

## 2 Formal Section 36 Consultation Responses

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## 2 Formal Section 36 Consultation Responses

### 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 development of the proposals and following submission of the 2019 EIA Report. This chapter details the content of Consultee responses received as part of the statutory consultation process following the submission of the 2019 EIA Report, and where we have addressed their responses within this SEI.

### 2.2 Public Information Days

2.2.1 The Applicant also held a public information day at Cullivoe on February 4<sup>th</sup> 2020 to update the local communities on the progress made since the EIA application submission and to allow communities the opportunity to provide feedback to the project team. Details of this and other public engagement can be found in the separate Consultation Report.

2.2.2 61 responses were received following these events and these were taken into consideration during the design process.

### 2.3 Consultee Responses

2.3.1 Consultee Responses to the EIA Report are summarised in Table 2.1 and provided in full in Appendix 2.1.

2.3.2 As requested by the ECU the Applicant submitted a Gatecheck Report to the ECU which was provided to consultees. The Gatecheck Report summarised the Applicant's proposed responses to the consultee comments on the EIA Report and the changes to the Proposed Development design (refer to Appendix 2.2). The consultee responses to the Gatecheck Report are summarised in Table 2.2 and provided in full in Appendix 2.3

**Table2.1 - Section 36 Consultation Responses**

Consultee	Date	Objection/Comment	Applicant Response
British Telecom	14/05/2019	No objection.	No matters to address.
Joint Radio Company	15/05/2019	No objection.	No matters to address.
Shetland Amenity Trust	17/05/2019	No objection, with the following requests: <ul style="list-style-type: none"> <li>▪ that the watching brief for ground breaking works is changed to specifically stipulate that all ground-breaking works, including any which may take place outside the development area (such as the preparation of lay-down areas, quarries or borrow pits); and</li> <li>▪ that the associated mounds of potential archaeological significance within Burgi Geos are mapped in full and mitigation put in place to ensure their protection.</li> </ul>	Refer to Chapter 9 within this SEI for response to consultation.
Scottish Forestry	21/05/2019	No objection. Scottish Forestry states that it is to be noted that there are small areas of broadleaf on the site and requests confirmation that none will be felled.	The Applicant can confirm that no felling is proposed.
Visit Scotland	23/05/2019	No objection. Visit Scotland requests that the impacts on tourism are assessed in full and consideration is given to the local tourism industry and the local economy.	Refer to Chapter 12 within this SEI for response to consultation.
Scottish Water	28/05/2019	No objection. Scottish Water requests that consultation is undertaken during the detailed design process to ensure that there are no impacts upon assets and that appropriate mitigation is implemented continually.	No matters to address.
Ministry of Defence (MOD)	30/05/2019	Objection, due to the turbines being sited within the ASACS Saxa Vord AD radar line of sight and that the quantity of turbines visible to the radar at RRH Saxa Vord would exceed MOD 'cumulative effects' thresholds.	Refer to Chapter 13 within this SEI for response to consultation.

Consultee	Date	Objection/Comment	Applicant Response
Shetland Islands Council – Outdoor Access Officer	03/06/2019	No objection, subject to the following requests: <ul style="list-style-type: none"> <li>that impact of the development on activities of fishing, photography, art, nature studies and wild camping are addressed;</li> <li>that the Applicant provides as assessment of the effects of the development's impact on access routes and recreation interests via an Outdoor Access Plan, which demonstrates consultation with users groups, community and tourism groups, and the Shetland Outdoor Access Forum. Also, information should be provided regarding how the Applicant will optimise the use of new and existing infrastructure, and desire lines to provide safe and convenient recreational activities for users.</li> </ul>	Refer to Chapter 12 within this SEI for response to consultation.
Shetland Islands Council – Planning Flooding Drainage Coastal	07/06/2019	No objection, subject to the following request: <ul style="list-style-type: none"> <li>the clarity of the proposal in regard to drainage proposals for the construction and operational phase in wholly separate sections is provided.</li> </ul>	Refer to Chapter 10 within this SEI for response to consultation.
Transport Scotland	10/06/2019	No objection.	No matters to address.
Highlands and Islands Airports	18/06/2019	No objection. Highlands and Islands Airport requested aviation lighting was included in the Proposed Development.	Refer to Chapter 13 within this SEI for response to consultation.
Marine Scotland	18/06/2019	No objection. Marine Scotland welcomed the proposal to develop a fish species protection plan and requested electro-fishing and macro-invertebrate surveys 12 months prior, during, and 12 months after, construction.	Refer to Chapter 7 within this SEI for response to consultation.
NATS	24/06/2019	No objection, subject to no change in turbine location	Turbines have been removed, and the remaining turbines have not changed in location. The 2020 layout co-ordinates will be shared with consultees.

Consultee	Date	Objection/Comment	Applicant Response
<p>Scottish Environment Protection Agency (SEPA)</p>	<p>24/06/2019</p>	<p>No objection, subject to the following planning conditions:</p> <ul style="list-style-type: none"> <li>▪ that the peat management plan is updated prior to any works on site and that all works are then carried out in accordance with the agreed plan;</li> <li>▪ that all new infrastructure occurs outwith a 50 m buffer area of water features unless justification is provided and agreed in writing with the planning authority, in consultation with SEPA;</li> <li>▪ that the applicant is enabled to micro-site the built elements of the scheme, notwithstanding the required 50 m watercourse buffer aforementioned;</li> <li>▪ that the finalised Construction Environmental Management Plan (CEMP) is submitted to, and approved in writing by, the Planning Authority in consultation with SEPA and that all works on site are undertaken in accordance with the approved CEMP;</li> <li>▪ 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;</li> <li>▪ that it is demonstrated that there should not be an elevation of ground levels within the functional floodplain as a result of any proposed new crossing;</li> <li>▪ that it is demonstrated that any diverted watercourses have the same physical characteristics and dimensions as the pre-diverted watercourse channels;</li> <li>▪ that the detailed drainage design is provided to the Flood Risk Management Team of the Local Authority;</li> </ul>	<p>Refer to Chapter 10 within this SEI for response to consultation.</p>

Consultee	Date	Objection/Comment	Applicant Response
		<ul style="list-style-type: none"> <li>▪ that finalised extraction areas and restoration proposals for borrow pits are to be agreed with the Planning Authority in consultation with SEPA prior to works on site; and</li> <li>▪ that a Decommissioning and Restoration Plan is submitted at least two years prior to the end of the design life of the development.</li> </ul> <p>SEPA also request the following:</p> <ul style="list-style-type: none"> <li>▪ that 100 m micro-siting allowance is only granted when additional peat survey data is provided to cover the full micro-siting allowance;</li> <li>▪ that further adjustment is made to the layout design to reduce the level of expected peat extraction;</li> <li>▪ 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;</li> <li>▪ that 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;</li> <li>▪ that borrow pits E, H and I are either micro-sited or reduced in size in order to protect nearby watercourses; and</li> <li>▪ it should be noted that if effluent will be disposed of on site after appropriate treatment, authorisation is required under Controlled Activities Regulations for any discharges to land or the water environment from private foul drainage systems.</li> </ul>	
Yell Community Council	24/06/2019	Objection, due to the environmental impact, visual impact, noise level of the development alongside the height and number of turbines proposed.	Environmental topics have been duly assessed within each relevant technical chapter. Six turbines have been removed from the layout to a

Consultee	Date	Objection/Comment	Applicant Response
			total of 23, and nine of these turbines have been lowered in height from 200 m to 180 m.
Shetland Islands Council – Marine Planning	27/06/2019	No objection.	No matters to address.
Shetland Islands Council – Road Authority	10/07/2019	No objection, subject to the following requests: <ul style="list-style-type: none"> <li>▪ that road condition surveys are carried out between any of the potential material sources or transportation hub points to the site;</li> <li>▪ that potential ferry capacity issues with regard to imported aggregate is investigated in detail with the Councils Ferry Service; and</li> <li>▪ that any changes with regard to peat removal from site be proviso to additional consent so that appropriate control or mitigation measures can be ensured.</li> </ul>	Refer to Chapter 11 within this SEI for response to consultation.
Ironside Farrar	15/07/2019	No objection, with the following comments: <ul style="list-style-type: none"> <li>▪ that the Peat Landslide Hazard and Risk Assessment (2019 EIA Report, Appendix 10.4) does not state if blasting is required in the borrow pits;</li> <li>▪ a review of historical mapping data, local knowledge and newspaper articles has not been specifically referenced; and</li> <li>▪ the number of facets used in the analysis is unclear.</li> </ul>	Refer to Chapter 10 within this SEI for response to consultation.
Scottish Natural Heritage	15/07/2019	Objection, due to: <ul style="list-style-type: none"> <li>▪ significant adverse effects on the special qualities of the Shetland National Scenic Area;</li> </ul>	Refer to Chapters 5 and 6 within this SEI for response to consultation.



Consultee	Date	Objection/Comment	Applicant Response
		<ul style="list-style-type: none"> <li>▪ uncertainty surrounding the effect of the development on the integrity of the Bluemull and Colgrave Sounds proposed Special Protection Area; and</li> <li>▪ insufficient information provided to determine whether the development would adversely affect regional populations of breeding birds, particularly red-throated diver.</li> </ul>	
Scottish Natural Heritage	29/07/2019	Objection, due to the adverse impacts of the Proposed Development on the peatland on site.	Refer to Chapter 10 within this SEI for response to consultation.
Shetland Islands Council – Environmental Health Officer	16/07/2019	No objection, subject to the following request: <ul style="list-style-type: none"> <li>▪ no work is undertaken on Sundays or on local and national public holidays.</li> </ul>	Refer to Chapter 3 within this SEI for response to consultation.
Shetland Amenity Trust	18/07/2019	Objection, based on the following terms: <ul style="list-style-type: none"> <li>▪ due to the adverse impact of the development on blanket bog habitats;</li> <li>▪ due to the adverse impact of the develop on an area which the consultee considers as a “wilderness area”;</li> <li>▪ due to cumulative landscape impacts; and</li> <li>▪ due to concerns regarding the ornithology impact assessment methodology.</li> </ul>	Refer to Chapters 5, 6, 7 and 10 within this SEI for response to consultation.
Scot Ways	22/07/2019	Objection due to: <ul style="list-style-type: none"> <li>▪ the lack of an access management plan in the 2019 EIA Report which raises Scot Ways concerns about public access to the site; and</li> <li>▪ T29 and the potential borrow pit area are in close proximity to a nearby Walkhighlands route.</li> </ul>	Refer to Chapter 12 within this SEI for response to consultation.

Consultee	Date	Objection/Comment	Applicant Response
Shetland Bird Club	22/07/2019	<p>Objection, due to a belief that the 2019 EIA Report underestimated the adverse effects of the development on bird populations and blanket bog damage. Shetland Bird Club request, if the development is approved, that:</p> <ul style="list-style-type: none"> <li>▪ the habitat management plan is more detailed and extensive, including the enhancement of merlin nesting habitat;</li> <li>▪ any habitat enhancement of blanket bog be subject to consultation with the Shetland Amenity Trust</li> </ul>	Refer to Chapter 6 within this SEI for response to consultation.
Crown Estate Scotland	25/07/2019	No objection.	No matters to address.
Tingwall Airport	25/07/2019	No objection.	No matters to address.
John Muir Trust	29/07/2019	No objection.	No matters to address.
Royal Society for the Protection of Birds	31/07/2019	Objection, due to the impact of the development on the ornithology of the area and uncertainty concerning the accuracy of the submitted Collision Risk Model in the 2019 EIA Report.	Refer to Chapter 6 within this SEI for response to consultation.
Shetland Islands Council – Harbour Master	06/08/2019	<p>No objection, subject to the following requests:</p> <ul style="list-style-type: none"> <li>▪ that information regarding the proposed barge/vessel used for delivering turbine components is supplied;</li> <li>▪ that a detailed proposal which would indicate how the operation of transporting turbine components to the site would avoid conflict with the ferry timetables, taking note of the blue light requirements to access the Northern Isles; and</li> <li>▪ that the Traffic Management Plan is designed so as to avoid the peak travelling hours for islanders.</li> </ul>	Refer to Chapter 11 within this SEI for response to consultation.

Consultee	Date	Objection/Comment	Applicant Response
Historic Environment Scotland (HES)	08/08/2019	Objection, due to the significant adverse impact of the development on the setting of the Burgi Geos, promontory fort.	Refer to Chapter 9 within this SEI for response to consultation.
Unst Community Council	09/08/2019	No objection.	No matters to address.
Shetland Islands Council – Economic Development	20/08/2019	No objection.	No matters to address.

2.3.3 Following the receipt of the above responses the Applicant undertook some changes to the Proposed Development design as described in Chapter 3 of the 2020 SEI. A “Gatecheck Report” was issued to consultees at Energy Consents Unit (ECU) requests with an explanation of the changes to the design and details of how the Applicant propose to respond to the consultee comments in Table 2.1 of the 2020 SEI (refer to Appendix 2.2 of the SEI). The responses received on the Gatecheck Report and any additional consultation undertaken with consultees is detailed in Table 2.2 below and in Appendix 2.3 of the SEI.

**Table2.2 – Consultation Reponses**

Consultee	Date	Objection/Comment	Applicant Response
Shetland Amenity Trust – Regional Archaeologist	06/04/2020	<p>Welcome the fact that four turbines nearest the scheduled monument at Burgi Geos have been removed. Request that a watching brief of all ground breaking works not just a representative portion are undertaken. Request a condition as follows:</p> <p>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</p>	<p>The Applicant agrees to a condition to this effect being imposed but is concerned that the use of word “occupied” in the second half of the condition may lead to confusion.</p> <p>The Applicant presumes SAT means that the wind farm does not become operational until it is complete, as the earth-breaking will include a watching brief and will require the site to be occupied.</p>

Consultee	Date	Objection/Comment	Applicant Response
		<p>Planning Authority for agreement following consultation with the Regional Archaeologist.</p> <p>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.</p>	
Scottish Water	30/03/2020	The development falls partly within a drinking water catchment where a Scottish Water abstraction is located. 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. In advance of works commencing on site, Scottish Water should be notified at <a href="mailto:protectdwsources@scottishwater.co.uk">protectdwsources@scottishwater.co.uk</a> .	The Applicant will continue to work with Scottish Water throughout the detailed design, construction, operation and decommissioning of the Proposed Development.
Shetland Islands Council	06/04/2020	There is little comment in the gatecheck document on the objections/concerns raised by a number consultees in connection with the impact of peatland and what is being done to address these.	Full details are provided in Chapters 7 and 10 of the 2020 SEI.
		There is no comment in the gatecheck document in relation to concerns that the wider cumulative impact with other consented wind farms across Shetland as whole should be addressed.	This is covered in Chapter 5 of the 2020 SEI.
Highlands and Islands Airports	31/03/2020	No objection	N/A
Marine Scotland	31/03/2020	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.	Noted

Consultee	Date	Objection/Comment	Applicant Response
		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	The Applicant will provide details of the water quality and aquatic monitoring programme prior to construction commences as part of the Construction Environmental Management Plan and recommends that this is a condition of the consent.
NATS	27/03/2020	No objection.	N/A
Scottish Environment Protection Agency (SEPA)	02/04/2020	Agree that the 2020 Layout has reduced impacts on peat due to the removal of turbines and infrastructure. They are satisfied that the environmental issues detailed in their responses of the 24/06/2019 will be addressed through the relevant conditions.	Noted
Scottish Natural Heritage	06/04/2020	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.	This is included within Chapter 5 of the 2020 SEI
		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.	The Applicant apologises for this error. The Applicant's response to SNH's objection on peatland habitats is provided in Chapters 7 and 10 of the 2020 SEI.

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