Appendix 2.1: 2020 SEI Consultation Responses

Airtask Group

British Telecommunications (BT)

Crown Estate Scotland

Historic Environment Scotland (HES)

Highlands and Islands Airport Ltd

John Muir Trust

Joint Radio Company (JRC)

Ministry of Defence (MoD) – 2nd November

MoD – 19th November

NATS Safeguarding

NatureScot

Royal Society for the Protection of Birds (RSPB)

ScotWays

Scottish Environment Protection Agency (SEPA)

Shetland Amenity Trust

Shetland Bird Club

Shetland Island Council - Development Plans & Heritage Team

Shetland Island Council - Drainage and Flooding Engineer

Shetland Island Council - Environmental Health Department

Shetland Island Council - Marine Planning Service

Shetland Island Council - Natural Heritage Officer

Shetland Island Council - Outdoor Access Officer

Shetland Island Council - Roads Authority

Transport Scotland

Yell Community Council

Airtask Group

Dalgleish K (Kieran)

From: [redacted]
Sent: 15 October 2020 17:13
To: Econsents Admin
Cc: Martin McWilliam
Subject: Shetland Energy Isles Wind Farm ECU00001844

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern,

Airtask Group, operator of the Shetland Inter Island Air Service has no comment regarding the application. The aviation assessment inasmuch as it applies to our operations is appropriate.

Mike Collins

Mike Collins
Flight Operations Manager
[redacted]
www.airtask.com
Trent House,
Cranfield Technology Park
Cranfield
Bedfordshire
MK43 0AN

British Telecommunications

Dalgleish K (Kieran)

From: [redacted]
Sent: 04 September 2020 07:50
To: McInnes T (Theresa); Econsents Admin
Cc: [redacted]
Subject: RE: Electricity Act - Section 36 Application - Energy Isles Wind Farm - Additional Information Consultation - WID10980 & WID11322

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam

OUR REF: WID10980 & WID11322

Our original response stands of no objection as there appears to be no relocation of any turbines. We understand there will now only be 23 turbines from the original 29.

If there are any changes to locations please let us know co-ordinates and we will be happy to review and investigate.

Regards
Lisa Smith
Engineering Services Radio Planning
Tel: [redacted]

From: [redacted]
Sent: 31 August 2020 14:28
Subject: Electricity Act - Section 36 Application - Energy Isles Wind Farm - Additional Information Consultation

Dear Consultee

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

ELECTRICITY ACT 1989 SECTION 36: APPLICATION FOR THE PROPOSED ENERGY ISLES WIND FARM ON THE ISLAND OF YELL IN THE PLANNING AUTHORITY AREA OF SHETLAND ISLANDS COUNCIL – SUPPLEMENTARY INFORMATION

Further to an application under section 36 of the Electricity Act 1989 for the Scottish Ministers' consent to construct and operate the proposed Energy Isles Wind Farm, Energy Isles Shetland Limited has submitted supplementary information.

In accordance with The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA regulations') details pertaining to the supplementary information will be published in the local press, in the Edinburgh Gazette, and on the application website https://projects.statkraft.co.uk/energyisles

The advert will appear in the Shetland Times on Friday 4th and 11th September 2020, in the Glasgow Herald on Friday 4th September 2020 and in the Edinburgh Gazette on Friday 4th September 2020.

The Additional Information alongside the application and the EIA Report is available to view on the Scottish Government Energy Consents website at www.energyconsents.scot using reference number **ECU00001844.**

The EIA regulations allow 30 days for responses to this consultation. The closing date for any representations you may wish to make in this case is **12 October 2020.**

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 **12 October 2020** we will assume you have no comments to make.

You can now submit your response via our portal to register please go to the 'Contact Us' page at www.energyconsents.scot or alternatively send your response electronically to Econsents_admin@gov.scot

Kind Regards

Theresa McInnes – Consents Manager | Energy Consents Unit
Directorate for Energy and Climate Change | Scottish Government
Tel: [redacted]

Please note – I do not work Fridays

Crown Estate Scotland

McInnes T (Theresa)

From: McGrogan, Joan [redacted]
Sent: 15 October 2020 09:57
To: McInnes T (Theresa); Econsents Admin
Subject: 20201015 - Electricity Act - Section 36 Application - Energy Isles Wind Farm - Additional Information Consultation - CES response

Importance: High

Dear Theresa

Thank you for your email.

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

Kind regards

Joan.

Joan McGrogan
Portfolio Co-ordinator
Crown Estate Scotland
[redacted]
6 Bell's Brae, Edinburgh, EH4 3BJ
Tel: [redacted]
www.crownestatescotland.com
@crownestatescot

Historic Environment Scotland

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

By email to: [redacted]

Theresa McInnes
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
[redacted]t

Our case ID: 300024962
Your ref: ECU00001844

09 October 2020

Dear Ms McInnes

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Energy Isles (formerly Yell) Wind Farm, Island of Yell, Shetland Islands

Thank you for your consultation which we received on 31 August 2020. 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 Shetland Islands Council's archaeology and conservation advisors for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice
We objected to this proposed development because of its potential to have significant adverse impacts on the setting of **Burgi Geos fort** (SM11274) in a letter dated 8 August 2019. A revised layout has been designed in response to our objection and other predicted impacts. Having reviewed the Supplementary Environmental Information supplied with the revised proposals, we agree that the impacts of the development on the setting of Burgi Geos fort are reduced to a level that preserves the integrity of the fort's setting. We, [redacted] to the proposed development.

We welcome the constructive response that the developer has made to our concerns over the previous scheme. The revised layout provides mitigation that directly addresses these matters, specifically through the deletion of Turbines 1-3, which were the closest turbines to the fort, and associated infrastructure.

The updated assessment supplied in support of the revised layout concludes that impacts on the setting of the fort, previously assessed as significant, have been reduced to a level defined as 'minor/moderate'. The assessment does not consider this level to be significant in EIA terms.

A visualisation supplied in support of the application illustrates the likely impact of the revised layout. The upper parts of proposed turbines would be visible beyond the skyline formed by hills to the east of the fort. These turbines would be a visual distraction in important views east from

[redacted]

the fort. However, in comparison to the original proposal these impacts would be substantially reduced by the increased distance between the nearest turbines and the fort (from around 500m to over 1.8km).

We welcome the mitigation which has been put in place in the revised proposal which is a positive response to the issues we raised in our letter of 8 August 2019. Its effectiveness is increased by a ridge of hills between the fort and the proposed turbines in the revised layout. These hills screen the lower parts of the proposed turbines and any related infrastructure when viewed from the fort. This helps to reduce the prominence of the proposed turbines in these important views and introduces a sense of topographic separation between the fort and the proposed windfarm.

Our comments should be treated as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. Our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

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

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Adele Shaw who can be contacted by phone on [redacted]

Yours sincerely

Historic Environment Scotland

Highlands and Islands Airport Ltd

Dalgleish K (Kieran)

From: Safeguarding [redacted]
Sent: 18 September 2020 15:14
To: McInnes T (Theresa); Econsents Admin
Subject: RE: Electricity Act - Section 36 Application - Energy Isles Wind Farm - Additional Information Consultation

Follow Up Flag: Follow up
Flag Status: Flagged

Your Ref: ECU00001844
HIAL Ref: 2020/0167/LSI

Dear Sir/Madam,

PROPOSAL: ELECTRICITY ACT 1989 SECTION 36: APPLICATION FOR THE PROPOSED ENERGY ISLES WIND FARM ON THE ISLAND OF YELL– SUPPLEMENTARY INFORMATION
LOCATION: Island of Yell

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not impact the 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
✉ [redacted] www.hial.co.uk

From: Theresa.McInnes@gov.scot [redacted]
Sent: 31 August 2020 14:28
Subject: Electricity Act - Section 36 Application - Energy Isles Wind Farm - Additional Information Consultation

Dear Consultee

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

ELECTRICITY ACT 1989 SECTION 36: APPLICATION FOR THE PROPOSED ENERGY ISLES WIND FARM ON THE ISLAND OF YELL IN THE PLANNING AUTHORITY AREA OF SHETLAND ISLANDS COUNCIL – SUPPLEMENTARY INFORMATION

Further to an application under section 36 of the Electricity Act 1989 for the Scottish Ministers' consent to construct and operate the proposed Energy Isles Wind Farm, Energy Isles Shetland Limited has submitted supplementary information.

In accordance with The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA regulations') details pertaining to the supplementary information will be published in the local press, in the Edinburgh Gazette, and on the application website https://projects.statkraft.co.uk/energyisles

The advert will appear in the Shetland Times on Friday 4th and 11th September 2020, in the Glasgow Herald on Friday 4th September 2020 and in the Edinburgh Gazette on Friday 4th September 2020.

The Additional Information alongside the application and the EIA Report is available to view on the Scottish Government Energy Consents website at www.energyconsents.scot using reference number **ECU00001844.**

The EIA regulations allow 30 days for responses to this consultation. The closing date for any representations you may wish to make in this case is **12 October 2020.**

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 **12 October 2020** we will assume you have no comments to make.

You can now submit your response via our portal to register please go to the 'Contact Us' page at www.energyconsents.scot or alternatively send your response electronically to Econsents_admin@gov.scot

Kind Regards

Theresa McInnes - Consents Manager | Energy Consents Unit
Directorate for Energy and Climate Change | Scottish Government
Tel [redacted]

Please note - I do not work Fridays

John Muir Trust

The John Muir Trust
Tower House
Station Road
Pitlochry
Perthshire
PH16 5AN

Theresa McInnes – Consents Manager Energy Consents Unit
Directorate for Energy and Climate Change
Scottish Government
By email to: [redacted]

26 October 2020

Dear Ms McInnes,

Re: Energy Isles Wind Farm – Isle of Yell, Shetland, planning application, reference ECU00001844

We are writing with reference to the revised proposed development for 23 wind turbines (9 up to 180m height from ground to blade tip and 14 up to 200m) plus associated infrastructure on a 1,679 hectares site of moorland peatland on the Isle of Yell, Shetland. As a charity that is dedicated to protecting wild places for the health and wellbeing of current and future generations, the John Muir Trust has been considering the implications the revised proposals will have on Shetland's wild land and peatland. We recognise that the design has been modified to reduce landscape and visual impacts. However, given the extent of healthy, quality peatland on the site and its wild qualities which contribute to the landscape of Shetland, we would like to add our concerns to those already expressed by NatureScot, RSPB and others.

This development poses a threat to an area of relatively strong wildness (as identified in NatureScot's 2014 map of relative wildness) that is predominantly characterised by peatland habitat of national importance. From the EIAR Ecology assessment, '*Blanket bog occurs in over 75% of the 1679 ha site and dominates habitat mosaics in a further 14% of the site'*. The healthy condition of the blanket bog is reflected in the watery nature of the site '*The landscape is principally one of undulating peat moorland, with numerous waterbodies (from bog pools to small lochs) and small burns'* and the Environment Impact Assessment Report, '*The peatland areas are natural organic, dystrophic and oligotrophic blanket peat mostly intact and relatively untouched*.' All observations that are echoed in the Revised Peatland Management Plan.

Our collective understanding of the national importance of peatlands has progressed since the Viking wind farm development was approved. There is growing recognition that peatlands are a valuable habitat that we should be protecting if we are to reverse biodiversity loss and keep remaining carbon stores intact. This site is an example of how peatlands ought to be. It is an area of land that is sustaining wildlife (responses from RSPB, NatureScot and Shetland Bird Club demonstrate the diversity of life being sustained by this site) and storing large amounts of carbon - most Scottish peat bogs contain more than 5000 tonnes of carbon per hectare, and it is widely accepted that peatlands are the single most important terrestrial store of carbon globally, but not all are as healthy and active as this site appears to be.

Scottish Planning Policy identifies '*carbon rich soils, deep peat and priority peatland habitat'* as nationally important areas of significant protection. This recognition means wind farms are only appropriate in these areas in some circumstances. According to Scottish Planning Policy *'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 has revised

their design, reducing the number of turbines from 29 to 23 and reducing the need for some of the associated infrastructure. However, despite a reduction in turbine numbers, the extent of loss of blanket bog is still recognised as significant; the Supplementary Environment Information Non-Technical summary concludes that '*Despite these significant reductions, the loss of blanket remains a significant effect*.' Given that the site is predominantly blanket bog, and most of the turbines are proposed on peatland deeper than 100cm (three appear to be on soil at a depth of 51-100cm; soil depth greater than 50cm is generally considered peatland), the opportunity to mitigate these significant effects through design is very limited.

Weighed in the balance of the national importance of this habitat for addressing climate change as well as biodiversity loss, the carbon releasing and ecological loss that would result from this proposed development are even more significant. The ecological significance of this habitat is supported by NatureScot's findings from their site survey in 2019 in which they confirmed that the site is supporting extensive areas of Class 1 carbon rich soils, deep peat and priority peatland habitat and concluded '*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*'. We would urge decision makers to reflect on whether this is an appropriate site for development.

A cohesive national strategy to climate change would be protecting and restoring peatlands so they can reach their full carbon sequestration potential. Scotland's Climate Change Plan states '*By 2050, Scotland's expanded peatlands will be thriving habitats, sustaining a diverse ecosystem'* but we won't achieve this unless we start by protecting the healthy quality peatlands that we have. Protecting this site from development will prevent the release of carbon into the atmosphere and mean this area of wild land can continue to play a part in addressing the biodiversity crisis and climate emergency.

Yours sincerely,

Rosie Simpson
[redacted]

Joint Radio Company

McInnes T (Theresa)

From: JRC Windfarm Coordinations [redacted]
Sent: 21 September 2020 10:39
To: McInnes T (Theresa)
Subject: Electricity Act - Section 36 Application - Energy Isles Wind Farm - Additional Information Consultation [WF158993]

Dear theresa,

A Windfarms Team member has replied to your co-ordination request, reference **WF158993** with the following response:

Dear Theresa

***Name/Location**: Energy Isles Wind Farm*

***Site Centre/Turbine at NGR/IGR**:*

T5 449676 1202945

T6 449640 1202314

T8 449002 1201654

T9 449577 1201755

T10 448922 1201085

T11 449777 1201270

T12 449088 1200632

T13 449752 1200772

T14 449368 1200263

T15 449961 1200325

T16 450428 1200150

T17 450396 1201116

T18 450606 1200678

T19 451071 1200336

T20 451554 1200185

T21 450563 1201645

T22 451005 1201521

T23 451298 1200900

T24 451800 1200817

T25 451594 1201485

T26 451762 1202249

T27 451323 1202379

T28 451037 1202718

***Development Radius**: 0.1KM*

***Hub Height**: 180/200m **Rotor Radius**: 80m*

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

The Local Utility Company

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

Friars House
Manor House Drive
Coventry CV1 2TE
United Kingdom

Office: [redacted]

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 by clicking on the link below or login to your account** for access to your co-ordination requests and responses.

https://breeze.jrc.co.uk/tickets/view.php?auth=o1xyacqaacpkeaaaHrHa3EQDvlA4hA%3D%3D

Ministry of Defence - 2nd November 2020

Ministry of Defence

Defence Infrastructure Organisation

Safeguarding Department

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

Tel: [redacted]

www.mod.uk/DIO

Theresa McInnes
Energy Consents Unit
Directorate for Energy and Climate Change
Scottish Government

Your Reference: **ECU00001844**
Our reference: 10045626

02 November 2020

Dear Theresa,

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

Electricity Act 1989 Section 36: Application for the proposed Energy Isles Wind Farm on the Island of Yell in the planning authority area of Shetland Island Council – Supplementary Information

Thank you for consulting the Ministry of Defence (MOD) on the further supplementary information submitted in relation to the above wind farm. We have no comments to make in relation to the supplementary information.

As you are aware, the MOD objected to this wind farm development in a letter to your department dated 30th May 2019 due to the unacceptable impact the development would cause to the Air Defence Radar at Remote Radar Head Saxa Vord. The MOD has since been maintaining its objection to this proposed development.

Just to update you, the applicant has submitted a proposal to mitigate the unacceptable effects of the wind farm on the Air Defence Radar. This has been reviewed by the MOD and today I wrote to the applicant's aviation consultant with the draft wording of a suspensive planning condition. Should a suitable planning condition be agreed with the applicant then we will write to the Energy Consents Unit to update our safeguarding position to the development. We will also write to you to advise if we are unable to agree a condition and we need to maintain the objection.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely

Redacted

Laura Nokes
Senior Safeguarding Manager

Ministry of Defence – 19th November 2020

Ministry of Defence

Defence Infrastructure Organisation

Safeguarding Department

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

Tel: [redacted]

www.mod.uk/DIO

19 November 2020

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

Your Reference: ECU00001844
Our reference: 10045626

Dear Theresa,

Re: Energy Isles Wind Farm - 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 Island

I write to further update the position of the Ministry of Defence (MOD) in relation to the proposed Energy Isles Wind Farm.

The Ministry of Defence (MOD) objected to the above application in a letter to the Energy Consents Unit dated 30th May 2019. We again objected in a letter dated 22nd April 2020 following a reduction in turbine numbers and heights. The MOD objected on the grounds that the proposed development would have an adverse impact upon the Air Defence (AD) radar at Remote Radar Head (RRH) Saxa Vord. The proposed development will comprise of 23 wind turbines up to 180 metres and 200 metres in height from ground level to blade tip.

The MOD assessed this proposed wind farm development and identified that it will have the following impacts on its operations:

Military Low Flying

The proposed development will affect military low flying training activities that may be conducted in the area, it will therefore be necessary for the turbine structures to be fitted with appropriate aviation lighting to maintain the safety of military aviation.

Air Defence Radar

The proposed wind farm will be approximately 19km from and detectable to the AD Radar at RRH Saxa Vord.

Wind turbines have been shown to have detrimental effects on the operation of AD radar. These include the desensitisation of the radar in the vicinity of wind turbines, and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the locality 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 manage aircraft in United Kingdom sovereign airspace, thereby preventing it from effectively performing its primary function of Air Defence of the United Kingdom.

Our assessments have determined that, when operational, the proposed wind farm will cause unacceptable and unmanageable interference to the effective operation of this AD radar. It is for this reason that we issued an objection to this application.

Address of MOD Safeguarding Concerns

The MOD and the applicant, via their aviation consultant Wind Power Aviation Consultants Ltd, have been in dialogue on possible means of addressing the safeguarding objection that was raised by the MOD. The applicant has submitted a technical mitigation proposal to address the unacceptable impacts the proposed wind farm will have upon the operation of the AD radar at RRH Saxa Vord. The proposal has been accepted by the MOD, and a planning condition has been agreed with the applicant. A draft is included at Annex A for the Scottish Governments consideration.

It is imperative that the technical mitigation is fully implemented before the rotor blades on any of the wind turbines are permitted to rotate about their horizontal axis. This is because the rotating rotors will have a significant and detrimental effect on operations and the provision of air traffic services at RRH Saxa Vord.

I can confirm that the MOD is content to withdraw its safeguarding objection to this application subject to the inclusion of appropriate conditions, in any consent that may be granted, for the provision of a radar technical mitigation and aviation warning lighting for military aviation.

Attached at Annexes A and B are draft conditions which have been agreed between the applicant and the MOD, for the provision of a radar technical mitigation and aviation warning lighting. The MOD considers these to be suitable to maintain national defence safeguarding requirements. The MOD respectfully requests that the Scottish Government includes these conditions as drafted in any consent should this application be approved. Should the Scottish Government be minded to amend the wording of the drafted conditions, the MOD would welcome the opportunity to discuss these amendments with the Scottish Government.

I trust this adequately explains our position on this matter.

Please do not hesitate to contact me should you require any additional information, or should you wish to discuss matters.

Yours sincerely

[redacted]

Laura Nokes
Senior Safeguarding Manager

Enc. Annexes A and B.

Copied to: John Taylor – Wind Power Aviation Consultants Ltd

Annex A

Ministry of Defence Surveillance Operations

1. No development of any wind turbine generator forming part of the authorised development shall commence unless and until an Air Defence Radar Mitigation Scheme ("the ADRM scheme") has been submitted to and approved in writing by the Scottish Government in conjunction with the Ministry of Defence (MOD).

   For the purposes of this condition, the ADRM Scheme means a detailed scheme to mitigate the adverse impacts of the development on the air defence radar at Remote Radar Head (RRH) Saxa Vord and the air surveillance and control operations of the MOD. The scheme will set out the appropriate measures to be implemented to that end.

2. No wind turbine erected as part of this development shall be permitted to rotate its rotor blades about its horizontal axis, other than for the purpose of testing radar mitigation for this development for specific periods as defined in the approved ADRM scheme or otherwise arranged in accordance with provisions contained in the approved ADRM scheme, until:

   a) those mitigation measures required to be implemented prior to any wind turbine being permitted to rotate its rotor blades about its horizontal axis as set out in the approved ADRM scheme have been implemented; and

   b) any performance criteria specified in the approved ADRM scheme and which the approved ADRM scheme requires to have been satisfied prior to any wind turbine being permitted to rotate its rotor blades about its horizontal axis have been satisfied and the Scottish Government, in conjunction with the Ministry of Defence, has confirmed this in writing.

Thereafter the development shall be operated strictly in accordance with the details set out in the approved ADRM scheme for the lifetime of the development.

Annex B

Aviation Lighting

Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the Scottish Government in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This should set out:

(a) Details of any construction equipment and temporal structures with a total height of 50m or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with.
(b) the locations and heights of all wind turbine generators in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the life time of the development.

Aviation Charting and Safety Management

The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

(a) the date of the commencement of the erection of wind turbine generators;

(b) the maximum height of any construction equipment to be used in the erection of the wind turbines;

(c) the date any wind turbine generators are brought into use;

(d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

NATS Safeguarding

Dalgleish K (Kieran)

From: AULD, Alasdair E [redacted]
Sent: 31 August 2020 14:42
To: Econsents Admin
Cc: McInnes T (Theresa); NATS Safeguarding
Subject: Re: Electricity Act - Section 36 Application - Energy Isles Wind Farm - Additional Information Consultation [SG28082]

Follow Up Flag: Follow up
Flag Status: Flagged

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

[redacted]

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

From: [redacted]
Sent: 31 August 2020 14:28
Subject: Electricity Act - Section 36 Application - Energy Isles Wind Farm - Additional Information Consultation

Dear Consultee
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
ELECTRICITY ACT 1989 SECTION 36: APPLICATION FOR THE PROPOSED ENERGY ISLES WIND FARM ON THE ISLAND OF YELL IN THE PLANNING AUTHORITY AREA OF SHETLAND ISLANDS COUNCIL – SUPPLEMENTARY INFORMATION
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In accordance with The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA regulations') details pertaining to the supplementary information will be published in the local press, in the Edinburgh Gazette, and on the application website https://projects.statkraft.co.uk/energyisles

The advert will appear in the Shetland Times on Friday 4th and 11th September 2020, in the Glasgow Herald on Friday 4th September 2020 and in the Edinburgh Gazette on Friday 4th September 2020.
The Additional Information alongside the application and the EIA Report is available to view on the Scottish Government Energy Consents website at www.energyconsents.scot using reference number **ECU00001844.**
The EIA regulations allow 30 days for responses to this consultation. The closing date for any representations you may wish to make in this case is **12 October 2020.**
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 **12 October 2020** we will assume you have no comments to make.
You can now submit your response via our portal to register please go to the 'Contact Us' page at www.energyconsents.scot or alternatively send your response electronically to Econsents_admin@gov.scot
Kind Regards

Theresa McInnes – Consents Manager | Energy Consents Unit
Directorate for Energy and Climate Change | Scottish Government
Tel: [redacted]

Please note – I do not work Fridays

NatureScot

NatureScot
Scotland's Nature Agency
Buidheann Nàdair na h-Alba

Theresa McInnes – Consents Manager
Energy Consents Unit
Directorate for Energy and Climate Change
Scottish Government

09 October 2020
Our ref: CDM160332

By email to [redacted]

Dear Ms McInnes

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
ELECTRICITY ACT 1989 SECTION 36: APPLICATION FOR THE PROPOSED ENERGY ISLES WIND FARM ON THE ISLAND OF YELL IN THE PLANNING AUTHORITY AREA OF SHETLAND ISLANDS COUNCIL – SUPPLEMENTARY INFORMATION

Thank you for consulting us over the revised application for the Energy Isles wind farm and associated Supplementary Environmental Information (SEI).

1. Summary

1.1 The reduction in scale and extent of the proposed development has lessened the impact of the windfarm to some degree, however we consider that the significant adverse impacts on peatland and on the special qualities of the Shetland National Scenic Area remain unacceptably high. **Consequently we maintain our objection to the proposal.**

1.2 The detailed presentation of the collision risk analysis confirms the concerns we raised in our response to the original proposal regarding the application of the collision model. We consider that it includes one elementary but serious error that undermines our confidence in the assessment as a whole.

1.3 As a consequence of this error and the possibility of others it remains impossible to conclude that there will be no adverse effect on the integrity of Bluemull and Colgrave Sounds proposed Special Protection Area (pSPA) or on regional populations of breeding birds, particularly red-throated diver. **We therefore maintain our objection to this proposal until a reliable analysis of collision risks is carried out**.

1.4 We have considered other interests and taken them into account in reaching our conclusion on this proposal. The proposed development does not form part of any nationally agreed strategic programme such as the National Planning Framework and is not specifically allocated in the Local Development Plans.

2. Background

2.1 The proposal is for the construction and operation of a wind farm comprising twenty three turbines, 180 metres or 200 metres to tip, together with associated infrastructure, in the north of the island of Yell, Shetland.

3. Appraisal of impacts and advice

Shetland National Scenic Area

3.1 The proposed reduction in turbine numbers and in the height of some of the turbines will reduce the visible extent of the wind farm in views from within the NSA. However the wind farm will still introduce, and be experienced as, a very large scale development with overriding horizontal spread, the prominence of which is exacerbated by the very large scale of turbines.

3.2 We consider that the changes do not substantially mitigate the significant individual and cumulative effects of the development on the perceived special qualities of the NSA. Our appraisal of the landscape and visual impacts of the proposal set out in our response to the original consultation therefore remains valid.

Peat and peatland

3.3 The Applicant accepts that the peatland meets the broad minimum criteria for SSSI selection, but states that the site is not as good quality as the nearby East Mires and Lumbister SSSI/ SAC. We do not dispute this but would emphasise that meeting these criteria demonstrates that the peatland is of National importance as assessed against our guidance on carbon-rich soils, deep peat and priority peatland habitat. This guidance is attached at Annex A.

3.4 The amended layout would reduce the loss of and damage to blanket bog by 22 to 24% compared with the original proposal. Nevertheless it would result in permanent loss of 23.4 ha of peatland habitat, most of it of high quality, and temporary loss or disturbance of a further 25.7 ha. This remains a significant loss of Class 1 priority peatland habitat which the Applicant acknowledges cannot be mitigated within the site.

3.5 Appendix 7.1 of the SEI (Draft Habitat Management Plan), proposes off-site peatland restoration measures to compensate for the predicted peatland impacts and describes four areas that collectively could provide 70 ha of restoration.

3.6 We are content with the proposed peatland restoration method set out in the HMP, however the locations of the potential restoration areas are not identified. Without knowledge of the land on which the restoration is proposed, it is not possible to assess its value and whether its restoration can fully compensate for the losses. It is also not clear how the measures would be secured since at present there is only an agreement in principle with the landowners.

3.7 The draft HMP also includes measures to enhance moorland habitat for waders and red-throated diver. We are concerned that these proposals could be at the expense of blanket bog integrity and stability.

3.8 We consider therefore that it has not been demonstrated that the impacts of the proposed development on peatland can be substantially overcome.

Ornithology

3.9 The SEI states in Chapter 6 (Ornithology) and the text in Appendix 6.1 that watches were carried out for 36 hours at each of four VPs in 2016 and 2018. This is in accordance with NatureScot guidance and constitutes a total of 36 hours observation over the whole site, each VP view-shed being essentially independent of the others. However, in the collision risk calculations the observation times at the four VPs have been added to give a total of 144 hours per season. This is incorrect and causes a significant underestimate of collision risk for all species.

3.10 If the calculations have included the proper weightings to reflect the different areas of the view-sheds the error will result in a four-fold underestimate, however it is not clear whether this has been done so the error cannot be corrected by simply multiplying the figures by four.

3.11 Consequently our advice remains that it is not possible to conclude, on the basis of this assessment, that there will not be an adverse effect on the integrity of Bluemull and Colgrave Sounds pSPA. Nor can we assess impacts on Natural Heritage Zone (NHZ) populations of species of high conservation importance.

3.12 Given the elementary nature of this error we are not confident that the analyst has properly understood or applied our guidance on collision risk assessment. We recommend therefore that the analysis is repeated by an experienced person who is familiar with the process.

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 A – NatureScot Guidance: Advising on carbon-rich soils, deep peat and priority peatland habitat in Development Management

Purpose

1. The purpose of this guidance is to help SNH staff provide developers, planning authorities and Scottish Government with consistent advice on the effect of wind farms and other renewable energy proposals on peatland habitat. The guidance also sets out the framework within which SNH will decide when wind farms and other renewable energy proposals sited on peat raise natural heritage issues of national interest.

Introduction

2. The guidance describes how we will support the implementation of Scottish Planning Policy (2014) in relation to carbon-rich soils, deep peat and priority peatland habitat and onshore wind development. We will apply the same approach to all other forms of development.

3. Our approach aims to:

   - encourage development to avoid carbon-rich soils, deep peat and priority peatland habitat and to minimise losses of the highest quality peatland habitat;
   - help to mitigate any effects of development on carbon-rich soils, deep peat and priority peatland habitat; and
   - ensure no net loss of public benefit through effective restoration and management of damaged bog to compensate for any losses.

4. Further guidance relevant to developments on peatland is contained in **Annex 1**.

Policy context

5. *Scottish Planning Policy (SPP)* establishes carbon-rich soils, deep peat and priority peatland habitat as nationally important environmental interests:

   > "Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. 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." (SPP, Table 1, page 39)

6. SPP (paragraph 161) requires planning authorities to embody this in spatial frameworks that identify those areas that are likely to be most appropriate for onshore wind farms. We have provided guidance for planning authorities on how to do this in Spatial Planning for onshore wind turbines.

7. A more detailed and exacting development management process complements the spatial framework (paragraph 163) and paragraph 169 states:

"Proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include (amongst others):

- effect on greenhouse gas emissions;
- impacts on carbon-rich soils, using the carbon calculator; and
- effects on the natural heritage".

8. The National Peatland Plan, the 2020 Challenge for Scotland's Biodiversity and its associated Route Map, the Scottish Land Use Strategy and the Scottish Soil Framework all complement and support the intention of SPP with regard to carbon-rich soils, deep peat and priority peatland habitat and highlight the importance of these resources.

What are carbon-rich soils, deep peat and priority peatland habitat?

9. Carbon-rich soils are those with any surface organic (peaty or peat) layer. Peat in the Scottish soil classification is soil with more than 60% organic carbon and exceeding 50cm in thickness. The four peat forming priority peatland habitats defined in the UKBAP are: Blanket Bog, Lowland Raised Bog, Lowland Fens and part of Upland Flushes, Fens and Swamps.

10. Our Carbon and Peatland Map, published in June 2016, is available on Geo View (Carbon and Peatland 2016 layer) and in Scotland soil Website[1] which provides detail on how to interpret the map. It identifies the nationally important resource and enables planning authorities to map carbon-rich soils, deep peat and priority peatland habitat in a consistent manner in wind farm spatial frameworks.

11. The map is a strategic planning tool. It is not a definitive account of where important carbon rich soils, deep peat and priority peatland habitat exist. Development proposals on peat, whether in the mapped area or not, will always require a site-specific and detailed peat and vegetation survey to confirm the quality and distribution of peatland across the site. This information will confirm the extent to which nationally-important peatland will actually be affected by the development, and inform design, micro-siting and mitigation.

12. When responding to scoping requests we may note whether the proposal is within the mapped area, but we should focus our advice on the actual effects on peatland habitat.

Assessing the impacts of development on carbon rich soils, deep peat and peatland

13. SPP affords 'significant protection' to carbon-rich soils, deep peat and priority peatland habitat and 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. (SPP, Table 1, page 39.)

Assessing effects

14. Wind farms and other developments may have 'direct' or 'indirect' effects on peat.

- *Direct impacts* comprise a loss of peatland habitat from the development 'footprint' and habitat lost or damaged during construction and operation e.g. due to storage of topsoil/peat on habitat.
- *Indirect impacts* comprise impacts from either temporary or permanent changes in drainage patterns and the quality or quantity of surface and ground water. Peatland habitats are complex hydrological systems, vulnerable to activities occurring beyond the boundaries of individual habitat patches. Examples of indirect impacts include:
  - down-slope droughting or up-slope flooding of peat-based habitat;

[1] http://soils.environment.gov.scot/maps/thematic-maps/carbon-and-peatland-2016-map/

- the pollution of wetland habitat through accidental spillage of vehicular fuels and oils, and from the deterioration of track surfaces during their usage;
- reduced stability of peat-based habitat on steep slopes, which in turn may have further impacts on habitat and species should a peat slide event occur.

Determining when effects are significant

15. Carbon-rich soils, deep peat and priority peatland habitat are in Group 2 of Table 1 in SPP and afforded the same protection (with regard to wind farms) as Natura sites, SSSI and other international and national designations.

16. A 'significant effect' on the qualities of the carbon-rich soils, deep peat and priority peatland habitat is likely to result from:

- The complete loss of the resource (for example by excavation, or by covering the area in concrete)
- The loss of function of the habitat, whereby the peat, or peatland habitat, is likely to be lost or significantly degraded as a result of the development.

17. When a proposal will have significant effects we should advise of this in our response to the application. We should also recommend whether further mitigation is required. However, we will only use an objection when these effects are on peatland habitat which is deemed to be of national interest (see below).

How to respond

Avoidance

18. The benefits from avoiding areas of good peatland habitat include:

- reduced technical challenges and costs of constructing on deeper peat;
- reduced impact of peat excavation on carbon payback;
- less difficulty of managing excavated peat on construction sites;
- less need for identifying suitable uses for excavated peat.

19. Our role is to help developers avoid sensitive peatland habitat by designing an appropriate wind farm of the right scale for the site.

Mitigation

20. Impacts on peatland can be reduced by:

- conducting detailed habitat surveys and peat depth surveys;
- avoiding deeper peat and sensitive habitat;
- adopting alternative construction techniques such as floating roads and piled turbine foundations; and
- carefully planning drainage on the site and ensuring good maintenance of mitigation measures on site.

Compensation: habitat management and enhancement

21. When potential impacts cannot be avoided or mitigated (for example, through alterations to the site layout or construction techniques), it is good practice to identify opportunities for habitat enhancement. This seeks to improve the condition of existing peatland habitat and to restore damaged habitat.

22. We should encourage developers to undertake habitat management and enhancement when peatland habitat is lost to development. In some circumstances, where we consider the likely loss of peatland habitat is of national interest, we should use a conditioned objection to ensure that any consent provides adequate compensation for any loss.

23. Typical compensation measures include:

- tree removal[2]
- blocking drains/installing dams;
- cessation of burning/peat cutting; and
- reducing grazing and trampling pressures.

24. Further guidance on habitat management plans is available here. Guidance on peatland restoration is available here.

Identifying when the impacts may be of national interest

25. To help determine when a proposal could have a significant effect that is of national interest, we have developed a new assessment framework (see **Annex 2** and **site visit template**). This framework starts from the position that national interest will only arise when peatland of the highest quality is lost or damaged. We want to:

- avoid any further loss of raised and montane bogs;
- minimise the loss of peat-forming blanket bog; and
- ensure no net loss of public benefit through effective restoration and management of damaged bog to compensate for any losses.

26. Our focus is on peatland habitat. We will not raise national interest matters solely on the carbon implications of new developments, or the impacts on 'deep peat'.

27. The framework adopts elements of the criteria used to select SSSIs and uses information collated from the Environmental Statement (mainly in the Ecology chapter and the Geology and Hydrogeology chapter, together with supporting Appendices) complemented by information on GeoView, aerial photography and other relevant data and additional field observations.

28. Having applied the tests in **Annex 2** and concluding that there are significant effects that cannot be substantially overcome, you should consider an objection in line with our National Interest Guidance. You should seek specialist advice from Habitats Group (Rural Resources Unit) and refer the case to the Area Manager if necessary.

Working with other agencies

29. When providing advice on the impacts of development on carbon rich soils, deep peat and priority peatland habitat, it is important that we work with other key agencies to align our advice.

- We should liaise with SEPA on issues relating to groundwater dependent terrestrial ecosystems (GWDTEs); hydrology; waste management (such as the treatment of peat excavated during construction) and carbon emissions.
- We should liaise with FCS where proposals for development, or peatland restoration, may result in woodland removal or have an effect on woodland resources.

30. **Annex 3** shows the topics on which we and SEPA currently lead.

[2] See Control of woodland removal policy and refer to FCS

NatureScot
Scotland's Nature Agency
Buidheann Nàdair na h-Alba

Annex 1. Further guidance

TITLE	DESCRIPTION
Scottish Executive (2017) Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments. (Second edition)	Describes peat failure mechanisms and outlines the requirements for peat stability assessment. Aims to provide guidance on the best methods for identifying, mitigating and managing peat slide hazards and their associated risks.
SEPA (2010) Regulatory Position Statement – Developments on Peat	Explains SEPA's position regarding re-use and disposal of peat excavated during developments.
JNCC (2010) Handbook for Phase 1 Habitat Survey: a technique for environmental audit	Presents a standardised system for planning and undertaking habitat surveys and classifying and mapping wildlife habitat.
Institute of Ecology and Environmental Management (IEEM) (2006) Guidelines for Ecological Impact Assessment in the United Kingdom (version 7).	Provides guidance for the ecological impact assessment (EcIA) of all types of development in terrestrial, coastal and freshwater environments. Sets out widely accepted good practice for each stage of the EcIA.
Guidance On The Assessment Of Peat Volumes, Reuse Of Excavated Peat And The Minimisation Of Waste	This document is aimed at businesses engaged in activities that involve developments on peat. It applies to all forms of development on peat, although the examples used are taken from wind farms.

Guidance on conducting site surveys on peatland. (2017)	This guidance provides key principles for surveying peatland for a wide range of applications such as: Peat landslide risk assessments Carbon savings calculations Waste minimisation & management plans Site design and layout Drainage planning and hydrological assessment Post-construction habitat management/site restoration.
NBN atlas gateway BBS Field Guide online pages	This provides further information on the key species identified in annex 2. Sphagnum austinii - NBN - BBS Sphagnum fuscum – NBN - BSS Betula nana – dwarf birch - NBN rhynchospora fusca – brown beak-sedge - NBN

Annex 2. Assessing the likely impact of renewable energy development on peatland and determining when this may be of national interest

Using this assessment process

Case Officers should always complete the assessment set out in this Annex before seeking specialist advice from the Habitats Group (Rural Resources Unit). This will help them determine whether specialist advice is needed and inform the specialist assessment.

Please use the site visit template.

Assessment criteria for each proposed infrastructure mentioned in ES.

1. Raised Bog supporting 'typical' bog vegetation.

   Yes – Likely National Interest

2. Montane Bog supporting 'typical' bog vegetation.

   Yes – Possible National Interest

3. Blanket Bog – based on quality criteria used in identifying potential SSSI.

   A. Is the proposed development within a continuous unit of blanket bog >25ha?

      Yes: Go to B

      No: Advise on mitigation measures

   B. Does the proposed development and/or the wider area of blanket bog of which it is a part, support vegetation capable of forming peat?

      Yes: Go to C

      No: Advise on mitigation measures

   C. Does the proposed development footprint (with a buffer of 250m) support two or more of the following?

      - Low frequency of drains and peat cutting
      - Presence of plant species indicating peat formation capability and/or lack of disturbance
      - An area of natural surface pattern
      - Absence of invasion by woodland or scrub

      Yes: Possible National Interest
      Consult Habitats Group

      No: Go to D

   D. Does the proposed development footprint support one or more of the following?

      - An abundance of *Sphagnum*-rich ridges
      - Ridges of *Sphagnum – Betula nana*
      - Hummocks of *S.fuscum* or S. *austinii*
      - Peat mounds
      - Hollows of *Sphagnum* or bare peat – *Rhynchospora fusca*

      Yes: Possible National Interest
      Consult Habitats Group

      No: Advise on mitigation measures

Annex 3. SNH and SEPA roles in relation to carbon rich soils, deep peat and priority peatland habitat.

Extracted from Joint working arrangement between SEPA and SNH on planning consultations

SNH	SEPA
Groundwater Dependent Terrestrial Ecosystems (GWDTEs) which are the qualifying interest of protected areas, or which could affect the qualifying interest of protected areas.	Groundwater Dependent Terrestrial Ecosystems in the wider countryside, or within protected areas but not a qualifying interest.
Peat landslide risk assessments, where the risks could affect protected areas or areas of carbon-rich soils, deep peat and priority peatland habitat.	Peat landslide risk assessments where these could affect the water environment, or are relevant to one of the other SEPA interests on this table (e.g. could be relevant to consideration of impact on GWDTEs).
	Carbon calculator and carbon emissions.
UKBAP priority peatland habitat.	Fens (which are GWDTEs), outwith protected areas.
Carbon-rich soils, deep peat and priority peatland habitat map.	Peat re-use and waste management.
Habitat Management Plans, Peat Management Plans, Construction Method Statement or Construction Environmental Management Plans where these are required to mitigate effects on one of the other SNH interests listed on this table (i.e. a protected area, UKBAP priority peatland habitat).	Habitat Management Plans, Peat Management Plans, Construction Method Statement or Construction Environmental Management Plans where these are required to mitigate effects on one of the SEPA interests listed in this table (i.e. GWDTE, the water environment, waste management etc.).

Royal Society for the Protection of Birds

giving nature a home
Scotland

Theresa McInnes
Consents Manager
Energy Consents Unit
Directorate for Energy and Climate Change
Scottish Government

By email to: [redacted]

9 October 2020

Dear Ms McInnes

ECU Reference: ECU00001844

Electricity Act 1989 Section 36: Application for the proposed Energy Isles Wind Farm, Yell, Shetland – Supplementary Environmental Information (SEI)

Thank you for consulting RSPB Scotland on the supplementary environmental information for the above application. We welcome the additional information provided and the revisions undertaken to address concerns expressed in our response letter dated 31 July 2019 regarding displacement distances and population estimates. We also welcome the reduction in the number of turbines in the revised application.

However, on consideration RSPB Scotland wishes to maintain its objection to the above proposal for the following reasons:

1. **There are significant adverse impacts on nationally important peatlands**. Despite the revised layout and reduction in number of turbines, we maintain our view that there are unacceptable adverse effects on peat and priority peatland habitats of national importance from this proposal. In our opinion the quality of the peatland which will be lost or damaged is such that the on and off-site peatland restoration proposed will not compensate for the loss of active blanket bog that is in good condition.

2. Inaccuracies in the revised collision risk analysis, potentially resulting in an underestimation of collision mortality for species of conservation concern. We understand that NatureScot has raised this issue and we fully support these concerns, which need to be addressed.

3. Impacts on the red-throated diver feature of the Bluemull and Colgrave Sounds proposed Special Protection Area (pSPA) cannot be fully assessed until the collision risk analysis is deemed adequate by NatureScot. Therefore, at present, it is not possible to ascertain whether there will be an adverse effect on the integrity of the pSPA.

Shetland Office
Sumburgh Head Lighthouse
Virkie
Shetland
ZE3 9JN

Tel: [redacted]
Facebook: RSPB Scotland
Twitter: @RSPB Scotland

BirdLife INTERNATIONAL

A more robust assessment of the impacts on this site is required to inform the HRA, notably by considering the collision mortality in the context of the pSPA diver population and consideration of the impact against each of the site's conservation objectives.

Conclusion

RSPB Scotland maintains its position of objection and wishes to emphasise the point that this site is unsuitable for the scale of wind farm proposed, particularly in light of the adverse impacts on peatlands resulting from the development. In addition, the assessment is insufficient and further environmental information is required to enable a robust decision, particularly on the Habitats Regulations Appraisal. Further detail of our objection is provided in the annex attached.

We hope you find these comments helpful. Should you wish to discuss of any of the above please do not hesitate to contact me.

Yours sincerely

Christine Skene

Conservation Officer
RSPB Scotland

Annex 1: RSPB Scotland detailed comments

Impacts on Peatlands

The development site has extensive areas of Class 1 carbon rich soils, deep peat and priority peatland habitat of National importance. Priority should be given to protecting existing peat deposits and active blanket mires, such as this, in the first instance.

Scottish Planning Policy recognises carbon rich soils, deep peat and priority peatland habitats as nationally important interests and with respect to wind farms 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 proposal has not shown that significant effects on the peatlands have been substantially overcome.

Scotland has a target to reduce emissions of all greenhouse gases to net-zero by 2045 and Scottish Government recognise the significant carbon storage role of peatlands and the important contribution they can make toward achieving these targets. This has been underlined by recent budget commitments by the Scottish Government to invest £250+ million in peatland restoration over 10 years, whilst the UK Committee on Climate Change (CCC) recently called for a ban on the extraction of peat.

The revised development has reduced permanent loss of peatlands/blanket mire from 30.61ha to 23.4ha, along with a temporary loss or disturbance to a further 25.7ha. This remains a significant amount of high-quality peatland habitat that is being lost or damaged. The developers acknowledge that permanent loss of priority peatland habitat cannot be mitigated, stating that there will be '*at least a low level long term significant impact at a National scale'*. (Ecology: 7.7.4)

However, they state that compensation for permanent loss will be made through restoration of c70ha of off-site degraded bog, outweighing the losses within the site (Ecology 7.7.5). Also, that the temporary disturbance to blanket bog during construction will be *'barely perceptible'* after restoration. (Ecology Table 7.2).

We consider that the peatland lost/damaged is of such high quality that compensation through on and off-site peatland restoration of degraded bog is unlikely to adequately mitigate for its damage and loss.

In our view:

- it will be challenging to restore degraded blanket bog to a high enough standard to adequately replace the priority peatland lost through the development;
- restoration of the borrow pits and other damaged areas is unlikely to return the habitat to its pre-construction condition.

In addition, we have the following concerns about the Habitat Management Plan (HMP):

- the HMP provides no specific locations and details for the off-site restoration works and the habitats to be restored.
- landowner agreement in principle for the c70ha of degraded bog to be restored has been obtained, but no management agreements are in place. This provides insufficient surety that the restoration works will be able to go ahead.

ScotWays

[redacted]

Theresa McInness
Consents Manager
Energy Consents Unit
The Scottish Government

04/11/2020

Dear Ms McInness,

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
ELECTRICITY ACT 1989 SECTION 36: APPLICATION FOR THE PROPOSED ENERGY ISLES WIND FARM ON THE ISLAND OF YELL IN THE PLANNING AUTHORITY AREA OF SHETLAND ISLANDS COUNCIL – SUPPLEMENTARY INFORMATION

Thank you for your email of 31 August 2020 informing us of the submission of this supplementary information and requesting responses. We gratefully acknowledge the additional time allowed for our response.

ScotWays objected to the 2019 Section 36 Application as the impact on public access had not been fully considered. Although there were references to a proposed *Access Route Plan* the section referred to had not been included within the application documentation. We were also concerned regarding turbine proximity to a promoted route.

The SEI Volume 1 Chapter 12 details the applicant's response to our concerns.

Impact on public access not fully considered plus the omission of documentation regarding an Access Management Plan (AMP). Although there is no provision of a draft AMP the applicant does state (12.3.9) that an *Access Route Plan* will be drawn up and agreed with SIC.

Proximity of T29 to the promoted walkhighlands route *Gloup Voe and Scordaback.* We are pleased to note in their response (12.3.10) that *T29 has been removed from the 2020 Layout and as such the potential impact on the identified Walkhighlands route has been alleviated.*

The removal of T29 has removed our concerns regarding turbine proximity to a promoted route.

On the assumption that there would be a requirement for the applicant to produce an Access Route Plan, drawn up in consultation with the access team at Shetland Islands Council, we would no longer object to this application.

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,

Redacted

Lynda L Grant
Access Officer

Scottish Environment Protection Agency

Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Our ref: PCS/172822
Your ref: ECU00001844

If telephoning ask for:
Alison Wilson

26 October 2020

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

By email only to: [redacted]

Dear Ms McInnes

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
ELECTRICITY ACT 1989 SECTION 36: APPLICATION FOR THE PROPOSED ENERGY ISLES WIND FARM ON THE ISLAND OF YELL IN THE PLANNING AUTHORITY AREA OF SHETLAND ISLANDS COUNCIL – SUPPLEMENTARY INFORMATION

Thank you for your consultation email which SEPA received on 31 August 2020, advising of the submission of Supplementary Environmental Information (SEI), dated August 2020. We thank you and the applicant for the additional time to assess this.

Advice for the determining authority

In general we are supportive of renewable energy projects, but this is dependent on site specific impacts. The submission of the above information has demonstrated that the proposed development is located on extensive high quality blanket bog, in excellent condition, and actively sequestering carbon from the atmosphere (i.e. taking it out of the air and storing it in the peat).

The proposed windfarm would therefore lead to avoidable carbon emissions. SEPA and Shetland Islands Council have a Climate Change Duty to deliver their functions in such a way as to support achievement of net zero emissions by 2045, and the interim targets - as specified in the Climate Change (Scotland) Act 2009 (as amended by the Emissions Reduction Act 2019). In carrying out this duty we must, along with Shetland Islands Council, act to protect areas of pristine, active blanket bog.

As such, unfortunately, we must now **object in principle** to the siting of the windfarm in this location and its associated negative impact on climate change. Please note the advice provided below.

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

1.1 Scotland has declared a Climate Emergency and has set a target of net zero emissions by 2045. The role peatlands play in storing carbon and in climate regulation is now understood to be an important role. Disturbed peatlands can no longer sequester and store carbon and will be transformed to become net producers of carbon dioxide, resulting in a net increase in Scotland's emissions.

1.2 The letter from NatureScot of 29th July 2019 advises they have undertaken a walk over survey of the site in July 2019. "This survey confirmed:

- The site supports extensive areas of Class1 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;
- 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."

1.3 As such, we believe that the proposals to construct a windfarm here, where it would be necessary to disturb and extract a high quality blanket bog, are not consistent with the statutory duty placed on public bodies under Section 44 of the Climate Change (Scotland) Act 2009 (as amended by the Emissions Reduction Act 2019) to act in the way best calculated to contribute to the delivery of the net zero and interim targets in a way that it considers is most sustainable.

1.4 The proposals would also be contrary to the commitment in SEPA's Climate Change Commitment statement to protect and enhance natural carbon sinks and keep locked up carbon where it is.

1.5 Scottish Planning Policy (2014) (paragraph 205) states that "Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO2) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO2 to the atmosphere. Developments should aim to minimise this release". Policy NH5 Soils of Shetland Local Development Plan 2014 also states that "Development will only be permitted where appropriate measures are taken to maintain soil resources and functions …" and in the Justification section further states "Soil formation processes involve long timescales and soils should be viewed as a finite and non-renewable resource. Soils are one of Shetland's greatest natural assets and are the heart of most terrestrial life. The Scottish Soil Framework sets out the many functions of soils, including: …

- Underpinning nationally and internationally valued rare habitats and sustaining biodiversity
- Storing carbon
- Maintaining the balance of gases in the air …

Soils fulfil important socio-economic and environmental roles; therefore it is important that Shetland's soils are managed sustainably, in order that they can retain the capacity to carry out their many vital functions."

1.6 The necessary disturbance and extraction of peat involved in the construction of the windfarm on this site, which is extensively high quality blanket bog in near pristine condition, would be contrary to Scottish Planning Policy, paragraph 205 and policy NH5: Soils of the Shetland Local Development Plan 2014.

1.7 It is estimated that 80% of the peatland in Scotland is degraded, and it is known that degraded peat is a source of carbon emissions. Development on degraded peat can prevent further carbon emissions and seek to improve peatland hydrology and vegetation such that conditions may be re-established in time, under which active carbon sequestration can take place. This proposal on such a site could have a positive outcome.

1.8 However, this site is pristine and is currently delivering the important and invaluable ecosystem service of carbon sequestration. As per the statement in paragraph 7.7.4 of the Ecology chapter of the SEI, the permanent loss of high value pristine active blanket bog cannot be mitigated by compensatory restoration. The conclusion of Major residual adverse long term effect of National importance in relation to excavation of deep peat is also significant.

1.9 The high value of the existing undisturbed site and the large volume of peat that will be excavated or disturbed means that the acceptability of the proposal based on being able to fully mitigate the impacts relies on the likelihood of success of the proposed restoration and reinstatement in genuinely achieving a net greater carbon uptake and biodiversity service than would occur in the absence of this development. As per their letter of 18 July 2019 to the Energy Consents Unit, the local experience of Shetland Amenity Trust led them to conclude that it is unlikely that the disturbed and degraded blanket bog will be returned to its former state of active M17 blanket bog; instead it is much more likely to return to some type of dwarf shrub vegetation. Therefore, we consider this to be a high risk proposition and unlikely to contribute positively towards achievement of the Climate Change Act emission reduction targets.

1.10 Therefore, in spite of the net positive area and volume of peat to be reinstated and restored by this proposal, it is unlikely that the carbon uptake potential of the reinstated and restored peat will come close to that of the site in its current undisturbed state, particularly given the very high volume of peat that will be affected.

1.11 Notwithstanding our above advice, if the determining authority are minded to grant consent for the above proposal, in addition to our request for the following matters to be covered by planning condition, as per our letter of 24 June 2019, 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), and advise we would ask that the following issues are addressed to minimise as much as possible the effects in regard to peat management and restoration.

2. Additional information to be addressed in the Peat Management Plan and Restoration Plan

2.1 This advice should be read in conjunction with the previous advice in our letter of 24 June 2019 (our reference PCS/165327). We maintain our request for peat depth survey probing and submission of interpolated depth maps to the full extent of the 100 metre micrositing allowance. It is noted that the description of the peat depth survey in the Revised Outline Peat Management Plan indicated that this has been conducted to the extent of a 50 metre micrositing allowance (Peat Survey Methodology, page 8).

2.2 It is noted and welcomed that the applicant has agreed to all conditions requested by SEPA which are summarised in 10.3.9 of Chapter 10 of the SEI. The clear presentation of the applicant's design iteration responses to SEPA comments in Table 10.1 is appreciated. The applicant's responses are clear, logical and accepted. Consideration of relocating Borrow Pit H during detailed design is also welcome; we would greatly prefer deeper peat to be avoided as much as possible, and if at all possible, to avoid the necessity of diversion of the minor watercourse.

2.3 Points for consideration, as requested by SEPA, which are listed in paragraph 10.3.11 were not mentioned thus it is unclear if these have been accepted or addressed.

2.4 Chapter 7 of the SEI, paragraph 7.5.15 states that it is likely that replacement of blanket bog with heath communities is likely within 2 – 3 metres of turbine bases and track batters. The applicant must explain how this likely change in habitat is in accordance with the estimated reinstatement and restoration figures, which imply a restoration to the pre-development quality and condition of the reinstated areas.

2.5 Table 7.1 in the SEI Chapter 7 – Ecology presents the surface area of each NVC plant community type or mosaic that is expected to experience permanent loss, temporary loss during construction, operation degradation of peat (e.g. by drainage) and due to disruption of water flows. We found this a very useful and clear means of presenting the information.

2.6 The zone of influence of drains and cable routes which have the effect of drying of peatlands due to drainage or other influences on hydrological flow paths was estimated based on information from Moor House, in Teesdale. We suggest that the applicant obtain local relevant evidence of the likely zone of influence observed within the Shetland Islands.

2.7 In the PMP, reinstatement of peat on 2 in 1 slopes is described. The applicant must provide more information on methods that will be used to re-establish vegetative cover at these slope angles. If it is anticipated that these slopes will be covered with a geotextile to prevent erosion (as described) and that otherwise is likely to largely remain bare then this should be stated. We recommend that the applicant consider the use of undercutting the vegetation layer at the edge of the cut track and rolling back the vegetation whilst excavating the track; when excavation is finished then roll the vegetation down over the 2 in 1 batter (i.e. using a variation of the method as described under hag reprofiling on page 15 of the Draft HMP).

2.8 Peat placed on track verges should gently taper in to the adjacent land form, with the peat blocks placed snugly together and the edge of the peat placed furthest from the track should be firmed in to the adjacent ground to form a seal, in order to minimise water loss through evaporation.

2.9 Generally, it is a balance between reducing slope angle to increase the likelihood of successful re-establishment of vegetation cover against minimising the extent of the infrastructure footprint.

2.10 Appropriate methods of calculating peat excavation volume have been used, as shown in the clear narrative description, with dimensions of each relevant infrastructure element summarised in Tables 3 and 4, and further assumptions clearly laid out.

2.11 It was not clear how long the peat excavated for cable trenches will be stored while the track is laid. The applicant should provide more information on this to enable evaluation of whether it is reasonable to assume that no losses will result.

2.12 Tables 5 and 6 of the PMP were very clear and informative. Borrow pits, and to a lesser extent the tracks, excavated area of the substation and crane hardstandings have the most significant volumes of peat excavation. The proposed reinstatement will use all of the expected excavated peat, with an additional capacity of approximately 33,000 m^3. 84% of the reinstated peat is to be used in borrow pit restoration to a depth of two metres. The thickness of excavated peat to be placed in borrow pit restoration should match the profile of the adjacent undisturbed soil. Two metres is the maximum permitted; if the borrow pit is located within an area of shallower peat then it is expected that the thickness of peat placed during restoration should be less than two metres in order to tie in closely with the adjacent conditions.

2.13 10% of the reinstatement volume is to be placed along the 2 in 1 slopes of the floating track verges (8%) and crane hardstandings (2%). Given the previous statement (in the Ecology chapter of the SEI) that within 2 or 3 metres of turbine bases and tracks it is likely that reinstated peat will establish a heathland community instead of blanket bog, the applicant should address what this means for the reinstatement and restoration, i.e. that heath communities are not equivalent to pristine active blanket bog.

2.14 Experience of peat excavation for development on Shetland (e.g. Total gas plant) has shown that bulking or expansion of the peat volume on excavation is common, and has resulted in underestimation of the volume of peat to be re-used. It is not clear if this has been considered in the peat excavation volume calculations. If not, the applicant should consider this and demonstrate that the contingency of identified re-use of 33,812 m3 greater than currently estimated as excavation volume is sufficient to accommodate the likely increase in volume on excavation.

2.15 We strongly advise that stacking of vegetated turves is avoided in order to best preserve the viability of the vegetation layer.

2.16 It is important to ensure that mineral soil and aggregate is strictly kept separate from peat or peaty soils in order to avoid contamination (which could result in a change in chemical or hydrological properties in the peat, reducing the likelihood of successful reinstatement on placement).

2.17 Given that the tracks will have adjacent drainage ditches, the applicant should confirm how the peat placed on track verges will be maintained in a saturated condition (PMP, page 35).

2.18 Screening bunds are not an appropriate use of excavated peat (PMP, p35), as previously stated in our response of 24 June 2019. The applicant should confirm what is meant by landscaping in this context.

2.19 The Habitat Management Plan states that compensation for 23.4 ha of permanent loss of blanket mire will be delivered through restoration of two areas (off-site) on Yell, by means of local hag-reprofiling, stabilisation of bare peat and control of grazing and peat cutting. Four potential areas on Yell have been identified: two each in East and West Yell. Given the importance of restoration to an equivalent quality and condition of that which will be lost, the HMP will need more detail plus demonstrable landowner agreement.

If you have any queries relating to this letter please contact me by email at [redacted]

Yours sincerely

Alison Wilson
Senior Planning Officer
Planning Service

ECopy to: Theresa McInnes, Energy Consents Unit, [redacted] Shetland Islands Council, [redacted]
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.

Shetland Amenity Trust

Dalgleish K (Kieran)

From: [redacted]
Sent: 23 September 2020 12:43
To: Econsents Admin
Subject: ELECTRICITY ACT 1989 SECTION 36: APPLICATION FOR THE PROPOSED ENERGY ISLES WIND FARM ON THE ISLAND OF YELL

Thank you for reconsulting on the revisions to this application and addressing the issues which I raised formerly.

I can confirm that I am now content with the additional information supplied in Chapter 9, Cultural Heritage, including the additional mitigation and the removal of turbines which impacted significantly on the setting of Burgi Geos Iron Age fort.

Yours sincerely,

Val Turner

Regional Archaeologist, Shetland
Shetland Amenity Trust
Garthspool,
Lerwick,
Shetland, ZE1 0NY
Tel: ([redacted]

[http://www.shetland.gov.uk/images/SAT_Email_Sig/satlogo.jpg] <https://www.shetlandamenity.org/> [http://www.shetland.gov.uk/images/SAT_Email_Sig/natsigcoll.jpg] <https://www.museumsgalleriesscotland.org.uk/accreditation-recognition/the-recognised-collections/#shetland> [http://www.shetland.gov.uk/images/SAT_Email_Sig/unesco.jpg] <https://www.shetlandamenity.org/geopark-shetland>

Shetlands Bird Club

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Julie Redpath
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08/10/2020

Dear Sir/Madam

2019/127/ECUCON, Application under section 36 of the Electricity Act 1989 for a Windfarm (with an installed capacity of up to 200MW), Land 147M West of Sellafirth 1.8km West of Cullivoe and 812M South of Gloup Yell Shetland, including Supplementary Information

Shetland Bird Club objects to the above application.

Although the reduction in the size of the proposed development is to be welcomed, we consider that the changes have not significantly reduced the serious adverse effects on important bird species and habitats in this important area.

We consider that the adverse effects on Red-throated diver, Merlin, Golden Plover, Dunlin, Curlew and Arctic Skua remain serious and cannot be fully mitigated.

We also consider that the damage to blanket bog in the area remains of serious concern and will result in the release of a considerable amount of stored carbon into the atmosphere.

However, should Scottish Ministers approve this development, we consider that the Habitat Management Plan should be more ambitious and detailed in aiming to restore a greater area of blanket bog and enhance more habitat off site in Yell. Any habitat enhancement of blanket bog, including lochans for Red-throated divers should include consultation with Sue White of Shetland Amenity Trust, who is very experienced in this field.

We welcome the invitation to RSPB Scotland to join the HMP Stakeholders Group. We suggest that it would be most efficient and advantageous if the HMP Stakeholders Group were combined with SWEAG, which has already been established, to give environmental advice on the Viking development.

We consider that it is essential that there should be a monitoring programme to monitor the effects of the windfarm on habitats and bird populations.

More detailed comments

1. Ornithology (6)

The area of the proposed development is of importance for Red-throated Diver, Merlin, Dunlin, Golden Plover, Artic Skua, Curlew and Snipe. It acknowledged that the development is likely to result in a significant reduction in Dunlin at a Shetland level. We do not agree that adverse effects on other species will be very low or negligible and we do not agree that these adverse effects can be fully mitigated through habitat enhancement.

We welcome the proposal in the DHMP to improve nesting habitat for Merlin. However, there is no guarantee that this will mitigate the adverse effects on the 1-2 pairs that currently breed in the area.

We also welcome proposals to improve several lochs for breeding red-throated divers. However, we do not consider that this will mitigate the adverse effects of the proposed development on this species.

1.2 Construction

We welcome the proposal to appoint an Ecological Clerk of Works and to use the timing of works and buffer zones to reduce the effects of disturbance (Ornithology 6.7.3.). However, we consider that during the construction phase, there is still likely to be significant disturbance to birds breeding in the area, particularly Red-throated Diver, Merlin, Arctic Skua, Golden Plover, Dunlin and Curlew.

1.3 Operation

The assurance that any displaced territories of important breeding species will be accommodated through retained habitat and areas of enhancement to create more favourable nesting habitat (Ornithology 6.6.2), lacks supporting evidence and we do not accept that displacement effects can be fully mitigated through habitat enhancement. We also do not agree with the assessment that collision-related mortality will result in no discernible population-level effect above natural mortality levels (Ornithology 6.1.3.).

1.4 Cumulative impacts

It is acknowledged that the cumulative impacts of displacement are clearly significant for Red-throated Diver (1.4%), Merlin (4.14%), Golden Plover (c.1%) and Dunlin (c. 16%). at the Shetland level (Ornithology 6.8.10.). The assertions that these adverse effects are likely to be offset through habitat enhancement, or that displaced birds are likely to establish a territory elsewhere, are not supported by evidence.

2. Ecology (7)

The loss of blanket bog is acknowledged to remain a significant effect of the proposed development (7.1.3.).

3. Geology, Peat, Hydrology and Hydrogeology (10)

We note that many of the suggestions made by SEPA to reduce the damage to deep peat and blanket bog have been rejected by the developers. We do not consider that the DHMP and ROPMP will fully mitigate the damage to blanket bog from this development.

4. Appendix 7.1 Draft Habitat Management Plan

We note that in the Draft Habitat management Plan, although c.70 ha of degraded blanket bog is proposed to be restored, there is no guarantee that this will take place or will achieve the desired effect. This plan also seems rather unambitious in its aspirations.

4.1 Monitoring

We welcome the commitment to carry out monitoring of habitats and key bird species to determine the effects of the DHMP. However, it is essential that there is also a monitoring programme to monitor the effects of the windfarm itself on habitats and bird populations.

5. Appendix 10.1 Revised Outline Peat Management Plan

We consider that the Peat Management Plan is overoptimistic about the amount of excavated peat that will be produced and can be reused. This is likely to both underestimate the amount of peat that will be excavated, the amount of damage to blanket bog and the amount of stored carbon that will be released.

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

Yours Faithfully,

Julie Redpath
Chair of Shetland Bird Club

Shetland Island Council – Development Plans & Heritage Team

2019/127/ECUCON: Erect 29 turbines, Yell, by Energy Isles Ltd

Development Plans & Heritage Team Further Information Response, September 2020

Thank you for seeking a response from the Development Plans Team in respect of the further information submitted in support of revised application 2019/127/ECUCON. Having reviewed the additional information submitted to the Planning Service, the Development Plans Team has the following comments.

The Revised Proposed Development

In respect of the revised proposal, it is noted that the following are now proposed as comprising part of this development:

- 23 turbines, of which 14 at 200m high to blade tip and 9 turbines at 180m high to blade tip (paragraph 3.4.6 of the Updated Planning Statement, August 2020),
- With an installed capacity of 160 MW (paragraph 4.1.1).

When this revised proposal is reviewed against the windfarm categorisation used to determine development size for the purposed of the 2009 Landscape Sensitivity and Capacity Study for Wind Farm Developments, the Development Plans Team is of the view that this development would still fall within the Group D Large-very large group. The reasoning for this is detailed below.

Group D developments are stated as being of approximately 25 or more turbines and/or an installed capacity in excess of 50MW. Paragraph 2.14 of the 2009 study also notes that *'bandings and capacities are approximate, giving an idea of the size of commercial developments rather than being intended as exact numbers'*. Group C developments fall in the approximate range of 13 to 25 turbines and the study is based on assumed turbine heights of 90-150m (to blade tip).

Therefore, with the turbine height being far in excess of that assumed in the 2009 study, the development having an installed capacity of over 50MW and only being 2 turbines below the approximate banding for Group D, this development is still within the large-very large group. As a result, the Development Plans Team's comments dated July 2019 in respect of this development are still relevant in respect of these revised proposals.

Policy Appraisal, Scottish Planning Policy & Presumption in Favour

Chapter 3 of the Updated Planning Statement, in particular section 3.2.4 onwards attempts to establish a case for additional weight being applied in favour of the Development. It refers to the outcome of the Gladman case and how this relates the approach taken by reporters to SPP in regard to the presumption in favour of

development (as detailed in paragraphs 3.2.12 – 3.2.14), particularly in how paragraphs 33 and 32 of Scottish Planning Policy are applied in relation to Local Development Plans.

Though the Shetland Local Development Plan is now over five years old, it is fully in line with Scottish Planning Policy (SPP) and therefore is not being superseded by a policy document it is not in accordance with. In addition, it is also noted that the Chief Planner's letter May 2020 that there is the intention to not apply the usual level of scrutiny to Local Development Plan timescales due to wider circumstances raised by the Covid-19 pandemic:

'This may mean that in the months ahead more local development plans could remain in place for a longer period of time than usual. Scottish Ministers have discretionary powers under the 1997 Act (as amended) to require planning authorities to prepare a report setting out why a local development plan has not been reviewed within appropriate timescales. In view of the current circumstances we can reassure authorities that Ministers are not minded to require such reports at this time.'

The resultant judgement of the inner house in relation to the Gladman case relates to housing and 5 year supply targets. There are no renewable energy supply targets set by Local Development Plan area, or identification of need within set geographic areas used as a material consideration in balance with potential impacts of the development.

In regard to the status of SPP and consultation documents that have been issued in the preparation of new national policy, the Development Plans Team would draw attention to the Chief Planner's letter dated 4th September 2020, in which it is stated that:

'I [the Chief Planner] feel that it is important to clarify that no final decisions have been made on a change to existing policy. Any such change will be informed by the consultation and we encourage all stakeholders to respond. Until then the existing policy remains in place.

I would also like to make it clear to all authorities that none of the changes proposed in the consultation aim to undermine or contradict Ministers' stated commitments to delivering good quality development, including housing and renewable energy projects.'

Therefore, as the current development Plan is in line with Scottish Planning Policy, the current and up to date national planning policy document, that the Local Development Plan and Scottish Planning Policy should not be seen to be superseded by any current review consultation documents in relation to national planning policy. The Shetland Local Development Plan 2014 and the associated 2009 Landscape Sensitivity and Capacity Study linked to Policy RE1 should have the same weight applied as would have been previously.

DPEA case PPA-370-2077 is noted by the applicant in paragraph 2.5.20, in particular matters such as the UK not meeting its EU 2020 target for renewable

energy or further targets to be met by 2030, through a revised Renewable Energy Directive (DPEA case paragraph 82). While the reporter notes that this may represent a change from the context in which national policy documents were written, it is worth adding to paragraph 2.5.23 of the Updated Planning Statement that the reporter stated, not just that these factors still have to be weighed in the overall planning balance, but that they also *'do not override other considerations, such as the adverse effects I identify'*.

Therefore, other considerations, such as 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.

Shetland Island Council – Drainage and Flooding Engineer

From: [redacted]
Sent:23 Sep 2020 13:23:15 +0100
To: [redacted]
Subject:RE: PLANNING CONSULTATION REMINDER Ref 2019/127/ECUCON

Background

This is an application for construction of a windfarm and associated access roads near Cullivoe, Yell. Further information has been submitted, but the information provided regarding drainage and flood risk issues has not changed significantly from the date of my last response of June 2019.

The recently submitted documents contain responses to issues raised by other bodies in the additional Chpt10 on Geology, Peat, Hydrology and Hydrogeology, although my own comments have not been addressed directly there.
The schedule of Environmental Commitments states that "A detailed drainage design will be undertaken and provided to SEPA and SIC prior to construction."
This is acceptable, and a suitable drainage design is achievable for the proposals on this site, using standard SUDs engineering, but I would point out again some of the requirements and design processes to be achieved, so that the level of information and the drainage outcomes to be achieved are clear from as early in the process as possible.

There use of SUDs principles is included in Vol5, Appendix 3.1 Drainage Statement, which notes that "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. "
Policy and guidance documents which require SUDs drainage, particularly the "Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended in 2018 (CAR)" act, are also referenced.

For clarity I have first quoted my previous comments below, unchanged, as those cover some specific issues in the, still current, documents.

> 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 steam" 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 perminant 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).

With regard to the provision of more detailed drainage information, either before a decisions, or in discharge of likely drainage conditions, I would particularly highlight the following issues be addressed before the start of construction

The need to provide separate drainage designs for temporary (construction phase) drainage and for permanent drainage.
Some elements of temporary drainage may be carried forward to become permanent drainage features, but without separate designs and plans there is a risk of lack of clarity.

Temporary drainage approaches outlines in the documents submitted follow appropriate approaches, but more detail or confirmation of ongoing inspection and maintenance procedures will be required in a CEMP or similar document.

Permanent drainage should be designed using Ciria C753 "The SUDs Manual". This document sets out the overall drainage requirements for performance, how to select SUDs devices to show the proposals will meet those requirements, and the design sizing and detailing required by each SUDs device.
SEPA's standing instructions is that drainage designs are required to follow C753 to be approved.

Where final and confirmed design of elements is known, the drainage should also give a location specific design, calculations and detailing.
Where the exact details may be subject to change, to allow for contractor design or adjustments in track routing for example, then I would suggest the detail submitted could take the form of a series of designs for different generic construction drainage types,
e.g. perhaps. floating road, founded road in fill, founded road in cut, founded road with one side in cut and one side in fill; construction compound; borrow pit; turbine base, crane lifting pad; substation, with each showing a general layout plan and cross section, including the proposed permanent drainage designed and sized to C753 and meeting the attenuation and water quality treatment requirements. This will allow for general approaches to be confirmed, while allowing flexibility for amendments to routing/positioning and/or a design and build contract approach.

I would also point out that sheet flow of water over the adjacent vegetated land is an acceptable form of SUDs, forming a SUDs Filter Strip, and that there would appear to be good potential for this kind of development to make use of the undisturbed peat and existing rills and hags to provide SUDs drainage in a way that ties back more directly to the natural hydrology. In drawing up the above drainage proposals for typical construction situations, the opportunities and requirements that go along with Filter Strips should become clearer.

Colin Smith

Planning Engineer

Shetland Islands Council | 8 North Ness | Lerwick | Shetland

Tel [redacted]

Email [redacted]

-----Original Message-----
From: [redacted]
Sent: 23 September 2020 12:39
To: [redacted]
Subject: PLANNING CONSULTATION REMINDER Ref 2019/127/ECUCON

Please find attached Consultation REMINDER for 2019/127/ECUCON

Please forward your response to us within the next 7 days

Shetland Island Council – Environmental Health Department

From: [redacted]
Sent: 2 Oct 2020 15:13:54 +0100
To: [redacted]
Subject: RE: Planning Re Consultation for application ref: 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.

My apologies for our late reply to this planning consultation. I can confirm that the department has assessed the updated documentation for this application, I have amended the department's previous comment *(previous comment in italics)*

- *With regards to highlighted stressors which have the potential to adversely affect identified receptors, including, noise as well as 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.*

Further to the above the department considers the operational noise assessment methodology and calculation to be in keeping with best practice set out in ETSU-R-97 and the IoA Good Practice Guide. The methodology used to predict the cumulative noise from the existing wind farm development and the proposed development is also in keeping with the IoA Good Practice Guide. The department therefore agrees with the conclusions of the operational noise assessment that the impact on the nearest noise sensitive receptors is likely to be not significant.

The impact of the construction noise should only be considered when the CEMP submitted. The schedule of Environmental Commitments states that the CEMP will be submitted at the "pre-construction / construction" stage. As stated in the previous comment dated 16/07/2020 "*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 form 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.*"

- *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 agrees that the updated construction working hours of "between 07:00 and 19:00 Monday to Friday and 08:00 to 18:00 on Saturdays. Normal construction work will not be undertaken on Sundays or on local

and national public holidays." is in keeping with similar previous developments and should provide ample respite for the local residents. The department does not agree that "Advance warning of any construction out with these hours will be provided to SIC and local residents." Should any construction out with these hours be necessary, this would need to be formally agreed with the SIC before work commences. Once this has been agreed, local residents should be informed.

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.

Kind regards
Lyall

- - -

Lyall Halcrow
Assistant Environmental Health Officer - Environmental Health & Trading Standards
Shetland Islands Council, Old Anderson High School, Lovers Loan, Lerwick, Shetland, ZE1 0BA

Email:
Direct [redacted]

Please see attached Re Consultation for Application 2019/127/ECUCON

Receipt of supplementary environmental information on 31 August 2020.

At Land 147M West Of Sellafirth
1.8km West Of Cullivoe And
812M South Of Gloup
Yell
Shetland

Shetland Island Council – Marine Planning Service

From: [redacted]
Sent: 7 Sep 2020 13:42:43 +0100
To: [redacted]
Cc: [redacted]
Subject: RE: Planning Re Consultation for application ref: 2019/127/ECUCON

Good afternoon,

Further to the re-consultation on application 2019/127/ECUCON, I write to confirm that the Marine Planning Service has no comments to make on the amended proposal.

Kind regards,

John

John Rosie | Marine Planning Officer – Marine Planning | Shetland Islands Council | Development Services
8 North Ness Business Park | Lerwick | Shetland | ZE1 0LZ
Tel: [redacted]

-----Original Message-----
From: [redacted]
Sent: 03 September 2020 09:52
To: [redacted]
Subject: Planning Re Consultation for application ref: 2019/127/ECUCON

Please see attached Re Consultation for Application 2019/127/ECUCON

Receipt of supplementary environmental information on 31 August 2020.

At Land 147M West Of Sellafirth
1.8km West Of Cullivoe And
812M South Of Gloup
Yell
Shetland

Shetland Island Council – Natural Heritage Officer

Planning Ref: 2019/127/ECUCON
Proposal: Application under section 36 of the Electricity Act 1989 for a Windfarm
Address: Land 147M West Of Sellafirth, 1.8km West Of Cullivoe And , 812M South Of Gloup, Yell Shetland
Applicant: Energy Isles Limited

NB - Please note that due to the current Covid-19 lockdown restrictions it has not been possible to undertake any site visit as part of the assessment of this supplementary environmental information. Further site visits should be undertaken, in order to fully assess this development as now proposed, in particular to fully assess the developer's comments on landscape impacts.

NHO consultation response 16/7/2019

My previous consultation response on this proposed development was included within the overall response from Development Plans. Although there is no response by the applicant in respect of those comments, a number of these are repeated where relevant and updated as appropriate.

Ecological clerks of works specification

It will be appropriate to appoint an Auditor ECoW whose role is a passive means of monitoring compliance with planning conditions, reporting any breaches to the Planning Authority. Such an appointment should be specified by condition and the cost met by the developer. This is in addition to the "appointment of a suitably qualified Environmental Clerk of Works (ECoW) to oversee application of the CEMP", as specified in the Schedule of Environmental Commitments. This latter person will be an Advisory ECoW, who provides advice and support with compliance to the developer; such persons are not responsible for ensuring compliance with planning conditions and the developer is not usually obliged to share any of these reports with the Planning Authority or the consenting body. Ensuring compliance with planning conditions is the role of the Planning Authority and should be based upon its own advisors' reports. For more guidance, consult "Environmental Clerks of Works Good Practice Guidelines for Planning Authorities - The Association of Environmental & Ecological Clerks of Works, 2016" (Burns, O & Jackson-Matthews S. (2016) Environmental Clerks of Works: Good Practice Guidance) .

(Agreed Name) Wind Farm Environmental Advisory Group

The Draft Habitat Management Plan proposes that a Habitat Management Plan (HMP) Stakeholder Group be established to review the HMP on a 5-yearly cycle. Whilst quinquennial reviews will be a useful record over the long-term it will be essential to have an independent environmental monitoring body for this development as a whole; this Group should be established well in advance of any development commencing so as to oversee and provide advice on the requirements of the Habitat Management Plan and the other protective and management plans proposed. Bi-annual meetings of the group would be appropriate, with opportunities for more frequent discussion when necessary.

I especially emphasise that, in this location, it will be critical that visits and ensuing reports that require remedial action by the contractor or intervention by the planning authority (or other regulators) can be made within very short timescales when

needed. Monthly monitoring and reporting on accidents or other environmental incidents after the fact will not adequately minimise risk of harm to this sensitive landscape and its biodiversity and ecology. I see no proposals within the submitted documents that address this issue and, given the site's remoteness from Lerwick, it will take extra time for regulatory staff to visit in cases of urgency, should that be required. I urge you to recommend that the Energy Consents Unit fully consider this issue and add an appropriate condition to any consent.

Update

Viking Wind Farm has already agreed in principle that it would support SWEAG expanding to include such the role to support an Environmental Advisory Group for this development but it would be for SWEAG itself to administer and facilitate, should it agree to do so. Regardless, I recommend that the following condition (adapted from 2018-335-ECUCON) be attached to any consent:

(1) No development shall commence unless and until details of the constitution, terms of reference (including procedures for the review of the Habitat Management Plan), membership (which will shall include, but not be limited to, representatives from RSPB Scotland and Scottish Natural Heritage) and working arrangements of (the Group) have been submitted to and approved in writing by the Planning Authority in consultation with SNH, and the first meeting of (the Group) held.
(2) The approved details must, within 2 months of such approval, be published in accordance with the publicity requirements set out under Planning Condition (n)
Reason: In the interests of ensuring minimal disruption to habitats.

Landscape

At 200m to tip, some of the turbines will be 20m higher than Noss Head on the Isle of Noss, east of Bressay (181m, 593ft), while the remainder will be just about the same height; in most cases this is much more than twice the height above sea level of the hills upon which they would be located.

This development is located in an area that is remote by Shetland standards; it is certainly infrequently visited and probably relatively unknown to most of the people of Shetland, with the likely exception of some residents of Yell. The public's most likely awareness will be to users of the A968 as it passes around the head of Basta Voe. The viewpoints (VP) 6 and VP7a give a good idea of these views. However, once built, the turbines will be very visible from a number of locations that are more frequently inhabited and visited, such as Cullivoe and Breckon, and that currently view these skylines as an integral part of the backdrop in the landscape.

Many rural areas in Shetland are punctuated by scattered settlements, isolated dwellings and agricultural buildings or other developments. However, with the exception of an abandoned croft house at Hetherdale and occasional evidence of water supply infrastructure (e.g. manhole and water supply marker posts south of Gossa Water) the whole area of the application site and much of its surroundings presents few human artefacts or evidence of contemporary land use, apart from peat erosion; it is devoid of evidence of development.

The area is grazed by sheep, with some fences and some areas where the peatland is badly eroded but generally the area is covered with blanket bog (72% of the original application site) or habitat mosaic that includes blanket bog (a further 14%),

which includes heather moorland and extensive pool systems that presents a fairly homogenous, gently undulating landform to the distant viewer but one that becomes ever more intricate and visually stimulating the closer one approaches to the centre, generally the highest points. This area is remote from public access with some challenging terrain (i.e. land that has extensive rough terrain or extensive boglands, which is difficult to traverse).

The SEI states that the alteration to the proposed development is intended to alleviate the concerns regarding effects on the Shetland NSA; it follows on from the consultation response received from SNH. The reduction in number of turbines does slightly reduce the overall impact on the NSA but does not alter my original conclusion that the development would have significant adverse effects on the special qualities of the NSA that are sufficient to undermine the objectives and overall integrity of the NSA itself at various locations. However, I leave it to SNH to provide its assessment of impact on the National Scenic Area, given that this is a national designation. Having said that, I note the applicant's comments in relation to the Landscape Sensitivity and Capacity Study for Wind Farm Development in the Shetland Islands (LUC, March 2009) but I also note that it recommends developers "Avoid locating wind farm developments in places where there is likely to be an effect on nearby sensitive landscapes with which there is intervisibility. The scale of modern wind farm developments means they can quite easily affect the character of adjoining landscapes." This is the crux of the issue here and there will remain a significant negative impact on areas (Hermaness and Fethaland) identified by LUC as having high landscape character sensitivity. Furthermore, when considering degrees of landscape character sensitivity, bear in mind how challenging it is to simplify this to a 3 point scale, as was done by LUC. In this regard, LUC identified the landscape of Ronas Hill and the myriad lochs towards the Beorgs of Uyea (with the exception of some parts of the coast) as moderate landscape character sensitivity, the same as the proposed development site. I disagree with that conclusion in both cases and am of the view that both are highly sensitive to the type of change that would result from this type of development. Ronas Hill and North Roe is identified as Wild Land.

<u>Proposed Local Landscape Areas</u>
Regrettably, and as stated above, the revised proposals don't specifically address my earlier comments on effects on the pLLAs; but then the applicant hasn't seen them to date. Nevertheless, the removed turbines and borrow pits will result in less impact on both pLLAs.

The proposal is situated adjacent to two proposed Local Landscape Areas (pLLA), namely Gloup Voe and Bluemull Sound pLLA; and West Sandwick to Gloup Holm pLLA, which were approved by the Council on 10/12/2012 for consultation with the public and stakeholders as part of the draft Supplementary Guidance; that SG has not yet been adopted. There are no longer any turbines or other works situated within either area (some turbines and borrow pits were previously situated within each pLLA).

The supplementary EIAR states that "The key characteristics and integrity of the LLA will be locally altered by the Proposed Development between [Breckon and Gloup Voe] and [North Neaps and Whale Firth], respectively with a reduction in the scenic qualities of the LLA. In my opinion this understates the impact; the development will

have a dramatic and significant impact on the key characteristics of the pLLAs whether they are being appreciated from within or on adjacent areas, by virtue of their scale and dominance in relation to the landscape and because that landscape presently retains a high degree of perceived naturalness with an almost complete absence of human artefacts or structures. These pLLAs also include outstanding cliff scenery and landforms with adjacent coastal grassland and moorland that are made particularly special by virtue of their remote and undeveloped nature. I find the assessment to be somewhat cursory (the process isn't as structured or as thorough as it is, for example, on Gardens and Designed Landscapes) and it seems to me to imply that the impact isn't particularly significant. My opinion is that the impact on both these pLLAs will result in a substantial magnitude of change to areas of high sensitivity, resulting in a major impact on the landscape character of both of these pLLAs. It will undermine at least some of the key characteristics of both pLLAs, namely:

Gloup Voe and Bluemull Sound

- Exposed northern coast with enclosed bays and narrow voes;
- Rolling coastal hills and the steeply rising slopes of Valla Field that enclose the area;

West Sandwick to Gloup Holm pLLA

- Highly isolated, long stretches of coastline increasing in exposure to the north
- Impressive wide views of great depth across Yell Sound to the rocky hills of Northmavine;
- An area of limited active settlement, with isolated pockets of historic settlement rich in cultural heritage

In terms of the assessment of the effects on landscape during the operational phase I have the following comments. The development is intended to be operational for 30 years; no-one can foresee what might happen then but, at the present time my inclination is to expect continuation in some form, whether substantial re-powering, or otherwise. Combined with the fact the development, if approved, will endure for a generation and, if renewed, for another generation, I suggest that the development should be regarded as a permanent alteration of the landscape, as far as most individuals are concerned and that consideration of removal and re-instatement should be considered from a theoretical and technical aspect only. Technical, in the sense that re-instatement is technically possible and theoretical in the sense that, even with such reinstatement there will remain permanent changes to the landscape in terms of how the landscape will appear at locations subject to removal of landform components, such as borrow pits. So it's important that the statement that "the majority of the proposed changes being fully reversible upon de-commissioning" is taken in the above context when reaching a view about significance of impact.

The EIAR says the development "will lead to the physical loss of discrete areas of moorland through the creation of access tracks, bridges, turbine foundations, crane hardstandings, construction compounds, formation of borrow pits and the erection of the substation". It goes on to say that "The works will lead to the loss of a very small proportion of the landscape features within the Proposed Development site" and that there will be a Moderate to Substantial magnitude of change to the fabric of the landscape (the moorland vegetation and peatland in the location of the proposed tracks, turbines and other infrastructure), which is of Medium sensitivity.

I recognise that the LUC Study defined the overall sensitivity of this area to wind farm development as “moderate” but am uncomfortable with some aspects of the analysis, for example the simple and uninterrupted skyline is suggested to have lower sensitivity. It is currently blank; any development will impact and the development of a wind farm will, de facto have a major impact - in that sense, it’s highly sensitive. However, I was not involved in that study and know that it was a strategic assessment of Shetland as a whole - as such, one must be wary of homing in on individual statements or attributes, or taking them out of context. Suffice to say that my firm view is that this landscape (form and character) is highly sensitive to change and the proposed development, even in its present reduced proposal, will have a very significantly adverse impact on it.

The 2019 LVIA concluded that receptors with high sensitivity will experience substantial visual change that will result in major (or in some cases moderate) impact that will have a significant impact on about half of the 21 selected viewpoints - those located within 10km to the east and south of the proposed development, mostly on Yell but with 2 on Unst. The 2020 layout contains fewer turbines than in 2019 and the landscape chapter identifies that less turbines will be visible from all sites, in some cases, significantly so. For VP2, Fishermen’s Memorial, Gloup 7 turbines will now be seen to hub height, rather than 14 as previously and for Sands of Breckon, 1 turbine will now be visible, rather than 6, as before. This decrease in impact on visual amenity at these and other key viewpoints is welcome, though as I have said above there will still, in my view, remain a substantial negative impact on landscape character.

<u>Wild Land</u>

The whole of this area of north-west Yell has qualities of high wildness, which SNH policy states is an aspect of landscape character to be protected through land-use planning. However, “wildness” is not specifically a matter for separate or detailed consideration under the Environmental Impact Assessment Regulations (in this case the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, hereafter abbreviated to “the EIA Regulations”). The area is not notified as Wild Land of national importance.

We are confident this area is visited by considerably fewer people than Ronas Hill & North Roe Wild Land Area (WLA). This view is evidenced by the statement “It is immediately apparent from the number of species recorded that most of the area covered by the Site is under-recorded (refer to the column for HP40 in Table 1). In contrast, numerous records are available from the more accessible areas and from the distinctive habitats of Unst”, contained in the Phase 1 Habitat and NVC Survey submitted with the original application.

It is not clear why this area was excluded from the list of Wild Land but it appears that the Council failed to identify this issue in response to the SNH consultation back in 2013, thereby missing the opportunity to do so.

The area of North Yell within which the proposed development is located is the north-west part bounded roughly by Gossa Water in the south, Tonga Field and Gloup Voe in the east and North Neaps in the north, though following the methodology for identifying Wild Land it could easily be extended south well into the

mires, burns and waters of south Lumbister (and still encounter no roads or tracks, just more extensive bogs and a couple of long-abandoned croft houses).

In correspondence with SNH I was advised that the area wasn't excluded from its advice to Government on Wild Land, rather it simply wasn't included. As a result and, regrettably, there is no detailed analysis (of the process to identify WLAs) available for this location, nor is there any description of its qualities. Looking at the methodology it seems to me that this area shares broadly similar scores (for relative wildness, levels of wildness and minimum size) as at least one other area of Wild Land in Scotland. There seems to be some confusion about a road traversing the area but I am at a loss to explain this part of the conclusion and SNH hasn't clarified it. The A970 road is west of Lumbister and there is a track that has for a long time been impassable along its length to an adjacent area to the south west. Neither has any significant impact on this area in my view.

It's particularly important for this area to appreciate the encompassing area of wildness that contributes to the whole, which is almost immediately appreciated when moving away from the very few access points. The question of scale is addressed in assessing whether an area can be described as Wild Land, however, scale must consider the context - in this case, as at other notified Wild Land Areas, its size is naturally constrained by geography (by the overall dimensions of the island). There are also social factors that have led to it being relatively free of artefacts thus far and it's also part of a subarctic archipelago that is distinct in the UK context in terms of its geology, biodiversity and climate. Even though it may be relatively small compared to other areas of Wild Land in Scotland, I don't believe this factor alone means it cannot be of national importance. I note that, for Area 40 Ronas Hill & North Roe SNH's advice stated that "Although falling below both guidelines, its island location and absence of other wild land areas in the wider area, support its inclusion." This was also the case for Area 39, Hoy and its advice did refer to the application of different guideline size thresholds in the north and south of the country.

My brief assessment of this area is that it:

- Sits within an exposed wider composition of islands, sea, voes, bays and sounds
- Includes a dramatic open coastline to the west with cliffs, islands, stacks and geos that convey a strong sense of naturalness
- Has a remote interior of rounded hills with undulating moorland, peatland and lochs
- Has very few signs of people or their mechanisation, such as transport, within or viewed from the area, which leads to a strong sense of solitude

Although reduced in size, the proposed development would be in the very heart of the wildest and most remote part of this area of wild land. It would dramatically, adversely, and permanently destroy the last of these qualities and have significant adverse impacts on the first 3 qualities.

I recommend that the Council's consultation response ask that the Energy Consents Unit recommend that the question of whether this area meets the criteria as Wild Land be revisited, in light of what I say above, and that the conclusions of any such further analysis should be taken into account in determining whether development of

the nature and scale proposed is appropriate. Regardless, such detailed analysis should be published.

Seascape

I remain of the view that it would have been most helpful for the LVIA to have included an assessment of the proposed development's landscape and visual impact as viewed from the sea; namely on its sense of openness and exposure in relation to the Remote High Cliffs seascape character type (as described in Scott, K.E., Anderson, C., Dunsford, H., Benson, J.F. and MacFarlane, R. (2005). An assessment of the sensitivity and capacity of the Scottish seascape in relation to offshore windfarms. Scottish Natural Heritage Commissioned Report No.103). Obviously this is not an offshore windfarm proposal but the proposed development site is remote, isolated and essentially undeveloped with extensive visibility from the sea. The original LVIA and the updated Landscape and Visual chapter do not do this, though the LVIA undertook a Coastal Character Assessment that obliquely addresses these issues, since it's land-based. I am not aware of any requirement that a seascape character assessment must be undertaken for this development but simply point out that, whilst perhaps relatively few, there will be transient receptors from the sea. I requested a seascape character assessment in my response to the original Scoping Report, also to the Updated Layout Scoping Report and again in my comments in response to the viewpoint selection consultation.

Cumulative Effects

Accepted methodology for assessing cumulative effects cannot adequately address the issue raised by Shetland Amenity Trust in its response to the original application, namely that "it does not properly encompass the experience of those who move around the islands." Put simply and crudely, the assessment of cumulative effects is limited to assessing how many wind farm developments can be seen from the same place at the same time i.e., one by one. The process is not designed to assess how many there are in an island group, such as Shetland and when overall capacity (however that is assessed) has been reached. The same comment could also be made in relation to the LUC study. Neither approach adequately addresses questions such as what is the overall impact if all the sites identified as theoretically possible were to be developed. What additional development and infrastructure will be needed to support all these developments, such as additional converter and sub-stations, transmission lines and connectors, switching facilities and associated road, quarry, fabrication, batching, lay down and other needs? How will all of these developments impact on the overall landscape and cultural, character of Shetland and its sense of place, whether as a visitor or a resident, but especially as one moves around and through areas. I think what the Trust was getting at, and a sentiment I share, is that such a scenario could justifiably be termed over development; regardless, it could be oppressive. I have previously made the point that, for a significant area to the West and South of Lerwick, the sheer number of proposed wind turbines and associated infrastructure would become a defining characteristic due to their scale and extent, creating what the applicants of one of the developments describe as "a wind farm landscape". This is distinctly different to a "landscape with wind farms" and is implicitly related to the overall scale of the Shetland landscape in total. The more wind farms and associated infrastructure that is developed, the more of Shetland that will be perceived as a wind farm landscape, even if all the developments are not inter-visible.

In addition, wind farm developments require other, consequential developments that may not form part of the application initially considered, such as interconnectors, road improvements, batching plants and alterations to the Shetland grid infrastructure.

I strongly argue that, just because an area is presently undeveloped does not automatically justify its development. I fully understand and support the policy to maximise development of renewable energy, but am also mindful of the fact that habitat change and destruction is a more immediate and currently a greater cause of loss of biodiversity at this time. Whether this development would have greater positive or negative impacts on biodiversity remains unknown, mostly because it's so difficult to accurately predict the outcome. If there were to be a policy to dramatically reduce energy consumption overall (either nationally or globally), rather than to just meet growing capacity by changing methods of generation then I feel the outcome from that approach would be more likely to succeed. On the other hand, it could be argued that reserving this area for biodiversity or carbon capture is futile in terms of the overall global failing that has seen, for example, 25% of the Pantanal (the world's largest tropical wetland area, in central South America) burnt in 2020 alone. However, it should also be remembered that, whilst relatively impoverished in global biodiversity terms, blanket bog is rare and valuable in global (habitat/ ecosystem) terms and has an extremely valuable role in sequestering carbon; it is argued that 30% of the world's carbon is stored in peatland on 3% of its land area, twice as much as all wood together (https://life-peat-restore.eu/en/project/, accessed 11-10-2020).

The proposed wind farm might have a lifetime of a couple of human generations but peatland can be expected to remain in place and will potentially play an important role in reducing the atmospheric carbon dioxide concentration over the next 5000 years (Alexandrov et al. (2019), The capacity of northern peatlands for long-term carbon sequestration). I note that the amount of peatland lost to this development is expected to be 23.4Ha and "compensation for this loss will be made through restoration management in two off-site locations elsewhere on Yell". I understand these locations are confidential but of course have no idea of their context, value for biodiversity or carbon storage, whether they might be subject to development pressure in future or anything else, other than their combined size. Accordingly, I am not convinced that the loss of 23.4Ha of peatland across the development site is adequately compensated for. See also my further comments under Peat, about why attempts to create new blanket bog elsewhere cannot substitute for preserving existing active blanket bog.

Implementation of the off-site habitat management is to be undertaken by the applicant but I consider that the HMP Stakeholder Group should meet more frequently than every 5 years, as I say above. It seems sensible to model the group and frequency of meetings on that implemented for the Viking Wind Farm. In relation to the 4 off-site areas, I am unclear how the question of planning consent for these areas can be required and tied in to this consent but, clearly, in view of the unfortunate situation that arose with the Viking development this summer, where peat had to be dumped, rather than used on off-site peatland restoration sites as had been envisaged, shows the need to get this matter resolved before any consent for this proposed wind farm development is granted. Though it might be the case such a situation would no longer arise if the currently proposed changes to permitted

development are brought into force. Significantly more details and assurances are required.

I see that a further 15Ha will be excavated as 7 borrow pits. I don't know how much stored carbon will be lost during this process but the carbon calculator parameter stated that, for how long the restored sites will take for their hydrology and habitat to return to their previous state on restoration is 10 years; at that time I should imagine it will be fixing carbon again at the same rate as prior to the commencement of development. I do not see any other on-site restoration, although there are substantial areas of peatland on the proposed development site that are eroded and would benefit from restoration. I see no reason why the HMP should not apply to eroded and degraded peatland areas within the proposed development site, in fact I don't understand why it isn't - unless I've missed it, the question isn't addressed.

The Phase 1 Habitat and NVC Survey records some areas as extensive peat haggs where regeneration is taking place but in other areas it is noted that regeneration is "prevented by the inhospitability of the bare peat environment". I should have thought these are good candidates for active restoration, rather than hoping natural regeneration will take place. However, I have no way of knowing where these bare peat areas are in relation to the areas to be lost to development, or whether they coincide, which would actively support the objective to minimise loss of active blanket bog. In my comments on the scoping report I said that the developer should include an analysis of how the peatland of higher value for biodiversity (e.g. peatland that comprises intact blanket bog, deep peat or exhibits more diverse biology) has been conserved during the design process. The developers should prepare a habitat management plan for the whole site to show how the specific mitigations concluded to be necessary as part of this process will be achieved and also to set out how areas of degraded blanket bog will be restored across the site. Whilst I see no analysis of how the peatland of higher value for biodiversity has been conserved, I am content that the design iterations have attempted this in terms of peat depth, as far as other constraints allow. However, as I say above, I should still like to see a habitat management plan for the whole development site.

<u>Aviation lighting</u>

In my previous comments I acknowledged that the applicants had attempted to represent aviation lighting from 3 viewpoints and different ambient light levels and this is helpful. Of the 3 locations chosen the most significant impacts will be seen at VP7b. These will be a significant reduction of visual quality from when the lights go on until they are turned off, meaning there will be a substantial change to the presently dark skies visible to the north of the whole area around the head of Basta Voe. This will negatively affect quiet incidental appreciation as well as viewing of celestial bodies and phenomena, introducing alien illumination that will appear to be flashing into the scene.

Since that time there have been changes in the regulatory environment but the process remains in flux, so the applicants are not able to provide definitive proposals, only options. I acknowledge that the overall lighting requirement will probably be reduced, but at this point the applicants are unable to say by precisely how much. Unfortunately I cannot locate Appendix 13.1

In response to the original application, I said that, to minimise the impact of turbine lighting the following should be requested:

- Use of radar activated lighting
- Reduced the number of turbines to be lit (e.g. by using so-called cardinal lighting)
- Reduction in light intensity by up to 90% when visibility exceeds 5km
- Use of lenses to reduce the intensity of the light when the viewing angle moves away from the horizontal
- Removal of the intermediate low level red lighting

I recommend that any consent should include an appropriate condition to address these issues but give the developer appropriate flexibility and condition 32 of the current Viking deemed planning consent is a suitable model. For ease of reference, it says:

(1) No development shall commence unless and until an Aviation Lighting Landscape and Visual Impact Mitigation Plan (ALLV IMP) has been submitted to and approved in writing by the Planning Authority following consultation with the Civil Aviation Authority.
(2) The mitigation plan shall provide for the use of radar activated lighting (RAL), or a visually acceptable alternative, and shall also set out and confirm:
(a) The extent of reduction of lighting intensity during good meteorological visibility as allowed within the CAA policy statement;
(b) The extent of cardinal or strategic lighting of selected turbines;
(c) The timescale of and parameters for the periodic review of the operation and effectiveness of the ALLVIMP following its approval over the lifetime of the Development, to allow for adaptation and modification (with the written approval of the Planning Authority in consultation with the Civil Aviation Authority) in light of monitoring, reviews and changes in technology and relevant policy.
(3) The approved ALLVIMP shall be fully implemented until decommissioning of the Development, unless otherwise approved in writing by the Planning Authority as a result of a periodic review.

Reason: To minimise and ensure there are no unacceptable adverse effects on the surrounding area that are attributable to aviation lighting, and to comply with Policy GP3 of Shetland Local Development Plan 2014.

<u>Peat</u>

In the scoping process I requested that the EIA consider a number of specific matters, here set out with my response to how it does so underneath each.

- For active blanket bog habitat that meets SBL criteria the ES should set out the benefits of overriding public interest arising from the development and specifically weigh these against the habitat loss in the ES
    - The ES has set out what the applicants believe to be the public interest benefits and these are straightforward, however I don't see those specifically weighed against the habitat loss in the ES

- Explain and justify efforts made to minimise the total amount of active blanket bog to be lost (LDP policy NH3)
    - The ES (especially the Peat Management and Restoration Plan - PMP) does explain and justify the efforts made to minimise the total amount of active blanket bog to be lost

- Consider the effect of the proposal on this site and propose mitigation measures
    - The ES considers the effect of the proposal and the Schedule of Environmental Commitments tabulates all the mitigation measures proposed, including reference to more detailed statements contained in, for example, the CEMP, HMP etc.

- Show how the design and layout of the turbines, roads, buildings and other constructions has minimised the overall disturbance to and displacement of, peat
    - The application as a whole shows how the design and layout of the turbines, roads, buildings and other constructions has minimised the overall disturbance to and displacement of, peat

- Analyse how the peatland of higher value for biodiversity (e.g. peatland that comprises intact blanket bog, deep peat or exhibits more diverse biology) has been conserved during the design process
    - The application as a whole shows that efforts have been made to conserve the peatland of higher value for biodiversity (e.g. peatland that comprises intact blanket bog, deep peat or exhibits more diverse biology) during the design process. Nevertheless, deep peat (>1.0 m depth) is present across 71.4 % of the Proposed Development infrastructure and it would result in the loss of 23.4 ha of peatland habitat, most of it of high quality and temporary loss or disturbance of a further 25.7 ha. This is a very significant loss of Class 1 priority peatland habitat that the applicant states cannot be mitigated within the site. As I said before under cumulative effects, I am not convinced that this loss of peatland across the development site is adequately compensated for. In any case, I am extremely concerned at the loss of such large amounts of high-quality, in-situ peatland and do not believe that an ecosystem and biodiversity store that is thousands of years old can simply be replaced with something created elsewhere. As Shetland Amenity Trust (with over a decade's experience in peatland restoration) has stated, it is simply not possible to replace intact, active blanket bog with peatland restoration projects elsewhere. The key is in the name "active", which results from a complex relationship of processes and biota to provide an ecosystem and its communities and services.

- Prepare a habitat management plan for the whole site to show how the specific mitigations concluded to be necessary as part of this process will be achieved

- The habitat management plan provides actions for the disturbed and reinstated areas on the proposed development site and for the off-site peatland restoration areas. It does not apply to the whole site to show how the mitigations and restoration of (e.g. existing erosion) will be achieved, though one is implied by the statements in the Schedule of Environmental Commitments. I should like a commitment to this additional restoration and ask that the plan be extended to show where habitat management measures across the whole site will take place. The PMP maps and identifies sensitive habitats as thoroughly as possible and sets out in considerable detail the locations and quantities of peat to be excavated, stored and re-laid etc. Also, the Ecology Chapter contains habitat mapping and NVC survey for the whole site. Furthermore, It shouldn't be particularly onerous to extend these plans and data to also include a plan of action for existing eroded and degraded peatland outside areas directly affected by new infrastructure and I should like to see a commitment to that from the developers, in some cases restoration might only require the exclusion of grazing stock whilst in others more proactive effort will be required. I realise that might include committing to additional agreements with landowners and tenants but experience from elsewhere in Yell for the HMP suggests that may well be achievable. Such efforts would add to other efforts to reduce the overall negative impact on peat should the development be consented.

- Set out how areas of degraded blanket bog will be restored across the site
  - Chapter 16 does include a commitment to gully blocking and re-wetting, post construction, but I haven't been able to find a detailed statement about how areas of degraded blanket bog will be restored across the site. This is also related to my comment in the previous bullet point, above.

Chapter 16 Carbon Calculator states that no responses were received to the 2019 EIA Report in relation to the Carbon Calculator. There seems little to respond to, since this is mostly a statement of the parameters entered into the Government's carbon calculator model. Only the applicant is in a position to supply most of these parameters and the model itself is not easily tested (or understood) by lay people. All it is possible for me to say is that it this chapter does bring together in one place some interesting information that may be scattered through the EIAR, such as committing to gully blocking and re-wetting, post construction. It also shows that about a quarter of the total carbon emissions from the proposed development are due to loss of, or other impacts on, peat. However, I have no way of knowing over what time period this relates to - as I said before, if the peat was to remain in place, it would continue storing and fixing (sometimes referred to as sequestering) carbon, presumably until the climate changes to such an extent those functions cease. I simply don't know if the model takes this into account. What is clear is that it doesn't include any hoped for benefits from the proposed off-site peatland restoration so I would see those as a bonus in this context.

In my previous comments I said "a decision will ultimately need to be made as to whether this peatland in particular is of such importance for biodiversity, as a carbon

store and as priority peatland of national importance that it should not be developed. If it is not deemed to be of such value then I should expect SNH (now NatureScot) and/ or the ECU to clearly explain their reasons as a basis for future decisions/ actions."

NatureScot has now stated "that the peatland is of National importance as assessed against our guidance on carbon-rich soils, deep peat and priority peatland habitat." It has also stated that "We consider therefore that it has not been demonstrated that the impacts of the proposed development on peatland can be substantially overcome." Accordingly, it has maintained its objection to the development.

My own view is (and remains) that the potential benefits of this development do not justify the loss of such a significant area of very high quality peatland of national importance that is acknowledged to be a nationally important environmental interest. I believe that to approve the loss of this peatland will be contrary to current Scottish Government planning policy. It will also undermine confidence in the stated aims of the ongoing Scottish Government programme of peatland restoration. I acknowledge the efforts made by the applicant but, even with the additional mitigations I have suggested above, I remain of the view that the significant effects on the qualities of this area cannot be substantially overcome. Furthermore, the fact that the site is not presently designated a SSSI and lies adjacent to a site that is designated for its blanket bog does not diminish its value, in the terms I've described - or make it somehow expendable.

Finally, Shetland Amenity Trust (SAT) has stated that 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). I believe SAT has the most relevant local expertise in the field and manages the local programme under the Scottish Government's "Peatland ACTION project".

<u>Ornithology</u>
I have read the key parts of the ornithology section and to me as a lay person it appears generally thorough and well structured. However, I note with concern NatureScot's comments that the collision risk modelling remains flawed so it is unable to conclude that there will be no adverse effect on the integrity of Bluemull and Colgrave Sounds proposed Special Protection Area (pSPA) or on regional populations of breeding birds, particularly red-throated diver. This remains to be determined; the applicant will have to provide the necessary corrections and Scottish Ministers can only move to a decision if NatureScot can then conclude that there will be no adverse effect on the integrity of Bluemull and Colgrave Sounds pSPA or on regional populations of breeding birds, particularly red-throated diver. It is for the Scottish Ministers to undertake a Habitats Regulations Appraisal in this case (and not the Council) so I make no further comment on this.

I note also that Shetland Bird Club and RSPB have expressed concern at 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. It is beyond my knowledge to comment on modelling or accuracy of pre-existing population estimates but I can observe that the data provided shows clearly the area's importance for birds in all these categories. However, you should be careful not to downplay the significance of effect on these species. With the exception of Greylag

Goose, all the species listed in table 6.5 - Summary of Residual Effects of the Ornithology Chapter are under pressure and in decline, some severely so, either locally, nationally or both. So to state the significance of impact simply as "local" should be treated with caution. The fact that populations of some of the species on the list may appear to not be in such steep decline in Shetland as elsewhere in the UK or even that Shetland may be a relative stronghold does not obscure their vulnerability in absolute terms and all losses should be avoided as far as possible. For those other species that have suffered significant declines in numbers, it's even more important that any and all losses should be avoided. The overall impact of this development on biodiversity, notably birds, is likely to be negative, but a final conclusion on the extent should wait until final agreement is reached on modelling and populations.

The key details are in terms of the actual mitigations implemented during construction, whilst operational and during decommissioning. The EIAR states that the site is important at the international level for red-throated diver and great skua, and at the national and regional level for numerous other species. The mitigations that apply to these species will vary and will require careful implementation and monitoring to ensure the stated outcomes are achieved, together with full reporting to confirm these. I should expect detailed discussions to agree these prior to the finalisation of relevant conditions. In addition, I again urge that these matters come under the remit of the Wind Farm Environmental Advisory Group I refer to above and are closely supervised by the Auditor ECoW, to whom I have also previously referred.

<u>Ecology</u>
The key interests are that of the extensive area of high quality blanket bog (addressed separately, under Peat) and the presence of a number of nationally or locally important bryophytes (mosses and the like) and vascular plants (flowering plant types). Otter is found on site, however it is intended that any issues will be dealt with via Development of an otter-specific protection plan and this should be conditioned and approved well before any development commences. I don't envisage any licensing issues arising but pre-construction surveys will indicate if that situation changes.

In terms of the flora of the site details the Ecology mitigations, which include a Habitat Management Plan should address these but, again, these should be subject to prior approval, independent oversight with reporting to the Planning Authority and longer term monitoring to test whether what is planned for in terms of habitats and species is actually achieved. Having said that, and as I noted before, the HMP doesn't apply actions to the whole site, just areas that require re-instating following works or excavations/ restoration.

My earlier concerns on water, especially Eel have been somewhat allayed with Marine Scotland Science's comment that the applicant intends to produce a fish species protection plan and a site water management plan, though I note only the latter is mentioned in the updated Ecology Chapter. I recommend this be the subject of a condition, not only because Eel is present but also because it's listed as Critically Endangered on the International Union for the Conservation of Nature (IUCN) Red List. Accordingly, all appropriate measures should be taken to ensure no eels are accidentally taken or killed, that no impenetrable barrier is presented to

eels; and that their watercourses are not polluted or overcome with silt burden as a result of washout or other incident.

Finally, in terms of biodiversity generally, this proposed development will enable easy access on foot, cycle and horse for a range of outdoor recreational activities to a sensitive area for habitat and wildlife that was previously extremely limited by its remote and challenging terrain. The EIA has not considered the likely impact of this future additional impact on the biodiversity of the area; this could well be significant, especially in terms of birds. Whilst we did not request this in the original scoping, it would be beneficial to consider it if consent is granted. At the least, it should be included within the remit of the Wind Farm Environmental Advisory Group to oversee planning to minimise potential impacts.

Conclusion

I do not agree that this location is appropriate for this proposal for the following key reasons that are fully described in the text above.

- The impact on the landscape in general, and on its identified features in particular, is very significantly adverse and will not be mitigated; this will result in substantial negative alteration of a very important landscape and its components in terms of its local and national importance
- The landscape at the development site and its surrounding area exhibits some very special qualities of wildness that will be substantially and irreversibly damaged
- The potential benefits of this development do not justify the loss of such a significant area of very high quality active blanket bog that is acknowledged to be a nationally important environmental interest. Approval of the loss of this peatland is likely to be contrary to current Scottish Government planning policy because the significant effects on the qualities of this area cannot be substantially overcome

The impact on ornithology is also adverse and I feel would be best completely avoided but, until the clarifications I've referred to have been provided, I cannot definitively state it as a key reason why this development should not proceed.

11 November 2020

Shetland Island Council – Outdoor Access Officer

From: [redacted]
Sent: 7 Sep 2020 13:22:12 +0100
To: [redacted]
Subject: Planning ref. 2019/127/ECUCON for the development of a windfarm west of Cullivoe on Yell.

Thank you for the opportunity to comment on the re-consultation for planning ref. 2019/127/ECUCON for the development of a windfarm west of Cullivoe on Yell.

As stated in previous comments the area for the windfarm is a large remote and rugged area unique in Shetland for the limited human interference to it, to my mind even more so than the Ronas Hill Wild Land Area to the south. This development will create and open up easy access on foot, cycle and horse to a sensitive area for habitat and wildlife for a range of outdoor recreational activities that were previously limited by its rugged nature. Under the Land Reform (Scotland) Act 2003 general access rights currently apply across all of this area. I am not sure that this future additional burden on the flora and fauna has been considered in the EIA.

Core path CPPY04 will be directly and adversely affected by the proposal as it follows the old road from Basta Voe to Cullivoe. Approximately 2.7km of this route will become the main wind farm access and emergency access from T24. The proposed compound and borrow pit at Basta Voe will also adversely affect the public enjoyment of this route, and during construction there will need to be management or provision of an alternative route for public use and formal traffic management orders will need to be in place. Consideration will need to be given to the nature of these junctions and management of the range of uses and needs, both during construction and during the running of the wind farm.

In addition to these within the site there is a locally used historic route 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). I am aware that Heatherdale is a popular place to visit and camp.

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. Specific consultation on this with relevant interest bodies (anglers, birdwatchers, walkers, Yell tourism group etc.) and the Shetland Outdoor Access forum would inform the nature of current use.

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 and could be popular. I would expect a development to consider that expected use, facilities required to manage that use, its impact on the area, and also the benefit of any additional links for this use, such as between access track ends, or for instance from T28 through to the Scordaback track and Gloup which is promoted on Walkhighlands.

12.3.6 Tourism, Recreation & Land Use states that prior to commencement of construction the applicant will develop an Access Route Plan which will detail any diversions and management of access during and after construction.

I would require that an Outdoor Access Plan be provided as part of the planning application.

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 have an Outdoor Access Plan as a pre-commencement condition is not adequate to ensure that all aspects of it would be dealt with within that planning process, rather than requiring further planning applications, if for instance a need for the construction of other links or facilities such as car parking and information areas were identified through the plan.

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 disturbance of species. There may be a need to create new pathsor 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. 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 route.

Chapter 12.3.7 Tourism, Recreation & Land Use states 'The Applicant has undertaken multiple public consultation days during the application process and considered the views of local community groups'. I would like to know which community groups were consulted? Were they representatives of outdoor access and recreational interests? What were their responses with regards to outdoor access? The Shetland Outdoor Access Forum, to the best of my knowledge, have not been not consulted. Consultation for the Outdoor Access Plan requires some direct consultation with interested groups, not just an open invite to have a say.

In summary, an outdoor access plan is required to be submitted with the application to detail how the various aspects of construction and operation, existing outdoor access and future access will be dealt with to ensure safe and sustainable management of access on to, and within the site, along with facilities and infrastructure that may be needed to accomplish this. Direct consultation in regards to outdoor access with local groups with an interest in natural history, recreation and tourism, including the Shetland Outdoor Access Forum will help to inform this plan.

Regards

Kevin Serginson

Outdoor Access Officer for Shetland Islands Council

[redacted]

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

Shetland Island Council – Roads Authority

MEMO

To: Development Control

From: Roads

If calling please ask for Colin Gair

Direct Dial: 4867

Medium: email

Date: 27 November 2020

Our Ref: CJG/ /R/G2/YU

Your Ref:

Application: **2019/127/ECUCON**
Address: North West 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: **3 September 2020**

Recommended Action: CONDITIONS AS DETAILED

Road Authority Comments:

Within the submission the applicant identifies a number of process that are to be followed to satisfy the points raised by the Council Roads Service previously. They also state that they are happy to have these requirements made subject to appropriate planning conditions.

> *11.4.4 The Applicant can confirm that a detailed access junction design (including the public section Old Cullivoe Road) would be undertaken to Road Construction Consent (RCC) standards post consent. This will be based upon a detailed topographical survey of the junction and its areas and will include visibility splay requirements to the higher speeds noted by SICas well as details of site lighting arrangements during the construction phase.*
>
> *11.4.5 The Applicant will also provide a Construction Traffic Management plan (CTMP) that will detail the operational steps necessary to reduce the impact on the road and ferry network. This will be discussed in detail with SIC and Ferry stakeholders prior to construction activities commencing on site. The CTMP will also provide details of any changes associated with changes in peat works on the site. The Applicant is happy for the requirement for a CTMP to be a condition of the consent of the Application.*
>
> *11.4.6 The Applicant also confirms that they are willing to agree to a Section 96 (or similar) agreement to cover the repair of any damage to the public road caused by construction activities*
>
> *11.4.7 The Applicant is content for all of the above to be made subject to suitably worded planning conditions.*

I can confirm that these paragraphs cover the main points we raised during previous consultation discussions and would therefore ask that they are covered by suitable conditions that require:-

- The development site is to be served by an access junction off the existing A968 road at a point near the head of Basta Voe, and thereby along a route generally following the existing Cullivoe Hill Road. The junction, its link to the Cullivoe Hill Road and all improvements to the Cullivoe Hill Road are to be covered by a Road Construction Consent.

- A Construction Traffic Management Plan is to be submitted for review and approval prior to work starting on site in order to agree appropriate mitigations and controls for the construction of the windfarm and any associated projects. The CTMP needs to quantify all vehicle movements across the public road network in Shetland associated with the overall project.

- The developer will enter into a Section 96 Agreement under the Roads (Scotland) Act 1984 to address damage and accelerated wear and tear of the public roads that are subject to HGV and AIL movements associated with the overall project.

Executive Manager, Roads

Transport Scotland

Development Management and Strategic Road Safety
Roads Directorate

Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF
Direct Line: [redacted]
[redacted]

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

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

[redacted]

Your ref:
ECU00001844

Our ref:
GB01T19K05

Date:
09/10/2020

Dear Sirs,

ELECTRICITY ACT 1989 SECTION 36: APPLICATION FOR THE PROPOSED ENERGY ISLES WIND FARM ON THE ISLAND OF YELL IN THE PLANNING AUTHORITY AREA OF SHETLAND ISLANDS COUNCIL – SUPPLEMENTARY INFORMATION

Thank you for the opportunity for Transport Scotland to comment on the Supplementary Information submitted in support of the Energy Isles Wind farm on the Island of Yell.

Transport Scotland was consulted on the Environmental Impact Assessment Report prepared by ITPEnergised which supported this application and we provided comment in our letter dated 10th June 2019. In this, we noted that as there are no trunk roads on the Shetland Isles and turbine components will be transported by sea, Transport Scotland had no comment to make and had no objection to the development in terms of environmental impacts on the trunk road network.

Having reviewed the Supplementary Information, Transport Scotland is satisfied that the conclusions of our previous correspondence remain valid and we have no further comment to make in this regard.

I trust that the above confirms our position 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.

Yell Community Council

Dalgleish K (Kieran)

From: [redacted]
Sent: 12 October 2020 19:42
To: Econsents Admin
Subject: North Yell Wind farm

I write as Chairperson of the Yell Community Council (YCC)

I wish to update you on our position.

Several years ago, and early in the discussion regarding the proposed wind farm in North Yell the community council gave the development full support, in fact 3 members went on to buy shares in the company.

Members of the YCC have been actively involved in a Liaison group between the development company and the community. Through these meetings we have raised concerns on behalf of the community mainly the visual impact and sound. We have also discussed Community Benefit and Community Share Ownership.

The YCC currently only have 7 members out of a possible 9, 2 of these members are shareholders and 2 expect to gain financially as land occupiers. This leaves just 3 members eligible to discuss and vote on the issue.

When the first plans were discussed last year with only 3 members allowed to discuss the proposal, an objection to the proposal was raised and carried by majority.

The plans have been amended, the area has been changed, the number of turbines reduced, and the height of some turbines lowered. At the YCC meeting to discuss the final application only 2 persons not involved in the project were present and as we need 3 to be quorate, we could not discuss the project. Therefore, our official position is that we could not make any comment.

Overall, the YCC recognises the environmental benefits of renewable energy including wind turbines and the financial benefit this development will bring to our area.

Sincerely

Laurence Odie
Chairperson Yell Community Council