We have attached a catchment map with the revised layout overlain for ease of reference.

Please can you relay the above information to the applicant?

Regards,

Rebecca

[Rebecca Williams](#) | Strategic Planner | Development Engagement Team

Scottish Water | The Bridge | Buchanan Gate Business Park | Cumbernauld Road | Stepps | Glasgow | G33 6FB

Gossa Water - Yell WTW



▲ Yell_Turbines_Updated



Scottish Water
Trusted to serve Scotland

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Safeguarding public access in Scotland since 1845

Nikki Anderson
Consents Manager
Energy Consents Unit
The Scottish Government

14/02/2018

Dear Ms Anderson,

**Electricity Act 1989 Section 36
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations
2017
Scoping Opinion Request for Proposed Application under Section 36 for the Yell
Wind Farm, in the Planning Authority Area of Shetland Island Council**

Thank you for your email of 24 November 2017 requesting a scoping response for the above proposed wind energy development. We gratefully acknowledge the additional time allowed for our outline scoping response. Here, we have focussed on the immediate area of the proposed application. If required by the applicant to inform their Environmental Impact Assessment (EIA), maps of a wider search area are available from the Society, alongside a more detailed response.

The National Catalogue of Rights of Way does not show any rights of way affected by the site delineated on the applicant's plan *Figure 1 Site Location and Indicative Layout Plan*. However, as there is no definitive record of rights of way in Scotland, there may be routes that meet the criteria but have not been recorded because they have not yet come to our notice.

You will no doubt be aware there may now be general access rights over any property under the terms of the Land Reform (Scotland) Act 2003. We note that the Core Path Plan prepared by Shetland Islands Council's access team as part of their duties under this Act has been consulted by the applicant.

We are aware that, although there may be no recorded rights of way or core paths across the area, access is taken over the application site. We would anticipate that an access plan be prepared in consultation with the access team at the Council so that these existing routes are taken into account and any new routes across the site can be linked in to the existing network.

Traffic and Transportation: we note the lack of a defined transport access route to the site so cannot comment on that at this moment. We would welcome further information from the applicant regarding this, when it is available, so that the Society can comment on the implications it will have on public access.

Although we understand that there is very little guidance regarding the siting of turbines in relation to established paths and rights of way, we would like to draw your attention to the following:

Extract from the Welsh Assembly Government's Technical Advice Note on Renewable Energy (TAN 8)

Proximity to Highways and Railways

2.25 It is advisable to set back all wind turbines a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway (road or other public right of way) or railway line.

I hope the information above is useful to you. Please do not hesitate to contact me if you need more detail or have any further queries.

Yours sincerely,

Lynda L Grant
Access Assistant

The Scottish Rights of Way and Access Society 24 Annandale Street, Edinburgh EH7 4AN (Registered Office)
Tel: 0131 558 1222 e-mail: info@scotways.com web: www.scotways.com

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Safeguarding public access in Scotland since 1845

Econsents_Admin@gov.scot

Jenny McMillan
Case Officer
Energy Consents Unit
The Scottish Government

07/03/2018

Dear Ms McMillan,

**Electricity Act 1989 Section 36
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations
2017
Scoping Opinion Request for Proposed Application under Section 36 for the Yell
Wind Farm, in the Planning Authority Area of Shetland Island Council**

Thank you for your email of 21 February 2018 with the updated layout for the proposed wind farm. As this has altered the site boundary these comments must be seen to supersede those of our response of 14/02/2018.

The National Catalogue of Rights of Way does not show any rights of way affected by the site delineated on the applicant's plan *Figure 1 Rev A Layout Yell Wind Farm Shetland Islands* other than those that may be formed by public roads. However, as there is no definitive record of rights of way in Scotland, there may be routes that meet the criteria but have not been recorded because they have not yet come to our notice.

It should be noted that the new layout affects *National Cycle Route 1*, a promoted long distance cycle route. More details regarding the National Cycle Network can be obtained from Sustrans.

You will no doubt be aware there may now be general access rights over any property under the terms of the Land Reform (Scotland) Act 2003. We note that the Core Path Plan prepared by Shetland Islands Council's access team as part of their duties under this Act has been consulted by the applicant in the initial Scoping Report. It is our understanding that a core path is affected by the new site boundary.

We are aware that, in addition to the core path, recreational access is taken over the application site. We would anticipate that an access management plan be prepared in consultation with the access team at the Council so that existing recreational access is taken into account and any new routes across the site can be linked in to the existing network.

Traffic and Transportation: we are concerned to note a continued lack of a defined transport access route to the site. We would welcome further information from the applicant regarding how the site is to be accessed during both construction and operation so that the Society can comment further on the implications it will have on public access.

Although we understand that there is very little guidance regarding the siting of turbines in relation to established paths and rights of way, we would like to draw your attention to the following:

Extract from the Welsh Assembly Government's Technical Advice Note on Renewable Energy (TAN 8)

Proximity to Highways and Railways

2.25 It is advisable to set back all wind turbines a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway (road or other public right of way) or railway line.

I hope the information above is useful to you. Please do not hesitate to contact me if you need more detail or have any further queries.

Yours sincerely,

Lynda L Grant
Access Assistant

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Tel: 0131 558 1222 e-mail: info@scotways.com web: www.scotways.com

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From: Paul Harvey
Sent: 15 December 2017 15:22
To: Econsents Admin
Cc: Iain.McDiarmid Andy Steven; Adam Johnson; EXT Ruth Carrington
Subject: Scoping Consultation Request - Yell Wind Farm

Thank you for giving Shetland Amenity Trust the opportunity to comment on this scoping report. First we have made some general comments and then moved on to more specific comments regarding the Scoping Report.

It seems somewhat ironic that just yesterday the Scottish Government announced £6 million in the budget for peatland restoration yet at the same time the Government is considering consenting a windfarm in an area of Yell where the predominant habitat is active blanket bog – a habitat that sequesters carbon from the atmosphere and stores it. This is a tension that Government surely needs to reconcile. It makes absolutely no sense economically or from an environmental (green) perspective. In this context it is relevant to note that:

- Scotland's Land Use Strategy, also a requirement of the Climate Change (Scotland) Act 2009, describes peatland restoration as a means to lock up carbon and contribute to climate mitigation.
- The National Peatland Plan sets out a vision for peatlands to be valued for multiple benefits, with improvements in the protection and condition of peatlands. The National Peatland Plan's principal aim is to protect, manage and restore peatlands to maintain their natural functions, biodiversity and benefits. One of its supporting aims is to protect those areas of peatland currently in good condition.
- Scotland's Economic Strategy states that protecting and enhancing Scotland's natural capital, which includes peatlands, is fundamental to a healthy and resilient economy. Beyond their role as a carbon sink, the multiple benefits from peatlands include for biodiversity, ecosystem function, water quality and flood management. Managing peatland for carbon supports the delivery of these multiple benefits. Healthy peatlands are essential in supporting Scottish Government objectives under the Water Framework and Habitats Directives.

Given the potential explosion of onshore windfarms in Shetland it would seem entirely appropriate to set up a local working group to oversee the environmental management of windfarm developments in the islands. This has worked very successfully in the case of Sullom Voe, where the Shetland Oil Terminal Advisory Group (SOTEAG) has been operating successfully for some 40 years. There was talk of such a group being set up to advise the Viking Windfarm development but this has never happened. Maybe this is the time for Government and the Shetland Islands Council to ensure that this does happen.

When considering a Habitat Management Plan (HMP) for this development we would urge the developer to look further afield than just the area highlighted in the Scoping report. This area is contiguous with the Lumbister RSPB Reserve and East Mires Special Area of Conservation. It may well be that by setting aside some of the areas of high quality active blanket mire within the area covered by the proposed windfarm, and linking management of these with areas of the SAC, the development could bring some genuine benefits for nature conservation, rather than the somewhat spurious benefits highlighted in many HMPs just to ease the passage of proposed windfarms through the planning system.

We offer the following more detailed comments on the scoping report. These are restricted to potential impacts on natural heritage – our archaeology team will be commenting separately.

1.1.3 All aspects of associated infrastructure detailed need to be assessed in terms of their respective, and cumulative, impacts on the natural heritage.

1.3.3 One key issue that seems to be missing is the disposal of waste peat. Given that the proposed wind farm is located on blanket mire, some of it very deep, the volume of peat to be extracted will be massive. Recent industrial projects on peatland in Shetland have severely under-estimated the volume of peat requiring removal/disposal; the 5 turbine windfarm at Cullivoe on Yell, and the TOTAL gas plant at Scatsta serve to highlight this problem. The ECU should satisfy themselves that this time the developers' calculations on peat requiring removal are appropriate and take account of the previous shortcomings with previous projects.

1.5 One hopes that cumulative impacts on the natural heritage will be considered appropriately, although the track record with the Beaw Field windfarm in southern Yell does not inspire confidence. These assessments of cumulative impacts should take account of all existing wind farms in Shetland and those with planning consent.

2.1.2 The term open moorland is vague. The site comprises blanket mire or blanket bog would be a more accurate description and would better denote the organic nature of the soils (peat) that will be encountered.

2.2.2 We assume that at least one more year of ornithological surveys will be undertaken as per SNH guidance, to properly inform the EIA.

3.3 Seems to be very short on policies and documents that reflect the importance of peatland in terms of managing global climate change as per my comments at top of this e-mail.

3.3.12 We have yet to look at the updated carbon calculator in detail but hope that it is more fit for purpose than some of its predecessors. Calculations presented in the EIA should highlight pitfalls in the calculator and present a mix of scenarios from best case to worst case.

3.4.4 It is our understanding that new Supplementary Guidance on Onshore Wind Energy as part of the Shetland Local Development Plan referred to here has now been approved. This updated document should therefore be referred to in the Scoping report and the subsequent EIA.

6.3 The following key issues should also be considered.

Much of the area is active blanket mire – an European Priority Habitat. Aerial photographs suggest that much of this blanket mire is intact, or relatively intact. Its importance should be assessed in a local and national context, especially given its proximity to East Mires – a Special Area of Conservation on account of its blanket mire interest. We are unaware of any systematic survey that has assessed the quality of this area and compared it to SACs designated for their blanket bog interest in Shetland.

The proposed development will result in a large volume of 'waste peat'. The volume of peat required to be disposed of needs to be assessed taking into account previous gross underestimates made in similar terrain in Shetland in recent years. It also needs to be made clear how this peat will be stored/disposed of. It is evident that much of the area is relatively intact so there are not many opportunities for utilising this peat elsewhere on site, while inappropriate storage/disposal could further damage the blanket mire surface, or increase the extent of the blanket mire surface that is damaged.

The ECU should be confident that the data input into the carbon calculator takes account of the full 'carbon costs' of this project. This should include the production of ALL windfarm infrastructure including associated infrastructure like roads and borrow pits, transport costs, and a full account of the carbon lost directly and indirectly through damaging the blanket mire surface and underlying peat.

There is no proposal to survey lower plants, notably bryophytes, or invertebrates. This would seem to be an omission. Given the habitat quality, and northern latitude, it is possible that the mire could hold species of importance in a British context.

There is no reference to the Scottish Biodiversity List which is surprising.

7.3 The scoping report is silent on the ornithological interest of the area but it is encouraging to see that further data will be collected in 2018. I am aware that there are around 20 pairs of breeding Red-throated Divers in the area

and considerable numbers of Dunlin (of the ssp *schinzii*) and Golden Plover breed there as do 1-2 pairs of Merlin – all four of these species are listed in Annex 1 of the Birds Directive. In addition it is likely that Birds of Conservation Concern Red List species such as Curlew, Lapwing and Skylark breed in numbers on the site.

7.4 This assessment should not be restricted to the potential effects of collision risk on breeding birds on the proposed windfarm but must also extend to considering the impacts of displacement and disturbance on breeding birds at the proposed Yell Windfarm and its vicinity.

It is also crucial that cumulative impacts of windfarms are given a thorough consideration in the EIA. These should consider the nearby Cullivoe windfarm, as well as the Viking and Beaw Field windfarms which currently have planning consent. This assessment should consider the cumulative impacts of collision risk, displacement and disturbance on breeding birds.

9.3 Geology.

Shetland is a UNESCO Global Geopark and this should be recognised in the EIA. There are over 100 geosites (sites of geological importance) in Shetland. The Local Authority can supply a list. These include all the SSSI and GCR sites listed in the Scoping report but also include a few more sites of geological importance.

9.6.4 When identifying timetables for peat probing surveys, due consideration should be given to the breeding bird season. It is an offence to wilfully disturb Schedule 1 breeding birds during the breeding season. There are Schedule 1 birds breeding on the site.

12 It is baffling that this area was not identified as 'wild land' in Scottish Natural Heritage's assessment of wild land made on behalf of Government in 2014. There are minimal signs of human impact over an area of around 4,000 hectares on the west side of Yell which includes the proposed area for wind farm development. I understand that it was excluded on the basis that an almost unused hill track was identified as a minor road. This is disappointing to say the least and may merit revisiting.

14.1.2 Is disingenuous to say the least. A wind farm constructed on peatland habitat does not have the potential to generate CO2 emissions, it DOES generate CO2 emissions.

The ECU should be confident that the data input into the carbon calculator takes account of the full 'carbon costs' of this project. This should include the production of ALL windfarm infrastructure including associated infrastructure like roads and borrow pits, transport costs, construction costs and a full account of the carbon lost directly and indirectly through damaging the blanket mire surface and underlying peat. Calculations presented in the EIA should highlight pitfalls in the calculator and present a mix of scenarios from best case to worst case.

We hope these comments are useful and would welcome acknowledgement that they have been received.

Paul Harvey
Project Officer Natural Heritage
 Shetland Amenity Trust, Garthspool,
 Lerwick, Shetland, ZE1 0NY
 Tel: (01595) 694688



The Shetland Amenity Trust is a registered
 Scottish charity, No: SC017505

From: Val Turner
Sent: 09 March 2018 14:52
To: McMillan J (Jenny)
Cc: Chris Dyer
Subject: Yell Wind Farm Scoping

Dear Jenny McMillan

THE ELECTRICITY ACT 1989 SECTION 36

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

SCOPING OPINION REQUEST FOR PROPOSED APPLICATION UNDER SECTION 36 FOR THE YELL WIND FARM, IN THE PLANNING AUTHORITY AREA OF SHETLAND ISLANDS COUNCIL

Please note that our advice remains the same as in our email of 11 Dec 2017
For your ease of reference I repeat that below.

Planning Consultation 2017/373/ECUCON
63 turbines, West of Cullivoe South of Gloup

Thank you for consulting us on this application.

The Historic Environment chapter (8) is rather thin and relies heavily on National guidance and advice. The comments below enable will enable it to come up to the standard generally expected.

8.2.1.Relevant Guidance and Advice should include reference to the Shetland Local Development Plan, in particular policies HE1 and HE4.

8.3.1 The Shetland SMR/HER has not been consulted for the Baseline Environment section.

We welcome the proposed consultation with ourselves (although it is not clear from the document whether the applicant understands our relationship with the Local Planning Authority)

Direct Effects

- The "SIC HER" is of course housed at Shetland Amenity Trust and they should come directly to us for information and advice
- Shetland Archives hold maps created by Thomas Irvine which may cover this area, and so should be checked

8.6.3 Identify areas with the potential..... Add "and recommend appropriate mitigation"

Proposed Field Survey Methods

This should include geophysical survey in the pockets of land where the terrain is suitable for this and archaeological peat coring (which may take the form of a suitably qualified and experienced archaeologist working with the team carrying out the environmental peat coring)

A consideration of the impact on the settings of scheduled monuments in the vicinity (eg: Burgi Geos)

The outcome of the Desk Based Assessment, Walkover and Geophysics/Coring should be the production of a mitigation strategy which is likely to include:

The appointment of a suitably qualified and experienced Archaeological Clerk of Works, approved by the Regional Archaeologist on behalf of the Planning Authority,

A strategy for any micro-siting required

A method statement for the following:

Permanent fencing

Watching briefs

Any Evaluation Excavation required, with the possible requirement for full excavation

Procedures to employ in the event of discovery of archaeology during the development

Reporting (even if nothing found) to OASIS through to full post-excavation and publication if appropriate

An Interpretative Strategy

- All of which to be approved in advance with the Regional Archaeologist on behalf of the Local Planning Authority.

Dr Val Turner

Shetland Regional Archaeologist

Shetland Amenity Trust, Garthspool,

Lerwick, Shetland, ZE1 0NY

Tel: (01595) 694688



The Shetland Amenity Trust is a registered Scottish charity, No: SC017505

Shetland Bird Club

Ms Nikki Anderson
Energy Consents Unit
Scottish Government
5 Atlantic Quay
150 Brommielaw
Glasgow
G2 8LU

Secretary@shetlandbirdclub.co.uk

14.01.2018

Dear Ms Anderson

Energy Consents Unit Ref: ECU00000512
EIA Scoping Request for Proposed 63 Turbine, 200MW Windfarm and Associated Infrastructure, West of Cullivoe, South of Gloup Yell, Shetland.

Shetland Bird Club has a number of concerns about this proposal, which if consented, could adversely impact breeding birds in what is currently a relatively remote part of Shetland with very little disturbance. The proposal has the potential to impact breeding birds, especially Red-throated Divers associated with a number of nearby Special Protection Areas. Consequently, Shetland Bird Club considers that the Environmental Impact Assessment (EIA) should consider the issues as follows.

Breeding birds

The proposed site of this development holds important breeding populations of a number of sensitive and important birds. The site is important for breeding Red-throated Diver, Merlin, Dunlin and Golden Plover, all of which are included in Annex 1 of the Birds Directive. Other important species in the area include Whimbrel, Arctic Skua, Curlew, Lapwing, Oystercatcher, Snipe and Redshank. Red-throated Diver, Merlin and Whimbrel are also included in Schedule 1 of the Wildlife and Countryside Act 1981 and so are specially protected. All possible impacts on these and other bird species breeding in areas potentially affected by the development and their potential mitigation should be considered by the EIA. The EIA should also consider the potential cumulative impacts of all consented and proposed developments in Shetland.

Potential impact on nearby Natura sites

Red-throated Divers breed in inland lochs and lochans but feed on small fish caught at sea in coastal waters. Red-throated Divers which breed in and around this area need to make a number of flights every day carrying in fish to provision their chicks. They need to make these flights in all weather conditions including mist, fog and heavy rain; flight lines can change with different wind directions, this should be considered as part of the EIA. This means that both breeding and non-breeding Red-throated Divers using the area of the proposed development could be feeding in nearby Bluemull Sound, including the Bluemull and Colgrave Sounds proposed SPA. In addition, non-breeding Red-throated Divers associated with the Otterswick and Graveland SPA and Hermaness, Saxavord and

Vallafield SPA could be visiting lochs in the area potentially affected by the development. All potential impacts on Red-throated Divers using these designated sites must be addressed by the EIA.

Potential effects on blanket bog

The breeding birds in the area of the proposed wind farm predominantly use blanket bog and its associated lochs and lochans for their breeding habitat. The construction of the development including turbines, roads, laydown areas, cable tracks and borrow pits could severely affect blanket bog and freshwater habitats. The EIA must consider such adverse effects and any potential mitigation.

Adverse effects on blanket bog habitat in the area must also be taken into account by the EIA when considering the carbon payback time for this development.

If you should require any further information, please let me know.

Yours sincerely,
REDACTED

Helen Moncrieff
secretary@shetlandbirdclub.co.uk

Nikki Anderson
Energy Consents Unit
The Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Your ref:
ECU00000512

Our ref:
TS00538

Date:
08/01/2018

Econsents_Admin@gov.scot

Dear Sirs,

THE ELECTRICITY ACT 1989 SECTION 36

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017**

**SCOPING OPINION REQUEST FOR PROPOSED APPLICATION UNDER SECTION 36 FOR
THE YELL WIND FARM**

With reference to your recent correspondence on the above development, we acknowledge receipt of a Scoping Report prepared by ITP Energised in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Trunk Road and Bus Operations (TRBO). Based on the review undertaken, we would provide the following comments.

Proposed Development

It is understood that the proposed development comprises up to 63 wind turbines with a maximum blade to tip height of up to 160m and an overall installed capacity of around 200MW. The site is located on the North of Yell which is the largest of the Shetland Isles. It is understood from the Scoping Report that the Applicant proposes to either construct a new jetty on Yell or use the existing infrastructure at Cullivoe Pier for the delivery of turbine components.

As there are no trunk roads on the Shetland Isles and turbine components will be transported by sea, Transport Scotland has no comment to make on this application, and has no objection to the development in terms of environmental impacts on the trunk road network.

I trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact Alan DeVenny at SYSTRA's Glasgow Office on 0141 226 6923.

Yours faithfully

John McDonald

**Transport Scotland
Trunk Road and Bus Operations**

cc Alan DeVenny – SYSTRA Ltd.

From: McDonald J (John)
Sent: 06 March 2018 09:33
To: Econsents Admin
Cc: Erskine A (Andrew); Lesley Logan
Subject: SCOPING OPINION REQUEST FOR PROPOSED APPLICATION UNDER SECTION 36 FOR THE YELL WIND FARM

Dear Jenny,

THE ELECTRICITY ACT 1989 SECTION 36

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

SCOPING OPINION REQUEST FOR PROPOSED APPLICATION UNDER SECTION 36 FOR THE YELL WIND FARM, IN THE PLANNING AUTHORITY AREA OF SHETLAND ISLANDS COUNCIL

Thank you for the opportunity to comment on the proposed layout changes to Yell Wind Farm. I can confirm that these changes do not affect Transport Scotland's conclusions as issued in our letter of 8 January 2018.

Kind Regards,

John

John McDonald

Development Management
Network Operations
Trunk Road and Bus Operations

Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF

transport.gov.scot



Transport Scotland, the national transport agency
Còmh dhail Alba, buidheann nàiseanta na còmh dhail

12 December 2017

Nikki Anderson
Consents Manager

Dear Ms Anderson,

Section 36 Application - Yell Wind Farm, Shetland

Thank you for giving VisitScotland the opportunity to comment on the above wind farm development. Our response focuses on the crucial importance of tourism to Scotland's local and national economy, and of the natural landscape for visitors.

Background Information

VisitScotland, as Scotland's National Tourism Organisation, has a strategic role to develop Scottish tourism in order to get the maximum economic benefit for the country. It exists to support the development of the tourism industry in Scotland and to market Scotland as a quality destination.

While VisitScotland understands and appreciates the importance of renewable energy, tourism is crucial to Scotland's economic and cultural well-being. It sustains a great diversity of businesses throughout the country. According to a recent independent report by Deloitte, tourism generates £11 billion for the economy and employs over 200,000 - 9% of the Scottish workforce. Tourism provides jobs in the private sector and stimulates the regeneration of urban and rural areas.

One of the Scottish Government and VisitScotland's key ambitions is to grow tourism revenues and make Scotland one of the world's foremost tourist destinations. This ambition is now common currency in both public and private sectors in Scotland, and the expectations of businesses on the ground have been raised as to how they might contribute to and benefit from such growth.

Importance of scenery to tourism

Scenery and the natural environment have become the two most important factors for visitors in recent years when choosing a holiday location.

The importance of this element to tourism in Scotland cannot be underestimated. The character and visual amenity value of Scotland's landscapes is a key driver of our tourism product: a large majority of visitors to Scotland come because of the landscape, scenery and the wider environment, which supports important visitor activities such as walking, cycling wildlife watching and visiting historic sites.

The VisitScotland Visitor Experience Survey (2015/16) confirms the basis of this argument with its ranking of the key factors influencing visitors when choosing Scotland as a holiday location. In this study, over half of visitors rated scenery and the natural environment as the main reason for visiting Scotland. Full details of the Visitor Experience Survey can be found on the organisation's corporate website, here:

http://www.visitscotland.org/research_and_statistics/tourism_topics/wind_farms.aspx

Taking tourism considerations into account

We would suggest that full consideration is also given to the Scottish Government's 2007 research on the impact of wind farms on tourism. In its report, you can find recommendations for planning authorities which could help to minimise any negative effects of wind farms on the tourism industry. The report also notes that planning consideration would be greatly assisted if the developers produced a Tourist Impact Statement as part of the Environmental Impact Analysis, and that planning authorities may wish to consider the following factors to ensure that any adverse local impacts on tourism are minimised:

- The number of tourists travelling past en route elsewhere
- The views from accommodation in the area
- The relative scale of tourism impact i.e. local and national
- The potential positives associated with the development
- The views of tourist organisations, i.e. local tourist businesses or VisitScotland

The full study can be found at

www.scotland.gov.uk/Publications/2008/03/07113507/1

Conclusion

Given the aforementioned importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland, VisitScotland would strongly recommend any potential detrimental impact of the proposed development on tourism - whether visually, environmentally and economically - be identified and considered in full. This includes when taking decisions over turbine height and number.

VisitScotland would also urge consideration of the specific concerns raised above relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.

We hope this response is helpful to you.

Yours sincerely,

Douglas Keith
Government & Parliamentary Affairs Executive
VisitScotland