

2 Consultation

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2 Consultation

2.1 Introduction

2.1.1 Consultation with statutory and non-statutory consultees, interested parties and the general public has been a critical component of the process during the design evolution of the Proposed Development and following submission of the 2019 EIA Report and 2020 Supplementary Environmental Information ('2020 SEI'). Chapter 2 of the 2020 SEI details the consultation responses received following the submission of the 2019 EIA Report and how those were addressed in the 2020 SEI. This chapter details the content of further consultee responses received following the submission of the 2020 SEI, and describes how they have been addressed within this SEI 2.

2.2 Consultee Responses

2.2.1 This SEI 2 focuses on the consultees that responded to the 2020 SEI objecting to the Proposed Development and addresses those objections. The following consultees responded to the 2020 SEI with no objection and raised no further concerns that required addressing. Their responses are provided in full in Appendix 2.1.

- Airtask Group;
- British Telecommunications (BT);
- Crown Estate Scotland;
- Historic Environment Scotland (HES);
- Highlands and Islands Airport Ltd (HIAL);
- Joint Radio Company (JRC);
- NATS Safeguarding;
- Shetland Amenity Trust (regional archaeologist);
- ScotWays;
- Transport Scotland; and
- Yell Community Council.

2.2.2 Those consultee responses which raised concerns to the 2020 SEI are summarised in Table 2.1 below and provided in full in Appendix 2.1.

Table 2.1 – 2020 SEI Consultation Responses

Consultee	Date	Objection/Comment	Applicant Response
John Muir Trust	26/10/2020	<p>Objection, due to belief that development poses a threat to an area of strong peat presence. Despite the reduction in turbine numbers, extent of peatland loss is still classed as significant. Request that the decision makers reflect upon whether this is an appropriate site due to two main subjects:</p> <ul style="list-style-type: none"> - as the site supports extensive areas of class 1 carbon rich soils. - majority of the turbines are proposed on peatland of greater than 100cm depth. 	<p>Chapter 10 provides an assessment of peatland impacts and how those impacts have been mitigated.</p> <p>Chapter 7 provides an assessment of impacts on protected habitats including blanket bog.</p>
Ministry of Defence (MoD)	02/11/2020	Potential Objection , due to continued unacceptable impact of development upon Air Defence Radar at Remote Radar Head Saxa Vord	Further consultation has been undertaken with the MoD since the 2020 SEI to present a SERCO report detailing proposed mitigation. The Applicant and the MoD have subsequently agreed on an appropriately wording planning condition and the MoD have lifted their objection (see below). Refer to Chapter 13 within this SEI for further details.
	19/11/2020	No objection following review of technical mitigation proposal and consultation with the Applicant.	Further consultation was undertaken with the MoD to present the 2021 Layout. The MoD confirmed (07/09/2021) that the planning condition previously agreed for Radar Mitigation Scheme for RAF Saxa Vord remains suitable and is acceptable.
NatureScot	09/10/2020	Objection , due to unacceptably high levels of adverse impacts on peatland and on the special qualities of the Shetland National Scenic Area (NSA).	<p>Further consultation has been undertaken with NatureScot (refer to Table 2.3 below).</p> <p>Refer to Chapter 10 within this SEI 2 for an updated assessment of impacts on peatland</p>

Consultee	Date	Objection/Comment	Applicant Response
		Maintain objection due to an error in the collision risk model undermining confidence in assessment of ornithological impacts. Recommend that the analysis is re-run.	and Chapter 5 for an updated assessment of impacts on the NSA. Chapter 6 provides an updated assessment of impacts on ornithological receptors including a revised collision risk model at Appendix 6.1. The revised model has been independently peer reviewed, an approach that was agreed with NatureScot (refer also to Table 2.3). The peer review has been carried out by MacArthur Green.
Royal Society of Protection of Birds (RSPB)	09/10/2020	Objection due to: <ul style="list-style-type: none"> - significant adverse impacts on nationally important peatlands - inaccuracies of the revised collision risk analysis potentially resulting in an underestimation of collision mortality for species of conservation concern. - impacts on the red-throated diver feature of the Bluemull and Colgrave Sounds Special Protection Area (pSPA) can't be fully assessed until the collision risk analysis is deemed adequate by NatureScot. 	Refer to Chapter 6 within this SEI 2 for an updated assessment of impacts on ornithological receptors including a revised and independently peer reviewed collision risk model and response to consultation. Refer to Chapter 10 for an updated assessment of impacts on peatland.
Scottish Environment Protection Agency (SEPA)	26/10/2020	Object in principle due to: <ul style="list-style-type: none"> - impacts on high quality blanket bog. - contrary to Scottish Planning Policy. - requirement for additional information within Peat Management Plan and Restoration Plan. 	Further consultation has been undertaken with SEPA (refer to Table 2.3 below). Chapter 7 provides an updated assessment of impacts on protected habitats including blanket bog. Refer to Chapter 10 within this SEI 2 for an assessment of impacts on peat and response to consultation.
Shetland Bird Club	08/10/2020	Objection , due to “serious adverse effects” on important bird species which the bird club believe cannot be fully mitigated. The club consider	Refer to Chapter 6 within this SEI 2 for an updated assessment of impacts on

Consultee	Date	Objection/Comment	Applicant Response
		that damage to blanket bog in the area will result in the release of a considerable amount of stored carbon into the atmosphere and advise that more needs to be done to mitigate damage to blanket bog.	ornithological receptors including a revised collision risk model and response to consultation. Chapter 7 provides an updated assessment of impacts on protected habitats including blanket bog. Refer to Chapter 10 for an updated assessment of impacts on peatland.

2.2.3 Although no formal response has been received from Shetland Island Council at time of writing, the individual department responses detailed in Table 2.2 have been noted.

Table 2.2 - Shetland Island Council 2020 SEI Comments

Consultee	Date	Comment	Applicant Response
Shetland Islands Council (SIC)	Development Plans & Heritage Team	dated September 2020	The Local Development Plan policy and associated landscape studies remain considerations that should not be overridden by renewable energy targets set since the writing of Scottish Planning Policy.
	Environmental Health Department	02/10/2020	Agrees with proposal that no construction work is undertaken on Sundays or local or national public holidays. Requests any working outwith the core hours of 07:00 to 19:00 Monday to Friday and 08:00 to 18:00 on Saturdays should be formally agreed with SIC before work commences.
			The policies considered are detailed within the 2019 EIA Report technical chapters. The Local Development Plan (LDP) has not been updated and the policies contained therein continue to have effect. Accordingly, it has not been necessary to address new LDP policy in SEI 2. It is anticipated that an appropriately worded condition will be agreed with the Energy Consents Unit (ECU) and SIC regarding advance notice of working outwith core hours. Agreed construction working hours will be set out in a Construction Environmental

Consultee		Date	Comment	Applicant Response
				Management Plan (CEMP) which itself is expected to be secured by condition.
	Marine Planning Service	07/09/2020	No comments on the amended proposal.	N/A
	Natural Heritage Officer	11/11/2020	Do not agree the location is appropriate for the following key reasons: <ul style="list-style-type: none"> - impact on landscape and its identified features in particular is very significantly adverse and will not be mitigated, resulting in substantial negative alteration of a very important landscape in terms of both local and national importance. - landscape at the development site and surrounding area exhibits some very special qualities of wildness that would be substantially damaged. - Potential benefits of the development do not justify the loss of such a significant area of very high quality active blanket bog that is regarded as nationally important. 	SIC were involved during further consultation with NatureScot and SEPA (refer to Table 2.3 below). Refer to Chapter 10 within this SEI 2 for an updated assessment of impacts on peatland and Chapter 5 for an updated assessment of visual impacts on the NSA and landscape qualities.
	Outdoor Access Officer	07/09/2020	Request that the Applicant provides an outdoor access plan with the application. Direct consultation in regards to outdoor access should be undertaken with local groups with an interest in natural history, recreation and tourism, including the Shetland Outdoor Access Forum.	As noted in Chapter 12 of the 2020 SEI, the Applicant will prior to commencement of construction, develop an Access Route Plan which will detail any diversions and management of access during and after construction. The Applicant confirms that this remains the case and will be agreed with SIC.
	Drainage and Flooding Engineer	23/09/2020	Requests more detailed drainage information be provided, either before a decision or in discharge of likely drainage conditions. Notes information that will be required prior to construction commencing.	Detailed drainage design information will be provided to SEPA and SIC following detailed ground investigations and prior to construction. This is expected to be secured by an appropriately worded planning condition agreed with ECU and SIC.

Consultee		Date	Comment	Applicant Response
	Roads Authority	27/11/2020	Request planning conditions related to access junction works, road condition, and a Construction Traffic Management Plan.	<p>Chapter 11 of this SEI 2 confirms that the Applicant is happy to agree appropriately worded planning conditions with ECU and SIC to ensure that:</p> <ul style="list-style-type: none"> - the design of the site access junction and associated links are covered by a Road Construction Consent; - a Construction Traffic Management Plan will be submitted for approval prior to work starting on site; and - the Applicant will enter into a Section 96 Agreement to address any wear and tear of public roads associated with the overall project.

2.2.4 Following the receipt of the above responses the Applicant undertook further direct consultation with NatureScot, SEPA and SIC. This additional consultation is detailed in Table 2.3 below.

2.2.5 The Applicant provided a Proposed Content Letter in May 2021 to the ECU which set out the proposed scope for the SEI 2. This is included within Appendix 2.2.

Table 2.3 – Further Consultation

Consultee	Date	Further Consultation Undertaken	Further Action Taken
NatureScot	14/12/2020	The Applicant met with NatureScot, SIC & the ECU on the 14 th of December 2020 to discuss NatureScot’s response to the 2020 SEI and to present proposals to reduce the 2020 Layout from 23 to 18 turbines (i.e. the 2021 Layout).	Updated documents as requested, were provided to NatureScot in January 2021. NatureScot responded on 19 March 2021 to confirm that <i>“This revision, we consider has the potential to mitigate the effect of the wind farm on the immediate coastal character of Yell, which in turn contributes to the experience of</i>

Consultee	Date	Further Consultation Undertaken	Further Action Taken
		NatureScot agreed that the 18-turbine iteration layout was a step in the right direction, and requested updated ZTV, wirelines and cumulative wirelines.	<i>NSA special landscape qualities.</i> ” And that they “ <i>consider there to be merit in assessing this layout through full EIA</i> ”. An assessment of the landscape and visual impact of the 2021 Layout is provided in Chapter 5.
NatureScot	21/05/2021	NatureScot confirmed by email in May 2021 that they were content with the proposed scope of SEI 2 as set out in Appendix 2.2. In particular, NatureScot stated that they were content with the intended reappraisal and independent peer review of the collision risk assessment. They were also content, subject to the detail of the content, with the proposed updates of Chapters 7 (Ecology) and 10 (Geology, Peat, Hydrology and Hydrogeology) and the associated appendices and figures and the Draft Habitat Management Plan and Peat Management Plan.	This SEI 2 has been drafted in line with the scope agreed with NatureScot.
SEPA	08/12/2020	The Applicant met with SEPA, SIC, & the ECU on the 8 th of December 2020 to discuss SEPA’s response to the 2020 SEI. The following points were noted: <ul style="list-style-type: none"> - the objection in principle relates to SPP considerations and the quality of the peatland. - SEPA noted concerns whether the proposed mitigation and reinstatement would be successful in returning habitat to prior state. - recommended to provide more detail on the proposed Peat Management Areas including locations. - recommended to look at revising the borrow pit search areas. 	SEPA suffered a cyber attack in late December 2020 which restricted further consultation by the Applicant in follow up to the December meeting. SEPA however responded in May 2021 to the SEI 2 Proposed Content Letter (See consultation summary dated 24/05/21 below.)

Consultee	Date	Further Consultation Undertaken	Further Action Taken
SEPA	24/05/21	<p>SEPA responded to the SEI 2 Proposed Content Letter with the following requests for information to be included within SEI 2:</p> <ul style="list-style-type: none"> - A detailed assessment of carbon balance; - Additional interpretation of the peatland quality with a Peatland Condition Assessment; and - Consideration of the likelihood of full recovery by affected habitats after temporary losses and disturbance during the construction phase. 	<p>The Applicant met with SEPA & the ECU on the 7th July 2021 to discuss their request for a Peatland Condition Assessment. It was agreed that undertaking a Peat Condition Assessment would not yield any beneficial information in regards to the consent and is therefore not a requirement of the application. The Applicant agreed to provide a plan (refer to Figure 7.1) which details the measures taken through the design process to avoid the excellent peat habitat (pool complexes) and minimise the impact on the good habitat.</p> <p>The Applicant is committed to the agreement of an appropriately worded condition to cover the proposed objectives and implementation of the off site Habitat Management Plan areas.</p>
SIC	24/05/21	<p>SIC responded to the SEI 2 Proposed Content Letter with the following:</p> <ul style="list-style-type: none"> - Request details of the peatland restoration proposed including and estimated programme of monitoring. - Information should be provided on how the proposed peatland restoration will ensure compliance with planning requirements. - Request assessment of cumulative landscape impact. 	<p>Refer to Chapter 10 of this SEI 2 for an updated assessment of impacts on peatland and Chapter 7 for an updated assessment of impacts on protected habitats including blanket bog. The Habitat Management Plan (Appendix 7.1) provides details of proposed restoration works.</p> <p>Refer to Chapter 10 of the 2019 EIA Report for confirmation of compliance with relevant planning requirements.</p> <p>Refer to Chapter 5 for an updated assessment of cumulative landscape impacts.</p>

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