

# Appendix 2.1 Consultation Responses

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# 2.1a

**From:** Smith Colin@Marine Planning on behalf of Planning Flooding Drainage Coastal  
**Sent:** 7 Jun 2019 14:33:29 +0100  
**To:** Development Management@Development  
**Subject:** RE: PLANNING CONSULTATION Ref 2019/127/ECUCON

## Background

This is an application for construction of a windfarm and associated access roads near Cullivoe, Yell. The submitted documents contain background information on the flood risk and hydrology of the site and covers the general approach to drainage but do not include more detailed information on location specific drainage proposals.

There does not appear to be a specific statement that SUDs features will be provided for all proposed development, but drainage features which could form parts of a SUDs drainage network are mentioned, and policy and guidance documents which include provision of SUDs drainage are referenced.

## Comments

In the submitted documents the drainage approach is outlined as:

3.3.30 An outline drainage strategy is presented in Appendix 3.1. This provides details on the management of surface waters and of foul water across the site, with detailed information for drainage related to tracks, borrow pits and crane hardstandings.

3.3.31 A detailed drainage design will be undertaken and provided to SEPA and SIC prior to construction.

The appointed contractor would be responsible for the management of all surface water run-off, including the design and management of a drainage scheme compliant with SUDS principles. This may include settlement lagoons and retention ponds, incorporating natural or assisted attenuation

## Local policy requirements for drainage and flood risk:

SUDs drainage is a requirement for all parts of the proposed development, under both the Water Environment (Controlled Activities) Scotland regulations 2011 and local planning policy.

The base drainage and flood risk requirements from local policy can be summarised as:

- The drainage design should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level which would have occurred on the greenfield site.
- The drainage should ensure that no flood risk is created to buildings or infrastructure during rainfall events of up to 1 in 200 year return periods.
- SUDs drainage should be selected, designed, sized and maintained in accordance with the current version of The SUDs Manual (C753).

The submitted documents make reference to SUDs Manual C697 but the subsequent revision, C753, should be used and it should be noted that this takes a significantly different approach in some respects, notably in the new methodology for water quality treatment requirements.

As a general comment I would also suggest that the clarity of the proposals could be improved by covering the drainage proposals for the construction phase and for the operational phase in wholly separate sections, as currently it is not always clear which parts of the submitted information is intended to apply to which stage, and assumptions made on those phasing and timeline details may not match those that are intended.

Additionally for this development the drainage design and SUDs selection process would appear to have to be strongly influenced by environmental issues related to peat hydrology, peat stability and GWDTE protection.

Not all SUDs drainage options complying with C753 would necessarily be suitable approaches in all situations, when considering these other aspects.

I would suggest that while “point” sites such as the wind turbine bases and hardstanding areas would seem more likely to be able to be covered by relatively small variations in generic layout plans, the connection access tracks would involve more variable and location specific conditions, both in terms of the issues to be dealt with and in the form of an appropriate solution, and that effort made earlier in the design process to better understand those issues would be helpful.

While I understand the applicant’s reasons for waiting until later in the process to produce detailed drainage submissions, I would point out that the scale of the works and the interaction of different concerns from different consultees may mean that the approval process may not be rapid, particularly if a sequence of design development changes all have to cycle through multiple consultees.

The submitted information does not allow me to consider all aspects of the development, however there are some issues that I have noted when reading the current submitted information:

Figure 3.2 Turbine Foundation

No drainage proposals are shown. SUDs drainage would be required for the new hard areas remaining above ground. Sheet flow onto adjacent soiled and vegetated areas to form a SUDs filter strip could be an acceptable approach, depending on detailing and location specific issues.

Figure 3.3 Crane Hardstanding Detail

The sectional drawing includes drainage labelled as a ditch but with the general design features of a swale. A swale could be an acceptable form of SUDs drainage, depending on a suitable plan layout and detailing and location specific issues.

Figure 3.4 Typical Access Track Detail

Roadside ditches are shown on non-floating road cross sections. A ditch would not be a suitable SUDs drainage device, and therefore, if it were to be used, it would have to carry water into a SUDs device downstream, before discharge.

No soiling/seeding is indicated, and successful establishment of vegetation during the construction phase would have significant positive effects on operations stage drainage design and inspection/maintenance requirements.

Figure 3.5:Watercourse Crossing Detail

Generic plans for culverts and arch culvert crossings of watercourses have been submitted and, for the level of detail shown those appear to be generally appropriate.

Sizing information should be included before construction works, either demonstrating the ability to carry 1 in 200 year event flows, or demonstrating that surcharging and/or overtopping

can be accommodated without creating a flood risk.

The cross-sections do not include any indication of edge restraints, and the requirement for those and appropriate design if required should also be submitted.

I would note that the submission states that culverts will be less than 5m in length, otherwise bottomless culverts will be used, while other information shows the track width as a minimum of 5m wide.

The combination of dimensions and design approaches shown would not appear to be compatible with each other and further consideration is needed.

In regard to longitudinal profiles for the culverts, notes state that “Culvert floors will have the same gradient (not exceeding a slope of 3 %) and level, and carry similar bed material and flow, as the original stream” and also that “There shall be no hydraulic drop at the culvert inlet or outlet”.

It is not clear how those combinations of requirements could be met where the original stream has a gradient of over 3%?

#### Figure 3.6a Typical Drainage Details

The plans indicate a generic approach to the water drainage train which appears to be good practice, with clean water and water for treatment kept separated but the layout.

As with some elements of the above proposals, it is not clear if the layout indicated is intended to be used for both construction and operations phases of the development – the same SUDs drainage details could be used for both, but permanent SUDs features for the operations phase may benefit from specific design, as vegetation grows in, surfaces stabilise and requirements alter in some ways.

#### Figure 3.6b Typical Drainage Details

The drawing shows typical cross sections of different forms of drainage construction.

I would note:

Type 1,2,3 ditch options shown are not SUDs devices

Type 5 and Type6, Type 7 filter drains are generally acceptable, but I would suggest that the 1:1 sections shown may create practical difficulties in preventing material from sides washing into drain, and in forming stable slopes where vegetation can take hold.

The Type 8 swale detail does not include a geotextile membrane to the filter trench section, which may not be suitable for all ground conditions, particularly where this was to form permanent drainage. No vegetation is shown, which would be required for a swale to provide water quality treatment.

Notes are included that “Check dams should be installed on gradients of less than 1 in 3, as outlined in the SuDS Manual.” But the requirement in the SUDs Design manual is for check dams where longitudinal gradients exceed 3%, not 1 in 3.

#### New length of access road and junction with A968

The site plan notes a length of new road to be formed to create a new junction and access route

for exceptional loads with the A968 at Bastavoe.  
No further information on those parts of the proposals have been submitted but, to confirm, that length of road will also require a SUDs design to Ciria C753 standards.

## Summary

- The submitted information indicates appropriate general drainage intentions but does not include a great deal of location specific information.
- The stated intention to provide more detailed information by the contractor in the time shortly before construction work begins.
- The amount of additional information required and the potential impacts on other consultees' areas if interest should not be underestimated
- The lack of clarity on which proposals are for construction phase alone, and which will be retained for the operations phase is also not helpful for identifying potential issues still to be addressed.

I would welcome ongoing discussions of these issues, both regarding planning issues with the planning officer and other consultees, and also on design issues with the applicant's or contractor's design team(s).

Colin Smith  
Planning Engineer

Shetland Islands Council | 8 North Ness | Lerwick | Shetland  
Tel [REDACTED]  
Email [REDACTED]

-----Original Message-----

From: Development Management@Development  
Sent: 29 May 2019 09:44  
To: Planning Flooding Drainage Coastal [REDACTED]  
Subject: PLANNING CONSULTATION Ref 2019/127/ECUCON

Please find attached Consultation Request for 2019/127/ECUCON

Planning Ref: 2019/127/ECUCON  
Proposal: Application under section 36 of the Electricity Act 1989 for a  
Windfarm (with an installed capacity of up to 200MW)  
Address: Land 147M West Of Sellafirth, 1.8km West Of Cullivoe And , 812M  
South Of Gloup, Yell Shetland

Applicant: Energy Isles Limited  
Date of Consultation: 29 May 2019

## **Planning Application Consultation**

### **Planning Application 2019/127/ECUCON**

**Address:** Land 147M West Of Sellafirth, 1.8km West Of Cullivoe And 812M South Of Gloup, Yell Shetland

**Applicant:** Energy Isles Limited

**Proposal:** Application under section 36 of the Electricity Act 1989 for a Windfarm (with an installed capacity of up to 200MW)

#### **Economic Development Comments:**

The Energy Isles wind farm application is for up to 27 wind turbines of 200m blade tip height and a capacity of up to 200MW.

This wind farm, like the consented Viking Energy Wind Farm (103 turbines, 457MW), Beaw Field Wind Farm in South Yell (17 turbines, 59.5 MW), and the Mossy Hill Wind Farm near Lerwick (12 turbines, 50 MW), is looking to utilise the proposed 600MW HVDC link to the UK mainland for the export of renewable energy from Shetland. The capacity of these consented projects combined is already 566.5 MW. It is believed that the Energy Isles Wind Farm is contracted for connecting 120 MW of generation. An additional 200 MW wind farm would lead to overcapacity on the HVDC link if all the consented wind generation on Shetland is built.

The proposed Energy Isles project in North Yell would require capacity on the proposed 600 MW HVDC link between Shetland and the Scottish Mainland. The needs case presented to Ofgem for the 600 MW HVDC link is based on the commitment and underwrite by the consented 457 MW Viking Wind Farm and will only be constructed if the Viking project proceeds. Additional consented generation in Shetland would add support to the needs case for the HVDC link, but these projects would still have to prove themselves to be competitive in gaining a Contract for Difference or route to market to sell power and be able to access the grid. A decision on the Contract for Difference is expected in early September 2019.

The projects in Yell have to fund connections to the main HVDC convertor stations or an appropriate point on the Shetland mainland to connect in. The infrastructure required for this is not clear and will require a separate planning application from the grid operator; this infrastructure is directly related to the Energy Isles project in the scope of the cumulative impact of further onshore wind development in Shetland.

The Energy Isles wind farm is a private development by a consortium of around 50 companies. The applicant has committed to the provision of a community benefit fund that is based on a value of £5,000 per MW installed and this would equate to an annual payment of £600,000 based on a capacity of 120 MW or £1,000,000 per annum for 200 MW. This money would provide a positive socio economic benefit over the 30 year life of the project to the North Isles.

## Tourism

In the assessment of the project impact on tourism and the study area of 15km, the Hermaness Nature Reserve is noted to lie just 1 km outside of this and is identified as the largest tourist attraction in the North Isles. As Hermaness was outside of the study area the developer did not undertake further investigation into the impact. However, many visitors travel to Unst as it is the most northerly island in the UK, with spectacular coastal scenery. Results from the Shetland Visitor Survey 2017 showed that, when asked why they visited Shetland, 57% of respondents cited the 'scenery and landscape', the most cited reason for visiting. It is felt that the cumulative impact of wind farms across Shetland, not just within the limited zone in this study, should be assessed as to how they will impact on the character of Shetland's landscape.

Early prospectors for wind sites as far back as 2003 had looked at numerous locations across Shetland for large scale development and at that time the Council planning service realised the need to develop planning guidance for onshore wind. The current Council adopted Onshore Wind Energy Supplementary Guidance in February 2018. This is supported by the Landscape Sensitivity and Capacity Study for Wind Farm Development on the Shetland Islands (2009).

The views from Saxa Vord and Hermaness look out across the most northerly promontories of the UK, including Muckle Flugga, Hermaness, North Yell and the Holm of Grou, Ramna Stacks, Fethaland and Uyea. This large scale project will alter this relatively unspoilt wild coastal landscape. The scale of turbines at 200m on top of the hills in North Yell would mean they are higher than the hills of Vallafield by almost 100m, noted high ground on Unst that provides panoramic viewpoints over North Yell. The few visualisations that put the new development in context with the existing wind turbines at Cullivoe providing some indication of scale, the Garth wind turbines certainly no longer look prominent in the landscape.

It stated that there was no Dark Skies status in the area but this is an area noted for the quality of its night skies and lack of light pollution. The number of lights in the skyline as shown in the photo montages would significantly impact on night sky views towards the wind farm. There is a project in Unst developing a 'Wild Skies' centre which is looking to be developed as a visitor attraction.

During the construction phase of the project there will be significant opportunity for local contractors to bid for civils works. Cumulatively, along with other consented projects in Shetland and associated grid infrastructure this would create a large scale construction phase across Shetland. If local contractors are successful in securing construction contracts this would have a significant positive impact on the local supply chain businesses of estimated worth up to £7.1m in Shetland based wages on a 200 MW project during construction. The value of local construction contracts on a 200 MW project is estimated at £24.5 million. The socio-economic impact of the construction is considered to be moderate and beneficial.

The ongoing maintenance of the project would create 5 FT jobs in Shetland so is considered to have minor impact but beneficial. There is potential for these skilled jobs to create valuable local employment opportunities in the North Isles but is considered of minor impact

in Shetland terms. Estimated spend per annum during the operation phase of the wind farm is up to £600k.

This project is in line with Council policy as detailed within the Shetland Islands Council's Economic Development Strategy 2018-2022 to "reduce dependence on fossil fuels and increase installed renewable energy sources", and the outcome to "support local efforts to establish an interconnector between Shetland and UK Mainland." The strategy objectives: "Encourage growth, development and diversification in the private sector"

The project is being developed by a consortium of local business investors and there is a potential offer for the North Isles Community Councils to buy in a share, the aim being to maximise local benefit. This is no guarantee as to how the final project will go ahead and be financed in this model, as we have seen in the case of Viking Wind Farm where the Shetland owned and community shareholding has been taken over by a large power company from outside Shetland after consent was in place.

As stated above, the scale of the proposed development is greater than available grid capacity. The turbines are very large scale and once on top of the Yell hills have a tip height of up to 310m above sea level, higher than the highest hills of Unst such as Vallafeld (216m), Hermaness (200m) and the highest point of Saxa Vord (284m). Wider cumulative impact across Shetland is hard to assess as the large Viking Wind Farm has not yet been constructed, and to get a clear picture of how to approve additional large scale wind without this knowledge requires careful consideration.

**From:** Taylor Ian@Environmental Health & Trading Standards  
**Sent:** 16 Jul 2019 13:08:54 +0100  
**To:** Development Management@Development  
**Cc:** Dinsdale Patti@Environmental Health & Trading Standards;Halcrow Lyall@Environmental Health & Trading Standards;Barclay Janet@Development Management  
**Subject:** FW: Consultation Request - 2019/127/ECUCON

Good afternoon

Thank you for consulting with the Environmental Health department regarding planning application 2019/127/ECUCON, an application under section 36 of the Electricity Act 1989 for a Windfarm (with an installed capacity of up to 200MW), on land 147M West Of Sellafirth, 1.8km West Of Cullivoe and 812M South Of Gloup Yell Shetland.

I can confirm that the department has assessed the submitted documentation for this application and has the following comments to make;

- With regards to highlighted stressors with potential to adversely affect identified receptors including, noise including Amplitude Modulation, vibration, shadow flicker and air quality, the department accepts the findings of the EIA.
- When considering the noise limits to apply to this application, I can confirm that the department agrees with the findings that any additional cumulative effect of this proposal will not result in any additional significant effect. Furthermore the department considers the imposition of the higher ETSU noise limit of “40 dBLA90, or background +5 dB, whichever is the higher” during the daytime period, and “43 dBLA90, or background +5 dB, whichever is the higher” during the night-time period, as suitable limits to be imposed for this development.
- The department agrees with the proposal of micro-siting turbines of distances between 50m and 100m where necessary, subject to consultation and prior written approval of Shetland Islands Council (SIC)
- With regards to the hours of work specified for this development, the department agrees with the hours detailed for Monday to Fridays, 07:00 to 19:00, and Saturday, 08:00 to 18:00, however does not agree with works being undertaken on Sundays or on local or national public holidays. It is recommended that no work are permitted to be undertaken on Sundays or local or national public holidays, in keeping with conditions imposed on similar developments within the local authority area.
- The department reserves the right comment on the CEMP and the OEMP that are to be submitted for this development. This is to ensure they fully protect the identified receptors from nuisance potentially caused during the construction and operational phases of this development. The CEMP plan should be reviewed for the decommissioning phase of the development in line with current legislative requirements at that time.

Subject to the above points being actioned, I can confirm that the department has no other objection or other comment to lodge against this application.

Should you wish to discuss any of the content above please do not hesitate to contact me.

Regards

Ian

Ian Taylor  
Assistant Environmental Health Officer  
Shetland Islands Council  
Environmental Health & Trading Standards Dept.  
Old Anderson High School  
Lovers Loan  
ZE1 0BA

Tel: [REDACTED]  
Mo [REDACTED]

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**From:** Development Management@Development <[REDACTED]>  
**Sent:** 26 June 2019 16:08

[REDACTED]

**Cc:** Barclay Janet@Development Management <[REDACTED]>  
**Subject:** Reminder - Consultation Request - 2019/127/ECUCON

Hi

We sent you a consultation request on the 29.05.2019 with an expiry date of 12.06.2019 for 2019/127/ECUCON – we would appreciate if you could forward to us as soon as possible any response you may have in relation to this application.

If you have any queries please contact Janet Barclay on 744829 who is the officer dealing with this application.

Many thanks in anticipation of your response.

With kind regards

Fiona Sutherland

**Fiona Sutherland | Business Support Officer**  
**Development Management/Building Standards | Shetland Islands Council | Development Services**  
8 North Ness Business Park | Lerwick | Shetland | ZE1 0LZ  
Tel: 

**From:** Pallant Simon@Development Plans and Heritage  
**Sent:** 27 Jun 2019 10:28:53 +0100  
**To:** Development Management@Development  
**Cc:** Marine Planning@Development Services; Rosie John@Marine Planning; Leask Ryan@Marine Planning; Barclay Janet@Development Management  
**Subject:** RE: Reminder - Consultation Request - 2019/127/ECUCON

Hi,

Further to the email below on application 2019/127/ECUCON, I write to confirm that the Marine Planning have no comments to make on this application.

Regards

Simon

**Simon Pallant | Coastal Zone Manager – Marine Planning | Shetland Islands Council | Development Services**  
8 North Ness Business Park | Lerwick | Shetland | ZE1 0LZ  
Tel: [REDACTED]

---

**From:** Development Management@Development  
**Sent:** 26 June 2019 16:08  
**To:** Development Plans <[REDACTED]>; foodsafety [REDACTED]; Marine Planning@Development Services [REDACTED]; Roads Traffic [REDACTED]; Taylor Austin@Development Plans and Heritage [REDACTED]; Shetland Amenity Info <[REDACTED]>  
**Cc:** Barclay Janet@Development Management <[REDACTED]>  
**Subject:** Reminder - Consultation Request - 2019/127/ECUCON

Hi

We sent you a consultation request on the 29.05.2019 with an expiry date of 12.06.2019 for 2019/127/ECUCON – we would appreciate if you could forward to us as soon as possible any response you may have in relation to this application.

If you have any queries please contact Janet Barclay on 744829 who is the officer dealing with this application.

Many thanks in anticipation of your response.

With kind regards

Fiona Sutherland

**Fiona Sutherland | Business Support Officer**  
Development Management/Building Standards | Shetland Islands Council | Development Services  
8 North Ness Business Park | Lerwick | Shetland | ZE1 0LZ

Tel: 01595 744820

**From:** Serginson Kevin@Development Plans and Heritage  
**Sent:** 3 Jun 2019 13:29:25 +0100  
**To:** Development Management@Development  
**Subject:** 2019/127/ECUCON for a 200MW windfarm west of Cullivoe, Yell

Thank you for the opportunity to comment on 2019/127/ECUCON for a 200MW windfarm west of Cullivoe, Yell

I note that Figures 11.2 and 12.1 in the EIA report show core paths, national cycle route NCN1 and the access route near the Gloup Fisherman's Memorial which are all formal routes.

Of these, Core path CPPY04 will be directly and adversely affected by the proposal as it follows the old road from Basta Voe to Cullivoe and has been highlighted as the main access route to the windfarm. The proposed compound and borrow pit at Basta Voe will also adversely affect the public enjoyment of this route.

In addition to these within the site there is a locally used historic route (mentioned in the EIA) from the old road/ core path (CPPY04) that leads to the remains of Heatherdale at Grid Ref.HP512017 from which people often continue to the coast via the Easter Lee of Gloup and Gloup Access Route (ARY01).

Though just outside the redline boundary a route from Gloup to the Hill of Scordaback is also promoted on various internet sites with a trig point for people to 'tick off'. This route along with elements of the Heatherdale route also forms part of a 'Gloup Voe and Scordaback' circular route promoted by Walkhighlands website.

There maybe be other access activities currently enjoyed in the area that I am not aware of which could be impacted upon by the development of a major windfarm such as fishing, photography, art, nature studies and wild camping across the area as a whole, but this has not been addressed in the EIA.

If developed, access tracks in this area would provide for a large area of traffic free accessible cycling and equestrian routes which does not exist elsewhere on Yell. I would expect a development to consider that expected use, and the benefit of any additional links for this use, such as between access track ends, or for instance from T29 through to the Scordaback track and Gloup which is promoted on Walkhighlands.

**Chapter 12 Socio-Economic, Tourism and Recreation and Land-use** lists in table 12.1 the consultation responses to scoping opinion in 2018 where an Outdoor Access Plan was requested by Shetland Islands Council and Scotways echoed the expectation of an Access Plan. In 12.3.2 it states:

The requirement for details of any new access routes to be included within an Access Route Plan. No new access is proposed as part of the Proposed Development however, access will be maintained as detailed in Section 0.

However, I am unable to find section 0. There is suggestion that an Outdoor Access Plan will be completed if it is a condition of development. However, it is actually a requirement of the SIC On Shore Wind Energy Supplementary Guidance to inform discussion and the design of the development, not as a planning condition to say solely how what is already there will be managed.

In relation to the above the potential of new access and any supporting infrastructure should be considered and be part of an Outdoor Access Plan to prevent erosion and disturbance that may occur due to the development of desire lines.

SNH Constructed tracks in the Scottish uplands 2015, 3.8.1 ACCESS AND RECREATION IN THE SCOTTISH UPLANDS states:

Without careful planning, recreational use of tracks can also result in unforeseen problems. This is particularly likely where the track ends and walkers, cyclists and riders create new 'desire lines', resulting in erosion and other problems. There may be a need to create new paths or to link into existing routes to avoid these problems, especially where there is an obvious desire line between the proposed track and a point of interest such as a summit, viewpoint or waterfall. The same may be true where people might be expected to cut across country to reach another path or track in order to create a circular walk.

**Shetland Island Council's adopted Supplementary Guidance – Onshore Wind Energy 2018** policy DC4 Impacts on Communities states:

Development proposals must, in combination with existing and consented wind energy developments, assess the likely impact on communities and the long term impacts on amenity including outdoor access, recreation and tourism opportunities.

Planning applications must be accompanied by an assessment of the effects on these locations covering a range of factors including.... impacts on access routes and recreation interests.

To the best of my knowledge this assessment, which is a requirement of policy DC4, has not been adequately carried out, nor included in any documents. As previously stated during the scoping response an assessment would contain:

- A map detailing the existing paths, Core Paths, Access Routes, Public Rights of Way and desire lines 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 showing consideration or consultation undertaken with local communities, Shetland Outdoor Access forum and relevant recreational user

groups (e.g. walking, cycling, equine, water sport, angling, nature study, and photography) with respect to informal and formal access use.

And would include maps detailing new routes, proposed changes to existing routes along with the details of management of access during and after construction.

SNH's document '[A Brief Guide to Preparing and Outdoor Access Plan](#)' gives further guidance on this.

Therefore I would ask that the applicant provides an assessment of the effects of the developments impacts on access routes and recreation interests as per policy DC4 via an Outdoor Access Plan which demonstrates consultation with users groups, community and tourism groups, and the Shetland Outdoor Access Forum. Plus, how they will optimise the use of new and existing infrastructure, and desire lines to provide safe and convenient opportunities for walking, cycling and horse riding for both active travel and recreation in order to prevent erosion and other unforeseen problems caused by the development of unconsidered desire lines.

Regards

Kevin Serginson

Outdoor Access Officer for Shetland Islands Council



<http://www.shetland.gov.uk/corepaths>



**From:** Maitland Greg@Harbour Master & Port Operations  
**Sent:** 6 Aug 2019 14:47:13 +0100  
**To:** Development Management@Development  
**Cc:** Inkster Andrew@Harbour Master & Port Operations;Main Kevin@Harbour Master & Port Operations  
**Subject:** Energy Isles - proposed wind farm in Yell Ref 2019/127/ECUCON

Good Afternoon Janet,

I have consulted with my colleagues on this application.

In addition to the comments already made in the consultation, the proposed method of delivering the turbine components onto Yell through the Ulsta Ferry Terminal is theoretically possible. We do not however have the detail required to fully endorse this plan. To do so we would expect to see detail of the proposed barge/vessel, its stability arrangements and linkspan connection.

We would also require a detailed proposal which would indicate how this operation would avoid conflict with the ferry timetables and also take note of the blue light requirements to access the Northern Isles. We would also require sight of a traffic management plan that avoided the peak travelling hours for islanders.

If you need any further information, please get in touch.

Kind Regards

Greg

**Captain Greg Maitland, MNI  
Harbour Master**

**Shetland Islands Council**

Port Administration Building  
Sella Ness, Sullom Voe  
Shetland, ZE2 9QR

T  
M  
F



# MEMO

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To: Development Control

From: Roads

If calling please ask for  
Brian Halcrow  
Direct Dial: 4883

Medium: email

Date: 10<sup>th</sup> July 2019

Our Ref: BH/SMG/R/G2/YUF

Your Ref:

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**Application: 2019/127/ECUCON**

**Address: Land 147m West of Sellafirth 1.8km West of Cullivoe and 812m South of Gloup, Yell, Shetland**

**Proposal: Application under section 36 of the electricity act 1989 for a Windfarm (with an installed capacity of up to 200mw)**

**Date of Consultation: 20<sup>th</sup> June 2019**

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## Recommended Action:

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### Road Authority Comments:

#### Junction and Site Access

The new access onto the A968 as proposed indicates visibility splays of 110m to the west and 125m to the east. The speed measured by the applicant at this location is 43.5 mph for the 85%ile and an average speed of 37.4 mph. I find these speeds to be quite low compared to our experience of speeds in the area. The survey was carried out around 19<sup>th</sup> November 2018 when icy weather can occur and light conditions are generally dark so this may explain the apparently low readings. Our records show data from April 2018 for the area that give an 85%ile speed of 54mph and an average speed of 47mph. I believe these figures are more representative of typical speeds in this area. Experience of general vehicle speeds on the A968 through Yell indicated 85%ile speeds of between 50 and 65mph on various sections of the route.

The proposed access point for the site has actually has 160 metres of visibility to the southeast and a 215 metres splay is available to the west. The existing access to the old road, whilst it has a poor junction alignment onto the public road, does have the full 215 metres visibility in both directions.

I do note from the swept path analysis for the junction and in particular for the abnormal loads, that there would appear to be more earthworks required than indicated given that the new junction is all in cut. There are no level details indicated within the submission plans so show how this access will link into the existing road to the site.

The Old Cullivoe road, which is still a classified public road (the B9082), is unbound and is proposed to serve the development off the A968. The section of the B9082 between the furthest access road and the A968 will require to be improved, and these works will require

Road Construction Consent. This will require a significantly greater level of detail on the proposed construction than have been submitted in with this application. Guidance on RCCs and the process are available on the Council website under the Roads Service section.

### Transport Assessment

The Transport Assessment raises a few issues over the supply of materials and the method of entry to the island. The proposed barge deliveries to Ulsta would require to be worked up in greater detail before I could comment properly on the proposals. The main issue to be addressed is the bottleneck at Ulsta for the supply of materials given the limited space for even temporary lay-down storage.

I am particularly concerned over the proposed provision of aggregates for the project coming from the Shetland mainland and the implications this might have on the capacity of the Yell ferries. I would be happier if the aggregate could be sourced with the island, or an alternative method for transportation identified that would not require use of the regular ferry service. The applicant states in its submission that all details will be addressed fully in a Construction Traffic Management Plan for the development. While this should be conditioned, and will deal with many issues, I would recommend that the applicant addresses the potential ferry capacity issue in detail with Councils Ferry Service as part of this submission.

### Haulage Routes

While no final decision has been made on the sources of material, or the transportation/haulage routes into the site, I will require road condition surveys to be carried out between any of the potential material sources or transportation hub points to the site. This will allow clear identification of any damage or accelerated wear and tear caused to the public road network by the proposed development. This damage would then have to be rectified, and a financial contribution for wear and tear made, by the developer to the satisfaction of Shetland Islands Council Roads Service. This should be covered by a Section 96 Agreement between the developer and the Shetland Islands Council.

I note from the submission that it is expected that no peat is will require be removed from site, with access roads and site compounds being generally of a floated construction to minimise volumes. This will lessen any impacts on the public road network. However, if this changes then there could be a significant and un-evaluated impact on the public road network. I would therefore request that any such change requires an additional consent so that appropriate control or mitigation measures can be ensured.

### Site Details

I note that the access tracks are proposed to be 5 metres wide, but this would appear to include the verges. This will generally mean a 3 metre wide road with 1 metre verges. This arrangement would need regular widened sections to allow the passing and meeting of vehicles. Bend widening will also be required for larger loads.

The drainage details for the access tracks indicate ditches and filter drains running alongside. If the accesses are to be floated then careful consideration will require to be given to drainage within these areas and how it interfaces with drainage within and from fully founded areas of construction.

Lighting of the compound next to the A968 public road should ensure that there is no glare or light spill onto the public road. Full cut off lanterns that limit the spread of light will be required as part of any design, which will need to be approved by the Roads Service.

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Executive Manager, Roads

## 2.1b

Our ref: PCS/165327  
Your ref: ECU00001844

If telephoning ask for:  
Alison Wilson

24 June 2019

Carolanne Brown  
Energy Consents Unit  
Scottish Government  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

By email only to: [Econsents\\_admin@gov.scot](mailto:Econsents_admin@gov.scot)

Dear Ms Brown

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)  
(SCOTLAND) REGULATIONS 2017  
ELECTRICITY ACT 1989 SECTION 36 AND SCHEDULE 8: APPLICATION FOR THE  
PROPOSED ENERGY ISLES WIND FARM, SOUTH OF GLOUP ON THE ISLAND OF  
YELL, WITHIN THE PLANNING AUTHORITY AREA OF SHETLAND ISLAND  
COUNCIL AREA.**

Thank you for your consultation email which SEPA received on 14 May 2019.

**Advice for the determining authority**

We ask that the planning **conditions** in Section 1 (Peat Management Plan and Restoration Plan), 4.1 (buffer strip), 4.2 (micro-siting), 5.(CEMP), 6 (flood risk), 7 (borrow pits) and 8 (Decommissioning and Restoration Plan) be attached to the consent. If any of these will not be applied, then please consider this representation as an **objection**. Please also note the advice provided below.

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

- 1.1 We welcome the submission of the Outline Peat Management Plan and Restoration Plan (PMP) and confirmation that “The peat management plan will be further updated using the additional survey data and detailed infrastructure design.” To ensure this additional information is provided and that all works are carried out as agreed we request that a **condition** is attached to any grant of planning consent requiring that the updated peat management plan is submitted prior to any works on site to the written satisfaction of the determining authority in consultation with SEPA and all works are then carried out in accordance with the agreed plan. Reason: In order to minimise disturbance of peat and ensure the appropriate reuse and management of peat on site.

- 1.2 In regard to the additional survey data required to inform the updated PMP please note the following. A 100 metre micro-siting allowance in all directions is sought for each turbine base and associated infrastructure. This should only be granted if additional peat survey data is provided to cover the full micro-siting allowance as the submitted peat survey data included a 50 metre micro-siting allowance.
- 1.3 In addition, the expected peat extraction level is still extensive and we consider there are opportunities to significantly reduce this which should be investigated fully. For example if peat extraction volumes can be reduced for crane hardstandings by modifying the construction methods. Also, based on the peat survey (probe depths and interpolated) it appears that it may be possible to make reductions by further adjustment of the layout design. The following infrastructure appears to have some scope for this – potential relocation sites would also have be probed for peat depth to ensure reduction in peat excavation:

Turbines & hardstandings: T7, T12, T14, T18, T23, T29

T7 – could the laydown be moved to shallower peat nearby?

Compounds:

C2 – could it move north to T28 where peat is shallower?

Borrow pit areas: it should be investigated whether it is possible to make the following adjustments

D - move west?

E – reduce area to avoid deeper peat in south

F – completely relocate or replace, e.g. by using areas in shallower peat near T8 or near track between T13 and T17/T18

G – move to south between T28 and T29, south of Burn of Hildigill

H – move north to avoid water course and deeper peat

Information to demonstrate the above has been investigated and all viable measures have been taken on site to reduce peat extraction should be provided in the PMP.

- 1.4 In regard to peat reuse, in general we find this acceptable and the storage methods appear to be good practice. In re-use, in the bare peat areas active promotion of revegetation is proposed where not occurring naturally. We request that where peat is deposited as described under infrastructure re-use in the peat management plan, that the revegetation should be monitored, and a similar approach to that taken in bare peat is applied to encourage and promote revegetation if natural revegetation by peatland vegetation is not occurring.
- 1.5 The location of the peat storage areas should seek to avoid damage to good quality peatland vegetation, stacking vegetated peat turves should also be avoided. The use of excavated peat in screening bunds is not considered good practice. The guidance that includes this as a possible acceptable use is being updated and so any such proposals should be amended. Information to demonstrate compliance with the above should be provided in the PMP.

## **2. Existing groundwater abstractions**

- 2.1 We welcome the information on private water supplies and, based on this information, are satisfied that the proposed windfarm will have a limited impact on private water supplies in the area.

### 3. Disruption to groundwater dependant terrestrial ecosystems (GWDTE)

- 3.1 We accept the assessment and therefore have **no objection** to the proposed development on the grounds of potential impacts on GWDTE. The methodology used to determine whether dependent on groundwater or surface water is logical and we accept the rationale. The M10 and M32 found during the survey, which were likely to actually have a groundwater component to their water supply, are located outside the area where any effects from proposed excavation in the development would occur – one in the north between Mare’s Pool and Rulesgill and most outside the red line boundary in the south west, south of Gossa Water.
- 3.2 However we **request** that the finalised CEMP includes details of the full range of measures to be put in place to protect surrounding wetland habitats, including micro-siting and mitigation measures.

### 4. Micro-siting and adequate buffer strips

- 4.1 We welcome the confirmation in Section 10.5.181 that “wherever possible, all the Proposed Development infrastructure has been sited with an objective to maintain at least a 50m ‘buffer zone’ between turbine locations and natural main watercourses”. In order to ensure that the water environment is adequately protected, we request that a **condition** is applied to ensure that all new infrastructure (with the exception of any proposed watercourse crossings and directly related tracks) occurs outwith the 50m buffer area from water features on site unless justification is provided and it is agreed in writing with the planning authority, in consultation with SEPA.
- 4.2 Reference is also made in the EIAR to micro-siting up to 100m and states that “The assessments within this EIA report have included the considerations of this 100 m micro-siting”. Micro-siting can play an important role in avoiding small pockets of deep peat or other sensitive features on the site like groundwater dependant terrestrial ecosystems. We therefore request a **condition** is applied enabling the applicant to micro-site the built elements of the scheme, notwithstanding the required 50m buffer between infrastructure and watercourses. We usually recommend a micro siting distance of 50m. The proposed micro-siting distance of 100m should only be granted if additional peat survey data is provided to cover the full micro-siting allowance. Refer the comments in Section 1.2 above.

### 5. Pollution prevention and environmental management

- 5.1 We are generally content with the pollution prevention and environmental management proposals outlined in the EIAR (brought together in Table 17-1 of the Schedule of Environmental Commitments) and welcome that a Construction Environmental Management Plan (CEMP) will be produced. We request that the full site specific Construction Environmental Management Plan (CEMP), is submitted for the approval of the planning authority prior to the proposed commencement of the development (or relevant phase). We recommend this is submitted at least two months prior to the proposed commencement of development in order to provide consultees with sufficient time to assess the information. To assist, the following wording is suggested:

Condition: No development shall commence on site until a site specific Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the

Planning Authority.

Reason: In order to minimise the impacts of necessary construction works on the environment.

- 5.2 We welcome the reference to protecting watercourses from pollution/siltation. Adequate protection of the water features should be in place before any work commence. Regular monitoring of the water quality across the development area should also be carried out during the construction and decommission phases and details of this should be included in the CEMP.
- 5.3 Please be advised that due to the scale of the development we will directly control pollution prevention measures relating to surface water run off via a CAR construction site licence and therefore do not require this to be covered in the CEMP. However other consultees may do so. See section 9.6 below for further details in regard to our regulatory advice on this.

## **6. Flood risk and Engineering activities which may have adverse effects on the water environment**

### Watercourse Crossings and Bridge Design

- 6.1 We welcome the thorough assessment of the proposed watercourse crossings presented in the inventory of Appendix 10.5 and summary tables 10.13 and 10.14. We concur with the statement in 10.6.23 that “the design of the water course crossing will follow good practice guidelines and will 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”.
- 6.2 In addition we welcome the statement in Section 10.5.145 of the EIAR that “A Flood Risk Assessment may be required for bridge design for the main watercourse crossings shown on the 1:50,000 scale Ordnance Survey mapping particularly if structures within the flood plain cannot be avoided. Watercourse crossings will be in accordance with SEPA guidance and allow the conveyance of a 0.5% AP (200 year) flow event”.
- 6.3 We note that 41 new watercourse crossings will be required and welcome the confirmation from the Table in Appendix 10.5 that these will be single span or open arch culverts. However we ask that these requirements are secured by planning condition requiring that, unless agreed with the planning authority in consultation with SEPA, all watercourse crossings should be oversized bottomless culverts or single span bridges designed to accommodate the 1 in 200 year peak flow and allow fish and mammal passage. Information should be provided to demonstrate that there is minimal increase in ground levels in the approach access to each watercourse crossing to prevent any adverse impact on floodplain storage and conveyance.

### Diversion of Watercourses

- 6.4 Section 10.6.53 of the EIAR references the requirement to divert five watercourses as a result of the proposed development. It is further confirmed in Section 10.8.4 that “These new sections of channel will be carefully designed to tie in with the existing habitat and allow new similar channels to develop in so far as is possible” We would request confirmation that any new watercourse channels are designed to have the same physical characteristics and dimensions as the replaced channels, to ensure there is no change in channel capacity and conveyance and therefore will not result in a change to any localised flooding or increase the flood risk downstream. We request this is set by condition.

### Drainage

6.5 We would wish to see that any pluvial hazard is recognised and in most cases surface water flooding will be managed through appropriate drainage and we consider the water quantity aspects of surface water drainage to be the remit of local authorities. It is stated in Section 3.3.30 that “An outline drainage strategy is presented in Appendix 3.1. This provides details on the management of surface waters and of fouled water across the site, with detailed information for drainage related to tracks, borrow pits and crane hardstandings”. Continuing in Section 3.3.31 “A detailed drainage design will be undertaken and provided to SEPA and SIC prior to construction. Illustration of typical drainage design is provided in Figures 3.6a and b”. We would request that the provision of the detailed drainage design is provided to the Flood Risk Management Team of the local authority and this is secured by condition.

6.6 In summary we have no objection to the proposed development on flood risk grounds provided that, should the Planning Authority be minded to approve this application, planning **condition(s)** are imposed ensuring the following:

- Unless agreed with the planning authority in consultation with SEPA, all watercourse crossings should be oversized bottomless culverts or single span bridges designed to accommodate the 1 in 200 year peak flow.
- It should be demonstrated that there should not be an elevation of ground levels within the functional floodplain as a result of any proposed new crossing.
- It is demonstrated that any diverted watercourses have the same physical characteristics and dimensions as the pre-diverted watercourse channels.
- The detailed drainage design is provided to the Flood Risk Management Team of the Local Authority.

Reason to protect people and property from flood risk.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

Notwithstanding our position we would expect Shetland Islands Council to undertake their responsibilities as the Flood Prevention Authority.

6.7 Authorisation from SEPA will be required for the engineering works in the water environment. Please see our regulatory advice section below for further guidance on this.

## **7. Borrow pits**

7.1 We note “Nine potential temporary, borrow pit search areas have been identified and it is proposed that the actual borrow pit(s) would be located within these search areas” and that “Detailed site investigations will be carried out prior to construction”. As per our scoping advice and response to the gatecheck we require certain information to be provided in the EIAR to demonstrate there will be no unacceptable significant environmental impact from the proposals.

7.2 However, we are content that the search areas are mainly located a significant distance from watercourses, minimise impacts on GWDTE. As a result we are content that some

form of extraction is likely to be achievable in these areas. We ask that a **condition** is applied requiring the finalised extraction areas and restoration proposals to be agreed with the planning authority in consultation with SEPA prior to works on site.

- 7.3 Once the ground investigation is complete, detailed drawings and method statements for the location, operation and restoration of the borrow pits should be submitted for approval. The final designs should demonstrate the impacts on GWDTE and peat are minimised, note specific advice in section 1.3 above in regard to micro-siting to avoid deep peat.
- 7.4 Further to the buffer strip and micro-siting advice in Section 4 above we also advise that borrow pits H and I appear to be excavated in areas containing watercourses so micro-siting or a change of size will be required to protect these watercourses. In addition the northern edge of borrow pit E is less than 50m from a watercourse, therefore a reduction of size will be required.

## **8. Life extension, repowering and decommissioning and site restoration**

- 8.1 We note the lifespan is expected to be approximately 30 years and welcome that “All components would be removed from the site for disposal and/or recycling as appropriate and in accordance with regulations in place at that time.” But that “If required, exposed parts of the concrete foundations would be ground down to below sub-soil level, however, the remaining volume of the foundations would remain in situ.”
- 8.2 In regard to decommissioning at the end of the project’s operational life a decision should be made as to whether to refurbish, remove, or replace the turbines. This should form the basis for a Decommissioning Plan to be submitted. Full details will be required, including detailed plans and method statements and our advice will be dependent on the best practice and regulatory framework in place at the time of decommissioning. Please refer to 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.
- 8.3 In light of the above, we request that a **condition** is applied seeking a Decommissioning and Restoration Plan. The Plan should be submitted at least two years prior to the end of the design life of the development, or other period as considered appropriate by the planning authority, and 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. The Plan 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, however the proposals should be based on the best practice current at the time of submission.
- 8.4 Reason: To retain control over this temporary form of development and ensure that the site is appropriately restored in the interests of the protection of the environment.

## **Regulatory advice for the applicant**

### **9. Regulatory requirements**

- 9.1 As acknowledged in Section 3.3.28 of the EIAR, 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). Any required authorisation(s), for example the crossings or diversion of watercourses, should be in place prior to the commencement of these aspects of the proposal.
- 9.2 We note “The compounds will house temporary portable cabin structures to be used as the main site office and welfare facilities, including toilets, clothes drying and kitchen, and provision for sealed waste storage and removal.” If effluent will be disposed of on site after appropriate treatment please be advised authorisation is required under CAR for any discharges to land or the water environment from private foul drainage systems.
- 9.3 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011.
- 9.4 We note “The borrow pit(s) will require the use of plant to both win and crush the resulting rock to the required grading.” Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012.
- 9.5 It is proposed that the concrete required for the foundations will be batched on-site at the temporary construction compounds. Any associated abstraction may require CAR authorisation depending on the abstraction rate. In addition any dewatering during excavations should be in compliance with CAR General Binding Rule (GBR) 2 and GBR 15. Abstraction of groundwater in quantities greater than 10m<sup>3</sup>/day will require authorisation under the Controlled Activities Regulation. Details should be provided of how any dewatering will be managed, the amount of groundwater proposed to be abstracted and the anticipated timescales in the CEMP.
- 9.6 We note that “The site occupies an area of 1,679 hectares (ha).” As such, and as referenced in Section 5 above, a Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from the construction site. See SEPA’s [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.
- 9.7 Your CAR construction licence application should pay particular attention to the following sensitive receptors, which could be impacted by sediment runoff:
- Yell Water Treatment Works
  - Basta Voe Shellfish Protected Area
  - Fetlar to Haroldswick Nature Conservation Marine Protected Area.
- 9.8 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 regulatory services team in your local SEPA office at: The Esplanade, Lerwick, Shetland, ZE1 0LL, Tel: [REDACTED].

If you have any queries relating to this letter, please contact me by telephone on [REDACTED] or email at [REDACTED]

Yours sincerely

Alison Wilson  
Senior Planning Officer  
Planning Service

ECopy to: Carolanne Brown, Energy Consents Unit, [REDACTED] Shetland  
Islands Council, [development.management@shetland.gov.uk](mailto:development.management@shetland.gov.uk)

Copy to: Alan Farningham, Farningham Planning Limited, [REDACTED]

*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](#).*

# 2.1c

## Brown C (Carolanne)

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**From:** Unst Community Council REDACTED  
**Sent:** 09 August 2019 07:50  
**To:** Brown C (Carolanne)  
**Subject:** Reply to Energy Isles Wind Farm - The Scottish Ministers Consultation

Unst Community Council supports the Energy Isles project in Yell and welcomes the fact that the Community Benefit Fund of over £1m per year will be used across the North Isles of Unst, Yell and Fetlar. At time of writing, five Community development groups (Unst Partnership Ltd, Fetlar Development Trust, North Yell Development Company, Mid Yell Development Group and Burravoe Development group) are also considering whether to take out a share option on the project.

We have received no adverse criticism of the project and believe that this type of project is necessary if we are going to generate electricity and income.

Kind regards

Unst Community Council

2.1d 

**Scottish Natural Heritage**  
**Dualchas Nàdair na h-Alba**

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

Carolanne Brown  
Case Officer - Energy Consents Unit  
The Scottish Government  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

15<sup>th</sup> July 2019

Dear Ms Brown

**The Electricity Works (Environmental Impact Assessment) (Scotland) regulations 2017. Electricity Act 1989 Section 36 and Schedule 8: Application for the Proposed Energy Isles Wind Farm, South of Gloop on the Island of Yell.**

Thank you for consulting us over this application and for agreeing to an extension to the response deadline. Please consider this a partial response from SNH. We will follow up shortly with further advice covering peatland interests, which are potentially of national importance.

**1. Summary**

- 1.1 We consider that the current proposal would have significant adverse effects on the special qualities of the Shetland National Scenic Area such that the objectives of the designation and overall integrity of the area would be compromised. Consequently **we object to this proposal**. A detailed appraisal of the impacts is set out in Annex 1.
- 1.2 At present it is not possible to conclude with certainty that there will be no adverse effect on the integrity of Bluemull and Colgrave Sounds proposed Special Protection Area (pSPA). **We therefore object to this proposal until further information is obtained from the applicant**, as set out in our appraisal below. Once this information has been provided we will be able to give this proposal further consideration.
- 1.3 At present there is insufficient information to determine whether the proposal would adversely affect regional (i.e. Shetland) populations of breeding birds, particularly red-throated diver, and **we therefore object to this proposal until further information is obtained from the applicant**.
- 1.4 We believe that there is scope for a wind farm of smaller scale in the north of Yell and would be happy to work with the developer to find a solution that avoids unacceptable impacts, but the changes necessary to do so are so extensive that this would effectively constitute a new proposal.

**2. Background**

- 2.1 The proposal is for the construction and operation of a wind farm comprising twenty nine turbines, 200 metres to tip, together with associated infrastructure, in the north of the island of Yell, Shetland.

### 3. Appraisal of impacts and advice

#### Otterswick and Graveland Special Protection Area (SPA) and Bluemull and Colgrave Sounds proposed Special Protection Area (pSPA)

- 3.1 The proposal is close to Otterswick and Graveland Special Protection Area (SPA) classified for its breeding red-throated divers. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters, the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, Scottish Ministers are required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal). The SNH website has a summary of the legislative requirements (<http://www.snh.gov.uk/docs/A423286.pdf>).
- 3.2 The proposal is also close to Bluemull and Colgrave Sounds proposed Special Protection Area (pSPA), selected for breeding red-throated diver. The Scottish Government has a policy of protecting such sites as if they were designated, as set out in Scottish Planning Policy.
- 3.3 In our view, from the information available, it appears that in this case the proposal is not connected with or necessary for the conservation management of these sites. Hence, further consideration is required.
- 3.4 In our view, this proposal is not likely to have a significant effect on the red-throated diver population of Otterswick and Graveland SPA. The assessment provided in the Environmental Impact Assessment Report (EIAR) demonstrates that there is at most only negligible connectivity between the wind farm site and the SPA.
- 3.5 In our view, the proposal is likely to have a significant effect on the red-throated diver population of Bluemull and Colgrave Sounds pSPA. Consequently, Scottish Ministers are required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest. Our advice is that it is not possible to conclude on the basis of the assessment provided in the EIAR that there will not be an adverse effect on site integrity as the collision risk analysis appears to be flawed.
- 3.6 The collision risk calculations are laid out in Appendix 6.1 of the EIAR, but it is difficult to judge whether the model has been applied properly as some information is missing. In particular there is no summary of hours watched nor the area covered from each VP.
- 3.7 Section 6.4.16 states that VPs were watched for 96 hours across two breeding seasons and one winter, but this doesn't accord with the tabulated calculations which suggest 180 hours of observation. Nor do the calculations appear to take into account the area of each view-shed, which will differ between different VPs. The mean daylight hours used in the calculations are also incorrect, for example, the figure used for July is 14 hours, whereas the correct figure for Shetland is almost 18 hours. These errors in the calculation would lead to a serious underestimate in collision mortality.
- 3.8 Given the above, a clearer exposition of how the Collision Risk Model has been applied and correction of some of the figures used is necessary to ensure that reliable figures for mortality are obtained.
- 3.9 Section 6.9.99 of the EIAR states that up to 103 individual red-throated divers were present in July 2016. With 10 proven breeding pairs and a further 20 possible or probable this would imply the presence of between 43 and 83 non-breeding individuals, which appears improbably high. Non-breeding divers tend to move between water

bodies and this can result in double counting which may explain the high numbers reported. If this is the case then the assertion in 6.9.100 that most collisions are likely to involve non-breeding birds is questionable.

#### Natural Heritage Zone bird populations

3.10 The assessment of cumulative impacts is inadequate to assess impacts on Natural Heritage Zone (NHZ) populations of a number of species of high conservation importance. Given the existence in Shetland of other consented wind farms that are likely to have an impact on birds, particularly on red-throated diver, a proper quantitative analysis is required following the methodology set out in SNH guidance.

#### **Concluding remarks**

As with all applications which are subject to an objection from SNH, we ask to be advised at the earliest possible stage about any proposed modifications, conditions or legal agreements relevant to our interests.

We will provide advice on the impacts of this proposed development on peatland by 29<sup>th</sup> July.

If you require further information in relation to our advice, please contact my colleague Jonathan Swale [REDACTED] in this office.

Yours sincerely

**Graham Neville**  
Area Manager  
Northern Isles and North Highland  
[REDACTED]

## **Annex 1 – Appraisal of the landscape and visual impacts**

Broadly, the linear land masses of North Roe, Yell and Unst are all orientated north to south, separated by Yell Sound (between North Roe and Yell) and the narrower Bluemull Sound (between Yell and Unst). Whilst these land masses all run parallel to each other, in terms of latitude the position of the islands are staggered and step up from west to east, such that Yell sits at a more northerly latitude than North Roe and Unst still further north.

There is clear intervisibility across neighbouring land masses with Yell, located almost equidistant between North Roe and Unst, forming an important feature within panoramic coastal views. Both northwards from North Roe and southwards from Unst, the simple horizontal elevation of Yell is clearly distinguishable and recognisable. In turn there is a sharing of coastal character across the northern land masses with the coastal character of one area contributing to or reinforcing the experience of the other coastal landscapes. This spatial arrangement entails that North Yell contributes considerably to the coastal character and experience of special qualities within North Roe and Yell. For example the simplicity of the Yell landform provides a clear contrast to the complexity of the varied coastal landscape that is experienced at North Roe, but reinforces the ‘edge of’ or ‘frontier’ experience.

### Summary of the Assessment of Impact on SQs of Shetland NSA

We have undertaken an assessment of impact on the SQs of the North Roe and Unst NSAs following our draft guidance<sup>1</sup>.

The Shetland NSA is subdivided into 7 geographically separate areas, but all are defined principally by the special qualities (SQs) of their varied and spectacular coastal character.

Within the wider development Study Area (located to the south-east and north-west of Yell respectively) the North Roe and Unst sections of the Shetland NSA are relatively small and delineate the northern extremities of these two neighbouring land masses.

Both sections of the NSA share many similar underpinning key characteristics which when combined, contribute to the high intensity of the experience of the special qualities within the designated area. These similarities are also reflected in terms of how people travel to the areas, which reinforces several of the SQs including remoteness and hidden coasts.

Notwithstanding the logistics of getting to the Shetland Islands in the first instance (for visitors), the two sections of NSA both located on the northern extremes of Shetland require a relatively long journey across the rest of Shetland. This is particularly so for Unst which entails two short ferry journeys in addition to the drive. The experience of remoteness of the NSAs is heightened by the tangible decrease in speed, and characteristic narrowing of the roads travelling north, with an associated change in mode of transport from vehicular to pedestrian. Conversely these ‘one way’ journeys north increase the anticipation and eventual sense of arrival at the coastal edge. In the case of Unst, this ‘frontier’ experience is heightened by the reality of reaching Britain’s most northerly inhabited coastline.

The proposed wind farm will have significant adverse impacts on some of the special qualities of the North Roe and Unst coastlines as part of the Shetland NSA. Furthermore these effects will be experienced where there is the greatest expression of these special qualities at the coastal edge and/or in elevation along the narrow peninsulas of the coastlines.

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<sup>1</sup> SNH Working Draft 11 (2018) – *Methodology to Assess the Impact on Special Landscape Qualities*.

Particular significant effects identified on the Unst area of the Shetland NSA are:

- The introduction of turbines onto the visual horizon at distances of between 13 and 18km, which will be clearly visible from within and on the coastal edge of Unst, as a spread of uncharacteristic man-made features with rotating blades situated at a relatively even horizontal alignment following the simple landform of Yell;
- Due to the intervisibility between Yell and Unst the turbines will significantly intrude upon the experience of the remote and hidden coast special qualities of the NSA;
- Where visible, the very large vertical scale of the turbines will contrast with the experience of the irregular natural character and wildness special qualities of the coastal edge;
- Locally, viewed from Tonga and Neap, the turbines will be introduced on the main visual horizon in views south, impacting on the experience of the coastal edge where the intensity of experience of SQs is highest;
- From the elevated summit and lower south facing slopes of Hermaness Hill, which forms the backbone to the peninsula, the turbines will be introduced onto the visual horizon of Yell directly above the prominent feature of the cliffs at Tooa Stack, their location directly impinging upon the appreciation of this coastal special quality and key visual focus.

Particular significant effects identified on the North Roe area of the Shetland NSA are:

- The turbines and rotation of the blades will be clearly visible at distances of between 12 and 18km, as a spread of uncharacteristic man-made structures across the horizontal landform of Yell. The prominence of the development is heightened by the foreshortening of views across the open water;
- The intervisibility between Yell and North Roe entail that the turbines will significantly intrude upon the remote and hidden coast special qualities of the Shetland NSA;
- The very large vertical scale of the turbines will dominate over the low elevation of the Yell landform in particular where turbines are sited close to the northern edge of the moorland where it steps down transitions to much lower coastal character;
- The prominent location of the turbines will create a new large scale focus interrupting the simple sea/land/sky backdrop of Yell and the immediate sea sky horizon, which draws attention and distracts from the experience of the more dramatic and overriding natural special qualities of the NSA s;
- The turbines will create a significant new focus drawing attention from, and competing with views to the varied coastal geology and islands which are key point features in the immediate foreground to the NSA;
- In lower light at sunrise and sunset, the lighting of the turbines will intrude upon the appreciation of the landscape and special qualities.

**In isolation this development introduces significant adverse effects on the SQs of both the North Roe and Unst sections of the Shetland NSA. In addition the development would cumulatively introduce significant adverse effects onto sections of the Shetland NSA which are currently predicted to have no experience of wind energy development.**

**In combination with the predicted effects on the special qualities elsewhere from the consented developments at Viking and Mossy Hill, we consider that the addition of Energy Isles Wind Farm will impose significant cumulative adverse effect on the integrity of the Shetland NSA, contrary to SPP.**

Reflecting the Capacity Study we consider that there is some capacity on Yell to incorporate a commercial scale wind energy development. Further to this we consider there are opportunities to mitigate the effects of the development in relation to how the SQs are experienced. This would require substantial changes to the scale and siting of the proposed wind farm. In particular changes to the development such that it appears more subservient in the landscape and experience of the SQs by:

- a meaningful reduction in wind farm scale (turbine height and potentially turbine numbers), and
- removal/re-siting of turbines away from the sensitive coastal edge such that they sit *within* (as opposed to on the edge of ) the moorland landscape, in a more contained grouping.



## Scottish Natural Heritage Dualchas Nàdair na h-Alba

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

Carolanne Brown  
Case Officer - Energy Consents Unit  
The Scottish Government  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

29th July 2019

Dear Ms Brown

### **The Electricity Works (Environmental Impact Assessment) (Scotland) regulations 2017. Electricity Act 1989 Section 36 and Schedule 8: Application for the Proposed Energy Isles Wind Farm, South of Gloop on the Island of Yell.**

Further to our initial response to this consultation, dated 15<sup>th</sup> July, we have now completed our appraisal of the impacts of the proposal on peatland interests. We conclude that the development would have a significant adverse impact on peat and peatland of National importance. **We therefore object to this proposal.**

#### **Appraisal**

The EIAR identifies the greater part of the site as supporting Class 1 carbon rich soils, deep peat and priority peatland habitat. Our own assessment is in agreement with this conclusion. Paragraph 10.5.32 states that "The SNH Carbon and Peatland Map 2016 ... shows peat distribution similar to that determined through the detailed peat survey presented in Appendix 10.2." confirming that the greater part of the site supports Carbon and Peat Class 1 of the Carbon and Peatland Map 2016 and is thus Nationally important.

Section 10.8 (Residual Effects) concludes that, even with the implementation of the various mitigation measures described, including the Outline Peat Management and Restoration Plan and the Outline Habitat Management Plan (OHMP), the residual effect of construction will range as high as Moderate for some interests and Major for one: the disturbance and excavation of peat and peatland habitats. We consider this the inevitable conclusion of the EIA, given the quality and sensitivity of the site.

SNH staff undertook a walk-over survey of the greater part of the site on 2 and 3 July 2019, measuring peat depth and assessing habitat properties at a sample of turbine locations. This survey confirmed:

- The site supports extensive areas of Class 1 carbon rich soils, deep peat and priority peatland habitat;
- That much of that habitat satisfied the minimum quality standards required of a Site of Special Scientific Interest;
- That despite efforts to reduce impacts on areas of deep peat and summit pool systems, significant damage to areas of deep peat and priority peatland habitat could not be avoided;



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- That the peatland is of sufficient quality over an extensive area that on-site habitat restoration would not compensate for the loss and damage resulting from wind farm construction and operation.

The findings of our survey accorded with the statements in the EIAR regarding the extent and generally good condition of the peatland habitat across the site.

Scottish Planning Policy identifies “*carbon rich soils, deep peat and priority peatland habitat*” as nationally important interests for which planning authorities should develop spatial frameworks” and 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.*” The Applicant therefore needs to demonstrate through the EIA that a wind farm can be built on this site without significant loss and damage to these nationally important interests. Although the Applicant outlines the likely content of a proposed Construction Environmental Management Plan (CEMP) and Operation Environmental Management Plan (OEMP) this is not sufficient for this purpose.

Although the quality of the habitat at this site is acknowledged in the EIAR, its importance and the significance of the effects of constructing a wind farm on it do not seem to be fully recognised. Nor is it clear how the off-site compensatory measures can be secured in the long term, nor, even if they could, how these would result in benefits equal to or greater than the losses which will occur on the site.

## **Conclusion**

This development would have adverse impacts on an area of peatland of National importance and consequently we object to the proposal. Given the extent and quality of the peatland on the site we do not consider that a large wind farm could be accommodated in this area without unacceptable impacts. We are committed to supporting good development in the right place in order to meet SG’s renewable energy production and we would be happy to talk with the developer about the scale of windfarm that would be more appropriate in this area of Shetland.

Yours sincerely

Graham Neville  
Unit Manager, Northern Isles and North Highland



# 2.1e

## Brown C (Carolanne)

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**From:** Robinson, Martyn (UK & Europe) <[REDACTED]>  
**Sent:** 09 August 2019 15:29  
**To:** REDACTED REDAC Brown C (Carolanne)  
**Subject:** Re: Energy Isles Wind Farm - The Scottish Ministers Consultation

Hello Carolanne,

Thank you for your patience. We have had a number of turbine developments to review, coupled with our business as usual task we have taken longer than usual to respond.

We have reviewed the documentation with regard to Energy isles and I require two further pieces of information.

1) In the documentation a reference is made to a response by Energy Isles regarding Scatsta queries, I cant find any record of this response and we therefore request another copy.

2) We have detailed analysis of the PSR Radar feed via Compass head, but I was unable to find any analysis regarding Fitful SSR (It is a large document so apologies if I have missed it)? We would need this analysis.

Kind Regards

Martyn

**Martyn Robinson**  
Senior Air Traffic Control Officer  
Scatsta Airport  
Brae  
Shetland  
ZE2 9QP  
[REDACTED]

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By email to: [econsents\\_admin@gov.scot](mailto:econsents_admin@gov.scot)

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

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our case ID: 300024962  
Your ref: ECU00001844

08 August 2019

Dear Ms Brown

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Electricity Act 1989 Section 36 and Schedule 8: Application for the Proposed Energy  
Isles Wind Farm, South of Gloup on the Island of Yell, within the Planning Authority Area  
of Shetland Islands Council Area

Thank you for your consultation which we received on 14 May 2019. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above regulations and for our historic environment remit. Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories.

You should also seek advice from the Shetland Islands Council's archaeology and conservation advisors for matters including unscheduled archaeology and category B and C-listed buildings.

### Our Advice

We **object** to the application because we consider that the proposed Energy Isles Wind Farm would have a significant adverse impact on the integrity of the setting of **Burgi Geos, promontory fort** (scheduled monument Index No. 11274) such that it raises issues in the national interest. The detailed reasons for our objection and our comments on the EIA report are set out in the Annex below.

We would be happy to meet you and the applicant to discuss our concerns and potential solutions.

### Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



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Please note that on 1 May 2019 we adopted the new Historic Environment Policy for Scotland. You can find the full set of policy and guidance, including our 'Managing Change in the Historic Environment', online at [www.historicenvironment.scot/heps](http://www.historicenvironment.scot/heps). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).

Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupczynska who can be contacted by phone on [REDACTED] or by email on [REDACTED]

Yours sincerely

**Historic Environment Scotland**

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



## **ANNEX**

### **Proposed Development**

We understand that the proposed Energy Isles Wind Farm comprises 29 wind turbines of 200m to blade tip height and associated infrastructure and is to be located in the north of the island of Yell, Shetland.

### **Background**

We were consulted and provided advice on the proposal at pre-scoping [REDACTED] stages, in S [REDACTED] respectively.

In our earlier responses we highlighted the potential for the proposal to have significant adverse impacts on the setting of a number of scheduled monuments, category A-listed buildings and GDLs.

We note that the proposal has undergone a number of design iterations and that the overall number of turbines has reduced from 63 to 29, however, their height has increased from 150-160m originally proposed to 200m blade tip height.

After the design iterations, we consider that the heritage asset most significantly impacted by the proposed wind farm will be **Burgi Geos, promontory fort (SM index no. 11274)**. We carried out a site visit to the monument on 31 July 2019.

### **Our interests**

There are a number of nationally important heritage assets in the vicinity of the proposed development. However, we have focussed our comments on those assets where we have concerns over the conclusions of the assessment and where we consider that the impact may be more significant than is predicted in the EIA Report (EIAR). They are as follows:

- Burgi Geos, promontory fort (SM Index No. 11274)
- Belmont House, Category A listed (HBNUM 17474) and Inventory GDL.

In terms of the other heritage assets included within the assessment in the EIAR, we are broadly content with the conclusions of the assessment and have no further comments to make for those sites.

### **Policy context**

#### **SPP**

We have assessed impacts of the proposal on scheduled monuments, category A-listed buildings and Inventory GDLs against national policies as set out in Scottish Planning Policy (SPP, 2014). The relevant policies are 145 (scheduled monuments), 141 (listed buildings) and 148 (gardens and designed landscapes):



Policy 145 states that *'where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances.'* We note that the assessment has not identified any exceptional circumstances. We have not identified any exceptional circumstances in this case. We therefore have not referred to the second part of this policy in our assessment.

Policy 141 of [REDACTED] *'by permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.'*

Policy 148 of SPP states *'planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance.'*

## **HEPS**

We have also considered the proposals in light of the policies within the Historic Environment Policy for Scotland (HEPS, 2019).

HEP1 states that *'decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth of cultural significance.'*

HEP2 states that *'decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations.'*

HEP4 states that *'changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate.'*

*If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.'*

## **Guidance**

We have also referred to our Managing Change guidance series, which provides best practice advice for decision makers for applying the policies within Scottish Planning



Policy (SPP, 2014) and the Historic Environment Policy for Scotland (HEPS, 2019). The most relevant document in the series in this case is our guidance on Setting (2016).

In line with this guidance, we have set out our consideration of the potential impacts in a three-step process:

- Stage 1: identify the historic assets
- Stage 2: define and analyse the setting
- Stage of the proposed changes

We have set out our consideration of the proposals below, highlighting where our conclusions differ from those presented in the EIA Report.

### **EIA Report**

We have reviewed the EIAR in terms of our historic environment interests.

We note that impacts on cultural heritage are assessed in Chapter 9: Cultural Heritage and Appendix 9.5: Detailed Settings Assessment. Other cultural heritage appendices (9.1 to 9.4) are also relevant to the assessment. We welcome the provision of wireframe and photomontage visualisations provided in support of the assessment, which have been helpful in our consideration of this proposal.

We note that the relevant policy and guidance have been referenced in the assessment. We welcome references to our new Historic Environment Policy for Scotland (HEPS, 2019) and our Managing Change in the Historic Environment: Setting Guidance in the cultural heritage chapter. Overall, we consider that a reasonable assessment of impacts on sites within our remit has been carried out.

However, we have reservations about the way SPP in particular has been taken into account in the assessment methodology. Specifically, this relates to the perceived difference in the weighting of direct and setting impacts. This can be seen when comparing the assessment matrices in Table 9.4 and Table 9.8 which refer to the level of 'significance of effect' for direct and setting impacts respectively.

Table 9.8 – 'Level of effect on setting' identifies fewer levels of effect which are 'significant' in the context of EIA than Table 9.4 – 'Level of direct effect'. This gives the misleading impression that setting effects are less likely to be significant than direct effects as the threshold of significance has been set higher for setting impacts. For listed buildings and scheduled monuments, impacts both their site and settings are material considerations and have equal weight in the planning process. SPP (2014) does not differentiate between the importance of the asset itself and the importance of the asset's setting. We note that this is acknowledged in paragraph 9.4.15 of the EIAR but this principle does not appear to be reflected in the assessment criteria.



### **The assessment conclusions**

We note that the EIAR (paragraph 9.6.14) identifies the potential for the proposal to have a **moderate** effect (**significant** in EIA terms) on the setting of one nationally important heritage asset – Burgi Geos, Promontory Fort (SM 11274). Despite this moderate significant effect predicted, the assessment concludes that the proposal would not adversely affect the overall integrity of the setting of the monument.

### **Mitigation**

Paragraph 9 [REDACTED] direct mitigation is possible for operational (setting) effects. We disagree with this statement and consider that mitigation is possible by amending the design of the proposed development to avoid or reduce effects on the setting of Burgi Geos fort, as explained in more detail below.

We note that compensatory mitigation in the form of Heritage Interpretation Plan has been proposed for Burgi Geos fort. This offsetting measure is not sufficient to address what we consider to be a significant adverse impact on the integrity of the monument's setting.

### **The Application**

We have considered the cultural heritage assessment and other relevant information, such as the supporting visualisations, submitted as part of the EIAR in coming to a view on the application. We also carried out site visits to the key heritage assets with the potential for significant impact on their settings. Our conclusions about the impact of the development on those nationally important elements of the historic environment in its vicinity are as follows:

#### ***Scheduled monuments***

- **Burgi Geos, Promontory Fort (SM 11274)**

#### **The asset and its setting**

Burgi Geos comprises a promontory fort of Iron Age date on the west coast of Yell. The fort occupies a long sinuous promontory between the deep and precipitous North and South Burgi Geos with cliffs 60m high. Coastal erosion is likely to have affected the site and may have reduced the size of the promontory.

The approach to the fort and promontory is defined by distinct features on either side. On the north there is a continuous line of jagged boulders and to the south is a bank in which is set many jagged boulders. The latter has been described as an example of a 'chevaux-de-frise' (a barrier to prevent the passage of horses). The approach leads onto a lower and narrower saddle of rock before ground rises to a wall of drystone masonry, which represents the probable remains of a blockhouse. Beyond the blockhouse the



promontory widens and is thought to contain remains of an enclosing wall and at least one roundhouse. Iron Age pottery has been recovered from the promontory.

Blockhouses have often been thought of as defensive, but there have also been suggestions that this was not their primary function and they may have been built and used for ceremony and displays of power. At Burgi Geos it has been suggested that both the entrance and blockhouse are not defensive features but were built to confer prestige on the occupants. The standing stones and chevaux-de-frise that form [REDACTED] may have served [REDACTED] roach with the fort's dramatic setting serving to increase its impact.

The monument is of national importance as an extraordinary and unique fortified settlement. The combination of chevaux-de-frise and blockhouse has not been found at any other site and the chevaux-de-frise is the most northerly example yet identified.

The monument is on a striking and dramatic coastal promontory with steep cliffs around it and a narrow approach. The promontory is relatively remote from modern roads and the land immediately around it is marked by improved, short grass. Beyond are gentle hills and unimproved moor to the northeast, east and southeast including the Hills of Vigon and Markamouth. The landscape is open and undeveloped.

By contrast, past land-use is shown on nineteenth century maps which depict a farm at Vigon a short distance to the north of the fort and with a small mill positioned on a burn a little to the south. While land around the fort feels marginal today, in the past it supported a settlement and traces of this, and the enclosures around them, remain readily visible as ruins. These remains are contained within a band of grass along the coast that contrasts with the moor beyond. This area was clearly considered suitable for agriculture in the recent past and the fort's inhabitants are also likely to have exploited this land to grow crops and feed stock.

The fort's location on a promontory was clearly important to the people who built it. This may have reflected a desire for a location that could be easily defended. It may also have been chosen to heighten the impression the fort made on visitors. The location may also have been strategically important and inhabitants of the fort could have watched over seaborne traffic.

The entrance to the fort is orientated landward and to the east. On exiting the entrance views are open and over improved short grass to rising moorland beyond. The architectural elements of the fort are not visible beyond the immediate vicinity because of gently rising ground to its immediate east. Once over the crest of this rising ground on approach from the east the fort's promontory setting, the entrance and the blockhouse appear designed to impress.



The exposed and rocky nature of the west coast of Yell means approaches to the fort must always have been overland because no coastal landing is possible. The most obvious location to approach the fort from would have been Gloup Voe to the east. From the west side of Gloup Voe (West-a-Firth) the fort would have been approached from the northeast. From the east side of Gloup Voe is another line of approach from the head of Gloup Voe up the glen formed by the Burn of Rulesgill and west over the Hill of Vigon.

From the fort there are open views out to the skyline to the east, including [REDACTED] Vigon. Because [REDACTED] the fort is constrained to the northeast. Open views to the east would have allowed the inhabitants to monitor anyone approaching the fort from the likely approach over the Hill of Vigon.

The setting of the fort makes several important contributions to its understanding and appreciation. This includes the aesthetic qualities of the surrounding landscape, in particular the open and undeveloped surroundings and the dramatic coastline, which combine with the fort to create a sense of place. The character of the surrounding landscape and the challenging walk required to reach the fort contribute to making the fort feel like a focal point in a currently 'empty' landscape, in contrast to the level of settlement it once supported as shown on nineteenth century maps.

The fort related functionally to the surrounding land and seascape. Inhabitants are likely to have watched out for seaborne traffic. The cliffs and narrow neck of the promontory made the location an excellent place to defend. They also seem to have been used, alongside carefully considered architectural elements, to create an impressive entrance into the fort. This combination of topography and architectural features can be appreciated in views west from outside the entrance. There are also important views from within the fort, for example from the blockhouse out to the entrance, which allows an appreciation of the pronounced saddle of the promontory and its relationship to the fort's architectural elements.

The sward of grassy land that borders the coast to the east is likely to have been exploited by the inhabitants for growing crops and grazing. The fort may have been constructed here to help control this land. Open views landward from the fort allow an appreciation of this relationship, as well as the more fertile land's contrast with the moors beyond. It is also through these moors that the obvious approaches to the fort pass and longer views from the fort, particularly to the Hill of Vigon, allow an understanding of these approaches and connections between the fort and the rest of Yell.

Because of its striking location, and interesting and unusual form, the fort has been, and continues to be, a focus for artistic representations such as drawings and photographs. These tend to show the fort in views to the west with the surrounding cliffs and sea beyond. The fort also features in a folktale ('Da Hallamas Mareel', which is included in a current collection that features a depiction of the fort on its front cover). The tale tells of



the farmers of West-a-Firth outwitting a band of Vikings who had been using the abandoned fort as a base for raiding them.

The fort is advertised as a site to visit on several websites and in guidebooks including those dedicated to historic sites and to general walking. It is also included within current leaflets aimed at visitors. At least three routes to the fort have been described in various guides. These include from Dalsetter to the southwest, from the head of Gloup Voe by the Burn of Rulesgill, and by passing around the coast. The routes are [REDACTED] and on informal [REDACTED] could involve either passing through or in close proximity to the windfarm to reach the site.

### **Our assessment**

The information supplied suggests that all 29 of the proposed turbines would be visible from Burgi Geos fort. The visualisation supplied as Cultural Heritage Viewpoint 1 indicates that Turbines 1 and 2 would be visible in their entirety. The remainder of the turbines appear rising beyond the skyline formed by the Hills of Vigon and Markamouth.

Turbines 1 and 2 would be positioned 860m and 530m from the monument respectively and on the west slopes of the Hill of Vigon. The proposed site layout also depicts a borrow pit search area measuring 270m by 220m immediately to the east of Turbine 1. The impact of access tracks in the vicinity of the monument is unclear.

The visualisation confirms that the installation of the turbines would result in much change to the landscape around the fort. The turbines would erode important aesthetic qualities that contribute to the fort's sense of place, in particular, the currently undeveloped surroundings with the fort as a focal point. Turbine 2 is so close that there is likely to be little sense of separation between the fort and the proposed development and we note that the proposed micro-siting allowance of 100m could mean the turbine was even closer than 530m. The scale of the turbine in relation to the fort is likely to reduce a perception of the fort as an important focal point in the landscape.

The supplied visualisation also suggests that this turbine would be seen immediately behind the features of the entrance when viewed from the blockhouse. The scale of the turbine means that it would become a focal point, and a serious distraction, in a key view out from the fort through its entrance, dominating this architectural element of the monument.

Views from the fort to the east that would include the proposed development are important for their contribution to an understanding of the fort's function. In particular, how the architectural elements of the fort may have functioned together and related to the promontory. They also include land to the east of the fort that is likely to have been controlled by its inhabitants and the main approaches to the fort. In particular, Turbine 2 would be on, or very near, a line of approach over the Hill of Vigon.



Views to the east also contribute to an understanding of the fort's likely connections with other settlements in Yell. It is settlements in this direction that Viking occupants said to have been re-using the fort raided in folktales. While this is not a factual account, and does not relate to the original inhabitants of the fort, it does illustrate that the fort would not have existed in isolation from other settlements to the east. It is also from the east that many visitors approach the fort today.

We are also [REDACTED] es 1 and 3 would significantly affect views from the fort to the east. It is possible that Turbine 3 may appear directly behind stones forming the entrance features when viewed from the saddle of the promontory on exit from the fort. This may involve a foreshortening effect that would impact our ability to appreciate the fort's entrance because the ground level at the saddle of the promontory is not level with the entrance and the scale and proximity of the turbine would be likely dominate this aspect of the asset. Turbine 1 would be visible in its entirety on exiting the entrance and would be prominent in views over the north end of the Hill of Vigon, which may have been on or near an approach from the west side of Gloup Voe.

Associated infrastructure such as borrow pits and access tracks are likely to increase these adverse impacts.

### **Our comments on the EIA Report**

We agree with paragraph 9.6.12, which states that the setting of Burgi Geos contributes to its understanding and the fort is highly sensitive to change in its setting.

Paragraph 9.6.13 states that the turbines would be located beyond immediately adjacent land which relates to the defensive setting of fort. We disagree with this statement as sight-lines out to the skyline to the east are likely to have been important for the fort's defence. The fort must always have been approached from this direction and the entrance is orientated to the east. Open and long views in this direction would have allowed the inhabitants to monitor anyone approaching over the Hill of Vigon from the head of Gloup Voe.

Paragraph 9.6.13 states that the turbines would be seen offset from the key east to west alignments of the stones at the entrance to the fort. However, it is also noted that Turbine 2 would form a prominent feature in views east and inland from the fort.

We agree that Turbine 2 would form a prominent feature in this direction of view. The turbine would be directly behind the entrance when viewed from the blockhouse and would become the prominent feature in this important view. We are also concerned that Turbine 3 may be visible directly behind the entrance stones when viewed from the saddle of the promontory due to the foreshortening effect observed at this location.



The assessment notes that the fort's coastal location is key to its understanding, that key views are experienced at close distance and that artistic depictions show views with the sea as a backdrop. We agree that the fort's coastal location is very important and that many depictions concentrate on westward views toward the fort.

However, the fort is likely to have had connections with settlements to the east. Views in this direction allow an appreciation of these connections and of land along the coast that the fort is likely to have controlled. Eastern views from the blockhouse [REDACTED] are probably [REDACTED] elements' relationship to the saddle of the promontory.

While views to the east from the fort may not be viewed as having as dramatic a character as views to the fort and along the coast we agree with the assessment Paragraph 9.6.12 that the rolling hills in this direction form a contrast to the coast. We also consider the open and undeveloped character of the landscape is likely to be aesthetically appreciated by visitors alongside the contrasting coast.

The assessment concludes that while the proposed development would be a notable alteration to the fort's setting it would be beyond elements that directly contribute to its understanding and appreciation. We do not agree with this conclusion for the reasons set out above.

The assessment further concludes that the key relationship between the monument and the promontory upon which it is set would not be altered and the overall integrity of the fort's setting would not be adversely affected. We consider that the fort has, and had, an equally important relationship with the landscape to its east.

The assessment in the EIAR appears to place greatest consideration on the relationship of the fort with the coast as paramount and for this reason it concludes that the level of effect would be moderate. We disagree for the reasons given above and conclude that the effect of the proposed development as it currently stands would be significant and adverse and that in its current form would have an impact on the integrity of the monument's setting.

### **Mitigation**

HEP4 (HEPS, 2019) makes clear that changes to the specific context for heritage assets should be managed in a way that protects the historic environment, and that detrimental impacts should be minimised. We note that significant effects on the setting of Burgi Geos, Promontory Fort have not been avoided or reduced, and it does not appear from the EIAR that detailed consideration of effects on the monument has influenced the site selection or design of the development. However, we consider that there is the potential to mitigate the adverse impacts of the development as it currently stands and we would



welcome the opportunity to discuss the implementation of such measures with the developer. Our recommendations are as follows:

- We recommend that the proposed layout be amended to remove Turbine 2.
- We are also concerned about the potential impacts of Turbines 1 and 3 because of their location and proximity to Burgi Geos fort although the level of these impacts is uncertain. We recommend that this uncertainty is addressed by further assessment of the relationship of these turbines to architectural elements of the fort when looking east from the blockhouse and saddle of the promontory. This may require the production of further visualisations and mitigation to relocate or delete these turbines.
- The impact of the proposed access tracks and borrow pits in the vicinity of the monument are unclear and further information on these associated aspects of the proposed development would be required.

#### ***Category A-listed buildings and Inventory GDLs***

- **Belmont House (HBNUM 17474) and Inventory GDL**

Belmont House was built for the Mouats of Garth in the later 1770s. It is unusual in Shetland, being built in Palladian form with flanking pavilions giving it a distinctively lowland appearance. It represents the move away from crofting practice to estate-based farming with the arrival of landowning and merchant lairds during the 18<sup>th</sup> century.

The house is more typically Shetlandic in the way that its principal frontage is orientated towards the sea. Siting the house with its classical principal elevation facing the point of arrival is indicative of the fact that residents and visitors would have arrived at the house by boat. The orientation of the house in this direction is an indication of the status of the owner as well as being a romantic design device.

Belmont House is sited in a location that takes advantage of flat fertile land north of the bay called Wick of Belmont. This land provides for a small farm and gives access to the shore for trade and travel. The designed landscape of the house is defined to the north and west by lochs, to the south by the sea, and to the east by the public road. The views to the south and west are terminated by the distant hills of neighbouring islands, and those to the north and east by the nearby hills of Unst.

There is a very formal north-south axis to the designed landscape which runs from a gate at the shore through the centre of the house to a small U-plan farm at the top of the hill behind. The interest of this formal layout is recognised in the inclusion of the designed landscape in the Inventory of Gardens and Designed Landscapes in Scotland. The formal layout of Belmont can still be clearly understood and appreciated when arriving by



the ferry. We are satisfied that there would be a negligible impact on the key view towards the front of Belmont.

However, Belmont is also appreciated in views from the public road and its access track to the east. This is because the house is now most commonly approached by this route. The proposed turbines would be likely to feature very prominently in the background of this view to Belmont. They would also feature in views west from the designed landscape, as illustrated in Viewpoint 9 (Figure 9.5.9) of the EIAR, which shows visibility to parts of all 20 turbines. Some of the turbines will be visible to hub height, with the closest turbine being visible at a distance of around 4.7km.

As the views west are important elements of the setting of Belmont House in its designed landscape, we do not agree with the conclusions in the EIAR that the overall impact of the proposal on Belmont would be minor. We consider that the effect is likely to be more significant than the EIAR implies from this particular viewpoint. We also note that in terms of impacts on Belmont House GDL, the assessment included within the Landscape and Visual Impact chapter identifies the potential for a significant impact on this asset.

However, we agree with the assessment that the wind farm will not be visible in the most important view out of the Belmont House designed landscape, which is along the main axis to the south. The turbines would also not be visible in the key view of the house set in its designed landscape as viewed in the approach by sea from the south.

While we disagree with the assessment's conclusion which identified a minor impact on the setting of Belmont, we do not consider this impact to be sufficient to raise issues of national interest. This impact therefore does not form part of our objection.

### **Our position**

In our view, the proposals would result in a significant adverse impact that would affect the integrity of the setting of Burgi Geos promontory fort. Consequently we object to the proposals. We consider that direct mitigation is possible, in particular removing Turbine 2. We also recommend further assessment with regard to the potential impacts of Turbines 1 and 3 and access tracks and borrow pits in the vicinity of the monument. This may result in mitigation by re-design through relocation or deletion.

We would strongly recommend further discussion of the issues above with you and the applicant to discuss our concerns and provide further advice on the matters raised in this letter. We are also aware of the advice of SNH as set out in their response of 15 July 2019 and we would welcome the opportunity to discuss both our concerns and theirs at a joint meeting if you would find this helpful.

**Historic Environment Scotland**  
**8 August 2019**



**By email to:**

[REDACTED]  
Ms Rebecca Todd  
ITP Energised  
7 Dundas Street  
Edinburgh  
EH3 6QG

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

[REDACTED]  
T: [REDACTED]  
Our case ID: 300024962  
Your ref: ECU00001844

21 October 2019

Dear Ms Todd

[Energy Isles Wind Farm, Yell, Shetland Islands  
\(Revised Layout\)](#)

Thank you for arranging a joint meeting between SNH, HES and the Shetland Island Council on the 7<sup>th</sup> of October to discuss the proposed revisions to the Energy Isles Wind Farm layout. The proposed revisions, as shown on the submitted wirelines and the revised design drawings, involve removing turbines T1, T2, T3, T7, as well as the accompanying borrow pit and the Met Mast 2.

We can confirm that these layout changes would reduce the level of impact on the setting of Burgi Geos promontory fort (SM 11274), which we considered to be the heritage asset most significantly impacted by the proposal, to a level where we would not object.

We will provide a full response once we are formally consulted on the revised proposal by the Energy Consent Unit.

Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupczynska who can be contacted on [REDACTED] or by email on [REDACTED]

Yours sincerely

**Historic Environment Scotland**

31<sup>st</sup> July 2019

Ms. Carolanne Brown  
Energy Consents Unit  
The Scottish Government  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

By email to [EconsentsAdmin@gov.scot](mailto:EconsentsAdmin@gov.scot)

Dear Carolanne

**ECU Reference: ECU00001844**

**Proposal: Application under Section 36 of the Electricity Act 1989 for a windfarm (with an Installed Capacity of up to 200MW) on land 147M West of Sellafirth, 1.8KM West of Cullivoe and 812M South of Gloup on the Island of Yell, Shetland Islands.**

Thank you for consulting RSPB Scotland on this application and providing us with an extension to our response deadline.

RSPB Scotland supports the development of renewables, including wind energy, as a vital part of dealing with the challenge of climate change – the greatest long-term threat to birds, other wildlife and people. However, developments must be located and designed to avoid harming our most important places for wildlife. While we acknowledge the high standard of this Environmental Impact Assessment (EIA) report and the design changes that have taken place, including reduction in site size to avoid the RSPB Lumbister Reserve and the reduction in the number of turbines, we disagree with some of the conclusions and consider the proposal could have very significant impacts on important habitats and protected species. As highlighted in our EIA scoping response (see our letter of 9<sup>th</sup> February 2018), RSPB Scotland has considerable concerns regarding the size and location of this proposed development. We believe that additional information is required in order to fully assess the

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**Chairman, Committee for Scotland:** Professor Colin Galbraith **Director, RSPB Scotland:** Anne McCall  
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potential impacts of this development and address the concerns we have regarding parts of the assessment and elements of the proposed mitigation. However, even with further information it is unlikely to be able to fully address all of our concerns regarding the impacts of this proposed development on carbon rich habitats, protected species and designated sites.

RSPB Scotland **objects** to the currently submitted proposal for the following reasons:

- The EIA has been insufficiently precautionary and has underestimated and not adequately assessed the effects of the proposed development. In our opinion the effects on various birds of conservation concern / listed in Annex 1 of the Birds Directive / listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) are likely to be substantially greater than predicted in the EIA Report. This is due to inappropriate population estimates and insufficiently precautionary assumptions about displacement, amongst other issues, and we request that assessments (including in-combination effects) are redone.
- Insufficient mitigation and offsetting measures have been proposed to address the potentially significant effects (including displacement and cumulative effects) of the proposed development on several nationally and internationally important bird species (including red-throated diver, merlin, golden plover and curlew).
- Impacts on Class 1 peatland. Virtually the whole site is classified as Class 1 Peatland and Scottish Planning Policy (SPP) states that this is to be regarded as a “nationally important environmental interest” that should be protected from development. RSPB Scotland had previously raised concerns (in our letter dated 9<sup>th</sup> February 2018) that “will be very challenging, if possible at all, to accommodate the scale of development proposed at this site without unacceptable peat impacts”. These impacts cannot be sufficiently mitigated as acknowledged in section 10.8.7 of the EIA Report where it accepts that even with mitigation there will be major impacts on peat.
- It has yet to be demonstrated that the proposed development would not have an adverse effect on the integrity of the Bluemull and Colgrave Sounds pSPA and note that SNH have also highlighted this. RSPB Scotland fully supports the comments of SNH in relation to this issue.
- The submitted Habitat Management Plan (HMP) does not have any measures specifically targeted towards merlin, golden plover and curlew, and should be expanded to do so. It is considered that in order to offset the (non-SPA) impacts of the development that there would need to be significantly more off-site peatland restoration.

The attached Annex 1 expands on these points and includes more detailed comments on the application while some key points and recommendations are set out below. We request that **Annex 3 is not published** by the Energy Consents Unit as it contains information on the breeding locations of sensitive species and should therefore be treated as **confidential**.

**We therefore recommend that further survey and assessment work should be undertaken, and further environmental information should be submitted, seeking to address the concerns set out above and detailed in the attached Annex 1.** In the absence of such further information, the precautionary principle should be applied, and it should be assumed that the proposed development would have significant effects on several nationally and internationally important bird species (including red-throated diver, merlin, golden plover

and curlew) and an internationally important habitat (blanket bog). In order to comply with The Conservation (Natural Habitats, &c.) Regulations 1994 all the outstanding issues regarding potential impacts on the pSPA need to be addressed before Scottish Ministers can grant consent.

Notwithstanding our objections we recommend that if Scottish Ministers are minded to grant the consent and make a Section 57 direction, they should ensure that adequate mitigation and offsetting measures are secured for all species impacted as part of a fully detailed habitat management plan (HMP). We do not consider it will be possible to fully mitigate for the peatland impacts of this development.

RSPB Scotland has recommended a number of conditions within Annex 2 and requests an opportunity to comment on proposed conditions of the deemed planning permission, should Ministers be minded to grant the S36 consent and make a Section 57 direction.

Please contact me if you want to discuss any of these comments and we would be pleased to review any further information submitted by the applicant.

Yours sincerely

Martin Schofield  
Conservation Officer

## **Annex 1. RSPB Scotland Detailed Comments on the Application**

### **The importance of the site for birds**

Breeding populations of several important bird species are found on or near this site. These include red-throated diver, merlin, golden plover, dunlin and Arctic tern, all of which are listed in Annex 1 of EU Directive 2009/147/EC of 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. In addition, whimbrel, curlew, merlin, Arctic skua, lapwing and skylark are 'Red-listed' and great skua, dunlin and whooper swan are 'Amber-listed', in Birds of Conservation Concern (BoCC<sup>1</sup>).

Article 4 of the Birds Directive requires that Annex 1 species shall be the subject of "special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution." Those measures include the designation of Special Protection Areas, but should also include taking development management decisions with due regard to the species' conservation. Such decisions can also contribute to the "requisite measures" taken by Member States to secure the objectives of Articles 2 and 3: to maintain the populations all wild bird species at a favourable conservation status and preserve, maintain or restore sufficient habitats for those species.

Although not recorded within the area directly affected by the development it is considered that potential impacts on whimbrel have not been fully assessed. Breeding territories were identified within the wider survey area for this development and it is known to be present at other locations in north Yell. Shetland is particularly important for whimbrel as it supports over 95% of the UK population of this declining species and the EIA report under-represents the importance of the Shetland population of this species nationally and overestimates the population<sup>2</sup>. There is also evidence of further declines within parts of Shetland. At least two previously important whimbrel sites on the Shetland mainland sites show a 50% decline (or greater) over the last 5 years (P Harvey, Shetland Biological Records Centre, *pers. comm.*). Declines may have been even greater in the Northern Isles with the number dropping from 24 Apparently Occupied Territories (AOT) in SE Unst in 2003 to 5 AOT in 2015<sup>3</sup>. Any future recovery of this species could be put at risk if development is allowed within areas supporting suitable breeding habitat.

The importance of the populations of some birds potentially affected cannot be overstated. Shetland is globally important for great skua as it holds over 40% of the world population<sup>4</sup>; Arctic skua are one of the most rapidly declining seabirds in Britain and it is now rare and its national status is very precarious, and curlew are a high conservation priority due to the international importance of the UK population and the recorded decline in numbers.

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<sup>1</sup> Eaton, M A, Aebischer, N J, Brown, A F, Hearn, R D, Lock, L, Musgrove, A J, Noble, D G, Stroud, D A and Gregory, R D (2015) Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man. *British Birds* 108, 708–746. Available online at [britishbirds.co.uk/wp-content/uploads/2014/07/BoCC4.pdf](http://britishbirds.co.uk/wp-content/uploads/2014/07/BoCC4.pdf)

<sup>2</sup> The State of the UK's Birds 2017. Available from: <http://archive.jncc.gov.uk/pdf/2017%20SUKB.pdf>

<sup>3</sup> Shetland Bird Report 2015.

<sup>4</sup> Mitchell, P.I., Newton, S.F., Ratcliffe, N., and Dunn, T.E. (2004). Seabird Populations of Britain and Ireland

## Shortcomings in assessment

We note that Chapter 6 of the EIA Report presents information on the predicted ornithological effects of the proposed Energy Isles Wind Farm. However, we consider that the **EIA Report has underestimated and not adequately assessed the effects of the scheme**. This arises from several shortcomings of the EIA which are discussed below. In our opinion the effects on various birds of conservation concern / listed in Annex 1 are likely to be substantially greater than predicted in the EIA Report.

### Inappropriate population estimates

There is limited information on the size of the golden plover population in Shetland, however, the figure (5195 pairs) used in the EIA Report (from Wilson *et al.*, 2015<sup>5</sup>) is based on estimates derived from habitat models and is significantly higher than the figure of 1450 pairs in Pennington *et al.*, 2004<sup>6</sup> which we believe to be the only other Shetland estimate available. It is important to note that the figures from Wilson *et al* are derived from Massimino *et al.* (2011)<sup>7</sup> which have the following caveat “*Estimates for these two regions are likely to be significant over-estimates of true abundance, due to the limited data from these regions which mean that the spatial smooth fitted to the GAM is fitted with considerable uncertainty (see text for more details)*”. Shetland is one of the two regions to which this caveat refers. In view of this, RSPB Scotland considers that the 2015 golden plover population number is likely to be an over estimate and that the assessment should be redone based on the 2004 estimate.

The populations for other wading species such as curlew and dunlin are also considered likely to be an overestimate (although not as significantly as for golden plover) as shown in the table below.

	Pennington et al. 2004 (pairs)	EIA Report (pairs)
Curlew	2,300 – 4,479	4,227
Dunlin	1,700	2,054
Golden Plover	1,450	5,665
Snipe	1,800 -7,721	6,728

RSPB Scotland believe that because of the concern over the figures in Wilson et al 2015 for Shetland populations and adopting the precautionary principle, the assessments for all the species needs to be redone using the lowest population estimate. The population figure given for Arctic skua is high considering the known decline of this species.

<sup>5</sup> Wilson, M. W., Austin, G. E., Gillings S. and Wernham, C. V. (2015). Natural Heritage Zone Bird Population Estimates. SWBSG Commissioned report number SWBSG\_1504. pp72. Available from: [www.swbsg.org](http://www.swbsg.org)

<sup>6</sup> Pennington, M., Osborn, K., Harvey, P., Riddington, R., Okill, D., Ellis, P., Heubeck, M. (2004) The Birds of Shetland.

<sup>7</sup> Massimino, D., Johnston, A., Pearce-Higgins, J.W. (2011). Producing Regional Population Estimates for Upland Wader. BTO Research Report 58. BTO, Thetford.

## Insufficiently precautionary assumptions in relation to bird displacement

### *Waders and skuas*

The EIA Report assumes that displacement of some nesting waders (golden plover, dunlin, lapwing, oystercatcher and redshank) around turbines will occur only within a distance of 200m from turbines in the proposed scheme and there is reference to a number of published studies including Pearce-Higgins et al. (2009)<sup>8</sup>. However, it is considered that this may be an underestimate of the displacement when compared to more recent papers e.g. Sansom *et al.* (2016)<sup>9</sup> found that breeding golden plover abundance may be reduced by 79% up to 400 m away from operational turbines.

RSPB Scotland is unaware of any published information on the displacement of either great or Arctic skuas due to terrestrial wind farm development affecting breeding habitat. In view of the lack of evidence and the importance of both species, it would be appropriate to apply the precautionary principle and assume a similar disturbance to waders as outlined above as we consider the values used in the EIA report to not be sufficiently precautionary.

RSPB Scotland does not see how “it is expected that displacement effects can be fully mitigated through habitat enhancement” as stated in paragraph 6.9.6 of the EIA Report.

**The assumed numbers of wader and skua pairs displaced by the proposed developments (as detailed in section 6.9.2 and 6.9.4 of the EIA Report) are therefore likely to be underestimates and insufficiently precautionary. This concern over displacement and population estimates means that a reassessment of the magnitude and significance of effects for all assessed species is required.**

### Collision mortality arising from the proposed development

The mean daylight hours used in the collision risk analysis (Appendix 6.1) for all species is lower than the actual figures for Shetland and this means the assessment needs to be undertaken again with the correct values as there could mean have been an underestimate in the collision mortality for all species.

### Inadequate assessment of cumulative effect

We consider that the cumulative impact assessment included within the EIA report is incomplete in that it should include a full quantitative assessment for the key species affected by this proposed development.

It is vital that this assessment is undertaken using appropriate NHZ (Shetland) population estimates. An example of this is the recently approved variation for the Viking Wind Farm where displacement of 0.87% of the regional golden plover population is anticipated<sup>10</sup>, based on a population estimate of 2,600. RSPB Scotland considers this to be an overestimate of the population and therefore an underestimate of the likely impacts, and the assumed population

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<sup>8</sup> Pearce-Higgins, J., Stephen, L., Langston, R., Bainbridge, I. & Bullman, R. (2009) The Distribution of Breeding Birds Around Upland Wind Farms. *Journal of Applied Ecology*.

<sup>9</sup> Sansom, A., Pearce-Higgins, & Douglas, D. (2019). Negative impacts of wind energy development on a Breeding Shorebird Assessed with a BACI design.

<sup>10</sup> “Applicant/Ramboll’s comments dated 25<sup>th</sup> January 2019 to RSPB consultation response” – available on <http://www.energyconsents.scot/Default.aspx>

size of 2,600 is significantly lower than the population estimate used in this EIA report.

### **Effects on bird species of international and national importance**

For the reasons discussed above, we consider that the EIA Report fails to demonstrate that the proposed development would not have significant effects on various bird species of nature conservation importance including red-throated diver, merlin, curlew and golden plover. Several of these species are on the Scottish Biodiversity List of species that Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland and many are Schedule 1 and / or Annex 1 species as highlighted earlier in this response.

Scottish Planning Policy (SPP) states (paragraph 204) that the precautionary principle should be applied where the impacts of a proposed development on nationally or internationally significant natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur. If there is uncertainty, SPP further states that “the potential for research, surveys or assessments to remove or reduce uncertainty should be considered”.

We therefore recommend that further survey and assessment work should be undertaken, and further environmental information should be submitted, seeking to address the concerns summarised above (for non-SPA impacts). In the absence of such further information, the precautionary principle should be applied, and it should be assumed that the proposed development would have significant effects on several nationally and internationally important bird species (including red-throated diver, merlin, golden plover and curlew). **If Scottish Ministers are minded granting consent for this scheme and make a Section 57 direction, we recommend that they should ensure that adequate mitigation and offsetting measures for all those species can be secured as part of a revised habitat management plan (HMP). The submitted HMP does not have any objectives or measures specifically targeted towards golden plover and curlew, and should be expanded to do so.**

### **Effects on Designated Sites**

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.

Given the issues and assessment shortcomings outlined above regarding collision risk and disturbance effects we do not consider it has yet been demonstrated beyond reasonable scientific doubt that the proposed development would not have an adverse effect on the integrity of the Bluemull and Colgrave Sounds proposed Special Protection Area (pSPA) selected as a foraging area for breeding red-throated diver. In order to comply with The Conservation (Natural Habitats, &c.) Regulations 1994 all the outstanding issues regarding potential impacts on the pSPA need to be addressed before Scottish Ministers can grant consent.

### **Peat and Blanket Bog**

Much of the application area is covered by blanket bog, much of which is active (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 in the UK Biodiversity Action Plan (BAP). The applicant has acknowledged the good condition of this habitat in their application and we understand that much of the habitat has been found to satisfy the minimum quality standards required of a Site of Special Scientific Interest (SSSI) by SNH. It would also have been extremely useful if an assessment of nearby designated peatland sites (e.g. East Mires and Lumbister SAC & SSSI located to the south of the proposed development site) had been undertaken to provide meaningful comparison to evaluate the value of the site.

RSPB Scotland recognises that the applicant has put forward measures to reduce the amount of peat impacted by this development however, aspects of the proposed development could damage blanket bog. RSPB Scotland is concerned about the permanent loss of any blanket bog and considers it misleading to suggest that areas to be restored (temporary materials lay down areas, construction compounds and temporary borrow pits) to have a “barely perceptible adverse impact” as we consider that it will not be possible to restore these in the short term, if at all. There is a requirement to protect peatlands as the first priority to keep existing carbon in the ground<sup>11</sup>. The Office for National Statistics has recently reported that restoration of degraded peat bogs may be a relatively inexpensive way to tackle climate change<sup>12</sup>. In addition, SPP is a material consideration for planning authorities. “Carbon rich soils, deep peat and priority peatland habitat’ are included in ‘Group 2: Areas of significant protection’ in Table 1 of SPP. SPP says (page 39) that for areas in Group 2 *‘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 do not consider this application has done this and therefore object to this application.

In light of this, and other considerations including the National Peatlands Plan and Scotland’s Land Use Strategy, the importance of peatland as a carbon store is clearly understood. Indeed, the Scottish Government recently announced an extension of its Peatland Action Programme to restore peatlands to the value of £11 million. With the evidence of the importance of peatlands and the effort (both time and financial) being put into the restoration of these, it is difficult to see how permission for a development on good quality peatland can be considered.

There does not seem to be due acknowledgement that any proposals regarding how peat is dealt with on site or restored off site will be subject to the continuing permitted actions of the crofters under and in terms of the relevant Crofting legislation and the Applicant cannot, in practice, control the exercise of those rights by the crofters. We recommend that Scottish Ministers should consider whether, and if so how, the delivery of the mitigation measures (set out in the Outline Habitat Management Plan, the Construction Environment Management Plan and the EIA Report) can be secured with certainty, given that these mitigation measures were taken into account in the EIA report to reach the conclusion that the residual effects on peat will not be significant.

RSPB Scotland would like to highlight that there is a history of large-scale developments in Shetland (e.g. Total Gas Plant and the Cullivoe Wind farm) underestimating the volume of peat excavated as part of the development. It is noted (and supported) that it states in the

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<sup>11</sup> Rumpel, C., Amiraslani, F., Koutika, L., Smith, P., Whitehead, D. & Wollenberg, E. (2018). Put more carbon in soils to meet Paris climate pledges. Nature.

<sup>12</sup> <https://www.bbc.co.uk/news/uk-49074872>

Peat Management Plan (Appendix 10.3) that peat will not be transported off site and therefore it is unclear what is proposed should the volume of peat be greater than estimated, as RSPB Scotland is concerned it may be.

Should Scottish Ministers be minded to grant consent RSPB Scotland considers that the applicant should submit a much larger scheme of off-site peatland restoration (funded by the applicant) that should be implemented to reduce the carbon payback and compensate, as far as practicable, for the impacts of this proposed development. However, it is considered that it will not be possible to adequately mitigate for the impacts of the currently proposed scheme and that this development would still have unacceptable impacts on peat.

#### Habitat Management Plan

It is noted that the applicant has submitted an Outline Habitat Management Plan (Appendix 7.7 of the EIA Report) in support of this application but this HMP is very limited in terms of detail and extremely modest in its objectives. RSPB Scotland considers that much more detail is required and significantly more ambition should be offered in terms of habitat restoration to minimise the impacts of the proposed development and reduce the carbon payback period, although for the reasons set out above it is not considered possible to fully off-set the impacts of this development on peat. This plan should also include specific measures for a variety of bird species including merlin, curlew and golden plover.

While supportive of measures to improve lochans in terms of provision of potential breeding sites for red-throated divers because of the complexity of peatland drainage system RSPB Scotland would caution against excavation of peat to expand or join adjacent lochans. There is also an issue regarding longevity with previous nesting rafts and therefore ongoing maintenance would be required throughout the life of the development.

RSPB Scotland welcomes the suggestion from the applicant that it forms part of the HMP stakeholder group and can confirm that we would be willing to sit on this group should consent be granted for the scheme.

#### Post-Construction Monitoring

Suitable post-construction monitoring should be discussed and agreed with relevant parties prior to the commencement of development.

#### Conclusion

RSPB Scotland **objects** to this application for a wind farm for the reasons set out above. While some of these could be addressed through additional surveys and assessment not all of them can. This is not a suitable site for the development of a large-scale wind farm and it would not be possible to mitigate for all the impacts, especially those on the peat.

Regardless of our objection, in order to be legally complaint, if Scottish Ministers were minded granting consent, they would need to ensure that the outstanding issues regarding potential impacts on the Bluemull and Colgrave Sound pSPA were fully resolved.

## **Annex 2. Proposed Conditions**

**Notwithstanding our objections if Scottish Ministers are minded to grant consent for this scheme and make a Section 57 direction, it is recommended that the following measures would need to be secured through appropriate planning conditions and / or a legal agreement, to reduce the environmental impacts of the development:**

1. Appropriate bonds to be secured to cover the cost of decommissioning of the wind farm and delivery of the habitat management plan;
2. Mechanisms to secure the implementation of all proposed mitigation measures set out in the Environmental Statement (including those set out in the Outline Habitat Management Plan and Peat Management Plan).
3. Suitable post-construction monitoring should be discussed and agreed with relevant parties prior to the commencement of the development.
4. That the developer is required to appoint and employ (at their own expense) an advisory (to provide advice to the developer) and a separate auditor Ecological Clerk of Works to report back on the compliance of the development to the Council.
5. The commitment to produce a Construction Environmental Management Plan (CEMP) is noted and welcomed. However, the submission to and written approval of Shetland Islands Council of a fully detailed CEMP prior to the commencement of development, and the subsequent implementation of the CEMP should be required by condition. The CEMP should detail (amongst other things) measures to be taken for the protection of breeding birds (this should link to the breeding bird protection plan as outlined below); ensuring crushed rock used on site has similar chemical properties to existing site conditions; the potential for invasive non-native species to be introduced on any dirty plant or equipment, prevention of pollution from fuel storage, water course crossing and silt control (both during the water course crossings and from excavated material). Reference to water quality monitoring is noted but not considered to be sufficient; daily monitoring by the contractor will also be required and the levels triggering requirements for action will need to be agreed in addition to the more comprehensive monthly monitoring currently proposed.
6. A separate breeding bird protection plan should be submitted and approved in writing once the construction programme has been confirmed and prior to the commencement of development and implemented thereafter.
7. Establishment of a Habitat Management Group (HMG) of which RSPB Scotland should be a member, to oversee the preparation and delivery of a Habitat Management Plan and to review and assess the information from the ongoing monitoring / surveillance results. The HMG should have the powers to make reasonable changes to the HMP necessary to deliver its agreed aims;
8. A minimum of three months prior to the commencement of development, the developer should submit the finalised Habitat Management Plan (HMP) to the planning authority for approval in consultation with the HMG. Commissioning of the turbines should not occur until such approval has been obtained and the developer has demonstrated that they can control management over any area proposed for mitigation. The HMP should operate for the full lifespan of the windfarm, including decommissioning.

### **Confidential Annex 3. Specific Comments on Schedule 1 Breeding Birds close to the Proposed Development Site**

#### *Merlin*

Given the level of legal protection this species has RSPB Scotland considers that that it is nationally rather than regionally important.

T21 is located close to a regularly used merlin nest site at the Burn of Omand's Dale. This site was used successfully in 2017. RSPB Scotland have particular concern about how the proposed development will affect usage of this site and that as this nest site was not in use during the surveys then the activity levels of merlin within the development area is likely to have been significantly underestimated meaning that impacts from displacement and collision risk are likely to be much larger than calculated. No turbines or construction compounds should be located within 500m of known nesting sites and tracks should not pass within 250m of these sites.

#### *Red-throated diver*

The area of north Yell at this proposed development site is known to support a large number of breeding red-throated divers and this is confirmed by the recent proposed pSPA of Bluemull and Colgrave Sounds due to its importance as a foraging area for red-throated divers nesting close by. We consider that a precautionary approach should be adopted, and no turbines should be located within 500m of any lochs used by breeding, or non-breeding, red-throated divers or in diver flight lines (this should also apply to anemometer masts) and tracks should not pass within 250m of these lochs. Due to the level of red-throated diver activity in this area generally we do not consider that it is suitable for a large-scale windfarm and RSPB Scotland believe that the number of turbines (especially in the north and west) should be further reduced to avoid impacts on this species. It is considered that the potential displacement of up to 6 pairs of red-throated diver is an unacceptable impact on this species which has been identified as a receptor of international importance. We recognise that a number of mitigation measures have been put forward with regards red-throated diver but for the reasons outlined above we consider that further steps are needed.

**The assumed numbers of merlin and red-throated diver pairs displaced by the proposed developments (as detailed in section 6.9.2 and 6.9.4 of the EIA Report) are therefore likely to be underestimates, and insufficiently precautionary. This concern over displacement and population estimates means that a reassessment of the magnitude and significance of effects for all assessed species is required.**

#### *Micro-siting*

We note the request for micro siting of up to 100m and while we acknowledge the role it can play in avoiding small areas of deep peat or other sensitive features, it is important to ensure that this does not lead to any turbines being within 500m or tracks within 250m of a known diver breeding lochan or merlin site.

# 2.1h

## Brown C (Carolanne)

---

**From:** Hebe Carus <[REDACTED]>  
**Sent:** 29 July 2019 10:08  
**To:** Brown C (Carolanne)  
**Subject:** RE: Energy Isles Wind Farm - The Scottish Ministers Consultation

Thanks Carolanne

The John Muir Trust does not intend making a comment on this application at this time.

**Hebe Carus**  
**Policy Officer**

**John Muir Trust**  
Tower House, Station Road, Pitlochry, PH16 5AN  
t: [REDACTED] e: [REDACTED]

Please note my normal working days are Monday to Thursday

The John Muir Trust is a charity that protects, enhances and engages people with wild places. [Join us](#)

## 2.1i



# Defence Infrastructure Organisation

Teena Oulaghan  
Safeguarding Officer  
Ministry of Defence  
Safeguarding Department  
Kingston Road  
Sutton Coldfield  
West Midlands B75 7RL  
United Kingdom

Your Reference: ECU00001844

E-mail: [REDACTED]

Our Reference: DIO 10045626

Ms Carolanne Brown  
Energy Consents Unit.  
Scottish Government,  
4th Floor, 5 Atlantic Quay,  
150 Broomielaw,  
Glasgow.  
G2 8LU

30<sup>th</sup> May 2019

Dear Ms Brown

**Please quote in any correspondence: DIO 10045626**

**Site Name: Energy Isles Windfarm**

**Planning Application Number: ECU00001844**

**Site Address: Land 147m West of Sellafirth, 1.8km West of Cullivoe and 8112m South of Gloup, Isle of Yell, Shetland Islands.**

Thank you for consulting the Ministry of Defence (MOD) about the above planning application in your communication dated 30/04/2019.

I am writing to advise you that the MOD objects to the proposal. Our assessment has been carried out on the basis that there will be 29 turbines, 200.00 metres in height from ground level to blade tip and located at the grid references below as stated in the planning application or provided by the developer:

Turbine	Easting	Northing
1	448,784	1,203,666
2	448,331	1,203,036
3	449,144	1,203,369
4	449,765	1,203,441
5	449,676	1,202,945
6	449,640	1,202,314
7	448,360	1,201,874
8	449,002	1,201,654
9	449,577	1,201,755
10	448,922	1,201,085
11	449,777	1,201,270
12	449,088	1,200,632

13	449,752	1,200,772
14	449,368	1,200,263
15	449,961	1,200,325
16	450,428	1,200,150
17	450,396	1,201,116
18	450,606	1,200,678
19	451,071	1,200,336
20	451,554	1,200,185
21	450,563	1,201,645
22	451,005	1,201,521
23	451,298	1,200,900
24	451,800	1,200,817
25	451,593	1,201,475
26	451,724	1,202,184
27	451,323	1,202,379
28	451,037	1,202,718
29	450,906	1,203,324

### **Air Defence (AD) radar**

The turbines will be 19.4km from, detectable by, and will cause unacceptable interference to the AD radar at ASACS Saxa Vord

Wind turbines have been shown to have detrimental effects on the operation of radar. These include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, hence turbine proliferation within a specific locality can result in unacceptable degradation of the radar's operational integrity. This would reduce the RAF's ability to detect and deter aircraft in United Kingdom sovereign airspace, thereby preventing it from effectively performing its primary function of Air Defence of the United Kingdom.

An operational assessment has been conducted by an AD Subject Matter Expert (SME) who considered the position of the turbines weighed against a number of operational factors including:

- a) Detectability of the turbines.
- b) Position of the development.
- c) Quantity of turbines within the development.
- d) Other developments within the vicinity.
- e) Loss of coverage due to the development's electromagnetic shadow.

Close examination of the proposal has indicated that the proposed turbines would have a significant and detrimental effect on AD operations. The MOD therefore has concerns with the development. The reasons for this objection include, but are not limited to:

- a) Several of the turbines within the development being RLOS.
- b) The quantity of the turbines visible to the radar at RRH Saxa Vord would exceed our 'cumulative effect' thresholds.

Research into technical mitigation solutions is currently ongoing and the developer may wish to consider investigating suitable mitigation solutions.

If the developer can overcome the issues stated above, the MOD will request that all turbines be fitted with aviation safety lighting in accordance with the Civil Aviation Authority, Air Navigation Order 2016.

MOD Safeguarding wishes to be consulted and notified about the progress of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

I hope this adequately explains our position on the matter. Further information about the effects of wind turbines on MOD interests can be obtained from the following website:

**MOD:** <https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Yours sincerely

REDACTED

Teena Oulaghan  
Safeguarding Officer

REDACTED 2.1j

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**From:** Brown C (Carolanne)  
**Sent:** 25 July 2019 12:00  
**To:** REDACTED  
**Subject:** FW: 20190725 - Energy Isles Wind Farm - The Scottish Ministers Consultation - CES interests not affected - reply to Scotgov

---

**From:** McGrogan, Joan <[REDACTED]>  
**Sent:** 25 July 2019 11:29  
**To:** Brown C (Carolanne) <[REDACTED]>; Econsents Admin <Econsents\_Admin@gov.scot>  
**Subject:** 20190725 - Energy Isles Wind Farm - The Scottish Ministers Consultation - CES interests not affected - reply to Scotgov

Dear Carolanne

Thank you for your email.

I confirm that the assets of Crown Estate Scotland are not affected by this proposal. We therefore have no comments to make.

Kind regards

Joan.

**Joan McGrogan**  
**Portfolio Co-ordinator**  
**Crown Estate Scotland (Interim Management)**

[REDACTED] / [REDACTED]  
6 Bell's Brae, Edinburgh, EH4 3BJ

Tel: [REDACTED]

[www.crownestatescotland.com](http://www.crownestatescotland.com)

[\[REDACTED\]@crownestatescot](mailto:[REDACTED]@crownestatescot)

**Legal disclaimer – important notice**

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# 2.1k

**Brown C (Carolanne)**

---

**From:** Mike Collins [REDACTED]  
**Sent:** 25 July 2019 09:52  
**To:** REDACTED

**Subject:** RE: Energy Isles Wind Farm - The Scottish Ministers Consultation

Good Morning,

We have no comments to make regarding the Energy Isles windfarm development in North Yell.

Regards,

Mike Collins

**Mike Collins**  
Flight Operations Manager

[REDACTED]  
[www.airtask.com](http://www.airtask.com)

Trent House,  
Cranfield Technology  
Park  
Cranfield  
Bedfordshire  
MK43 0AN



2.11

Ms C. Brown  
Energy Consents Unit  
Scottish Government  
5 Atlantic Quay  
150 Broomielaw  
GLASGOW  
G2 8LU



P/13 RM/cc

18<sup>th</sup> July 2019

Dear Ms Brown,

**Energy Isles Windfarm, Yell, Shetland. Ref No: 2019/127/ECUCON, Application under Section 36 of the Electricity Act 1989 for a Windfarm (with an installed capacity of up to 200MW)**

The Shetland Amenity Trust is a charity formed in 1983 and based here in Shetland. One of its two key objectives is the provision, development and improvement of facilities for the enjoyment by the public of the Shetland countryside and its flora and fauna, the conservation and enhancement for the benefit of the public of its natural beauty and amenity and the securing of public access to the Shetland countryside for the purposes of research, study or recreation.

Shetland Amenity Trust is generally in favour of renewable energy projects given the current threat global climate change presents to both the natural heritage here in Shetland and globally. Maintaining our diverse natural heritage is crucial to the socio-economic well-being of these islands and its residents.

The location of industrial scale renewable energy projects within the islands however, is crucial in determining whether they are suitable or not. In this instance Shetland Amenity Trust believes the location is not suitable for the proposed development and therefore wishes to object to this development.

We would also like to point out the clear tension between the Scottish Government's current policy on renewable energy and the importance it attaches to the role of peatland in tackling global climate change. We feel that the construction of industrial-scale wind farms on active blanket bog is incompatible with the Government's National Peatland Plan. It is misleading to suggest, as developers continue to do, that active blanket bog can simply be returned to an active state following the impacts of major development.

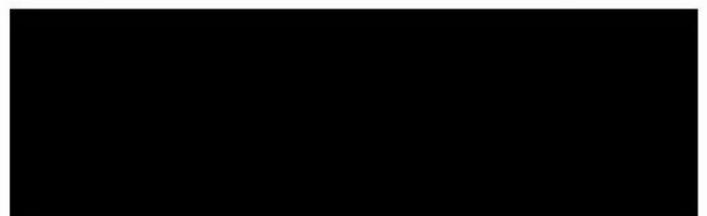
## 1 Summary

We present more detailed comments on the implications of this proposed development below but in summary our objection is based on the following grounds. Shetland Amenity Trust objects to this proposed development because:

Shetland  
Amenity  
Trust

Garthspool,  
Lerwick,  
Shetland ZE1 0NY

The Shetland Amenity Trust is a charity  
registered in Scotland, No. SC017505  
ENTRUST Enrolment No. 261039



Shetland Amenity Trust  
is part-funded by the

Shetland  
Charitable Trust

- It will have an adverse impact on active blanket bog. Active blanket bog is listed as a priority habitat in the E U Habitats Directive and the EIA for this development acknowledges that the proposed construction site comprises mainly blanket bog, much of it active and of a high quality. Active blanket bog is also a key habitat in sequestering carbon from the atmosphere and is an important carbon store. Damage to this habitat will release further carbon into the atmosphere and there is no evidence here in Shetland that once damaged, blanket bog can be restored to an active, carbon sequestering, state within a reasonable timescale (decades).
- It will have a negative impact on an area that is the best example of 'wilderness' found in Shetland. This area of Yell, of which the development site is a part, should clearly have been identified as a Wild Land Area as part of Scottish Natural Heritage's 2013 consultation on 'core areas of wild land' and we would urge the Government to ask Scottish Natural Heritage to revisit this extensive tract of land on Yell and redress this omission.
- It will have negative impacts on the Shetland landscape. The impact on landscape needs to be considered cumulatively with all the other consented and proposed windfarms in Shetland and we feel this issue has not been adequately addressed to date. The cumulative impacts of several industrial scale windfarms within a small area (Shetland covers just 1,468 square kilometres) carries risks in relation to the experience of local people and visitors and therefore to Shetland's reputation as a place that offers exceptional landscape experiences.

## 2 Minimising Environmental Impacts

Should the ECU be minded to grant consent for this development then we urge the Scottish Government and the Shetland Islands Council to put measures in place that will ensure that the development proceeds in accordance with any conditions placed upon it to minimise environmental damage. To this end it is crucial that there is an independent and properly resourced means of ensuring any such conditions are met. The Local Authority simply does not have sufficient resources to deal with this effectively at present and first-hand experience tells us that the developers can take advantage of such situations to cut corners and ignore conditions to save time and reduce expenditure in the knowledge that they are unlikely to be held to account. Shetland Amenity Trust suggests that the developer pays for one or more Ecological Clerk of Works (or similar) that report directly to the Local Authority in addition to the developer and/or its subcontractors.

We also urge the Scottish Government to encourage Shetland Islands Council to set up a working group to oversee all industrial-scale (five turbines or more) wind farm projects in Shetland. This approach has worked well with the oil industry at the Sullom Voe Terminal where the Shetland Oil Terminal Environmental Advisory Group (SOTEAG) has become renowned throughout the

world as a model of industry working successfully alongside the environmental sector to safeguard Shetland's unique natural heritage. This group should be paid for on a pro-rata basis by all the wind farm developers in the islands and would ensure a consistency of approach and best environmental practice, which is surely of benefit to the natural heritage and people of Shetland, as well as the national and international reputation of the wind farm industry.

### 3 The EIA & Accompanying Documents

Shetland Amenity Trust wishes to acknowledge that the general quality of the sections of Environmental Impact Assessment dealing with the natural heritage is very high, of a much better quality than we have come to expect for such developments. These chapters generally describe the natural heritage of the site accurately and assess the potential implications of the development on these interests honestly. We do, though, have some concerns about some aspects of the ornithological work and these are detailed in Section 5.2.

We are surprised, however, that the developer was not asked to provide a much fuller and more definitive document for the Habitat Management Plan (HMP) and for the Construction Environmental Management Plan (CEMP). Whilst it may be possible to restore blanket bog back to a dwarf-shrub vegetation that will prevent further erosion and carbon losses it is extremely difficult (maybe impossible) to restore it back to active blanket bog in a Shetland context, so it would have been useful to see in the HMP exactly what measures the developer intends to employ to do this, and where this will happen. Previous large civil engineering projects on peatland in Shetland (e.g. the Total Gas Plant at Scatsta, and the Cullivoe community windfarm on Yell) have consistently under-estimated the volume of peat excavated as part of the development and a more detailed CEMP would have been relevant in this context.

### 4 Scottish Government Policy on Renewables and Peatlands

Shetland Amenity Trust feels that there is a huge tension between the Scottish Government's policy on renewable energy and the importance it attaches to the role of peatland in tackling global climate change. As recently as 25th June the Scottish Government announced a further £11 million investment as part of its Peatland Action programme to restore peatlands. As part of the publicity regarding the announcement of this money the Government's Cabinet Secretary for Environment, Climate Change and Land Reform stated that *The impact of peatland degradation on climate change cannot be overstated – particularly in Scotland, where around 25% of the country is covered in peat soil. If all the CO2 from that peatland were released then it would be the equivalent of more than 120 years of Scotland's emissions being produced at once. Restoring peatland has an important part to play in delivering the Scottish Government's climate change ambitions. By doing this we're also providing an important habitat for plants and wildlife, improving water quality and mitigating flood risk.*

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. Its 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 carbon sink, the multiple benefits from peatlands include 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 Directive.

Experience in Shetland shows that, once active blanket bog is damaged, it is difficult, often impossible, to restore it back to functioning active blanket bog again. Even if successful it is likely to take several decades or longer. Therefore, it makes no sense to build large industrial windfarms on active blanket bog and by doing so release more carbon to the atmosphere. It is far more cost-effective to prevent damage to blanket bog, thus avoiding further carbon emissions, than to fund restoration projects which will take many years to, and in some cases never, return peatland to an active state where it will once again sequester carbon from the atmosphere.

## 5 Natural Heritage

### 5.1 Blanket Bog

The proposed site is dominated by blanket bog. Over 75% of the area has been mapped as pure blanket bog vegetation, with blanket bog being the dominant vegetation in a further 13% of the area reported as a mosaic of habitats. The EIA describes the condition of the blanket bog as variable but that good quality bog, with numerous pool complexes, occurs in several areas. Unfortunately, no attempt has been made to assess how the quality of blanket bog on the site compares with the rest of Shetland, notably the Special Areas of Conservation that have been classified due to their blanket bog vegetation. This is a regrettable situation given the likely impacts of the proposed development.

Although some of the higher ground and slopes show some degree of erosion, much of the lower slopes and valley bottoms are high quality active blanket bog. Active blanket bog is a priority habitat in the E U Habitats Directive. The EIA suggests that of the pure M17 blanket bog, just 30.6 hectares would be permanently lost, 23.2 hectares will be taken temporarily

and a further 10 hectares being disturbed or degraded. It suggests that the latter 33.2 hectares will be returned to its former state. Experience in Shetland has shown that although this may be returned to some form of dwarf-shrub vegetation it is highly unlikely to be returned to its former state i.e. active blanket bog.

Shetland Amenity Trust feels that the EIA presents a best-case scenario and that in practice it is likely that the area of blanket bog degraded by this development will be greater than this. We feel that the construction of an industrial scale wind farm on area of active blanket bog is inappropriate. As well as being an European priority habitat, active blanket bog is also important in mitigating climate change.

## 5.2 Ornithology

The EIA states that the site is internationally important for Great Skua and Red-throated Diver and nationally important for Curlew, Dunlin, Golden Plover, Whimbrel and Arctic Skua. It is also considered regionally important for Snipe and Merlin. It is Shetland Amenity Trust's view that it is inappropriate to construct a windfarm on an area of land that holds internationally and/or nationally important populations of Annex 1 (Golden Plover, Dunlin and Red-throated Diver), Schedule 1 (Red-throated Diver and Whimbrel) and Birds of Conservation Concern Red List (Curlew, Whimbrel and Arctic Skua) bird species.

Furthermore, we have serious reservations regarding the use of data from Wilson *et al.* (2015), *Natural Heritage Zone Bird Population Estimates* when assessing the impacts of development on key bird species as the population estimates they use for Shetland are higher than other studies have produced. Indeed, the paper that these NHZ data were extracted from (Massimino *et al.* (2011) *Producing Regional estimates for Upland Waders* BTO Research Report 586), explicitly states that the estimates for the Western Isles and Shetland should be used with extreme caution.

The NHZ population estimates for these species is compared with the range of population estimates given in *The Birds of Shetland* Pennington *et al.* (2004) in the table below. This table serves to illustrate how using the data from Wilson *et al.* is likely to under-estimate the impact of the proposed development on key bird species.

	Pop given in EIA	Pop estimates given in BoS
Curlew	4,227 prs	2,300 – 4,479 prs
Dunlin	2,054 prs	1,700 prs
Golden Plover	5,665 prs	1,450 prs
Snipe	6,728 prs	1,800 – 7,721 prs
Arctic Skua	516 prs	250 – 300 prs*

\* based on surveys in 2017-19

Given the existence of other consented wind farms in Shetland that are likely to have an impact on birds, notably Red-throated Divers, we feel that insufficient attention has been given to the cumulative impacts of wind farm developments. A more competent quantitative analysis of cumulative impacts is required as set out in relevant Scottish Natural Heritage guidance.

We have some concerns about the quality of the collision risk data. We note in Appendix 6.1 Collision Risk Analysis for example that in determining the collision risk for Red-throated Divers the length of daylight hours is given as 14 hours for May, 15 for June and 14 for July. This bears no resemblance to daylight hours in Shetland where the day length in these three months is closer to 18 to 20 hours. This may well result in a gross underestimate of collision risk for those species assessed.

### 5.3 Other Wildlife

We are somewhat surprised and concerned that no effort has been made to survey the invertebrates present at the proposed site, or that a full survey of the lower plants was not undertaken. These surveys would seem to be a pre-requisite for a development of this scale and would have contributed positively to the EIA. Both were requested by Shetland Amenity Trust as part of the scoping exercise.

## 6 Wild Land & Landscape

### 6.1 Wilderness

The site chosen for the proposed development is part of a much larger area that is almost entirely undeveloped, the exception being the rough track to its east, which is now barely used. Furthermore, the site lies between, and within sight of, Fethaland and Hermaness, which form part of the Shetland National Scenic Area. Although the existing Garth Windfarm is just visible from the higher parts of Fethaland and Hermaness, significant built development is essentially absent in most views from those sites and indeed from the lower parts of the development site itself. In these areas, there is consequently a sense of wilderness.

Because of the position and scale of the proposed development, there will be a change in the sense of isolation or wilderness experienced in all three areas. This loss of the sense of wilderness is, we would submit, binary rather than graduated; built development is either present in the view or it is not.

The loss of increasingly rare undeveloped landscapes is regrettable; such places are part of what makes Shetland special and distinctive. The change

in people's experience of such areas may also have an adverse impact on the reputation of Shetland as a place to live and to visit.

## 6.2 Cumulative and Immersive Impacts

We have already referred to cumulative impact and the EIA for the present proposal seeks to address that issue in respect of the wind farms existing, consented or proposed within the study area, which essentially extends 40km from the turbines and includes "Yell, Unst, Fetlar, the northern headland of Mainland at North Roe and the smaller islands of Hascosay, Whalsay and Housay...."<sup>1</sup>

The approach to the landscape assessment of windfarms typically relies on the identification of a number of static receptors – in this case, such sites as Belmont House or the Shetland Gallery – from which an appraisal of the visual impact of the development can be made.

In general terms, this approach is consistent with that adopted for windfarms elsewhere and we understand why it has been used in this case. However, we question its suitability in a Shetland context, because it does not properly encompass the experience of those who move around the islands, as opposed to those whose viewpoint is at one of the identified receptors. Many, if not most, local people and visitors do move around the islands, and their experience is dynamic rather than static. They are very mobile receptors.

Taking into account existing, consented and proposed windfarms on the Shetland mainland and Yell, people on the move will find that one or more windfarms is in their view, either travelling north or south, for almost all of the journey between the northern part of Burra Isle, Lerwick or Scalloway to just south of Baltasound in Unst, a trip which occupies the better part of two hours, including ferry crossings. For parts of the journey, including a section involving the Burradale and Mossy Hill windfarms and another, much longer, one through the Viking Wind Farm, the sense will be that of driving through the wind farm, with some turbines at very close quarters. This is what we mean by an immersive experience.

In contrast, the experience of wind farms elsewhere in Scotland – on which we presume attitudinal research has been based – is episodic rather than continuous. Nowhere in Scotland does the visitor's exposure to wind farm views last more than a few minutes at most. Careful siting, for example of the 40-turbine Farr Wind Farm, south of Inverness, has meant that many such installations are effectively screened by local topography. Others are so distant that they make little impact, especially in the context of a largely developed or managed landscape, as in the case of Doune windfarm when seen from the M9. In those cases where a major route passes close to a

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<sup>1</sup> Energy Isles Environmental Impact Assessment, Landscape and Visual, para. 5.5.7

large windfarm, such as on the M74 in South Lanarkshire or the M77 at Whitelee, the experience is fleeting. In only one case of which we are aware (Dunlaw Wind Farm, on the A68 north of Lauder) does a major route pass directly through the middle of, and close to, a wind farm. Again, though, exposure is very brief.

This is, as will be obvious, a very different experience from that being planned for Shetland, where some of the tallest turbine towers in Europe will form a continuous backdrop over many miles of main roads and the associated developments, including access roads and the like, will be very conspicuous in our open landscape.

Whilst we very much support the successful development of all forms of renewable energy, we consider that it would now be appropriate for the community, led by the Council and with the support of the Scottish Government's Energy Consents Unit, to pause and reflect on all existing and desired consents, and to carry out a suitable public consultation exercise that would focus on the impact and consequences for the islands as a whole. This should include a full analysis of visibility in respect of all consents and proposals, for we do not believe that the incremental approach now being taken offers a fair opportunity for the community to consider the picture as a whole.

In summary, then, we cannot accept the EIA's claim that the landscapes affected by the proposed development are of low or moderate sensitivity, nor – bearing in mind cumulative impact – the conclusion that the impact on visitors or indeed local people will be negligible. We also consider that the impact on Shetland residents, present and potential, may have been underestimated; the picture is not one in which we can have confidence.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Mrs R. Mackenzie  
Chair

Response to ECU Energy Issues

Ms Carolanne Brown **2.1m**  
Case Officer  
Scottish Government Energy Consents Unit  
4<sup>th</sup> Floor  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU  
[EconsentsAdmin@gov.scot](mailto:EconsentsAdmin@gov.scot)



Mr Peter M. Ellis  
SBC Chairman  
Seaview Cottage  
Sandwick  
Shetland  
ZE2 9HP

22.07.2019

Dear Ms Brown

**Application under Section 36 of the Electricity Act 1989 for a Windfarm (with an installed capacity of up to 200MW) on land 147m west of Sellafirth, 1.8km west of Cullivoe and 812m south of Gloop on the island of Yell, Shetland Islands**

Shetland Bird Club objects to the development of this windfarm.

We consider that the Environmental Impact Assessment (EIA) Report seriously underestimates the adverse effects of this proposed development on important species and habitat in the area. We consider that the development would have a serious adverse effect on the populations of red-throated diver, merlin, golden plover, dunlin, whimbrel, curlew and arctic skua and would severely damage the active blanket bog which is present on much of the site.

However, should Scottish Ministers be minded to approve the development, we should like to suggest the following:

1. The habitat management plan should be much more detailed and extensive. It should include the enhancement of potential merlin nesting habitat, as the EIA Report currently has contradictory statements on this.
2. Any habitat enhancement of blanket bog, including potential red-throated diver breeding lochans should be subject to consultation with Sue White of the Shetland Amenity Trust, who has considerable experience of this kind of work in Shetland.
3. Rather than establishing an individual Stakeholder Group for just this development, a Stakeholder Group should be set up to advise on all windfarm developments throughout Shetland

Should you wish any further information, please let me know.

REDACTED

Peter M. Ellis  
Chair



[Econsents\\_Admin@gov.scot](mailto:Econsents_Admin@gov.scot)

Carolanne Brown  
Case Officer  
Energy Consents Unit  
The Scottish Government

22/07/2019

Dear Ms Brown,

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)  
(SCOTLAND) REGULATIONS 2017  
ELECTRICITY ACT 1989 SECTION 36 AND SCHEDULE 8: APPLICATION FOR THE  
PROPOSED ENERGY ISLES WIND FARM, SOUTH OF GLOUP ON THE ISLAND OF  
YELL, WITHIN THE PLANNING AUTHORITY AREA OF SHETLAND ISLAND COUNCIL  
AREA.**

Thank you for your email of 2 May 2019 requesting observations on the above application. We gratefully acknowledge the additional time allowed for our 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 1.2a Full Site Layout Plan* 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 *National Cycle Route 1*, a promoted long distance cycle route is affected by the application site. 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 applicant has consulted the Core Path Plan prepared by Shetland Islands Council's access team as part of their duties under this Act. It is proposed that the core path identified as crossing the site is to be used as the main access track.

In our scoping response we noted that we were aware that there were, in addition to the core path, other routes used for recreational access across the application site. Although the applicant has noted routes detailed on the Core Path Plan it appears that they have not considered other recreational routes which lie within the site boundary – for example a

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

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route promoted by walkhighlands as *Gloup Voe and Scordaback* which links in to the core path network.

The EIA states 12.10.8 *As detailed in section 0, an Access Route Plan demonstrating how access will be incorporated into the Proposed Development and a map detailing the diversions and management of access required during ..... can be provided , if required. This will be produced following consent via planning condition in order to mitigation mitigate any adverse effects of diversions and amenity.*

There are several references within the application to *Section 0* detailing the production of an Access Route Plan however we have been unable to locate *Section 0*. If we have inadvertently overlooked it we would welcome it brought to our attention by the applicant.

At scoping the Society anticipated that an access management plan would be prepared in consultation with the access team at the Council so that the existing recreational access was taken into account and any new routes across the site could be linked in to the existing network. In response to this the application states 12.3.2 *No new access is proposed as part of the Proposed Development however, access will be maintained as detailed in Section 0.* Disregarding the reference to *Section 0*, it is the nature of a wind farm development to require access tracks to be built across the site, therefore it is important to know how this will impact on the existing public access in the area. While the application details the routes noted on the Core Path Plan produced by the Council it does not take into account any other recreational routes. It appears that the planned new access track between T28 and T29 lies in close proximity to the line of the *walkhighlands* route and the impact on this route has not been considered. An access management plan, included in the application and produced in consultation with the access team at the Council, would have addressed these issues.

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.*

In light of the above advice note the Society is concerned by the proximity of T29 and potential borrow pit search area G to the walkhighlands route noted above.

The Society objects to this application as the impact on public access has not been fully considered.

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

# 2.1o

**Brown C (Carolanne)**

---

**From:** Yell CC REDACTED  
**Sent:** 24 June 2019 17:41  
**To:** Econsents Admin  
**Subject:** Energy Isles - Planning objection

TO WHOM IT MAY CONCERN,

Planning Ref. ECU00001844

Energy Isles Wind Farm

The Yell Community Council object to the application on the following grounds.

Environmental impact.

Visual Impact.

Noise level.

Height of Turbines

Number of Turbines.

Regards,

Julia Lyth  
Clerk  
REDACTED

--  
Julia Lyth Clerk Yell Community Council <sup>R</sup>REDACTED  
<sub>E</sub>

---

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2.1p

# PEAT LANDSLIDE HAZARD RISK ASSESSMENT

## Energy Isles Windfarm

### STAGE 1 CHECKING REPORT



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

ENERGY CONSENTS UNIT

**IronsideFarrar**  
EnvironmentalConsultants

50326 | 016 | 15.07.19

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## History/ Stage

This document has been prepared to audit Peat Landslide and Hazard Risk Assessments on behalf of the Scottish Government Energy Consents Units.

**The Stage of the Checking Point and history of the document is as follows:**

Stage	Date	Description	Author	Checked/ Approved
1	15.07.19	Stage 1 Checking Report	Blair Kilpatrick BSc, MSc, Project Geologist	Mark Chapman BSc, MSc, CEng, MICE, Director

---

## 1.0 INTRODUCTION

### 1.1 Context to Report

The Scottish Government Energy Consents Unit is responsible for processing applications under sections 36 and 37 of the Electricity Act 1989 to develop electricity generation projects and overhead electric lines. In addition, under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, Scottish Ministers are required to consider the environmental impacts of the proposal. EIA Development applications are therefore required to be supported by EIA Reports, which include site-specific information and survey details in respect of the risk of peat landslide events for elements of the proposal and its infrastructure (i.e. construction of roads, access, tracks, wind turbine foundations etc).

The Energy Consents Unit commissioned Ironside Farrar Ltd to technically assess the Peat Landslide Hazard and Risk Assessment(s) (PLHRAs) submitted by developers. This checking report will consider whether or not adequate and appropriate field survey, peat sampling and analytical methods have been employed to provide a sound basis for assessing peat stability and the risk from peat landslides within the development envelope. The checking report will provide a summary of findings and recommendations and the Energy Consents Unit will issue a copy to the developer in accordance with the requirements of the Best Practice Guide (Scottish Government, 2017).

### 1.2 Audit Methodology

This audit primarily reviews the information submitted by the developer against the guidance provided in:

- Peat Landslide Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments, Energy Consents Unit Scottish Government, Second Edition, April 2017 (ECUBPG)

### 1.3 Documents Reviews

The documents reviewed as part of this audit were:

**Stage 1 Audit:**

- Energy Isles Wind Farm – EIAR Volume 6, Appendix 10.4 – Peat Landslide Hazard and Risk Assessment, East Point Geo, April 2019.
- Energy Isles Wind Farm – EIAR Volume 6, Appendix 10.3 – Peat Management Plan, ITP Energised.
- Energy Isles Wind Farm – EIAR Volume 6, Appendix 10.4 – Peat Survey Report, Fluid Environmental Consulting Ltd.
- Google maps 2019 aerial photography was reviewed for general context.

---

## 2.0 REVIEW OF DATA SUPPORTING PLHRA

### 2.1 Is a PLHRA Necessary?

Section 1.1.3 of the report states, in accordance with the guidance ECUBPG, that peat is present on the site on slopes of greater than 2 degrees and therefore a PLHRA is required.

### 2.2 Team Competencies and Spatial Scope of Study

Competencies of the team are stated in section 2.5.1. The team behind this reporting has demonstrated the relevant qualifications and experience required to undertake an assessment of peat stability in line with the ECUBPG.

### 2.3 Structure of PLHRA Reporting

East Point Geo has been commissioned by Energy Isles Windfarm to undertake a peat landslide hazard risk assessment PLHRA as part of a section 36 application for a windfarm development on the Island of Yell in Shetland. The proposed development lies to the south and west of Gloup and covers an area of approximately 16.8km<sup>2</sup>. The site is remote with no transport links to or from the site boundary. The proposed development will comprise the following:

- 29 wind turbines with a maximum tip height of 200m each with an associated transformer.
- A crane hardstanding area and blade laydown area at each turbine location.
- A substation and control building
- A network of buried electrical, telecommunications and control cables linking the substation / control building and turbines.
- 4 onsite temporary construction compounds.
- Up to 9 temporary borrow pits for the extraction of stone.
- A network of access tracks (18.35km of floating track, 0.98km of temporary floated track, 1.75km of excavated track) with turning area linking the turbines and the substation / control building.
- The widening of 0.523km of existing road that will link the access tracks to the main road network.

#### **Review and Comments:**

- Infrastructure layout is shown on figure 1 and many subsequent drawings.
- The PLHRA does not detail whether the borrow pits described above will require blasting for extraction. Please clarify and confirm the implications for the assessment of peat stability should blasting be required on the site
- It is noted that there are plans to restore borrow pit and sections of the floating roads planned on the site (Section 1.1.2).
- An estimated 394,171m<sup>3</sup> of peat is due to be excavated on the site, the peat management plan suggests that the entire volume will be reused / restored. Reference should be made to best practice for reuse and restoration highlighted in the peat management plan given the possible slide implications of peat storage.

### 2.4 Review of Desk Study

The desk study carried out for this review is thorough and is considered to be in line with the guidance. A good level of detailed information pertaining to site characteristics, peat slides and geotechnics as well as the scope of the development is presented in the document. However, a few potential information sources appear have been omitted from the assessment:

- Sections regarding geology (Section 2.2) and geomorphology (Section 2.5) are well written and include references to site photography (obtained on the site walkover) and published mapping (superficial and bedrock geology as well as the SNH soils map for Scotland).
- The document summarises information available in other ES chapters regarding the development, hydrology, etc (Section 1.3.2). Useful references to the wider body of text are provided should further information be required.
- Chapter 3 of the PLHRA document contains information on peat landslides and associated triggering / contributory factors (Section 3.3). The chapter is detailed and contains several case studies describing peat slide at other windfarms (section 3.1) This depth of information provides a solid foundation for the assessment.
- Information on geotechnical parameters for peat soils can be found in tables 1 and 2 in section 4 of the PLHRA document.
- A review of historical mapping data, local knowledge and newspaper articles has not specifically been referenced. Please confirm whether these sources have been considered as part of the desk study and whether there are any implications to the assessment.

## 2.5 Review of Field Surveys

Field surveys including a site walkover and peat probing have been completed in accordance with the guidance (ECUBPG). Probing has been undertaken on a multi-phase approach with the initial phase focusing on a site wide grid and further phases focusing on proposed infrastructure locations:

- A site walkover took place in November 2018. Site photographs (referenced throughout and included in a section at the back of the document) and field observations were compiled with desk study information to produce a geomorphology assessment of the site (Section 2.5 and Figure 6).
- The spread of probing on the site comprises a site wide 100m grid and detailed probing around proposed infrastructure (section 2.5.9). The rationale for probing in areas of proposed infrastructure has been extrapolated from the SEPA guidelines cited within the ECUBPG (Section 2.5.9).
- Confirmatory coring / augering has taken place at 122 locations on the site these are detailed in section 2.5.13. Von Post classifications have then been calculated from these cores. The results of which show the peat below the site to fall into the H7-8 category (well humified catotelmic peat).

## 2.6 Integration of Desk Study and Field Surveys

The data from desk study, site walkover and site investigations has been compiled to produce a series of figures including geomorphology, slope models, hydrology, land use and peat depths. Overall, integration of the desk study information and field surveys appears to have built up robust peat characterisation over the site and is considered acceptable within the guidance (ECUBPG):

- Figure 2 shows a slope model for the site.
- Figure 4 identifies the hydrology and drainage, both natural and anthropogenic, across the site. It also identifies the main catchments in the region as well as the drinking water catchment for the island.

- Figure 5 identifies the current land use on the site.
- Figure 6 depicts the interpreted geomorphology of the site. This has been composed from site walkover information, mapping, and aerial photography.
- Figure 7 depicts a peat depth model, showing the interpretation of the measured depths from the probing survey.

---

## 3.0 REVIEW OF HAZARD & RISK ASSESSMENT AND PROPOSED MITIGATION

### 3.1 Assessment of Likelihood

Assessment has been carried out via stability analysis using ArcMap software and dividing the site into a 42m by 42m grid and inputting data from published literature values and peat depths. In the absence of site specific geotechnical values, assumed but considered conservative values have been used which include the source of reference. Representative vehicle loads (multi-wheel cranes) have been utilised to determine vehicle loading for analysis over the sections of floating roads.

- The assessment of slide likelihood is split between a factor of safety approach and a contributory factors approach. The methodologies for both approaches (Sections 4.2 and 4.3 respectively) are well explained and the factor of safety approach is consistent with methodologies described in the guidance (ECUBPG section 5.3.2 paragraph 5).
- Data sources described in Tables 1 and 2 of the PLHRA document are credible and are considered to be suitable for calculating the factor of safety for the site.
- A second assessment has been carried out via a Landslide Susceptibility approach using 8 No. contributory factors. Each of these are assigned a numerical score relevant to the factor class. The result of each factor class have then been summed to produce an overall peat likelihood score.
- The 8 No factors used for this analysis seem to be reasonable and applicable. The rationale for class factor scoring also seems realistic and is based on literature. Figures showing the scoring of each class across the site is presented on Figure 10.
- The contributory factor layers were combined in ArcMap to produce 9,093 slope facets (Section 4.3.1) and the scores converted into descriptive peat landslide likelihood classes presented on Table 11 of the reporting.
- It is noted in Section 4.3.1 that 9,093 slope facets are considered. In Section 4.3.19 it states that approximately 21,000 slope facets have been considered. Please clarify the number of facets used in the analysis and any implications this has on the accuracy of the assessment.
- Figure 11 presents peat landslide susceptibility results which show very low to moderate susceptibility. The figure also combines the results from the two separate approaches. The plan also shows the areas of proposed infrastructure that intersect moderate likelihoods.
- Overall the likelihood assessment carried out appears to be a robust and applicable assessment using two separate approaches and combining/ cross referencing results to determine the overall likelihood of peat landslide.

### 3.2 Assessment of Consequence

A consequence assessment has been undertaken as part of the assessment of risk. The assessment considers runout and identifies environmental and infrastructure receptors. This methodology is considered acceptable within the ECUBPG.

- The assessment identifies the main receptors on and off site the site as: watercourses, infrastructure, including a public water supply, the windfarm development itself as well as the peatland habitat. Table 12 in the PLHRA document outlines the scoring.

- It is noted in section 5.2.5 that the public water supply is unlikely to be affected by peat landslide due to its positioning relative to peat locations. However, a conservative approach has been taken and the highest possible ranking has been given to this receptor as the severity of consequence warrants it.
- A consequence assessment has been completed in areas of moderate (or higher) likelihood of peat landslide. Run-out pathways have also been considered at these locations to determine estimated maximum footprint of a landslide from the trigger point. The run outs are divided into zones based on typical run out distances stated in literature.
- Additional analysis was also carried out to determine whether a landslide once initiated would become exhausted of material as it thins downslope (Section 5.3.5)
- The scores generated to reflect the identified receptors on the site are logical and acceptable within the guidance.

### 3.3 Calculation of Risk

The methodology for the calculation of risk is displayed in figure 13. This is in keeping with the methodology and scoring laid out in the ECUBPG. Therefore, the assessment of risk is considered acceptable.

- The reporting discusses where medium risk areas are present on the site and identifies the primary receptors. Main receptors appear to be 'high value' water courses.
- Low – medium risks have been identified in 22 locations on the site, these are displayed in Table 13. No high-risk locations were identified in the assessment.

### 3.4 Proposed Mitigation

Mitigation within the document is considered robust and in keeping with the ECUBPG. Table 13 provides targeted mitigation for all proposed infrastructure locations with risks greater than or equal to low (section 6.1.3). More general site wide mitigation and best working practice is provided in sections 6.3 and 6.4 of the document.

- Table 13 shows infrastructure that intersects with identified risks of greater than low. The 22 locations have been given specific, targeted mitigation in order to reduce the risk to acceptable levels. It is believed that these mitigation measures are suitable. Details on the specific mitigation measures and the rationale behind their application is given in section 6.2.
- Comprehensive best practice is provided in sections 6.2 and 6.3 of the PLHRA document. A risk register is proposed for the development in this section, this is in line with the guidance and considered best practice.
- The Peat Management Plan notes an estimated 394,171m<sup>3</sup> of peat is due to be excavated on the site and that the entire volume will be reused / restored. Appropriate mitigation is identified however given the large volumes, a preliminary plan showing areas for temporary storage and permanent reinstatement would have been useful to demonstrate safe usage. Given the size/nature of the site it is acknowledged this should be readily achievable.

---

## 4.0 SUMMARY AND RECOMMENDATIONS

### 4.1 Summary of Developers PLHRA

The following provides a summary of the developer's PLHRA making reference to whether or not adequate and appropriate field survey, peat sampling and analytical methods have been employed to assess peat stability and associated landslide risks including mitigation.

#### **Structure of PLHRA reporting**

East Point Geo has been commissioned by Energy Isles Windfarm to undertake a peat landslide hazard risk assessment PLHRA as part of a section 36 application for a windfarm development on the Island of Yell in Shetland. The proposed development lies to the south and west of Gloup and covers an area of approximately 16.8km<sup>2</sup>

#### **Desk Study**

The desk study carried out for this review is thorough and is considered to be in line with the guidance. A good level of detailed information pertaining to site characteristics, peat slides and geotechnics as well as the scope of the development is presented in the document. A few potential information sources appear to have been omitted from the assessment.

#### **Field Surveys**

Field surveys including a site walkover and peat probing have been completed in accordance with the guidance (ECUBPG). Probing has been undertaken on a multi-phase approach with the initial phase focusing on a site wide grid and further phases focusing on proposed infrastructure locations.

#### **Integration of Desk Study and Field Surveys**

The data from desk study, site walkover and site investigations has been compiled to produce a series of figures including geomorphology, slope models, hydrology, land use and peat depths. Overall, integration of the desk study information and field surveys appears to have built up robust peat characterisation over the site and is considered acceptable within the guidance (ECUBPG).

#### **Hazard Assessment – Likelihood**

Two separate approaches have been used to assess peat landslide likelihood and combined to provide a conservative analysis. This assessment is considered to be robust although there are a couple of points that require some clarity.

#### **Hazard Assessment – Consequence**

A consequence assessment has been undertaken as part of the assessment of risk. The assessment considers runoff and identifies environmental and infrastructure receptors. This methodology is considered acceptable within the ECUBPG.

#### **Calculation of Risk**

The methodology for the calculation of risk is displayed in Figure 13. Low – medium risks have been identified at 22 locations on the site, these are displayed in Table 13 of the PLHRA report. No high-risk locations were identified in the assessment. This is in keeping with the methodology and scoring laid out in the ECUBPG. Therefore, the assessment of risk is considered acceptable.

### Proposed Mitigation

Mitigation within the document is considered robust and in keeping with the ECUBPG. Table 13 provides targeted mitigation for all proposed infrastructure locations with risks greater than or equal to low (section 6.1.3). More general site wide mitigation and best working practice is provided in sections 6.3 and 6.4 of the document.

## 4.2 Summary Outcome of Checking Report

The following comprises the summary outcome of the checking report:

The PLHRA is considered appropriate and sufficiently robust. It is well structured, builds up a good understanding of the peat characteristics on the site and presents a competent risk assessment (with mitigation). **A few minor comments** are highlighted, and these should be clarified for completeness.

## 4.3 Recommendations

The following recommendations are made:

Recommendations requiring response from Developer:

- The PLHRA does not detail whether the borrow pits will require blasting for extraction. Please clarify and confirm the implications for the assessment of peat stability should blasting be required on the site.
- The desk study does not refer to local knowledge from landowners, farmers and land workers or review of historical plans. Confirmation sought that this has been carried out and findings don't alter assessment.
- It is noted in section 4.3.1 that 9,093 slope facets are considered. In section 4.3.19 it states that approximately 21,000 slope facets have been considered. Please clarify the number of facets used in the analysis and any implications this has on the accuracy of the assessment.

# 2.1q

## Brown C (Carolanne)

---

**From:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Sent:** 24 June 2019 12:22  
**To:** Brown C (Carolanne); Econsents Admin  
**Cc:** NATS Safeguarding  
**Subject:** RE: Energy Isles Wind Farm - The Scottish Ministers Consultation (SG28082)

Dear Carolanne

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](mailto:natssafeguarding@nats.co.uk)

4000 Parkway, Whiteley,  
Fareham, Hants PO15 7FL  
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Carolanne Brown  
Energy Consents Unit  
The Scottish Government  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

Your ref:  
ECU00001844

Our ref:  
TS00538

Date:  
10/06/2019

[econsentsadmin@gov.scot](mailto:econsentsadmin@gov.scot)

Dear Sirs,

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

**ELECTRICITY ACT 1989 SECTION 36 AND SCHEDULE 8: APPLICATION FOR THE  
PROPOSED ENERGY ISLES WIND FARM, SOUTH OF GLOUP ON THE ISLAND OF YELL,  
WITHIN THE PLANNING AUTHORITY AREA OF SHETLAND ISLAND COUNCIL AREA.**

With reference to your recent correspondence on the above development, we acknowledge receipt of the Environmental Impact Assessment 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 – Roads Directorate. Based on the review undertaken, we would provide the following comments.

**Proposed Development**

The proposed development comprises 29 wind turbines with a maximum blade tip height of 200m at a site located approximately 147m west of Sellafirth, 1.8km west of Cullivoe and 812m south of Gloup, on the island of Yell in the Shetland Islands.

Chapter 11 of the EIAR and Appendix 11.1 (Transport Assessment by WYG) indicate that all abnormal turbine loads and crane trips will originate from either Sullom Voe or Greenhead Base and will then transfer to Ulsta by barge. In addition, concrete materials and aggregate will be sourced from Sullom Quarry.

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 but should you wish to discuss, please do not hesitate to contact Alan DeVenny at SYSTRA's Glasgow Office on 0141 343 9636.

Yours faithfully

REDACTED

**Gerard McPhillips**

**Transport Scotland  
Roads Directorate**

cc Alan DeVenny – SYSTRA Ltd.



T: + [REDACTED]  
DD: + [REDACTED] e-mail: [REDACTED]

Ms Carolanne Brown  
Energy Consents Unit  
Scottish Government  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

Our ref: FL/59-7

June 18<sup>th</sup> 2019

Dear Carolanne,

## **ENERGY ISLES WIND FARM, YELL, SHETLAND ISLANDS**

Thank you for seeking comment from Marine Scotland Science (MSS) in relation to freshwater and diadromous fish and fisheries in the Environmental Impact Assessment Report for the proposed Energy Isles wind farm on the north-west of Yell.

The proposed development consists of 29 wind turbines and associated hardstanding areas, access tracks including 41 watercourse crossings, underground cables, 4 temporary construction compounds, a substation, a meteorological mast and 9 borrow pits, the latter includes the diversion of 5 watercourses.

The proposed development site has numerous watercourses and waterbodies which are prone to spate and drought conditions. Electrofishing surveys recorded trout populations in the two main river catchments, Burn of Gossawater and Burn of Firth.

MSS welcomes the proposal to develop a fish species protection plan and site water quality management plan. We advise that the developer consults our generic monitoring programme guidelines to establish a strategically designed, robust integrated water quality, macroinvertebrate and fish population monitoring programme to be carried out at least 12 months before, during and for at least 12 months after construction at sites potentially impacted by the proposed development and at control sites, where an impact is unlikely. We recommend that key



hydrochemical parameters (including turbidity and flow/stage data) are measured in a UKAS accredited laboratory as opposed to less accurate field measurements and for fully quantitative electrofishing surveys to be carried out to enable spatial and temporal comparisons of fish densities.

We welcome the proposed mitigation measures including the 50m buffer zone around all watercourses, the appointment of an Ecological Clerk of Works, and the consideration of fish migratory requirements in the design of watercourse crossings. The majority of the site is covered in peat of up to 4 m depth resulting in the proposal to “float” (using a geotextile base rather than excavate) approximately 18.35km of access tracks, the 4 construction compounds and substation.

In summary, MSS advises that the developer establishes a robust water quality and aquatic biota monitoring programme, which in addition to the proposed mitigation measures, should aim to ensure full protection of fish populations.

Kind regards,

Dr Emily E. Bridcut

# 2.1t

## Brown C (Carolanne)

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**From:** Safeguarding <Safeguarding@hial.co.uk>  
**Sent:** 18 June 2019 13:48  
**To:** Brown C (Carolanne); Econsents Admin  
**Subject:** RE: Energy Isles Wind Farm - The Scottish Ministers Consultation

**Your Ref:** ECU00001844  
**HIAL Ref:** 2019/0026/SUM

Dear Sir/Madam,

**PROPOSAL: ELECTRICITY ACT 1989, SECTION 36 AND SCHEDULE 8: APPLICATION FOR THE PROPOSED ENERGY ISLES WIND FARM**  
**LOCATION: 147M WEST OF SELLA FIRTH, 1.8KM WEST OF CULLIVOE AND 812M SOUTH OF GLOUP ON THE ISLAND OF YELL, SHETLAND ISLES**

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With reference to the above, our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for Sumburgh Airport.

However, due to its height and position, aviation warning lights light may be required to be fitted at the hub height of the turbines.

Provided that this condition is met Highlands and Islands Airports Limited would not object to this proposal.

As a minimum the Civil Aviation Authority (CAA) recommends that all proposed developments over 90m in height should be notified to the CAA through:

Off Route Airspace  
Directorate of Airspace Policy  
Civil Aviation Authority  
CAA House  
45-59 Kingsway  
London WC2B 6TE  
Email [airspace@caa.co.uk](mailto:airspace@caa.co.uk)

Regards

**Safeguarding Team**  
**Highlands and Islands Airports Limited**  
Head Office, Inverness Airport, Inverness IV2 7JB  
 [REDACTED] (DIRECT DIAL)  
 [safeguarding@hial.co.uk](mailto:safeguarding@hial.co.uk)  [www.hial.co.uk](http://www.hial.co.uk)

---

**From:** [REDACTED] <[REDACTED]>  
**Sent:** 14 May 2019 12:03  
**To:** [REDACTED]  
**Subject:** Energy Isles Wind Farm - The Scottish Ministers Consultation

Dear Sir or Madam

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017  
ELECTRICITY ACT 1989 SECTION 36 AND SCHEDULE 8: APPLICATION FOR THE PROPOSED ENERGY ISLES WIND FARM, SOUTH OF GLOUP ON THE ISLAND OF YELL, WITHIN THE PLANNING AUTHORITY AREA OF SHETLAND ISLAND COUNCIL AREA.**

On 26 April 2019, Energy Isles Limited submitted an application under section 36 of the Electricity Act 1989 ('the Act') for the Scottish Ministers' consent to construct and operate the proposed Energy Isles Wind Farm, with a generating capacity in excess of 50 Mega Watts, located to the west of Cullivoe, and south of Gloup on the island of Yell in Shetland Island Planning Authority Area.

In accordance with the Electricity (Applications for Consent) Regulations 1990, the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA regulations') and regulations made under Schedule 8 (1) to the Electricity Act 1989, details of the application will be published in the local & national press and on the application website [www.energyisles.co.uk](http://www.energyisles.co.uk)

The advert will appear in the Shetland Times on 17<sup>th</sup> & 24<sup>th</sup> May, the Edinburgh Gazette on 14<sup>th</sup> May and The Herald on 14<sup>th</sup> May 2019.

In accordance with Regulation 16 of the Electricity Works (Environmental Impact Assessment)(Scotland) Regulations 2017 a consultation in respect of the application must be carried out.

The application documentation can be viewed at the Energy Consents website [www.energyconsents.scot](http://www.energyconsents.scot) by:

- clicking on **Search** tab; then,
- clicking on **Simple Search** tab; then,
- typing **Energy Isles Wind Farm** into **Search by Project Name** box then clicking on **Go**; then
- clicking on **ECU00001844** and then click on **Documents** tab.

The documentation is also available to view on the application website – [www.energyisles.co.uk](http://www.energyisles.co.uk)

The EIA regulations allow a minimum of 30 days for responses to this consultation. The closing date for any representations you may wish to make in this case is **24<sup>th</sup> June 2019**.

Please note reminder letters are no longer issued by the Energy Consents Unit for any project. If we have not received your comments, nor have we received any extension request by **24<sup>th</sup> June 2019** we will assume you have no comments to make.

Please e-mail your response to [Econsents\\_admin@gov.scot](mailto:Econsents_admin@gov.scot)

If you have any problems accessing the documentation or require it in a different format please contact [econsents\\_admin@gov.scot](mailto:econsents_admin@gov.scot) or [carolanne.brown@gov.scot](mailto:carolanne.brown@gov.scot)

Kind Regards,

Carolanne

**Carolanne Brown | Case Officer | Energy Consents Unit**

Scottish Government | 📞: [REDACTED] | ✉️: [REDACTED]

5 Atlantic Quay | 150 Broomielaw | 4<sup>th</sup> Floor | Glasgow | G2 8LU

To view our current casework please visit [www.energyconsents.scot](http://www.energyconsents.scot)

To read the Energy Consents Unit's privacy notice on how personal information is used, please visit <http://www.energyconsents.scot/Documentation.aspx>

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadachd a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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# 2.1u

28<sup>th</sup> May 2019

Scottish Government  
5 Atlantic Quay 150 Broomielaw  
Glasgow  
G2 8LU



Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Steps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Carolanne Brown

**ZE2 Shetland Islands Yell Energy Isles Wind Farm**  
**PLANNING APPLICATION NUMBER: ECU00001844**  
**OUR REFERENCE: 777127**  
**PROPOSAL: Wind Farm (Generating station of >100 <200 MW Capacity)**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

### **Infrastructure within boundary**

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk).

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

### **Scottish Water Disclaimer**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

## **Drinking Water Protected Areas**

A review of our records indicates that the proposed activity falls partly within a drinking water catchment where a Scottish Water abstraction is located. 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) and it is essential that water quality and water quantity in the area are protected. 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**.

It 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.

The developer has been working with us to ensure appropriate mitigations are put in place to protect water quality and quantity and we welcome further involvement throughout the process.

Some of the soils in this catchment appear to be peats and peaty gleys. Peat that is in unfavourable condition or disturbed can exacerbate the release of organic material into the water environment. Water containing a high organic content can affect WTW processes and water supply. We would welcome consideration of the precautions specific to protecting drinking water in peatland areas and any opportunities for peat restoration.

We welcome that reference has been made to the Scottish Water response to the previous consultation.

The fact that this area is located within a drinking water catchment should be noted in future documentation. Also anyone working on site should be made aware of this during site inductions.

We would request further involvement at the more detailed design stages, to determine the most appropriate proposals and mitigation within the catchment to protect water quality and quantity.

We would also like to take the opportunity, to request that in advance of any works commencing on site, Scottish Water is notified at [protectdwsources@scottishwater.co.uk](mailto:protectdwsources@scottishwater.co.uk). This will enable us to be aware of activities in the catchment and to determine if a site meeting would be appropriate and beneficial.

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at [www.scottishwater.co.uk/slm](http://www.scottishwater.co.uk/slm).

## **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

**General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**





Scottish Forestry 2.1v  
Coilltearachd  
na h-Alba

Highland & Islands Conservancy  
Woodlands  
Fodderty Way  
Dingwall  
Ross-shire  
IV15 9XB  
Tel: [REDACTED]  
John Risby, Conservator  
Email: [highland.cons@forestry.gov.scot](mailto:highland.cons@forestry.gov.scot)

21st of May 2019

Energy Consent Unit  
Scottish Government  
via email

Dear Madame/Sir

**Application under Section 36 of The Electricity Act (1989) for a windfarm (with an installed capacity of up to 200 MW) on land 147 m west of Sellafirth, 1.8 km west of Cullivoe and 812 m, south of Gloup on the Island of Yell, Shetland Islands**

Thank you for consulting Scottish Forestry on the proposed windfarm on Isle of Yell (proposed development).

Scottish Forestry (SF) is the Scottish Government agency responsible for policy, support and regulation of forestry sector in Scotland. As such SF comments on possible impact of development proposals on forests and woodlands.

There are small areas on broadleaf woodland within the proposed development area, that are noted by the Applicant in Environmental Impact Assessment Report (EIA Report) Chapter 7 - Ecology & Nature Conservation in Table 7.5 - Area and percentage cover of Site Phase 1 Habitat and Table 7.6 - Evaluation of Ecological Features, and recognised as of local importance. There is also area of woodland created under Scottish Forestry Grant Scheme (SFGS), approved for planting in 2005, located near archaeological features of Heatherdale, grid reference HP 5127 0184, along Burn of Glipapund. The afforested area is relatively small in comparison with the scale of proposed development, and SF notes that woodland habitat is not mentioned in Table 7.7 - Summary of Habitat Lost to Proposed Development Footprint.

SF seeks reassurance that the woodland present within proposed development area will not be removed. If however any area of woodland is to be permanently removed to accommodate the proposed development, Scottish Government's Policy on Control of Woodland Removal will apply, and compensatory planting of area corresponding to net area of woodland removal will be required.

Kind regards

[REDACTED]

Agata Baranska  
Regulations & Development Manager  
[REDACTED]

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation

S e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd



# 2.1w

## Brown C (Carolanne)

---

**From:** JRC Windfarm Coordinations <windfarms@jrc.co.uk>  
**Sent:** 15 May 2019 14:26  
**To:** Brown C (Carolanne)  
**Subject:** Energy Isles Wind Farm - The Scottish Ministers Consultation [WF358426]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear carolanne,

A Windfarms Team member has replied to your coordination request, reference **WF358426** with the following response:

*Dear Sir/Madam,*

**Planning Ref:** *Electricity Act 1989 -- Section 36 & Schedule 8*

**Name/Location:** *Energy Isles Wind Farm, Gloup, Yell, Shetland*

**Total 29 turbines:**

**TURBINE:**  
*Energy Isles (Sellafirth) T1 hub 120m blades 80m  
Grid ref OSGB 448784 1203666*

*No links affected*

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**TURBINE:**  
*Energy Isles (Sellafirth) T2 hub 120m blades 80m  
Grid ref OSGB 448331 1203036*

*No links affected*

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**TURBINE:**  
*Energy Isles (Sellafirth) T3 hub 120m blades 80m  
Grid ref OSGB 449144 1203369*

*No links affected*

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**TURBINE:**  
*Energy Isles (Sellafirth) T4 hub 120m blades 80m  
Grid ref OSGB 449765 1203441*

*No links affected*

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*TURBINE:*  
*Energy Isles (Sellafirth) T5 hub 120m blades 80m*  
*Grid ref OSGB 449676 1202945*

*No links affected*

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*TURBINE:*  
*Energy Isles (Sellafirth) T6 hub 120m blades 80m*  
*Grid ref OSGB 449640 1202314*

*No links affected*

-----  
*TURBINE:*  
*Energy Isles (Sellafirth) T7 hub 120m blades 80m*  
*Grid ref OSGB 448360 1201874*

*No links affected*

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*TURBINE:*  
*Energy Isles (Sellafirth) T8 hub 120m blades 80m*  
*Grid ref OSGB 449002 1201654*

*No links affected*

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*TURBINE:*  
*Energy Isles (Sellafirth) T9 hub 120m blades 80m*  
*Grid ref OSGB 449577 1201755*

*No links affected*

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*TURBINE:*  
*Energy Isles (Sellafirth) T10 hub 120m blades 80m*  
*Grid ref OSGB 448922 1201085*

*No links affected*

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*TURBINE:*  
*Energy Isles (Sellafirth) T11 hub 120m blades 80m*  
*Grid ref OSGB 449777 1201270*

*No links affected*

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**TURBINE:**

*Energy Isles (Sellafirth) T12 hub 120m blades 80m*

*Grid ref OSGB 449088 1200632*

*No links affected*

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**TURBINE:**

*Energy Isles (Sellafirth) T13 hub 120m blades 80m*

*Grid ref OSGB 449752 1200772*

*No links affected*

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**TURBINE:**

*Energy Isles (Sellafirth) T14 hub 120m blades 80m*

*Grid ref OSGB 449368 1200263*

*No links affected*

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**TURBINE:**

*Energy Isles (Sellafirth) T15 hub 120m blades 80m*

*Grid ref OSGB 449961 1200325*

*No links affected*

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**TURBINE:**

*Energy Isles (Sellafirth) T16 hub 120m blades 80m*

*Grid ref OSGB 450428 1200150*

*No links affected*

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**TURBINE:**

*Energy Isles (Sellafirth) T17 hub 120m blades 80m*

*Grid ref OSGB 450396 1201116*

*No links affected*

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**TURBINE:**

*Energy Isles (Sellafirth) T18 hub 120m blades 80m*

Grid ref OSGB 450606 1200678

No links affected

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**TURBINE:**

Energy Isles (Sellafirth) T19 hub 120m blades 80m  
Grid ref OSGB 451071 1200336

No links affected

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**TURBINE:**

Energy Isles (Sellafirth) T20 hub 120m blades 80m  
Grid ref OSGB 451554 1200185

No links affected

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**TURBINE:**

Energy Isles (Sellafirth) T21 hub 120m blades 80m  
Grid ref OSGB 450563 1201645

No links affected

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**TURBINE:**

Energy Isles (Sellafirth) T22 hub 120m blades 80m  
Grid ref OSGB 451005 1201521

No links affected

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**TURBINE:**

Energy Isles (Sellafirth) T23 hub 120m blades 80m  
Grid ref OSGB 451298 1200900

No links affected

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**TURBINE:**

Energy Isles (Sellafirth) T24 hub 120m blades 80m  
Grid ref OSGB 451800 1200817

No links affected

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*TURBINE:*

*Energy Isles (Sellafirth) T25 hub 120m blades 80m  
Grid ref OSGB 451593 1201475*

*No links affected*

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*TURBINE:*

*Energy Isles (Sellafirth) T26 hub 120m blades 80m  
Grid ref OSGB 451724 1202184*

*No links affected*

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*TURBINE:*

*Energy Isles (Sellafirth) T27 hub 120m blades 80m  
Grid ref OSGB 451323 1202379*

*No links affected*

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*TURBINE:*

*Energy Isles (Sellafirth) T28 hub 120m blades 80m  
Grid ref OSGB 451037 1202718*

*No links affected*

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*TURBINE:*

*Energy Isles (Sellafirth) T29 hub 120m blades 80m  
Grid ref OSGB 450906 1203324*

*No links affected*

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*Note: Turbine dimensions are estimated. Maximum tip height is 200m*

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

***The Local Electricity Utility and Scotia Gas Networks***

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*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.*

*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, developers are advised to seek re-coordination prior to considering any design changes.*

Regards

Wind Farm Team

*The Joint Radio Company Limited  
Delta House  
175-177 Borough High Street  
LONDON  
SE1 1HR  
United Kingdom*

Office: [REDACTED]

*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>*

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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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# 2.1x

**Brown C (Carolanne)**

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**From:** [REDACTED] on behalf of radionetworkprotection@bt.com  
**Sent:** 14 May 2019 13:17  
**To:** Brown C (Carolanne); Econsents Admin  
**Subject:** RE: Energy Isles Wind Farm - The Scottish Ministers Consultation

## **OUR REF; WID10980 & T1**

Dear Sir/Madam

Thank you for your email dated 14/05/2019.

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 network.



Kind Regards,  
**Paul Atkinson**  
**Fibre and Network Delivery**  
**Radio Frequency Allocation & Network Protection (BNJ112)**  
 Openreach  
 Tel: [REDACTED]  
 Mobile [REDACTED]  
 Web: [www.openreach.co.uk](http://www.openreach.co.uk)  
 PLEASE ALWAYS RESPOND TO [radionetworkprotection@bt.com](mailto:radionetworkprotection@bt.com)

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2.1y

23 May 2019



Carolanne Brown  
Case Officer  
Energy Consents Unit  
The Scottish Government

Dear Ms Brown,

**Proposed Energy Isles Wind Farm, Island of Yell**

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/pdf/Revised%20Oct%2012%20%20Insights%20Wind%20Farm%20Topic%20Paper.pdf>

#### Taking tourism considerations into account

We would suggest that full consideration is also given to the Scottish Government's 2008 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 highlights a request, as part of the planning process, to provide a tourism impact statement as part of the Environmental Impact Analysis. Planning authorities should also 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](http://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 strongly agrees with the advice of the Scottish Government –the importance of tourism impact statements should not be diminished, and that, for each site considered, an independent tourism impact assessment should be carried out. This assessment should be geographically sensitive and should consider the potential impact on any tourism offerings in the vicinity.

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

REDACTED

Douglas Keith  
Government & Parliamentary Affairs  
VisitScotland