

## Appendix 2.3 Gatecheck Consultation Responses

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**Rebecca Todd**

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**Subject:** FW: Energy Isles Wind Farm - Supplementary Information - Gatecheck report

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**From:** Safeguarding [REDACTED]

**Sent:** 31 March 2020 14:38

**To:** McInnes T (Theresa) <[REDACTED]>

**Subject:** RE: Energy Isles Wind Farm - Supplementary Information - Gatecheck report

**HIAL Ref:** 2020/0068/LSI

Dear Sir/Madam,

**PROPOSAL:** Energy Isles (Yell) Wind Farm

With reference to the above proposed development, it is confirmed that the supplementary information does not result in an impact on our safeguarding criteria for Sumburgh Airport.

Therefore, Highlands and Islands Airports Limited would have no objections to the proposal.

Regards,

**Safeguarding Team**

**Highlands and Islands Airports Limited**

Head Office, Inverness Airport, Inverness IV2 7JB



[www.hial.co.uk](http://www.hial.co.uk)

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Ms Theresa McInnes  
Energy Consents Unit  
Scottish Government  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

Our ref: FL/59-7

March 31st 2020

Dear Theresa,

## **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 on the Gatecheck Report for the submission of Supplementary Environmental Information (SEI) to the application for the proposed Energy Isles wind farm.

MSS welcomes the intention of the developer to establish a fish species protection plan such that electrofishing and macroinvertebrate surveys will be carried out during the 12 months prior to construction commencing, during the construction phase, and during 12 months after construction is complete. Fully quantitative electrofishing surveys are advised as is outlined in our generic monitoring programme guidelines (<https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren>).

MSS reiterates the advice, provided in response to the Environmental Impact Assessment Report, that an integrated robust water quality and aquatic monitoring programme is established. This monitoring programme should follow MSS guidelines including the measurement of key hydrochemical parameters (including turbidity and flow/stage data) and analysis in a UKAS accredited laboratory as opposed to less accurate field measurements.

Full details regarding the above proposed survey/monitoring programmes should be outlined in the SEI.

Kind regards,

Dr Emily E. Bridcut

## Rebecca Todd

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**Subject:** FW: Energy Isles Wind Farm - Supplementary Information - Gatecheck report (SG28082)

**From:** NATS Safeguarding <[REDACTED]>  
**Sent:** 27 March 2020 14:40  
**To:** McInnes T (Theresa) <[REDACTED]>  
**Cc:** NATS Safeguarding <[REDACTED]> Findlay RF (Ruth) <[REDACTED]>  
**Subject:** RE: Energy Isles Wind Farm - Supplementary Information - Gatecheck report (SG28082)

Dear Theresa

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**

**NATS Safeguarding**

E: [REDACTED]

4000 Parkway, Whiteley,  
Fareham, Hants PO15 7FL  
[www.nats.co.uk](http://www.nats.co.uk)



Our ref: PCS/170748  
Your ref: ECU00001844

If telephoning ask for:  
Alison Wilson

2 April 2020

Theresa McInnes  
Directorate for Energy and Climate Change  
Scottish Government

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

Dear Ms McInnes

### Energy Isles Wind Farm - Supplementary Information - Gatecheck report

Thank you for your consultation email, which SEPA received on 24 March 2020, enclosing a copy of the EIA Report Supplementary Environmental Information – Gatecheck.

We note there have been further revisions to the design of the Proposed Development, mainly the removal of turbines 1, 2, 3, 4, 7 and 29, borrow pit search areas I and G and construction compound 3, along with a reduction in height of several of the turbines, and that the applicant intends to submit Supplementary Environmental Information (SEI) in spring 2020 to respond to the consultee responses.

In our response of 24 June 2019 (our reference PCS/165327) we asked 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) of our response be attached to any grant of consent.

We welcome the submission of *Table 1 – Energy Isles Wind Farm 2019 EIA Report Consultation Responses* in the Gatecheck report, confirming that the requirements of these conditions will be met. We agree that the “2020 Layout has reduced impacts on peat due to the removal of turbines and infrastructure” from the impacts on peat of the original proposed layout.

As such we are **satisfied** that the environmental issues, as detailed in our response of 24 June 2019, will be addressed through the relevant **conditions**, as summarised in the Gatecheck report.

We trust this information is of assistance to you. However, if you have any queries relating to this letter, please contact me by email at [planningaberdeen@sepa.org.uk](mailto:planningaberdeen@sepa.org.uk).

Yours sincerely

Alison Wilson  
Senior Planning Officer  
Planning Service

ECopy to: [REDACTED] Theresa McInnes, Scottish Government,  
[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](#).*



**Rebecca Todd**

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**Subject:** FW: Energy Isles Wind Farm - Supplementary Information - Gatecheck report

**From:** Jonathan Swale <[REDACTED]>

**Sent:** 06 April 2020 12:09

**To:** McInnes T (Theresa) <[REDACTED]>

**Cc:** Findlay RF (Ruth) <[REDACTED]>

**Subject:** RE: Energy Isles Wind Farm - Supplementary Information - Gatecheck report

Dear Theresa

Thank you for sending the EIA Supplementary Environmental Information Gatecheck Report for the Energy Isles wind farm.

Table 1 states that the revised layout with reduction of turbine number has reduced the impact on the NSA. We would expect this statement to be based on an assessment of the effects of the proposal on the Special Landscape Qualities of the NSA. This should be included in the SEI as it will be required to inform our own analysis.

We also note that table 1 lists our objections in relation to the NSA and the uncertainty over impacts on red-throated divers but makes no reference to our further objection due to impacts on peatland habitats.

Regards

**Jonathan Swale | Operations Officer**

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

*and Nature in Scotland – [@nature\\_scot](#)*

**From 1 May 2020, SNH will be rebranding and changing its name to NatureScot.**



30<sup>th</sup> March 2020

The Scottish Government  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
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 Theresa McInnes

**ZE2 Shetland Grimister Energy Isles Wind Farm**  
**PLANNING APPLICATION NUMBER: ECU00001844**  
**OUR REFERENCE: 790752**  
**PROPOSAL: Application under Section 36 of the Electricity Act 1989 for a Wind Farm on land 147M west of Sellafirth, 1.8KM west of Cullivoe and 812M south of Gloup on the island of Yell, Shetland Islands**

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

### **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).

#### **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)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

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

**Erin Drummond**



**Rebecca Todd**

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**Subject:** FW: Energy Isles Wind Farm - Supplementary Information - Gatecheck report

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

From: [REDACTED] <[REDACTED]>  
Sent: 06 April 2020 16:47  
To: McInnes T (Theresa) <[REDACTED]>  
Cc: Findlay RF (Ruth) <[REDACTED]>; [REDACTED]; [REDACTED]  
Subject: Re: Energy Isles Wind Farm - Supplementary Information - Gatecheck report

Energy Isles Wind Farm - Supplementary Information - Gatecheck report

Thank you for consulting us on this application

We welcome the fact that the four turbines nearest to the scheduled site of Burgi Geos have been removed from the revised plans.

In line with my email of 17/5/19, we would still be looking for a watching brief for all ground breaking works, not a "representative proportion" as per the original report. The details should appear in the Written Scheme of Investigation (WSI).

If a WSI has not been agreed in advance, we would be recommending the following condition:

#### Programme of Archaeological Work

Development shall not commence until a written scheme of archaeological works (Written Scheme of Investigation), which identifies a phased programme and method of archaeological work has been submitted to and agreed by the Regional Archaeologist on behalf of the Local Planning Authority in writing. Thereafter a suitable mitigation strategy shall be submitted to the Planning Authority for agreement following consultation with the Regional Archaeologist.

The development shall not be occupied until the site investigation has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under this condition and the Post Excavation Research Design for the analysis, publication and dissemination of results and archive deposition has been agreed and secured.

Reason: This is in line with SHEP 1.28 - 1.41; SPP 137-139; SPP 150-151; PAN 2/2011 20 - 22; 25-27; Shetland Local Development Plan HE 1 and HE 4.

Yours,

Val Turner

Dr Val Turner

Regional Archaeologist

Shetland Amenity Trust

Garthspool

Lerwick

Shetland

ZE2 9LL

**Rebecca Todd**

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**Subject:** FW: Energy Isles Wind Farm, Yell, Shetland - Supplementary Information - Gatecheck report

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**From:** [REDACTED]  
**Sent:** 06 April 2020 11:30  
**To:** McInnes T (Theresa) [REDACTED] >  
**Cc:** [REDACTED]  
**Subject:** Energy Isles Wind Farm, Yell, Shetland - Supplementary Information - Gatecheck report

Dear Ms McInnes

**Proposed Energy Isles Wind Farm – Our ref 2019/127/ECUCON**

I refer to your e-mail of 24 March 2020 in connection with the above proposed wind farm and a gatecheck consultation process in advance of the submission of Supplementary Environmental Information.

I have the following comments to make:

1. There is little comment in the gatecheck document on the objections/concerns raised by a number of consultees in connection with the impact on peatland and what is being done to address these. Scottish Natural Heritage and the RSPB objected to the development due to impact on peatland, SEPA considered that there were opportunities to reduce impacts on peat that should be fully considered and the Shetland Amenity Trust (SAT) had concerns about the impact on active blanket bog.
2. There is no comment in the gatecheck document in relation to concerns that the wider cumulative landscape impact with other consented wind farms across Shetland as a whole should be addressed. Comments on this issue were received from SNH, SAT and Economic Development.

Yours Sincerely

Janet Barclay Smith  
Planning Officer  
Shetland Islands Council  
8 North Ness Business Park  
Lerwick  
Shetland  
ZE1 0LZ

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