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**The Scottish Government
Energy Consents Unit**

**Scoping Opinion on behalf of Scottish Ministers under the
Electricity Works (Environmental Impact Assessment) (Scotland)
Regulations 2017**

Heastabhal Wind Farm

RWE Renewables Limited

03 April 2024

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1. Introduction

1.1 This scoping opinion is issued by the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers to RWE Renewables UK Limited, a company incorporated under the Companies Acts with company number **03758404** and having its registered office at **Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, SN5 6PB** (“the Company”) in response to a request dated 14th December 2023 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Heastabhal Wind Farm (“the proposed development”). The request was accompanied by a scoping report provided by Jacobs UK Ltd.

1.2 The proposed development would be located approximately 20 km south-west of Stornoway within the local planning authority of Comhairle Nan Eilean Siar (CnES).

1.3 The proposed development will consist of up to 14 nine stand-alone turbines with maximum tip heights of up to 200 metres. There will also be a potential battery energy storage system (BESS).

1.4 In addition to the turbines and BESS, there will be ancillary infrastructure including:

- an electrical substation and control building, along with potential battery storage facilities;
- underground power cables linking the turbines and the on-site substation, generally laid in trenches alongside access tracks;
- new site access and on-site access tracks, with pipeline and watercourse crossings (if/where required);
- a steel tower anemometer mast for wind turbine performance monitoring
- borrow pit(s) to source material for on-site construction;
- a temporary construction laydown and storage compound;
- required environmental mitigation; and
- off-site works to facilitate the movement of abnormal loads (construction of over-run areas and temporary modifications to street furniture etc).

1.5 The Company indicates the proposed development would be decommissioned after 35 years and the site restored in accordance with the decommissioning and restoration plan.

1.6 The proposed development is solely within the planning authority of Comhairle Nan Eilean Siar.

2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between Jacobs UK Ltd (acting as the Company's agent) and the Energy Consents Unit. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 17th January 2024. The consultation closed on 7th February 2024.

Extensions to this deadline were granted to:

- Historic Environment Scotland (HES)
- Comhairle Nan Eilean Siar (CnES)
- Defence Infrastructure Organisation (MOD)
- North Lochs Community Council
- RSPB

The Scottish Ministers also requested responses from their internal advisors Transport Scotland and Scottish Forestry. Standing advice from Marine Directorate – Science Evidence Data and Digital (MD-SEDD) has been provided with requirements to complete a checklist prior to the submission of the application for consent under section 36 of the Electricity Act 1989. All consultation responses received, and the standing advice from MD-SEDD, are attached in **ANNEX A** and **ANNEX B**.

2.2 The purpose of the consultation was to obtain scoping advice from each consultee on environmental matters within their remit. Responses from consultees and advisors, including the standing advice from MD-SEDD, should be read in full for detailed requirements and for comprehensive guidance, advice and, where appropriate, templates for preparation of the Environmental Impact Assessment (EIA) report.

2.3 Unless stated to the contrary in this scoping opinion, Scottish Ministers expect the EIA report to include all matters raised in responses from the consultees and advisors.

2.4 The following organisations were consulted but did not provide a response:

- Bernera Community Council;
- British Horse Society;
- Civil Aviation Authority;
- Cycling Scotland;
- John Muir Trust;
- Mountaineering Scotland;
- Pairc Community Council;
- Highlands and Islands Transport Partnership;
- Scottish Association of Country Sports;
- Scottish Wildlife Trust;
- Sustrans;
- Uig Community Council;

- Visit Outer Hebrides;
- Visit Scotland;
- Western Isles Archaeology Service (on behalf on CnES)
- Woodland Trust

2.5 Regarding those consultees who did not respond, it is assumed that they have no comment to make on the scoping report, however each would be consulted again in the event that an application for section 36 consent is submitted subsequent to this EIA scoping opinion.

2.6 The Scottish Ministers are satisfied that the requirements for consultation set out in Regulation 12(4) of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 have been met.

3. The Scoping Opinion

3.1 This scoping opinion has been adopted following consultation with The Highland Council, within whose area the proposed development would be situated, NatureScot (previously “SNH”), Scottish Environment Protection Agency and Historic Environment Scotland, all as statutory consultation bodies, and with other bodies which Scottish Ministers consider likely to have an interest in the proposed development by reason of their specific environmental responsibilities or local and regional competencies.

3.2 Scottish Ministers adopt this scoping opinion having considered the information provided by the applicant in its request dated 14th December 2023 in respect of the specific characteristics of the proposed development and responses received to the consultation undertaken. In providing this scoping opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have considered the specific characteristics of the proposed development, the specific characteristics of that type of development and the environmental features likely to be affected.

3.3 A copy of this scoping opinion has been sent to The Highland Council for publication on their website. It has also been published on the Scottish Government energy consents website at www.energyconsents.scot.

3.4 Scottish Ministers expect the EIA report which will accompany the application for the proposed development to consider in full all consultation responses attached in **Annex A and Annex B**.

3.5 Scottish Ministers are satisfied with the scope of the EIA set out within the scoping report.

3.6 In addition to the consultation responses, Ministers wish to provide comments with regards to the scope of the EIA report. The Company should note and address each matter.

3.7 The proposed development set out in the scoping report refers to wind turbines, and other technologies including battery storage. Any application submitted under the Electricity Act 1989 requires to clearly set out the generation station(s) that consent is being sought for. For each generating station details of the proposal require to include but not limited to:

- the scale of the development (dimensions of the wind turbines and battery storage);
- components required for each generating station; and
- minimum and maximum export capacity of megawatts and megawatt hours of electricity for battery storage.

3.8 Scottish Water provided information on whether there are any drinking water protected areas or Scottish Water assets on which the development could have any significant effect. Scottish Ministers request that the company contacts Scottish Water (via EIA@scottishwater.co.uk) and makes further enquires to confirm whether there any Scottish Water assets which may be affected by the development, and includes details in the EIA report of any relevant mitigation measures to be provided.

3.9 Scottish Ministers request that the Company investigates the presence of any private water supplies which may be impacted by the development. The EIA report should include details of any supplies identified by this investigation, and if any supplies are identified, the Company should provide an assessment of the potential impacts, risks, and any mitigation which would be provided.

3.10 Marine Directorate – Science Evidence Data and Digital (MD-SEDD) provide generic scoping guidelines for onshore wind farm and overhead line development (<https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren>) which outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm or overhead line development and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.

3.11 In addition to identifying the main watercourses and waterbodies within and downstream of the proposed development area, developers should identify and consider, at this early stage, any areas of Special Areas of Conservation where fish are a qualifying feature and proposed felling operations particularly in acid sensitive areas.

3.12 MD-SEDD also provide standing advice for onshore wind farm or overhead line development (which has been appended at Annex B) which outlines what information, relating to freshwater and diadromous fish and fisheries, is expected in the EIA report. Use of the checklist, provided in Annex 1 of the standing advice, should ensure that the EIA report contains the required information; the absence of such information may necessitate requesting additional information which may delay the process. Developers are required to submit the completed checklist in advance of their application submission.

3.13 Scottish Ministers consider that, where there is a demonstrable requirement for peat landslide hazard and risk assessment (PLHRA), the assessment should be undertaken as part of the EIA process to provide Ministers with a clear understanding of whether the risks are acceptable and capable of being controlled by mitigation measures. The Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments (Second Edition), published at <http://www.gov.scot/Publications/2017/04/8868>, should be followed in the preparation of the EIA report, which should contain such an assessment and details of mitigation measures. Where a PLHRA is not required clear justification for not conducting such a risk assessment is required.

3.14 The scoping report identified viewpoints at page 13, Table 4-1, to be assessed within the landscape and visual impact assessment. The Planning Authority have suggested a higher resolution ZTV to aid accurate appraisal of viewpoints. The Planning Authority have also suggested that, with a higher

resolution ZTV, the proposed viewpoints listed could be augmented by an additional selection from the list they provide at the top of Document **A6**.

The Developer is strongly encouraged to consult with both CnES and NatureScot to determine final viewpoint selection.

3.15 The noise assessment should be conducted in line with relevant legislation and standards as detailed in section 4.6 of the scoping report. The noise assessment report should be formatted as per Table 6.1 of the IOA “A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise.”

3.16 As the maximum blade tip height of turbines exceeds 150 m the LVIA as detailed in section 4 of the scoping report must include a robust Nighttime Assessment with agreed viewpoints to consider the effects of aviation lighting and how the chosen lighting mitigates the effects.

3.17 It is recommended by the Scottish Ministers that decisions on bird surveys – species, methodology, vantage points, viewsheds & duration – site specific and cumulative – should be made following discussion between the Company and NatureScot.

3.18 Where borrow pits are proposed as a source of on-site aggregate they should be considered as part of the EIA process and included in the EIA report detailing information regarding their location, size and nature. Ultimately, it would be necessary to provide details of the proposed depth of the excavation compared to the actual topography and water table, proposed drainage and settlement traps, turf and overburden removal and storage for reinstatement, and details of the proposed restoration profile. The impact of such facilities (including dust, blasting and impact on water) should be appraised as part of the overall impact of the working. Information should cover the requirements set out in ‘**PAN 50: Controlling the Environmental Effects of Surface Mineral Workings**’

3.19 Ministers are aware that further engagement is required between parties regarding the refinement of the design of the proposed development regarding, among other things, surveys, management plans, peat, radio links, finalisation of viewpoints, cultural heritage and cumulative assessments and request that they are kept informed of relevant discussions.

4. Mitigation Measures

4.1 The Scottish Ministers are required to make a reasoned conclusion on the significant effects of the proposed development on the environment as identified in the environmental impact assessment. The mitigation measures suggested for any significant environmental impacts identified should be presented as a conclusion to each chapter. Applicants are also asked to provide a consolidated schedule of all mitigation measures proposed in the environmental assessment, provided in tabular form, where that mitigation is relied upon in relation to reported conclusions of likelihood or significance of impacts.

5. Conclusion

5.1 This scoping opinion is based on information contained in the applicant's written request for a scoping opinion and information available at the date of this scoping opinion. The adoption of this scoping opinion by the Scottish Ministers does not preclude the Scottish Ministers from requiring of the applicant information in connection with an EIA report submitted in connection with any application for section 36 consent for the proposed development.

5.2 This scoping opinion will not prevent the Scottish Ministers from seeking additional information at application stage, for example to include cumulative impacts of additional developments which enter the planning process after the date of this opinion.

5.3 Without prejudice to that generality, it is recommended that advice regarding the requirement for an additional scoping opinion be sought from Scottish Ministers in the event that no application has been submitted within 12 months of the date of this opinion.

5.4 It is acknowledged that the environmental impact assessment process is iterative and should inform the final layout and design of proposed developments. Scottish Ministers note that further engagement between relevant parties in relation to the refinement of the design of this proposed development will be required and would request that they are kept informed of on-going discussions in relation to this.

5.5 Applicants are encouraged to engage with officials at the Scottish Government's Energy Consents Unit at the pre-application stage and before proposals reach design freeze.

5.6 When finalising the EIA report, applicants are asked to provide a summary in tabular form of where within the EIA report each of the specific matters raised in this scoping opinion has been addressed. It should be further noted that, to facilitate uploading to the Energy Consents portal, the EIA report and its associated documentation should be divided into appropriately named separate files of sizes no more than 10 megabytes (MB).

Tony Young

Energy Consents Unit

ANNEX A

Consultation

List of consultees who provided a response.

- Comhairle Nan Eilean Siar {CnES} (A1 – A13)
- Breasclete Community Council (A14 – A16)
- BT (A17)
- Crown Estate Scotland (A18)
- Highlands and Islands Airports Limited {HIAL} (A19)
- Historic Environment Scotland {HES} (A20 – A24)
- Joint Radio Company Limited {JRC} (A25 – A27)
- MET Office (A28 – A30)
- Ministry of Defence - Defence Infrastructure Organisation (A31 - A33)
- NATS Safeguarding (A34 – A37)
- NatureScot {previously “SNH” (A38 – A41)
- North Lochs Community Council (A42 – A48)
- Ofcom (A49 – A50)
- Outer Hebrides Fisheries Trust (A51 – A53)
- RSPB Scotland (A54 – A60)
- Scottish Forestry (A61)
- Scottish Water (A62 – A63)
- Scottish Environmental Protection Agency {SEPA} (A64 – A73)
- Transport Scotland (A74 – A75)
- ScotWays (A76 - A80)

Internal advice was also provided Scottish Government officials (in the form of standing advice) from Marine Directorate – Science Evidence Data and Digital (MD-SEDD or bespoke advice from Marine Directorate – Science Evidence Data and Digital (MD-SEDD) (**Annex B**)

See Section 2.4 above for a list of organisations that were consulted but did not provide a response.

A1



COMHAIRLE NAN EILEAN SIAR

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Date: 15 February 2024

Issued by email only to Tony.Young@gov.scot

Onshore Wind North
Energy Consents Unit
Directorate for Energy and Climate Change
Scottish Government
5 Atlantic Quay,
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FAO of Tony Young, Senior Case Officer

Dear Sirs,

**SCOPING OPINION RESPONSE COMMENTS BY COMHAIRLE NAN EILEAN SIAR
HEASTABHAL WIND FARM PROPOSAL, ISLE OF LEWIS.**

ECU reference number:	ECU00005011
CnES reference number:	24/00023/CONSG
Proposal:	Heastabhal Farm Proposal Windfarm
Location:	Isle of Lewis

I refer to the request dated 17 January 2023 seeking the comments of Comhairle nan Eilean Siar (CnES) as Planning Authority on the Scoping Report prepared in relation to the above project.

The RWE Heastabhal Wind Farm EIA Scoping Report (Document no: B2462600_H_R_001_Scoping) is comprised of 74 pages and is supported by Figures 1 (Development Boundary); Figure 2 (Environmental Constraints); Figure 3 (Turbine Layout) and Figure 4 (ZTV and list of Viewpoints).

A number of service departments of Comhairle nan Eilean Siar has been consulted internally in order to inform the response to this response to the consultation on the Scoping Report.

At the date of this response Comhairle nan Eilean Siar has not had sight of the advice of any other consultation bodies to the Scoping Report. Please note that CnES does not currently have in-house specialists for all topic areas e.g. Landscape, bio-diversity, climate change and defer to the advice of other consultation bodies in these respects.

General Comment:

The Description of the Proposed Development in Section 2.1 and 2.2 of the Scoping Report.

The site for the Proposed Development is upland located on the Soval Estate approximately 20km southwest south-west of Stornoway, Isle of Lewis, comprising remote moorland, mountain and coastal landscape. The area comprises a range of hills ranging in height from 100m to 250m, sited between the A859 (north and north west of Airigh a Bhruaich) and the fresh water loch of Loch Langabhat, the largest on the Isle of Lewis. Loch Langabhat is designated a Special Area of Conservation (SAC) for Atlantic Salmon. The loch and the wider system is an active fishery and contains salmon, sea trout, brown trout, charr, sticklebacks and eels. There are several water courses and small lochans and waterpools within the site, as well as Loch Strannabhat, also an active fishery.

In summary, the key components of the Proposed Development are comprised of up to 14 three bladed horizontal axis wind turbines of up to 200m tip height (each comprising a tower section, nacelle and rotor blades, and an external transformer, turbine foundation and crane hardstanding), an electrical substation and control building, along with potential battery storage facilities, underground cables from turbines to sub-station, new site access and on-site access tracks, borrow pit(s) to source material for on-site construction a temporary construction laydown and storage compound; a steel tower anemometer mast for wind turbine performance monitoring, off-site works to facilitate the movement of abnormal loads and required environmental mitigation.

The operational term of the development is proposed to be approximately 35 years when the site will be either decommissioned, life-extended or repowered. In line with a sustainable development approach CnES and Scottish Ministers will require the EIAR to fully address decommissioning stage including a draft Decommissioning and Restoration Plan, covering land remediation, salvaging and recycling of materials in line with current regulatory requirements. A legal agreement/bond with the Developer is normally required to ensure future decommissioning and restoration.

4.1 – PLANNING AND ENERGY POLICY

The Development Plan and Marine Planning Section advise as follows in relation to legislation and policy:

National Development Context & National Renewable Energy Policy

In 2019 the Scottish Government declared a climate emergency.

The [Climate Change \(Scotland\) Act 2009](#) sets out the legal framework for climate action in Scotland.

An ambitious net zero emissions target of all green house gases by 2045 has been set by the Scottish Government under the [Climate Change \(Emissions Reduction Targets\) \(Scotland Act\) 2019](#).

[Update to the Climate Change Plan 2018 – 2032 Securing a Green Recovery on a Path to Net Zero \(2020\) sets out the pathways to these new targets.](#)

The Scottish Government has an ambition to increase onshore wind energy development from 8.78 GW as of June 2022, to over 20 GW by 2030, more than doubling existing capacity. Further detail may be found in the [Draft Energy Strategy and Just Transition Plan – delivering a fair and secure zero carbon energy system for Scotland](#) (2023) Other relevant material includes:

[Climate Ready Scotland: Second Scottish Climate Change Adaptation Programme 2019-2024 \(September 2019\)](#).

[Scottish Energy Strategy: The future of energy in Scotland \(2017\)](#)

[Equality, Opportunity, Community Our Programme for Government \(September 2023\)](#)

The Outer Hebrides is well placed to contribute to meeting new zero targets, the [National Islands Plan \(2019\)](#) includes commitments related to this objective. Together with the 2019 Plan the Scottish Government has published the [National Islands Plan Implementation Route Map 2020 – 2025 \(2021\)](#)

The Development Plan

In February 2023 Scottish Government adopted National Planning Framework 4 which together with the Outer Hebrides Local Development Plan, (including the Outer Hebrides Wind Energy Development Supplementary Guidance*, form the statutory Development Plan).

National Planning Framework 4

The principal policy against which the Proposed Development will be assessed is NPF Policy 11: Energy where the policy intent is to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution Infrastructure and emerging low carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).

Other relevant NPF policies which the development proposal will be assessed against include:

NPF4 Policy 1: Tackling the climate and nature crises;

NPF4 Policy 2: Climate mitigation and adaptation;

NPF4 Policy 3: Biodiversity;

NPF4 Policy 4: Natural places;

NPF4 Policy 5: Soils;

NPF4 Policy 6: Forestry, woodland and trees;

NPF4 Policy 7: Historic assets and places;

NPF4 Policy 10: Coastal development;

NPF4 Policy 12: Zero Waste;

NPF4 Policy 14: Design, quality and place

NPF4 Policy 22: Flood risk and water management;

NPF4 Policy 25: Community Wealth Building

NPF4 Policy 29: Rural Development

NPF4 Policy 33: Minerals

Outer Hebrides Local Development Plan

The development will be assessed against the Outer Hebrides Local Development Plan, in this case principally:

A4

Policy EI 8: Energy and Heat Resources
Policies DS1 Development Strategy;
Policy PD1 Placemaking and Design;
PD2: Car Parking and Roads Layout;
PD4: Zero and Low Carbon Buildings;
EI 4 Waste Management
EI 5: Soils and
ED5: Minerals.

This development proposal will be assessed against the Development Policies for wind farms in the Wind Energy Supplementary Guidance:

- Economic Impacts and Benefits
- landscape and Visual Impact
- Aviation and Defence
- Noise
- Community Amenity
- Neighbouring Developments
- Historic Resources
- Natural Heritage
- Peat and Soil Resources
- Water Resources
- Borrow Pits
- Repowering
- Planning Obligations
- Decommissioning
- Cumulative Impacts
- Radar Impact

General comment

CnES considers that the Scoping Report has identified key plans and strategies which would be augmented by those referenced above which relate specifically to renewable energy generation in Scotland; and the Scottish Islands' potential contribution.

The developer must review and include the most up to date versions to reflect current national legislation, policy and guidance at the time of submission to the energy consents unit (ECU). CnES expects detailed reference to this policy framework and how the proposal links and complies with national policy in the Planning Statement.

**Note: [The Supplementary Guidance for Wind Energy Development \(2021\)](#), remains relevant, contrary to a comment on Page 10 of the Scoping Report. Please refer to the [Chief Planner letter 8 February 2023](#). 'The Development Plan.....Supplementary guidance associated with LDPs which was in force before 12 February (the date on which section 13 of the 2019 Act comes into force) will continue to be in force and be part of the development plan (1997 Act; paragraph 2 of schedule 1)'..... [Applying NPF4 Policy](#)..... In the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible.'*

Particular reference should be made to the Comhairle Spatial Strategy for Wind Farms: *Areas with Potential for Wind Farms; Areas of Constraint; Areas with Potential for Wind farms* (and the associated Maps): [Map 1](#); [Map2](#) and [Map 3](#)

CnES agree that all elements of planning and energy policy should be scoped into the EIA.

4.2 Landscape and Visual

Response to Questions

▪ ***Do consultees have any comments on the overall methodology proposed to assess effects on landscape and visual receptors?***

No – Methodology accepted.

▪ ***Are there additional sources of information which should inform the baseline and assessment of potential effects on landscape/coastal/seascape character and designated landscapes?***

We consider that the developer has access to the relevant information to carry out the baseline and assessment of potential effects on landscape/coastal/seascape character and designated landscapes.

▪ ***As the proposed development is not located within a WLA are consultees content with scoping out the assessment of effects on Wild Land?***

CnES will defer to the expert view of Nature Scot but take the view that as part of the development site is within a Wild Land Area, and a number of the turbines are provisionally located in WLA 30, a wild land assessment, including consideration of potential effects on WLA 30 Harris – Uig Hills and WLA 31 Eishken 1km to the South of the proposal site boundary is required. As well as addressing potential effects on the qualities of wild land areas, the EIA should also fully address potential cumulative landscape and visual and impacts of wind energy developments on these Wild Land Areas. as NPF4 states that the effects of wind energy development outwith wild land areas will not be a significant consideration, consequently CnES are content that a Wild Land Impact Assessment may be scoped out.

▪ ***Could consultees confirm they are content with the 45km initial study area proposed for the LVIA?***

Yes. CnES would expect the EIAR to have a particular focus on any area within 20km of the wind farm as this is where significant adverse landscape and visual impacts are most likely to occur.

▪ ***Do consultees have any comments/suggestions on the proposed list of representative viewpoint locations listed in Table 4-1 and shown on Figure 4?***

The scale of the Map used to generate the ZTV does not show sufficient detail to be definitive about final viewpoint selection. An enhanced scale of basemap should be sought for a higher resolution ZTV to allow more accurate appraisal of potential visibility and assist in determining the final viewpoint selection in consultation with CnES and Nature Scot.

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- Viewpoint 8 from Gallows Hill should be taken from the footpath at a vantage point where the view is not obscured by trees, (the Grid reference provided is off the footpath).
- Viewpoint 13 from the War Memorial at Kershader is at NGR 134,126E 920,288N
- Viewpoint 1 from Calanais Standing Stones should be taken from approx. NGR 121,293E 932,983N.

Following review of a higher resolution ZTV which may demonstrate visibility of the Proposed Development from the undernoted locations, CnES recommend augmenting the proposed viewpoints with some further viewpoints selected from the below list:

- NGR 126,066E 919,549N - Land Raiders Monument
- NGR 121,303E 932,922N - Calanais, Cnoc an Tursa
- NGR 125,074E 917,659N - Monument to Bonnie Prince Charlie
- Vantage point on the Hebridean Way (Pentland Road section)- (to assess predicted effects on views towards the South Lewis, Harris and North Uist NSA)
- Boglass access point for Core Path;
- Scaladale Outdoor Centre;
- Toddun, Hill in Harris

- Do consultees have any comments on the proposed scope of the RVAA?

The nature of the terrain and the distance over which the turbines of up to 200m tip height are likely to be visible in relatively treeless landscape is such that CnES requires that the RVAA should utilise the enhanced ZTV to identify all residential properties which falls within (or on the edge of) a buffer of up to 2km of the development site which would be likely to have visibility of the wind turbines blades and hubs. The properties in Airigh Bruaich, Ardvourlie; and Balallan require to be considered for inclusion, accepting that some on account of their orientation and difference in level from the Proposed Development will not have visibility. Following an early assessment in the field, the RVAA should assess the impact upon the properties likely to be affected (in some cases it would be reasonable to select a property as representative of groups of properties of similar siting, orientation and character). A large part of the Proposed development lies within 2km identified in the Wind Energy Supplementary Guidance as the 'buffer' to protect community amenity.

- ***Do consultees have any comments on which viewpoints should be used to represent dusk/night-time views?***

The scale of the Map used to generate the ZTV does not show sufficient detail to be definitive about final viewpoint selection to represent dusk/night-time views. This should be discussed further when a higher resolution ZTV available. However in the interim consider the following:

- 1 - Calanais 1 viewpoint (historic lunar observatory at particular times in the lunar calendar)
- The mast site on the A859 as the road descends from the hills of Harris towards Scaladale

An assessment on Aviation lighting for the Proposed Development should be produced by an accredited aeronautical engineer. New draft guidance on night lighting is understood to be available and should be considered to inform the assessment of the effects on navigation and aviation caused by wind turbines, and possible mitigation.

The cumulative effects of lighting should be considered in relation to the nearby proposed Uisenis wind farm.

- ***Do consultees have any suggestions on routes to be included for sequential route assessment?***

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- The A859 Harris to Stornoway Route approaching the site from the North and from the South.

▪ **Do consultees have any comments on the overall methodology proposed to assess cumulative effects on landscape and visual receptors?**

No

▪ ***Could consultees confirm they are happy with the 60km initial search area proposed for the CLVIA?***

The 60KM search area is not mapped within the scoping document. CnES would defer to NatureScot on this question (but it seems reasonable as should take in all the major terrestrial windfarms proposed/consented).

▪ **Are there any further wind farms or other developments, existing or within the planning system, in addition to those shown in Table 4-2, that should be included in the CLVIA?**

- The proposed onshore development at Heastabhal for 14 turbines at 200m to tip height to be included in the CLVIA.
- Depending on the intervening distance (and views of NatureScot) the proposed (Scotwind) offshore wind development Spiorad na Mara (66 wind turbines up to 380m tip height) to the northwest of Lewis

▪ **Which viewpoints do consultees feel should be included within the CLVIA?**

The scale of the Map used to generate the ZTV does not show sufficient detail to be definitive about final cumulative viewpoint selection

- A viewpoints from higher ground where there are uninterrupted views towards the proposal site from the East such as from Achmore (Eitseal at NGR 130,512E 930,464N) or the Pentland Road (Hebridean Way NGR 134,015E 931,308N) where North Lochs and the hills of South Lochs can be seen.

General comments.

The advice of NatureScot should be obtained on Landscape and Visual amenity.

The scale of the Map/resolution of the ZTV does not show sufficient detail to be definitive about final viewpoint selection. An enhanced scale of basemap with a higher resolution ZTV is required to allow more accurate appraisal of potential visibility.

The LVIA should fully consider potential effects on landscape and visual amenity with particular regard to sensitive receptors.

The EIA should include a map:

- to illustrate the 60m Area of Search for Cumulative assessment.
- of the Proposed Development in relation to other proposed/consented wind energy developments in the Isle of Lewis.

A visualisation(s) of the proposed sub-station from a key viewpoint(s) is also advised.

4.3 Geology, Hydrogeology and Hydrology

CnES defer to the advice of SEPA and NatureScot in respect of these topics in the Report.

4.4 Ornithology and 4.5 Ecology

CnES defer to the advice of NatureScot and the RSPB in respect of these topics in the Report.

4.6 Noise

Comhairle nan Eilean Siar Environmental Health agree to that which is presented within the Report as having been scoped in and out and advise that the specialist company carrying out the background noise assessments mentioned in the report have been in contact.

4.7 Access, Traffic and Transport

CnES Assets (Roads and Streetlighting) has reviewed this Chapter of the Report and advise as follows:

Section 4.7 of the Scoping Report states the factors to be considered and the proposed mitigation during the construction phase. This should include pre works condition surveys, detailed assessment of construction traffic levels and a Traffic Management Plan.

Although the operational phase will have less impact on the road network the report should give an indication of the vehicles to be used and frequency.

The baseline survey information from traffic surveys should be obtained by the developer.

Any bridges or structures crossed as part of the Abnormal Load Route should be assessed beforehand. Mitigation works may be required along this route to allow the delivery of units.

A large proportion of the road network is founded on peat deposits and as such the whole road network could be classed as potentially sensitive.

The developer will be responsible for the repair of damages to the road network as a result of the project.

Turbines should be located a minimum distance of the turbine tip height plus 10% from the public road.

Peak traffic periods from other consented major wind turbine developments and this project should not coincide.

4.8 Cultural Heritage

Comhairle nan Eilean Siar Archaeology Service has reviewed this section of the Report and advised as follows:

The subject of Cultural Heritage is considered in chapter 4, section 4.8 of the Scoping Report. The report identifies the range of known cultural heritage assets (both designated and undesignated), and the potential for unknown archaeological features, all of which may be affected by the wind farm development. These assets are identified within study areas; an inner the site boundary and an outer 10km buffer zone. The report notes that other sites of national or regional significance beyond the study areas may also have sensitivities regarding the impact of the development on their setting.

Relevant policy and guidance have been identified in section 4.8.3; however, it would be useful to include National Planning Framework 4 with reference to Policy 7, sub sections A, H - ii, iii and O to reflect the context of the document.

Furthermore, guidance set out in the PAN2/11 and the Historic Environment Policy for Scotland (HEPS); note, that where nationally important archaeological remains, whether scheduled or not, are affected by a proposed development, there should a presumption in favour of their physical preservation in-situ, and a presumption against proposals which would involve significant alteration or cause damage, or which would have significant effect on the setting of visible remains. Whilst the preservation of in-situ remains is preferred, it may be possible to mitigate impacts to archaeological remains of less than national importance via programs of archaeological excavation and /or watching brief, enabling the preservation by record of archaeological deposits destroyed or damaged by a development. Regional planning guidance concerning cultural heritage is reflected in policies contained in the CnES Outer Hebrides Local Development Plan (2018).

Potential impacts and effects on the archaeological resource and sites of cultural heritage are considered in Section 4.8.2 and comprise of direct, indirect, and cumulative effects.

Considerations for mitigation are outlined in Section 4.8.4, noting that where direct impacts from development are unavoidable archaeological mitigation will preserve the resource by record. This section could also have included a broader statement including mitigation of setting impacts through design, micro siting (as noted in 4.8.2), or other methods.

The Archaeology Service would highlight that further aspects within the methodology outlined in the scoping report should be considered or modified and included within the EIA.

- The ZTV drawing (Figure 4) could be improved if a better contrasting colour scheme was applied to a 'contoured' base map. It would also be beneficial if 15km and 20km buffer was applied to it.
- It would be helpful to see a wider area of the island depicted on the ZTV (Figure 4), as it is difficult envisage the potential wider impact of the development beyond the 10km buffer given the variations in the landscape, low moorland, raised moorland mountains, coastline, and seascape.
- The proposed development is situated in an area of extensive undisturbed peatland. The formation processes of this landscape offer a high potential for paleoenvironmental data

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to be recovered. The potential for paleoenvironmental data can be informed through monitoring of SI and peat coring programs. Recovery of paleoenvironmental remains and their analysis should be included within the archaeological mitigation strategy.

- HES guidance was identified in Section 3.8.3. However, it is important to note that the proposed development is likely to be located between the Callanish Stones and one of its significant viewpoints; a range of hills known as the Sleeping Beauty or Cailleach na Mointeach and their association with lunar cycles.
- The proposed development is situated in a remote mountainous area of extensive undisturbed peatland. The formation processes of this landscape offer a high potential for paleoenvironmental data to be recovered. The potential for palaeoenvironmental data can be informed through SI and peat coring programs. Recovery of paleoenvironmental remains and their analysis should be included within the archaeological mitigation strategy.
- The Archaeology Service should be consulted for its view regarding historic environment assets for inclusion for LVIA.
- It would be useful to identify the framework within which the cultural heritage aspect of this project will be managed, for example an Archaeological Clerk of Works.
- It will be important to include potential assessment impacts for the decommissioning or repurposing of the development.

[The Comhairle nan Eilean Siar \(Western Isles\) Historic Environment Record \(esdm.co.uk\) is an important reference resource.](http://esdm.co.uk)

Questions

Are consultees content with the proposed approach

Yes

Are there any specific heritage assets that should be included with the assessment -Yes

- The greater Callanish Stones complex and associated significant viewpoints.
 - The Achmore stone Circle(SM4355),
 - Cul á Chleit (SM6019)standing stones,
 - Airigh á Sguir, Beehive Sheilings(SM5352),
 - St Columb's Church,Eilean Chaluum Chille (SM5345),
 - Both a'Chlair Bhig,beehive shielings (SM5713), Sidhean Cleite Thog, cairn and settlement (SM5931)
- The Archaeology Service would anticipate that other sites should be included.

Do Consultees agree with the list of factors to be scoped out

Yes

Could consultees confirm whether further receptors should be considered

Yes, other receptors should be considered.

Could consultees confirm whether there are any key issues or potential impacts that have been omitted?

– The Callanish Stones complex and associated significant viewpoints, specifically the Cailleach na Mointeach range of hills.

As previously mentioned, improved ZTV data would assist in answering this query.

4.9 Climate Change

CnES does not have access to a Climate Change specialist at the date of response and is unable to provide responses to the questions posed in the Scoping Report. However Comhairle nan Eilean Siar (Energy Strategy) reviewed this section briefly and commented as follows:

It is noted, with some concern, that at section 4.9.5 (Climate Change), the environmental factors associated with the climate impacts of the construction stage have been scoped out of the EIA.

The handling of peat at this scale is a primary, climate sensitive, environmental factor and, with so many major projects planned over the next six years (an HVDC Converter Station, three developer Substations, three Onshore Wind Farms and two Offshore Wind Farms not counting these two RWE projects), the cumulative climate impact of peat removal is becoming a major issue. There is a concern that the project Peat Management Plan, with its sole emphasis on 'safeguarding the integrity of excavated peat', will be insufficient to address emerging concerns. For development on priority peatland habitat, as this will be, NPF4 requires a site specific assessment and "detailed Peat Management Plan to outline plans for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration". Increasingly, this is being viewed as a requirement to re-use peat in the restoration of degraded areas in the vicinity of the development site and the developer should engage with SEPA at the earliest opportunity to ensure that effective Peat Management measures can be discharged at this site.

4.10 Socio-Economics

Comhairle nan Eilean Siar (Energy Strategy) reviewed this section and commented as follows:

Do consultees agree with the proposed methodology?

It is difficult to comment at this stage as detailed scoping of socioeconomic factors and impacts is deferred to a stand-alone Socioeconomic Report to be submitted as part of the full Planning application. Socioeconomic detail in the Scoping Report is therefore limited. However, in addition to the industry-standard socioeconomic effects to be explored, the Socioeconomic Statement should contain some analysis on:

- The developer's intentions regarding export of product given that the 1.8GW HVDC Transmission Link between Arnish and National Grid at Beauly, currently at pre-construction stage, is already full to capacity and beyond. Export of electrons to Grid and export of electrons for on-island Hydrogen production will have very different socioeconomic impacts, particularly in terms of direct and indirect employment, supply chain, R&D etc and, for a proper assessment to be made of impacts, the developer should clarify the proposed route to market (also touched on in final bullet point below);
- The extent of the developer's intentions in terms of local content in construction contracts and the developer's ability to enforce these intentions with the Tier 1 contractor;
- The developer's appetite for Shared Ownership of generation by the community and how this might be enabled;
- The developer's appetite for becoming involved in a sector wide effort to secure discounted electricity bills for island consumers on account of the prevalence of Renewable Energy generation in and around the islands. This could include sale of product to a local, licenced electricity supply company with additional, separate cash funding to enable the (not-for-

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profit) local electricity supply company to drive down the cost of electricity for island consumers;

- The developer's appetite to become involved in the supply of electricity for on-island Green Hydrogen production, probably at Arnish near Stornoway. This could involve sale of product to a Green Hydrogen production facility for local use and export.

Do consultees agree with the potential impacts that have been highlighted?

It is difficult to comment without sight of the full Socioeconomic Report but there seems to be a disproportionate emphasis on the impact on tourism. Further analysis should be given to the potential impact - positive and negative - on the local supply chain, on local culture and language, on the local cost of living (if the developer participates in schemes to reduce the cost of energy to island consumers) and on prospects for the emergence of an Outer Hebrides Hydrogen Economy.

Comhairle (Economic Development section) also reviewed and comments are as follows:

- ***Do consultees agree with the list of factors to be scoped out?***

There is a need to maintain the conditions of the roads following the increased haulage and construction traffic which will use the important main route throughout the construction phase, to ensure that pedestrians and cyclists are not significantly disadvantaged – or at danger - through diversions, road conditions and access restrictions on the main roads or the Hebridean Way.

- ***Could consultees confirm whether there any other receptors that consultees wish to be considered in the assessment?***

4.7.6 - VisitScotland Outer Hebrides and Outer Hebrides Tourism (OHT) should be consulted as this is the main trunk route between Lewis and Harris and will inevitably impact upon the visitor experience and economy. Whilst OHT not only provide local tourism and service providers with a voice, they also actively promote and develop the local sector, and communities, and will therefore provide important insights into the impact of the traffic delays and access restrictions on the visitor economy that may be encountered. The OHT, also assist to oversee the Hebridean Way on behalf of the CnES and, will be able to provide further evidence of the impacts of the developments around this particular site.

4.10.5 – Outer Hebrides Tourism to be consulted. The surrounding Estates should also be consulted as they provide employment and support/lead on local development opportunities.

- ***Could consultees confirm whether there are any key issues or potential impacts that have been omitted?***

Hebridean Way – the report states that the HW route will require to be crossed at certain points to allow haulage and materials to be transferred to the sites and for construction of the proposals. Confirmations would be required that these crossings would be maintained, and restored, to operational standards.

CnES agree that no aspects of the socio-economic assessment should be scoped out at this stage.

Other EIA Topics (Scoped In)

4.11.1. Telecommunications and Utilities

4.11.2. Aviation

4.11.3 Shadow Flicker

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Agree - No other comments to offer on these three Chapters

Other EIA Topics (Scoped Out)

4.11.4. Major Accidents and Disasters

No comments to offer.

4.11.3 Human Health

The developer should consult with the Director of Public Health in the Outer Hebrides, NHS Western Isles.

I trust the foregoing is of assistance to you in formulating a response to the Scoping Report.

Yours faithfully

REDACTED

Morag Ferguson
Planning Manager (Development Management)
Chief Executive's Department

From: Breasclete Community Council <breascletecc@gmail.com>
Sent: 27 February 2024 16:10
To: Econsents Admin
Subject: Re: Scoping Consultation - Grimshader Wind Farm
Attachments: Reposnse to scoping Report.docx

Dear Tony,

Please find attached out reponse to the scoping report proposals, as discussed at our meeting on 14th February.

Jacqui Ferguson
Clerk
Breasclete Community Council

Response to Scoping Report for Grimshader and Heastabhal Wind farm application. From Breasclete Community Council.

General Comments

Breasclete Community Council feels that, while these scoping reports seem reasonably robust, we would like to express the significant concern of many in the community about the impact both of these developments would have on the southern sightlines from the Calanais complex of Standing Stones, particularly I, II and III, as well as Dun Carloway.

As both the Grimshader and Heastabhal proposals are similar to each other, we would like these responses to be taken as read for both reports.

4.2: consultees must include Historic Environment Scotland

4.3.6: Consultees should include the Wester Isles Fisherman's Association

4.4.6, and 4.5.6: Consultees should include the Outer Hebrides Natural History Society

4.8 is of particular interest to the Community Council. The cumulative effect of several proposed windfarms within the viewpoint of the Calanais monument, especially towards the lunar standstill sightline is of significant concern. Steps must be taken to show that this will have no impact on the sightlines.

Consultees must include: Urras nan Tursachan (UnT), stakeholders involved in the funding of UnT, Highlands and Island Enterprise, Urras Tac Chalanais, Visit Outer Hebrides, Edinburgh University, and local Commun Eachdraidh groups.

4.10: The reference to the Biggar findings that windfarm sites encourage tourism should be looked at again. Since 2021, windfarms have increased in number, and societal attitudes have changed. We feel that evidence linking this increase to a current setting within the Western Isles should be provided as part of the consultation. Lewis is well known for its expansive views over the landscape, and tourists value the pristine and unspoilt nature of the island.

Assessment of impact on the visitor market must include gathering new data on perceptions from real visitors. Relying on existing information will not allow for meaningful analysis of potential impacts, and as tourism is a major industry within the Western Isles, this is a crucial factor.

Consultees should include Visit Outer Hebrides

4.11.15: These areas are not considered fully enough within the separate areas of the report, and it appears to omit any reference to risks to human receptors leading to adverse health effects. These can include sleep disorders, headaches, mood disorders, inability to

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concentrate, tinnitus, effects on vestibular (balance) and heart, and vibratory sensations. Causes have been proposed such as amplitude modulation; lack of night-time abatement; audible LFN; inaudible LFN/infrasound; tonal noise; electrical pollution/stray voltage; and visual impacts such as shadow flicker and flashing lights. Reference is made to research such as Wind turbines and adverse health effects: Applying Bradford Hill's criteria for causation (Dumbrille, McMurtry and Krogh; October 2021; www.environmentmed.org).

We consider, therefore that a full chapter on risks to human health be included in the EIAR.

Other Comments:

Crofting is an important local consideration. The impacts of the project on crofting practices should be considered. Consideration should also be given to how crofting regulation will impact access to land for the onshore elements of the project.

Consultees to the proposal should also include: The Crofting Commission, Scottish Crofters Federation, local Community Landlords, including Urras Oighreachd Charlabaigh, Community Councils and Local Grazings Committees

Some documents appear to have been omitted, such as the Outer Hebrides Community Planning Partnership Local Outcomes Implementation Plan 2017-27, Islands Growth Deal, and Comhairle nan Eilean Siar Corporate Plan 2022-27.

Breasclate Community Council

February 2024

From: radionetworkprotection@bt.com
Sent: 18 January 2024 12:41
To: Econsents Admin
Subject: RE: Scoping Consultation - Heastabhal Wind Farm
Attachments: Heastable.pdf

OUR REF:- WID13308

Good afternoon

We have studied the proposed windfarm development with respect to EMC and related problems to BT point-to-point microwave radio links. The conclusion is that the Project indicated should not cause interference to BT's current and presently planned radio network.

However, as turbine's 9 and 10 are in fairly close proximity to a BT Fixed link, if there's any changes to the locations please inform us so we can re-assess. Also provide Turbine rotor diameter as it will be required if the turbines come any nearer to the link

Regards
Chris



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From: Olivia Morrad <olivia.morrad@crownestatescotland.com>
Sent: 25 February 2024 16:49
To: Econsents Admin; Young T (Tony)
Subject: 20240225 Scoping Consultation - Heastabhal Wind Farm

Good afternoon,

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

Olivia Morrad
Assistant Portfolio Co-ordinator
Crown Estate Scotland

t: 0131 376 1506 / 07407378899

Our team are currently working from home. Mail is occasionally being collected from our offices (addresses are at www.crownestatescotland.com/contact-us). Where possible, please email or call us rather than post mail.

LEGAL DISCLAIMER - IMPORTANT NOTICE The information in this message, including any attachments, is intended solely for the use of the person to whom it is addressed. It may be confidential and it should not be disclosed to or used by anyone else. If you receive this message in error please let the sender know straight away. We cannot accept liability resulting from email transmission. Crown Estate Scotland's head office is at Crown Estate Scotland, Quatermile Two, 2nd Floor, 2 Lister Square, Edinburgh, EH3 9GL.

From: Safeguarding <Safeguarding@hial.co.uk>
Sent: 07 February 2024 16:07
To: Econsents Admin; Young T (Tony)
Cc: Safeguarding
Subject: RE: Scoping Consultation - Heastabhal Wind Farm

Your Ref: ECU00005011
Our Ref: 2024/021/SYY

Dear Sir/Madam,

**Proposal: THE ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)(SCOTLAND) REGULATIONS 2017
SCOPING OPINION REQUEST– HEASTABHAL WIND FARM PROPOSAL**

The development has been assessed using the criteria below:

Turbine No	Turbine Location (Grid Ref)	Turbine Tip Height
1	NB 212 175	200
2	NB 226 187	200
3	NB 213 187	200
4	NB 237 195	200
5	NB 230 195	200
6	NB 225 197	200
7	NB 221 191	200
8	NB 256 190	200
9	NB 243 190	200
10	NB 249 198	200
11	NB 199 178	200
12	NB 219 181	200
13	NB 205 175	200
14	NB 206 185	200

With reference to the above proposal, our preliminary assessment shows that, at the given position and height, this development would not infringe the safeguarding criteria and operation of Stornoway Airport.

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

Any variation of the parameters (which include the location, dimensions, form, and finishing materials) then as a statutory consultee HIAL requires that it be further consulted on any such changes prior to any planning permission, or any consent being granted.

Kind regards,

Nyree Millar-Bell
Aerodrome Safeguarding and Operations Support Officer
Highlands and Islands Airports Limited



By email to: Econsents_admin@gov.scot

Tony Young
Senior Case Officer
Energy Consents Unit

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300070574
Your ref: ECU00005011
28 February 2024

Dear Tony Young

**The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Heastabhal Wind Farm
Scoping Report**

Thank you for your consultation which we received on 17 January 2024 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers World Heritage Sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

The relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

Proposed Development

We understand that the proposed development comprises up to 14 turbines to 200m max. blade tip height plus associated ancillary infrastructure, including substation and control buildings, possible battery storage, access tracks, anemometer mast, borrow pits and temporary construction compounds.

Scope of assessment

Potential physical impacts

We can confirm that there are no scheduled monuments, category A listed buildings, Inventory battlefields, gardens and designed landscapes or World Heritage Sites within the proposed development boundary.

Potential setting impacts

There are a number of heritage assets within our remit in the vicinity of the development whose settings have the potential to be adversely impacted by it. At this stage it appears that significant adverse effects on the setting of assets are possible and we have provided further comments in the attached annex. It is possible that the severity of these

impacts may mean that we would object should an application based on this design be submitted.

Potential cumulative impacts

There are other consented and proposed wind farms in the immediate vicinity of the proposals and in the wider surrounding area. We would recommend that the potential cumulative impacts of the proposed development in combination with other developments in the vicinity be assessed. This should assess the incremental impact or change when the proposed development is combined with other present and reasonably foreseeable developments.

Scoping report

We welcome that cultural heritage effects are scoped in to the assessment. We welcome that the operational effects of the proposal on the setting of cultural heritage assets as well as direct impacts from construction will be assessed; we have provided further comments in the attached annex. We strongly recommend that our [Managing Change Guidance Note on Setting](#) is used to inform setting assessments and further information on good practice in cultural heritage assessment can be found in [Appendix 1 of the EIA Handbook](#).

Further information

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.

Practical guidance and information about the EIA process can also be found in the [EIA Handbook \(2018\)](#). Technical advice is available on our Technical Conservation website at <https://www.engineshed.scot/>.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Victoria Clements who can be contacted by phone on 0131 668 8730 or by email on Victoria.Clements@hes.scot.

Yours sincerely

Historic Environment Scotland

Annex

Historic Environment Scotland's interest

The following designated historic environment assets are in the vicinity of the development and have the potential to be impacted by it. This list is not considered to be exhaustive, and we would recommend that a wider search is undertaken of the surrounding area for potential impacts in the first instance; any impacts to the settings of assets should be assessed appropriately to determine whether these will be significant.

We recommend that an appropriately detailed ZTV should be used to identify potential setting impacts in the first instance rather than a strictly defined study area. This should include consideration of assets where even though the ZTV indicates that no direct intervisibility would be possible there is the potential for turbines to appear in the background of key views towards these assets.

Scheduled monuments

There are no scheduled monuments located within the site boundary. However, there are a series of scheduled monuments in the wider surrounding area which would have visibility of the proposed development and have settings which would be likely to be affected by these proposals:

- [Sideval, stone circle 400m S of](#) (SM5351)
- [St Columb's Church, Eilean Chaluim Chille](#) (SM5345)
- [Dun Cromore, broch, Loch Cromore](#) (SM1670)
- [Calanais or Callanish Standing Stones](#) (SM90054 and Property in Care of Scottish Ministers)
- [Airdh nam Bidearan, standing stones N of](#) (SM6018)
- [Sron a'Chail, stone circle and cairn 450m SSE of Ceann Hulavig](#) (SM5457)
- [Cnoc Fillibhir Bheag, stone circle and stone settings](#) (SM5437)
- [Ceann a'Gharaodh, stone circle and cairn 250m N of](#) (SM5433)
- [Airigh a'Sguir, beehive shielings](#) (SM5353)
- [Sidhean Cleite Thog, cairn and settlement, Scaliscro](#) (SM5931)

At this stage it is not yet possible to be certain that the proposed development could be accommodated in this location without raising effects on the setting of scheduled monuments which may raise issues of national interest. Further information is required before we could be confident that such effects might not occur and we recommend that further consultation is undertaken with us as the design of the development progresses.

The scoping report indicates that assets within 10km of the proposed development and which are identified as having visibility of the proposed development by ZTV would be scoped in to the assessment. The 10km radius is not sufficient in this instance, as this would exclude monuments within the Callanish Complex, which have wide settings which include long views between themselves, natural features and astronomical events. This includes [Calanais or Callanish Standing Stones](#) (SM90054), [Cnoc Fillibhir Bheag, stone circle and stone settings](#) (SM5437) and [Ceann a'Gharaodh, stone circle and cairn 250m](#)



[N of](#) (SM5433) which sit between 10.4km and 11.1km to the north of the proposed development but are shown as having visibility of the proposed development on the supplied ZTV. It would also not include assessment of [St Columb's Church, Eilean Chaluum Chille](#) (SM5345) and [Dun Cromore, broch, Loch Cromore](#) (SM1670), which sit between 13km and 14.5km from the proposed development and which also have settings with the potential to be affected by the proposals.

Assessment of potential impacts on assets in the Callanish Complex should include an assessment of potential visibility of the proposed development within key views to and/or from assets within the complex. The assessment should also include consideration of potential impacts of views from the complex to the 'Sleeping Beauty,' a range of hills which make a significant contribution to the complex's cultural significance and setting. Based on the current layout provided, it seems likely that the proposed development would appear in the foreground of these views and above the skyline. Should these or similar impacts be confirmed by further information it is likely that we would object to an application based on the current design.

Assessment of potential impact on [St Columb's Church, Eilean Chaluum Chille](#) (SM5345) should include assessment of potential for the proposals to appear in the backdrop of key views on the maritime approach to the monument from the mouth of the Loch Erisort and views to the monument from the tidal causeway to the east.

We would welcome the opportunity to provide specific advice on locations of proposed visualisations for assessment before the EIA Report is submitted. We would welcome sight of draft visualisations as early as possible as the design of the project progresses so that we can provide further advice regarding impacts on the setting of assets at a useful and constructive stage in the project design process and any advice on mitigation by design.

There is also a high potential for significant cumulative impacts with the consented Muaitheabhal Wind Farm and the planned Uisenis Wind Farm. We recommend that any assessment includes consideration of this cumulative impact and consideration is given to mitigating such impacts during the design of the proposals.

Scoping report

We welcome that section 4.8 of the scoping report states that physical impacts, impacts on the setting of assets and cumulative impacts will be assessed. We welcome that an appropriate cultural heritage assessment methodology in line with that laid out in the [EIA Handbook](#) will be used for the assessment.

Section 4.8.3 indicates that a 10km study area is being proposed for the identification of assets which may receive impacts to their settings. We do not recommend the use of a specific radius for this purpose. As indicated above, we generally recommend that a ZTV is used in the first instance to identify assets which may receive impacts and any assets which might themselves fall outwith the ZTV but where important views towards them may have visibility of the turbines in the background of the asset. As noted above given the scale of the proposed turbines the arbitrary 10km study will not be sufficient.

We note that section 4.8.4 of the report refers only to mitigation for physical impacts. As stated above significant impacts on the setting of designated assets within our remit will require to be minimised by design as this is likely to be the only successful form of mitigation for significant impacts to setting.

We would welcome sight of draft visualisations as early as possible as the design of the project progresses so that we can provide further advice regarding impacts on the setting of assets at a useful and constructive stage in the project design process and any advice on mitigation.

Summary

Based on the information provided with the scoping report there is the potential for significant impacts to the settings of scheduled monuments from this proposed windfarm. The severity of these impacts may be of such significance that we would object. Of particular concern is the potential impact on the setting of the Calanais Complex of sites including [Calanais or Callanish Standing Stones](#) (SM90054).

Further information is required to determine the extent or severity of any potential impacts. We recommend further early consultation with us to determine whether mitigation by design would be necessary to reduce impacts on the setting of assets and allow us to provide further detailed advice on the proposals.

Historic Environment Scotland

28 February 2024

A25

From: JRC Windfarm Coordinations Old <windfarms@jrc.co.uk>
Sent: 18 January 2024 13:03
To: Econsents Admin
Cc: Wind SSE
Subject: Heastabhal Wind Farm Scoping Consultation - by 7th Feb [WF486649]

Dear econsents_admin,

A Windfarms Team member has replied to your co-ordination request, reference **WF486649** with the following response:

If any details of this proposal change, particularly the disposition or scale of any turbine(s), this clearance will be void and re-evaluation of the proposal will be necessary.

*Please do not reply to this email - the responses are not monitored.
If you need us to investigate further, then please use the link at the end of this response or login to your account for access to your co-ordination requests and responses.*

Dear

Planning Ref:

ECU00005011

Name/Location:

Heastabhal Wind Farm

Site Centre/Turbine(s) at NGR:

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Table 2-1: Proposed Turbine Locations

Turbine Number	Turbine Location (Grid Reference)
1	NB 212 175
2	NB 226 187
3	NB 213 187
4	NB 237 195
5	NB 230 195
6	NB 225 197
7	NB 221 191
8	NB 256 190
9	NB 243 190
10	NB 249 198
11	NB 199 178
12	NB 219 181
13	NB 205 175
14	NB 206 185

Development Radius:

0.1km

Hub Height: 120m Rotor Radius: 80m

*This proposal is **cleared** with respect to radio link infrastructure operated by the local energy networks.*

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

A27

Wind Farm Team

Friars House
Manor House Drive
Coventry CV1 2TE
United Kingdom

Office: 02476 932 185

JRC Ltd. is a Joint Venture between the Energy Networks Association (on behalf of the UK Energy Industries) and National Grid.

Registered in England & Wales: 2990041

[About The JRC | Joint Radio Company | JRC](#)

We maintain your personal contact details and are compliant with the Data Protection Act 2018 (DPA 2018) for the purpose of 'Legitimate Interest' for communication with you. If you would like to be removed, please contact anita.lad@jrc.co.uk.

We hope this response has sufficiently answered your query.

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<https://breeze.jrc.co.uk/tickets/view.php?id=32378>

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From: [Tim Allott](#) on behalf of [metofficesafeguarding](#)
To: [Tony Young](#)
Subject: RE: Scoping Consultation - Heastabhal Wind Farm
Date: 19 January 2024 16:20:05

Dear Tony,

Thanks for contacting the Met Office. The proposed development is approx. 34.5 km from our meteorological radar at Druim-a-Starraig. The turbines may be detectable and the data received may be impacted. However the proposal is beyond the 20 km radius consultation zone of the radar and the impact on services such as weather forecasts and warnings derived from the radar data will be limited. Therefore we have no comments on the proposal and do not need to be consulted further.

Kind regards,

Tim Allott

Upper Air Observations

Met Office, FitzRoy Road, Exeter, Devon, EX1 3PB, United Kingdom

E-mail: metofficesafeguarding@metoffice.gov.uk

Web: <https://www.metoffice.gov.uk/services/business-industry/energy/safeguarding>

From: Tony.Young@gov.scot <Tony.Young@gov.scot> **On Behalf Of** Econsents_Admin@gov.scot
Sent: 17 January 2024 16:52
To: Tony.Young@gov.scot
Subject: Scoping Consultation - Heastabhal Wind Farm

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Dear Consultee

**THE ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2017**

SCOPING OPINION REQUEST– HEASTABHAL WIND FARM PROPOSAL

A request for a scoping opinion has been submitted to the Scottish Ministers by Jacobs UK (the agent) on behalf of RWE (the Applicant) in respect of the Heastabhal Wind Farm proposal (“the proposed Development”) located approximately 20 km south-west of Stornoway on the Isle of Lewis and Harris, in the local authority area of the Comhairle nan Eilean Siar (CnES).

The proposed development is anticipated to comprise up to 14 wind turbines with a tip height of up to 200 m and, possibly a battery storage system.

With regards to a request for a scoping opinion, the applicable legislation is [regulation 12 of the Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#), under which the Scottish Ministers are required to consult the specified statutory bodies (and other interested parties) as to their views on the information which ought to be provided in the Environmental Impact Assessment Report (“EIA Report”) which will be required to be undertaken for the proposed Development if

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an application for consent under section 36 of the Electricity Act 1989 is subsequently submitted.

The scoping report and associated documentation can be viewed online by:

- going to www.energyconsents.scot;
- clicking on the **Simple Search** tab; then,
- typing **Heastabhal** into the **Search by Project Name** box then clicking **GO**;
- then,
- clicking on **ECU00005011** and then clicking on **Documents** tab.

You might find the following information useful when providing your response:

- The proposed indicative turbine co-ordinates are noted at Table 2-1 at the top of Page 4 of the Scoping Report

For the Scottish Ministers to be able to issue a comprehensive scoping opinion, we ask that you review the scoping report and associated documentation and advise on the scope of the environmental impact assessment for this proposal. It would also be appreciated if you could answer any questions asked in the Scoping Report.

Please advise if there are any further matters you would like Ministers to highlight for consideration and inclusion in the assessment, particularly site-specific information. This can also include advice on the proposed assessment methodology and any other further guidance and/or relevant policy to be referred to during the EIA process which is not covered in the scoping report.

Where appropriate to your remit, please take notice of any ‘Questions for consultees’ mentioned in the Scoping Report.

If you have any queries about this please do not hesitate to contact me.

I would be grateful for your comments by: **7th February 2024**. Please note, reminder letters are not usually issued and consequently, if we have not received your comments, nor have we received any extension request by this date, we will assume that you have no comment to make.

Please send your response (in pdf format if possible) directly to me at: Tony.Young@gov.scot

Yours faithfully

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**Defence
Infrastructure
Organisation**

Teena Oulaghan
Safeguarding Manager
Ministry of Defence
Safeguarding Department
St George's House
DIO Headquarters
DMS Whittington
Lichfield
Staffordshire
WS14 9PY

Your Reference: ECU00005011

Telephone [MOD]: 07970 170934

Our Reference: DIO10061515

E-mail: teena.oulaghan100@mod.gov.uk

Tony Young
Energy Consents Unit
Scottish Government
4th Floor
5 Atlantic Quay
150 Broomielaw
G2 8LU

By email only

19 February 2024

Dear Tony,

Application reference: ECU00005011
Site Name: Heastabhal Wind Farm.
Proposal: Electricity Act 1989 The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Scoping Opinion Request - Heastabhal Wind Farm proposal.
Site address: Approximately 20 km south-west of Stornoway on the Isle of Lewis and Harris, in the local authority area of the Comhairle nan Eilean Siar (CnES).

Thank you for consulting the Ministry of Defence (MOD) in relation to the scoping through your communication dated 17 January 2024.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

I am writing to advise you that the MOD has concerns with the proposal.

The proposal concerns a development of 14 turbines with maximum blade tip heights of 200 metres above ground level. The proposed development has been assessed using the location data (Grid References) below provided in the developers EIA Scoping Report (Document no: B2462600_H_R_001_Scoping).

Turbine no.	Easting	Northing
1	121268	917522
2	122654	918723

3	121367	918732
4	123772	919581
5	123097	919595
6	122557	919900
7	122108	919105
8	123412	918672
9	124320	919080
10	124910	919843
11	119999	917874
12	121900	918149
13	120593	917596
14	120664	918529

The principal safeguarding concerns of the MOD with respect to this development of wind turbines relates to their potential to create a physical obstruction to air traffic movements.

Physical Obstruction

In this case the development falls within Low Flying Area 14 (LFA 14), an area within which fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area.

To address the impact up on low flying given the location and scale of the development, the MOD would require that conditions are added to any consent issued requiring that the development is fitted with aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction.

The development proposed includes wind turbine generators and/or meteorological mast(s) that exceed a height of 150m agl and are therefore subject to the lighting requirements set out in the Air Navigation Order 2016. In addition to CAA requirements, the MOD will require the submission, approval, and implementation of an aviation safety lighting specification that details the installation of MOD accredited aviation safety lighting.

Summary

The MOD has concerns with this proposal due to the potential impact to low flying aircraft operating in the development area.

The MOD must emphasise that the advice provided within this letter is in response to the information detailed in the developer's document titled "EIA Scoping Report (Document no: B2462600_H_R_001_Scoping)". Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further, please do not hesitate to contact me.

Further information about the effects of wind turbines on MOD interests can be obtained from the following websites:

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

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Yours sincerely

REDACTED

Teena Oulaghan
Safeguarding Manager

A34

From: [NATS Safeguarding](#)
To: [Econsents Admin](#); [Tony Young](#)
Subject: RE: Scoping Consultation - Heastabhal Wind Farm [SG36773]
Date: 24 January 2024 08:06:16
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Our Ref: SG36773

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

NATS

NATS Safeguarding

E: natssafeguarding@nats.co.uk

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



NATS Public

From: Tony.Young@gov.scot <Tony.Young@gov.scot> **On Behalf Of** Econsents_Admin@gov.scot
Sent: Wednesday, January 17, 2024 4:52 PM
To: Tony.Young@gov.scot
Subject: [EXTERNAL] Scoping Consultation - Heastabhal Wind Farm

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Dear Consultee

**THE ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2017**

SCOPING OPINION REQUEST– HEASTABHAL WIND FARM PROPOSAL

A request for a scoping opinion has been submitted to the Scottish Ministers by Jacobs UK (the agent) on behalf of RWE (the Applicant) in respect of the Heastabhal Wind Farm proposal (“the proposed Development”) located approximately 20 km south-west of Stornoway on the Isle of Lewis and Harris, in the local authority area of the Comhairle nan Eilean Siar (CnES).

The proposed development is anticipated to comprise up to 14 wind turbines with a tip height of up to 200 m and, possibly a battery storage system.

With regards to a request for a scoping opinion, the applicable legislation is [regulation 12 of the Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#), under which the Scottish Ministers are required to consult the specified statutory bodies (and other interested parties) as to their views on the information which ought to be provided in the Environmental Impact Assessment Report (“EIA Report”) which will be required to be undertaken for the proposed Development if an application for consent under section 36 of the Electricity Act 1989 is subsequently submitted.

The scoping report and associated documentation can be viewed online by:

- going to www.energyconsents.scot;
- clicking on the **Simple Search** tab; then,
- typing **Heastabhal** into the **Search by Project Name** box then clicking **GO**;
- then,
- clicking on **ECU00005011** and then clicking on **Documents** tab.

You might find the following information useful when providing your response:

- The proposed indicative turbine co-ordinates are noted at Table 2-1 at the top of Page 4 of the Scoping Report

For the Scottish Ministers to be able to issue a comprehensive scoping opinion, we ask that you review the scoping report and associated documentation and advise on the scope of the environmental impact assessment for this proposal. It would also be appreciated if you could answer any questions asked in the Scoping Report.

Please advise if there are any further matters you would like Ministers to highlight for consideration and inclusion in the assessment, particularly

site-specific information. This can also include advice on the proposed assessment methodology and any other further guidance and/or relevant policy to be referred to during the EIA process which is not covered in the scoping report.

Where appropriate to your remit, please take notice of any ‘Questions for consultees’ mentioned in the Scoping Report.

If you have any queries about this please do not hesitate to contact me.

I would be grateful for your comments by: **7th February 2024**. Please note, reminder letters are not usually issued and consequently, if we have not received your comments, nor have we received any extension request by this date, we will assume that you have no comment to make.

Please send your response (in pdf format if possible) directly to me at: Tony.Young@gov.scot

Yours faithfully

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3155567) or NATS Holdings Ltd (company number 4138218). All companies are registered in England and their registered office is at 4000 Parkway, Whiteley, Fareham, Hampshire, PO15 7FL.

Tony Young
Energy Consents Unit
Tony.Young@gov.scot

14 February 2024
Your ref: ECU00005011
Our ref: CEA173869

Dear Tony

S.36 APPLICATION FOR HEASTABHAL WINDFARM

SCOPING REQUEST

Thank you for giving NatureScot the opportunity to comment on the scoping report for the above proposed development, and for allowing us additional time to prepare our advice. I hope you will find the following comments helpful.

The Proposal

The scoping report proposes the construction of up to 14 wind turbines, of up to 200m to blade tip, and associated infrastructure within the outlined site in south-east Lewis, west of the village of Arivruaich.

Landscape and Visual Impacts

We would like to highlight the following key sensitivities for this proposed development that need to be considered through the LVIA, including design of the windfarm:

- Effects on the special qualities (SLQs) of the *South Lewis, Harris and North Uist* NSA, which lies 1km to the west at the nearest point.
- Effects on Wild Land Area (WLA) 30 Harris-Uig Hills, which it overlaps, and WLA 31 – Eishken, which lies in close proximity.
- The position of the windfarm in relation to the nearby settlements of Balallan and Arivruaich. It will be important that the windfarm does not seem to impinge upon these settlements when seen from key viewpoints within and approaching them.
- The cumulative impact with existing and consented windfarms within the wider area. The proposal will need to relate to these in character and location to avoid conflicts of design, including wind turbine size.

- Effects from important routes, especially the A859 and the Hebridean Way.

We consider that the list of selected viewpoints at Table 4-1 is largely appropriate and comprehensive. VP14 - Beinn Mholach is selected with walkers in mind as the receptor. However, this is a seldom-visited summit. An alternative would be either the high point of the A857 at the Tom Roisneabhat weather station, or the summit of Eitseal north of Achmore.

There are no viewpoints proposed for Arivruaich, even though it is the closest settlement to the development. This should be rectified, while perhaps moving VP6 further east in Balallan.

There are few viewpoints which will help to assess visual impacts in the WLA. We suggest having one on Loch Langavat, which is a better-used part of the WLA. One of the angling boat moorings such as NB22002205 or NB17931986 would be suitable locations.

There are two viewpoints proposed for Callanish; it may be better to relocate one of these to the Dun Carloway Broch.

We are content with the list of developments to be taken into account for cumulative impact assessment at Table 4-2.

Geology, Hydrogeology & Hydrology

NatureScot considers that the work proposed here is appropriate and fit for purpose. See comments below under 'Ecology' regarding peat.

Ecology

The scoping report describes the Langavat SAC as forming part of the north-west boundary of the proposed development, but it should be noted that it also overlaps the site. The scoping report should assess impacts on the SAC.

The scoping report notes that hedgehog, though a protected species at a UK level, is considered non-native to Lewis. The same applies to common frog and common toad. We are content that bats can be scoped out at this stage.

The developer is referred to our own online guidance relating to otters and windfarms which gives an indication of the level of survey we would expect to see. Note that, although most otter holts are close to water, they are not restricted to the riparian or coastal zone, and otters may excavate holes in the peat some distance from water.

Freshwater Pearl Mussel (FWPM) is also of high conservation value. The scoping report, while covering fish, doesn't mention FWPM. While we have no records from the proposed site, the developer should still undertake freshwater habitat assessment to inform any requirement for further survey effort aimed at detecting this species.

Any proposed compensation measures for residual impacts on peat must be sufficient to offset the impacts on the peatland habitat. Our guidance advises that there should be a 1:10 (loss : restoration) multiplier

applied for peatland. Furthermore, we recommend enhancement in the region of 10% of the baseline assessment of peatland within the site.

Ornithology

This is a key issue at this site, in view of the conservation importance of the species which may be affected, especially in regard to cumulative impacts. This section of the scoping report satisfactorily covers the relevant issues. We offer only the following particular comments:

We agree with the scope of breeding season, vantage point and focal watch surveys.

The EIA should assess impacts on the Lewis Peatlands SPA. We consider that impacts on the West Coast of the Outer Hebrides SPA can be scoped out.

Both golden and white-tailed eagles breed within and close to the proposed windfarm site. There is both seasonal variation and a general ongoing increase in white-tailed eagle activity and presence of roosts in the area. The final EIA should take account of any material changes in white-tailed eagle activity in the area since the data was collected.

Cumulative assessment is going to be a critical aspect of the EIA for this proposal, given that the consented developments in the NHZ are already predicting relatively high levels of impacts on this metric, particularly for golden eagle. Consideration should be given to how any NHZ-level population impact on this species could affect the Lewis Peatlands and North Harris Mountains Special Protection Areas (SPA). All the wind developments to be taken into account as part of the cumulative impact assessment are included in Table 4-2, with the exception of Loch Carnan in South Uist which isn't listed there.

Some recent wind farm applications within the white-tailed eagle core range are predicting collision risks of more than 1 bird per year. This represents a step change in the levels of predicted mortality that we have encountered to date, and we are concerned that this site also has potential to generate similar numbers given the high levels of flight activity we might expect.

In our 2016 research report modelling the future population growth and expansion of the white-tailed eagle <https://www.nature.scot/doc/naturescot-commissioned-report-898-population-and-future-range-modelling-reintroduced-scottish-white> a number of scenarios with additional mortality were modelled. These indicated that whilst the population would not go into decline, the growth rate of the population would be lower. As a reintroduced species, it is recovering its former range and that recovery will be slowed, as the majority of young birds to expand the population come from the core range.

The additional mortality scenarios modelled indicated that the population could be up to approximately 45% lower in 2040 than it may otherwise be without that additional mortality. The maximum levels of mortality modelled were 14 additional bird deaths/year and 2% of the population being killed per year. The national cumulative collision risk of white-tailed eagles, including the most recent applications, is currently approximately 11-12 birds/year (approximately half of this from the current Uisenis and Glen Ullinish 2 applications). This means that the growth rate and subsequent range recovery, may be significantly negatively impacted. Additionally, the species suffered significantly lowered breeding performance in 2022 as a likely result of avian influenza. It is unknown currently whether this is a one off or may continue, if it does continue then it will have implications for the modelling carried out as productivity will be lower than assumed.

We are currently undertaking work to understand the risks in more detail, to inform advice on future proposals. Given this situation, we advise that a national level cumulative collision risk assessment is required

for wind farm proposals such as this, where white-tailed eagle has been identified as a significant ornithological receptor.

Careful consideration will need to be given to the practicality and likelihood of success of any proposed mitigation measures.

Conclusion

We consider that there will be considerable challenges in accommodating 14 turbines of the scale proposed, given the likely high levels of occupancy and activity of sensitive bird species, and likely cumulative impact issues. The key impacts will be displacement and collision mortality for white-tailed eagle, golden eagle, red-throated diver and black-throated diver. Likewise, it will be important to demonstrate that there will be no adverse effect on the integrity of the Lewis Peatlands SPA and the Langavat SAC. Adequately minimising and coimpensating for impacts on peat is also challenging on a site such as this.

I hope you find these comments helpful. Please get back to me with any further queries.

Yours sincerely

Mark Macdonald

Operations Officer - West

mark.macdonald@nature.scot

North Lochs Community Council (NLCC) Response

1. General Comments from NLCC

This response relates to both: [Grimshader \(ECU00005010\)](#) and [Heastabhal \(ECU00005011\)](#)

We would like it to be acknowledged that the NLCC has considerable concerns regarding the scale, extent and proximity of the proposal as presented; however, we understand that at this stage we are being requested to respond only on the *scope of the EIA, not the merits of the proposal or potential impacts of the development*. The comments below are reflective of this.

Additionally, while it is a duty on Community Councils to *ascertain, co-ordinate and express the views of the community which it represents*, we wish it to be noted that this proposal is relatively unknown within the community at present and there has been no prior community-wide communication or engagement from the developer to-date. Given these factors, it should be acknowledged that the comments below are not representative of wider community views as we have not yet had the time, or opportunity, to ascertain them.

The NLCC are interested in understanding if any subsequent wind farm siting and design proposal will look to optimise walking routes and access tracks for local communities.

More details on the ancillary developments and potential battery storage facilities at the community consultation stage would be welcomed.

The use of a wind farm visualisation tool at future community consultation events that allows attendees to view the proposed development from home addresses and specific points would also be welcomed.

2. General Scoping Questions

Do consultees agree with the list of factors to be scoped out?

Could consultees confirm whether there any other receptors that consultees wish to be considered in the assessment?

Could consultees confirm whether there are any key issues or potential impacts that have been omitted?

Scoping Out Topics

- Given the proximity of Uig and Harris Hills Wild Land area to the Heastabhal development we would question the proposal to scope out a 'Wild Land Assessment'.
- The area is prone to surface water flooding and some of the turbines are located on a designated Drinking Water Protected Area so we would question the proposal to scope out 'Geology, Flood Risk and Water Quality Monitoring' from the EIA assessment. SEPA and Scottish Water can better advise on this subject.
- There are resident bats in the North Lochs area. Nature Scot can best advise on the appropriateness of scoping out a Bat assessment from the EIA.
- Given the scale and extent of the proposal we would like to see 'Major Accidents' and 'Human Health' scoped into the EIA Assessment. Hazards such as peat slides, extreme weather events, turbine collapse and on and off-site industrial accidents need to be considered, as well as the less tangible impacts the development could have on human health.

Receptors

In addition to the list of visual receptors included in the Scoping Report we would add:

- Communities of Benside/Newmarket/Newvalley/Sandwick/Melbost/Keose (for Grimshader WF)
- Communities of Lemreway, Gravir, Leurbost, Crossbost, Ranish, Grimshader, Keose (for Heastabhal WF)
- Coastal and Marine based tourism operators and recreational users (the area is popular for boat/yacht/kayak trips to Shiants and North/South Lochs for bird and whale/dolphin watching and sightseeing).

3. Planning and Energy Policy

(No specific questions in the Scoping Report)

We would also expect any forthcoming application related to this proposal to fully conform with the statutory Development Plan for our area, which includes the Outer Hebrides Local Development Plan and Wind Energy Supplementary Guidance, which has been publicly consulted on locally.

We would like it to be noted that the Scoping Report is erroneous on p.10 where it states that *'these documents are of limited relevance as they were prepared in line with the now revoked Scottish Planning Policy (SPP)'* as the Chief Planners letter on the Transitional Arrangements of NPF4 in February 2023 clearly states that *'Supplementary guidance associated with LDPs which was in force before 12 February (the date on which section 13 of the 2019 Act comes into force) will continue to be in force and be part of the development plan (1997 Act; paragraph 2 of schedule 1).'*

4. Landscape and Visual

Do consultees have any comments on the overall methodology proposed to assess effects on landscape and visual receptors?

Are there additional sources of information which should inform the baseline and assessment of potential effects on landscape/coastal/seascape character and designated landscapes?

We defer to the advice of Nature Scot and Comhairle nan Eilean Siar to comment on this subject.

5. Landscape and Visual

As the proposed development is not located within a WLA are consultees content with scoping out the assessment of effects on Wild Land?



Given the scale of the proposal and the extreme proximity of Wild Land Area 'Uig and Harris Hills' to both developments, but particularly Heastabhal, we would question the reasoning behind scoping out the effects of the proposal on Wild Land but would look to the expertise of NatureScot and Comhairle nan Eilean Siar on this subject.

6. Landscape and Visual

Could consultees confirm they are content with the 45km initial study area proposed for the LVIA?

We defer to the advice of Nature Scot and Comhairle nan Eilean Siar on this subject.

7. Landscape and Visual

Do consultees have any comments/suggestions on the proposed list of representative viewpoint locations listed in Table 4-1 and shown on Figure 4?

We feel that *all* villages in North Lochs, Kinloch and South Lochs, where the proposal will be visible from, should have a representative viewpoint in the EIA. The viewpoints should represent the locations where visual impacts will be greatest within the locality, this applies to cumulative visual impact also.

The NLCC would like the opportunity to respond further on this subject, once the Developer has undertaken its statutory pre-application community consultation, and we have had an opportunity to ascertain wider community views.

8. Landscape and Visual

Do consultees have any comments on the proposed scope of the RVAA?

RVAA's should be conducted for all properties within, or near, the boundary of 2km from the turbines (not just 1.5km-2km as stated, as some properties fall within 1.5km). Additionally, any properties, or croft-based businesses, with significant potential cumulative impacts out-with the 2km boundary should be considered for RVAA.

9. Landscape and Visual

Do consultees have any comments on which viewpoints should be used to represent dusk/night-time views?

We defer to the advice of Nature Scot and Comhairle nan Eilean Siar on this subject but would add that the viewpoints should represent the points where visual impacts will be greatest within the locality, this applies to cumulative visual impact also.

10. Landscape and Visual

Do consultees have any suggestions on routes to be included for sequential route assessment?

We would suggest:

- Along the main Lochs Road A859 – both in the direction of Stornoway and Tarbert for both developments.
- From the end of both Grimshader and Ranish village roads travelling towards the B897 to join the A859.
- From the villages of South Lochs towards Ballalan and South to Tarbert and North to Stornoway.
- From Callanish through Achmore along the A858 towards Leurbost.
- The Pentland Road and Hebridean Way.
- The Arnish Road.
- The roads and paths of the Lews Castle Grounds.
- The ferry routes.

11. Landscape and Visual

Do consultees have any comments on the overall methodology proposed to assess cumulative effects on landscape and visual receptors?

Could consultees confirm they are happy with the 60km initial search area proposed for the CLVIA? RWE Grimshader Wind Farm EIA Scoping Report?

We defer to the advice of Nature Scot and Comhairle nan Eilean Siar on this subject but would add that any viewpoints should represent the points where visual impacts will be greatest within the locality, this applies to cumulative visual impact also.

12. Landscape and Visual

Are there any further wind farms or other developments, existing or within the planning system, in addition to those shown in Table 4-2, that should be included in the CLVIA?

We would ask that each of the proposed developments (Grimshader and Heastabhal) are considered against each other in the CLVIA, as they have been omitted in the respective Scoping Reports.

13. Landscape and Visual

Which viewpoints do consultees feel should be included within the CLVIA?

We feel that *all* villages in North Lochs, Kinloch and South Lochs, where the proposal will be visible from, should have a representative viewpoint in the CLVIA. The viewpoints should represent the points where visual impacts will be greatest within the locality.

The NLCC would like the opportunity to respond further on this subject, once the Developer has undertaken its statutory pre-application community consultation, and we have had an opportunity to ascertain wider community views.

14. Geology, Hydrogeology and Hydrology

Published mapping confirms that most of the proposed development area is not identified as being at flood risk. Therefore, it is proposed that a simple screening of potential flooding sources (fluvial, coastal, pluvial, groundwater etc.) is presented in the EIAR. Is this approach acceptable to consultees?

It is not proposed to prepare a detailed drainage design. Rather, measures that would be used to control the rate and quality of runoff will be specified in the EIAR. Is this approach acceptable to consultees?

Site investigations, including detailed peat probing and private water survey, will be undertaken as part of the proposed assessment. Should additional investigation or data sources be considered when assessing baseline conditions?

It is not proposed to undertake any water quality sampling, groundwater monitoring points, surface water monitoring points or leachability trials of any rock as there is published data that can be used to characterise baseline conditions. Is this approach acceptable to consultees?

Could consultees advise if there are any records of private water supplies held within the study area?

Could consultees advise if there is any specific information or methodology that should be used/followed as part of the private water supply risk assessment?

We defer to the advice of Nature Scot, SEPA, Scottish Water and Comhairle nan Eilean Siar on this subject

15. Ornithology

Do consultees agree that the proposed scope and methods with respect to surveys and the assessment is appropriate?

Could NatureScot provide an up-to-date list of those wind farm developments within the Coll, Tiree and the Western Isles NHZ which should be considered within the cumulative assessment?

Are consultees aware of any other sources of information, or other organisations that should be consulted, to further inform the ornithological assessment?

We defer to the advice of NatureScot and other relevant consultees on this subject.

16. Ecology

Do consultees agree that the proposed scope and methods with respect to surveys and the assessment is appropriate?

Are consultees aware of any other sources of information, or other organisations that should be consulted, to further inform the ecological assessment?

Do consultees agree that bats can be scoped out of the EIA?

We defer to the advice of NatureScot and other relevant consultees on this subject but would note that there are resident bats in the North Lochs area.

17. Noise

Is the proposed methodology for the noise assessment agreeable to the consultees?

Should the consultation include any other relevant consultees?

We defer to the advice of Comhairle nan Eilean Siar and other relevant consultees on this subject.

18. Access

Could consultees confirm the suitability of the proposed development access locations?

Could consultees confirm the suitability of the proposed study area (A859 – between the proposed development and Stornoway, and the Arnish Road)?

Could CnES confirm agreement to commission traffic surveys along the delivery route should appropriate existing traffic data not be available from CnES?

Could consultees confirm that operational traffic is negligible (e.g., occasional routine maintenance) and can therefore be scoped out of the EIA?

Could consultees confirm the committed developments to be taken into account within the cumulative assessment?

NLCC are unable to comment at this stage on the suitability of the proposed access points as they have not been identified sufficiently in the Scoping Reports:

- *Grimshader: (p.g. 36) "Access to the proposed development will be from the A859 in the west, which links with the A857 and A858 to the north of Stornoway and potentially also from the B897 to access the northern and eastern extents. Construction traffic associated with the development would generally approach from Stornoway and Arnish to the north."*
- *Heastabhal (p.g. 36) "Access to the proposed development will be taken from the A859. Construction traffic associated with the development will generally approach from Stornoway and Arnish to the north."*

The study area should include the B897 (North Lochs backroad) and the Hebridean Way.

We believe that operational traffic should be scoped into the EIA as any heavy vehicle movement can impact the road surface of smaller B-class village roads.

19. Cultural Heritage

Are consultees content with the proposed approach?

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Are there any specific heritage assets consultees wish to see included in the assessment?

We defer to the advice of Comhairle nan Eilean Siar Archaeology Service, Historic Scotland and other relevant consultees on this subject.

20. Climate Change

Could consultees confirm the suitability of the proposed methodology?

We defer to the advice of other relevant consultees on this subject.

21. Socio Economics

Do consultees agree with the proposed methodology?

Do consultees agree with the potential impacts that have been highlighted?

We defer to the advice of Comhairle nan Eilean Siar and other relevant consultees on this subject.

We would add that marine tourism operators, tourism / accommodation providers and hill/bird watchers should be fully considered.

The impacts on the Hebridean Way and local walking routes should be fully considered.

The NLCC are interested in understanding if any subsequent wind farm siting and design proposal will look to optimise walking routes and access tracks for local communities.

From: [Spectrum Licensing](#)
To: [Tony Young](#)
Subject: RE: FW: EXTERNAL:Scoping Consultation - Heastabhal Wind Farm
Date: 19 January 2024 08:58:14



Dear Sir / Madam,

Thank you for contacting us.

Please note that Ofcom no longer provides a dedicated windfarm co-ordination facility.

Instead, stakeholders can now access Ofcom licence information via the Ofcom Spectrum Information System (SIS).

The SIS includes licence data for UK fixed links that are assigned and co-ordinated by Ofcom.

When using the SIS it should be noted that, there are a number of frequency bands that are now authorised on a block basis i.e. these bands are managed and assigned by the licensees themselves and the individual link information for these bands (where a band is being used for fixed links) is not held in Ofcom's licensing and assignment database nor published on the SIS. Our website has further information on these bands and the licensees details.

In addition Scanning Telemetry links, used by the utilities and other services (operating in the bands 457.5 – 458.5 MHz & 463 – 464 MHz), are managed externally by Atkins Limited and the Joint Radio Company (JRC), who can be contacted as follows:

Atkins Limited
200 Broomielaw
Glasgow
G1 4RU
Email: windfarms@atkinsglobal.com

JRC (Joint Radio Company)
Friars House
Manor House Drive
Coventry
CV1 2TE
Email : windfarms@jrc.co.uk
Website: www.jrc.co.uk/what-we-do/wind-farms

Please contact us if you need any further assistance.

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Yours sincerely,

Ofcom Spectrum Licensing
Spectrum.licensing@ofcom.org.uk

ref:!00D580H42o.!5004I01cqYUL:ref

From: [Paul Hopper](#)
To: [Tony Young](#)
Cc: [Richard Davies](#); [Jason Laing](#)
Subject: RE: Scoping Consultation - Heastabhal Wind Farm
Date: 05 February 2024 17:01:38
Attachments: [image002.png](#)

Dear Tony,

Thank you for consulting with the Outer Hebrides Fisheries Trust regarding the Heastabhal Wind Farm. It is inconceivable to OHFT that this site be selected for such a project but in keeping with the consultation we would like to draw your attention to the following. The majority of freshwater habitat with the site contains Atlantic salmon, this includes Loch Moglabhat, Loch Strannabhat, Allt Gil Oscaro, Allt Os a'Faoph and the upper tributaries of the Tiorsdam system (main river out with site boundary). As the scoping report highlights the Langavat Special Area of Conservation (SAC) forms part of the Western boundary and is designated for Atlantic salmon. Atlantic salmon have been reclassified by the [IUCN Red List](#) as an 'Endangered' species and OHFT would expect any future EIA to take full consideration of this and the Langavat SAC designation.

Kind regards, Paul

Paul Hopper | Senior Biologist
Outer Hebrides Fisheries Trust | The Sawmill | Marybank | Isle of Lewis | HS2 0DD
-
[E: biologist@ohft.org.uk](mailto:biologist@ohft.org.uk) T: 01851 703419
www.outerhebridesfisheriestrust.org.uk 

From: Tony.Young@gov.scot <Tony.Young@gov.scot> **On Behalf Of** Econsents_Admin@gov.scot
Sent: Wednesday, January 17, 2024 4:52 PM
To: Tony.Young@gov.scot
Subject: Scoping Consultation - Heastabhal Wind Farm

Dear Consultee

**THE ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2017**

SCOPING OPINION REQUEST– HEASTABHAL WIND FARM PROPOSAL

A request for a scoping opinion has been submitted to the Scottish Ministers by Jacobs UK (the agent) on behalf of RWE (the Applicant) in respect of the Heastabhal Wind Farm proposal (“the proposed Development”) located approximately 20 km south-west of Stornoway on the Isle of Lewis and Harris, in the local authority area of the Comhairle nan Eilean Siar (CnES).

The proposed development is anticipated to comprise up to 14 wind turbines with

a tip height of up to 200 m and, possibly a battery storage system.

With regards to a request for a scoping opinion, the applicable legislation is [regulation 12 of the Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#), under which the Scottish Ministers are required to consult the specified statutory bodies (and other interested parties) as to their views on the information which ought to be provided in the Environmental Impact Assessment Report (“EIA Report”) which will be required to be undertaken for the proposed Development if an application for consent under section 36 of the Electricity Act 1989 is subsequently submitted.

The scoping report and associated documentation can be viewed online by:

- going to www.energyconsents.scot;
- clicking on the **Simple Search** tab; then,
- typing **Heastabhal** into the **Search by Project Name** box then clicking **GO**; then,
- clicking on **ECU00005011** and then clicking on **Documents** tab.

You might find the following information useful when providing your response:

- The proposed indicative turbine co-ordinates are noted at Table 2-1 at the top of Page 4 of the Scoping Report

For the Scottish Ministers to be able to issue a comprehensive scoping opinion, we ask that you review the scoping report and associated documentation and advise on the scope of the environmental impact assessment for this proposal. It would also be appreciated if you could answer any questions asked in the Scoping Report.

Please advise if there are any further matters you would like Ministers to highlight for consideration and inclusion in the assessment, particularly site-specific information. This can also include advice on the proposed assessment methodology and any other further guidance and/or relevant policy to be referred to during the EIA process which is not covered in the scoping report.

Where appropriate to your remit, please take notice of any ‘Questions for consultees’ mentioned in the Scoping Report.

If you have any queries about this please do not hesitate to contact me.

I would be grateful for your comments by: **7th February 2024**. Please note, reminder letters are not usually issued and consequently, if we have not received your comments, nor have we received any extension request by this date, we will assume that you have no comment to make.

Please send your response (in pdf format if possible) directly to me at: Tony.Young@gov.scot

Yours faithfully

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

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Tony Young
Energy Consents Unit
The Scottish Government
Email: tony.young@gov.scot



Date: 7th March 2024

Dear Tony,

Re: SCOPING OPINION REQUEST– HEASTABHAL WIND FARM PROPOSAL

Thank you for consulting RSPB Scotland on the above EIA scoping opinion request. RSPB Scotland is supportive of renewable energy, but wind farms must be carefully sited to avoid adverse effects on protected sites for nature and species of the highest conservation importance.

The Isles of Lewis and Harris have a high-density population of Golden and White-tailed Eagles, and we are becoming increasingly concerned about the impacts of wind development on these species through displacement from favoured feeding and breeding areas as well as collision risk.

In addition, Hen Harriers have recently naturally colonised Lewis with up to 15 pairs now breeding on the island¹. Heastabhal, which may be located on an important area for wintering Hen Harriers, along with consented wind farms such as Stornoway, is likely to have a significant impact on this new population of rare breeding birds. Indeed, we objected to the Stornoway wind farm proposal due to the significant impact it is likely to have on this recently established Hen Harrier population on Lewis.

We hope that our comments presented below will be useful to the applicant in preparing any EIA Report.

Designated Sites and Birds of Conservation Concern

The proposed development site is located on the Isles of Lewis and Harris. We are very concerned to note that a significant part of the northern part of the red line site boundary overlaps the Lewis Peatlands Special Protection Area (SPA) and Ramsar site. The proposed site adjoins Langavat Special Protection Area (SAC) (designated for Atlantic Salmon). The Site is also approximately 500m from the Lewis Peatlands SAC, less than 750m from Loch nan Eilean Valley Bog SSSI and approximately 7km from North Harris Mountains SPA. This highlights how sensitive the area is for wildlife and careful consideration needs to be given to whether this is an appropriate location for a windfarm.

RSPB North Scotland
Inverness Office
Etive House, Beechwood Park
Inverness
IV2 3BW

Tel: 01463 715000
Facebook: @RSPBScotland
Twitter: @RSPBScotland
rspb.org.uk/Scotland



The RSPB is part of Birdlife International, a partnership of conservation organisations working to give nature a home around the world.

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A number of the qualifying species of these sites are likely to be affected by the proposal due to their use of the proposed Application site and surrounding area.

Therefore, there will be likely significant effects on the qualifying interests of one or more European sites, from the proposed wind farm alone and in combination with other projects. Consequently, the determining authority is required by the Conservation of Habitats and Species Regulations 2017 to undertake an Appropriate Assessment of the effects of the proposal on the European Sites and their qualifying species in light of the sites' conservation objectives. The EIA Report must include sufficient information to inform the Appropriate Assessment. If the potential impacts of the proposal cannot be sufficiently mitigated and there could be adverse impacts on the integrity of these sites, then it is unlikely that the determining authority would be able to grant consent in accordance with the Habitat Regulations requirements.

This area is important for both Golden Eagle and White-tailed Eagle. We note that table 4-4 'Key Findings from Ornithological Surveys', in the scoping report shows that both species nest within the survey buffer. Data from the Highland Raptor Study Group suggesting that "A total of three white-tailed and four golden eagle territories fall within 6km of the proposed development".

As well as Eagles, breeding Schedule 1 Merlin and Red-throated Diver nest within the proposed development area. Other important breeding bird species that are red-listed (Lapwing, Dunlin and Curlew) or amber-listed (Snipe, Greenshank, Common Sandpiper and Oystercatcher) Birds of Conservation Concern¹ were also recorded in the survey buffers and could be affected by the development.

The Western Isles are a stronghold for breeding Corncrakes. Corncrake numbers on Lewis have dropped and then stabilised over the last 20 years and there has been range contraction to the north and west of the Isle of Lewis. RSPB Scotland holds annual records of Corncrake in close proximity to the site boundary Scotland. However, we note that no surveys for this species were undertaken to inform this development.

Survey Methodology

The scoping exercise should help inform survey design. It is therefore disappointing to note that two years of baseline field surveys have already been completed prior to this exercise between September 2021 and August 2023.

It is concerning that no eagle or raptor winter roost surveys appear to have been undertaken as they are not listed in Section 4.4.1, however Section 4.4.3 states that there will be a 500m study area for wintering raptors included in the assessment. Since wintering Hen Harrier can be disturbed up to 750m from roost sites² and

¹ Birds of Conservation Concern 5: https://britishbirds.co.uk/sites/default/files/BB_Dec21-BoCC5-IUCN2.pdf

² <https://www.nature.scot/doc/disturbance-distances-selected-scottish-bird-species-naturescot-guidance>

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NatureScot guidance³ recommends roost sites within 2km are identified, a larger buffer should be used. Winter roost surveys, including both eagle species should be undertaken within 2km of the site boundary.

It also would have been prudent to include Corncrake in the suite of surveys undertaken. However, in lieu of this, Corncrake (and other species) data can be requested from RSPB Scotland: dataunit@rspb.org.uk.

We recommend that information is provided within the EIA report to demonstrate that the survey data are adequate, robust and accurate, including:

- Full information on the VP work undertaken, including dates, times and weather conditions for each.
- Maps showing VP locations that also denote viewsheds and turbine locations.
- Maps showing diver, wader and raptor breeding, foraging and roosting areas, and commuting routes.
- Worked example(s) of collision risk calculations.
- Provision of raw data for independent verification of collision risk calculations.

Assessment of impacts on birds

Disturbance, displacement, loss of suitable habitat (breeding, wintering and foraging) and collision risk should be assessed for all scoped-in species. This should not only include impacts from the wind turbines but also new tracks and infrastructure as well as any existing road widening or upgrades.

The potential barrier effects of this proposal should also be addressed in the EIA, particularly with regards to both eagle species, divers, swans and geese. The EIAR should publish results of the focal breeding diver surveys to highlight the most frequent routes taken to/from the sea.

The EIA should consider all the components of the proposal including turbines, battery compounds, borrow pits, access roads, on site tracks, drainage, substation and temporary construction buildings/storage compounds. It should also include the any proposed Battery Energy Storage System (BESS) if being taken forward. Impacts of all phases of the project including site selection, design, construction, operation and maintenance should be included in the assessment.

We also make the following recommendations:

- We strongly suggest that Corncrake is scoped into the assessment, as it is possible the birds could commute through the proposal site as they migrate and commute at night.
- We note decommissioning has been scoped out of the assessment as the future baseline and regulatory context is difficult to predict. Although we acknowledge that a detailed Decommissioning and Restoration Plan will be agreed with CnES and other relevant regulatory authorities in line with the

³ SNH 2017: <https://www.nature.scot/sites/default/files/2018-06/Guidance%20Note%20-%20Recommended%20bird%20survey%20methods%20to%20inform%20impact%20assessment%20of%20onshore%20windfarms.pdf>

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requirements at the time, the EIA should scope in the decommissioning stage to fully appraise the potential impacts of the development.

- We understand that the grid connection will be subject to separate application. The likely cumulative impacts of this proposed element in addition to the wind farm proposal should be considered in the EIA as it is such an important element that will be necessary for the operation of the wind farm, and also because eagle collisions with overhead lines have been recorded numerous times in the Western Isles (discussed further below).
- We welcome that a Golden Eagle Topographical (GET) model will be used, however, this should not take precedence over observational data, particularly of breeding birds as the GET model is used to predict landscape use by dispersing and non-breeding Golden Eagles. However, we recommend that this can be useful in informing turbine layout to avoid the most suitable terrain for Golden Eagle, with the caveat that in island situations, Golden Eagles are known to nest at and use all altitudes.

However, no such models exist for White-tailed Eagles, and we are aware that this species is susceptible to collision with turbines. We are aware of at least three collision incidents in Scotland of White-tailed Eagles that have had injuries believed to be from turbine blades, one of which was at a wind farm on Lewis in 2020⁴. We are concerned that this proposal could obstruct routes between known breeding, roosting and foraging areas. A robust assessment of impacts on this species is therefore required.

Lastly, if significant impacts are predicted, then population models are likely to be required and we ask that these should be produced to provide Counterfactual of Population Size (CPS) outputs.

Cumulative Impacts on Birds

We are very concerned about the cumulative impacts of energy-related development on eagles and the suite of SPAs in the Western Isles. Significant collision mortality of eagles with wind turbines is predicted by windfarm EIAs in the Outer Hebrides, which could have population level effects (size of the population or rate of growth). In addition to the wind farms themselves, overhead lines pose additional risk in terms of collisions and electrocutions.

Cumulative impacts on the species and their populations that are particularly sensitive to wind energy developments in this area (via disturbance, displacement, collision risk and barrier effects) should be assessed across NHZ3 (Coll, Tìree and the Western Isles), and the Lewis Peatlands SPA for Golden Eagle. However, for White-tailed Eagle, we recommend that a cumulative assessment on the national population level will also be required. NatureScot requested this for the Uisenis wind farm in their letter dated 7th February 2024, as cumulative levels of collision risk for this species have reached a concerning level on the national scale.

The cumulative and in-combination assessment should take account of all existing and proposed wind energy schemes that could impact on the NHZ3 bird populations in question and the Lewis Peatlands SPA Golden Eagle population. The assessment should include all operational, consented and in-planning wind farm proposals in the

⁴ <https://www.bbc.co.uk/news/uk-scotland-highlands-islands-53834965>

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NHZ as well as all the associated grid connections and transmission projects e.g., the Harris to Stornoway overhead line replacement.

There is evidence that the existing electricity distribution network on Harris and Lewis is causing considerable mortality in Golden Eagles and existing (baseline) conditions carry a significant bird strike risk to protected species, including SPA birds. Six eagle carcasses (five immature Golden Eagles and one immature White-tailed Eagle) found under powerlines on Lewis have been reported to the RSPB Scotland local staff since 2012. All of these cases were then verified as collision and electrocution fatalities. With several hundred kilometres of overhead transmission and distribution lines on Lewis and Harris, many overhead lines run along routes that people rarely walk and there is no requirement to report fatalities. Therefore, it is likely that the number of reports received represent only a proportion of the total number of eagles killed or injured in collisions with overhead lines in this region.

Approach to Design and Mitigation

NatureScot disturbance distances⁵ should be used to guide decisions and suitable habitat for species likely to be affected should be avoided. Any turbines not covered by a vantage point viewshed by 500m should be removed. However, it will also be essential to consider 'line-of-sight' impacts on any eagle nests of both species as they are sensitive to new human objects in the landscape.

GET model and survey results should be used to help ensure that the final design of the wind farm avoids the areas within the site that are likely to be of highest value to Golden Eagles, and survey results used to avoid the best raptor foraging and roosting areas. The turbine layout should be designed to ensure waterbodies are not surrounded by turbines completely so as to avoid blocking diver commuting routes to the sea.

Although Golden Eagle collisions with wind turbines are rare (in part this may be due to carefully sited windfarms avoiding high density populations), presumed victims of collision have been found in Scotland. NatureScot should be able to advise the applicant further on reported numbers.

As discussed above, White-tailed Eagles are also susceptible to collision and there have been a number of mitigation methods trialled to reduce collision risk that might be suitable at this site. For example, painting a blade black⁶ or radar detection of birds to automatically switch off turbines. It may be appropriate to consider such mitigation for this site.

Peatland Assessment

The NatureScot Carbon and Peatland Map 2016, identifies the site as mainly Class 1 and Class 2: Nationally important carbon-rich soils, deep peat and priority peatland habitat / areas likely/ potentially to be of high conservation value.

Policy 5 of NPF4 seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. Policy 4 of NPF4 seeks to protect, restore

⁵ <https://www.nature.scot/doc/disturbance-distances-selected-scottish-bird-species-naturescot-guidance>

⁶ May R, Nygård T, Falkdalen U, Åström J, Hamre Ø, Stokke BG. Paint it black: Efficacy of increased wind-turbine rotor blade visibility to reduce avian fatalities. *Ecol Evol.* 2020;10:8927–8935. <https://doi.org/10.1002/ece3.6592>

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and enhance natural assets, including protected sites, and states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

Results of the site-wide habitat and peat-depth survey should inform the final infrastructure design and ensure it avoids deep peat (over 50cm deep) and any sensitive Annex 1 habitats, including a suitable buffer to include any adjacent drying effects.

Where it is proposed that tracks should cross peatland areas, an appropriate track design and construction methods should be planned. We welcome the preparation of a peat management plan (PMP) that is informed by peat depth probing, and by a full site appraisal of potential re-use opportunities, including information regarding the plans for excavated peat storage.

We would also like to see information contained within the EIAR with regards to how oil leaks from operational turbines will be dealt with as we understand this is a common issue.

If the overall predicted impacts of the proposal were shown to be acceptable, potential for the restoration of suitable area of blanket bog as part of the applicant's enhancement proposals should be explored and presented in the EIAR.

New NatureScot guidance⁷ is now available on development on peatland and outlines recommendations for compensation and enhancement in line with Policy 3 of NPF4. This should be taken account in relation to any proposed mitigation and compensation proposals and in terms of the Biodiversity Enhancement Management Plan, as discussed below.

Post-construction monitoring and Habitat Management Plan (HMP)

We believe that development should leave nature in a better state than before it took place and welcome NPF4's commitment to deliver positive effects for biodiversity through development.

Policy 1 of NPF4 states that 'when considering all development proposals significant weight will be given to the global climate and **nature crises**' (emphasis added). Policy 3 states that,

'Development proposals for national or major development or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention'.

It goes on to list a number of criteria which applicants must demonstrate they have met, including 'significant biodiversity enhancements are provided, **in addition to** (emphasis added) any proposed mitigation'. Scottish Government planning guidance on biodiversity, which focuses on the implementation of Policy 3 for EIA and major

⁷ NatureScot (2023) Advising on peatland, carbon-rich soils and priority peatland habitats in development management <https://www.nature.scot/doc/advising-peatland-carbon-rich-soils-and-priority-peatland-habitats-development-management#Enhancement>

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development was published in November 2023⁸. Despite the fact that the document is labelled 'Draft Planning Guidance', it is the up-to-date expression of the Government's position on the implementation of Policy 3. The term 'draft' does not indicate a consultation document but is understood to reflect that it is "a 'living document'... that will be updated as practice beds in" (paragraph 5.1). The document should therefore be given significant material weight.

The Applicant should give early consideration to how positive effects for biodiversity would be delivered. In section 3.1.3 mitigation and enhancement are stated, but not compensation. The mitigation hierarchy must be followed, and any mitigation, compensation and enhancement measures must be clearly and separately identified within the EIA and other accompanying documents. It is RSPB Scotland's current view that biodiversity enhancement measures should not be delivered on designated sites for nature, apart from in a small number of exceptional circumstances, and enhancement measures must be truly additional.

In relation to peatland, recent NatureScot guidance⁵ states 'that restoration to achieve offsetting (i.e. compensation rather than biodiversity enhancement) would be in the order of 1:10 (lost:restored)' plus 'an additional 10% of the baseline assessment of the extent of priority peatland habitat for biodiversity enhancement'.

As much detail as possible should be provided in a HMP prior to consent in order that the benefits be fully considered alongside the application. In addition to the production of a HMP, which must include an indication of size of any areas to be restored, appropriate Species Protection Plans (SPPs) and a Deer Management Plan (DMP) should be drafted.

The HMP must include a comprehensive monitoring programme for any habitat improvements, migrating and breeding birds on the site and future use of the site by breeding raptors, divers and waders. Remote sensing using radar or infra-red cameras should be considered, to help inform future development and decision making within the industry.

Lastly, the HMP (or other document) should include a protocol for reporting collisions to NatureScot.

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

Yours sincerely,

REDACTED

Anna Jemmett

Conservation Officer
Anna.jemmett@rspb.org.uk

⁸ [Scottish Government \(2023\) Biodiversity: Draft Planning Guidance](#)

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Scottish
Forestry
Coilltearachd
na h-Alba

Glèidhteachais a | **Highland and Islands**
Gàidhealtachd's nan | **Conservancy**
Eilean | "Woodlands"
"Fearann – coilleach" | Fodderty Way
Rathad Fodderty | Dingwall
Inbhir Pheofharain | IV15 9XB

highland.cons@forestry.gov.scot
Tel: 0300 067 6950

Conservator
Neach Dion Arainneachd
Neil Murray

19 January 2024

Tony Young
SG Energy Consents Unit

by email: Tony.Young@gov.scot

Dear Tony

**THE ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)(SCOTLAND)
REGULATIONS 2017**

**REQUEST FOR SCOPING OPINION FOR PROPOSED HEASTABHAL WIND FARM
PROPOSAL**

Thank you for consulting Scottish Forestry on the Scoping Report for the proposed Heastabhal Wind Farm proposal (proposed development). Scottish Forestry is the Scottish Government agency responsible for policy, support and regulation of the forestry sector in Scotland. As such we comment on the potential impact of development proposals on forests and woodlands.

Conclusion

As the scoping report identifies that there are no woodland or stands of trees within the proposed development boundary we have no comments to make on this application.

Yours sincerely

Martin MacKinnon
Senior Operations Manager

Highland and Islands Conservancy



Scottish Government
Riaghaltas na h-Alba
gov.scot

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

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

BRAVE values and behaviours are the roots that underpin our work.



Tuesday, 23 January 2024



Local Planner
Energy Consents Unit
5 Atlantic Quay
Glasgow
G2 8LU

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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Heastabhal Wind Farm, Arivruach, Isle of Lewis, HS2 9LE
Planning Ref: ECU00005011
Our Ref: DSCAS-0102073-QDH

Proposal: Heastabhal Wind Farm is located on the Isle of Lewis on land to the south-west of Stornoway, within the Comhairle nan Eilean Siar local authority area. RWE (the Applicant) proposes to develop a wind farm consisting of up to 14 wind turbine generators of 200m height to tip, resulting in a total site capacity greater than 50 Megawatts.

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Tony Young
Planning Department
ECU

By email only to: Econsents_Admin@gov.scot

Our Ref: PCS-20000114

Your Ref: ECU00005011

SEPA Email Contact:
planning.north@sepa.org.uk

2 February 2024

Dear Tony Young

Electricity Act 1989 - Section 36

ECU00005011

Heastabhal Wind Farm - Comprise up to 14 wind turbines with a tip height of up to 200 m and, possibly a battery storage system

Located approximately 20 km south-west of Stornoway on the Isle of Lewis and Harris, in the local authority area of the Comhairle nan Eilean Siar (CnES)

Thank you for consulting SEPA for an Environmental Impact Assessment (EIA) scoping opinion in relation to the above development on 17 January 2024. We welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter and would especially welcome further pre-application engagement once initial peat probing and habitat survey work has been completed and the layout developed further as a result.

National Planning Framework 4 (NPF4) has recently been published. The guidance referenced in this response is being reviewed and updated to reflect the new policies. It will still provide useful and relevant information, but some parts may be updated further in the future.

Advice for the determining authority



Chair
Lisa Tennant

CEO
Nicole Paterson

Angus Smith Building
6 Parklands Avenue
Eurocentral
Holytown
North Lanarkshire
ML1 4WQ

Tel: 03000 99 66 99
www.sepa.org.uk

To **avoid delay and potential objection** the EIA submission must contain a scaled plan of sensitivities, for example peat, GWDTE, proximity to watercourses, overlain with proposed development. This is necessary to ensure the EIA process has informed the layout of the development to firstly avoid, and then reduce then mitigate significant impacts on the environment. We consider that the issues covered in Appendix 1 below must be addressed to our satisfaction in the EIA process. This provides details on our information requirements and the form in which they must be submitted.

We have also provided site specific comments in the following section which gives preapplication advice and can help the developer focus the scope of the assessment. In this case it also addresses specific consultee questions outlined in the scoping report.

1. Site specific comments

- 1.1 The design of any large scale watercourse crossings may require an assessment of flood risk but apart from that we are content with the proposal to scope out flood risk.
- 1.2 As long as the 50 m buffer to watercourses is adhered to throughout the design then we do not require information to be provided on detailed drainage.
- 1.3 Enough peat probing needs to be collected to fully inform the layout. Additional probing work should be carried out in locations where peat depth is variable so that a clear picture can be gained of where deeper peat is located. A cross-hair approach to probing infrastructure may not provide the information necessary to determine the final location of individual elements of the scheme, a grid approach may be more helpful. As some initial layout work has been completed before any probing has been carried out we suggest that the initial probing works concentrates on gathering information on the general areas where development is proposed, including some more detailed work in the vicinity of the proposed turbines.
- 1.4 We highlight the need to make as much use as possible of existing site infrastructure such as existing tracks (although we note that there seems to be very little existing access onto this area). New tracks should be minimised. If constructed concurrently or sequentially with the Grimshader scheme there may be opportunities for joint off-site services at previously used sites in the Baile Ailein area; locating some shared parking, works accommodation

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and offices off site could reduce the scale of impact on peatland.

- 1.5 We note that the site is a mixture of Class 1 and 2 Peatland and therefore emphasis the need to carry out a peat condition survey and demonstrate how near natural habitat has been avoided. The survey can also be used to identify areas in need of peatland restoration, the details of which should be outlined in a draft Habitat Management Plan, or similar. We expect the application to include significant peatland restoration proposals.
- 1.6 Our scoping advice does not specifically request baseline water monitoring.
- 1.7 The developer can use our “contact us” page from www.sepa.org.uk/environment/environmental-data/ to request information on abstractions that we have authorised in this area under the Water Environment (Controlled Activities) Regulations. They should see 4 of the attached appendix for advice we have on assessing impacts on existing groundwater abstractions, which could include private water supplies.

2. Regulatory advice for the applicant

- 2.1 Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: AHSH@sepa.org.uk

If you have queries relating to this letter, please contact us at the email at the top of the letter including our reference number in the email subject.

Regards

Susan Haslam
Senior Planning Officer
Planning Service

Ecopy: Tony.Young@gov.scot; douglas.dyche@jacobs.com

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

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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 - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).

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Appendix 1: Detailed scoping requirements

This appendix sets out our minimum information requirements and we would welcome receipt and discussion around these prior to formal submission to avoid delays. There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site to **avoid delay and potential objection**. If there is a significant length of time between scoping and application submission the developer should check whether our advice has changed.

1. Site layout

1.1 All maps must be based on an adequate scale with which to assess the information. This could range from OS 1: 10,000 to a more detailed scale in more sensitive locations. Each of the maps below must detail all proposed upgraded, temporary and permanent infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. Existing built infrastructure must be re-used or upgraded where possible. The layout should be designed to minimise the extent of new works on previously undisturbed ground. For example, a layout which makes use of lots of spurs or loops is unlikely to be acceptable. Cabling must be laid in ground already disturbed such as verges. A comparison of the environmental effects of alternative locations of infrastructure elements, such as tracks, may be required.

2. Engineering activities which may have adverse effects on the water environment

- 2.1 The site layout should be designed to minimise watercourse crossings and avoid other direct impacts on water features. The submission must include a map showing:
- a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
 - b) A minimum buffer of 50m around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works. Measures should be put in place to protect any downstream sensitive receptors.

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- 2.2 Further advice and our best practice guidance are available within the water [engineering](#) section of our website. Guidance on the design of water crossings can be found in our [Construction of River Crossings Good Practice Guide](#).
- 2.3 Refer to our [Flood Risk Standing Advice](#) for advice on flood risk. Crossings must be designed to accommodate the 0.5% Annual Exceedance Probability flows (with an appropriate allowance for climate change), or information provided to justify smaller structures. If it is considered the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment (FRA) must be submitted. Our [Technical flood risk guidance for stakeholders](#) outlines the information we require to be submitted in an FRA. Please also refer to [Controlled Activities Regulations \(CAR\) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities](#).

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

- 3.1 Where proposals are on peatland or carbon rich soils the following should be submitted to address the requirements of NPF4 Policy 5:
- a) layout plans showing all permanent and temporary infrastructure, with extent of excavation required, which clearly demonstrates how the mitigation hierarchy outlined in NPF4 has been applied. These plans should be overlaid on:
 - i. peat depth survey (showing peat probe locations, colour coded using distinct colours for each depth category and annotated at a usable scale);
 - ii. peat depth survey showing interpolated peat depths;
 - iii. peatland condition mapping;
 - iv. National Vegetation Classification survey (NVC) habitat mapping.
 - b) an outline Peat Management Plan (PMP);
 - c) an outline Habitat Management Plan (HMP).

Detailed advice

- a) Development design in line with the mitigation hierarchy

- 3.2 In order to protect peatland and limit carbon emissions from carbon rich soils, the submission should demonstrate that proposals:

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- Avoid peatland in near natural condition, as this has the lowest greenhouse gas emissions of all peatland condition categories;
- Minimise the total area and volume of peat disturbance. Clearly demonstrate how the infrastructure layout design has targeted areas where carbon rich soils are absent or the shallowest peat reasonably practicable. Avoid peat > 1m depth;
- Minimise impact on local hydrology; and
- Include adequate peat probing information to inform the site layout and demonstrate that the above has been achieved. As a minimum this should follow the requirements of the [Peatland Survey – Guidance on Developments on Peatland \(2017\)](#).

3.3 [The Peatland Condition Assessment](#) photographic guide lists the criteria for each condition category and illustrates how to identify each condition category. This should be used to identify peatland in near natural condition and can be helpful in identifying areas where peatland restoration could be carried out.

3.4 In line with the requirements of Policy 5d of NPF4, the development proposal should include plans to restore and/or enhance the site into a functioning peatland system capable of achieving carbon sequestration.

b) The outline PMP should also include:

- Information on peatland condition;
- Information demonstrating avoidance and minimisation of peat disturbance;
- Excavation volumes of acrotelmic, catotelmic and amorphous peat. These should include a contingency factor to consider variables such as bulking and uncertainties in the estimation of peat volumes;
- Proposals for temporary storage and handling;
- Reuse volumes in different elements of site reinstatement and restoration.

3.5 Handling and temporary storage of peat should be minimised. Catotelmic peat should be kept wet, covered by vegetated turves and re-used in its final location immediately after excavation. It is not suitable for use in verge reinstatement, re-profiling/ landscaping, spreading, mixing with mineral soils or use in bunds.

3.6 Disposal of peat is not acceptable. It should be clearly demonstrated that all peat disturbed by the development can be used in site reinstatement (making good areas which have been disturbed by the development) or peatland restoration (using disturbed peat for

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habitat restoration or improvement works in areas not directly impacted by the development, which may need to include locations outwith the development boundary).

3.7 The faces of cut batters, especially in peat over 1m, should be sealed to reduce water loss of the surrounding peat habitats, which will lead to indirect loss of habitat and release of greenhouse gases. This may be achieved by compression of the peat to create an impermeable subsurface barrier, or where slope angle is sufficiently low, by revegetation of the cut surface.

c) The outline HMP should include:

- Proposals for reuse of disturbed peat in habitat restoration, if relevant;
- Details of restoration to compensate for the area of peatland habitat directly and indirectly impacted by the development;
- Outline proposals for peatland enhancement in other areas of the site;
- Monitoring proposals.

3.8 To support the principle of peat reuse in restoration the applicant should demonstrate that they have identified locations where the addition of excavated peat will enhance the wider site into a functional peatland system capable of achieving carbon sequestration. The following information is required:

- Location plan of the proposed peatland re-use restoration area(s), clearly showing the size of individual areas and the total area to be restored;
- Photographs, aerial imagery, or surveys to demonstrate that the area identified is appropriate for peat re-use and can support carbon sequestration. This should include consideration of an appropriate hydrological setting and baseline peatland condition.

3.9 In addition, if any proposed re-use restoration areas are outwith the ownership of the applicant, information should be provided to demonstrate agreement in principle with the landowner, including agreed timescales for commencement of the works, and proposed management measures to ensure the restored areas can be safeguarded in perpetuity as a peatland.

3.10 NatureScot's [technical compendium of peatland restoration techniques](#) provides a useful overview of the procedural and technical requirements for peatland restoration.

A72**4. Disruption to GWDTE and existing groundwater abstractions**

4.1 Groundwater Dependent Terrestrial Ecosystems (GWDTE) are protected under the Water Framework Directive. Excavations and other construction works can disrupt groundwater flow and impact on GWDTE and existing groundwater abstractions. The layout and design of the development must avoid impacts on such areas. A National Vegetation Classification survey which includes the following information should be submitted:

- a) A map demonstrating all GWDTE and existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. The survey needs to extend beyond the site boundary where the distances require it.
- b) If the minimum buffers cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice and the minimum information we require to be submitted.

5. Forest removal and forest waste

5.1 If forestry is present on the site, we prefer a site layout which avoids large scale felling as this can result in large amounts of waste material and a peak in release of nutrients which can affect local water quality. The submission must include a map with the boundaries of where felling will take place and a description of what is proposed for this timber in accordance with [Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS](#).

6. Borrow pits

6.1 The following information should also be submitted for **each borrow pit**:

- a) A map showing the location, size, depths and dimensions;
- b) A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250m. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must

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be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks;

- c) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.

7. Pollution prevention and environmental management

- 7.1 A schedule of mitigation supported by the above site specific maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils at any one time) and regulatory requirements. They should set out the daily responsibilities of Ecological Clerk of Works, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to the [Guidance for Pollution Prevention](#) (GPPs) and our [water run-off from construction sites webpage](#) for more information.

8. Life extension, repowering and decommissioning

- 8.1 Proposals for life extension, repowering and/or decommissioning must demonstrate accordance with SEPA Guidance on the [life extension and decommissioning of onshore wind farms](#). Table 1 of the guidance provides a hierarchical framework of environmental impact based upon the principles of sustainable resource use, effective mitigation of environmental risk (including climate change) and optimisation of long term ecological restoration. The submission must demonstrate how the hierarchy of environmental impact has been applied, within the context of latest knowledge and best practice, including justification for not selecting lower impact options when life extension is not proposed.
- 8.2 The submission needs to state that there will be no discarding of materials that are likely to be classified as waste as any such proposals would be unacceptable under waste management licensing. Further guidance on this may be found in the document [Is it waste - Understanding the definition of waste](#)

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Development Management and Strategic Road Safety
Roads Directorate

George House 36 North Hanover St Glasgow G1 2AD
Direct Line: 0141 272 7379, Fax: 0141 272 7350
gerard.mcphillips@transport.gov.scot



Tony Young
Energy Consents Unit
The Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Your ref:
ECU00005011

Our ref:
GB01T19K05

Date:
06/02/2024

Tony.Young@gov.scot
Econsents_Admin@gov.scot

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

SCOPING OPINION REQUEST– HEASTABHAL WIND FARM PROPOSAL

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by Jacobs in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, Transport Scotland would provide the following comments.

Proposed Development

The proposed wind farm comprises up to 14 turbines with a blade tip height of up to 200m located on the Isle of Lewis and Isle of Harris approximately 20km to the southwest of Stornoway. The nearest trunk road to the site is the A87(T) at Uig on the Isle of Skye, some 56km due south.

Assessment of Environmental Impacts

Section 4.7 of the SR presents the proposed methodology for the assessment of the effects of Traffic and Transport.

This indicates that the turbine components and construction traffic will approach from Stornoway and Arnish to the north. As there are no trunk roads on the Isle of Lewis, I can confirm that Transport Scotland is satisfied that the construction of the wind farm will not give rise to any significant environmental impacts on the trunk road network and no further information is required in this regard.

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trust that the above is satisfactory but should you wish to discuss in greater detail, please do not hesitate to contact me at the number above or alternatively, Alan DeVenny at SYSTRA's Glasgow office can assist on 0141 343 9636.

Yours faithfully

Redacted

Gerard McPhillips

**Transport Scotland
Roads Directorate**

cc Alan DeVenny – SYSTRA Ltd.

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Tony.Young@gov.scot

Tony Young
Senior Case Officer Onshore Wind North
Energy Consents Unit
Onshore Electricity, Strategy and Consents
Directorate for Energy and Climate Change
The Scottish Government

Our Ref: 09583
26/03/2024

Dear Mr Young,

ECU ref: ECU00005011

THE ELECTRICITY ACT 1989

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

SCOPING OPINION REQUEST– HEASTABHAL WIND FARM PROPOSAL

Thank you for your email of 17 January 2024 seeking comments on the scoping report for the above proposal. I understand that although we have missed the consultation deadline our response will be considered. We gratefully acknowledge this.

ScotWays records

The National Catalogue of Rights of Way (CROW) does not record any rights of way that cross or are close to the application site as shown on Scoping Figure 1 *Proposed Development Boundary*.

In searching our records at this scoping stage, we have focussed solely on the immediate area of the proposed application. If required by the applicant to inform their Environmental Impact Assessment (EIA), maps of a wider search area are available from the Society, alongside a more detailed response.

Other Access to Land

You should be aware that other forms of public access to land may affect the proposed application site. More detail about these other types of access is set out in the enclosed Catalogue of Rights of Way Guidance Notes. We note that a section of the Hebridean Way passes through the site. The Hebridean Way is promoted as two routes, one for walking and one for cycling: it is the walking route, keeping it off the A859, that passes through the proposed development site.

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

ScotWays is a registered trade mark of the Scottish Rights of Way and Access Society, a company limited by guarantee.
Registered Company Number: SC024243. Scottish Charity Number: SC015460.

Wind Farms and public access

It is our understanding that there is very little guidance regarding the siting of turbines in relation to established paths and rights of way, so we use the following starting principle in considering what could be reasonable:

“a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway (road or other public right of way) or railway line.”

ScotWays considers the above sets out a reasonable principle for a recommended minimum separation distance. There could also be site specific factors which would lead us to prefer a larger minimum separation distance; these could include the affected route being one of Scotland’s Great Trails or it being known for equestrian use, for example. ScotWays is likely to object to any proposal where the above principle is not followed, including where a micro-siting allowance could lead to turbine encroachment upon a route because it has been insufficiently buffered.

Recreational amenity

As well as direct impacts of development upon public access, ScotWays has an interest in impacts on recreational amenity, so this includes the impact of wind farm development on the wider landscape. We anticipate that the applicant will take into account both recreational amenity and landscape impacts in developing their proposals for this site. We will consider these issues further should this scoping stage lead to a planning application.

Comment

Under section 3 of the Land Reform (Scotland) Act 2003, there is a duty upon landowners to use and manage land responsibly in a way which respects public access rights. Under section 14 of the same Act, access authorities have a duty to uphold access rights. Accordingly, we suggest that the applicant may wish to approach the relevant authority’s access team for their input when drawing up their Access Management Plan for their proposed development.

I hope the information provided is useful to you. Please do not hesitate to contact us if you have any further queries.

Yours sincerely,

REDACTED

Lynda Grant
Access Officer



Catalogue of Rights of Way Planning Comment Guidance Notes

These notes explain what is shown on the maps provided with planning application comments and provide information about the public right of access to land in Scotland. All maps are provided on a 1:50,000 scale base.

What is the Catalogue of Rights of Way (CROW)?

CROW was created by ScotWays in the early 1990s with the help of Scottish Natural Heritage (now NatureScot) and local authorities and is an amalgamation of rights of way information from a number of different sources. Mapped at 1:50,000 scale, the catalogue does not include all rights of way – many of these are known only to local people and come to ScotWays' notice only when a problem arises.

CROW is continually updated to take account of new information as it comes to ScotWays' attention.

What is a Recorded Right of Way?

Any right of way that we record in the Catalogue of Rights of Way.

Where any Recorded Rights of Way pass through or close to the application site a map will be provided showing them.

What is an Other Route?

Any path that we record in the Catalogue of Rights of Way that does not appear to meet the criteria to be a right of way.

Where any Other Routes pass through or close to the application site a map will be provided showing them.

What is a Heritage Path?

These are historic routes that form part of the transport heritage of Scotland. They reflect our cultural and social development and include drove roads, military roads, Roman roads, pilgrim routes and trade routes.

These routes may or may not be rights of way, core paths or carry some other type of designation.

Find out more about the Heritage Paths project at <http://www.heritagepaths.co.uk>

Where any Heritage Paths pass through or close to the application site a map will be provided showing them.

What is a Scottish Hill Track?

First published in 1924, our book *Scottish Hill Tracks* is a record of the network of paths, old roads and rights of way which criss-cross Scotland's hill country, from the Borders to Caithness.

These publicised routes may or may not be rights of way, core paths or carry some other type of designation.

Copies of our book *Scottish Hill Tracks* can be purchased from the ScotWays webshop: <https://www.scotways.com/shop>

Where any *Scottish Hill Tracks* routes pass through or close to the application site a map will be provided showing these.

Disclaimer

*The routes shown on the **CROW** maps provided have been prepared from information contained in the records of ScotWays, local authorities, judicial and other records. The inclusion of a route in CROW is not in itself definitive of its legal status.*

Other Public Access Information

You should be aware that other forms of public access to land may affect your site of interest.

Unrecorded Rights of Way

Our records only show the rights of way that we are aware of. Scots law does not require a right of way to be recorded in a specific document. Any route that meets the following criteria will be a right of way. This could include any paths, tracks or desire lines within your area of interest. A right of way:

1. Connects public places.
2. Has been used for at least 20 years.
3. Follows a more or less defined route.
4. Has been used by the public without judicial interruption or the landowner's permission.

Core Paths

The Land Reform (Scotland) Act 2003 requires all access authorities to create a system of routes within their area. These are known as core paths and are recorded in the authority's core paths plan. It is anticipated that planners will have consulted their access authority's core paths plan to check whether any core paths cross or are close to the application site, and will also have consulted the authority's access team.

The General Right of Access

Irrespective of the presence or absence of rights of way and core paths, the land in question may be subject to the access rights created by Section 1 of the Land Reform (Scotland) Act 2003. Unless the land falls into one of the excluded categories in Section 6 of this Act, the public has a right of access to the land, and land owners/managers have a duty under the Act's Section 3 to consider this in any decisions made about the use/management of the land.

Other Promoted Routes

There may be a promoted route running through or close to any planning application site. Such routes will usually be clearly marked with signposts or waymarking and may feature in guidebooks, leaflets, on local information boards and on websites. The two main types of nationally promoted routes are:

Scotland's Great Trails: <https://www.scotlandsgreattrails.com>
National Cycle Network: <https://www.sustrans.org.uk/map-ncn>

Public and Private Roads

The Roads (Scotland) Act 1984 created the terms 'public road' and 'private road'. Public roads are those roads which are on the List of Public Roads and which, importantly, the roads authority is required to manage and maintain. Private roads are those roads which are not on the List of Public Roads and thus there is no duty on the roads authority to manage or maintain them. There is a public right of passage over these roads and the owner(s) of a private road may not restrict or prevent the public's right of passage over the road.

If required, the local roads authority should be contacted for more information on public and private roads that may cross or pass close to the application site.

More Information on Outdoor Access Law

If you would like to know more about outdoor access law, why not visit our website (<https://scotways.com/outdoor-access/>) or get a copy of our book "*The ScotWays Guide to the Law of Access to Land in Scotland*" by Malcolm Combe (<https://www.scotways.com/shop>)?

Development and Planning Applications

When proposing to develop a site, it is advisable that the applicant reviews the current amount and type of public access across it and presents this as an access management plan as part of their planning application. This should include rights of way, core paths, other paths and tracks, and take account of how the statutory right of access currently affects the site.

The plan should then consider the effect that the proposed works, during construction and upon completion, would have on any patterns of public access identified. Any good practice guidance associated with the proposed type of development should be considered, e.g. for windfarms the NatureScot "*Good Practice during Wind Farm Construction, Part 8 Recreation and Access*" and "*Siting and Designing Wind Farms in the Landscape*", and the policies contained within any local statutory plans.

Depending upon the proposals there may be specific legal processes that must be followed to divert any paths or tracks either temporarily or permanently. These will be in addition to getting planning permission for the proposal. We recommend that applicants contact the access team at the relevant access authority for advice in this regard.

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) advice on freshwater and diadromous fish and fisheries in relation to onshore wind farm developments.

July 2020 updated September 2023

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) provides internal, non-statutory, advice in relation to freshwater and diadromous fish and fisheries to the Scottish Government’s Energy Consents Unit (ECU) for onshore wind farm developments in Scotland.

Atlantic salmon (*Salmo salar*), sea trout and brown trout (*Salmo trutta*) are of high economic value and conservation interest in Scotland and for which MD-SEDD has in-house expertise. Onshore wind farms are often located in upland areas where salmon and trout spawning and rearing grounds may also be found. MD-SEDD aims, through our provision of advice to ECU, to ensure that the construction and operation of these onshore developments do not have a detrimental impact on the freshwater life stages of these fish populations.

The Electricity Works (Environmental Impact Assessment) (EIA) (Scotland) Regulations (2017) state that the EIA must assess the direct and indirect significant effects of the proposed development on water and biodiversity, and in particular species (such as Atlantic salmon) and habitats protected under the EU Habitats Directive. Salmon and trout are listed as priority species of high conservation interest in the Scottish Biodiversity Index and support valuable recreational fisheries.

A good working relationship has been developed over the years between ECU and MD-SEDD, which ensures that these fish species are considered by ECU during all stages of the application process of onshore wind farm developments and are similarly considered during the construction and operation of future onshore wind farms. It is important that matters relating to freshwater and diadromous fish and fisheries, particularly salmon and trout, continue to be considered during the construction and operation of future onshore wind farms.

In the current document, MD-SEDD sets out a revised, more efficient approach to the provision of our advice, which utilises our generic scoping and monitoring programme guidelines (<https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren>). This standing advice provides regulators (e.g. ECU, local planning authorities), developers and consultants with the information required at all stages of the application process for onshore wind farm developments, such that matters relating to freshwater and diadromous fish and fisheries are addressed in the same rigorous manner as is currently being carried out and continue to be fully in line with EIA regulations. At the request of ECU, MD-SEDD will still be able to provide further and/or bespoke advice relevant to freshwater and diadromous fish and fisheries e.g. site specific advice, at any stage of the application process for a proposed development, particularly where a development may be considered sensitive or contentious in nature.

MD-SEDD will continue undertaking research, identifying additional research requirements, and keep up to date with the latest published knowledge relating to the

impacts of onshore wind farms on freshwater and diadromous fish populations. This will be used to ensure that our guidelines and standing advice are based on the best available evidence and also to continue the publication of the relevant findings and knowledge to all stakeholders including regulators, developers and consultants.

MD-SEDD provision of advice to ECU

- MD-SEDD should not be asked for advice on pre application and application consultations (including screening, scoping, gate checks and EIA applications). Instead, the MD-SEDD scoping guidelines and standing advice (outlined below) should be provided to the developer as they set out what information should be included in the EIA report;
- if new issues arise which are not dealt with in our guidance or in our previous responses relating to respective developments, MD-SEDD can be asked to provide advice in relation to proposed mitigation measures and monitoring programmes which should be outlined in the EIA Report (further details below);
- if new issues arise which are not dealt with in our guidance or in our previous responses, MD-SEDD can be asked to provide advice on suitable wording, within a planning condition, to secure proposed monitoring programmes, should the development be granted consent;
- MD-SEDD cannot provide advice to developers or consultants, our advice is to ECU and/or other regulatory bodies.
- if ECU has identified specific issues during any part of the application process that the standing advice does not address, MD-SEDD should be contacted.

MD-SEDD Standing Advice for each stage of the EIA process

Scoping

MD-SEDD issued generic scoping guidelines

([https://www2.gov.scot/Topics/marine/Salmon-Trout-](https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren)

[Coarse/Freshwater/Research/onshoreren](https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren)) which outline how fish populations can be impacted during the construction, operation and decommissioning of a wind farm development and informs developers as to what should be considered, in relation to freshwater and diadromous fish and fisheries, during the EIA process.

In addition to identifying the main watercourses and waterbodies within and downstream of the proposed development area, developers should identify and consider, at this early stage, any areas of Special Areas of Conservation where fish are a qualifying feature and proposed felling operations particularly in acid sensitive areas.

If a developer identifies new issues or has a technical query in respect of MD-SEDD generic scoping guidelines then ECU should be informed who will then co-ordinate a response from MD-SEDD.

Gate check

The detail within the generic scoping guidelines already provides sufficient information relating to water quality and salmon and trout populations for developers at this stage of the application.

Developers will be required to provide a gate check checklist (annex 1) in advance of their application submission which should signpost ECU to where all matters relevant to freshwater and diadromous fish and fisheries have been presented in the EIA report. Where matters have not been addressed or a different approach, to that specified in the advice, has been adopted the developer will be required to set out why.

EIA Report

MD-SEDD will focus on those developments which may be more sensitive and/or where there are known existing pressures on fish populations (<https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/fishreform/licence/status/Pressures>). The generic scoping guidelines should ensure that the developer has addressed all matters relevant to freshwater and diadromous fish and fisheries and presented them in the appropriate chapters of the EIA report. Use of the gate check checklist should ensure that the EIA report contains the required information; the absence of such information may necessitate requesting additional information which may delay the process:

Developers should specifically discuss and assess potential impacts and appropriate mitigation measures associated with the following:

- any designated area, for which fish is a qualifying feature, within and/or downstream of the proposed development area;
- the presence of a large density of watercourses;
- the presence of large areas of deep peat deposits;
- known acidification problems and/or other existing pressures on fish populations in the area; and
- proposed felling operations.

Post-Consent Monitoring

MD-SEDD recommends that a water quality and fish population monitoring programme is carried out to ensure that the proposed mitigation measures are effective. A robust, strategically designed and site specific monitoring programme conducted before, during and after construction can help to identify any changes, should they occur, and assist in implementing rapid remediation before long term ecological impacts occur.

MD-SEDD has published guidance on survey/monitoring programmes associated with onshore wind farm developments (<https://www2.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren>) which developers should follow when drawing up survey and/or monitoring programmes.

If a developer considers that such a monitoring programme is not required then a clear justification should be provided.

Planning Conditions

MD-SEDD advises that planning conditions are drawn up to ensure appropriate provision for mitigation measures and monitoring programmes, should the development be given consent. We recommend, where required, that a Water Quality Monitoring Programme, Fisheries Monitoring Programme and the appointment of an Ecological Clerk of Works, specifically in overseeing the above monitoring programmes, is outlined within these conditions and that MD-SEDD is consulted on these programmes.

Wording suggested by MD-SEDD in relation to water quality, fish populations and fisheries for incorporation into planning consents:

1. No development shall commence unless a Water Quality and Fish Monitoring Plan (WQFMP) has been submitted to and approved in writing by the Planning Authority in consultation with Marine Directorate – Science Evidence Data and Digital (MD–SEDD) and any such other advisors or organisations.
2. The WQFMP must take account of the Scottish Government’s MD-SEDD guidelines and standing advice and shall include:
 - a. water quality sampling should be carried out at least 12 months prior to construction commencing, during construction and for at least 12 months after construction is complete. The water quality monitoring plan should include key hydrochemical parameters, turbidity, and flow data, the identification of sampling locations (including control sites), frequency of sampling, sampling methodology, data analysis and reporting etc.;
 - b. the fish monitoring plan should include fully quantitative electrofishing surveys at sites potentially impacted and at control sites for at least 12 months before construction commences, during construction and for at least 12 months after construction is completed to detect any changes in fish populations; and
 - c. appropriate site specific mitigation measures detailed in the Environmental Impact Assessment and in agreement with the Planning Authority and MD-SEDD.
3. Thereafter, the WQFMP shall be implemented within the timescales set out to the satisfaction of the Planning Authority in consultation with MD-SEDD and the results of such monitoring shall be submitted to the Planning Authority on a 6 monthly basis or on request.

Reason: To ensure no deterioration of water quality and to protect fish populations within and downstream of the development area.

Sources of further information

NatureScot (previously “SNH”) guidance on wind farm developments - <https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/renewable-energy-development/onshore-wind-energy/advice-wind-farm>

Scottish Environment Protection Agency (SEPA) guidance on wind farm developments – <https://www.sepa.org.uk/environment/energy/renewable/#wind>

A joint publication by Scottish Renewables, NatureScot, SEPA, Forestry Commission Scotland, Historic Environment Scotland, Marine Scotland Science (now MD-SEDD) and Association of Environmental and Ecological Clerks of Works (2019) Good Practice during Wind Farm Construction - <https://www.nature.scot/guidance-good-practice-during-wind-farm-construction>.

Annex 1 (revised September 2023)

Marine Directorate – Science Evidence Data and Digital (MD-SEDD) – EIA Checklist

The generic scoping guidelines should ensure that all matters relevant to freshwater and diadromous fish and fisheries have been addressed and presented in the appropriate chapters of the EIA report. Use of the checklist below should ensure that the EIA report contains the following information; the absence of such information *may necessitate requesting additional information* which could delay the process:

MD-SEDD Standard EIA Report Requirements	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to MD-SEDD advice, please set out reasons.
<p>1. A map outlining the proposed development area and the proposed location of:</p> <ul style="list-style-type: none"> ○ the turbines, ○ associated crane hard standing areas, ○ borrow pits, ○ permanent meteorological masts, ○ access tracks including watercourse crossings, ○ all buildings including substation, battery storage; ○ permanent and temporary construction compounds; ○ all watercourses; and ○ contour lines; 			

<p>2. A description and results of the site characterisation surveys for fish (including fully quantitative electrofishing surveys) and water quality including the location of the electrofishing and fish habitat survey sites and water quality sampling sites on the map outlining the proposed turbines and associated infrastructure.</p> <p>This should be carried out where a Special Area of Conservation (SAC) is present and where salmon are a qualifying feature, and in exceptional cases when required in the scoping advice for other reasons. In other cases, developers can assume that fish populations are present;</p>			
<p>3. An outline of the potential impacts on fish populations and water quality within and downstream of the proposed development area;</p>			
<p>4. Any potential cumulative impacts on the water quality and fish populations associated with adjacent (operational and consented) developments including wind farms, hydro schemes, aquaculture and mining;</p>			

<p>5. Any proposed site specific mitigation measures as outlined in MD-SEDD generic scoping guidelines and the joint publication “Good Practice during Wind Farm Construction” (https://www.nature.scot/guidance-good-practice-during-wind-farm-construction);</p>			
<p>6. Full details of proposed monitoring programmes using guidelines issued by MD-SEDD and accompanied by a map outlining the proposed sampling and control sites in addition to the location of all turbines and associated infrastructure.</p> <p>At least 12 months of baseline pre-construction data should be included. The monitoring programme can be secured using suitable wording in a condition.</p>			
<p>7. A decommissioning and restoration plan outlining proposed mitigation/monitoring for water quality and fish populations.</p> <p>This can be secured using suitable wording in a condition.</p>			

Developers should specifically discuss and assess potential impacts and appropriate mitigation measures associated with the following:	Provided in application YES/NO	If YES – please signpost to relevant chapter of EIA Report	If not provided or provided different to MD-SEDD advice, please set out reasons.
1. Any designated area (e.g. SAC), for which fish is a qualifying feature, within and/or downstream of the proposed development area;			
2. The presence of a large density of watercourses;			
3. The presence of large areas of deep peat deposits;			
4. Known acidification problems and/or other existing pressures on fish populations in the area; and			
5. Proposed felling operations.			