



**23/00380/CONSG – APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE INSTALLATION OF A WIND FARM COMPRISING OF UP TO 25 TURBINES OF VARIABLE TIP HEIGHT OF UP TO 200 METRES AND ASSOCIATED ACCESS AND INFRASTRUCTURE ON LAND AT EISHKEN, LOCHS, ISLE OF LEWIS**

Report by the Chief Executive

**PURPOSE**

- 1.1 To determine the Comhairle view as '*principal consultee*' in respect of an application for consent under Section 36 of the 1989 Electricity Act, following consultation on an Environmental Impact Assessment (EIA) Report, submitted on 22 August 2023 to the Scottish Ministers, regarding plans for Uisenis Wind Farm. The application also seeks deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997.

**EXECUTIVE SUMMARY**

- 2.1 The Scottish Ministers have consulted and seek the View of the Comhairle on the proposed development for the construction and operation of a wind farm of up to 25 turbines with associated infrastructure ('the proposed development') on land approximately 20 kilometres south west of Stornoway, Isle of Lewis. The application has been submitted to Scottish Ministers by Uisenis Power Limited ('the applicant'), which is a wholly owned subsidiary of Eurowind Energy A/S.
- 2.2 The application is supported by an Environmental Impact Assessment (EIA) Report, as amended by Additional Information (referred to within this Report as Supplementary Environmental Information - SEI), which is used to assess the likely significance of effect of the proposed development on the wider environment, assist consultees in formulating their responses and by Scottish Ministers to inform the determination of the application.
- 2.3 The Report before Members provides an assessment of the likely effects of the proposal in relation to a number of issues, having regard to the EIA Report (as amended by the SEI) and the consultation responses received, summarises the comments received on the application, and offers a conclusion and recommended view to be submitted to Scottish Ministers.
- 2.4 Copies of the Non-Technical Summary, the EIA Report, the SEI, consultation responses and representations are available to view on the [Energy Consents Unit website](#) using reference ECU00004568.
- 2.5 The area required for the proposed development (as amended) is approximately 1,647 hectares (ha) and is located on land within the Eisgein (Eishken) Estate. The proposed development represents a redesign of the consented 45-turbine Muaitheabhal Wind Farm(s). The proposed development would consist of up to 25 three-bladed horizontal wind turbines, with 22 of the proposed turbines 200 metres (m) to tip height and the remaining three turbines being 180m to tip height. The proposed development would have a total installed capacity of approximately 165 Megawatts (MW).
- 2.6 The proposed development would produce an average of approximately 578,160 Megawatt hours (MWh) of electricity annually, based on a site-derived capacity factor of 40%. This equates to the power consumed by approximately 164,764 average UK households. The proposed development is estimated to become carbon neutral in approximately 1.5 years (20 months) and would contribute to meeting the renewable energy generation targets set out by the Scottish Government.

- 2.7 The site would be accessed from the main A859 (Stornoway to Harris) road, by the township road to Eishken. The public road would pass through the proposed wind farm, with four of the proposed turbines located to the east of the township road and the remainder to the west. The existing road is proposed to be upgraded and widened to 5m to serve the development, with the turbines served by some 17.36km of new access tracks of approximately 6m in width, some 2.6km of which would be designed to be floating.
- 2.8 Two permanent meteorological masts are also proposed, of up to 122.5m in height, along with other infrastructure, such as two onsite substations, underground cabling, foundations, hardstanding, temporary construction compounds, and up to seven borrow pits.
- 2.9 The site lies outwith but relatively close to the Eishken Wild Land Area and the South Lewis, Harris and North Uist National Scenic Area. The area of the site lies within several Landscape Character Types, as defined by NatureScot's Landscape Character Assessment 2019, including Prominent Hills and Mountains, Rocky Moorland, and Dispersed Crofting. The key characteristics of these landscapes are identified, respectively, as:
- Individual peaks with pronounced summits, long ridges and slopes; rises steadily from surrounding terrain, contrasting in character between the open remote character of the uplands, and the more diverse patterns of settlement of the coastal crofting areas; massive vertical scale; irregular rock buttresses, ledges, shelves and deep gullies on upper slopes; lower slopes of windswept heather moorland; uninhabited.
  - Rocky, stepped landscape with irregular topography; rocky knolls interlocked with peaty moorland vegetation and small lochans; considerable diversity of form and texture; occasional areas of forestry, small woodlands and shelter planting; medium scale; predominantly uninhabited and sense of remoteness.
  - Short, even slopes interspersed between rocky knock and boulder outcrops; small and intimate landscape scale; strong, simple relationship between crofting townships and the sea; dispersed settlement pattern, with occasional groups focussed around harbours and sheltered glens; combination of landform variation and coastal location of townships create a landscape with a high level of natural diversity in a relatively small area; absence of woodland and trees.
- 2.10 The site is located some distance from the nearest internationally and nationally important designated sites, including Special Protection Areas (SPA), Special Areas of Conservation (SAC), and Sites of Special Scientific Interest (SSSI). Impacts on designated sites for nature conservation (sites designated for their habitat or non-avian species interests) were scoped out of potential assessment, due to the fact that the only designated sites within 10km of the site are designated either for their marine receptors or habitat receptors and are far enough away that works would not impact the qualifying features. NatureScot did not raise any concern regarding this approach.
- 2.11 Although the application site is not within an area of land designated for habitats or species, it is used by or hosts some species which are important, for example breeding birds, including golden eagle and white-tailed eagle, bats, and otter, which are European Protected Species (EPS). In terms of natural heritage, an outline Habitat Management Plan forms part of the submission and sets out the key objectives and principles by which parts of the site would be improved and managed for the benefit of biodiversity. If approved, it is anticipated that this would form the basis of a more detailed HMP following the granting of consent, in discussion with the Comhairle, SEPA and NatureScot.
- 2.12 A number of designated and non-designated heritage assets have been identified in the vicinity of the proposed development, including the church at Gravir (Category C) and the former Gravir School and Schoolhouse and Marvig School and Schoolhouse (both Category B) and the Sideval stone circle Scheduled Monument.
- 2.13 At the time of drafting this report, a total of nine public representations had been made to the Scottish Ministers. Of the representations received, four object to the proposed development, while five are in

support. The representations include a petition from 12 people objecting to the proposal. For ease of reference, the issues raised in public representation have been grouped under common themes.

- 2.14 Statutory and other consultees have been consulted on the application and accompanying EIA and SEI Reports and have provided specialist advice. Section 12 of this Report includes a summary of the comments relevant to each issue as part of the assessment of that issue.
- 2.15 The EIA Report has been examined. Significant environmental effects that cannot be mitigated have been taken into account. Matters raised in representations, the specialist advice of consultees, the findings from the examination of the EIA and SEI Reports, together with other relevant material planning considerations, have been assessed for their planning merit and given due weight.
- 2.16 The planning assessment in this Report considers, firstly, whether the principle of the proposed development in this location would be acceptable, in relation to national and local planning policies, including the development strategy, before going on to consider the likely effects of the development in relation to a series of main issues:
- Renewable energy targets and greenhouse gas emissions
  - Landscape and Visual Amenity
  - Ecology
  - Ornithology
  - Hydrology, Hydrogeology and Geology
  - Cultural Heritage and Archaeology
  - Site Access, Traffic and Transport
  - Noise
  - Socio-Economic Impacts, Tourism, Recreation and Land Use
  - Aviation
  - Other issues, including shadow flicker, climate change and carbon balance, risk of accidents and other disasters, population and human health, air quality, telecommunications and other infrastructure, waste and environmental management
  - Cumulative effects and consideration of alternatives.
- 2.17 Mitigation measures that are considered necessary and can be secured by planning conditions or legal obligation are identified in the Report. Other mitigation measures would be subject to regulatory or licencing controls through other mechanisms.
- 2.18 For the reasons given within this Report and subject to the satisfactory implementation of these measures, on the majority of issues, it is considered that the residual effects of the proposal would be largely neutral and neither weigh for nor against the proposal. However, significant harmful effects on landscape and visual impacts have been identified, and significant beneficial effects on renewable energy targets and greenhouse gas targets, carbon and climate change, together with modest socio-economic benefits and the potential for biodiversity enhancement.
- 2.19 For the reasons set out in Section 14 of this Report (Reasoned Conclusion), it is concluded that these benefits would outweigh the identified harms and that, overall, the proposal would be acceptable. In addition, in comparison to the extant consented scheme on the site, its effects are considered to be broadly similar, with landscape and visual impacts considered likely to be less harmful.

## **RECOMMENDATION**

- 3.1 **It is recommended the Comhairle agrees that the:**
- a) **Views as set out at Section 15 of the Report be submitted to the Scottish Ministers;**

- b) Chief Executive be authorised to further engage with the Scottish Government Energy Consents Unit, the Developer and Statutory Consultees regarding issues raised and where appropriate any draft planning conditions/legal obligations;
- c) Chief Executive be authorised to agree a set of planning conditions with the Scottish Government should Ministers be minded to approve the application;
- d) Chief Executive be authorised to complete a Section 75 planning obligation with Uisenis Power Limited and other relevant land interests; and
- e) Chief Executive be authorised to complete a legal obligation under the Local Government (Scotland) Act 1973 with Uisenis Power Limited and other relevant interests.

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Appendix 1	Schedule of Conditions for the Deemed Planning Permission, if approved
Appendix 2	Location Plan and Site Plans
Appendix 3	Typical Wind Turbine Elevations – EIA Figure 3.2 a-b
Appendix 4	Plan and Elevation of Substation and Compound – EIA Figures 3.7-3.8 & SEI Figure 3.12
Appendix 5	Application Site Boundary Comparison (EIA/SEI) and Typical Mast Elevation – SEI Figures 2.11 and 3.11b
Appendix 6 and 6A	Consultation Responses - Internal
Background Papers:	None

## IMPLICATIONS

- 4.1 The following implications are applicable in terms of the Report.

Resource Implications	Implications/None
Financial	From a Planning perspective none other than the cost of further staffing resource for the application as detailed below.
Legal	None
Staffing	If planning permission for the development is granted, the responsibility for the discharge of planning conditions attached to the permission will fall to be managed by the Comhairle development management team.
Assets and Property	None
Strategic Implications	Implications/None
Risk	N/A
Equalities	Implications in relation to the Public Sector Equality Duty have been considered within the Report
Corporate Strategy	N/A
Environmental Impact	The environmental impacts of the proposed development are assessed through the EIA and planning application process.
Consultation	N/A

## BACKGROUND

### Application summary

- 5.1 The application that is the subject of this Report is informed by a Planning Statement, a Design and Access Statement, a Pre-Application Consultation Report, a Project Comparison Report and an Environmental Impact Assessment (EIA) Report. The application was submitted to the Scottish Ministers on 22 August 2023. Scottish Ministers subsequently consulted the Comhairle as required by

Regulation 16 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations).

- 5.2 Subsequently, the applicant submitted Additional Information in the form of Supplementary Environmental Information (SEI) dated June 2024, which includes amendments and additions to site infrastructure, including relocation of six turbines (within requested 75m micro-siting allowance) and a revised red line boundary to include additional peat bog restoration and additional substation compound. An overview of the changes can be found at SEI Vol 2, Chapter 3: Description of Development (Table 3-1).
- 5.3 The SEI was prepared to provide additional information relating to the EIA Report, explain the amendments to the proposed development (and where appropriate reassess effects), and address the key points that been raised by consultees during the initial consultation process for the application.
- 5.4 Chapter 3 of the EIA Report (as amended by Chapter 3 of the SEI) describes the proposed development. Figures and Visualisations of the proposed development have been included in Volume 3 of the EIA and the SEI. Technical Appendices (TA) have been included as Volume 4 of the EIA and Volume 3 of the SEI.
- 5.5 Amongst other documents, an outline Construction and Environmental Management Plan (CEMP) is included as SEI TA 3.1 with details of the proposed road widening as SEI TA 12.2, and a Borrow Pit Appraisal as SEI TA 10.3. A Peat Management Plan is included as SEI TA 10.2 and a Peat Landslide Hazard Risk Assessment as SEI TA 10.1.
- 5.6 An outline Habitat Management Plan (HMP) is included as SEI TA 8.5. The aim of the outline HMP is to establish the key objectives and principles by which parts of the application site would be improved and managed for the benefit of biodiversity, which would then form the basis for the more detailed HMP. An outline Eagle Conservation Programme is included as SEI TA 9.5.
- 5.7 The application boundary is shown in SEI Figure 1.2, with the layout of the proposal shown in SEI Figure 3.1. These are attached as Appendix 2 of this Report.
- 5.8 In summary, as amended, the proposed development would comprise:
  - 25 wind turbines including internal transformers, three with blade tip heights of 180m and 22 with blade tip heights of 200m;
  - 25 turbine foundations (approximately 22.8m diameter) and associated crane hardstandings (50m x 20m x 1m) with an area for additional temporary crane pad areas;
  - approximately 12.1km of upgraded road (the adopted by unclassified Eishken Road widened to 5m), and approximately 17.36km of new access tracks with a typical running width of 6m (wider at bends and junctions) and associated drainage. 2.6km of the new track is anticipated to be 'floating track' where consistent (50m distance or more) peat depths of over 0.5m or greater are identified along with shallow topography (below 5%);
  - approximately 19.16km underground cabling along access tracks to connect the turbine locations and the onsite electrical substations;
  - two onsite substation compounds, which would accommodate 33kV Switchgear to collect electricity from different parts of the application site. One substation compound would have an area of 75m x 100m, with the other compound some 85m x 145m (1.23ha), and both would include a control and metering building (approximately 16m x 30m and 8m high);
  - two permanent meteorological (met) masts up to 122.5m in height. Each met mast would have a main foundation area of 3m x 3m, as well as four anchor points for supporting guy wires; and
  - areas for peat bog habitat restoration (89ha) and wet heath grazing reduction.

- 5.9 In addition to the above operational components of the proposed development, construction of the proposed development would also require:
- three temporary construction compounds (0.64ha, 0.28ha and 0.63ha respectively); and
  - up to seven borrow pits covering some 5.05ha (approximately 0.66ha, 0.40ha, 0.33ha, 1.28ha, 0.60ha and 1.78ha, respectively).
- 5.10 The grid connection option does not form part of the current application. As is standard, a separate application under Section 37 of the Electricity Act 1989 would be required in relation to the grid connection point and cabling route.
- 5.11 The proposed development represents a re-design of the consented 45-turbine Muaitheabhal Wind Farm and its east and south extensions (the Muaitheabhal Wind Farm) the consents for which remain extant. The location of and extent of the site for the proposed development is broadly comparable to that of the consented Muaitheabhal Wind Farm.

#### **Determining Authority**

- 5.12 The application for consent under Section 36 of the 1989 Electricity Act was submitted on 22 August 2023 to the Scottish Ministers as the determining authority. The application also seeks deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997. Comhairle nan Eilean Siar, as the Planning Authority for the administrative area of the Western Isles, is the principal consultee in respect of the application, following consultation on an Environmental Impact Assessment (EIA) Report. The SEI was submitted to the Scottish Ministers on 25 June 2024.

#### **Application and Site Design Evolution**

- 5.13 The application Design and Access Statement sets out the site selection and design process, which is summarised in Chapter 2 of the EIA Report, as amended by Chapter 2 of the SEI, and depicted in EIA Figure 2.2. Pre-application discussions with the Energy Consents Unit, the Comhairle and others were undertaken, as well as a formal EIA Scoping process, the results of which were evaluated and fed into the evolution of the proposed layout.
- 5.14 The application indicates that the initial input to the design process for the wind farm was the bird and ecology data gathered during the extensive survey programme, to understand where turbines should be placed to minimise disturbance to protected species. Watercourse and peat information was incorporated into the design to further inform the position of turbines. In addition, key views towards the application site were identified and scrutinised to model the potential landscape and visual effects of the proposed development and to enable the turbine array to be refined and positioned to reduce such effects, where possible.
- 5.15 Appropriate spacing of turbines was implemented to ensure they would operate as efficiently as possible, and project economics were carefully considered alongside all other factors to bring together the design options. Once turbine positions were selected, an access track layout and all other infrastructure necessary to build the wind farm were added to the design, taking into account ground conditions and natural screening provided by the landform.
- 5.16 The SEI included revisions to the proposed design, most of which were in response to consultation comments. These included the relocation of six turbines and associated crane pads, plus an additional crane pad, and alterations to the number and size of the construction compounds and borrow pits, with consequent alterations to the access tracks, to reduce the environmental impacts on watercourses, near natural peat bog habitat and areas of deeper peat.
- 5.17 One SEI revision was proposed as a result of transmission requirements, with a larger footprint for the substation being required by SHETL (Scottish Hydro Electric Transmission Limited) than previously

envisaged. The proposed substation compound location identified in the EIA Report was not sufficient in size for both the Uisenis Windfarm Energy Substation and the larger SHETL substation, and the compound could not be expanded without encroaching watercourse buffers and deep peat. As a result, a second substation compound was included in the site layout, to the north of the turbine array.

### **Environmental Impact Assessment (EIA)**

5.18 The application which is the subject of this Report is informed by an Environmental Impact Assessment Report (EIAR), prepared in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations), which has been supplemented by the submission of Supplementary Environmental Information (SEI).

5.19 The EIA Report is comprised of:

- Volume 1 – EIAR Non-Technical Summary Report
- Volume 2 – Environmental Impact Assessment Report (EIA Report/ EIAR)
- Volume 3 – EIA Report – Figures
  - Vol 3a – Figures to support Chapters 1-7 of the EIAR
  - Vol 3b – Proposed development visualisations – viewpoints 1-9
  - Vol 3c – Proposed development visualisations – viewpoints 10 – 18
  - Vol 3d – Figures to support Chapters 8 – 17 of the EIAR
- Volume 4(a-b) – EIAR Technical Appendices

5.20 The SEI is comprised of:

- SEI Volume 1 – SEI Non-Technical Summary Report
- SEI Volume 2 – SEI Chapters
- SEI Volume 3 – SEI Figures and Technical Appendices
- SEI volume 4 – SEI Wirelines and photomontages

5.21 In terms of the status of other documents, the SEI Report confirmed that the original Design and Access Statement (DAS) remains unchanged, however should be read in conjunction with Chapter 2 of the SEI. The original Pre-Application Consultation (PAC) Report remains unchanged. The original Planning Statement remains unchanged. The original Project Comparison Report remains unchanged, however should be read in conjunction with all chapters of the SEI.

5.22 Environmental impact assessment is a process. It consists of the preparation of an EIA Report by the developer, the carrying out of consultation, publication and notification, the examination by the Scottish Ministers of the information presented in the EIA Report and any other environmental information, informed by representations and the consultation responses received, including those of the Comhairle as the principal consultee, and the reasoned conclusion of the Scottish Ministers on the significant effects of the development on the environment.

5.23 The EIA Regulations set out what the EIA Report should contain, what the EIA process should consider and, in relation to potential significant effects resulting from the proposal, the factors that should be assessed. The EIA Report is required to be prepared by competent experts. In respect of this proposal, the EIA Report, Chapter 1 paragraphs 1.12-1.18 set out details of the specialist knowledge and experience of the contributors to the EIA Report. This information is supplemented and updated by Chapter 1 paragraphs 1.9-1.10 of the SEI Report.

### **Structure of Report**

5.24 To consider all relevant matters, this Report is structured as follows:

- Section 6 Site Context and Proposal
- Section 7 Legislative Context
- Section 8 Planning History

- Section 9 Consultation Advice
- Section 10 Public Participation
- Section 11 Policy Context
- Section 12 Planning Assessment
- Section 13 Mitigation measures and Monitoring
- Section 14 Reasoned conclusion
- Section 15 Recommendation

5.25 Section 12: Planning Assessment is structured under a number of main issues, together with other material considerations and other matters raised in representations. For each identified main issue, the assessment of the proposal considers the:

- Policy context.
- Assessment contained within the submitted EIA Report.
- Comments of specialist statutory and non-statutory consultees.
- Representations received.
- Overall planning assessment.

## **SITE CONTEXT AND PROPOSAL**

### **Description of site and its context**

#### Site Context

- 6.1 The application site is comprised of 1,647 hectares (ha) of land located within the Eisgein (Eishken) Estate. The site is located in the north of the Pairc peninsula. The peninsula is defined by two long and narrow sea lochs, Loch Erisort (Eireasort) to the north, and Loch Seaforth (Shiophoirt) to the south, the latter forming part of the boundary between Lewis and Harris.
- 6.2 The immediate surrounding area of the site is remote, with residential dwellings restricted to Eishken Lodge and those of the inner estate. Beyond this, there are only isolated residential properties, typically isolated crofts, located within the adjacent estate situated to the north and east (Pairc Estate).
- 6.3 The nearest settlements are to the north and west of the site: Arivruach (Airidh a Bhruaich) and Balallan (Baile Ailein) on the A859 road, as well as crofting townships along the B8060 road to the north and east (between Habost and Orinsay, including Kershader, Garyvard, and Gravir). There are no core paths for a significant distance, with the closest located being approximately 9.7km west of the site.
- 6.4 Stornoway is located approximately 20km north east of the site, with Tarbert some 17.9km to the south west. The only large operational (or consented) wind turbine within 10km of the site boundary is located approximately 3.54km from the site and consists of a single turbine at 42m tip height.
- 6.5 The area of the site lies within several Landscape Character Types, as defined by NatureScot's Landscape Character Assessment 2019, including Prominent Hills and Mountains, Rocky Moorland, and Dispersed Crofting. The key characteristics of these landscapes are identified, respectively, as:
- Individual peaks with pronounced summits, long ridges and slopes; rises steadily from surrounding terrain, contrasting in character between the open remote character of the uplands, and the more diverse patterns of settlement of the coastal crofting areas; massive vertical scale; irregular rock buttresses, ledges, shelves and deep gullies on upper slopes; lower slopes of windswept heather moorland; uninhabited.
  - Rocky, stepped landscape with irregular topography; rocky knolls interlocked with peaty moorland vegetation and small lochans; considerable diversity of form and texture; occasional areas of forestry, small woodlands and shelter planting; medium scale; predominantly uninhabited and sense of remoteness.

- Short, even slopes interspersed between rocky knock and boulder outcrops; small and intimate landscape scale; strong, simple relationship between crofting townships and the sea; dispersed settlement pattern, with occasional groups focussed around harbours and sheltered glens; combination of landform variation and coastal location of townships create a landscape with a high level of natural diversity in a relatively small area; absence of woodland and trees.

6.6 The southern boundary of the application site, along the shore of Loch Shell (Sealg), is defined as an 'isolated coast' within the Local Development Plan. The application site also lies outwith but directly abuts the Wild Land Area 31: Eishken, to the south west of the site. Wild Land Area 30: Harris-Uig Hills is approximately 1.2km to the west of the site, at its nearest point.

6.7 In addition, the edge of the South Lewis, Harris and North Uist National Scenic Area (NSA) is situated approximately 2.6km to the south of the site, at its nearest point. The special qualities of the NSA were defined in 2010 by NatureScot (at the time known as Scottish Natural Heritage) as including:

- A rich variety of exceptional scenery.
- A great diversity of seascapes.
- Intervisibility.
- The close interplay of the natural world, settlement and culture.
- The indivisible linkage of landscape and history.
- The very edge of Europe.
- The dominance of the weather.  
(*specific to South Lewis and Harris*)
- The wild, mountainous character.
- Deep sea lochs that penetrate the hills.
- The narrow gorge of Glen Bhalto.
- The rockscapes of Harris.
- Extensive machair and dune systems with expansive beaches.
- The drama of Ceapabhal and Tràigh an Taoibh Thuath.
- The landmark of Amhuinnsuidhe Castle.
- The distinct, well-populated island of Sgalpaigh.
- The enclosed glens of Choisleitir, Shrandabhal and Roghadail.

6.8 Although it is not located within any specific designation, there are several designated environmental sites within the vicinity of the application site, the *Inner Hebrides and the Minches Special Area of Conservation (SAC)*, the *Shiant Isles Special Area of Protection (SPA)*, the *Lewis Peatlands SAC and SPA*, the *North Harris SAC and Site of Special Scientific Interest (SSSI)*, the *North Harris Mountains SPA* and the *West Coast of the Outer Hebrides SPA*.

6.9 The site is in an area designated in the Outer Hebrides Woodland Strategy as a Native Core Development Woodland Area.

6.10 There are a number of designated and non-designated heritage assets located within the vicinity of the site. Known heritage assets within the immediate vicinity of the application site include the church at Gravir (Category C) and the former Gravir school and schoolhouse and Marvig school and schoolhouse (both Category B) and the Sideval stone circle Scheduled Monument.

#### Application site

6.11 The site is currently utilised recreationally for hunting, fishing and deer stalking for residents of, and visitors to, the Eishken Estate Lodge. Predominant land cover within the site is heather grassland interspersed with freshwater lochans and a network of tributaries. The site boundary also encompasses a number of small lochs with a number of rivers and streams crossing the site feeding into the lochs.

- 6.12 The site is characterised by gently rolling open moorland with some areas of steep slopes and rocky outcrops, particularly in the west of the site. The site comprises numerous ridges and elevated landform, including the summits of Creag na Beirighe (236m AOD) and Cleit Catriona (139m AOD) in the south of the site. Topography rises from sea level in the south, reaching a high point of approximately 270m AOD in the north west. The summits of Feiriosbhal (327m AOD), Cleit na Cerdaich (168m AOD) and Beinn Mheadhanach (288m AOD) are located outwith but within close proximity to the north western site boundary.
- 6.13 The site boundary encompasses the Eishken road, which runs from the Eishken Lodge to the main A859 road. The entirety of the Eishken road is included in the site boundary, to allow for widening and other improvements, which would facilitate abnormal loads and other HGVs using it to access the main part of the site.
- 6.14 A number of parameters and considerations informed the site selection and design of the proposed development, which are described in full in the separate Design and Access Statement and summarised in Chapter 2: Site Description and Design Evolution of the EIA Report, as amended by Chapter 2 of the SEI, and depicted in EIA Figure 2.2.
- 6.15 The submitted Planning Statement also includes as summary of the location selection reasons. Amongst other matters, it indicates that the site benefits from high wind speeds, is located entirely outwith any statutory designations, the turbine area would be located in excess of 2km from the nearest settlements, and the principle of the use of the site for wind farm development has been established through the consented Muaitheabhal Wind Farm.

#### **Description of development**

- 6.16 The proposed development is described in detail in Chapter 3: Description of Development of the EIA Report, as amended by Chapter 3 of the SEI Report. An outline Construction and Environmental Management Plan (CEMP) is contained in SEI TA 3.1. The layout of the proposed development is contained in SEI Figure 3.1.

#### Proposed Infrastructure

- 6.17 The planning application seeks permission for 25 wind turbines including internal transformers, three with blade tip heights of 180m and 22 with blade tip heights of 200m. This would require 25 turbine foundations (approximately 22.8m diameter) and associated crane hardstandings (50m x 20m x 1m) with an area for additional temporary crane pad areas.
- 6.18 In addition, approximately 12.1km of upgraded access tracks would be required, with the Eishken road widened to 5m, and approximately 17.36km of new access tracks, with a typical running width of 6m (wider at bends and junctions) and associated drainage. Some 2.6km of the new track is anticipated to be 'floating track' where consistent (50m distance or more) peat depths of over 0.5m or greater are identified along with shallow topography (below 5%).
- 6.19 Approximately 19.16km of underground cabling along the access tracks is proposed, to connect the turbine locations and the onsite electrical substations.
- 6.20 The onsite substations would accommodate 33kV Switchgear to collect electricity from different parts of the application site. The substation compounds would have areas of 75m x 100m and 85m x 145m, and each would include a control and metering building (approximately 16m x 30m and 8m high). The SHETL substation compound would also include High Voltage (HV) equipment, such as transformers and circuit breakers.

- 6.21 In addition, the application proposes two permanent meteorological (met) masts up to 122.5m in height. Each met mast would have a main foundation area of 3m x 3m, as well as four anchor points for supporting guy wires.
- 6.22 Construction of the proposed development would also require three temporary construction compounds (0.64ha, 0.28ha and 0.63ha respectively), and up to seven borrow pits covering some 7.05ha (approximately 0.66ha, 0.40ha, 0.33ha, 1.28ha, 0.60ha and 1.78ha, respectively).
- 6.23 An allowance for the precise locations of the proposed wind turbines and ancillary infrastructure is requested, to allow for micrositing within a 75m radius from the positions shown on Figure 3.1. This micrositing is requested to allow a degree of flexibility, to take into account localised ground conditions and other environmental constraints, which may be identified during post consent survey works. It is requested that this matter be addressed by condition, should consent be granted for the proposal.
- 6.24 A range of wind turbine models may be suitable for the site, and the final choice of turbine model would be selected through a competitive procurement process. As there is uncertainty relating to which wind turbine model would be used at the time of construction, the application requests a reasonable degree of flexibility for the permissible dimensions of the turbine. However, based upon a maximum blade tip height of between 180m and 200m, it is anticipated that the installed nominal capacity of each wind turbine will be approximately 6.6MW. Turbines 19 to 25 (the southernmost seven turbines) are proposed to have painted blade mitigation applied, in order to further reduce predicted collision rates for eagle species.
- 6.25 There is a statutory requirement to install visible aviation lights on the wind farm because the turbines would be 150m or greater in vertical height. To minimise the consequent landscape and visual effects, the application proposes a reduced lighting scheme, which does not require all of the proposed turbines to be lit. This can be acceptable given the night time use of the airspace concerned.
- 6.26 The proposed reduced lighting scheme is for seven turbines to have nacelle mounted, medium intensity, visible spectrum, steady red obstacle lights: T1, T3, T7, T12, T18, T22 and T25. The lights would operate from dusk until dawn.
- 6.27 A crane hardstanding of approximately 50m x 20m x 1m will be required adjacent to each wind turbine, to provide a stable base for construction and crane erection activities. These crane hardstanding areas will be permanently retained for maintenance operations. The crane hardstanding would also include a number of smaller, temporary, crane boom support pads alongside the access track, going back potentially a further 117m from the edge of the main crane hardstanding area.
- 6.28 For the access route to connect to the site infrastructure, a total of approximately 28.6km of access track will be required. This will comprise approximately 17.36km of new track (of which approximately 2.6km would be 'floating track'), and approximately 12.1km of existing track which will require to be upgraded. This internal access track will require the formation of 21 new watercourse crossings and upgrading of 33 existing watercourse crossings.
- 6.29 The electricity produced by the wind turbines would be fed by underground cables, to a substation control building (located within one of the substation compounds). The proposed substation compounds would be approximately 85m x 145m and 75m x 100m, and the proposed substation control building would measure approximately 16m(w) x 30m(l) x 8m(h).

#### Habitat Management Plan

- 6.30 An outline Habitat Management Plan (HMP) is provided as SEI TA 8.5. It is anticipated that the document would be further developed, should consent be granted, in discussion with the Comhairle as planning authority, Scottish Environment Protection Agency (SEPA) and NatureScot. The aim of the outline HMP is to establish the key objectives and principles by which parts of the site would be

improved and managed for the benefit of biodiversity, which would then form the basis for the more detailed HMP.

#### Construction Phase

- 6.31 The application indicates that it is anticipated that construction activities for the proposed development would take approximately 36 months.
- 6.32 The proposed site access and delivery route for construction traffic is anticipated to be from the A859. This route may also be used for the delivery of turbine components.
- 6.33 The application Planning Statement indicates that consideration is also being given to the use of a berthing facility on the north shore of Loch Sealg, in order to bring large components, e.g. turbine blades, to site. This would avoid the need to transport abnormal loads via the road network (A859). As this element does not form part of the current proposed development, this would require a specific permission, which would be the subject of a separate application. The EIA and SEI for the current application have been undertaken on a 'worst case' basis, with construction traffic travelling via road from the Arnish Deepwater Port.

#### Operational Phase, Decommissioning and Site Restoration

- 6.34 Consent in this instance is being sought for a period of 30 years.
- 6.35 At the end of its operational life, it is anticipated that the proposed development would be decommissioned in accordance with a Decommissioning and Restoration Plan (DRP) which would be submitted to the Comhairle as planning authority for approval no later than 12 months prior to the start of decommissioning. This is a matter that can be addressed by condition.
- 6.36 Following this, providing there has been no approval to extend the life, it is expected that the wind farm would then be decommissioned. Alternatively, a new application could be made to extend the operational life of the site.

#### **LEGISLATIVE CONTEXT**

- 7.1 The Electricity Act 1989 requires the Scottish Ministers, in considering proposals for consent, to have regard to the desirability of preserving the natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and to do what can reasonably be done to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects. In addition, in so far as possible, any injuries to fisheries or to the stock of fish in any waters should be avoided.
- 7.2 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (the Act) require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. However, notwithstanding that the application also seeks the grant of deemed planning permission, the Courts have held that section 25 of the Act is not engaged for applications submitted pursuant to section 36 of the Electricity Act. The Development Plan is, nonetheless, considered to be an important material consideration that should be taken into account in the determination of an application.
- 7.3 The weight to be attached to any relevant material consideration is for the judgment of the decision-maker. Two main tests are used when deciding whether a consideration is material and relevant:
- It should serve or be related to the purpose of planning. This means it should relate to the development and use of land.
  - It should fairly and reasonably relate to the particular application being determined.

- 7.4 This Report sets out an assessment against the policies and provisions of the Development Plan and has regard to all relevant material planning considerations, including international decarbonisation obligations and commitments, and United Kingdom and Scottish climate change and energy policy, to inform a reasoned conclusion and recommendation.
- 7.5 Under The Nature Conservation (Scotland) Act 2004 all public bodies, including planning authorities, have a duty to further the conservation of biodiversity. The Bird Habitat Duty requires all public bodies to take steps in the exercise of their functions to contribute to the achievement of the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in Scotland (including by means of the upkeep, management and creation of such habitat, as appropriate).
- 7.6 NatureScot provides advice on protected species, and their breeding and resting sites. Proposals requiring the most careful scrutiny include those that may impact on, amongst others: European Protected Species, e.g. otter; species on Schedule 5 of The Wildlife and Countryside Act 1981; and birds, with most species of birds and their nests protected under The Birds Directive and The Wildlife and Countryside Act 1981.
- 7.7 The Land Reform (Scotland) Act 2003 provides a statutory framework for public access, under the principle of responsible access. Guidance is provided in the Scottish Outdoor Access Code.
- 7.8 The Public Sector Equality Duty, as set out in The Equality Act 2010, requires public authorities in the exercise of their functions to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct; advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.
- 7.9 The Equality Act explains that advancing equality of opportunity involves, in particular, having due regard to the need to remove or minimise disadvantage suffered by people due to their protected characteristics; take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low. Protected characteristics include, amongst others, age and disability.
- 7.10 The Human Rights Act 1998 enshrines in UK law most of the fundamental rights and freedoms contained in the European Convention on Human Rights. It is unlawful for a public authority to act in a way which is incompatible with a Convention right. Article 3(1) of The United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children.

## **PLANNING HISTORY**

- 8.1 In 2010, consent was granted by Scottish Ministers (under Section 36 of the Electricity Act 1989) for the development of Muaitheabhal Wind Farm on the site (ECU Reference: EC00005222). Subsequently, consent was granted in 2011 for Muaitheabhal East Extension Wind Farm (ECU Reference: EC00005223) and, in 2015, the Muaitheabhal South Extension was also consented (ECU Reference: EC00002096) on land to the south and west of Loch Sealg, also within the Eishken Estate.
- 8.2 With the exception of two turbines from the Muaitheabhal South Extension, all the previously consented turbines are located within the current application site boundary.
- 8.3 In total, the three Section 36 consents comprise 45 turbines:
- Muaitheabhal Wind Farm Main Consent (33 turbines up to 145m to tip);

- Muaitheabhal East Extension (6 turbines up to 150m to tip); and
- Muaitheabhal South Extension (5 turbines up to 150m to tip and 1 turbine up to 130m to tip).

8.4 The consents have been implemented through development of a bell mouth junction for the original consent and east extension and other limited ongoing infrastructure works for the south extension. Evidence was provided to this effect by the developer and the Comhairle as planning authority issued a formal Certificate of Lawfulness of Proposed Use or Development in relation to these consents (Ref 21/00350/CLP, dated 2 July 2021).

### **CONSULTATION ADVICE**

- 9.1 [Copies of all external consultation responses received by the Scottish Government in response to its consultation process on the EIAR and SEI are available to view on the Energy Consents Unit website using reference ECU00004568.](#)
- 9.2 Copies of consultation responses received by the Comhairle from internal consultees are included as Appendix 6 to this Report.
- 9.3 Section 12: Planning Assessment of this Report includes a summary of the comments received relevant to each issue as part of the assessment of that issue.

### **PUBLIC PARTICIPATION**

- 10.1 The Scottish Government Energy Consents Unit website indicates that nine public representations have been submitted to Scottish Ministers on the application. These express views both in support of and against the proposed development. These [representations are available to view on the Energy Consents Unit website using reference ECU00004568](#). No representations from members of the public have been received direct to the Comhairle.
- 10.2 In brief, these views can be broadly summarised as:

- Support
  - Potential significant community benefits.
  - Increased level of funding will widen range and type of community support available.
  - Benefits through financing of footpath creation and eagle conservation programme.
  - Employment creation – during construction and operational phases, including apprenticeship schemes.
  - Boost to local economy, including through local procurement.
  - Provision of jobs and community benefits would contribute to population retention and repopulation aims.
  - Option for community purchase.
  - Energy security benefits.
  - Potential for resulting reductions in energy costs in an area with high fuel poverty.
  - Reduction in carbon emissions.
  - Contribution to meeting climate change targets.
  - Redesigned project reduces the number of turbines proposed reducing the impact on local moorland.
  - Developer and landowner have openly engaged with the local community as the project has progressed.
  - Improvement on previously consented proposal.
- Objections to:
  - Excessive size of the turbines.
  - Adverse impact on landscape character and visual amenity.
  - Resulting light pollution.

- Adverse impact to tourism industry.
- Adverse impact on property values.
- Noise and disturbance impacts.
- Consequent harm to human health.
- Release of CO<sub>2</sub> from peat disturbance.
- Adverse impact on achieving net zero targets for carbon emissions.
- Adverse impact on ecology.
- Adverse impact on breeding birds (including White Tailed Eagles and Golden Eagles).
- Adverse impact on bats.
- Impact on cultural heritage, including Callanish.
- Lack of visualisations of potential impact on Callanish.
- Lack of coordination in planning process to address the requirements of the various wind farm developments proposed.
- Adverse impacts on local infrastructure during the construction phase.
- Minimal resulting job creation with no significance to island.
- Previous refusal of smaller scheme.
- Inadequate levels of consultation with local people.

## **POLICY CONTEXT**

### **The ‘Development Plan’**

- 11.1 Following the enactment of a provision of the Planning (Scotland) Act 2019 on 13 February 2023, the statutory ‘Development Plan’ for the administrative area of Comhairle nan Eilean Siar is comprised of National Planning Framework 4 (NPF4) and the Outer Hebrides Local Development Plan 2018 and its Supplementary Guidance.
- 11.2 Section 24(3) of the Act provides that, in the event of any incompatibility between a provision of NPF4 and a provision of the LDP, whichever of them is the latter is to prevail. The full text of the adopted [NPF4 can be read on-line on the Transforming Planning website](#) while that of the [Outer Hebrides LDP is available on the Comhairle website](#).
- 11.3 Part 1ZA of the Planning (Scotland) Act 2019 sets out that the purpose of planning is to manage the development and use of land in the long-term public interest, and that anything which contributes to sustainable development is to be considered as being in the long-term public interest.

### **National Planning Framework 4 (NPF4)**

- 11.4 NPF4 comprises the ‘National Spatial Strategy for Scotland’ (the Spatial Strategy) to 2045 and is the updated statement of National Planning Policy. The National Spatial Strategy for sustainable places states: ‘Scotland’s future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.’
- 11.5 Eighteen National Developments are designated ‘significant developments of national importance that will help to deliver’ the Spatial Strategy are identified. NPF4 further provides that National Development status does not grant planning permission for the development and all relevant consents are required; however, their designation [as National Developments] means that *‘the principle of the development does not need to be agreed in later consenting processes, providing more certainty for communities, business and investors’*.
- 11.6 The eighteen include National Development 1: Energy Innovation Development on the Islands and National Development 3: Strategic Renewable Electricity Generation and Transmission Infrastructure.
- 11.7 Amongst the classes specified, National Development 1 includes *‘New or updated on and/or off shore infrastructure for energy generation from renewables exceeding 50 megawatts capacity’* within the

Outer Hebrides, and National Development 3 includes *'On and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity'* for all Scotland. The proposal is therefore considered to meet the criteria for a defined National Development.

11.8 The Regional Spatial Priorities for the North and West Coast and Islands indicate that this part of Scotland will be at the forefront of the efforts to reach net zero emissions by 2045. It also confirms that Scotland's National Islands Plan aims to grow the population and economy, improve transport and housing, and ensure island communities are served by the facilities, jobs, education and services they need to flourish. Environmental wellbeing, clean and affordable energy, strong communities, culture and identity are also priorities.

11.9 NPF4 contains strong and clear policy support for the weight that should be given to the addressing the climate emergency and nature crises when assessing applications. NPF4 also includes a strategic spatial strategy that supports onshore wind energy generation and associated grid infrastructure in Scotland. At the core of NPF4 are policies to address the global climate and nature crises, and it provides significant support for renewable energy projects.

11.10 Under National Planning Policy, NPF4 confirms that planning is complex and requires careful balancing of issues. NPF4 policies should be read as a whole. It is for the decision maker to determine what weight to attach to policies on a case by case basis.

11.11 NPF4 Policy 11: Energy is considered to be of particular relevance to the application. The following policies are also considered to be relevant:

- Policy 1 Tackling the climate and nature crises
- Policy 2 Climate mitigation and adaptation
- Policy 3 Biodiversity
- Policy 4 Natural Places
- Policy 5 Soils
- Policy 7 Historic assets and places
- Policy 10 Coastal development
- Policy 13 Sustainable transport
- Policy 14 Design, quality and place
- Policy 18 Infrastructure first
- Policy 20 Blue and Green Infrastructure
- Policy 22 Flood risk and water management
- Policy 23 Health and safety
- Policy 25 Community wealth building
- Policy 29 Rural development
- Policy 33 Minerals

11.12 The Scottish Government has also issued planning advice on 'Onshore wind turbines' and 'Wind farm developments on peat land'. The guidance on onshore wind turbines provides suggested areas of focus for planning authorities and highlights opportunities for planning authorities within the various stages of the planning process.

11.13 The Scottish Government advice on wind farm development on peat land refers to the use of a carbon calculator, for the consideration of carbon savings from wind farm developments on peat lands. This compares the carbon costs of wind farm developments with the carbon (greenhouse gas emissions) savings attributable to the wind farm. The calculation is summarised as the length of time (in years) it will take the carbon savings to amount to the carbon costs; this is referred to as the payback period. The current proposal is supported by such a calculation.

11.14 The Scottish Government issued an Onshore Wind: Policy Statement (OWPS) in 2022, which sets out their ambition to deploy 20GW of onshore wind by 2030. This 20GW ambition helps to support the rapid decarbonisation of the energy system and the sectors which depend upon it, aligning with a just transition to net zero.

#### **Outer Hebrides Local Development Plan 2018**

11.15 Strategic land use policy is set out in the Outer Hebrides Local Development Plan (OHLDP), adopted in 2018. The OHLDP provides a framework to develop and sustain the communities of the Outer Hebrides and identifies considerations within its policies to deliver long term benefits to the communities of the Outer Hebrides through encouraging and facilitating sustainable economic growth and to help build confident and resilient communities. It seeks to ensure that our natural, marine, and cultural resources are valued and utilised efficiently and sustainably.

11.16 OHLDP Policy EI8: Energy and Heat Resources, and the associated Wind Energy Development Supplementary Guidance 2021 (SG), are considered to be of particular relevance to the application. The following policies are also considered to be relevant:

- Policy DS1: Development Strategy – Outwith Settlements
- Policy PD2: Carparking & Roads Layout
- Policy PD6: Compatibility of Neighbouring Uses
- Policy ED1: Economic Development
- Policy ED5: Minerals
- Policy EI 1: Flooding
- Policy EI 2: Water and Waste Water
- Policy EI 3: Water Environment
- Policy EI 4: Waste Management
- Policy EI 5: Soils
- Policy EI 7: Countryside and Coastal Access
- Policy EI 9: Transport Infrastructure
- Policy EI10: Communications Infrastructure
- Policy EI11: Safeguarding
- Policy EI12: Developer Contributions
- Policy NBH1: Landscape
- Policy NBH2: Natural Heritage
- Policy NBH4: Built Heritage
- Policy NBH5: Archaeology
- Policy NBH6: Historic Areas

11.17 The issues to be addressed in respect of these identified policies are considered within the OHLDP Supplementary Guidance: Wind Energy Development, adopted November 2021 (SG).

### **PLANNING ASSESSMENT**

#### **Approach**

12.1 The assessment will consider the proposal in relation to a number of issues, before weighing those in a planning balance and reaching a reasoned conclusion and recommendation.

12.2 The main issues considered below are structured to consider the policy context for that issue, the relevant aspects of the EIA Report, responses received from consultees and the public and, having regard to all those factors, a planning assessment in respect of that issue. Unless indicated otherwise, references to the EIA Report also refer to the details included in the SEI.

- 12.3 Other material considerations are addressed after the assessment of main issues, as well as other matters raised in representations. An overall planning assessment of the proposal, which draws together the assessment of these issues and weighs matters for and against the development, concludes this section of the Report. Consideration of potential impacts resulting from decommissioning and site restoration is set out within the assessment.
- 12.4 It is necessary to consider the application on its merits. However, the existence of extant consents is a material consideration which will also need to be taken into account. Where appropriate, this will be done in relation to each issue. An overall consideration of the proposal in comparison to the 'fall-back' position of the extant scheme is also included, towards the end of the assessment.

### **Spatial Strategy and Principle of Development**

#### Policy Context

- 12.5 As set out above, the proposal is considered to be a defined National Development. NPF4 confirms that National Development status does not grant planning permission for the development. However, as noted above, NPF4 also confirms that this designation means that the principle of the development does not need to be agreed in later consenting processes, such as this application, providing more certainty for communities, business and investors.
- 12.6 NPF4 goes on to clarify that the National Development designation is not intended to describe in detail how projects should be designed, what matters should be considered, or what impact assessments and mitigation should be applied. It confirms that decision makers for applications for consent for national developments should take into account all relevant policies.
- 12.7 NPF4 Policy 11: Energy seeks to encourage, promote and facilitate all forms of renewable energy development onshore and offshore, with the aim of securing the expansion of renewable, low-carbon and zero emissions technologies. Policy 11 states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, including wind farms (except within National Parks and National Scenic Areas).
- 12.8 The policy includes a number of criteria, including those relating to socio-economic benefits, impacts on environmental designations, and design and mitigation measures, including those relating to communities, landscape, access, aviation, telecommunications, traffic, the historic environment, hydrology, biodiversity, and cumulative impacts, amongst other matters. These criteria are considered as part of the assessment of specific issues below.
- 12.9 The Policy also requires that, in considering these impacts, significant weight is placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Further, it confirms that grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator.
- 12.10 The Policy also confirms that although consents for development proposals may be time-limited, areas identified for wind farms are expected to be suitable for use in perpetuity.
- 12.11 NPF4 Policy 18: Infrastructure First supports development proposals which provide infrastructure in line with that identified as necessary in LDPs and their delivery programmes. It also confirms that the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.
- 12.12 In respect of NPF4 Policy 29: Rural Development, the application site is considered to fall within a remote rural island location. The Policy recognises that development proposals in these areas can often help to sustain fragile communities. It confirms that development will be supported where the

proposal will: support local employment; supports and sustains existing communities, for example through provision of digital infrastructure; and is suitable in terms of location, access, siting, design and environmental impact. These are matters that are considered further below.

- 12.13 In terms of the OHLDP Development Strategy, as set out in Policy DS1, part of the site is situated in an outwith settlement location. Within these areas, the principal objective of Policy DS1 is to direct appropriate resource-based activity and ensure development has a quality of siting and design suitable to a more open and rural setting. Further, unless directed by the Wind Energy spatial strategy, development proposals for non-residential uses on green field sites must demonstrate a clearly justified need for the proposed development in that location. The policy goes on to say that all development proposals will be assessed against the capacity of the surrounding landscape to accommodate the development and raised, or high-level locations, should be avoided, to minimise visual impact.
- 12.14 The remainder of the site is located within a defined 'Remote Area' within the LDP. These areas largely consist of undeveloped interior upland areas and isolated coastline. These areas are important for their natural and cultural resources and encompass some of Scotland's most iconic landscapes. Within remote areas the principal policy objective of Policy DS1 is to support the sustainable development of natural resources and manage change in the landscape to maintain and enhance distinctive character landscapes. There will be a focus on protecting important environmental assets that underpin the sustainable development of natural resources, including wind.
- 12.15 Policy DS1 goes on to state that development in Remote Areas will be limited and will need to be clearly justified. Careful planning and design will be required to minimise environmental impacts. Proposals for development will only be acceptable where a locational need has been demonstrated. Further, at least one of four specified criteria would need to be met, including proposals for the sustainable development of a natural resource (including wind), which accords with any relevant Supplementary Guidance and associated spatial strategy. Proposals should also avoid significant adverse effects on the area's ecological and landscape attributes, including the special qualities of NSAs and wildness characteristics of WLAs.
- 12.16 Policy EI8: Energy and Heat Resources confirms that the Comhairle will support proposals that contribute to meeting the targets and objectives of national policy and legislation in relation to electricity grid reinforcement, infrastructure and renewable energy generation. Development proposals for all scales of onshore wind energy development will be assessed against the Wind Energy Development Supplementary Guidance (SG).
- 12.17 The SG indicates that the proposal lies within an *Area of Constraint, with potential in certain circumstances*, as defined by the wind energy Spatial Strategy. Wind farm development in these areas will be considered, subject to a satisfactory assessment against other policies in the OHLDP and those in the SG.

#### EIA Report

- 12.18 Chapter 4 of the EIA (as amended by Chapter 4 of the SEI) outlines the main policies of relevance to the determination of the application. It sets out a summary of the planning and regulatory context in relation to the key topics covered in the EIA Report, and also looks at the wider policy context in relation to climate change and renewable energy and other material considerations.
- 12.19 The originally submitted EIA TA 4.1: Legislation, Policy and Guidance remains valid, as national policy relevant to the proposed determination of the application remains unchanged since August 2023. However, in addition, the Scottish Government published 'The Onshore Wind Sector Deal' in September 2023, which sets out the commitments from the Scottish Government and the onshore wind farm industry to deliver 20GW of onshore wind energy by 2030.

12.20 The Planning Statement includes an assessment of whether the proposal is considered by the applicant to comply with policy. The Planning Statement confirms that, due to its size and location, the proposed development would have National Development status, as outlined in NPF4. The Planning Statement considers that the proposal would be in accordance with NPF4 Policy 11: Energy, for the reasons set out in Section 6.2.4 and Tables 6-1 and 6-2. Table 6-3 sets out that the proposal would be in accordance with the SG Wind Energy policies and, as a result, would be in accordance with OHLDP Policy E18: Energy and Heat Resources, as well as other relevant PHLDP policies.

#### Consultation Responses

12.21 Most of the consultation responses received do not comment on the principle of development in this location. However, in the context of the assessment undertaken, NatureScot makes reference to the previously consented development in this location and acknowledge that the principle of this type of development has previously been considered acceptable.

12.22 The RSPB, in its comments, makes clear its long-standing position that the site does not appear to be a suitable location for a wind farm of this scale. However, they also acknowledge the planning history and previous consents granted, in the context of their comments.

12.23 The Pairc Trust express support for the proposal. In addition to providing affordable and low carbon renewable energy, it strongly believes that Uisenis Wind Farm will bring many benefits to the Western Isles and the wider community. The comments also highlight the environmental benefits of the proposal in terms of its contribution to meeting climate change targets. These are matters that are considered further below.

#### Public comments

12.24 Several comments were raised about the principle of the development proposed in this location. Comments that primarily relate to specific matters will be considered in the various main issues below. The main points raised in representations that relate more generally to the principle of the proposal can be broadly summarised as:

- Redesigned project reduces the number of turbines proposed reducing the impact on local moorland.
- Improvement on previously consented proposal.
- Potential significant community benefits.
- Lack of coordination in planning process to address the requirements of the various wind farm developments proposed.
- Previous refusal of smaller scheme.

#### Assessment

12.25 The principle of this type of development in this location has previously been considered to be acceptable. Reference was made in representations to the previous refusal of a smaller scheme. The first of the three previous consents was approved by the Scottish Ministers. However, as set out above, that consent (and the two later consents) remains extant, and the location of the current application site is comparable to that of the previously consented developments.

12.26 Since those earlier decisions were taken, there has been a change in the Development Plan, with NPF4 in 2023 and the OHLDP in 2018. However, in relation to the matters under consideration for this proposal, there are strong and consistent national and local planning and other policies in support of renewable energy, including onshore wind development.

12.27 As a National Development, the proposal would help deliver the national spatial strategy. The National Development status also confers agreement for the principle of the development. In terms of local spatial strategy, the location of the proposed windfarm is considered to accord with Policy DS1, subject to detailed assessment of compliance with the provisions of the SG.

12.28 Consequently, whilst it remains necessary to assess the details of the proposal against other policies of the Development Plan and the provisions of the SG, the development is considered to accord with national and local spatial strategies and the principle of development is considered to be acceptable.

### **Renewable energy targets and greenhouse gas emissions**

#### Policy Context

12.29 The broad strategic targets and policy context in Scotland (as well as the UK as whole and internationally) are strongly supportive of the urgent need for additional renewable energy generation capacity. The drivers behind this support can be summarised as follows:

- the need to address climate change and avoid/mitigate against the worst projected effects;
- the growing demand for electricity and the increased need for renewable energy generation that will be required to meet this need;
- the need for Scotland (and the UK) to reduce its dependency on imported oil and gas and to source more of its energy domestically.

12.30 The climate change policy context (including renewable energy policy) is highly supportive of renewable energy development. This support, in principle, is advocated from international level policy to UK, Scottish Government and local government level policy. The highly supportive strategy and policy framework has resulted in ambitious renewable energy and climate change targets.

#### *The Climate Change (Scotland) Act 2009 and the Scottish Energy Strategy 2017 (SES)*

12.31 The SES was published in December 2017, in the context of lower greenhouse gas emissions targets set initially under the Climate Change (Scotland) Act 2009. The SES sets out the Scottish Government vision for the future energy system in Scotland for the period through to 2050. The SES identifies that Scotland's long-term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.

12.32 The SES set a target for the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030. This 50% target roughly equates to 17GW of installed capacity in 2030. The SES advises that onshore wind energy development is essential to Scotland's transformation to a fully decarbonised energy system by 2050 and brings opportunities which underpin our vision to grow a low carbon economy and build a fairer society.

#### *The Climate Change (Emission Reduction Targets) (Scotland) Act 2019*

12.33 In May 2019, the Scottish Government formally declared a climate emergency. This resulted in the Climate Change (Emission Reduction Targets) (Scotland) Act 2019, which amends the Climate Change (Scotland) Act 2009 and commits the Scottish Ministers to a new target of net zero emissions of all greenhouse gases by 2045, with interim targets for reductions of at least 56% by 2020, 75% by 2030 and 90% by 2040. These amended greenhouse emissions targets, and the series of annual targets towards them, represent a substantial increase over the targets set in the previous Act.

12.34 To help ensure delivery of the long-term targets, the framework includes statutory annual targets every year to net zero. Up to 2020 the annual percentage reduction required is 1%, but this immediately leaps for each year between 2020 to 2030. It increases to 1.9% for each year between 2020 and 2030, a near doubling of the response.

12.35 Part 4 of the 2009 Act places climate change duties on Scottish public bodies. It states that a '*public body must, in exercising its functions, act: in the way best calculated to contribute to the delivery of (Scotland's climate change) targets; in the way best calculated to help deliver any (Scottish adaption programme); and in a way that it considers most sustainable*'. This means that all public sector organisations, including Scottish Ministers and local authorities, are obliged in exercising their functions to do so in a manner which is consistent with meeting the net zero climate change target.

*Onshore Wind Policy Statement (OWPS) 2022*

- 12.36 The OWPS 2022 contains specific acknowledgement of the need to further the speedy deployment of onshore wind. If the policy ambition of a minimum of installed capacity of 20GW of onshore wind in Scotland by 2030 is to be achieved, consents need to be granted to allow deployment as quickly as possible. In paragraph 3.6.1, the OWPS also recognises that meeting the 2030 target will require ‘taller and more efficient turbines. This will change the landscape’.
- 12.37 In paragraph 3.6.2 of OWPS the Scottish Government’s position on the construction of new wind farms and their effect on the landscape further is further clarified as *‘The only areas where wind energy is not supported are National Parks and National Scenic Areas. Outside of these areas, the criteria for assessing proposals have been updated, including stronger weight being afforded to the contribution of the development to the climate emergency, as well as community benefits’*.

*Draft Energy Strategy and Just Transition Plan 2023 (the Draft Plan)*

- 12.38 On 10 January 2023, the Scottish Government published the Draft Plan, which outlines the key ambitions for Scotland’s energy future, with an even greater focus on renewable energy. It is predicted that these policies would result in a net jobs gain across the energy production sector and will increase renewable energy exports whilst also reducing exposure to future global energy market fluctuations.
- 12.39 The Plan outlines several of the Government’s targets to reach a net zero Scotland. These include an aim to substantially increase Scotland’s renewable electricity generation capacity from the current level of 13.4 Gigawatts (GW), with an additional 20GW resulting in an overall capacity of at least 33.4GW by 2030, and to have an additional 12GW of installed onshore wind capacity by 2030.
- 12.40 Whilst this document has undergone consultation, it currently remains in draft form, so reducing the weight that should be given to its policies. Nonetheless, it continues the trend and ongoing commitments indicated by previous legislation, statements, policies and plans. As such, it is a useful indicator of likely future policy direction in these regards.

*Progress towards targets*

- 12.41 The target set for 2021 and 2022, which repeated that of 2020, was for the equivalent of 100% of all electricity used in Scotland to come from renewable sources. This was not met in 2021, with only 85.2% of all electricity used in Scotland coming from renewable sources. However, the target was met in 2022, with the equivalent of 113% of all electricity used in Scotland coming from renewable sources.
- 12.42 By 2030, the target is to increase the installed onshore wind capacity in Scotland to 20GW and to generate 50% of Scotland’s overall energy consumption (not just electricity) from renewable sources. The latest figures from September 2023 indicated that installed capacity was 9.5GW. Meeting this target would require a further 11.5GW of onshore wind capacity to be installed in less than six years (from 2023). The figures from 2021 indicate that the equivalent of 23.7% of total Scottish energy consumption came from renewable sources, down from 26.8% in 2020, which was the highest level to date.
- 12.43 The current target of a 56% reduction in greenhouse gas (GHG) emissions by 2020 was met, with the GHG account reduced by 59% between the baseline period and 2020. However, this reduction was largely due to travel restrictions during the pandemic. In 2021, the GHG account was reduced by 49.9% between baseline period and 2021.
- 12.44 Having missed its 2021 GHG emissions targets, it can be considered that Scotland is not currently on course to achieve the 2030 target of a 75% reduction in emissions relative to 1990. This was highlighted by the Climate Change Committee in their *First Five-Yearly Review and Progress in Reducing Emissions in Scotland Report 2022* to Parliament. It advised that the Scottish Government urgently needs to

provide a quantified plan for how policies will combine to achieve emissions reductions and subsequently the 2030 target.

#### *NPF4*

- 12.45 As referred to above, at the core of NPF4 are policies to address the global climate and nature crises, and it provides significant support for renewable energy projects.
- 12.46 Policy 1: Tackling the Climate and Nature Crises seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis and requires significant weight to be given to these issues when considering all development proposals.
- 12.47 Policy 2: Climate mitigation and adaptation seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
- 12.48 Policy 11: Energy seeks to encourage, promote and facilitate all forms of renewable energy development, onshore and offshore, with the aim of securing the expansion of renewable, low-carbon and zero emissions technologies.

#### *OHLDP*

- 12.49 OHLDP Policy EI 8 states that the Comhairle will support proposals that contribute to meeting the targets and objectives of the National Planning Framework, the Climate Change Act, the Position Statement on Energy and the National Renewables Infrastructure Plan in relation to electricity grid reinforcement, infrastructure and renewable energy generation, subject to accordance with the Local Development Plan.

#### EIA Report

- 12.50 The submitted Planning Statement, in Table 6-2, indicates that proposed development would produce an average of approximately 578,160 Mega Watt hours (MWh) of electricity annually (which corresponds to a capacity factor of 40%). This equates to the power consumed by approximately 164,764 average UK households.
- 12.51 It goes on to say that it is anticipated that the proposed development would be connected to the grid in 2030 and would therefore make a meaningful contribution to the Scottish Government target for a minimum installed capacity of 20GW of onshore wind by 2030 and net zero by 2045, key timescales for the Scottish Government.
- 12.52 The carbon calculator which accompanies the EIA Report as Technical Appendix 16.1 predicts that the proposed development would displace 7.49 million tonnes of CO<sub>2</sub> over the lifetime of the wind farm (assumed to be 30 years). It is expected that the overall payback time of a wind farm of the scale and installed capacity as the proposed development would be approximately 1.5 years when compared to a fossil fuel mix of energy generation.
- 12.53 The submitted Planning Statement considers that Policies 1 and 11 of NPF4 provide a supportive and unambiguous basis for decision makers assessing this planning application. This means that significant weight must be attached to the contribution of the proposed development to meeting renewable energy generation and greenhouse gas emissions reductions targets. It is considered that the proposed development can draw strong policy support from NPF4 for the role it can play in tackling the twin crises of climate emergency and nature crises.
- 12.54 The Planning Statement concludes that UK and Scottish Government objectives are clear in terms of the urgency of the needs case for carbon reduction measures, including the requirement for the rapid development of renewable energy. Large schemes of over 50M, such as the proposed development, which utilise efficient turbines, are located on sites that benefit from high wind speeds, and that have a short carbon payback period, can make significant contributions towards this objective.

12.55 Overall, it is argued that the urgency of the renewable energy and climate change targets, and the associated vital role that renewable energy developments can play in meeting these targets, should be afforded substantial weight in the planning balance during determination of this application.

#### Consultation Responses

12.56 In brief, the following summarises the key main points of the responses of particular relevance to this issue:

- The Pairc Trust expresses support for the proposal, in part for providing low carbon renewable energy that will help Scotland meet its climate change targets to reduce carbon emissions by 90% by 2040 and net zero by 2045

#### Public comments

12.57 The key main points raised in representations can be broadly summarised as:

- Energy security benefits.
- Potential for resulting reductions in energy costs in an area with high fuel poverty.
- Reduction in carbon emissions.
- Contribution to meeting climate change targets.
- Adverse impact on achieving net zero targets for carbon emissions.

#### Assessment

12.58 The targets set by the Scottish Government for renewable energy generation in the next decade are challenging, with a substantial increase required. The onshore wind sector will have a significant role to play in this, as evidenced by the Scottish Government's Onshore Wind Policy Statement 2022, which includes a requirement to provide 20GW of onshore wind generation by 2030.

12.59 The proposed development would have a total installed capacity of approximately 165 Megawatts (MW), which would be capable of producing an average of approximately 578,160 Mega Watt hours (MWh) of electricity annually. Given the intention for grid connection in 2030, this would make a meaningful contribution to meeting the relevant targets for renewable energy set by the Scottish and UK Governments.

12.60 Furthermore, it has been demonstrated through the carbon calculator that the proposed development would displace 7.49 million tonnes of CO<sub>2</sub> over the lifetime of the wind farm (assumed to be 30 years), with a payback time of 1.5 years. The proposal would therefore also make a positive and valuable contribution to meeting emission reduction targets.

12.61 The resulting contribution that would be made by the proposed development to renewable energy generation targets and on greenhouse gas emissions reduction targets would be clear and demonstrable benefits of the proposal. Having regard to the planning and wider policy context and, in particular, to NPF4 Policy 11, it is considered that significant weight should be given to these benefits.

### **Landscape and Visual Amenity**

#### Policy Context

##### *NPF4*

12.62 Policy 4: Natural Places seeks to protect, restore and enhance natural assets, making best use of nature-based solutions. Amongst other matters, it confirms that development proposals that will affect a National Scenic Area will only be supported where either, the objectives of designation and the overall integrity of the areas will not be compromised, or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

- 12.63 The policy goes on to state that development proposals in areas identified as wild land in the NatureScot Wild Land Areas map will only be supported in certain specified circumstances, including where it would support meeting renewable energy targets. However, it also states that buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.
- 12.64 Policy 11: Energy (b) states that development proposals for wind farms in National Scenic Areas will not be supported. Policy 11(d) states that development proposals that impact on national and international designations will be assessed in relation to Policy 4. Policy 11(e) requires project design and mitigation to demonstrate how various specified impacts are addressed, including (ii) significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable.
- 12.65 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places. It requires development proposals to be designed to improve the quality of an area, regardless of scale. It confirms that development proposals will be supported where they are consistent with the six qualities of successful places – healthy, pleasant, connected, distinctive, sustainable and adaptable. It reinforces that poorly designed proposals, that are detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.
- 12.66 Policy 29 supports development in remote rural areas where, along with other criteria, it would be suitable in terms of location, siting, and design.

#### *OHLDP*

- 12.67 Policy NBH1 requires development proposals to relate to the specific landscape and visual characteristics of the local area, ensuring that the overall integrity of landscape character is maintained. It also requires the Western Isles Landscape Character Assessment (LCA) to be taken into account in determining applications. Development proposals should not have an unacceptable significant landscape or visual impact.
- 12.68 Policy PD1 requires development proposals to demonstrate a satisfactory quality of place-making, siting, scale and design, which would respect and reflect positive local characteristics, and complement or enhance the surrounding built and natural environment.
- 12.69 The SG confirms that developers will be expected to demonstrate that proposals will not have an unacceptable significant visual or landscape impact on the character of the Outer Hebrides (including cumulative impacts) and that good siting and design has been utilised to ensure impacts are limited.
- 12.70 Proposals will be assessed for any likely impacts on: the special qualities of National Scenic Areas (NSA); areas of Low Landscape Capacity (Map 3 of the SG); key characteristics of landscape character types; settlements; and views from popular public viewpoints, transport routes, the core path network and recognised visitor locations.

#### *Guidance*

- 12.71 The Scottish Government guidance on Onshore Wind Turbines identifies that wind farm proposals can have a varied impact on the landscape, due to their number, size or layout, their siting, design and colour, land form change, access tracks and ancillary components. The ability of the landscape to absorb development often depends largely on features of landscape character, such as landform, ridges, hills, valleys and vegetation. This can also be influenced by careful siting and design.

#### EIA Report

- 12.72 EIA Report Chapter 7: Landscape and Visual Impact considers the potential effects of the proposed development on the landscape and visual resources of the site and the surrounding study area, during

the construction, operational and decommissioning phases of the project. This is supplemented by SEI Chapter 7, which considers any changes to the potential identified landscape and visual effects resulting from the changes to the development project.

- 12.73 Landscape character and resources are considered to be of importance in their own right and are valued regardless of whether they are seen by people. Effects on views and visual amenity as perceived by people are clearly distinguished from, although closely linked to, effects on landscape character and resources. Landscape and visual assessments are therefore separate, although linked, processes.
- 12.74 The Landscape and Visual Impact Assessment (LVIA) was prepared in accordance with the principles contained within GLVIA3 and focused upon likely significant effects in addition to the baseline conditions (including existing operational wind farms). The cumulative assessment focused on the effects of the proposed development in addition to the baseline conditions in conjunction with future (i.e. consented and proposed) wind developments within the 45km LVIA study area.
- 12.75 Construction activities would result in direct significant effects on the landscape of the site. The main construction activities with the potential to affect the site include excavations and track construction; the presence of tall cranes and partially built towers whilst turbines are being erected; and the movement of construction vehicles and plant. Visual effects resulting from construction would change throughout the construction phase as wind turbines are gradually constructed in sections. As such, visual effects during the construction phase are unlikely to exceed the level of effect associated with operational visual effects and are not assessed independently.

#### *Landscape*

- 12.76 The design of the proposed development aims to achieve a coherent and balanced turbine layout, in line with guidance provided by NatureScot. The main likely landscape effects of the proposed development during the operational phase of the project would be associated with the presence of the wind turbines, turbine transformers and ancillary infrastructure including access tracks, onsite substations and site access track.
- 12.77 Seven Landscape Character Types (LCTs) and one Coastal Character Type (CCT) have been identified and assessed for potential landscape effects due to the proposed development: Prominent Hills and Mountains; Rocky Moorland; Boggy Moorland; Dispersed Crofting; Linear Crofting; Cnoc and Lochan; Gently Sloping Crofting; and Low Rocky Island Coasts.
- 12.78 The LVIA identifies that the proposed development would be visible from all eight of the LCT/CCTs listed above, to a greater or lesser degree. The level of effect differs primarily due to the level of intervening landform screening, their variable sensitivity to wind farm development, and the existing influence of operational wind farms.
- 12.79 No significant adverse effects, as a result of the proposed development were predicted for any of the landscape character types as a whole. However significant landscape effects are predicted for localised extents of five of the LCTs (Prominent Hills and Mountains, Rocky Moorland, Boggy Moorland, Dispersed Crofting and Linear Crofting) and the Low Rocky Island Coasts CCT.

#### *Visual Impacts*

- 12.80 The proposed development has been designed in order to minimise views from key locations e.g. Calanais Stones and settlements such as Laxay and Balallan.
- 12.81 As identified by the EIA Zones of Theoretical Visibility (ZTVs), visibility of the proposed development to the west and south would largely be limited by intervening landform. Within 5km of the site, visibility of the proposed development would be relatively widespread. Within 10-15km, visibility would be relatively widespread to the north, east and south of the site, although localised landform limits some views. Beyond 15km of the site, visibility becomes more intermittent given screening by localised

landform. Occasional theoretical visibility is indicated from north Lewis, including from the Calanais Standing Stones, elevated landform along the western edge of Stornoway, and from more distant communities on An Rubha (the Eye Peninsula). Visibility from the sea to the east, north east and south east of the site is relatively widespread.

- 12.82 Of the 18 representative viewpoints assessed in the EIA Report, significant effects are identified at twelve viewpoints within the 45km study area, for the operational phase of the proposed development. In views from these locations, the proposed turbines would appear as evident features, sometimes seen against the skyline. They would appear most evident in views within 5km of the site, from elevated locations and from the B8060 road to the east of the site, as well as from other locations.

#### *Designated Landscapes*

- 12.83 The proposed development is not sited within a designated landscape. The following nationally designated landscapes were identified within the 45km Landscape and Visual Impact (LVIA) study area:
- South Lewis, Harris and North Uist NSA;
  - Trotternish NSA; and
  - Wester Ross NSA.
- 12.84 Effects on the Trotternish NSA and Wester Ross NSA were scoped out of the LVIA, given the location of these NSAs at distances exceeding 40km from the site.
- 12.85 Effects on the Special Landscape Qualities (SLQs) of the South Lewis, Harris and North Uist NSA were assessed in accordance with draft NatureScot guidance. One of the SLQs was judged to experience significant effects within localised extents of the NSA. However, extensive areas of the NSA within which this SLQ is strongly expressed would not be significantly affected by the proposed development. It was concluded that the proposed development would not compromise the objective of designation and the overall integrity of the South Lewis, Harris and North Uist NSA.
- 12.86 There are no Wild Land Areas (WLA) within the site. Although not designated, WLA 31: Eisgein directly abuts the south western site boundary and was assessed in accordance with NatureScot guidance. Two of the wild land qualities were judged to experience significant effects within relatively localised extents of the WLA, within approximately 5km of the nearest turbine of the proposed development. However, these wild land qualities would not be affected in their entirety across the WLA. The EIA concludes that the proposed development would not affect the overall integrity of the WLA and is judged not to undermine the objectives for its protection.

#### *Cumulative effects*

- 12.87 The LVIA also considers the potential for cumulative landscape and visual effects with other proposed wind farms (consented or the subject of a valid planning application); single turbines; a replacement overhead electricity transmission line (at planning stage); alongside all other existing operational wind farms, wind turbines and the Eitshal TV transmitter mast.
- 12.88 The EIA Report indicates that the baseline situation is constantly changing, and there may be changes to the status or list of wind energy developments considered between carrying out the LVIA and the determination of the application. However, unless there are substantial changes to proposals that would materially alter the pattern of development (such as the addition of a large wind farm located within a 10km radius of the nearest turbine of the proposed development), it is considered that the cumulative assessment undertaken for the relevant landscape and visual receptors would remain relevant.
- 12.89 With regard to combined cumulative effects on landscape character, and when looking at the broad pattern of wind farm development and presence of other infrastructure which may give rise to similar landscape and visual effects, there are areas across the study area where the combined effects of all operational, consented, and proposed developments would notably influence landscape character.

- 12.90 These areas include areas of the Boggy Moorland LCT to the west of Stornoway and near North Tolsta. Given the intervening distance between the consented Stornoway Wind Farm and consented Druim Leathann Wind Farm, combined effects would be limited to relatively localised extents of the LCT, where these wind farms will have a characterising effect on landscape. The proposed development is located further south in a different LCT. Although some indirect effects on a unit of the Boggy Moorland LCT would arise, this unit is not physically or visually connected to the unit of the Boggy Moorland LCT in which the consented Stornoway Wind Farm and consented Druim Leathann Wind Farm are located.
- 12.91 In terms of combined cumulative visual effects, in broad terms, it is generally from the more elevated and open locations, such as hill tops, ridges and elevated slopes, where several operational, consented, and proposed developments would be visible. However, most of these elevated locations are located within South Lewis and North Harris, where the consented Stornoway Wind Farm and consented Druim Leathann Wind Farm would appear as relatively distant features. The proposed Harris-Stornoway 132kV OHL replacement would appear closer in many of these views although passing at lower elevations as it crosses lower lying terrain in proximity to the existing wood pole OHL which it will replace. Given the intervening distance, the OHL replacement is unlikely to notably influence elevated views.
- 12.92 In views from these locations, the consented Stornoway Wind Farm, operational Pentland Road and Beinn Ghrideag Community Wind Farms would appear as one continuous development in distant views. The consented Druim Leathann would form a more distant feature beyond the consented Stornoway Wind Farm. The proposed development would be seen in a separate angle of the view.
- 12.93 Given the relatively distant nature of the consented Stornoway Wind Farm, consented Druim Leathann, operational Pentland Road and Beinn Ghrideag Community Wind Farms, and the perception of the proposed development as a separate cluster of turbines, potential for combined cumulative effects would be limited, and much of the available view to the west, south and south east would not be influenced by commercial scale wind turbines, which would prevent the perception of 'encirclement' of the view by turbines.
- 12.94 In views from the Stornoway War Memorial, operational wind farm development forms an existing influence in views looking south and west. This would be exacerbated most notably by the consented Stornoway Wind Farm, which would extend across a wide angle of views west. The consented Druim Leathann Wind Farm would be seen in a separate angle of the view and would form a more distant feature in views north east.
- 12.95 In a future scenario where all operational, consented, and proposed wind farms are present, emerging clusters of wind turbines would be seen across various angles of the view. However, much of the available views to the north east, east and south east would not be influenced by wind turbines which would prevent the perception of 'encirclement' of the view by turbines.
- 12.96 Sequential combined effects would be experienced by road users on the A859. The proposed development would increase the horizontal extent of wind turbines in views from the A859 and would influence the experience of travelling south on the road. However, the proposed development would be seen at a greater intervening distance than the emerging cluster of turbines to the west of Stornoway.

#### *Aviation lighting*

- 12.97 The LVIA considers the potential for landscape and visual effects to arise from the introduction of visible aviation lighting positioned on the nacelle of some of the proposed turbines. The EIA TA 7.5: Aviation Lighting Impact Assessment sets out the assessment of effects for both landscape and visual receptors and is accompanied by representative photomontage visualisations from four assessment viewpoints.

12.98 The lighting design can be summarised as:

- Two medium intensity 'steady' red (2000 candela) lights on the nacelles of seven turbines of the proposed development (Turbines No.1, No.3, No.7, No.12, No.18, No.22, No.25) (the secondary light on each turbine is fitted for use in the event of failure of the primary light, and would not be lit concurrently);
- Infrared lights to MoD specification installed on the nacelles of each turbine of the proposed development (25 in total); and
- No low intensity red lights (32 candela) located on the intermediate level on the turbine are proposed as part of this lighting scheme.

12.99 The TA 7.5 Assessment considers that, due to the reduced lighting scheme proposed, significant landscape and visual effects associated with aviation lighting would be limited. No additional effects on landscape character, designated landscapes or WLA are anticipated. Significant visual effects are predicted to result from the introduction of 2,000 candela visible aviation lighting for three of the four assessed representative viewpoints. However, effects may be reduced when considering the potential reduction in light intensity which may be perceived in relation to the relevant vertical elevation angle and distance at which they are viewed, and also weather conditions.

#### *SEI*

12.100 The SEI considered the potential impacts on landscape and visual effects as a result of the revisions to the proposed development. It concluded that, given the minimal changes to the locations of the turbines, direct effects on the landscape resource of the site would be similar to those identified in the EIA Report. In addition, no changes to the aviation lighting scheme are proposed following the revisions to the scheme.

12.101 In terms of visual impacts, the revisions to the turbine layout would be relatively minimal, limited to movements of turbines up to a maximum distance of 60m, within the 75m micro-siting allowance. The horizontal extent of the proposed turbines in views of the proposed development would remain the same or very similar to that of those assessed in the EIA Report, in all views represented by the visualisations which accompany the LVIA.

12.102 The additional substation compound would be located within the Prominent Hills and Mountains LCT and would increase the extent of direct effects on this LCT, although direct effects would be relatively localised. The landscape effects identified within the EIA Report would continue to result mainly from the introduction of the turbines of the proposed development. Further, whilst the introduction of the additional substation compound would form a perceptible change in close-distance views from locations within approximately 1km of the substation, intervening elevated landform surrounding the substation would limit visibility from the wider study area.

#### Consultation Responses

12.103 In brief, the following summarises the key main points of the responses of particular relevance to this issue:

#### *NatureScot:*

- The Uisenis proposal offers some improvements on the consented scheme (Muaitheabhal) on the same site. The most notable of these are the removal of more prominently sited turbines, and a significant reduction in the number of turbines, which would reduce the cluttered appearance of the consented Muaitheabhal wind farm and the extent of development seen in some views. However, the large increase in turbine size would accentuate the dominant effect of wind farm development seen particularly from nearby locations, giving an effect of dwarfing the prominent rugged hills which lie to the west of the proposed development site.

- (SEI) Compared with the EIA, the changes to turbine layout and site infrastructure presented in the SEI are relatively minimal. We therefore have nothing to add to the LVIA advice we presented on 4 December 2023. This advice still pertains in regard to the SEI.

#### Public comments

- 12.104 The key main points raised in representations can be broadly summarised as:
- Redesigned project reduces the number of turbines proposed reducing the impact on local moorland.
  - Improvement on previously consented proposal.
  - Excessive size of the turbines.
  - Adverse impact on landscape character and visual amenity.
  - Resulting light pollution.
  - Lack of coordination in planning process to address the requirements of the various wind farm developments proposed.

#### Assessment

- 12.105 The range of the zone of theoretical visibility (ZTV), consideration of LCT, NSA and WLA and viewpoint selection (which includes sites from settlements and transport routes) appears sufficient. The application site is outwith a defined WLA and is not within a NSA, although it is within sufficient proximity to NSA designation that assessment of its impacts in this respect is required and has been carried out. It is further considered that the scoping out from the assessment of the two NSAs within the Highland Council administrative area is appropriate, given the sizeable separation distances involved, at over 40km.
- 12.106 The comparative ZTV indicates that the geographical extent of the area with theoretical visibility of the proposed development would be largely similar to that with theoretical visibility of the consented schemes. Within 15km and within 15-45km there would be some areas of reduced visibility, from which the consented schemes would be visible, but the proposed development would not be visible. Between 15-45km, there are localised areas of additional visibility, which would result from the introduction of the proposed development.
- 12.107 Having regard to the comments of NatureScot, it is considered that the proposal would introduce very large wind turbines and ancillary infrastructure to a sensitive landscape lying close to the South Lewis, Harris and North Uist NSA. The turbine size would accentuate the dominant effect of wind farm development, seen particularly from nearby locations, giving an effect of dwarfing the prominent rugged hills on which lie to the west of the proposed development site. Visible aviation light affixed to seven turbines would extend the duration of significant adverse effects, particularly in close views from nearby communities and from nearby hills.
- 12.108 Having regard to the specialist advice of NatureScot, it is considered that the principal landscape and visual effects of the proposal would comprise:
- Major adverse significant effects on parts of the highly sensitive landscapes of the Prominent Hills and Mountains and the Rocky Moorland LCTs.
  - Major adverse significant effects on views from settlements, roads and paths lying within 5km of the proposal in the Pairc area and from the nearby hill of Beinn Mhor.
  - Significant adverse effects on some of the special qualities (SQs) of the South Lewis, Harris and North Uist NSA. However, overall, the reasons for the designation and overall integrity of this NSA would not be significantly affected.
  - Significant adverse effects on some of the key qualities of WLA 30: Eisgien, due to the close proximity of the proposal to this valued landscape. However, the proposal is outside of a WLA and therefore, having regard to NPF4 Policy 4, its effects on the WLA are not a significant consideration to the decision maker.

- 12.109 In addition, the proposal includes provision to have one blade from three coloured black of the seven turbines of the southern cluster T19-T25 (a measure intended to mitigate bird collision risk) would further exacerbate the incongruity and detracting effect of the proposal. This issue is considered further in the Ornithology section of this Report, below. In brief, it is concluded that the painting black of one blade of these seven turbines should not be pursued. However, whilst this would lessen the potential landscape and visual impacts of the proposed development, it would not be sufficient to address the harm identified above.
- 12.110 The EIA Report considers that the proposal would not result in additional cumulative effects, given the intervening distance between the proposed development (and the consented scheme) and other wind farm and infrastructure developments, and the different angles of views in which operational, consented and proposed developments would appear. There is nothing within the submissions, or consultation responses, which would lead to an alternative conclusion in this respect.
- 12.111 Nonetheless, notwithstanding the absence of additional cumulative effect, overall, it is considered that the effects of the proposal would be materially harmful, due to the significant adverse effects on landscape character and the widespread significant adverse effects on views. It is therefore considered that the proposal would not meet the development plan policy requirements in this regard.
- 12.112 Whilst the impacts would affect only parts of the surrounding sensitive landscape and specific views, given the scale of the likely effects, it is considered that the proposal would not maintain the overall integrity of landscape character or relate positively to the specific landscape and visual characteristics of the local area. Further, given the extent and nature of these effects, it is considered that this harm should be afforded significant weight.
- 12.113 In comparison with the consented Muaitheabhal scheme, which it is intended to replace, the EIA Report finds that level of overall significant effect resulting from the proposed development is comparable to that of the consented scheme. However, it also considers that the Uisenis Wind Farm would offer some improvements compared to the consented scheme. Most notable would be the removal of more prominently sited turbines and a significant reduction in the number of turbines. This would reduce the cluttered appearance of the consented Muaitheabhal wind farm and the extent of development seen in some views.
- 12.114 Having regard to the scale of the resulting change, it is considered that the benefits resulting from these improvements would outweigh the harm resulting from the large increase in turbine size, notwithstanding the resulting accentuation of the dominant effect of wind farm development on the landscape and visual amenity.
- 12.115 Consequently, whilst the proposal would cause material harm to the landscape and visual amenity, to which significant weight should be given, it is considered that, overall, it would be less harmful than the previously consented and extant scheme. This is a material consideration that should also be taken into account in the planning balance.

## **Ecology**

### Policy Context

#### *NPF4*

- 12.116 Policy 1 seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crises. It requires significant weight to be given to the global climate and nature crises when considering all development proposals.
- 12.117 Policy 3 intends to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. It requires development proposals to contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them.

- 12.118 Amongst other matters, proposals for National Development, or development that requires EIA, will only be supported where it has been demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks, so that they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used, and the proposal is required to demonstrate how all the specified criteria have been met. In addition, the policy requires any adverse impacts, including cumulative impacts, to be minimised through careful planning and design.
- 12.119 [NatureScot have produced 'Developing with Nature' guidance](#) to support the implementation of this policy. It is aimed at those making local developments, not subject to EIA. However, it advises that well-designed development integrating nature-based solutions provides multiple benefits. As well as addressing the causes of climate change and supporting biodiversity, it benefits people and enhances our places. Wider environmental benefits include better water and temperature regulation, improving air and water quality, enhancing carbon storage, reducing greenhouse gas emissions, and absorbing noise.
- 12.120 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions. It confirms that development proposals that will have an unacceptable impact on the nature environment, due to their type, location or scale, will not be supported.
- 12.121 The implications of the policy in respect of the NSA have been considered in relation to landscape character and visual impacts, above. The policy confirms that the precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
- 12.122 It also confirms that development proposals likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. Where there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required must be factored into the planning and design of the development and potential impacts must be fully considered prior to the determination of any application.
- 12.123 Policy 5 seeks to protect carbon-rich soils including restoration of peatlands and minimising disturbance to soils from development. Policy 5a states that proposals will only be supported if they are designed and constructed in accordance with the mitigation hierarchy, and in a manner that protects soil from damage. Policy 5c states that developments on carbon-rich soils and priority peatland will only be supported for essential infrastructure, the generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reduction targets. Policy 5d requires a baseline peat depth and habitat condition survey as well as an assessment of the stability of the carbon-rich soil, as well as an assessment of effects.
- 12.124 Policy 11: Energy (e) requires project design and mitigation to demonstrate how various specified impacts are addressed, including: biodiversity including impacts on birds; and impacts on trees, woods and forests.
- 12.125 Policy 20 seeks to protect and enhance blue and green infrastructure and their networks. Development proposals that would result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Such proposals will be required to provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

12.126 Blue infrastructure is defined in the Glossary to NPF4 as water environment features within the natural and built environments that provide a range of ecosystem services. Blue features include rivers, lochs, wetlands, canals, other water courses, ponds, coastal and marine areas, including beaches, porous paving, sustainable urban drainage systems and raingardens. NPF4 defines green infrastructure as features or spaces within the natural and built environments that provide a range of ecosystem services. Green networks are connected areas of green infrastructure and open space, that together form an integrated and multi-functional network.

#### *OHLDP*

12.127 Amongst other matters, Policy NBH2 includes strict controls on sites where there is a European Protected Species (EPS), or a species protected under the Wildlife and Countryside Act. The policy also states that development proposals should avoid having a significant adverse effect on, and where possible should enhance, biodiversity and ecological interests of the site.

12.128 Developers are encouraged to assess impacts of the proposed development on UK Biodiversity Action Plan (BAP) species and habitats and Local BAP habitats and species. Before considering any planning application, planning authorities must also establish whether any protected species is present on the proposed site. If so, consideration must be given to the likely impacts of the development.

#### *Biodiversity - General*

12.129 In addition to these policy requirements, there are also statutory duty obligations placed on local authorities and decision makers, as referred to above, in relation to biodiversity, protected species, and birds, amongst other matters.

#### EIA Report

12.130 EIA Report Chapter 8: Ecology evaluates the potential effects of the proposed development on habitats and non-avian species during construction and operational phases.

12.131 The EIA Report confirms that there are no ecologically designated sites within the Site boundary. There are two statutory designated sites with non-avian qualifying features within 10km of the site boundary, including the Inner Hebrides and Minches Special Area of Conservation (SAC), designated for harbour porpoise, adjacent to the south boundary of the site; and Lewis Peatlands RAMSAR site, designated for blanket bog, lochs, lochans and wet heath.

#### *Surveys*

12.132 It identifies the baseline surveys that were undertaken in 2022, including: UK Habitat Classification (UKHab); National Vegetation Classification (NVC); Protected and Notable Species (including bat and a range of terrestrial mammal species); and fish habitat assessment. It confirms that all surveys were undertaken in accordance with relevant good practice guidelines.

12.133 The SEI Report Chapter 8A states that, in addition, a Fish Population Assessment was carried out at four watercourses across the site, only one of which was assessed as good for Atlantic Salmon fry. A Fresh Water Pearl Mussel Survey was also carried out at selected watercourses/waterbodies across the site and no Fresh Water Pearl Mussel were identified at any locations.

12.134 The surveys identified that the site is predominantly characterised by:

- grassland (upland grassland, neutral grassland);
- woodland (mixed, broadleaved, coniferous);
- heathland and scrub (upland dry heath, upland wet heath, gorse scrub, rhododendron scrub);
- wetland (blanket bog, degraded blanket bog);
- fen, marsh and swamps (purple moor grass, rush pasture, upland flushes, fens and swamps);
- rivers and lakes (acid peat-stained lakes and ponds, rivers); and
- urban (buildings and built linear features).

- 12.135 Several habitats within 250m of proposed infrastructure were identified as being potentially groundwater dependent, but a detailed assessment confirmed that the distribution of these is not consistent with habitats sustained by groundwater, but rather habitats predominantly sustained by the high average annual rainfall, surface water runoff and surface water ponding.
- 12.136 Brown Trout, juvenile Atlantic Salmon and European eel were recorded during surveys carried out previously in 2004. Primary watercourses were assessed as being of value to salmonids and European eel. Overall, the majority of watercourses within the site offer good to high quality fish habitat, with the highest quality habitat situated on or around the Allt Cheothadail.
- 12.137 The presence of common pipistrelle bats was confirmed on the site. The only potential roosting habitat was recorded in the woodland and buildings within the Eishken Lodge works exclusion area, well outwith 200m plus rotor radius of the turbine locations. However, given the limited number of confirmed colonies on Lewis, the site is considered to be of some value for bats.
- 12.138 Otter activity and presence within the site was confirmed. The larger watercourses within the site (Allt Cheothadail and Abhainn Clearn Aighean Dhomhnail) and the banks of Loch Sealg and Loch Eishken provide suitable shelter opportunities, commuting and foraging habitat. The other watercourses and smaller lochs and lochans on site provide some habitat suitable for commuting and foraging but with limited opportunity for shelter creation. The site is acknowledged to be of value to otter, although there is also recognised to be an abundance of good quality habitat in the surrounding area.
- 12.139 The site lies within the Eishken Estate, which is used for deer stalking, therefore deer are known to be present both within site and in the wider area. Given the importance of deer to the estate, the site is assessed as being of value for deer.
- 12.140 No amphibian species were noted incidentally during the protected mammal surveys. Slow worm, which is the only species of reptile recorded on Lewis, was recorded incidentally in three locations. These sightings took place within long grassland on the north bank of Loch Eishken and on the northern bankside of the Abhainn Cheothadail.

*Predicted effects*

- 12.141 The proposed development is not predicted to have any significant effects on the two designated sites within a 10km radius of the application boundary.
- 12.142 During construction design, water crossings will be put in place that follow current best practice and do not impede fish passage. Pollution Prevention Guidelines (PPGs) and the replacement Guidance for Pollution Prevention (GPPs) will be followed and measures undertaken to minimise pollution of the aquatic environment.
- 12.143 To ensure that the aquatic environment is safeguarded, a water quality monitoring plan is recommended to be put in place, to encompass electrofishing, macro-invertebrate sampling and chemical monitoring of the main watercourses within the site, prior to, during and post-construction. It is intended that this Plan would be first agreed with the Outer Hebrides Fisheries Trust (OHFT) and Western Isles District Salmon Fisheries Board (WIDSFB).
- 12.144 In most cases, a minimum 50m buffer has been designed between all proposed infrastructure and the watercourses (other than watercourse crossings). No works (other than watercourse crossings) are proposed on the banks of a watercourse. With the implementation of good practice pollution prevention measures, the likelihood of a pollution event affecting fish within downstream watercourses is considered by the EIA Report to be low. Therefore, no significant effect on salmonids or other fish species of conservation concern is considered likely.

- 12.145 To ensure compliance with the Wildlife and Countryside Act 1981, mitigation to reduce the chances of inadvertently killing or injuring individual reptiles during construction works would be undertaken through habitat management involving the identification of suitable sheltered and protected habitats.
- 12.146 Construction activities have some potential to cause temporary disturbance to otters which may use some of the watercourses and waterbodies on and around the site for foraging and commuting. This disturbance would likely be via noise and human presence. However, in most cases, a 50m minimum stand off to infrastructure to watercourses would exist. Also, the site lies within the Eishken Estate, which is utilised for game shooting, fishing and deer stalking. Otters have large home ranges and are able to adapt to a certain level of human disturbance. As such, the likelihood of potential disturbance to otter is low, and no significant effects are considered likely.
- 12.147 The estimated density of red deer on the wider Eishken Estate is 10.8 deer/km<sup>2</sup>. Deer welfare is unlikely to be significantly affected by construction activities, as the surrounding areas will continue to offer places for food and shelter such as the moorland areas within the site away from the construction footprint. Good practice measures put in place for deer during construction, specifically safe storage of materials and covering of excavations/providing a means of escape would also protect deer from harm during construction.
- 12.148 It is also considered unlikely that construction activities would cause increased road traffic collisions. The majority of the site is distant from any public roads and the number of deer potentially displaced would be low, as there is a large area of suitable habitat between the proposed turbines (and other infrastructure) and the A859. Although there would be an increase in vehicles on the Eishken Road, a site speed limit of 15mph would apply, which would minimise the likelihood of collisions.
- 12.149 Operational wind turbines can mainly affect bats through collision mortality, barotrauma and other injuries resulting from collision with, or flying in very close proximity to, moving turbine blades. The informal activity survey undertaken indicated very low levels of bat activity on the site.
- 12.150 Outwith the Eishken Lodge area (which would be subject to a works exclusion buffer and is located approximately 980m from the closest turbine) the habitat on site is considered to be of very low value to bats, due to the lack of roosting habitat, the lack of prominent linear features and habitat connectivity likely to be used extensively by foraging bats, and the low quality of the habitat on the site for foraging, primarily exposed moorland habitat.
- 12.151 Aviation lighting has the potential to affect bats' insect prey species and therefore increase bat activity in the vicinity of the turbines. Post-construction monitoring studies from sites elsewhere found no significant difference between bat fatalities with aviation lighting and those without lights. Based on this, the very low levels of bat activity, the low quality of habitat (away from Eishken Lodge), and the distance between bat habitat and the turbine locations, the level of risk to common pipistrelle is considered to be low.
- 12.152 No significant effects are predicted for any other protected or notable animal species, and no potential significant cumulative effects were identified.
- 12.153 The proposed development has been designed to avoid flush habitats, watercourses and lochans, and areas of deepest peat as far as possible. However, some loss of bog habitat is unavoidable and the proposals would result in the total loss of up to 88.22ha of blanket bog, and wet and dry heath habitat.
- 12.154 The loss would be compensated for through measures to restore and manage approximately 587ha of blanket bog and wet heath habitat, which would be delivered via the Habitat Management Plan. The EIA Report finds that the proposed development is not predicted to have any significant effects on Blanket Bog and Wet Heath habitats, once mitigation (through restoration) is applied.

12.155 Peat restoration is proposed for some degraded peat habitat within the wider site, and for habitats disturbed during construction. This will comprise the restoration of borrow pits and reinstatement of wet heath in accordance with EIA TA 10.2: Peat Management Plan. Blanket bog will be restored through 'ditch-blocking' of five blanket bog areas on the site, ensuring the exclusion of deer and other grazers from high, steep ground in the south and west of the site between October and March.

12.156 For the sensitive areas where peat restoration is proposed, hydrological monitoring will be undertaken pre-construction and at regular intervals post-construction, to monitor the effectiveness of habitat restoration measures and inform the requirement for any further remedial measures.

#### *SEI*

12.157 The SEI Report confirms that many of the amendments to the proposed development were made to address ecological related concerns from consultees. These revisions primarily relate to reducing the amount of near natural peat bog habitat disturbed by proposed infrastructure, from 39.78ha to 35.07ha, and increasing the amount of peat bog habitat restoration proposed by 39ha, from 50ha to 89ha.

12.158 The proposed development would result in the potential maximum loss of habitat as follows:

- Annex 1 blanket bog communities - direct loss of 10.87ha and the indirect loss of 24.20ha (considered to constitute a significant negative effect at a regional level);
- degraded blanket bog - direct loss of 2.40ha and indirect loss of 6.48ha (considered to constitute a significant negative effect at a local level);
- Annex 1 upland wet heath - direct loss of 25.11ha and indirect loss of 15.39ha (considered to constitute a significant negative effect at a regional level); and
- Annex 1 upland dry heath - direct loss of 0.02ha and indirect loss of 0.12ha (considered not large enough to be significant).

12.159 The outline Habitat Management Plan (HMP) presented as part of the EIA Report, has been updated and is included at SEI TA 8.5. The outline HMP provides updated detail on the peat bog habitat restoration proposals, and other restoration and enhancement measures forming part of the proposed development. The outline HMP also provides further detail on proposed management of deer and grazing regime to counter grazing pressure.

12.160 The outline HMP sets out the following management goals:

- restore habitats disturbed during construction: through restoration of borrow pits and reinstatement of wet heath that is disturbed during construction in accordance with the Peat Management Plan.
- enhance upland habitat condition: via ditch blocking to restore blanket bog in five areas on site and exclusion of grazers from high and steep ground in the south and west of the site between October and March to reduce erosion and restore wet heath in these sensitive areas.
- enhance riparian habitat for aquatic species including spawning fish and otter: through planting of native trees in riparian areas.
- protect and enhance habitat for ornithological species: including removal of carcasses from turbine area to reduce foraging in turbine area and provide nesting platforms for divers on appropriate lochans to increase breeding success of diver species.

12.161 The SEI amendments also include an increase in the amount of wet heath and blanket bog mosaic habitat that is to be managed for reduced grazing, from 537ha to 611ha, to improve the condition of this habitat.

12.162 The SEI Report confirms that, as a result of the changes to the proposed development, there are no changes to the significance of effects predicted for habitats, fauna, or designated sites, from those assessed and presented in the EIA Report. Further, with the implementation of good practice measures

and the implementation of the proposed HMP (including peatland habitat restoration) no significant effects are predicted during either the construction or operational phases of the proposed development.

#### Consultation Responses

12.163 In brief, the following summarises the key main points of the responses of particular relevance to this issue:

##### *Scottish Forestry:*

- No tree felling is required for the proposed development. Note that planting of trees in riparian areas is considered in the outline HMP. Advise that any tree planting is undertaken within the scope of the UK Forestry Standard.

##### *Fisheries Management Scotland:*

- The proposed development falls within the district of the Western Isles District Salmon Fisheries Board, and the catchment relating to the Outer Hebrides Fisheries Trust. It is important that the proposals are conducted in full consultation with these organisations.
- Due to the potential for such developments to impact on migratory fish species and the fisheries they support, FMS have developed, in conjunction with Marine Scotland Science, advice for DSFBs and Trusts in dealing with planning applications. We would strongly recommend that these guidelines are fully considered throughout the planning, construction and monitoring phases of the proposed development.

##### *SEPA:*

###### ➤ *EIA*

- Please provide details of the areas of near-natural habitat based on the NatureScot guidance. In view of potential restoration works, please provide the classification results (near natural, modified, drained and actively eroding) for all areas, if possible.
- (Following receipt of the requested information) due to impacts on peat, peatland and the water environment we submit a holding objection and request that determination is deferred until the issues identified are addressed.

###### ▪ *Avoidance and minimisation*

- To show that the development complies with the mitigation hierarchy in Policy 5 of NPF4, it should be demonstrated that peatland in near-natural condition has been avoided (as this has the lowest greenhouse gas emissions and greatest greenhouse gas uptake potential of all peatland condition categories) and the total area and volume of peat disturbance has been minimised.
- The peatland quality information provided shows that much of the site is near-natural condition blanket bog. Of the 25 turbines only five (T13, T16, T18, T19 and T24) do not have an impact on habitat in this condition. We therefore object and seek modifications to the turbine layout to clearly demonstrate how steps have been taken to avoid near natural condition habitat. We also object until the construction compounds and borrow pits are relocated or modified so that they do not directly impact on near natural habitats.
- In relation to minimisation of the total area and volume of peat disturbed, steps have been taken to avoid impacting on the larger areas of deeper peat. However, peat depth on the site is variable and there are a large number of smaller pockets of deeper peat throughout the site. While amendments were made as part of finalising the layout, much of the turbine infrastructure is located on such areas. We object until either infrastructure is moved to avoid the deepest areas of peat or information is submitted to demonstrate that the current layout minimises the volume of peat to be disturbed, which we note is currently estimated to be 194,942m<sup>3</sup>. We also object unless the dimensions or exact location of the North construction compound is amended to avoid the deeper areas of peat.

- Taking into consideration above, the developer should focus on infrastructure on near-natural habitat located on peat over 1 m in depth.
  - Once layout details are finalised, a finalised Peat Management Plan should be conditioned. Proposals for reinstatement of disturbed areas should follow recognised best practice. Any proposals for use of disturbed peat in peatland restoration should be clearly outlined and justified.
- *Restoration and enhancement*
- We welcome the submission of an outline Habitat Management Plan (oHMP) which includes proposals to restore habitats disturbed by development and enhance other upland areas and riparian habitat.
  - Table 5-2 of the OHMP indicates that approximately 88ha of peatland habitats – bog, grassland and heath - will be impacted by the development. However, only 50 ha of peatland restoration is proposed. While proposals to manage grazing are also included, this is not considered offsetting (in line with NatureScot’s guidance Advising on peatland, carbon-rich soils and priority peatland habitats in development management). We therefore object to the development until the peatland restoration proposals are significantly expanded.
  - We welcome the proposals for riparian planting and are content that further details can be provided in a finalised HMP, via condition.
- *SEI*
- In relation to impacts on both deeper peat and near natural habitat, significant improvements have been made to the location of all the temporary construction compounds and borrow pits, which is welcome; the newly proposed infrastructure also avoids such areas. Seven turbine infrastructure areas have been modified and, while these amendments are also welcomed, there are still a number of locations where either deeper peat or near natural condition peatland will be impacted by the current layout. We consider that further small amendments could be made to reduce impacts on peat and peatland. In this site-specific case, we are content that these could be made post consent.
  - We therefore withdraw our objection to this aspect of the application, if a condition is applied requiring a finalised Peat Management Plan. The Plan must clearly demonstrate how further layout amendments and methods of construction have been used to reduce impacts on deeper peat and near natural habitat. It should demonstrate these improvements by way of detailed plans and calculations. It should also demonstrate that use of disturbed peat in reinstatement follows best practice.
  - We welcome the submission of a revised Outline Habitat Management Plan, but we are streamlining our approach to consultations in relation to peat and peatland and are now focusing our planning advice on the avoidance, minimisation, and use of peat in areas disturbed by construction activities. We no longer provide advice on peatland restoration. We therefore now have no objection in relation to this issue and refer to NatureScot guidance on restoration.

*NatureScot:*

➤ *EIA*

- Mitigation and offsetting could be sufficient to overcome the predicted impacts on peatland arising from the proposal. However, the outline Habitat Management Plan (oHMP) is not currently sufficient to achieve this. The main concern with this plan, in terms of peatland, is that the proposed compensation measures are in no way sufficient to offset the impacts on the peatland habitat.
- Our guidance advises that there should be a 1:10 (loss to restoration) multiplier applied for peatland. This plan proposes 50ha of peatland restoration, compared to the advised 479.7ha (with an additional 75.82ha for enhancement). As such, this plan is significantly inadequate to offset the impacts on peatland arising from this proposal.

➤ *SEI*

- Our advice on otters for the EIA still pertains in regard to the SEI.
- Mitigation and offsetting could be sufficient to overcome the impacts of the proposal on peatland. However, the Outline Habitat Management Plan (OHMP) is not currently sufficient to achieve this.
- Our guidance advises that there should be a 1:10 (loss to restoration) multiplier applied for peatland; therefore, based on predicted 43.95ha loss, there should be 439.5ha of restoration. This plan proposes 89ha of peatland restoration which, while greater than the previous EIA proposal, only represents approximately a 1:2 ratio, thus is still significantly inadequate to offset the impacts from this proposal.

▪ *Recommendations:*

- We recommend that the habitat management plan should have clear identification of the damage (areas to be restored) i.e. locations of drains, peat hags, bare peat, with a clear identification of which are to be restored and what techniques are to be used. The plan should follow best practice and ideally reference guidance.
- We recommend that any works carried out for peatland restoration should be carried out in accordance with the Peatland ACTION Technical Compendium.
- We recommend that peat should be reinstated as soon as possible, and not stored for any longer than one year.
- We recommend that the proposal for peatland restoration be revised so that ten hectares are restored for every hectare lost, in accordance with NatureScot guidance. In this case, that would amount to 439.5Ha of peatland restoration.
- We recommend that catotelmic peat not be used for track reinstatement or landscaping.
- We recommend that the proposed Herbivore Impact Assessment should follow either Best Practice or the MacDonald method.
- We recommend that all other mitigation measures proposed in the SEI be incorporated as conditions of any consent issued.
- We recommend that a buffer of 100m should be used between any bog pool and any disturbance to peat soils arising from the development.

*RSPB:*

➤ *EIA*

- Welcome the Project Comparison Report that describes that current proposal would have a smaller development footprint and associated reductions in predicted habitat loss and peat extraction. In addition, impacts on birds are predicted to be the same or less than the consented development.
- Generally, welcome the oHMP and make a number of comments on and recommendations for this Plan.
- NatureScot guidance states 'that restoration to achieve offsetting (i.e. compensation rather than biodiversity enhancement) would be in the order of 1:10 (lost to restored)' plus 'an additional 10% of the baseline assessment of the extent of priority peatland habitat for enhancement'. Therefore, approximately 850ha of peatland restoration would be needed to offset the loss of these peatland habitats, plus at least another 8.5ha for enhancement purposes.
- It needs to be clearly set out (in the EIAR or other document) what restoration is proposed as mitigation, what is proposed as compensation and what is proposed as enhancement.
- The oHMP proposes five areas to be targeted for blanket bog restoration, covering 50ha in total. Since 39.78ha of Annex 1 blanket bog and 8.19ha of degraded blanket bog are to be lost, this should be substantially increased and areas outwith the site boundary should be considered.
- We understand that the aim is also to improve breeding conditions for waders. However, although peatland restoration is beneficial for these species, the site is already clearly suitable for them, and the five restoration areas are either located next to infrastructure, contain proposed riparian planting or are on steep, sloping ground which is unsuitable and would negate any benefits.

- A detailed grazing plan would be agreed as part of the final HMP. However, this should be agreed prior to consent to ensure reliable and realistic commitments are made prior to consent in order to fully assess the plans.
- We support the monitoring programme proposed including vegetation surveys, grazing assessments and hydrological monitoring for the restoration areas, as well as the diver, wader and eagle monitoring proposed. We recommend adding bi-annual diver raft maintenance checks.

➤ *SEI*

- Despite the increase in restoration area, it is our opinion that this does not go far enough, and we recommend that further off-site peatland restoration areas should be committed to.
- Although the extension of the peatland restoration area is welcomed, it may not be very suitable for waders.
- Welcome that the oHMP has been revised to expand the grazing management area (from 537ha to 611ha) providing an extra 74ha of eagle foraging habitat away from the proposed turbine array. This takes the form of wet heath restoration. Although this will be beneficial in the longer-term, it has limitations as a mitigation measure in the short-term against golden eagle nest site displacement.
- We note no firm commitments are made with regards to grazing management at this stage, including suitable stocking densities, and a detailed grazing plan would be agreed as part of the final HMP. However, this should be agreed prior to determination to ensure reliable and realistic commitments are made prior to consent in order to fully assess the plans.
- The SEI Statement of Commitments suggests that grazing management will compensate for habitat losses on the site. According to NatureScot guidance, grazing management cannot count towards habitat loss compensation, and states 'Proposals to only manage/reduce grazing and browsing levels or other impacts on peatland is not considered as offsetting.'
- Fully mitigating the impacts on both eagle species would require landscape-scale improvements to eagle habitat across large areas of the Western Isles. We recommend further off-site areas are identified for further grazing management and deer reduction.
- Approximately 5ha of riparian tree planting is proposed but note that the appropriateness of the sites for woodland creation has not yet been assessed. This should be done and presented prior to determination.

Public comments

12.164 The key main points raised in representations can be broadly summarised as:

- Redesigned project reduces the number of turbines proposed reducing the impact on local moorland.
- Improvement on previously consented proposal.
- Adverse impact on ecology.
- Adverse impact on bats.

Assessment

12.165 The Glossary to NPF4 (Annex F) defines biodiversity as 'the variability in living organisms and the ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems.' As set out in NPF4, significant weight is required to be given to the global climate and nature crises.

12.166 NPF4 Policy 3(b) requires potential negative effects of a development fully mitigated and the mitigation hierarchy to be followed. The mitigation hierarchy indicates the order in which the impacts of development should be considered and addressed. These are:

- i. Avoid – by removing the impact at the outset.
- ii. Minimise – by reducing the impact.
- iii. Restore – by repairing damaged habitats.

- iv. Offset – by compensating for the residual impact that remains, with preference to on-site over off-site measures.

12.167 An assessment of potential impacts was undertaken in the EIA Report, updated by the SEI Report. These identified measures proposed to minimise or avoid impacts, with habitat restoration through a revised outline HMP.

12.168 In the main, having regard to the comments of consultees, it is considered that the assessment undertaken and the mitigation measures proposed would be appropriate. With the exception of impacts on peatland habitat, which is considered further below, subject to the identified mitigation measures, including those to minimise pollution of the aquatic environment through a water quality monitoring plan, it is considered that the potential impacts of the proposal on ecology would avoid causing harm and that any residual effects would be relatively limited.

12.169 There are a few pockets of woodland present on site, centred around the Eishken Estate. No felling is required for the proposed development and therefore no impacts on woodland are predicted.

#### *Peatland habitat*

12.170 The most significant impact of the proposed development, in terms of ecology, relates to its likely impact on peat and peatland habitat. Impacts on peat and peat soils are considered below, in the section of this Report that relates to hydrology, hydrogeology and geology.

12.171 In terms of habitat, the site is recorded as being predominantly peatland, with a total coverage of 872.7ha. The majority of this area (758.2ha) is classed as being in good condition, with a high water level and minimal erosion. The remainder is classed as being degraded bog and has a lower evaluation value. The intact good quality habitat is classed as being regionally important in the EIA (as amended by the SEI). However, as this habitat is an Annex 1 habitat and having regard to the advice of NatureScot in this regard, it is considered that this value should be classed as of national importance.

12.172 The SEI states that the blanket bog habitat loss would be approximately 43.95ha, as a result of access tracks, wind turbine foundations and other ancillary infrastructure impacts on good quality blanket bog and degraded blanket bog.

12.173 This figure is calculated by adding the direct impact (footprint of infrastructure) and the indirect impacts (a 10m buffer from the infrastructure on blanket bog). The buffer of 10m from infrastructure is considered sufficient to account for the impacts that are likely from changes in the hydrology. If this same buffer is used for determining the areas of restoration, NatureScot consider it would be appropriate for ensuring sufficient compensation.

12.174 From the information provided in the survey report, including the species list and description of the bog, it is likely that the bog is in good condition. However, NatureScot considers that the potential impacts would not raise national interest. As such, appropriate restoration to take place alongside the development would be sufficient to offset the impacts.

#### *Habitat management*

12.175 Habitat management and monitoring are proposed to compensate (offset) for direct and indirect loss of habitats, as well as provide habitat enhancement. To achieve this for blanket bog, it is proposed to re-instate peat disturbed during the construction and for ditch and drain blocking, as well as management of grazing pressure.

12.176 The SEI states that the density of deer within the estate is around deer 10.8/km<sup>2</sup>. This density is above what would be appropriate for this habitat. It is noted that there is also livestock which access the same areas, which means that the site is likely to be over grazed.

12.177 The SEI proposes off-wintering sheep and to carry out herbivore assessments to inform future management. The NatureScot comments indicate that the monitoring should be carried out through a Herbivore Impact Assessment, following either Best Practice or the MacDonald method. This is a matter that can be appropriately secured by condition.

#### *Restoration*

12.178 The comments from NatureScot (and the original comments from SEPA) indicate that the main concern with the oHMP is that the extent of restoration proposed is not adequate and would not be sufficient to offset the impacts on peatland habitat.

12.179 NatureScot guidance advises that there should be a 1:10 (loss to restoration) multiplier applied for peatland. Based on a loss of 43.95ha, there should be 439.5ha of restoration. Only 89ha of peatland restoration is proposed, which represents approximately a 1:2 ratio. In addition, no provision has been made for enhancement. Whilst not formally objecting to the development, NatureScot considers this extent of restoration to be significantly inadequate and insufficient to offset the impacts from this proposal.

12.180 The developer has responded to these concerns and indicates that there are a number of reasons why achieving, or getting near, the 1:10 ratio recommended by NatureScot has not been possible for the proposed development. In brief, these include:

#### ➤ *Improvement on existing consented scheme*

- The proposed development is a redesign of an extant consented scheme which, as a redesign has to remain largely on the same footprint as the consented scheme, which included areas of relatively good quality peat habitat.
- The redesign has resulted in a reduction from 45 to 25 turbines, and a reduction in the amount of peat disturbed from 569,646m<sup>3</sup> to 189,358m<sup>3</sup>, without reducing the anticipated production (MW) of clean electricity.
- The proposed development has been designed to avoid siting infrastructure on areas of deeper peat and peatland habitat.
- The consented schemes, despite disturbing more peatland habitat, do not offer any peatland habitat restoration (beyond reinstating track verges).
- Therefore, whilst the proposed development would not meet the new NatureScot recommendation, it is still considered a substantial improvement on what is consented (and will be constructed), should the current proposal not be granted consent.

#### ➤ *Absence of available suitable land*

- Despite analysing the full approximately 16,800ha of the Eishken Estate, and also certain parts of the neighbouring Pairc Estate, only an additional 49ha of land (on top of the 50ha of peat restoration originally proposed) suitable for peat habitat restoration was identified.
- Whilst there are considerable areas of peat cuttings across the Eishken Estate, the majority of these areas were considered to be naturally restoring well, and any intervention would likely have a negligible or potentially even detrimental effect.
- Therefore, to find areas of land suitable for peat habitat restoration, the applicant would be required to look outwith the Eishken Estate, which would likely take a considerable amount of time and money, and may potentially affect the viability of the proposed development.

#### ➤ *Grazing management measures as a reasonable alternative*

- There are however large areas of degraded peatland habitat across the Eishken Estate, as a result of overgrazing from sheep and deer.
- Given that grazing is considered to be the main reason for the degradation of large areas of peatland habitat on the steeper ground and high ground across the Eishken Estate, the outline Habitat

Management Plan, includes proposals (agreed to by the landowner) to fence off 611ha of land (wet heath and blanket bog mosaic), and implement a reduced grazing scheme in this area.

- This area alone is larger than the 439.50ha required to meet the 1:10 ratio.

12.181 The extent of additional restoration required under the NatureScot guidance is significant and represents a large area of land. Having regard to the developer's response to the NatureScot comments, it is recognised that identifying and securing agreement for the restoration for this amount of land may be problematic, could generate off site impacts in terms of longer distance transportation of peat on roads and across moorland, and could delay progress on the development.

12.182 Further, whilst it would not meet the 1:10 ratio sought, the amount of habitat restoration (at 89ha) would still exceed the amount of habitat loss, at a ratio of about 1:2. Overall, from the details provided, it is considered that the extent of habitat restoration proposed coupled with the additional grazing management measures proposed would be a reasonable alternative to the indicated extent of restoration required in this particular case, taking into account the extent of land required.

12.183 In addition, it is acknowledged that the effects of the current proposal in this respect would be less, in terms of habitat loss, and an improvement, in terms of restoration, in comparison to the extant consented scheme.

#### *Conclusion*

12.184 A range of mitigation measures are proposed. Subject to these being implemented, which can be secured by appropriate conditions, the proposal is considered unlikely to result in harm to ecology. Moreover, given the intentions regarding the wider future habitat management, it is considered that there is the real potential for the restoration and enhancement of biodiversity, which can be secured through the proposed HMP, as a result of the proposal. Consequently, for these reasons, it is concluded that the proposal would be acceptable, and would meet the relevant policy requirements, in these respects.

#### **Ornithology**

##### Policy Context

##### *NPF4*

12.185 Policy 1 seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crises. It requires significant weight to be given to the global climate and nature crises when considering all development proposals.

12.186 Policy 3 intends to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. It requires development proposals to contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them.

12.187 Amongst other matters, proposals for national development, or development that requires EIA, will only be supported where it has been demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks, so that they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used, and the proposal is required to demonstrate how all the specified criteria have been met. In addition, the policy requires any adverse impacts, including cumulative impacts, to be minimised through careful planning and design.

12.188 [NatureScot have produced 'Developing with Nature' guidance](#) to support the implementation of this policy. It is aimed at those making local developments, not subject to EIA. However, it advises that well-designed development integrating nature-based solutions provides multiple benefits. As well as addressing the causes of climate change and supporting biodiversity, it benefits people and enhances our places. Wider environmental benefits include better water and temperature regulation, improving

air and water quality, enhancing carbon storage, reducing greenhouse gas emissions, and absorbing noise.

- 12.189 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions. It confirms that development proposals that will have an unacceptable impact on the nature environment, due to their type, location or scale, will not be supported.
- 12.190 The implications of the policy in respect of the NSA have been considered in relation to landscape character and visual impacts, above. The policy confirms that the precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
- 12.191 It also confirms that development proposals likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. Where there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required must be factored into the planning and design of the development and potential impacts must be fully considered prior to the determination of any application.
- 12.192 Policy 11: Energy (e) requires project design and mitigation to demonstrate how various specified impacts are addressed, including impacts on birds.

#### *OHLDP*

- 12.193 Amongst other matters, Policy NBH2 includes strict controls on sites where there is a European Protected Species (EPS), or a species protected under the Wildlife and Countryside Act. The policy also states that development proposals should avoid having a significant adverse effect on, and where possible should enhance, biodiversity and ecological interests of the site.
- 12.194 Developers are encouraged to assess impacts of the proposed development on UK Biodiversity Action Plan (BAP) species and habitats and Local BAP habitats and species. Before considering any planning application, planning authorities must also establish whether any protected species is present on the proposed site. If so, consideration must be given to the likely impacts of the development.
- 12.195 The SG confirms that a Preliminary Ecological Appraisal incorporating a Phase 1 Habitat Survey is typically required as a baseline to further survey work and will map habitats and species, including birds likely to be present in and around the site.

#### *Biodiversity - General*

- 12.196 In addition to these policy requirements, there are also statutory duty obligations placed on local authorities and decision makers, as referred to above, in relation to biodiversity, protected species, and birds, amongst other matters.

#### EIA Report

- 12.197 Chapter 9 of the EIA Report evaluates the effects of the proposed development on Ornithological Receptors. The bird interests of the site have been assessed using current NatureScot and Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines.

#### *Surveys*

- 12.198 Baseline studies and surveys were undertaken, which took into account relevant designated sites and bird species potentially likely to be affected by the proposal, including species of European conservation importance (as listed on Annex I of the Birds Directive) and species listed in Schedule 1 of the Wildlife & Countryside Act, as well as species considered to be of principal importance for biodiversity in Scotland. The surveys included those relating to flight activity, breeding waders, breeding raptors and divers. All designated sites were scoped out of the assessment based on an identified lack of connectivity of qualifying features with the site.

- 12.199 For all target species where no evidence of breeding was recorded within the appropriate study area, site usage was infrequent, if occurring at all. Results of the flight activity surveys and collision risk modelling suggest that additional mortality due to collisions would be sufficiently small to allow exclusion of these species from assessment. This includes red-throated diver, great northern diver, hen harrier, peregrine, all wildfowl species, curlew, common tern and herring gull. Amber-listed breeding wader species snipe and oystercatcher are scoped out due to low site presence, and lack of potential for significant effects within a population context.
- 12.200 In the case of the above scoped-out species, embedded mitigation measures would minimise the likelihood of an impact on a breeding attempt, should one take place within a potential risk area close to construction activities. Habitat management outlined in the oHMP would also generally improve foraging and nesting conditions within the site for some of these species.
- 12.201 Based on the results of field surveys and other available data, construction and operational impacts on the following Important Ornithological Features (IOF) were assessed: black-throated diver; golden eagle; white-tailed eagle; merlin; greenshank; golden plover; and dunlin.

#### *Embedded Measures*

- 12.202 In summary, the following steps have been taken in the design process to minimise the risk of significant effects on IOFs:
- minimisation of the amount of infrastructure to be located within 1km of known golden eagle nest sites and within preferred foraging areas for both eagle species identified during surveys and modelling;
  - avoidance of locating wind turbines near black-throated diver loch by at least 300m;
  - employment of a suitably qualified Ecological Clerk of Works (ECoW), who would be required to be present on site during the construction and decommissioning periods and carry out monitoring of works and briefings with regards to any ornithological sensitivities;
  - a Bird Disturbance Management Plan (BDMP) would be implemented during construction of the development, to ensure legal compliance and safeguard breeding birds, and include information on monitoring and good practice measures during construction; and
  - pre and during-construction surveys would be undertaken to check for any new breeding bird activity in the vicinity of the construction works.

#### *Predicted Effects*

- 12.203 Black-throated divers were recorded breeding within the ornithology study area. The assessment concluded that the unmitigated effect on the breeding black-throated diver population as a result of operational displacement (including substation lighting) would be significant.
- 12.204 Mitigation in the form of introducing artificial nesting rafts for black-throated diver has been recommended to address displacement effects by increasing breeding success and productivity for the species. A minimum of two artificial rafts would be installed on suitable lochs on or adjacent to the site and monitored and maintained throughout the operational period. Restrictions would be placed on the substation lighting to reduce the risk of displacement of breeding birds. The success of these management interventions would reduce the level of effects to not significant.
- 12.205 The site is likely to overlap with at least two golden eagle breeding territories, and effective loss of habitat is likely to result due to the presence of operational turbines. A risk of collisions also exists. The assessment concluded that unmitigated construction and operational effects on the golden eagle population would however not be significant, primarily due to the continued favourable conservation status of the Outer Hebrides population.
- 12.206 White-tailed eagle activity has increased in the local area in recent years, and the EIA Report considers that there are currently five territories within 6km of the Site. Satellite tag data and flight activity

survey results have shown that most of the site is likely to be of relatively lower importance for foraging compared to some areas outwith the site. Much activity is concentrated around higher slopes, lochs, and around the Loch Sealg sea loch to the south of the site.

- 12.207 Collision risk modelling for the proposed development predicted an unmitigated annual collision rate that reached significance at a population level. Overall, the Outer Hebrides population would still continue to grow, but after 25 years the population would be between 12% and 29% smaller than without the proposed development, depending on annual collision rate. It is predicted that the population would theoretically rise from 50 to at least approximately 284 pairs after 25 years.
- 12.208 The collision rate of 1 to 2.5 birds per year would result in the national population being 4.1% to 6.4% smaller after 25 years than it would be in the absence of the estimated additional mortality. After 25 years, the population would be predicted to reach 1,073 to 1,150 pairs despite the additional mortality, which would mean that favourable conservation status can be attained/maintained.
- 12.209 Two operational mitigation measures are proposed which would aim to reduce the risk of white-tailed eagle collisions (and also likely golden eagle collisions). These are:
- removal of deer and livestock carcasses from the vicinity of operational turbines; and
  - painting black a single blade from three of seven selected turbines in order to increase visibility to birds in flight.
- 12.210 An Eagle Conservation Programme would also be set up prior to the commencement of construction, the scope of which would be confirmed via consultation with relevant conservation organisations and eagle experts.
- 12.211 Unmitigated effects on all other IOFs assessed (merlin, greenshank, golden plover and dunlin) were predicted to be not significant. The proposed Habitat Management Plan would however likely benefit these and other species. Non-significant cumulative effects were also predicted for all IOFs, when taking into consideration mitigation for the proposed development.
- 12.212 Table 9-16 provides a summary of the assessment of significance of effects on IOFs.

#### *SEI*

- 12.213 As a result of the design amendments, three technical appendices were updated and included as part of the SEI, namely the outline Eagle Conservation Programme, the Golden Eagle Population Viability Analysis Model, and the 2017-2019 Flight Activity Surveys.
- 12.214 The modest changes in the locations of six turbines are not considered to make any material differences to the collision mortality risks predicted in the EIA Report. Predicted collision risk effects are therefore considered to be unchanged, and are not considered further in the SEI Report, with the exception of golden eagle, where further population modelling was requested by consultees (RSPB).
- 12.215 The Golden Eagle Population Viability Analysis Model was updated to include counterfactual outputs to determine the effects of additional mortality to the national golden eagle population due to wind turbine collisions. The findings of the model show that, while the Outer Hebrides golden eagle population would still continue to grow, at the end of the 25-year period, the population would be up to around 0.53% smaller than without the proposed development and other wind farm projects.
- 12.216 With this level of impact, it is considered that favourable conservation status for golden eagle can still be maintained over the operational period of the proposed development, and the predicted effects in the EIA Report remain unchanged.
- 12.217 Following a request from NatureScot, an alternative collision risk model was produced for white-tailed eagle. This updated model takes into account the national cumulative collision risk, including the

collision rates put forward by the EIA Report, and other wind farms currently going through planning. Based on a worst-case cumulative annual collision estimate of 12 birds, the model predicts continued growth, but a 36% lower national population at year 25 of the model, than without the additional mortality.

- 12.218 Therefore, using NatureScot's values for national cumulative mortality, the alternative collision risk model, suggests a significant effect. However, the predicted effects of collision mortality due to the proposed development alone, and cumulatively at an Outer Hebrides Natural Heritage Zone scale, would remain not significant (unchanged from the EIA Report).
- 12.219 Following consultee comments to the EIA Report, the outline Eagle Conservation Programme (ECP) has been developed and is presented in SEI TA 9.5. It has been designed to protect, increase and better understand the Outer Hebrides population. It is proposed that a detailed ECP would be finalised by an independent organisation, in consultation with an appointed advisory group.
- 12.220 The two main actions of the ECP are to undertake research and monitoring and to undertake conservation management measures. These would be supported by a number of identified measures, including the monitoring of eagle territory occupancy and breeding success, satellite telemetry studies, carcass searches, monitoring of habitat and eagle food availability (coupled with the proposed habitat management measures) and Avian 'Flu testing.
- 12.221 In terms of conservation management measures, the ECP indicates that sheep and deer carrion provide an important food source, particularly during the winter when other food sources are scarce. However, over grazing by sheep and deer can reduce the cover and degrade the habitat of prey species that are particularly important for golden eagles during the breeding season, such as red grouse and mountain hare.
- 12.222 A reduction in red deer numbers, a recovery of heath vegetation, and an increase in red grouse and mountain hare populations would be likely to lead to improved golden eagle breeding success on the estate. In addition, enclosures from which grazing animals are excluded could further improve the abundance of prey species and the foraging habitat for raptors. Any habitat improvement measures would be focused on areas outside the proposed development footprint, with an appropriate buffer, so that eagles and other raptors are not attracted into the wind farm area.
- 12.223 In addition, the remote partially wooded coastal crags on Eishken estate provide a particularly important nesting habitat for white-tailed eagles. Together with wider conservation benefits, protecting and expanding existing woodland, and creating new coastal woodland, gully woodland and riparian woodland on the estate would benefit white-tailed eagle.
- 12.224 The proposed amendments to the site layout do not change the findings of Chapter 9 of the EIA Report on all IOF. The potential construction and operational effects on these features would remain as presented in the EIA Report; not significant, following appropriate mitigation. Where the potential for an additional impact has been identified, for example, the construction of the additional substation compound, additional mitigation measures have been proposed to ensure that no additional impacts would occur.

#### Consultation Responses

- 12.225 In brief, the following summarises the key main points of the responses of particular relevance to this issue:

##### *NatureScot:*

##### ➤ *EIA*

- We advise that the predicted collision risk for white-tailed eagles is particularly high compared to most other wind energy proposals, which will add significantly to a growing cumulative collision

risk at a national level. This is likely to result in significant impacts on the growth rate of the national population of this re-introduced protected species, which will slow the rate of range expansion, and hinder progress towards restoring its former range across Scotland. It is clear that the southern cluster of turbines, T19-T25, makes a disproportionate contribution to the total predicted collision mortality. Our advice is that removing these would significantly reduce the impacts on white-tailed eagle arising from this development proposal.

- Impacts predicted for golden eagle include likely abandonment of one range, and collision mortality. These are not expected to affect the status of the regional population of golden eagle in the Outer Hebrides. We recommend reduction or removal of the southern turbine cluster (T19-T25), as this would significantly reduce collision risk for golden eagle and likelihood of abandonment of one range.
  - If these turbines are included in any consent granted, we recommend that the plan to paint one blade black on each turbine should not be progressed. This proposed mitigation measure both exacerbates adverse visual impacts and is unlikely to deliver the mitigation of ornithological impacts that are intended.
- *Eagle Conservation Programme:*
- While this is included in the 'Mitigation' section on the Environmental statement, it is really too vague to be able to be classed as true mitigation at present.
  - Golden eagle is at its highest population ever recorded in the Outer Hebrides Natural Heritage Zone (NHZ) and must be close to, if not at, carrying capacity. Similarly, the white-tailed eagle population is growing strongly, therefore, the pressures/constraints that do exist are not at levels which affect the populations negatively. The pressures that could have future impacts are increasing numbers of wind farms, and potentially avian flu if it continues longer term. There are certainly wider research possibilities, but supporting these would be planning gain, e.g. relationship between high densities of both eagles; if satellite tagging was proposed on white-tailed eagles, it would longer term further inform our understanding of the species and interaction with wind farms potentially. Note, however, that satellite tagging adult/sub adult white-tailed eagles has, to date, proven to be much more difficult than it has for golden eagle.
  - NatureScot has welcomed regional golden eagle plans elsewhere in situations where the NHZ population was unfavourable, and there was a proposal for significant on-the-ground work to recover the population with associated research like satellite tagging. There isn't such an obvious hook or clear benefit in this case.
  - So, while we cautiously welcome the proposal, we would need more information about exactly what is proposed and why to be able to give more informed feedback.
  - The proposal is not likely to have a significant effect on the Lewis Peatlands Special Protection Area (SPA) or the North Harris Mountains SPA, so that an appropriate assessment is not required.
- *Recommendations*
- We recommend reduction or removal of the southern turbine cluster (T19-T25), as this would significantly reduce collision risk for golden eagle and likelihood of abandonment of one range.
  - If these turbines are included in any consent granted, we recommend that the plan to paint one blade black on each turbine should not be progressed. We don't consider blade painting a proven method of mitigation and, given the high impacts here, this would not be the best place to conduct a trial of a measure of unproven efficacy.
- *SEI*
- Our advice on impacts on golden eagle at the EIA stage still applies. Impacts predicted for golden eagle include likely abandonment of one range, and collision mortality. These are not expected to affect the status of the regional population of golden eagle in the Outer Hebrides.
  - We still recommend reduction or removal of the southern turbine cluster (T19-T25), as this would significantly reduce collision risk for golden eagle and likelihood of abandonment of one range.

- The proposal is not likely to have a significant effect on the Lewis Peatlands Special Protection Area (SPA) or the North Harris Mountains SPA, so that an appropriate assessment is not required.
  - We advise that the predicted collision risk for white-tailed eagles is particularly high compared to most other wind energy proposals, which will add significantly to a growing cumulative collision risk at a national level. This is likely to result in significant impacts on the growth rate of the national population of this re-introduced protected species, which will slow the rate of range expansion, and hinder progress towards restoring its former range across Scotland.
  - Note that the key issue is not whether the white-tailed eagle population will still grow, but rather the rate of growth. The SEI is not always clear about this.
  - For both eagle species, we recommend that the proposals for buffers and timing restrictions for works relative to roosts and nest sites, also include provision for works to be stopped when required.
  - It isn't clear that habitat management will happen without significant deer control. Fencing deer off steeper slopes potentially brings them on to bog more, or shifts deer issues elsewhere on the estate, which may be counterproductive. Steeper areas are generally less used by waders, so there really needs to be a good overall grazing plan in place to start immediately post-construction, or even in advance of construction to bring deer numbers down – starting up to two years after as proposed leaves quite a lag in effectiveness.
  - Diver rafts for black-throated divers should be installed before construction so that they have other options available should any breeding bird protection plan not work.
- *Recommendations:*
- We recommend reduction or removal of the southern turbine cluster (T19-T25), as this would significantly reduce collision risk for golden eagle and likelihood of abandonment of one range.
  - For both eagle species, we recommend that the proposals for buffers and timing restrictions for works relative to roosts and nest sites, also include provision for works to be stopped when required.

*Pairc Trust:*

- The proposal would bring improved community benefits to the Pairc area, including an Eagle Conservation Programme, with a contribution of £150, 000 per annum.
- The design of the windfarm minimises effects on golden eagle and white-tailed eagle.

*RSPB:*

➤ *EIA*

- The Eishken Estate and wider Park (Pairc) Peninsula area supports one of the highest densities of golden eagle in the world. The region holds a large proportion of the national population of golden eagle pairs and has high territory occupation compared to other Scottish regions, demonstrating how important this region is for the species.
- Golden eagle have been recorded frequently on the site. The EIAR concludes that effects on golden eagle would not be significant. However, it is our opinion that impacts may have been underestimated in the assessment.
- There is a high density of breeding white-tailed eagles in this area of Lewis. White-tailed eagles are afforded the highest legal protection in Scotland.
- The proposed development is predicted to have very high collision rates for white-tailed eagle and golden eagle and disturbance and displacement impacts on golden eagle. In considering our response to this application we have been mindful of the planning history and extant consents on the site. Our long-standing position is that this site does not appear to be a suitable location for a wind farm of this scale. However, we understand that if this current application is refused, the previously consented project would or could still go ahead.
- We welcome the Project Comparison Report that describes that current proposal would have a smaller development footprint and associated reductions in predicted habitat loss and peat

extraction. In addition, impacts on birds are predicted to be the same or less than the consented development.

- There are clear improvements between the consented scheme and the current application in terms of mitigation and we welcome the proposed painting of turbine blades black within the southern array, which is likely to help reduce collision risk to white-tailed eagle, as this was not proposed for the consented schemes.
- However, even with this in place, we are concerned about the impacts in isolation and cumulatively, and that the EIAR underestimates the environmental impact of the proposal and underplays the amount of mitigation required if the proposal were to proceed.
- RSPB Scotland objects to the proposed development due to lack of information regarding the predicted impacts of the development on golden eagle populations and details of commitments made in the application.
- We request the submission of the following and will review our position if this further information is provided by the Applicant:
  - A Golden Eagle Population Viability Analysis (PVA) model with counterfactual outputs to allow the population-level impacts to be better understood.
  - A detailed plan for a robust research project examining the effectiveness of painting a number of turbine blades black. This measure has been proposed as mitigation for golden and white-tailed eagle, but no means for testing the effectiveness of the proposal has been suggested. The plan should be agreed prior to determination and made a condition of any consent. The RSPB Conservation Science team would be interested in discussing the design of such research.
  - An outline Eagle Conservation Programme to be agreed prior to determination. The submission and approval of a detailed plan should be made a condition of any consent. Such a programme should be designed to add to understanding of wind farm impacts in high-density white-tailed eagle and golden eagle populations.
- In addition, without prejudice to our position, if Scottish Ministers are minded to grant consent, we strongly recommend that further design changes are made and habitat management actions are improved to reduce overall impacts on species.
- For both eagle species, we strongly recommend that:
  - The oHMP is revised to include actions to provide foraging habitat away from the proposed turbine array.
- For white-tailed eagle:
  - Consideration should be given to painting additional turbine blades black within the northern array. We suggest those closest to roost sites and frequent flight areas, i.e., the outer most turbines.
- For golden eagle, adopting any of the following, would provide significant improvements:
  - Removal of turbines within 1km of golden eagle nest sites and further consideration should be given to removing some turbines within the 2km core territory range from nest sites.
  - The 75m micro-siting allowance should not be used to move turbines closer to nest and roost sites. This should be committed to and secured by a suitably worded condition of any consent.
  - Loss of good and well-used golden eagle habitat would be reduced by removing further turbines from the scheme such as eastern and western outlying turbines T7, 12, 13 and 18, and any possible from the southern array.

➤ *SEI*

- We agree that the design amendments to the proposed development would, in the majority of cases, not result in significant changes to the likely construction or operational impacts on birds. The exception, in our opinion, is to golden eagle, for which the second territory in question is more likely to be abandoned due to line-of-sight impacts from the additional borrow pit and substation.
- We welcome the provision of further information in response to our previous objection letter.
- The updated population model for white-tailed eagle predicts that, cumulatively with other wind farms, the national population of white-tailed eagle could be up to 36% lower due after 25 years than without the additional mortality from the wind farms. The newly provided golden eagle

population model shows that the Outer Hebrides NHZ population could be up to 0.53% lower due to additional collision mortality than it would otherwise be. This does not take into account the likely abandonment of two territories due to this proposal in isolation. In both cases it is noted that both populations are predicted to continue to increase from current numbers.

- As stated in our previous letter, there are clear improvements between the consented schemes and the current application in terms of mitigation and we welcome the proposed trial painting of turbine blades black within the southern array, which is hoped would reduce collision risk to white-tailed eagle.
- However, even with this in place, and with the updated proposals within the oHMP, we remain concerned about the impacts in isolation and cumulatively, and only a reduction in the number of turbines proposed could impacts be expected to be reduced significantly.
- RSPB Scotland therefore objects to the proposed development due to:
  - High cumulative impacts to the local and national population of white-tailed eagles.
  - The likely abandonment of two golden eagle territories.
- We also continue to request the submission of the following:
  - A detailed plan for a robust research project examining the effectiveness of painting a number of turbine blades black. This measure has been proposed as mitigation for white-tailed eagle. Although the ECP commits to testing the effectiveness of the proposal, no methodology has been suggested. It is recommended that the plan should be agreed prior to determination and made a condition of any consent. The RSPB Conservation Science team would be interested in discussing the design of such research.
  - The outline Eagle Conservation Programme should be revised with formal commitments and budgets, agreed prior to determination. The submission and approval of a detailed plan and implementation of the plan should be made a condition of any consent.
- Without prejudice to our position, if Scottish Ministers are minded to grant consent, we request that the oHMP and ECP are made conditions of any consent. We would also strongly recommend further turbines in the northern array are also painted black and included in a any research programme

#### Public comments

12.226 The key main points raised in representations can be broadly summarised as:

- Improvement on previously consented proposal
- Adverse impact on breeding birds (including white-tailed eagles and golden eagles)

#### Assessment

12.227 From the details available, including the consultation response from NatureScot, it is considered that the proposed development would not have significant effects on nearby designated areas, including the Lewis Peatlands Special Protection Area (SPA) or the North Harris Mountains SPA. As such, it is not necessary for an Appropriate Assessment to be carried out as part of a Habitat Regulations Appraisal.

12.228 Generally, having regard to the comments received on the proposals, the findings of the EIA Report (as amended by the SEI) with regards to IOFs are considered sufficiently robust and, in the main, its conclusions are reasonable. In most respects, it is considered that the embedded mitigation measures within the project would be sufficient to ensure that adverse impacts on birds would be limited and not unacceptable, including in relation to cumulative effects. The proposed oHMP would also have benefits in this regard.

12.229 In some cases, the EIA Report identifies that additional mitigation measures would be necessary to avoid significantly harmful impacts, such as the introduction of artificial nesting rafts and restrictions on the substation lighting to address potential displacement effects for black-throated diver, and the removal of deer and livestock carcasses from the vicinity of operational turbines.

12.230 NatureScot have highlighted the need to extend the area of carcass removal to include the whole area within the array plus a buffer, also to limit the placing of carcasses/gralloch within the habitat improvement area, and to install rafts ahead of construction commencing, with a commitment to their long-term maintenance. They have also confirmed that the proposals for buffers and timing restrictions for works relative to roosts and nest sites should also include provision for works to be stopped when required and that significant deer control would be necessary to achieve robust habitat management, including an overall grazing plan.

12.231 These are matters that can all be adequately secured by condition. Subject to incorporating these amendments, the measures proposed are considered reasonably likely to be beneficial in reducing the extent of the likely residual effects that would otherwise occur in these respects.

#### *Eagle Conservation Programme*

12.232 Following concerns initially expressed by consultees, the outline Eagle Conservation Programme (oECP) has been developed and a revised version was submitted as SEI TA 9.5. The developers indicate that it has been designed to protect, increase and better understand the Outer Hebrides population. Whilst both NatureScot and the RSPB made detailed comments in relation to the oECP, the revised oECP appears to have addressed many of the initial reservations expressed.

12.233 The RSPB have requested that the oECP is further revised prior to determination, with formal commitments and budgets. However, it is considered that the level of detail provided at this stage is sufficient to assess the merits of this element of the proposal and details of the Programme are matters that could be appropriately addressed and secured by condition.

#### *Eagles*

12.234 Both NatureScot and the RSPB continue to raise concerns about aspects of the scheme in relation to golden eagle. The SEI revisions are considered, by the RSPB, more likely to result in the abandonment of a second territory, due to the positioning of infrastructure within the core territory area, including line-of-sight impacts from the additional borrow pit 7 and substation. The expansion of the proposed areas of foraging habitat provision is considered unlikely to reduce the risk of territory abandonment, since improving habitats and prey availability could take many years. Consequently, the RSPB objects to the proposal partially on this basis.

12.235 NatureScot continue to recommend reduction or removal of the southern turbine cluster (T19-T25), as they consider that this would significantly reduce collision risk for golden eagle and likelihood of abandonment of one range. Their response to the EIAR also recommended the removal of these turbines in relation to white-tailed eagle, as these turbines are considered to contribute disproportionately to the overall collision risk and the predicted collision risk for white-tailed eagles is noted to be particularly high compared to most other wind energy proposals.

12.236 The RSPB object to the proposal in relation to the potential for high cumulative impacts to the local and national population of white-tailed eagle. NatureScot consider that the proposal would add significantly to a growing cumulative collision risk at a national level, which is likely to result in significant impacts on the growth rate of the national population.

12.237 The comments from the RSPB indicate that fully compensating for the impacts on both eagle species are considered to require landscape-scale improvements to eagle habitat across large areas of the Western Isles, as well as other interventions (such as widening the separation distances between the lines in overhead power distribution lines so to make electrocution impossible). They acknowledge that such interventions are likely to be difficult to achieve.

12.238 However, whilst it is acknowledged that the proposal would have an effect on golden eagle and white-tailed eagle, the EIA and SEI Reports indicate that these populations would still continue to grow, although at a smaller rate than without the proposed development and other wind farm projects.

Neither NatureScot nor RSPB dispute these findings and, despite the concerns raised, NatureScot do not formally object to the proposal on this basis.

- 12.239 Accordingly, overall, it is considered that it has not been adequately demonstrated that the continued inclusion of these southern turbines within the scheme, and the second substation (which would be located within borrow pit 7 once it is no longer required), would be sufficiently harmful so as to justify their removal. Further, the developer has indicated that the removal of the southern turbine cluster would threaten the viability of the proposed development, and the second substation is a prerequisite for network transmission.

*Black painting of turbine blades*

- 12.240 A clear difference in view exists between NatureScot and the RSPB in relation to the proposed black painting of a single blade of seven of the most southern proposed turbines. This element of the proposal is welcomed by the RSPB, and it is strongly recommended that it is made a condition of the consent. They acknowledge that this measure would represent a trial with uncertain outcomes, rather than mitigation for the predicted collision mortality risks for the proposed development. However, they regard this as an important opportunity to investigate the efficacy of such measures in the Outer Hebrides context, in comparison to a successful trial in Norway.
- 12.241 The proposed monitoring programme is therefore welcomed by the RSPB. They state that, whilst the ECP cannot be considered reliable mitigation for the proposed development, it would include a trial of painting blades black as a potential mitigation measure and could contribute to greater understanding of the species in the region and potentially result in conservation benefits.
- 12.242 Although the oECP commits to testing the effectiveness of the proposal, no methodology has been suggested. The RSPB recommend that a detailed plan for a robust research project to examine the effectiveness of painting a number of turbine blades black should be provided prior to determination and made a condition of any consent. The comments indicate that the RSPB Conservation Science team would be interested in discussing the design of such research.
- 12.243 In contrast, NatureScot state that blade painting is a novel and emerging idea as mitigation. It has not been employed in the UK to date. NatureScot advise that the case for this mitigation is based on a paper from the Smola wind farm in Norway, where a trial suggested it was highly effective in reducing both white-tailed eagle and other species collisions. However, statistically the sample is very small, and the authors concluded that, whilst promising, this type of study should be repeated elsewhere to better understand how well it works.
- 12.244 The EIAR also references an ongoing study of blade painting with a much larger sample of turbines in Europe. This ongoing project is so far finding no statistically significant reduction in collisions across a wide range of bird species groups, including birds of prey. The emerging picture from this ongoing study suggests that the Smola study may not be representative. Furthermore, the monitoring section 9.286 states that post-construction monitoring will monitor '*whether the mitigation is appropriate and sufficient*', which highlights the uncertainty about its effectiveness.
- 12.245 NatureScot therefore advises that blade painting is not considered to be a proven method of mitigation and, given the high predicted collision impacts here, this would not be the best place to conduct a trial of a measure of unproven efficacy.
- 12.246 Consequently, notwithstanding the support from the RSPB for this element of the scheme, given these comments from NatureScot and taking into account the likely adverse visual effects of the blade painting, it is considered that the significant harm likely to result from this measure would outweigh the potential benefits in this sensitive location. Accordingly, for these reasons, the views of NatureScot in this respect are supported and it is recommended that the proposal to paint one blade black on each turbine should not be progressed.

#### *Other mitigation measures*

12.247 Both NatureScot and the RSPB make a number of detailed comments regarding potential impacts on other birds. Some of these have been addressed by the developer in the SEI submissions, such as a commitment to avoid micro-siting closer towards eagle nests, which is a matter that can be secured by condition. Other detailed comments are considered to raise issues that could be appropriately addressed through the development of the Bird Disturbance Management Plan and Habitat Management Plan.

#### *Conclusion*

12.248 A number of mitigation measures are proposed and can be satisfactorily secured by condition. For the reasons set out above, it is considered that the proposed blade painting measure should be omitted. Subject to this omission and the revisions identified above, it is concluded that the identified mitigation and monitoring measures are appropriate, and the implementation of the identified measures would reduce the potential construction and operational effects of the proposal to a level where the residual effects would not be unacceptable.

12.249 Moreover, subject to the control of details, including appropriate monitoring, it is considered that aspects of the measures proposed, such as the ECP and the HMP, have the real potential to be beneficial and result in enhancement of biodiversity. In addition, it is also recognised that the potential impacts on birds from the current proposal are predicted to be the same or less than the consented development.

12.250 Consequently, in these respects, it is concluded that the proposal would be acceptable, and would meet the relevant policy requirements to conserve, restore and enhance biodiversity, including in relation to future management.

### **Hydrology, hydrogeology and geology**

#### Policy Context

##### *NPF4*

12.251 Policy 5: Soils seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. It confirms that development proposals will only be supported if they are designed and constructed: in accordance with the mitigation hierarchy, by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and in a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

12.252 The policy states that development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for a range of specified types of development, including the generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets. Further, where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site-specific assessment will be required to identify: the baseline depth, habitat condition, quality and stability of carbon rich soils; the likely effects of the development on peatland, including on soil disturbance; and the likely net effects of the development on climate emissions and loss of carbon.

12.253 Policy 10: Coastal development states that development proposals in undeveloped coastal areas will only be supported where, amongst other criteria, they are necessary to support net zero emissions, do not result in the need for further coastal protection measures, taking into account future sea level change, or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and are anticipated to be supportable in the long-term, taking into account projected climate change.

12.254 Policy 11: Energy (e) requires project design and mitigation to demonstrate how various specified impacts are addressed, including effects on hydrology, the water environment and flood risk.

- 12.255 Policy 22: Flood Risk and Water Management seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Amongst other matters, it requires that development proposals will: not increase the risk of surface water flooding to others, or itself be at risk; manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure; seek to minimise the area of impermeable surface.
- 12.256 Policy 33: Minerals Development proposals for borrow pits will only be supported where:
- i. the proposal is tied to a specific project and is time-limited;
  - ii. the proposal complies with the above mineral extraction criteria taking into account the temporary nature of the development; and
  - iii. appropriate restoration proposals are enforceable.

*OHLDP*

- 12.257 Policy E15: Soils seeks to minimise adverse impacts on soils caused by ground disturbance, compaction or excavation. Developers should assess the likely effects associated with any development work on soils, particularly peat or other carbon-rich soils and associated vegetation and aim to mitigate any adverse impacts arising. Where disturbance of peat or other carbon-rich soil is likely to give rise to significant emissions of carbon dioxide, the policy requires developers to justify the location of the proposed development and to show how emissions will be minimised.
- 12.258 For large scale renewable energy proposals, development will only be permitted where it has been demonstrated that unnecessary disturbance of carbon rich soils such as peat and any associated vegetation is avoided. A peat survey must be submitted which demonstrates that areas of deepest peat have been avoided and the impacts on carbon-rich soils and associated habitats minimised. Where required, a peat management plan must also be submitted along with any planning application which demonstrates best practice in the movement, storage, management and reinstatement of soils.
- 12.259 Policy E11: Flooding encourages development proposals to avoid areas susceptible to flooding, promotes sustainable flood management and requires proposals to have regard to the probability of flooding from all sources. Policy E12: Water and Wastewater requires new development to adopt the principles of sustainable drainage systems (SUDS), including the use of permeable surfaces.
- 12.260 Policy E13: Water Environment requires development proposals to avoid adverse impacts on the water environment. All proposals involving activities in or adjacent to any water body must be accompanied by sufficient information to enable a full assessment to be made of the likely effects, including environmental effects, of the development.
- 12.261 Policy E13 requires development within the water environment to be avoided, with a minimum buffer strip of six metres incorporated between the water body and the proposed development. Habitats should be managed or enhanced, including through the provision of riparian/green corridors, natural flood management within flood plains, and control of invasive non-native species, with no significant effect on water quality, water quantity, natural flow patterns and sediment transport processes.
- 12.262 For larger scale developments, where a site contains or is adjacent to a wetland or boggy area the Policy also requires a Phase 1 habitat survey to be carried out for the whole site and a 250m buffer around it. Where a Groundwater Dependent Terrestrial Ecosystem (GWDTE) is identified then the site layout should avoid it and drainage designed to ensure groundwater flows to the habitat are maintained.
- 12.263 Policy E14: Waste Management requires the preparation of a Site Waste Management Plan and for waste to be managed in accordance with the Waste Hierarchy.

- 12.264 Policy ED5: Minerals confirms that proposals for borrow pits will be supported to allow the extraction of minerals near to or on the site of associated development (e.g. wind farm development or infrastructure projects) provided it can be demonstrated that there are significant benefits compared to obtaining the materials from local quarries and that criteria a) to i) of Policy ED5 are met. These consents will be time-limited, tied to the proposal and must be accompanied by full restoration proposals and aftercare. Criteria a) to i) refer to potential impacts on a range of issues, which largely overlap with those considered in relation to other policy requirements.
- 12.265 The SG advises that developers will also be expected to provide geotechnical and hydrological, ecological and peat management information in support of applications, identifying the presence of peat at each site and how the development is designed to avoid the disturbance of peat, including the risk of landslide connected to any development work.
- 12.266 It indicates that areas of carbon rich soils, deep peat and priority peatland will be subject to significant protection. Wind farm proposals within areas of carbon rich soils, deep peat, and priority peatland habitat may be supported if it can be demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.
- 12.267 Developers will be required to undertake peat (depth) surveys for their development proposals, which should inform the siting and design of wind turbines and all associated infrastructure to demonstrate how impacts to peat and carbon have been first avoided and then minimised through mitigation and micrositing.
- 12.268 Developers should investigate the scope to utilise piled foundations and 'floating tracks' on areas of deep peat or carbon rich soil in order to minimise disturbance. Mitigation may also take the form of habitat restoration or habitat improvements, which may be achieved in areas of the site not being developed, and possibly on other peatland sites.
- 12.269 In addition, the SG confirms that developments should be designed to avoid impacts on the water environment wherever possible. Where impacts on the water environment cannot be avoided then developers will be expected to demonstrate how these impacts will be mitigated. There should remain a minimum buffer of 50m between any works and the water environment.
- 12.270 The SG goes on to say that any requirement for (temporary) borrow pits will require to accord with Policy ED5.

#### EIA Report

##### *EIA*

- 12.271 Chapter 10 of the EIA Report evaluates the effects of the proposed development in relation to the potential effects on hydrology and hydrogeology (i.e. the water environment), geology (including peat), and soils during construction, operation, and decommissioning. As there are no other material developments both within 5km of the proposed turbines and within the same surface water catchments as the proposed development, cumulative effects are not considered.
- 12.272 Any potential effects of the proposed development on geology or the water environment identified by the assessment have been addressed and mitigated by the design and the application of good practice guidance, to be implemented as standard during construction and operation to prevent, reduce or offset effects where possible. As such a number of measures would form an integral part of the construction process and these have been taken into account prior to assessing the likely effects of the proposed development (embedded mitigation). Where appropriate, further tailored mitigation measures have been identified prior to determining the likely significance of residual effects.
- 12.273 Good practice measures would be applied in relation to pollution risk, sediment management, peat management and management of surface runoff rates and volumes. This would form part of the CEMP

to be implemented for the proposed development, which would be secured by a planning condition and would be prepared prior to construction commencing. An outline CEMP is provided in EIA TA 3.1.

12.274 Climate change studies predict a decrease in summer precipitation and an increase in winter precipitation alongside higher average temperatures. This suggests that there may be greater pressures on water supplies and lower water levels in summer months in the future. In addition, summer storms are predicted to be of greater intensity. Peak fluvial flows associated with extreme storm events may also increase in volume and velocity, and sea level rise is anticipated. These potential changes are considered in the assessment of effects.

➤ *Peat*

12.275 Information on the study area was compiled using baseline information from previous assessments, and a desk study to ensure a contemporary assessment was prepared. The desk study was then verified by an extensive programme of field work, including peat probing, walk-over surveys, digital terrain mapping and aerial photography, prior to completion of the assessment. An ecological assessment of peat and its associated habitats was also completed.

12.276 The Planning Statement indicates that the entire site can be considered to be extensively covered in peat particularly on the flatter areas. With the exception of peat, the superficial and bedrock geology is not rare, does not form a potential mineral reserve, and is not considered sensitive. It is therefore not considered further in the EIA Report.

12.277 Peat presence, thickness and stability has formed a key consideration in the iterative design of the proposed development, along with watercourse/feature locations and buffers to these, areas of potential flooding, Private Water Supplies (PWS) and Ground Water Dependent Terrestrial Ecosystems (GWDTE). The design evolution that sought to avoid and/or minimise likely effects on geological, hydrological and hydrogeological receptors where possible.

12.278 Given the inability to totally avoid peat, the design principle followed for the proposed development has been to try to avoid locating infrastructure in areas of peat greater than 1m, in accordance with the mitigation hierarchy. Where this has not been possible (mainly in siting onsite tracks), mitigation has been proposed e.g. 'floating tracks' where applicable. The depth of peat at the proposed turbine locations varies from 0.1m to 0.9m.

12.279 In addition, all turbine locations, access tracks, the substation compound, the construction compounds and borrow pits have been designed to avoid any areas which may be subject to peat slide risk. A site-specific Peat Landslide Hazard Risk Assessment (PLHRA) concluded that, subject to the employment of appropriate mitigation measures and best practice construction techniques, the presence of peat and potential peat slide instability are not development constraints.

12.280 A Peat Management Plan (PMP) has been prepared to demonstrate that the policy aims of NPF4 are met and that peat and soils that would be disturbed by the proposed development can be safeguarded and used in restoration of the site. No surplus peat would be generated and the volumes of peat generated from the proposed excavations would be used to reinstate track verges, turbine bases, cane hardstandings and restoration of onsite borrow pits. In addition, restoration of peatland habitats is proposed as part of the proposed development.

12.281 The disturbance of peat and soils as a result of the construction of the proposed development can be minimised and the peat deposits safeguarded. With the identified safeguards and proposed good practice methods, the potential impact on deposits of carbon rich soil and peat is assessed as negligible and thus the significance of effect is negligible and therefore not significant. No additional mitigation, over and above the proposed site supervision, is required.

➤ *Infrastructure and drainage*

- 12.282 Excavations associated with construction works (e.g. cut tracks, turbine bases foundations, cable trenches, borrow pits etc.) can result in local lowering of the water table. Dewatering associated with construction of turbine foundations is temporary and would not be required post construction. Cable laying, without appropriate mitigation measures, can also lower high groundwater levels and provide a preferential drainage route for groundwater movement that can lead to local and permanent drying of soils, superficial deposits and/or water supplies.
- 12.283 The design of the proposed development has avoided areas of high ecological or habitat interest, including GWDTE, wherever possible. Furthermore, the superficial and bedrock deposits have little groundwater and therefore limited or little dewatering is likely to be required. Location specific good practice measures will form part of the final CEMP and would be used to minimise the potential for drainage and dewatering effects. The potential significance of effect of changing groundwater levels and flow due to dewatering is assessed as negligible and therefore not significant and requires no further mitigation.

➤ *Groundwater quality*

- 12.284 All of Scotland's groundwater bodies have been designated as Drinking Water Protected Areas under the Water Environment (Drinking Water Protected Area) (Scotland) Order 2013 and require protection for their current use or future potential as drinking water resources. SEPA has classified the current status of groundwater bodies in accordance with the requirements of the Water Framework Directive (WFD). The study area is underlain by the Lewis and Harris groundwater body, which was classified in 2020 with an Overall Status of Good and no pressures are identified.

➤ *Groundwater Dependent Terrestrial Ecosystems (GWDTE)*

- 12.285 An assessment of GWDTE was undertaken and the EIA TA Appendix 10.6: GWDTE Assessment, concludes that areas of potential GWDTE are sustained by rainfall and water logging of soils, rather than by groundwater. Buffers to areas of potential GWDTE specified in SEPA guidance therefore do not apply. However, safeguards such as permeable access tracks and regular cross track drains to maintain these habitats, and the sources of water to these habitats, would need to be maintained during construction and operation of the proposed development.

➤ *Surface water quality*

- 12.286 SEPA classifies larger watercourses as part of its responsibility under the WFD. The quality of the watercourses and loach within the study area have an overall classification of either Good or High. Water quality monitoring during the construction phase would be undertaken for the surface water catchments that drain from the proposed development to ensure that none of the tributaries of the main channels are carrying pollutants or suspended solids. Monitoring would be carried out at a specified frequency (depending upon the construction phase) on these catchments.
- 12.287 Monitoring would continue throughout the construction phase and immediately post construction. Monitoring would be used to allow a rapid response to any pollution incident as well as assess the efficacy of good practice or remedial measures. Monitoring frequency would increase during the construction phase if remedial measures to improve water quality were implemented.
- 12.288 Detailed water quality monitoring plans would be developed during detailed design, which would be contained within the final CEMP. The performance of the good practice measures would be kept under constant review by the water monitoring schedule, based on a comparison of data taken during construction with a baseline data set, sampled prior to the construction period.

➤ *Private Water Supplies (PWS) and Licensed Abstractions*

- 12.289 SEPA has confirmed that there are no abstractions within the study area. The risk to PWSs has been considered and is presented in EIA TA 10.5: PWSRA. It confirms that one PWS source is located

downstream of an existing track which will be used to access the proposed wind farm. It is also confirmed that the existing access track passes over the distribution pipework of another source. The measures required to safeguard these PWS are confirmed within EIA TA 10.5 and it also presents a monitoring schedule, which can be used to confirm that the PWSs are not impaired.

➤ *Pollution risk*

12.290 During the construction phase, there is the potential for a pollution event to affect surface waterbodies impacting on their quality. This would have a negative impact on the receptor, potentially resulting in degradation of the water quality which would impact on any aquatic life and private and public water supplies abstracting from the watercourses. Potential pollutants include sediment, oil, fuels and cement.

12.291 The risk of a pollution incident occurring would be managed using industry standard good practice measures. Many of these practices are concerned with undertaking construction activities away from watercourses, sensitive peat and vegetation habitats and identifying safe areas for stockpiling or storage of potential pollutants that could otherwise lead to the pollution. Following adherence to good practice measures, the potential effect on watercourses would be negligible and therefore not significant. No further mitigation measures are required.

➤ *Erosion and sedimentation*

12.292 Site traffic during the construction phase has the potential to cause erosion and increase sedimentation loading during earthworks, and due to increased areas of hardstanding and such features as stockpiles, tracks and excavations etc., which could be washed by rainfall or inappropriate site practices into surface water features. This has the potential to reduce surface water quality, increase turbidity levels, reduce light and oxygen levels and affect ecology including fish populations.

12.293 Excavation of borrow pits, construction of hardstanding, diversion of drainage channels and the construction of water crossings associated with the proposed development are the key sources of erosion and sediment generation. Adherence to good practice measures would ensure that any material generated is not transported into nearby watercourses, to groundwater, or onto areas of peat.

12.294 Location specific good practice measures will form part of the final CEMP and would be used to minimise the potential for erosion and sedimentation. After consideration of good practice measures, the potential level of effect is assessed as negligible and not significant and no further mitigation measures are required.

➤ *Flood Risk*

12.295 The site for the proposed development is considered to be at minor risk from fluvial and surface water flooding. With the exception of proposed watercourse crossings, no development is proposed in the published floodplain identified by SEPA in relation to fluvial flooding. SEPA have identified several areas of surface water flood risk across in the study area. However, flood extents are localised, never forming large, linked areas or flow paths, and therefore surface water is not considered a development constraint.

12.296 Sustainable Drainage Systems (SuDS) would be incorporated as part of the proposed development. SuDS techniques aim to mimic pre-development runoff conditions and balance or throttle flows to the rate of runoff that might have been experienced prior to development. Good practice measures in relation to the management of surface water runoff rates and volumes and potential for localised fluvial flood risk would be undertaken. The potential level of effect on flood risk is therefore assessed as being negligible and not significant. No further mitigation is therefore required.

➤ *Buffer to watercourses*

- 12.297 In accordance with wind farm construction best practice guidelines and SEPA consultation advice, a 50m buffer has been applied to watercourses. The majority of the proposed development including all turbines and the majority of tracks and crane pads are located outside of this buffer, with the exceptions of a small part of the proposed clearance area, temporary hardstanding and permanent hardstanding at turbines T1, T2, T10 and T24 (where the buffers are approximately 25m, 10m, 29m and 35m respectively).
- 12.298 It is recognised, during construction, use and restoration of works within the watercourse buffer there would be a need for increased monitoring and management of the works. Specific drainage management plans, methods statements, monitoring, and pollution incident response plans relevant to the works at these locations would need to be agreed with statutory consultees, including SEPA.

➤ *Watercourse crossings*

- 12.299 The primary access to the site is from the Eishken Road via the main A859 spine road connecting Lewis and Harris. The proposed development has sought to utilise existing tracks and accesses where possible. However, 21 new permanent watercourse crossings will be required for the proposed tracks to the proposed turbines within the application boundary. In addition, 33 existing watercourse crossings will be upgraded and used.
- 12.300 New permanent bridges over Abhainn Cheothadail and the Seaforth River will be required to reinforce the access route for potential Abnormal Indivisible Loads (AIL) should the A859 route from Arnish Deepwater Port at Stornoway be utilised for delivery of turbine components.
- 12.301 The crossings would be designed to pass the 200-year flood event plus an allowance for predicted climate change effects. The design details would be agreed and included as part of the final CEMP.

➤ *Coastal impacts and climate change*

- 12.302 The proposed development would not result in the need for further coastal protection measures as a result of climate change or an increased risk to people from coastal flooding or coastal erosion. The proposed development would operate for a period of 30 years, during which time it would produce clean, renewable electricity. This would help in the decarbonisation of Scotland's energy sector and in turn be beneficial in reducing the effects of climate change.

➤ *Mitigation (construction and operational phases)*

- 12.303 As there are no predicated significant effects under the terms of the EIA Regulations, other than the good practice measures that the developer would implement as standard (and as described above), no specific mitigation during construction is required.

➤ *Residual effects*

- 12.304 With regard to hydrology, hydrogeology and geology (including peat), the EIA Report states that no significant effects were identified.

*SEI*

- 12.305 SEI Report Chapter 10 supplements the EIA Report and provides additional information on this issue. In order to help inform the amendments to the site layout, an additional peat depth survey was undertaken in February 2024. The SEI also updates the PLHRA, the PMP and the Borrow Pit Appraisal (BPA).
- 12.306 The updated PLHRA concludes that, following the design amendments, there are no significant changes to peat instability risk across the proposed development, from what was presented in the EIA Report. Subject to micro-siting and mitigation, all of the locations initially identified as medium or high risk locations for peat slide, can be considered as insignificant.

- 12.307 The updated PMP provides an update on the volume of peat that would need to be excavated during the construction of the proposed development, following the design amendments. In addition to this the updated PMP provides further detail on the temporary storage of excavated peat, as well as the long-term re-use of this peat. The volume of peat predicted to be excavated is 189,358m<sup>3</sup>, which is less than the 194,942m<sup>3</sup> as assessed and presented in the EIAR.
- 12.308 The updated BPA reflects that four of the five proposed borrow pits presented in the EIA Report, have been resized and/or relocated, as well as another two borrow pits having been added to the proposed development. The updated BPA provides updated figures for how much (approximately) aggregate is required to construct the proposed development, and how much is expected to be won from the on-site borrow pits.
- 12.309 Approximately 283,095m<sup>3</sup> of aggregate is required to construct the proposed development. This is an additional 61,694m<sup>3</sup> when compared to the 221,401m<sup>3</sup> of aggregate that was presented in the EIA Report as being required. The addition of a second substation is the single biggest change resulting in an increase to the volume of aggregate required, however there are also increases to the volume of aggregate required for access tracks, crane pads, and temporary construction compounds. The seven borrow pits are anticipated to yield considerably more than this.
- 12.310 In addition, following concerns expressed by SEPA about its 10m proximity to a watercourse, turbine No.2 has been moved from its original location approximately 57m to the north west, taking it outwith 50m of any nearby watercourse or waterbody.
- 12.311 Further, the SEI confirms that the proposed amendments to the site layout do not change the findings of the EIA Report with regards to construction and operational effects on peat/soils, pollution risk, erosion/ sedimentation, fluvial flood risk and infrastructure/man-made drainage. No significant effects were identified.

#### Consultation Responses

- 12.312 In brief, the following summarises the key main points of the responses of particular relevance to this issue:

##### *SEPA:*

##### ➤ *EIA*

- Due to impacts on peat, peatland and the water environment we submit a holding objection.
- *Peat disturbance*
  - To show that the development complies with the mitigation hierarchy in Policy 5 of NPF4 we are looking for a demonstration that peatland in near natural condition has been avoided (as this has the lowest greenhouse gas emissions and greatest greenhouse gas uptake potential of all peatland condition categories) and the total area and volume of peat disturbance has been minimised.
  - The peatland quality information provided to us by the developer shows that much of the site is near natural condition blanket bog. Of the 25 turbines only five (T13, T16, T18, T19 and T24) do not have an impact on habitat in this condition. We therefore object and seek modifications to the turbine layout to clearly demonstrate how steps have been taken to avoid near natural condition habitat. We also object until the construction compounds and borrow pits are relocated or modified so that they do not directly impact on near natural habitats.
  - In relation to minimisation of the total area and volume of peat disturbed then steps have been taken to avoid impacting on the larger areas of deeper peat. However, peat depth on the site is variable and there are also a large number of smaller pockets of deeper peat throughout the site and, while we appreciate that amendments were made in relation to this as part of finalising the layout, much of the turbine infrastructure is located on such areas. We object

until either infrastructure is moved to avoid the deepest areas of peat in the vicinity or information is submitted to demonstrate that the current layout minimises the volume of peat to be disturbed, which we note is currently estimated to be 194,942m<sup>3</sup>. We also object unless the dimensions or exact location of the North construction compound is amended to avoid the deeper areas of peat.

- Taking into consideration above we suggest that the developer focus on infrastructure that is proposed on near natural habitat located on peat over 1 m in depth. A table showing the extent of peat disturbed by each infrastructure element, demonstrating how it has been located to minimise peat disturbance and impact on near natural habitat may be a useful approach.
- Once layout details are finalised, we will ask for a condition requiring a finalised Peat Management Plan. Proposals for reinstatement of disturbed areas should follow recognised best practice, for example use of peat to form landscape bunds is not acceptable. Any proposals for use of disturbed peat in peatland restoration should be clearly outlined and justified.

▪ *Water environment*

- Most turbine infrastructure is located greater than 50 m from a watercourse following recognised industry practice. However, we note that T1, T2, T10 and T24 are within this buffer. For infrastructure at T1, T10 and T24 we are content that the potential for pollution could be controlled via suitable mitigation measures. However, at T2 we consider that a buffer of 10 m between the proposed clearance area and the watercourse is not large enough to put in place measures to protect the water environment. We therefore object until the infrastructure is repositioned to increase the buffer and a drawing is provided showing the site specific mitigation that can be put in place to protect the water environment.

▪ *Conditions*

- To protect and where possible improve the water environment (1) all replacement watercourse crossings shall be bottomless culverts or bridges unless agreed with the planning authority in consultation with SEPA, and (2) all new watercourse crossings shall be of the type outlined in Technical Appendix 10.4. The final design of the Abhainn Cheothadail bridge crossing shall be demonstrated to accommodate without constriction the 1 in 200 year flood event including an up to date allowance for climate change.
- To ensure that construction works are carried out in line with the measures prescribed in the submission (a) Adherence to the mitigation outlined in the Schedule of Commitments (Table 17-1) and (b) All works to be carried out following the Outline CEMP (Technical Appendix 3.1).
- To ensure that reinstatement and decommissioning works are carried out in a way that is sensitive to the environment a finalised Decommissioning and Restoration Plan with proposals in line with SEPA's Guidance on the life extension and decommissioning of onshore wind farms.

➤ *SEI*

- Our position and advice, given below, is based on your authority ultimately determining that the proposal is classed as development that could be supported for the purposes of assessment under Policies 5 and 22, as defined in National Planning Framework 4. If this is not the case, please advise so we can re-consider our position and advice.
- We withdraw our objection to this application subject to the conditions below and those identified in our previous response.

▪ *Peat disturbance*

- In relation to impacts on both deeper peat and near natural habitat significant improvements have been made to the location of all the temporary construction compounds and borrow pits, which is welcome; the newly proposed infrastructure also avoids such areas. Seven turbine infrastructure areas have been modified and, while these amendments are also welcomed,

there are still a number of locations where either deeper peat or near natural condition peatland will be impacted by the current layout.

- We consider that further small amendments could be made to reduce impacts on peat and peatland. In this site-specific case we are content that these could be made post consent.
- We therefore withdraw our objection to this aspect of the application if a condition is applied requiring a finalised Peat Management Plan. The Plan must clearly demonstrate how further layout amendments and methods of construction have been used to reduce impacts on deeper peat and near natural habitat. It should demonstrate these improvements by way of detailed plans and calculations. It should also demonstrate that use of disturbed peat in reinstatement follows best practice.

▪ *Water environment*

- We note the relocation of T2 infrastructure and as a result withdraw our previous objection.

*Ironside Farrar:*

➤ *EIA*

- The PLHRA requires minor revisions: although much of the PLHRA is sound, there are some key elements that are considered to be insufficiently robust to support the PLHRA conclusions and minor revisions are required. Areas of attention will be advised in the review of the findings and may be progressed by the developer through either an appendix to the original submission or by clarification letter.
- One of the notable outcomes/ findings of the PLHRA is that there are some significant areas of medium and high likelihood across the site including within areas of proposed infrastructure. There is also evidence of past landslides on the site and in the near surrounds picked up by the site reconnaissance. This indicates that peat slide risks require careful consideration at this site, and that appropriate mitigation can be put in place to control peat slide risks.
- As the detailed infrastructure probing does not meet the guidance in some locations, additional probing is required to complete the assessment/ fill gaps to make it line with ECUBPG/ SEPA guidance. This includes additional probing at borrow pits to cover the entire areas of search, and also the section of tracks where there are gaps in the probing/ 50m centres have not been achieved.
- Comment is requested on whether the likelihood assessment can be considered suitably robust without considering the areas of artificial drainage across the proposed area as although drainage is noted as a factor potentially influencing peat stability it does not appear to have been included in the likelihood assessment.
- The windfarm infrastructure should be included in the consequence assessment. Therefore, please update the assessment with this receptor and make any amendments to the overall risk assessment (hazard ranking).
- It is not clear whether the medium and high likelihood areas shown relating to the borrow pits have been included in the consequence assessment. In addition, some of the track sections shown in medium risk do not appear to have been included either. Please update the consequence assessment and risk assessment accordingly.
- Please provide an overall risk map (hazard ranking) to show the extent of substantial/ serious hazard (risk).
- Site specific mitigation, including a site-specific plan, should be provided for all medium (or above) risk areas (substantial/ serious). This should include risk (hazard ranking) over the area relative to the infrastructure layout, details of topography, slope and receptors and also the specific mitigation and proposed micrositing options to demonstrate that these proposals are all achievable/credible.
- Given there a number of areas of medium and high risk in proximity to infrastructure, please confirm how stability risks associated with temporary peat storage will be reduced during construction phase. A plan should be included showing area suitable for storage.
- Please provide details of mitigation to reduce/ manage risks for borrow pits.

➤ *SEI*

- The following comprises the summary outcome of the Stage 2 checking report with further responses required:
- The Developer's response does not address changes requested to the impact assessment but otherwise adequately addresses the queries raised in the Stage 1 Checking Report.
  - Confirmation is still required that windfarm infrastructure has been considered as part of the impact assessment. The risk assessment should be updated accordingly.
  - Based on the stipulated mitigation (Table 16), there is a concern of the volumes of peat to be excavated over track sections and in infrastructure locations to mitigate peat slide risk.
  - To ensure proposed mitigation is credible, please provide details on the quantity of peat excavation involved and that this can be safely stored and accommodated within the development with respect to the peat management plans and SEPA guidance. Given the potential volumes to be excavated and the number of areas identified as medium and high likelihood, please provide a plan showing where peat storage can be safely accommodated.
  - Some of the mitigation also includes 'upgrading' of tracks. Please clarify what upgrading of tracks is.

*Scottish Water:*

- No objection. 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.

*NatureScot:*

- We recommend that any works carried out for peatland restoration should be carried out in accordance with the Peatland ACTION Technical Compendium.
- We recommend that peat should be reinstated as soon as possible, and not stored for any longer than one year.
- We recommend that catotelmic peat not be used for track reinstatement or landscaping.

Public comments

12.313 The key main points raised in representations can be broadly summarised as:

- Redesigned project reduces the number of turbines proposed reducing the impact on local moorland
- Improvement on previously consented proposal
- Release of CO<sub>2</sub> from peat disturbance
- Adverse impact on achieving net zero targets for carbon emissions

Assessment

12.314 The EIA Report, as supplemented by the SEI, sets out the assessment methodology and the results obtained, and assesses the significance of the likely impacts. The approach taken is considered appropriate and, having regard to the comments of consultees, overall, the assessment is considered thorough and robust. The conclusions reached are considered reasonable.

12.315 Ironside Farrar, who provide specialist peat landslide advice to the Scottish Ministers, continue to raise a number of queries in relation to the proposal, as set out above. In response to these, the applicant has confirmed that the wind farm infrastructure has been considered as part of the impact assessment. It has been included within the PLHRA and, as such, no further update is required to the consequence assessment and hazard ranking.

- 12.316 The PLHRA has been updated as part of the SEI, to provide further clarity on mitigation required. Upgrading refers to the widening and reinforcement of the existing access track/road. Details have been provided of the excavated peat volumes and re-use volumes within the SEI PMP, which shows a balance for the proposed development.
- 12.317 Recommendations for outline peat storage are provided in the SEI PMP. To confirm the validity of potential peat storage locations, ground investigation and detailed geotechnical assessment must be undertaken, along with the adoption of good construction practices and the mitigation detailed in the SEI PLHRA and SEI PMP. It is intended that final peat storage locations would be approved by a geotechnical engineer in conjunction with the ECoW and the Principal Contractor. It is therefore not considered appropriate to produce a plan showing areas suitable for excavated peat storage at this stage, as such a plan would be purely indicative.
- 12.318 The following mitigation and good practice measures are proposed for the temporary storage of peat during the construction phase:
- No peat is to be stored in the vicinity of any areas identified with 'medium' or 'high' peat landslide likelihoods.
  - Detailed ground investigation and slope stability analysis to be undertaken at temporary peat storage areas by a suitability qualified geotechnical engineer.
  - No temporary storage of peat shall take place on areas with peat depths recorded between >0.5m.
  - Ensure adequate drainage is maintained for any peat storage areas.
- 12.319 In addition to these control measures, the following good practice should be followed:
- A documented procedure and rapid reaction strategy shall be in place prior to the commencement of construction on peat land. This strategy shall be enacted should signs of peat movement be recorded across the proposed development. This approach requires periodic and continued monitoring of the construction process by a suitably qualified geotechnical engineer.
  - A detailed Construction Environmental Management Plan (CEMP) shall be produced and incorporate the conclusions of the peat stability report, continuously update the assessment and develop appropriate mitigations to respond to the peat slide risk as development proceeds.
  - As part of the geotechnical risk register (GRR), regular inspection and monitoring of stored peat should be undertaken until temporary storage has been completed. This involves with recording of any visual signs of ground movement including identification of tension cracking or slumping of peat material. Future inspection frequency would be determined post construction and be dependent upon meteorological conditions.
  - Awareness of peat instability and pre-failure indicators should be incorporated in site induction and training to enable all site personnel to recognise ground disturbances and features indicative of incipient instability.
- 12.320 The above responses appear to address satisfactorily the points raised in the latest consultation response from Ironside Farrar. In addition, subject to the control of detail through planning conditions, including the finalised CEMP, PMP, PLHRA and the HMP, the revisions to the proposed development and the additional information included within the SEI have resulted in the withdrawal of the holding objection from SEPA in relation to peat disturbance and the water environment.
- 12.321 The SEI has also resulted in the volume of peat predicted to be excavated being reduced from 194,942m<sup>3</sup> in the EIAR to 189,358m<sup>3</sup>. Moreover, the extant consented scheme would result in a total of some 569,646m<sup>3</sup> being excavated. As such, the reduction of some 380,288m<sup>3</sup> of peat excavation that would be required can be regarded as notable improvement in effect of the current proposal in comparison with the consented scheme.

12.322 Overall, for these reasons and subject to securing the appropriate mitigation measures identified above, the proposal is considered acceptable in relation to water supply, drainage, soils, waste management and flood risk, and would meet the relevant policy requirements in these regards.

### **Cultural heritage and Archaeology**

#### Policy Context

##### *NPF4*

12.323 Policy 7: Historic Assets and Places seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. It requires proposals with a potentially significant impact on historic assets or places to be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects, and provide a sound basis for managing the impacts of change. It confirms that proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

12.324 The policy also confirms that development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest. It goes on to say that development proposals affecting scheduled monuments will only be supported where: (i) direct impacts on the scheduled monument are avoided; (ii) significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or (iii) exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised. Development proposals affecting a World Heritage Site, or its setting, will only be supported where their Outstanding Universal Value is protected and preserved.

12.325 The policy requires non-designated historic environment assets, places and their setting to be protected and preserved *in situ* wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

12.326 The policy goes on to state that, where impacts cannot be avoided, they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations. When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

12.327 Policy 11: Energy (e) requires project design and mitigation to demonstrate how various specified impacts are addressed, including impacts on the historic environment.

##### *OHLDP*

12.328 The SG confirms that implications for archaeological and built remains, historic landscapes, the historic character and associations of the wider landscape will be factors in the consideration of proposals for wind farms. Developers will be expected to demonstrate that wind farm proposals and associated infrastructure will have no unacceptable significant adverse impact on the site, context and setting of historic environment assets, including designated and significant undesignated assets and areas.

12.329 It also advises that, if a wind energy proposal breaks the skyline at sensitive ridgelines when viewed from the component parts of the Calanais complex, or is to be sited in another location where it has the potential to impact on the setting of the complex, it will only be supported if it can be

demonstrated that the proposal will not have a significant negative impact on the setting of the Calanais complex. The assessment requirements will be judged on a case by case basis.

- 12.330 Policy NBH4: Built Heritage states that development which preserves or enhances the significance of built heritage assets will be supported. Proposals that would have a substantial adverse impact on significance will only be permitted where it can be demonstrated that: a) all reasonable measures will be taken to mitigate any loss of this significance; and b) any loss of significance which cannot be mitigated is outweighed by the social, economic, environmental or safety benefits of the development. It confirms that the Comhairle will seek to manage the special architectural and historical interest of listed buildings and their settings.
- 12.331 Policy NBH5: Archaeology supports development that would preserve, protect or enhance the archaeological significance of heritage assets, including their settings. Development proposals that will adversely impact upon scheduled archaeological remains or the integrity of their settings will only be permitted in exceptional circumstances, where there is no practical alternative site and where there are imperative reasons of overriding public interest (IROPI). In such cases, an assessment of, and justification for, the works proposed are required.
- 12.332 The policy also identifies that archaeological assessment may be required for proposals likely to negatively affect any regionally or locally important archaeological remains, including investigation and mitigation. Where significant archaeological remains may exist, predetermination evaluation may be required, potentially with further investigation and mitigation secured by condition.
- 12.333 Development which would affect unscheduled sites of archaeological interest or potential will be permitted where the significance of the remains does not justify their physical preservation on site. Where archaeological features provide potential for amenity, cultural tourism, place-making, or as an *in situ* educational or research resource, the Comhairle will support proposals for long term management, access and interpretation of the historic environment assets on the site.
- 12.334 Policy NBH6: Historic Areas requires all development proposals to preserve or enhance the settings of historic assets.

#### EIA Report

##### *EIA*

- 12.335 Chapter 11 of the EIA Report assesses the potential direct and indirect impacts of the proposed development on the cultural heritage assets of the site and surrounding area. Due to distance, an assessment on the effects on nationally important Gardens and Designed Landscapes has not been undertaken for the proposed development and there are no Historic Battlefields within the study area.
- 12.336 Effects may be caused by the proposed development where it changes the physical condition of either the asset itself (direct effects) or the setting in which it is experienced and understood (indirect effects). It is understood that visual change does not necessarily concur with setting change that would affect cultural significance. A change to an assets setting would require an alteration that results in a change to the effect of a contributing aspect of the asset's setting, which would have a tangible or intangible relationship with the asset and contribute to how it is understood, appreciated and experienced.
- 12.337 There are no designated heritage assets within the site or within 1km of the site. Four designated heritage assets of national importance have been considered: Calanais Standing Stone Complex (SM90054), Sideval Stone Circle (SM5351), St Columb's Church, Eilean Chaluim Chille (SM5345) ad Dùn Cromor, broch, Loch Cromore (SM1670).
- 12.338 This assessment has determined that there would be no direct impacts on Scheduled Monuments and that the changes in setting would not have a significant adverse effect on the integrity of the setting

of any Scheduled Monuments. Of the four assets considered, the assessment identified that the only setting which would be affected would be that of the Calanais Complex.

- 12.339 The proposal would result in a very minor intrusion of the proposed turbines which would be present within the distant skyline of the asset's setting to the southeast, to the east of the mountain ridge complex known as the 'Sleeping Beauty' or 'Old Lady of the Moors'. This mountain range comprises the skyline which forms part of the lunar standstill event with the stone, an archaeoastronomical event which is thought to have played a large role in the prehistoric community during the use of the monument. However, the EIA Report finds that the inclusion of the turbines within the backdrop of the setting would be not significant in EIA terms.
- 12.340 The presence of the turbines within the backdrop of views approximately 4km to the east of the mountain range were concluded to cause a slight erosion of the ability to appreciate the views. Whilst the turbines would be visible within this viewshed they would have a slight presence due to the distance and would likely only be visible on clear days. The ability to experience and understand the asset's relationship with the mountain range which comprises the 'Sleeping Beauty' and interacts with the monument during the lunar standstill would remain unaffected.
- 12.341 There is potential for a direct impact on non-designated cultural heritage assets within the site boundary. It should be noted that these assets are considered to be of low cultural significance. As a result, there is not predicted to be significant effects as a result of proposed development on non-designated historic environment assets within the site.
- 12.342 Overall, the EIA Report concludes that there are no effects on cultural heritage assets from the proposed development that would be significant in EIA terms and that the proposed development would be compliant with relevant policy and guidance. None of the assets assessed met the criteria to be assessed for cumulative effects. The only asset which was concluded to be subject to potential effects was Calanais Stones Scheduled Monument, with a minor significance of effect.
- 12.343 Mitigation measures have been largely embedded into the design of the proposed infrastructure, to reduce the risk of direct impacts wherever possible. They include the proposed fencing off and avoidance of the three known assets to reduce the potential of accidental damage during construction and a targeted watching brief during groundworks adjacent to known undesignated assets.
- 12.344 This includes a watching brief where the access road would be widened within the region of Seaforth Headland. This area is of archaeological interest for settlement activity related to the Clan Mackenzie during the 17<sup>th</sup> century and is of interest locally, including to the Kinloch Historical Society. The precise scope of the mitigation works would be negotiated with the Comhairle Archaeology Service and an agreed mitigation program would be documented in an approved Written Scheme of Investigation (WSI).
- 12.345 The archaeological mitigation measures proposed would minimise the potential loss of the archaeological resource that could occur as a result of the construction of the proposed development. Any harm caused to buried remains would be offset by the gain in knowledge resulting from investigation and reporting.
- 12.346 No assets met the criteria to be assessed for cumulative effects and potential cumulative effects were therefore not considered. The EIA Report assessment concludes that the proposed development would not result in any significant effects on cultural heritage assets in EIA terms.

*SEI*

- 12.347 None of the design amendments to the proposed development were as a result of any Cultural Heritage and Archaeology related responses from consultees. However, these matters were an

important consideration when amending the site layout (such as trying to avoid any onsite heritage assets and limiting views of the proposed development from offsite heritage assets where possible).

- 12.348 In terms of construction effects, there would be no additional heritage assets directly affected by the proposed development and there is no change to the findings of the EIA Report with regards potential impacts upon any heritage assets within the site.
- 12.349 In relation to operational effects, there are no additional designated heritage assets that would have visibility of the proposed development following the design amendments to the site layout. Further, no changes have been identified to potential effects (or their significance) on the cultural heritage assets assessed within the EIA Report.
- 12.350 The assessment of St Columb's Church in the EIAR identified a neutral magnitude of impact due to the lack of the turbines encroaching on any contributing aspects of the asset's setting. Previously, visibility was assessed using a ZTV, which indicated that up to 14 turbines would have been visible from the asset. This was further clarified in the subsequent response provided to HES, with bare earth visualisations provided. Following the further clarification requested by HES, the SEI provides updated wirelines to clearly ascertain the visibility of the turbines from contributing aspects of the asset's setting.
- 12.351 The wirelines show no visible turbines from the asset nor from the causeway comprising part of the asset's approach across the water during low tides to the island on which the asset is located. From the approach approximately 400m to the north of the church, two turbine blades would be visible from a rise in the backdrop of the view facing south toward the asset. These blades are marginally visible, and considering the turbines are located approximately 8.9km from the asset, comprise an almost indiscernible presence within this view. As this view is only one viewpoint along the approach to the asset, and all other views would remain unaffected, it is considered that the turbines would not encroach to such a degree that they would detract from the appreciation, experience and understanding of the approach to the asset.

#### Consultation Responses

- 12.352 In brief, the following summarises the key main points of the responses of particular relevance to this issue:

*HES:*

➤ *EIA (1)*

- We have previously been consulted on other wind farms within the location of the proposals (Muaitheabhal South, Muaitheabhal East Extension & Muaitheabhal South Extension). We did not object to these proposals.
- We are currently unable to determine whether the proposed development would raise issues of national interest for our remit. We require the submission of visualisations to be able to fully understand and assess the potential effects of the proposed development on the setting of St Columb's Church, Eilean Chaluim Chille (SM5345).
- Given the presence of many turbines on the skyline in key views of it, the proposals have the potential to have a significant adverse impact on the monument's setting, especially its sense of isolation and sense of place. Whilst the intervening distance may prove to limit the severity of this adverse impact, that assessment cannot be adequately made based on the information supplied within the EIAR.
- We therefore object to the proposed application until sufficient information is provided to allow us to properly assess and understand the potential impacts of the proposals. These visualisations are required before we can come to a final view on the application.
- We also recommended that visualisations should be taken in views from and towards the scheduled monuments Sideval, stone circle 400m S of (SM5351) & Dun Cromore, broch, Loch Cromore (SM1670) and these should be provided with the EIA assessment. However, from the limited

information provided with the application we are content that impacts on the setting of these monuments (SM5351 & SM1670) would not be significant.

- From Calanais, the visualisation provided shows that 17 of the proposed turbines would be visible at around 21km. The turbines would appear as blade tips on the skyline surrounding a range of hills that lie to the left of the view of the 'Sleeping Beauty'. It would therefore have an adverse impact on an appreciation of the intactness of the existing view to the skyline. The proposed turbines therefore have the potential to draw the eye away from observations of the moon rising and setting across the 'Sleeping Beauty'. However, whilst the impacts would be significantly adverse, they would just fall short of meriting an objection.

➤ *EIA (2)*

- The applicant provided a covering letter and wireframes taken from St Columb's Church, Eilean Chaluim Chille (SM5345) from the approaches to the church and from the causeway linking the island with the mainland. These show that there is no visibility of the turbines from these locations, except for a single blade tip visible on the approaches to the church.
- However, the visualisations do not accord with the assessment set out within the EIAR. Para 11.113 of the EIAR states 'The proposed development would introduce 25 wind turbines located c.8.9km to the southwest of the asset. Analysis of the ZTV found that 8 to 14 of these turbines would be visible (Figure 11.1b).
- Given that the evidence provided in the visualisations and the conclusions offered in the EIAR do not align, we request that the applicants should clarify their interpretation of the wireframes with reference to the conclusions presented in the EIAR.

➤ *SEI*

- We are now content that there is sufficient information to assess impacts on the setting of various scheduled monuments and that significant adverse impacts are not considered likely. Therefore, we remove our objection to the proposed development.

*Comhairle Archaeology Service:*

➤ *EIA*

- The report has recognised a low potential for impact on known and unknown cultural heritage within the site itself and identifies the access track as the main focus of impact on known sites. Ten sites are identified as having the potential for partial or total impact through modification of the access track.
- The main operational impacts on cultural heritage assets are recognised as possible visual impacts on setting. Four monuments of national importance were investigated through the application of ZTV and wire frame modelling assessment. Of these scheduled monuments, only the Calanais stones were seen to have a negative effect on their setting. However, the significance of impact is regarded as minor.
- Mitigation through design is outlined. Direct impact on known heritage assets will be managed through archaeological monitoring of these areas. Further mitigation strategies to be agreed with the Comhairle Archaeology Service are acknowledged and will be managed through appropriate Written Scheme(s) of Investigation (WSI).
- The development is situated in a remote mountainous area of extensive peatland and is currently accessible via a single-track road. The number of recorded archaeological sites in the wider environs of the development are low. However, the very nature of this landscape, and the processes which formed it and its settlement patterns, are indicative of a potential for unrecorded archaeological and paleoenvironmental remains to be encountered within the development zone.
- Therefore, the following requirements are recommended to be secured by planning condition: a programme of archaeological works in accordance with an approved WSI, to include measures to be taken to protect and preserve any features of archaeological interest in situ and the recording and recovery of archaeological features which cannot be preserved; access at all reasonable times to the Comhairle Archaeology Service to observe work in progress and record items of interest and

finds; the appointment of a suitably qualified clerk of works (ACOW/ ECOW); and a procedure for protection from development activities by demarcation through georeferencing data, for all Cultural Heritage sites within 50 metres of the development footprint.

➤ *SEI*

- The Archaeology Service has no additional comments to add.

➤ *Response to representation*

- Please be advised that following review, the Archaeology Service has no additional comments.

Public comments

12.353 The key main points raised in representations can be broadly summarised as:

- Adverse impact on cultural heritage, including Callanish.
- Lack of visualisations of potential impact on Callanish.

Assessment

*Approach*

12.354 NPF4 Annex F defines:

- 'cultural significance' as the aesthetic, historic, scientific or social value for past, present or future generations;
- 'heritage asset' as an asset that is a physical element of the historic environment – a building, monument, site, place, area, or landscape identified as having cultural significance;
- 'setting' as more than the immediate surroundings of a site or building and may be related to the function and use of a place, or how it was intended to fit into the landscape, the view from it or how it is seen from areas round about it, or areas that are important to the protection of the place, site, or building. 'Setting' is the way the surroundings of a heritage asset or place contribute to how it is understood, appreciated, and experienced.

12.355 [HES provide guidance on assessing the impact of development proposals on the setting of heritage assets](#). It advises that setting can often be integral to a historic asset's cultural significance. Both tangible and less tangible elements can be important in understanding the setting. Finalised development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets. Where there will be an adverse impact on the setting of a historic asset or place, even if this is perceived to be temporary or reversible, alterations to the siting or design of the new development should be considered to remove or reduce this impact.

12.356 The HES guidance identifies factors to be considered in assessing the impact of a change on the setting of a historic asset or place. These include:

- whether key views to or from the historic asset or place are interrupted;
- whether the proposed change would dominate or detract in a way that affects our ability to understand and appreciate the historic asset;
- the visual impact of the proposed change relative to the scale of the historic asset or place and its setting;
- the visual impact of the proposed change relative to the current place of the historic asset in the landscape;
- the presence, extent, character and scale of the existing built environment within the surroundings of the historic asset or place and how the proposed development compares to this;
- the magnitude of the proposed change relative to the sensitivity of the setting of an asset, including the ability of the setting to absorb new development without eroding its key characteristics;
- the effect of the proposed change on qualities of the existing setting such as sense of remoteness, current noise levels, evocation of the historical past, sense of place, cultural identity; and

- cumulative impacts: individual developments may not cause significant impacts on their own but may do so when they are combined.

#### *Heritage assets*

12.357 The report identifies the range of known cultural heritage assets, including designated and undesignated monuments, and includes direct and indirect impacts on these features, including setting, that will potentially be affected by the windfarm development. It also considers the potential for unknown archaeological sites or deposits within the study area.

#### ➤ *Construction effects*

12.358 Known historic environment asset data has been used to inform a predictive model for the potential for unknown archaeological sites and deposits within the development area. Most known sites relate to the post medieval period and relate to settlement remains or associated field systems and boundaries. Several sites represent a presence in prehistory and a clapper bridge may indicate activity in the area during the medieval period.

12.359 The main construction works with the potential for direct impacts to the cultural heritage resource include topsoil stripping, access tracks, turbine bases, temporary hardstandings, cable trenches, bunding, heavy plant movement, borrow pits and drainage and hydrological changes. The EIA Report has recognised a low potential for impact on known and unknown cultural heritage within the site itself and identifies the access track as the main focus of impact on known sites. Ten sites are identified as having the potential for partial or total impact through modification of the upgraded Eisein road and access track.

12.360 The EIAR regards the potential for prehistoric to medieval deposits to be low and post medieval deposits or features to be moderate. Preservation of palaeo-environmental remains is regarded as moderate. However, across the site peat depths range from 0.5m to over 3m. Having regard to the comments of the Comhairle Archaeology Service (AS), it is considered that peat is an excellent repository of environmental data, which will hold a record of the environment from its formation onwards. Consequently, the preservation of palaeo-environmental remains is regarded as high.

12.361 The EIAR states that there are no prehistoric sites within the boundary of the proposed access track and road upgrade works. However, this omits the Stone Circle and possible cairn at Sideval. Further, in the case of Loch Seaforth Head, the AS suggests that post medieval features may have reused or incorporated earlier sites or settlements. Therefore, potential for earlier deposits and features is considered at least moderate.

12.362 Direct impact on known heritage assets is primarily identified along the site access track and will be managed through archaeological monitoring of these areas. However, the EIAR also acknowledges that further mitigation strategies would be required, which would be agreed with the AS and will be managed through appropriate WSIs.

12.363 The applicant has confirmed that, where groundworks are proposed on or proximate to known assets, mitigation is proposed in the form of a watching brief for all groundworks. Further, where ground breaking construction activities are to take place on areas of peat, peat coring will be taken to recover and record any paleoenvironmental data. These are matters that can be adequately secured by condition, as recommended by the AS.

12.364 In addition, it is considered that planning conditions would be required to ensure the appropriate protection during construction of sites of cultural significance in proximity to the proposed development works and for the appointment of an appropriate professional, such as an ACoW or ECoW, to ensure that these mitigation measures are undertaken.

➤ *Operational effects*

- 12.365 Having regard to the comments of HES and the AS, it is considered that the EIAR (as amended by the SEI) satisfactorily assesses the likely main operational impacts on cultural heritage assets and the potential visual impacts on their settings. The choice of the four monuments of national importance that were identified and assessed, through the application of ZTV and wire frame modelling, is considered appropriate and reflects the advice provided by HES at the scoping stage of the EIA process.
- 12.366 The conclusions reached in these regards, following the submission of the additional information, are considered reasonable. Of the scheduled monuments, only the setting of the Calanais stones would be negatively affected. HES consider that these potential impacts would be significantly adverse, as the turbines would appear as blade tips on the skyline surrounding a range of hills that lie to the left of the view of the 'Sleeping Beauty'. The proposal would therefore have an adverse impact on an appreciation of the intactness of the existing view to the skyline and have the potential to draw the eye away from observations of the moon rising and setting across the 'Sleeping Beauty'.
- 12.367 The concerns expressed about the potential effects in this regard are acknowledged, including those expressed in representations about the proposal. However, the turbines would be located some 20km from the Calanais site. The LVIA assessed the sensitivity of potential receptors at Calanais to be high but found that the introduction of the proposed development would result in only a small-scale change to the current view. Consequently, in relation to the LVIA, whilst a minor adverse visual effect was found, this was considered not to be significant in EIA terms.
- 12.368 Further, it is noted that, whilst HES consider the impacts significantly adverse, they also considered that this would fall just short of meriting an objection. In addition, from the details provided, it is also recognised that whilst the impacts from the consented scheme would have been somewhat different in this regard, they would have been similar in their overall effect.

*Conclusion*

- 12.369 It is considered that construction effects of the proposal on the historic environment could be adequately mitigated by appropriate conditions. Furthermore, whilst the operational effects of the proposed development are acknowledged, including those relating to the Calanais complex, overall, none are considered to be sufficient to be considered harmful. As such, it is concluded that the development would adequately preserve these heritage assets and their settings and would accord with local and national planning policy in this respect.

**Site Access, Traffic and Transport**

Policy Context

*NPF4*

- 12.370 Policy 11: Energy (e) requires project design and mitigation to demonstrate how various specified impacts are addressed, including impacts on road traffic and on adjacent trunk roads, including during construction.
- 12.371 Policy 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Amongst other matters, the policy confirms that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies.
- 12.372 It goes on to confirm that, where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance. Further, development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning

conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

- 12.373 Policy 18 encourages, promotes and facilitates an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. It confirms that development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported. Further, the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

#### *OHLDP*

- 12.374 Policy PD2 requires that road design and car parking be suited to the type, location, scale and circumstances of the development. Amongst other matters, it specifies parking standards and the size of parking spaces required. It requires new roads to be safe and not compromise the existing road network.
- 12.375 Policy E19 highlights key priority areas for the upgrading and development of the transport infrastructure within and serving the Outer Hebrides, with criteria for new or improved traffic infrastructure or traffic management measures.

#### *EIA Report*

##### ➤ *Overview*

- 12.376 Chapter 12: Site Access, Traffic and Transport of the EIA Report assesses the potential effects of increased traffic flows in the study area, arising from the construction and operation of the proposed development.

##### ➤ *Study Area*

- 12.377 The focus of the assessment includes the local road network that is likely to experience increased traffic flows resulting from the proposed development during the construction phase. Access to the proposed development from the A859 would be taken from the unclassified adopted Eishken road just to the south west of the A859/ B8060 junction. The A859 is the main road which connects Stornoway, in the north-east, to Rodel, in the south.
- 12.378 Eishken road is an unclassified single-track road, running from its junction with the A859 to Eishken Lodge, and intersects the site. The road is approximately 12km in length and has passing places throughout its length. In the vicinity of the junction with the A859, the road is signposted as having an 8-tonne maximum gross weight limit in place for vehicles. Arnish Deepwater Port would potentially be used for Abnormal Indivisible Loads (AIL)). The route between the Dock and the A859 is the two-way single track Arnish road measuring approximately 3.3m – 3.8m in width, with passing places located along its length.
- 12.379 The potential to develop a berthing facility at Loch Sealg at the southern edge of the site is still being considered. However, to ensure a robust assessment has been undertaken and the full potential impact on the local road network has been considered, it has been assumed that Arnish Deepwater Port would be used. The final choice of access route would be agreed prior to works commencing on site.
- 12.380 Effects associated with construction traffic generated by the proposed development would be most pronounced in close proximity to the site access junction with the A859 and on the final approaches to the site. As vehicles travel away from the proposed development, they would disperse across the wider road network, thus diluting any potential effects. It is therefore expected that the effects relating to construction traffic are unlikely to be significant beyond the study area identified above.

➤ *Operational and Decommissioning Phases*

12.381 Traffic levels during the operational phase of the proposed development would be one or two vehicles per week for maintenance purposes, far below the recognised thresholds for triggering a formal transport assessment. Traffic levels during the decommissioning of the proposed development can only be fully assessed closer to that period, which would be 30 years on from the completion of the proposed development. However, traffic levels are expected to be lower than during the construction phase, as some elements may be left in situ and others broken up onsite. The construction phase therefore represents a worst-case assessment.

➤ *Construction Phase*

12.382 In order to assess the impact of construction traffic on the study area, Annual Average Daily Traffic flows were obtained from the Department for Transport (DfT) traffic database. DfT traffic data allow the traffic flows to be split in vehicle classes. Four traffic count sites were used, and the data was split into Cars/Light Goods Vehicles (LGVs) and Heavy Goods Vehicles (HGVs).

12.383 A total of 19 Personal Injury Accidents were recorded within the Study Area within the last 5-year period, 12 of which were Slight, with 6 Serious and 1 Fatal accident. It was established that there are no specific road safety issues within the immediate vicinity of the proposed development that currently require to be addressed, or would be exacerbated by the construction of the proposed development.

12.384 An indicative 36-month construction programme has been prepared. For the purposes of the assessment, certain assumptions have been made, including:

- up to 50% of stone aggregate requirements will be imported to site. In reality, it is likely that the onsite borrow pits will provide most, if not all, of the stone aggregate materials, therefore traffic estimates for aggregate imports are conservative;
- the importation of concrete batching materials, although the batching of concrete for use onsite is considered feasible and economic and facilities to enable this are being provided at the proposed development;
- staff working at the site are likely to be based locally (either resident on the island or staying in temporary accommodation). It is assumed that 70% will come from Stornoway and 30% from Tarbert; and
- general site deliveries will be via the A859 from the north.

12.385 During the 36-month construction period, the following traffic will require access to the Site:

- staff transport, in either cars or staff minibuses;
- construction equipment and materials, deliveries of machinery and supplies such as concrete, sand and crushed rock;
- components relating to the substation element and associated infrastructure; and
- abnormal loads consisting of the wind turbine sections and a heavy lift crane.

12.386 Trip generation across the indicative construction period was calculated, concluding that month 23 is the peak for construction activities. The activities are anticipated to generate an average of 200 movements per day (100 trips in and 100 trips out), of which 108 two-way trips would be made by light vehicles (site staff, etc.) and 92 two-way trips made by HGV.

12.387 The peak month traffic data was combined with the future year (2027) traffic data to allow a comparison between the baseline results to be made. The increase in traffic volumes is presented in percentage increases for each class of vehicle. The total traffic movements are not predicted to increase by more than 10% on all of the study network, with the highest being on the A859 at Loch Seaforth, with an increase of 9.05%.

12.388 The highest total HGV traffic movements increase will be on the A859 at Loch Seaforth, with an increase of 63.42%. Whilst this increase could be considered high, it is generally caused by the

relatively low HGV flows on the A859 at this location. The increase would see an additional 58 HGV journeys per day (29 inbound and 29 outbound). Over the course of a typical 12-hour day, this would equate to approximately five movements per hour, which is not considered significant.

12.389 All HGV traffic accessing the site would be required to use the unclassified (adopted) Eishken road. This would result in approximately 92 HGV journeys per day (46 inbound and 46 outbound), which would equate to approximately eight movements per hour over the course of a typical 12-hour day. However, when taking account of the whole construction programme, the peak of construction is short-lived, transitory in nature and occurs over a short time frame.

12.390 The proposed development would lead to a temporary increase in traffic volumes in the study area during the construction phase. Traffic volumes would fall considerably outside the peak period of construction. No capacity issues are expected on any of the roads within the study area from additional construction traffic movements associated with the proposed development, as background traffic movements are low, the links are of a reasonably good standard and appropriate mitigation is proposed. The effects of construction traffic are temporary in nature and are transitory. A review of the road network has been undertaken to assess the feasibility of transporting turbines to the site and no significant issues have been noted.

12.391 Traffic flows interacting with Eishken road and interacting with the Core Path network could give rise to significant adverse effects, prior to the application of mitigation measures. However, with the implementation of recommended mitigation measures, no significant effects are predicted related to site access, traffic and transport. These mitigation measures include: a Construction Traffic Management Plan (CTMP); general road maintenance; improvement works on the Eishken road; AIL route improvements; an Abnormal Load Transport Management Plan; an onsite Path Management Plan; and a Site Travel Plan.

12.392 An outline Construction Traffic Management Plan (CTMP) has been prepared and is included within Technical Appendix 12.1 of the EIA Report. The outline CTMP would be supplemented with additional information as appropriate by the applicant's appointed contractor(s), prior to commencement of construction activities, including the final choice of access route.

12.393 It is intended that, should consent be granted, the outline CTMP would be updated to a CTMP, the content of which would be agreed with the Comhairle through consultation and enforced via a planning condition. The CTMP would be used during the construction phase of the proposed development to ensure traffic to, from and on the site is properly managed. It is possible that a collaborative approach with the assessed cumulative sites may be incorporated as part of the CTMP at a later date.

➤ *Cumulative impacts*

12.394 No consented developments within the vicinity of the proposed development were considered to potentially generate significant traffic as to be considered as part of any cumulative assessment. Those consented included Balallan-Stornoway 132kV Overhead Line Replacement; Stornoway Deep Water Port Development, Ardvourlie Mountain Bike Trails (Scaladale, Harris); and Marybank Quarry Extension.

12.395 Other potential developments were discounted from the cumulative impact assessment, including other consented wind farms yet to be constructed, as the location of those sites and the likely route of construction traffic would not significantly impact on the study area for the proposed development. Further, the EIA Report considers it unlikely that peak periods of the other consented wind farm developments would coincide with peak periods of the proposed development, due to demand on construction materials and supplies. However, should any crossover of traffic flows occur, these would be addressed via the CTMP, secured by planning condition on the proposed development consent.

## *SEI*

- 12.396 None of the design amendments to the proposed development have been as a result of any Site Access, Traffic and Transport related responses from consultees. However, further detail on the proposed upgrades to the Eishken road have been provided, following a request from the Comhairle.
- 12.397 The scale of the design amendments with respect to traffic and transport matters is minimal. There is a small increase (0.86km) in the length of new track proposed, as a result of the turbine, borrow pit and temporary construction compound amendments, as well as due to the addition of a second substation compound. There is also an increase in the amount of track that is proposed to be floated (from 2.2km to 2.60km), which has been done in order to reduce the volume of peat to be excavated.
- 12.398 As a result of the design amendments to the proposed development, the amount of aggregate required to construct the wind farm has increased to 283,095m<sup>3</sup>. The seven onsite borrow pits included within the proposed development are expected to yield enough aggregate (potentially up to 404,537m<sup>3</sup>) for the construction of the wind farm. As such, there would be no requirement to bring additional aggregate from offsite, and therefore the design amendments would not lead to a discernible increase in traffic flows from what was presented in Chapter 12 of the EIA Report.
- 12.399 The significance of effects, including cumulative effects, therefore remains unchanged from the EIA Report, as not significant (following implementation of appropriate mitigation).

## Consultation Responses

- 12.400 In brief, the following summarises the key main points of the responses of particular relevance to this issue:

### *Transport Scotland:*

- Having reviewed the Transport Assessment which supports the Environmental Impact Assessment Report, the methodology proposes that the proposed turbine components would arrive at the port at Arnish on Lewis. As there are no trunk roads on the Isle of Lewis, Transport Scotland is satisfied the proposal will have no adverse impact on the trunk road network and, therefore, has no objection to the proposal.

### *Comhairle Roads, Bridges and Streetlighting:*

- The EIA Report has taken in to account the effects of the projected traffic associated with the project. The specific plans (eg CTMP, etc) noted should be updated as more information becomes available and then implemented.
- The upgrade of the Eishken road is proposed as part of the project. A previous consented application proposed a new road and bridge. The Eishken road currently has a weight restriction of 8t due to the fragile nature of the road. The proposed road improvement should be substantial, in light of the construction traffic, allowing the weight restriction to be removed.
- There is little detail on the proposed road upgrade, further details on the road layout and design should be submitted. Following the design of the road and new bridge the developer should apply for Road Construction Consent (RCC) with the works carried out to Comhairle specification allowing adoption following completion. This application may involve a bond agreement.
- At present the Abnormal Loads route is from Arnish Point. Any bridges on this route should be independently assessed beforehand.
- A new access connecting to the local authority road network should be constructed in accordance with Drawing 23/00380 (provided with response).
- Figure 3.7 shows a typical substation layout with parking adjacent to the Eishken road. Off road parking and turning should be provided within the site of the substation.

*SEI*

- The SEI confirms the proposed widening of the Eishken road to a 4.5m adoptable standard with a full width of wearing course surfacing across the widened road. A typical cross-section of this widening has been submitted.
- It's likely that the fragile nature of the existing road will not lend itself to widening and in some locations a full re-construction of the road will be required, potentially with offline construction.
- Road widening will be permitted only where there is a suitable road sub-grade. Details of this will be dealt with during Road Construction Consent (RCC) and site investigation information may be required.
- The condition of the road, bridges and culvert will have to be improved to allow removal of the weight restriction on the road with the road adoption by the Comhairle following the RCC process and completion of the main part of the project.
- Concerns have been raised regarding the existing condition of the Eishken bridge following recent movements of construction plant. Planned works involving heavy plant crossing the bridge must be cleared with a Comhairle Structural Engineer and accommodation works carried out. It may be necessary to introduce a further weight restriction before the project commences.
- The developer should provide an indication of the time line for the project to assess if further restriction is required.

Public comments

12.401 The key main points raised in representations can be broadly summarised as:

- Lack of coordination in planning process to address the requirements of the various wind farm developments proposed.
- Adverse impacts on local infrastructure during the construction phase.

Assessment

12.402 The details within the EIA Report, as amended by the SEI, set out the scope of the assessment, together with the methodology, before establishing the baseline conditions. Mitigation measures are identified, as well as potential cumulative effects. The assessment considers potential residual effects before identifying their significance. Having regard to the consultation comments received, the approach within the Reports is considered to be appropriate and sufficiently robust to enable the likely significant effect of the proposal on traffic and transport to be assessed, including in relation to site access considerations.

12.403 The proposed road improvement scheme and new road bridge would remove the need for a weight limit and the applicant has confirmed that the works undertaken would be built to Comhairle adoptable standards. The bridge would encompass a single span structure constructed from precast concrete beams or steel and would replace the existing structure, which would remain in situ. The details of the proposed road design and bridge can be adequately secured by planning condition.

12.404 In addition, the applicant has confirmed that a full detailed design package of works would be provided following determination, and these would be agreed through the RCC process, which is a separate mechanism to the planning process. Detailed comments on the design of the replacement bridge and culvert structures have been provided by Comhairle Roads, Bridges and Streetlighting section. These are matters that would be taken forward as part of the RCC process.

12.405 The applicant has confirmed that detailed site and ground investigations would be undertaken post-consent. However, a set of drawings was provided in SEI TA 12.1, to provide greater clarity on the proposed works along the length of Eishken road. The proposed widening would provide a 4.5m minimum wide road, with the load bearing elements provided in crushed stone, sitting on geotextile.

- 12.406 A full width wearing course surfacing would be provided across the widened road. Enhanced or relocated road drainage features would be provided where necessary and revised and additional passing places would be provided to allow a 6m wide passing area, with entry and exit tapers of a minimum of 7m. Passing place length will be sufficient to accommodate an HGV and would be placed at intervisible locations and at both approaches to the new bridge.
- 12.407 Overall, the assessment undertaken in the EIA Report, as amended by the SEI, is considered to satisfactorily assess the likely impacts of the proposed development and the effects of these on the local road network and its users, including in relation to cumulative effects. The conclusions reached are regarded as reasonable and, following the request for more information, further details have been provided as part of the SEI on the works proposed, which have satisfactorily addressed the queries raised.
- 12.408 Whilst the operational phase of the development would not be likely to result in significant traffic movements, the construction phase of the proposal would have a notable impact on the local road network. However, having regard to the consultation responses received, it is considered that the mitigation measures identified would ensure that provision is made to satisfactorily address these impacts. Accordingly, overall, for the above reasons and subject to appropriate mitigation, the proposal would be unlikely to result in harm to road safety or unacceptable inconvenience to other road users and would therefore meet the relevant policy requirements.

## **Noise**

### Policy Context

#### *NPF4*

- 12.409 Policy 11: Energy (e) requires project design and mitigation to demonstrate how various specified impacts are addressed, including impacts on communities and individual dwellings, including in respect of noise.
- 12.410 Policy 23 seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. In relation to development proposals, amongst other matters, it confirms that proposals which are likely to raise unacceptable noise issues will not be supported.

#### *OHLDP*

- 12.411 Policy PD6 seeks to ensure that there would be no unacceptable adverse impact on the amenity of neighbouring uses as a result of development proposals. Where appropriate, proposals should include mitigation measures to reduce the impact on the amenity of neighbouring uses.
- 12.412 The SG advises that the construction and operational phases of wind turbine developments have the potential to raise issues of noise pollution. It provides specific guidance on maximum noise limits, both for individual wind farms and cumulatively. Given the low levels of background noise within the area, the lower limits of ETSU-R-97 have been adopted. The SG also provides guidance on the type and amount of information required to assess proposals, including in relation to the construction phase of development proposals.

#### *Guidance*

- 12.413 Planning Advice Note 1/2011 provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. There are two sources of noise from wind turbines - the mechanical noise from the turbines and the aerodynamic noise from the blades. Mechanical noise is related to engineering design. Aerodynamic noise varies with rotor design and wind speed and is generally greatest at low speeds. Good acoustical design and siting of turbines is essential to minimise the potential to generate noise.

- 12.414 *The Assessment and Rating of Noise from Wind Farms* (Final Report, Sept 1996, DTI), (ETSU-R-97) describes a framework for the measurement of wind farm noise. This gives indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable burdens on wind farm developers, and suggests appropriate noise conditions.
- 12.415 The Institute of Acoustics (IOA) has published Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise. The document provides significant support on technical issues to all users of the ETSU-R-97 method for rating and assessing wind turbine noise. The Scottish Government accepts that the guide represents current industry good practice.

#### *EIA Report*

- 12.416 Noise is considered in Chapter 13 of the EIA Report. It assesses the likely effects from noise on nearby noise-sensitive receptors (i.e. properties which are potentially sensitive to noise and, as such, may require protection from nearby noise sources) from the construction, operation and decommissioning of the proposal.
- 12.417 The EIA Report considers that noise disruption due to construction is a localised phenomenon and is temporary and intermittent in nature. The calculated construction noise levels have been compared against absolute noise limits for temporary construction activities, which are commonly regarded as providing an acceptable level of protection from the short-term noise levels associated with construction activities. Predictions have shown that all predicted worst-case construction noise levels are below the threshold and, as such, there would be minimal impact during this phase of the development.
- 12.418 In terms of blasting, the EIA Report considers these activities are best controlled following the use of good practice during the setting and detonation of charges. However, given the separation distances between the location of borrow pits and the NSRs, ranging from 1km to 5km, it also considers it is very unlikely that these activities would cause unacceptable residual adverse effects. Notwithstanding this, monitoring of air overpressure is proposed.
- 12.419 Onshore wind turbine developments generally occur in rural locations where background noise levels can be low, and therefore wind turbines can be audible. Noise limits are set in accordance with the guidance document ETSU-R- 97 to protect the amenity of residents living close to the turbines. The subjective audibility of the wind farm will be determined by the relative difference between background noise and wind turbine aerodynamic noise. This difference, as experienced at nearby dwellings, forms the basis of the noise assessment. The ETSU-R-97 guidance establishes noise limits in relation to existing background noise levels and allows for a higher noise limit at properties which are financially involved with a proposed development.
- 12.420 The study area considers wind farms within an approximate radius of 10km and noise sensitive receptors (NSRs) within a radius of approximately 5km from the proposed development. NSRs have been included in the study area where the wind turbine noise from the proposed development is predicted to be within 10dB of other relevant wind energy developments, and the predicted cumulative wind farm noise level is greater than 35dB  $L_{A90, 10min}$ .
- 12.421 All the NSRs identified within the EIAR are residential properties. In the case of the proposed development, Keepers Cottage (which is located to the northwest of the proposed replacement bridge crossing) is the nearest receptor which does not have financial involvement (it is not owned by the Eishken Estate). There are large separation distances between the turbines and this residential receptor, such that the noise levels will fulfil the simplified criterion of a fixed limit of 35 dB  $L_{A90}$  at this and more distant locations.
- 12.422 The dwellings situated within the Eishken Estate Lodge Exclusion Zone, represented by Loch Shell House to Glenburn Cottage, are financially involved with the proposed development and therefore

have a noise limit of 45 dB  $L_{A90}$ . This approach was raised in consultation with the Comhairle and subsequently agreed after the provision of further information regarding the financial status of the dwellings within Eishken.

- 12.423 The noise assessment provided in the EIA Report concludes that operational wind turbine noise levels from the proposed development would not exceed the ETSU-R-97 noise limit at any receptor for any given wind speed and would therefore be not significant. No specific mitigation measures are considered necessary.
- 12.424 For the proposed development, the effect of construction and decommissioning noise, including construction traffic, is predicted to be not significant and no specific mitigation measures are considered necessary, although the control of blasting activities and the monitoring of air overpressure is proposed.
- 12.425 The cumulative noise from the other consented or proposed wind turbines in proximity to the proposed development would not cause an increase to the operational or construction noise levels predicted through the assessment, and therefore would not lead to significant effects. The operational and construction noise from the proposed development would not add cumulatively to noise from other wind developments.

#### *SEI*

- 12.426 The SEI Report confirms that the amended site layout does not affect the calculated construction and operational noise impacts reported in the EIA Report. Therefore, the significance of effects has not changed and there remains no significant noise effect on nearby residential receptors, during either construction or operation of the proposed development.

#### Consultation Responses

- 12.427 In brief, the following summarises the key main points of the responses of particular relevance to this issue:

##### *Comhairle Environmental Health:*

##### ➤ *EIA*

- Draft condition provided for turbine noise for the development, based on the 6 nearest noise receptors and the increased levels allowed for those properties where there is a financial interest, in line with ETSA.
- Construction Noise: No further comment, taking into account the operational hours for the development, the properties likely to be affected having a financial interest, and the EIA finding any residual effect not significant.

##### ➤ *SEI*

- Based on the updated information, revised turbine locations, I have no comments other than to recommend the noise conditions as attached, or similar, be applied (which may differ to the condition(s) on the original permission) – *(please see Appendix 6a to this Report)*.

#### Public comments

- 12.428 The key main points raised in representations can be broadly summarised as:

- Noise and disturbance impacts.
- Consequent harm to human health.

#### Assessment

- 12.429 Generally, having regard to the consultation response received from Comhairle Environmental Health, it is considered that the approach taken and the methodology outlined within the EIA and SEI Reports are appropriate and the conclusions reached are sufficiently robust.

- 12.430 For the reasons given, it is accepted that noise impacts during the construction phase of the development would not be significant, but that it would be appropriate to control the monitoring of blasting activities in relation to the proposed borrow pits. This is a matter that can be adequately secured by condition.
- 12.431 It is noted that ETSU allows residential dwellings that have a financial interest in the wind farm to be subject to a higher noise limit, but not to such an extent to render living conditions at the property to be unacceptable. From the information available, it has been satisfactorily demonstrated that the noise levels from the proposed development would not exceed the relevant limits for any of the identified NSR. Further, the proposed development would not result in cumulative noise impacts.
- 12.432 A detailed planning condition related to noise has been drafted, which is included in Appendices 1 and 6a to this Report. Taking this into account and for the above reasons, it is considered that the noise impacts likely to result from the proposal would be acceptable and unlikely to cause harm to the amenity or health of neighbouring occupiers. As such, the proposal is considered to accord with the relevant policy requirements.

### **Socio-Economic, Tourism, Recreation and Land Use**

#### Policy Context

##### *NPF4*

- 12.433 Policy 11: Energy (c) states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
- 12.434 In addition, Policy 11(e) states that project design and mitigation will need to demonstrate how a number of specified impacts are addressed, including (iii) public access, including impact on long distance walking and cycling routes and scenic routes.
- 12.435 Policy 18: Infrastructure First requires the impacts of development proposals on infrastructure to be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.
- 12.436 It goes on to say that, where planning obligations are entered into, they should meet the following tests:
- be necessary to make the proposed development acceptable in planning terms.
  - serve a planning purpose.
  - relate to the impacts of the proposed development.
  - fairly and reasonably relate in scale and kind to the proposed development.
  - be reasonable in all other respects.
- 12.437 Further, it states that Planning conditions should only be imposed where they meet all of the following tests. They should be:
- necessary.
  - relevant to planning.
  - relevant to the development to be permitted.
  - enforceable.
  - precise.
  - reasonable in all other respects.
- 12.438 Policy 23: Health and Safety (a) states that proposals that will have positive effects on health will be supported, which could include, for example, proposals that incorporate opportunities for exercise.

- 12.439 Policy 25: Community Wealth Building states that development proposals which contribute to community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; and enabling community led ownership of buildings and assets. Further, development proposals linked to community ownership and management of land will be supported.
- 12.440 The Scottish Government provided an update to the HOPS 'Scotwind' Working Group, on 15 November 2024, which states that: *We encourage developers to offer community benefit and shared ownership opportunities as standard on all renewable energy projects to enable communities to share directly in the wealth generated through Scotland's natural assets. Community benefits are not a material consideration in the planning process, nor are they compensation for impacts on communities or other interests, including commercial interests, arising from the development of renewables.*
- 12.441 Policy 29: Rural development confirms that development proposals in remote rural areas will be supported where the proposal: will support local employment; supports and sustains existing communities, for example through provision of digital infrastructure; and is suitable in terms of location, access, siting, design and environmental impact.
- 12.442 Policy 30: Tourism seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with net zero and nature commitments, and inspires people to visit Scotland.

*OHLDP*

- 12.443 The SG states that there are opportunities for communities to benefit significantly from financial arrangements entered into with wind energy developers. However, it also stresses that community benefits packages are not a material planning consideration and therefore are not taken account of in planning decisions.
- 12.444 The SG confirms that the Comhairle will seek to secure positive net economic impact accruing directly within the Outer Hebrides. The key criterion in assessing the economic impact of a proposed development is to estimate the economic position where the development proceeds, and then compare it with the estimated economic position if the proposal does not go ahead. The difference between these two estimates is the net economic benefit of the development.
- 12.445 The SG also requires proposals to have no unacceptable significant adverse impact on community amenity in relation to a number of matters, including public access. The impact on neighbouring land and sensitive uses is also required to be assessed.
- 12.446 Policy EI7: Countryside and Coastal Access states that development proposals must be located to ensure that the Hebridean Way, the Core Path network, and established and functional access points to water are kept free of obstruction, unless a number of criteria are met. Where practical, development proposals should avoid 'other routes' as identified in the Core Paths Plan.
- 12.447 The policy goes on to state that proposals for improvements to, and the expansion of, the existing paths network that facilitates greater access and enjoyment of key natural and built heritage resources (e.g. beaches and coastline, mountains, moorland and lochs, archaeological and historic sites) are encouraged. These will be required to accord with the Outer Hebrides Outdoor Access Strategy and the Scottish Outdoor Access Code, and to demonstrate that appropriate consideration has been given to the need for associated way marking, information boards, car parking and other facilities. The supporting text to the policy recognises that the opportunity for outdoor recreation is a key selling point of the Outer Hebrides' tourism product and is an important factor in the health and well-being of local island communities.

12.448 Policy PD6: Compatibility of Neighbouring Uses requires all development proposals to ensure that there is no unacceptable adverse impact on the amenity of neighbouring uses. Where appropriate, proposals should include mitigation measures to reduce the impact on the amenity of neighbouring uses.

#### *EIA Report*

12.449 Chapter 14 of the EIA Report evaluates the likely socio-economic effects, including recreation, tourism and land use effects, associated with the proposed development. The assessment has been broken down into two phases, construction (approximately 36 months) and an operational period of 30 years.

12.450 For the socio-economic aspect, a Wider Study Area (WSA) has been set at the area of the Western Isles administrative area (local level) but referencing the rest of the Highlands and Islands (regional) and Scotland (national) as a whole, where relevant. These impacts are those related to an increase of investment through the spending related to the proposed development, as well as the increase in jobs related to its construction and operation.

12.451 When assessing the impacts on tourism, recreational and land use receptors, the study area is represented by Local Area of Influence (LAI), to reflect the geographic area of these receptors over a 15km radius, encompassing a number of settlements along the A859, taking into account potential disruption to routes and venues used by tourists. Examples of receptors impacted by the proposed development could include tourism attractions (i.e. historical sites), recreational assets (i.e. footpaths or cycle routes), and land use receptors, which considers the current usage of land.

12.452 Competition for accommodation was identified as an existing issue in the Western Isles. The LAI would not offer enough accommodation for the construction workers to be reliably housed, so Stornoway (20km to the north east) was chosen as a third study area related entirely to accommodation venues.

#### *Economy*

12.453 The capital investment for the overall project is estimated at £165 million, which would include £6.6 million for development and project management, £120.2 million for turbines and plant, £17.7 million for electricals and grid connection and £20.6 million for civil engineering, contingency and others.

12.454 If consented, the local economy would be expected to be boosted by approximately £2.54 million of net Gross Value Added (GVA) and the Scottish economy by a further approximately £22.03 million GVA during the construction of the proposed development. These figures take into account leakage, displacement and multipliers.

12.455 During the 36-month construction period, in terms of net additional temporary employment, the proposed development would directly support, annually, an estimated 13.2 jobs locally and 120.6 jobs within Scotland (including the Western Isles).

12.456 The operational phase of the proposed development is predicted to support (directly and indirectly) approximately 30 full time equivalent jobs locally (across the Western Isles). It is likely that 5 - 9 permanent direct jobs would be needed to operate and maintain the proposed development. In addition, between 20 and 25 overall indirect jobs are anticipated to be created through supply chain effects within the WSA.

12.457 The applicant aims to procure 75% of the value of construction contracts for the proposed development, from the Outer Hebrides area. There is a Section 75 agreement in place as part of the previous consent and the applicant has confirmed that they are willing to enter into a similar obligation for the proposed development, should it be granted consent.

12.458 Beneficial effects in the local area may be experienced by accommodation businesses and shops supplying goods and services to construction workers. Further, it is anticipated that a wide selection

of supply chain businesses could expect to benefit from the investment in the local and Scottish economies. This may include services such as ground and road maintenance, catering, building trades and plant hire. The applicant would employ good practice measures with regard to maximising local procurement, including the implementation of a Local Contractor Policy, where weight is given in tendering to primary contractors that show a clear commitment to increasing local content in their supply chains.

- 12.459 Whilst these likely effects on the local economy and employment base are assessed as beneficial, the EIA Report considers that they would not be significant in EIA terms, given the relatively limited (minor) magnitude of the effect.

#### *Accommodation*

- 12.460 A number of published studies indicate that the presence of the proposed development would not have a deterrent effect on people visiting the area (or demand for accommodation) once the wind farm is operational.

- 12.461 However, as housing is scarce in Lewis, adverse effects related to competition for accommodation between construction workers and tourists may occur, resulting in a lower housing availability for tourists during the peak summer season. Without mitigation, this is considered likely to have a moderate adverse impact, which can be regarded in EIA terms as significant.

- 12.462 However, it is considered that this could be adequately mitigated by the implementation of an Accommodation Strategy (which could include the delivery of temporary homes for construction workers). If this is adhered to, the proposal would result in no significant effect in this regard.

#### *Tourism and Recreation*

- 12.463 Bird watching is a major draw for tourism visitors to the islands, in the form of paid, guided tours or informally by self-exploring the islands. No bird watching activity pertaining to the site itself was found from desk-based research and it is considered that the Western Isles have ample alternative facilities and sites for bird watching which are already popular with tourists, resulting in no significant effect.

- 12.464 The A859 is considered to be a tourism asset, as a scenic road used by tourists. The National Cycle Route, the Hebridean Way and Birds of Prey Trail footpaths also route along the A859. During the construction phase, no significant effects are expected, subject to appropriate good practice management of construction traffic along access roads to and within the site. This would be achieved by the implementation of a Construction Traffic Management Plan (CTMP).

- 12.465 The Land Reform (Scotland) Act 2003 conferred general access rights over much of rural Scotland. The lack of formally designated paths within the site does not necessarily preclude the right of the public to use it for recreational purposes. There are also footpaths associated with the Wider Path Network within the south of the site, from Eishken Lodge running west along the shores of Loch Sealg. Within the LAI, there are Core Paths associated with the A859 and a large cluster of footpaths in the north of the LAI, around Stornoway.

- 12.466 During the operational phase of the development, the visual amenity of the A859 tourist route and the associated NCN Route, Hebridean Way and Birds of Prey Trail could be impacted. Assessment in this respect relied upon the results of the Landscape and Visual Amenity Chapter of the EIA Report. There are expected to be adverse effects due to visual impacts on tourism receptors, resulting from brief views of the proposal for the entirety of the routes within the LAI. The intermittent nature of these views is such that they not thought to result in a loss of recreational value, nor be of a scale to deter tourists. Overall, these impacts are therefore considered to constitute a non-significant effect.

- 12.467 The Stiomrabhaigh Heritage Path is located close to the site. As a result, the EIA Report finds that the impact of the proposal would be major adverse and significant. However, in this respect, visual impacts

do not necessarily mean it would have a major socio-economic impact. Studies undertaken in respect of other wind farm projects showed their presence resulted in no difference in the attitude of walkers or other visitors in relation to their willingness to revisit. As a result, the impacts of the proposal in this respect are also found to result in a minor non-significant effect.

#### *Public Access*

- 12.468 There would be temporary effects on public access in and around the site during construction (e.g. road widening and junction improvements). However, mitigation measures would be agreed in advance, through consultation with the Comhairle, the applicant and recreational groups, in the form of an Access Management Plan.
- 12.469 Once the proposed development is operational there would be no adverse effects on public access (beyond directly accessing wind farm infrastructure, such as turbines and substation compounds). There would be beneficial effects from the legacy of the enhanced routes within the site.

#### *Land use*

- 12.470 The recreational utility of Eishken Lodge would be impacted during the construction phase for guests, and access leading to the Lodge would be heavily restricted during the construction. However, as the landowner is directly involved with the proposed development and would be benefiting from its construction, coupled with the construction being a temporary impact, this is deemed a not significant result. The operational phase may result in a loss of amenity or usage due to the presence of the turbines on the land. However, as the landowner is directly involved with the proposed development, it is deemed that this is a not significant effect.

#### *Community benefit fund and shared ownership*

- 12.471 Reference to the community benefit fund has been included within this Report for completeness. However, this is a voluntary undertaking by the applicant and, for the avoidance of any doubt, should not affect the decision on whether or not to support or object to the application.
- 12.472 The proposed development is being progressed with a shared ownership opportunity for communities in the local area, which are being offered the opportunity to acquire up to a 20% share of the proposed development. This would be explored in depth with the Comhairle and the existing local development trusts should the proposed development receive consent. It is intended that a variety of community share ownership structures, in line with the Scottish Government's Good Practice Principles, would be explored and discussed if the development is granted consent.
- 12.473 If community shared ownership is not progressed (not the desired route for local communities in proximity to the proposed development), a contribution agreement of up to 1.5% of annual revenue would be agreed with the relevant local development trusts.
- 12.474 In addition, should the proposed development gain consent, a Community Benefit Fund would be made available. This will be offered on the basis of a payment per MW of installed capacity at the Scottish Government recommended rate at the time of commissioning the proposed development. It is expected that any proposed income streams from these community benefit payments and profit from any community investment in the project could be used to support community projects within the local area. Local communities would be empowered to choose how the money is spent.

#### *Other community benefits*

- 12.475 The applicant has also made a commitment to establishing a paid apprenticeship scheme during the construction of the proposed development.
- 12.476 A £750,000 footpath improvement fund would be set up in order to facilitate improvements to footpaths within the vicinity of the proposed development and across the Island of Lewis.

12.477 The commitment to a local Eagle Conservation Programme is referred to above, in the Ornithology section of the Report.

*Comparison with consented scheme*

12.478 In comparison to the consented scheme, the shared ownership opportunity and the paid apprenticeship scheme would be additional to the previously offered benefits, with the recommended Scottish Government rate for the community benefit fund having increased.

*Cumulative impacts*

12.479 It is expected that the unmitigated cumulative effects on employment would be significant (adverse), due to the remote location of the proposed development, the low volume of readily available construction workforce and the volume of readily available accommodation.

12.480 There is potential for competition for materials, workers, accommodation and further supply chain products with the construction of other wind farm projects, including the Stornoway Wind Farm and Druim Leathann, which are likely to have overlapping construction phases with the proposed development due to timings with their respective grid connections. The nature of the remoteness of the Outer Hebrides aggravates the potential issues. The scarcity of materials and the related supply chain products is something that could already prove to be difficult for a single development. With the added competition of several other developments of a similar scale, this could prove to be entirely more difficult.

12.481 The low population of the Outer Hebrides would mean that it is reasonable to assume that the readily available workforce who can construct these developments would also be low, which would lead to a construction workforce being supplied externally from the mainland. This workforce would need a ready supply of accommodation venues for the duration of their work, something which is also in low supply, particularly during the peak summer season, and would result in further competition between the cumulative developments and with tourists, impacting the valuable tourism economy.

12.482 An Accommodation Strategy is proposed to be developed as part of the final CEMP to minimise competition for accommodation. The applicant is currently considering the prospect of constructing housing for the construction workforce, which could then be used as local housing or alternative uses for the island. Discussions with cumulative developers are also ongoing, as there is potential for 'sharing' a construction workforce and aligning the peak construction schedules to the benefit of all projects. Further to this, it is expected that the cumulative projects would also be preparing similar Accommodation Strategies.

12.483 The EIA Report finds that, should the above aspects be taken into consideration, the cumulative effects of the proposed development on the local employment and economy of the WSA would be adequately mitigated to significantly reduce the residual cumulative impact to Minor (adverse) and Not Significant.

12.484 During operation, the EIA Report considers that the proposal would not result in adverse cumulative impacts in terms of tourism and recreation, due to the limited intervisibility, or employment, due to the low numbers of operational staff concerned.

12.485 In addition, there are also potential beneficial cumulative effects during the operational phase. The increased volume of consented and constructed developments in the Western Isles could increase the likelihood of beneficial supply chain opportunities. Additionally, it is possible that the combined maintenance operations of the proposed development and other nearby wind farm developments would be such that full time employment and materials could be sourced locally.

*Conclusion*

12.486 The proposed development is predicted to have a beneficial economic impact for the Western Isles (and Scotland), through capital expenditure, jobs and supply chain opportunities. The EIA Report has

not identified mitigation measures necessary for the local economy during the construction or operational phases and, in relation to land use, recreation and tourism receptors, no significant adverse effects have been identified. Beneficial effects are likely from the legacy of the enhanced routes within the site.

- 12.487 Potential significant effects were identified regarding the competition for accommodation between construction workers and tourists. However, with mitigation in the form of an Accommodation Strategy and/or further consideration of new housing for workers, the EIA Report finds this impact is lowered to a non-significant effect.

#### *SEI*

- 12.488 There are no changes to the significance of effects presented in the EIA Report as a result of the amendments that have been made to the proposed development. Therefore, the findings of the EIA Report in this regard remain valid.

#### Consultation Responses

- 12.489 In brief, the following summarises the key main points of the responses of particular relevance to this issue:

##### *Pairc Trust:*

- Uisenis Wind Farm will bring many benefits to the Western Isles and the wider community.
- Uisenis is fully committed to offering a package of benefits to communities local to the proposed development and across the Western Isles as a whole. This will include approximately £824,000 in community benefit each year for the lifetime of the wind farm. As a result, this will provide improved community benefit to the Pairc area.
- Some of the many benefits include local employment opportunities. This includes paid apprenticeship schemes and the creation of local, full-time jobs during construction and the future operation of the wind farm.
- In addition, other great community benefits include an aim to procure up to 75% of the construction value from the Outer Hebrides on terms and conditions as to price, quality, timing and performance guarantees equivalent to alternative satisfactory suppliers, contribution agreement of 1% revenue to Muaitheabhal Community Wind Farm Trust, contribution agreement of 0.5% to Western Isles Development Trust or the option for up to 20% community ownership, Footpath improvement fund of £750k and Eagle Conservation Programme contribution of around £150k per annum.

##### *Comhairle Economic Development:*

- No comments.

#### Public comments

- 12.490 The key main points raised in representations can be broadly summarised as:

- Potential significant community benefits.
- Increased level of funding will widen range and type of community support available.
- Benefits through financing of footpath creation and eagle conservation programme.
- Employment creation – during construction and operational phases, including apprenticeship schemes.
- Boost to local economy, including through local procurement.
- Provision of jobs and community benefits would contribute to population retention and repopulation aims.
- Option for community purchase.
- Adverse impact to tourism industry.
- Minimal resulting job creation with no significance to island.

### Assessment

12.491 Overall, it is considered that the approach taken by the EIA Report to the identification of receptors, the methodology outlined for the assessment of likely impacts, and the resulting effects of these on the receptors concerned, are appropriate and the conclusions reached are sufficiently robust.

### *Jobs and economy*

12.492 It is considered that the EIA Report demonstrates that the proposal would be likely to have beneficial effects on the local economy and the local employment base, particularly during the construction phase of the development. However, whilst beneficial, the effect of these benefits would be relatively modest overall. Nonetheless, these are matters that weigh in favour of the proposal.

### *Recreation and tourism*

12.493 Given the attitudes expressed in surveys elsewhere, as set out within the EIAR, it is considered unlikely that the proposal would have a material impact on tourism within Lewis and the Outer Hebrides, with the exception of accommodation provision, considered further below.

12.494 In terms of the likely impact on recreation, it is accepted that the proposal would be unlikely to result in any material harm, but would have some benefits in the longer term, with the creation of tracks through the application site, allowing easier public access to the area.

### *Community benefit fund*

12.495 The Scottish Government *Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments* makes clear that these financial benefits are not a material consideration in the determination of the application.

12.496 The Comhairle has a Community Wealth Building Action Plan, which is being progressed by the Community Engagement Unit, Economic Development and other partners. It would therefore be a matter for others to agree the provisional figures proposed in due course, should the application be consented, and not a matter for the planning process.

12.497 Consequently, any such benefits, including the community benefit fund and shared ownership scheme, will not be taken into account in this Report in relation to the consideration of benefits likely to result from the proposal, or in the overall planning balance and recommendation.

### *Other community benefits*

12.498 NPF4 Policy 25 states that development proposals which contribute to community wealth building strategies will be supported. Amongst the examples provided are development that would increase spending within communities, ensure the use of local supply chains and services, result in local job creation.

12.499 Having regard to the potential effects of the proposal and the relevant tests for conditions and legal obligations, as set out in NPF4 Policy 18, it is considered that the proposed Local Contractor Policy and procurement aims, and the paid apprenticeship scheme, are matters that can be taken into account. They would potentially reduce reliance on the mainland for the provision of a workforce and contractors which, together with the proposed Accommodation Strategy, would potentially reduce pressure on accommodation.

12.500 As such, they would potentially help to address the otherwise significant adverse effect on the proposal in relation to accommodation. They would also meet the aims of NPF4 Policy 25. However, whilst beneficial, the extent of these benefits is likely to be modest in these regards and they are not considered essential to address the identified impacts. They have not been identified by the applicant as mitigation, which would be provided by the Accommodation Strategy.

12.501 Consequently, having regard to Scottish Government Circular 3/2012 (revised 2020) it is considered that the appropriate mechanism to take these benefits forward is through an agreement under the Local Government (Scotland) Act 1973, rather than a s75 planning obligation.

*Other developer contributions*

12.502 The developer has proposed to set up a £750,000 footpath improvement fund, to facilitate improvements to footpaths within the vicinity of the proposed development and across the Island of Lewis. Adverse impacts in this respect have not been identified from the proposed development. As such, whilst welcome, it is considered that this fund would not meet the relevant tests for planning obligations, as set out in NPF4 Policy 18.

12.503 Nonetheless, improvements to and the expansion of the existing paths network to facilitate greater access would meet a key policy aim of OHLDP Policy EI7. Accordingly, it is considered appropriate to take this matter into account in assessing the merits of the proposal. As above, these benefits could be taken forward through an agreement under the Local Government (Scotland) Act 1973, rather than a s75 planning obligation.

*Conclusion*

12.504 Having regard to the potential impacts of the proposal and for the reasons set out above, it is considered necessary and reasonable to require an Access Management Plan, a CTMP, and an Accommodation Strategy, to be developed and provided as part of the delivery of the proposed development, to ensure that potential impacts of the proposed development would be satisfactorily addressed, including potential significant adverse cumulative effects. In addition, the Local Contractor Policy, procurement aims, and a paid apprenticeship scheme would complement these measures and meet the requirements of NPF4 Policy 25, and the footpath improvement fund would help to meet key aims of OHLDP Policy EI7. The potential for positive cumulative effects is also recognised, through an increased likelihood of beneficial supply chain and employment opportunities.

12.505 Accordingly, overall, the proposal is considered likely to have a positive effect on the local economy and jobs. Further, subject to the satisfactory provision of accommodation, it would not be harmful to tourism and would have some benefits to recreation. It also has the potential to result in community wealth building. Consequently, subject to the identified mitigation measures being secured, which can be achieved through the use of planning conditions or legal obligations, the residual effects of the proposal would not be unacceptable and are considered to meet the aims of the relevant development plan policies in these regards.

**Aviation, Defence and Radar**

Policy Context

*NPF4*

12.506 Policy 11: Energy requires project design and mitigation to demonstrate how a number of specified impacts would be addressed, including impacts on aviation and defence interests.

12.507 Policy 18: Infrastructure First states that the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure.

*OHLDP*

12.508 Policy EI11: Safeguarding confirms that, for all development proposals, account will be taken of the advice of relevant agencies for safeguarding, including the Civil Aviation Authority, Highlands and Islands Airports, NATS, and the Ministry of Defence.

12.509 The SG states that the impacts of developments on aviation and defence operations must be satisfactorily addressed and developers must demonstrate that aviation, defence and emergency services operations will not be compromised. This includes flight activity, navigation and surveillance

systems and other air safety navigation, test or surveillance assets or systems. In terms of radar, the SG advises that, wherever impacts on defence interests are identified by the MOD, it will seek mitigation measures to overcome these impacts, so that the development can proceed. Mitigation options can be either technical or operational at the radar head, or technical at the turbine.

#### EIA Report

- 12.510 Chapter 14 of the EIA Report carries out an assessment of the potential impact of the proposed development on existing and planned military and civil aviation activities, including those resulting from impacts to radar. Other potential effects result from the physical presence of the turbines as obstacles, and effects on navigational aids ('Nav aids') and radio communication stations. The assessment of potential effects on aviation and radar considers the potential for technical impacts and the operational acceptability of any such impacts.
- 12.511 Rather than following an EIA process of assessing the significance of effects, the primary consideration is the actual or likely position of the specific aviation stakeholders. The assessment of effects on these receptors is therefore one of technical analysis and consultation and seeks to identify if any identified effects are likely to be 'acceptable' or 'not acceptable' to the asset owner, and if not acceptable establish any potential technical mitigation solutions.
- 12.512 The site lies under an area of uncontrolled airspace, approximately 22km south west of Stornoway Airport. It is remote from all lower airspace airways and within a low priority military low flying zone. The site is beyond the limits of the obstacle limitation surfaces associated with the nearest airport at Stornoway, but it is within the safeguarding zone for Stornoway Airport instrument flight procedures.
- 12.513 The consultation process considered all military and civil aerodromes in the wider area out to circa 60km, all radar installations out to the limit of their range, all navigational aids, air-ground-air communications stations and low flying activities.
- 12.514 In response to consultation as part of the EIA process, HIAL requested the undertaking of an Aviation Impact Feasibility Study (AIFS) to understand any impact on the infrastructure and operation of Stornoway Airport – including assessment of Instrument Flight Procedures (IFPs) and Aviation Lighting requirements. An IFP Safeguarding assessment reported in December 2022, found that the proposed wind farm would have no impact on Stornoway Airports Instrument Flight Procedures (IFPs).
- 12.515 The MoD requested that aviation safety lighting be fitted, in accordance with the Air Navigation Order 2016, due to the site being located within Low Flying Area (LFA 14) – where aircraft are permitted to fly down to 250 feet above ground level obstacles.
- 12.516 An aviation lighting design has been prepared, which is considered compliant with the MOD and CAA requirements. There is a statutory requirement to light the wind farm because the turbines are over 150m tall. However, because of the nature of the area, light pollution from aviation obstacle lighting is of concern.
- 12.517 The Aviation Lighting Study concluded that a cardinal lighting scheme was most effective in balancing the visual impacts of lighting with aviation safety. This will result in seven of the peripheral turbines being lit by nacelle mounted, medium intensity, visible spectrum, steady red obstacle lights from dusk until dawn, subject to agreement with the UK Civil Aviation Authority (CAA).
- 12.518 Visible lights can be dimmed to 10% of peak intensity when the visibility as measured at the windfarm exceeds 5km in all directions.
- 12.519 The assessment in the EIA Report concludes that: the proposed development will not impact any military radar facilities, or impact on the infrastructure and operation of Stornoway Airport. No mitigation is required for these elements. A visible spectrum aviation lighting scheme has been

designed to comply with statutory requirements under The Air Navigation Order (2016) to assist with air safety.

#### *SEI*

- 12.520 None of the design amendments to the proposed development has been as a result of any Aviation related responses from consultees. None of the proposed turbines that have been relocated has seen an increase in their overall elevation (ground level + 200m tip height) of more than 20m. None of the proposed turbines that have been relocated has moved by as much as the 75m micro-siting allowance considered in the Instrument Flight Procedure assessment that was carried out on the originally proposed turbine locations and presented in the EIA Report.
- 12.521 The Aviation Lighting Scheme remains unchanged. The aviation lighting scheme remains valid and is considered to comply with statutory requirements under The ANO (2016) to assist with air safety. The design amendments to the proposed development will not impact any military radar facilities, or impact on the infrastructure and operation of Stornoway Airport. No mitigation is required for these elements.
- 12.522 The design amendments to the proposed development do not result in any changes to the significance of effects presented within the EIA Report. For Aviation, significance is established by the relevant aviation stakeholders, with any impacts being deemed either acceptable or unacceptable. No stakeholders had any objection to the original application, and it is considered that the design amendments to the proposed development will not result in any changes to impacts for aviation receptors/infrastructure.

#### Consultation Responses

- 12.523 In brief, the following summarises the key main points of the responses of particular relevance to this issue:

##### *Defence Infrastructure Organisation, on behalf of the MOD:*

###### ➤ *EIA*

- Subject to the conditions detailed in Appendix A (which concern (1) aviation lighting and (2) aviation charting and safety management), the MOD has no objection to the proposed development.
- 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.
- This impact can be mitigated through the application of conditions that require the submission, approval, and implementation of an aviation lighting scheme; and the submission of sufficient data to ensure that the wind farm can be accurately charted to allow deconfliction.
- It is acknowledged that, due to the height of the turbines proposed, the wind farm should be fitted with aviation safety lighting in accordance with the requirements of the Air Navigation Order 2016. It is likely that the CAA required lighting specification will exceed that required by the MOD, but to ensure the safeguarding of any low flying/rotary military aircraft, the MOD require that the wind farm is marked by installing and displaying MOD accredited aviation safety lighting on each of the perimeter turbines. The lighting should, as a minimum, be provided by combi lighting systems displaying both 25cd visible and infra-red (IR) light.

###### ➤ *SEI*

- Subject to the conditions detailed in Appendix A (as referred to above) the MOD has no objection to the proposed development.

*NATS Safeguarding:*

➤ *EIA*

- 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.

➤ *SEI*

- 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.

*HIAL:*

➤ *EIA*

- As this application has no amendments (from our previous response to Scoping Opinion - 2022/270/SYY) to the turbine heights or location, Highlands and Islands Airport Limited response remains the same, we have no objections to this 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.

➤ *SEI*

- The Applicant has submitted additional information in the form of Supplementary Environmental Information (SEI), which includes amendments and additions to site infrastructure, including relocation of 6 turbines. Our preliminary assessment of the amended development shows that, at the position, the proposed development may impact the safeguarding criteria and operation of Stornoway Airport.
- HIAL requests that the previously submitted Instrument Flight Procedure (IFP) Assessment is updated by an Approved Procedure Design Organisation (APDO) and resubmitted for HIAL review.
- It should be noted that HIAL would work with the developer towards a resolution. However, HIAL currently submit a holding objection until the IFP assessment has been submitted to and reviewed by HIAL.

Public comments

12.524 There were no matters raised in representations specifically in relation to this issue. Concerns about resulting light pollution have been considered in relation to landscape and visual impacts.

Assessment

12.525 The approach to assessment in this part of the EIA Report differs from that undertaken for other issues, as it consists of a technical analysis of potential impacts, in consultation with specific potential receptors. It considers whether any identified effects are likely to be 'acceptable' or 'not acceptable' to these receptors and, if not acceptable, to establish any potential technical mitigation solutions.

12.526 This approach to the assessment of effects is considered reasonable and supported by extensive pre-submission consultation with potential receptors. Overall, the EIA Report, as amended by the SEI, is considered to have addressed this issue in an appropriate way in relation to the issues concerned and its findings are supported.

12.527 At the time of drafting this Report, a holding objection exists from HIAL, pending the completion of an updated IFP Assessment for Stornoway Airport. It is understood that this assessment has recently been completed and demonstrates that, even using the worst-case scenario i.e. all turbines being microsituated

to the tallest bit of land within their 75m micro-siting allowance, there are no impacts on Stornoway Airport. Consequently, it is expected that the holding objection from HIAL will be withdrawn.

- 12.528 Subject to the withdrawal of the objection from HIAL and the implementation of the mitigation measures identified, including in relation to aviation lighting, which would be the subject of other regulatory mechanisms, it is considered that the residual effects of the development on aviation and defence operations would be satisfactorily addressed. Accordingly, the proposal would not unacceptably compromise aviation, defence and emergency services operations and, as such, is considered acceptable in these respects and would meet the relevant policy requirements in these regards.

**Other issues - including Shadow Flicker, Climate and Carbon Balance, Risk of Accidents and Other Disasters, Population and Human Health, Air Quality, Telecommunications and Other Infrastructure, Waste and Environmental Management**

Policy Context

*NPF4*

- 12.529 Policy 1: Tackling the climate and nature crises seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. It requires significant weight will be given to the global climate and nature crises when considering all development proposals.
- 12.530 Policy 2: Climate mitigation and adaptation seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
- 12.531 Policy 11: Energy requires project design and mitigation to demonstrate how a number of specified impacts would be addressed, including: impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker; seismological recording; and impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.
- 12.532 Policy 23: Health and Safety seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. In relation to development proposals, amongst other matters, those which are likely to have significant adverse effects on health and air quality will not be supported.
- 12.533 Policy 18: Infrastructure First states that the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.
- 12.534 Policy 12: Zero Waste requires development proposals to seek to reduce, reuse, or recycle materials in line with the waste hierarchy. Development proposals will be supported where, amongst other matters, they minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life.

*OHLDP*

- 12.535 Policy PD6: Compatibility of Neighbouring Uses requires all development proposals to ensure that there would be no unacceptable impact on the amenity of neighbouring uses. Where appropriate, proposals should include mitigation measures to reduce the impact on the amenity of neighbouring uses.
- 12.536 Policy EI8: Energy and Heat Resources supports proposals that contribute to meeting the targets and objectives of national planning policies, the Climate Change Act and the National Renewables

Infrastructure Plan in relation to electricity grid reinforcement, infrastructure and renewable energy generation.

- 12.537 Policy EI11: Safeguarding confirms that, for all development proposals, the Comhairle will take account of the advice of relevant agencies with regard to safeguarding.
- 12.538 Policy EI4: Waste Management requires the preparation of a Site Waste Management Plan for developments of this scale.
- 12.539 The SG requires planning applications for wind farms to be accompanied by evidence that the proposals have been assessed and found to have no unacceptable significant adverse impact on community amenity including no unacceptable impact on living conditions in relation to a number of specified matters, including:
- shadow flicker and shadow throw;
  - electromagnetic interference;
  - ancillary developments and infrastructure;
  - residential visual impact;
  - noise.
- 12.540 The SG also requires wind farms should be located at a distance of at least 2km from settlements. [Wind Energy Map 2](#) has been prepared to identify a 2km settlement buffer.

#### EIA Report

- 12.541 Chapter 16 of the EIA Report considers any remaining environmental topics that are within the scope of the Environmental Impact Assessment (EIA), but do not warrant full assessment and are therefore not considered elsewhere in the EIA Report.

#### *Shadow flicker*

- 12.542 Shadow flicker may occur under certain combinations of geographical position and time of day, when the sun passes behind the rotors of a wind turbine and casts a shadow over neighbouring properties. As the blades rotate, the shadow flicks on and off, an effect known as shadow flicker. The effect can only occur inside buildings, where the flicker appears through a window opening.
- 12.543 Seven properties sit within the shadow study area and were assessed for shadow flicker effects. The shadow flicker study area is defined as 10 rotor diameters (plus 75m micro-siting), which equates to 1,625m, and 130 degrees either side of north. All these properties are associated with Eishken Lodge and financially involved in the project.
- 12.544 Based on professional judgement and taking guidance from legislation found in other countries, the shadow flicker assessment has adopted a criterion of 30 hours of shadow flicker in one year as a significant threshold. Where less than 30 hours of shadow flicker is predicted to occur in one year at a particular property, this is considered to be not significant.
- 12.545 Based on the assessment criteria, the effects on these properties would be significant without mitigation. It is however more likely in practice that actual hours of shadow flicker would be considerably less than this due to the wind not always blowing and the sun not always shining at the assessed locations. Given adjustments for likely sunshine hours, annual hours of shadow flicker anticipated at all properties is calculated significantly under 30 hours. Despite this, the applicant has committed to installing shadow flicker control modules on the turbines with the potential to cause shadow flicker on nearby receptors.
- 12.546 The applicant is committed to promptly investigating any complaints of shadow flicker and taking appropriate action as required. This would comprise an investigation which considers the weather

conditions at the time of the alleged shadow flicker, to determine which turbines were, or were not, creating the effect and the extent of the shadow flicker created. If the investigation confirms a loss of residential amenity at any location, the technical mitigation measures built into relevant turbines would be activated.

12.547 The shadow flicker control module consists of bespoke software, a clock, a timer, a switch, a wind direction sensor and a light sensor. The module can control a specific turbine (or turbines) which would be programmed to shut down on specific dates at specific times when the sun is bright enough, there is sufficient wind to rotate the blades and the wind direction is such that nuisance shadow flicker could occur. Following implementation of this mitigation, no significant effects would result for shadow flicker.

➤ *SEI*

12.548 The updated shadow flicker model show that as a result of the amended turbine locations there is a slight reduction in likely hours of shadow flicker expected to be experienced at Loch Shell House. However, there is a slight increase in likely hours of shadow flicker expected to be experienced at the other six residential properties within the study area. The differences in likely hours of shadow flicker expected to be experienced at these residential properties, between the SEI and EIA shadow flicker models is, however, very minor.

12.549 The differences at all properties between the SEI and EIA shadow flicker models are less than one hour per year (when average hours of sunshine per year is applied to the model). There are therefore no changes to the conclusions of the shadow flicker assessment carried out in the EIA Report, and following implementation of mitigation, it is considered that there will be no significant effects in relation to shadow flicker as a result of the proposed development.

*Climate and Carbon Balance*

12.550 Onshore wind farms by their very nature tackle the issue of climate change. Each unit of wind generated electricity would displace a unit of conventionally generated electricity, therefore, saving power station emissions.

12.551 Emissions arising from the fabrication of the turbines and the associated components are based on a full life analysis of a typical turbine and include CO<sub>2</sub> emissions resulting from transportation, erection, operation, dismantling and removal of turbines and foundations and transmission grid connection equipment from the existing electricity grid system. To calculate the carbon emissions attributable to the removal or drainage of the peat, emissions occurring if the soil had remained in situ and undrained are subtracted from the emissions occurring after removal or drainage.

12.552 Applications submitted under Section 36 of the Electricity Act 1989 are required to undertake the carbon balance assessment using the Scottish Government's carbon calculator tool. The calculation evaluates the balance of total carbon savings and carbon losses over the life of the proposed development.

12.553 The proposed development would produce on average approximately 578,160 MWh of electricity annually (based on a site-derived capacity factor of 40%). This equates to the power consumed by approximately 164,764 average UK households, which would be well above the energy requirements of the 14,901 homes across the Western Isles.

12.554 This equates to an annual reduction in CO<sub>2</sub> emissions of approximately 249,765 tonnes, when compared to the amount of CO<sub>2</sub> emitted by fossil fuels to produce the same amount of electricity. It is estimated that the proposed development would displace approximately 7.49 million tonnes of carbon dioxide (CO<sub>2</sub>) in its lifetime when compared to the amount of CO<sub>2</sub> that fossil fuels would have produced to generate the same amount of electricity.

12.555 The proposed development is expected to take around 1.5 years (18 months) to repay the carbon exchange to the atmosphere (the CO<sub>2</sub> debt) through the construction of a wind farm. The site would in effect be in a net gain situation following this time period and would then contribute to national objectives (for the remaining 28.5 years of operation). Overall, a positive significant effect on climate change and carbon balance is anticipated over the operational lifetime of the wind farm.

➤ *SEI*

12.556 As a result of the design amendments to the proposed development, the carbon payback period of the proposed development has been revised. The overall anticipated carbon payback time for the amended proposed development (compared to a fossil fuel mix of electricity generation) is 1.3 years. This is a slightly shorter payback period than the 1.5 years anticipated carbon payback time as assessed and presented in the EIA Report.

12.557 The potential CO<sub>2</sub> emissions savings are similar for the amended proposed development, compared to those presented in the EIA Report. Therefore, the findings of the carbon calculator assessment remain unchanged from that presented in the EIA Report and are significant (positive).

*Risk of Accidents and Other Disasters*

12.558 The vulnerability of the proposed development to major accidents and natural disasters, such as flooding, sea level rise, or earthquakes, is considered to be low due to its geographical location.

12.559 Despite the risk of major accidents and natural disasters being considered as low, the vegetation and openness of the site does present a potential, albeit remote, fire risk. The outline CEMP (EIA TA 3.1) contains measures for reducing the risk of fires occurring during the construction of the proposed development and these are considered to be appropriate to the level of potential risk.

12.560 Following implementation of these measures, the nature of the proposals and remoteness of the site means there would be negligible risks of accidents and disasters, due to turbine failure or pollution (following appropriate mitigation), to population and human health, biodiversity, land, soil, water, air and climate, and material assets, cultural heritage and the landscape.

12.561 With regard to risks of accidents during the construction phase, including those related to site security and access, the construction works for the proposed development would be undertaken in accordance with primary health and safety legislation, including the Health and Safety at Work Act 1974 and the Construction (Design and Management) (CDM) Regulations 2015 which would include a requirement to produce emergency procedures in a Construction Phase (Health & Safety) Plan in accordance with the Regulations.

12.562 As far as the risk of turbine failure during high winds is concerned, the turbines would cut-out and automatically stop as a safety precaution in wind speeds over 30m/s. Wind turbines can be susceptible to lightning strike due to their height and appropriate measures are taken into account in the design of turbines to conduct lightning strikes down to earth and minimise the risk of damage to turbines. Blades will usually stay attached to the turbine if damaged by lightning and in all cases turbines will automatically shut down if damaged by lightning.

12.563 Ice build-up on blade surfaces occurs in cold weather conditions. Wind turbines can continue to operate with a very thin accumulation of snow or ice but will shut down automatically as soon as there is a sufficient build up to cause aerodynamic or physical imbalance of the rotor assembly. The potential for ice throw to occur following a turbine shut down during conditions suitable for ice formation is high. There are monitoring systems and protocols in place to ensure that turbines that have been stationary during icing conditions are restarted in a controlled manner to ensure public safety. The risk to public safety is considered to be very low due to the few likely occurrences of these conditions along with the particular circumstances that can cause ice throw.

12.564 It is very unlikely that an earthquake would occur in the vicinity of the site resulting in any damage to the proposed development. Should a wind turbine be damaged, the risk to public safety is considered to be negligible due to the remote location and careful design layout of the infrastructure.

➤ *SEI*

12.565 The outline CEMP has been updated (SEI TA 3.1) but the vulnerability of the amended proposed development to major accidents and natural disasters (including Public Safety and Access, Traffic, Construction, Extreme Weather, and Seismic Activity), remains the same as presented in the EIA Report. The risk of accidents and disasters does therefore not result in a significant effect.

*Population and Human health*

12.566 A number of chapters contain assessments that relate to the health and wellbeing of the local population, including issues related to LVIA, hydrology, site access, traffic and transport, noise, socio-economic impacts, tourism and recreation. Within these chapters, the effects of the proposed development, both positive and negative, are assessed, an analysis of the significance of these effects is provided, and measures to mitigate against negative effects on people and their health are identified.

12.567 EIA Report Chapter 17 provides an overview of the mitigation put forward as part of these assessments in order to reduce any negative effects of the proposed development to an acceptable level. It is not expected that there will be any other effects from the proposed development which would have significant effects on population and human health.

➤ *SEI*

12.568 It is not expected that there will be any other effects from the amended proposed development which would have significant effects on population and human health.

*Air Quality*

12.569 Construction activities can result in temporary effects from dust if unmanaged. This can result in nuisance effects such as soiling of buildings and, if present over a long period of time, can affect human health.

12.570 As the nearest property is over 500m away from any substantial construction works, effects associated with dust or vehicle emissions are considered to be unlikely. Therefore, the effects of dust and vehicle emissions from the construction and operation of the proposed development was scoped out of this assessment.

➤ *SEI*

12.571 Effects associated with dust or vehicle emissions are still considered to be unlikely.

*Telecommunications and Other Infrastructure*

12.572 Wind turbines can potentially cause interference to telecommunication links through reflection and shadowing to electro-magnetically propagated signals including terrestrial fixed microwave links managed by telecommunications operators.

12.573 Consultation has been undertaken with key stakeholders to identify relevant communications links in the vicinity of the site. Early constraints mapping (pre-EIA Scoping) identified the presence of one fixed link running north – south through the site. BT, the link operator, were consulted directly in order to understand any requirement for standoff distances between the proposed turbines and the fixed link path.

12.574 As a result, a 120m buffer was applied around the fixed link during the iterative design process, to ensure that turbines were located an adequate separation distance from the fixed link. The closest

turbine to the BT fixed link is T8, at approximately 150m to the east. No impacts upon fixed links are anticipated from the proposed development.

12.575 Wind turbines have the potential to adversely affect analogue television reception through either physical blocking of the transmitted signal or, more commonly, by introducing multi-path interference where some of the signal is reflected through different routes.

12.576 The proposed development is located in an area which is now served by a digital transmitter and, therefore, television reception is unlikely to be affected by the proposed development, as digital signals are rarely affected. In the unlikely event that television signals are affected by the proposed development, reasonable mitigation measures would be considered by the applicant.

➤ *SEI*

12.577 The amendments to the proposed development, do not move any wind turbine locations within the 120m buffer applied around the BT operated fixed link. Therefore, as per the findings of the EIA Report, no significant effects are predicted on telecommunications and tv reception.

*Waste and Environmental Management*

12.578 The EIA Report puts forward suggestions on how to mitigate any negative impacts from the proposed development in relation to specific issues and with regards to waste and environmental management. These are summarised in Chapter 17 of the EIAR.

12.579 The outline CEMP (EIA TA 3.1) provides a general overview on how waste and other environmental issues would be managed during the construction phase. The EIA TA 10.2: Peat Management Plan also details how excavated peat is controlled, stored, re-used and disposed of during the construction phase of the proposed development.

12.580 It is expected that a site-specific waste management plan for the control and disposal of waste generated onsite would be required by condition, should the proposed development receive consent.

➤ *SEI*

12.581 The updated outline CEMP (SEI Technical Appendix 3.1) provides a general overview on how waste and other environmental issues would be managed during the construction phase. It is expected that a site-specific waste management plan for the control and disposal of waste generated onsite would be required by condition, should the proposed development receive consent. Therefore, it is not considered necessary for waste to be assessed further within the SEI.

Consultation Responses

12.582 In brief, the following summarises the key main points of the responses of particular relevance to this issue:

*BT:*

➤ *EIA*

- We have studied this Wind Farm proposal with respect to EMC and related problems to BT point-to-point microwave radio links. The conclusion is that the turbine locations provided should not cause interference to BT's current and presently planned radio network.

➤ *SEI*

- 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.

JRC:

➤ EIA

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

➤ SEI

- This proposal is cleared - subject to 75m Micrositing - with respect to radio link infrastructure operated by the local energy networks.

Pairc Trust:

- The proposal will help Scotland meet its climate change targets to reduce carbon emissions by 90% by 2040 and net zero by 2045.

Comhairle Environmental Health:

➤ EIA

- Shadow Flicker: The EIA highlights that several properties will likely be affected by shadow flicker (again all have a financial interest in the development), however the applicant is committed to installing shadow flicker control modules on the turbines with the potential to cause shadow flicker on nearby receptors. In line with the EIA mitigation, it is recommended that a condition be included where any complaints are investigated in a timely manner, to the satisfaction of the planning authority and that the rectification of any substantiated shadow flicker issue would be implemented promptly and effectively.
- Dust: There is the potential for dust from the construction of this development to cause a nuisance to neighbouring properties. A condition is recommended (*included in Appendix 1 of this Report*).

➤ SEI

- Based on the updated information concerning revised turbine locations, no further comments other than recommended noise conditions (*considered above*).

Public comments

12.583 The key main points raised in representations can be broadly summarised as:

- Reduction in carbon emissions.
- Contribution to meeting climate change targets.
- Noise and disturbance impacts.
- Consequent harm to human health.
- Release of CO<sub>2</sub> from peat disturbance.
- Adverse impact on achieving net zero targets for carbon emissions.

12.584 Matters relating to potential noise impacts are considered separately in the Noise section of this Report, above.

Assessment

12.585 Visual impact from aviation lighting is considered in relation to the LVIA section of this Report. In agreement with the Comhairle as planning authority, potential effects upon residential visual amenity were scoped out of the EIA assessment process, given that the nearest 'uninvolved' residential properties (i.e. those that do not have a financial interest in the development) are located some 2.7km

from the nearest turbine, outside the 2km residential buffer referred to in the SG. Potential noise impacts are considered separately, in the Noise section of this Report.

- 12.586 Having regard to the specialist consultation comments received from Comhairle Environmental Health, it is considered that the potential effects of shadow flicker and dust would not be significant, and the proposal would not result in harmful impacts to nearby residential occupiers in these respects, subject to appropriate mitigation measures, as proposed. These measures can be adequately secured by planning condition.
- 12.587 Similarly, the vulnerability of the amended proposed development to major accidents and natural disasters (including those related to public safety, access, traffic, construction, extreme weather, and seismic activity) is considered low. Having regard to the details provided, it is considered that the risk of accidents and disasters would not be significant. Further, the potential low risk of fire could be appropriately addressed through a finalised CEMP, as proposed, which can be secured by planning condition.
- 12.588 Taking into account the consultation responses, it is acknowledged that the design of the proposal is such that adverse impacts on telecommunications infrastructure and television reception are not likely to occur. It is also considered that identified mitigation measures, such as the CEMP, PMP and a site-specific waste management plan would be sufficient to adequately address the potential effects of the proposal on waste and environmental management.
- 12.589 It is considered that the EIA Report as a whole (as amended by the SEI) provides sufficient assessment of the potential impacts on the health and wellbeing of the local population. Subject to the mitigation measures identified, including those relating to water, pollution, access, traffic, socio-economic impacts, tourism and recreation, it is considered that the effects of the proposal would not be significant in these respects and would be in accordance with the relevant policy requirements.
- 12.590 The effects of the proposal on renewable energy targets and greenhouse gas emissions are considered in a separate section of this Report. However, much of this information also relates to climate change and the carbon balance, which is considered in more detail in this section. Following the design amendments to the proposed development, the overall anticipated carbon payback time (compared to a fossil fuel mix of electricity generation) is 1.3 years.
- 12.591 Consequently, whilst there would be some negative impact on carbon initially, through the construction of a wind farm, the time taken to repay the CO<sub>2</sub> debt would be relatively short and the site would be in a net gain situation for the remaining 28.5 years of its operation. The potential emissions savings would be over 7 million tonnes of carbon dioxide (CO<sub>2</sub>) over the lifetime of the development, when compared to the amount of CO<sub>2</sub> that fossil fuels would have produced to generate the same amount of electricity.
- 12.592 In this regard, the EIA Report's findings (as amended by the SEI), that the proposal would have a positive significant effect on climate change and carbon balance over its operational lifetime are supported. Further, in light of the planning policy context in these respects, including NPF4 Policy 1, it is considered that this is a matter that should be accorded significant weight in favour of the proposal.

#### **Cumulative effects**

- 12.593 The EIA Report defines likely cumulative effects as the likely effects that the proposed development may have in combination with other wind farm developments in the local area, which are at application stage, consented, under construction or operational (i.e. the incremental effects resulting from the proposed development if all other developments are assumed to be constructed/operated). The cut-off month for the cumulative assessment was agreed with the Comhairle and NatureScot and taken as April 2023.

- 12.594 The assessment has considered 'cumulative effects' in relation to the individual topics of the EIA Report, notably landscape and visual, socio-economic, noise, traffic and transport, ornithology and cultural heritage. Cumulative effects can also be identified in relation to carbon and renewable energy.
- 12.595 The study area for considering cumulative effects varies per technical discipline and each EIA Report chapter refers to the cumulative sites considered as appropriate. In general, most specialisms have considered cumulative effects within approximately 10km from the proposed turbines. The study area for considering cumulative effects on landscape and visual amenity is up to approximately 45km from the site.
- 12.596 No consultation responses made references to cumulative effects. In terms of public comments, the key main points raised in representations regarding cumulative effects can be broadly summarised as raising concerns regarding the perceived lack of coordination in planning process to address the requirements of the various wind farm developments proposed.
- 12.597 For the reasons set out above, most potential cumulative effects are considered able to be adequately mitigated, such that their residual effect is considered likely to be acceptable. This would apply, for example, to the potential effects on the local employment and economy, through the proposed use of the Accommodation Strategy, complemented through the use of a Local Contractor Policy, procurement aims and a paid apprenticeship scheme.
- 12.598 Similarly, the likelihood of any potential cumulative effects on access, traffic and transport was considered low, due to the relative location of the sites, the likely routes that would be used, and the limited potential for peak periods of development to be shared, due to the demand on construction materials and supplies. Whilst this latter point appears to differ from the conclusion related to employment effects, indicated above, it is accepted that the proposed use of a CTMP would be sufficient to address potential cumulative effects in these regards.
- 12.599 In respect of other topics, the potential for cumulative effects has been assessed and discounted, for the reasons set out in the EIA Report (as amended in the SEI), as summarised above. This applies, for example, to potential impacts relating to cultural heritage and archaeology, noise, ecology and ornithology.
- 12.600 In relation to landscape and visual impacts, whilst significant adverse effects have been identified, it has been assessed that the proposal would not result in additional cumulative effects, given the intervening distance between the proposed development and other developments, and the different angles of views in which these various developments would appear.
- 12.601 In addition to the cumulative effects identified within the EIA Report, the proposed development would make a beneficial contribution to renewable energy generation targets, greenhouse gas emissions reduction targets, climate change and carbon balance. There would also be cumulative benefits in these respects.
- 12.602 There is also some potential for cumulative positive effects on the local economy and employment by increasing the likelihood of beneficial supply chain opportunities. It is also possible that the combined maintenance operations would be such that full time employment and materials could be sourced locally. However, benefits in these respects are less certain and likely to be relatively modest.
- 12.603 Consequently, overall, with the exception of the cumulative benefits to renewable energy and climate change, it is considered that the assessment of cumulative effects in the EIA Report is reasonable and the conclusions reached in these respects, that no significant cumulative effects are likely to arise from the proposed development, are sufficiently robust. Further, it is considered that any such adverse effects are capable of adequate mitigation and, as a result, the cumulative effects of the proposal

would not be harmful. Consequently, individually or cumulatively, these matters do not alter the findings above.

#### **Comparison to consented development**

- 12.604 The EIA Regulations require a consideration of alternatives to be undertaken, as part of the EIA assessment process. In this case, the consented scheme provides a reasonable alternative to the current proposal. Indeed, the applicant has confirmed that this extant scheme will proceed in the event that the current proposal does not receive consent. It is therefore considered that a comparison to the consented development represents an appropriately robust approach to the consideration of alternatives, in respect of this proposal.
- 12.605 In terms of the context for the development, in comparison to 2015, the targets for renewable energy and renewable electricity generation in Scotland have increased and expanded, with a 'Climate Emergency' was declared in spring 2019, by the Scottish Government. The inclusion of energy developments with a capacity in excess of 50MW as 'national developments' within NPF4, with the need case for the development implied, further emphasises the increased importance of this type of development.
- 12.606 In comparison to the consented scheme, the number of wind turbines proposed has reduced from 45 to 25, whilst the installed capacity of the proposed development would be approximately 3MW larger, at 165MW compared to 162MW. This is due to the turbine tip heights of the proposed development being between 30m and 70m taller (180m/200m in comparison to 130m/145m/150m).
- 12.607 The application was accompanied by a Project Comparison Report (PCR) that, as well as comparing the respective site layouts, also considers any substantial changes in the residual significance of effects following mitigation between the two schemes. Table 2-1 of the PCR provides a summary comparison table of the respective residual effects between the two schemes.
- 12.608 The PCR finds that there are no notable changes in residual significance between the consented and proposed scheme (and further, no other notable differences between them) in respect of archaeology and cultural heritage, site access, traffic and transport, noise and aviation. No significant residual effects (or unacceptable effects in relation to aviation) are anticipated in respect of these matters, for either scheme. For telecommunications, results and predicted effects on telecommunications infrastructure for the consented scheme and for the proposed development are very similar, with no significant effects identified.

#### Landscape and Visual Effects

- 12.609 In terms of landscape and visual effects, the geographical extent of the area with theoretical visibility of the proposed development would be largely similar to that with theoretical visibility of the consented scheme. The extent of direct landscape effects resulting from the introduction of the proposed development would be reduced when compared to the consented scheme, particularly within the Prominent Hills and Mountains LCT in the west of the site, as the proposed development would result in a more compact cluster of turbines.
- 12.610 In terms of indirect landscape effects, the comparative ZTV indicates that the geographical extent of the area with theoretical visibility of the proposed development would be slightly decreased to the north west of the site, when compared to the consented scheme. The significance of effect for the LCTs in the Study Area would be comparable for the consented scheme and proposed development. Significant effects would occur for both schemes in a number of LCTs and one CCT.
- 12.611 Comparative wirelines and photomontages have been provided for the representative LVIA viewpoints. Whilst the impacts would differ somewhat between the consented scheme and proposed development, the magnitude of change would be similar and both schemes would result in significant

adverse visual effects from several locations. However, from a number of views, the proposed development would have a reduced horizontal extent, with a smaller number of larger turbines.

- 12.612 Both the consented scheme and proposed development would result in localised significant effects on one of the SLQs of the NSA (the '*wild, mountainous character*'). However, neither the consented scheme nor the proposed development would compromise the objective of designation and the overall integrity of the South Lewis, Harris and North Uist NSA.
- 12.613 In terms of the WLA, the consented scheme would result in direct effects on the WLA, including localised direct significant effects on wild land qualities. The proposed development would reduce the overall impacts on wild land qualities, as it would be sited outwith the WLA and by siting turbines away from the southern site boundary. The prominence of the proposed development would also be reduced, in part, by avoiding siting turbines on the ridgeline formed by Beinn Mheadhanach and Feiriosbhal. However, significant effects would still occur as a result of outward views of the proposed development from the WLA.
- 12.614 In relation to aviation lighting, both the consented scheme and proposed development would therefore require visible aviation lighting which may be perceptible to receptors (people) from locations across the Study Area. The geographical extent of theoretical visibility of aviation lighting for both schemes is broadly comparable. Significant landscape and visual effects associated with aviation lighting for the consented scheme and proposed development are judged to be limited. No additional significant effects on landscape character, designated landscapes or WLA are anticipated. Significant visual effects from the proposed development are anticipated for relatively localised locations within approximately 12km of the proposed development. Visual effects from the consented scheme are judged to be broadly similar to those of the proposed development.
- 12.615 Overall, many of the design changes between the consented scheme and the proposed development have resulted in a reduction in the extent of anticipated effects, in comparison with the consented scheme. However, the level of overall significant effect resulting from the proposed development is considered to be comparable to that of the consented scheme.

#### Ecology

- 12.616 Results and predicted effects on Important Ecological Features (IEFs) for the consented scheme and for the proposed development are very similar. The only significant effect predicted for the proposed development is due to peatland habitat loss, which would be compensated through habitat restoration, as detailed within the outline Habitat Management Plan.
- 12.617 There is a considerable difference in the estimated indirect and direct habitat loss, as a result of wind farm infrastructure, when comparing the consented scheme and the proposed development. The consented scheme would see a total of approximately 103.29ha of habitat loss, whereas the proposed development would see a total of approximately 88.22ha of habitat loss. This is largely due to the smaller number of turbines, and corresponding reduction in the number of foundations, crane pads and track length required.
- 12.618 However, both the proposed development and the consented scheme are assessed as having no residual significant effects once mitigation applied.

#### Ornithology

- 12.619 Overall, in terms of construction effects, it is considered that the proposed development would have lower impacts on IOFs during construction than the consented scheme due to its smaller footprint and therefore, more restricted extent of construction activities. Direct habitat loss would also be smaller as a result of the proposed development due to the smaller footprint compared to the consented scheme.

- 12.620 However, although impacts associated with the consented scheme would be greater, they are considered likely to have the same magnitude of change at a population level as that predicted for proposed development. These are considered to result in effects of no more than minor adverse and not significant for any IOF, due to the implementation of sufficient measures required to avoid disturbance to breeding birds.
- 12.621 Overall, it is considered that the proposed development would have lower displacement impacts on IOFs than the consented scheme, due to its smaller footprint and avoidance of some areas of higher suitability for most IOFs. Although impacts associated with the consented scheme would be greater, the magnitude of change resulting from the proposed development is considered to be similar to that of the consented scheme. Therefore, the level of significance predicted on any IOF for the proposed development and consented scheme would be the same for each species, at negligible or minor adverse. The possible exception to this is black-throated diver, where the consented scheme lacks the mitigation measures committed to by the proposed development, which could result in a significant adverse effect.
- 12.622 For collision risk, the modelling for the consented scheme was only undertaken consistently for golden eagle and white-tailed eagle, due to low flight activity rates recorded for all other species, and so these two eagle species form the basis of the comparative assessment. For all other IOFs, the predicted collision rates for the proposed development were again very low and therefore can be excluded from comparisons.
- 12.623 The proposed development would result in lower collision rates for both golden eagle and white-tailed eagle, based on collision risk modelling using the most recent flight activity survey data. This is likely to be largely due to the higher number of turbines for the consented scheme, as well as the location of some of these turbines in areas of relatively high eagle activity, which have been avoided by the proposed development.
- 12.624 The EIA Report considers that the comparative difference in collision risk is likely to be increased due to the implementation of proposed mitigation for the proposed development (the painting black of one blade from three for seven turbines, carcass removal and monitoring), none of which would take place for the consented scheme. However, for reasons set out in the assessment above, not all the identified mitigation measures associated with the proposed development are considered appropriate, or indeed mitigation. Nonetheless, the overall effects of the proposed scheme would be no more harmful and potentially less harmful than those of the consented scheme.
- 12.625 Overall, for all construction and operational impacts assessed, the proposed development would result in lower impacts than the consented scheme. This is largely due to the smaller footprint as a result of the reduction in turbine numbers, and the avoidance of locating turbines in higher suitability habitats, particularly for eagles, during the design process.
- 12.626 For most impacts, the consented scheme would likely have a similar magnitude of change for any IOF as that predicted for the proposed development in EIA Report, and therefore unmitigated effects are likely to be the same (i.e., non-significant). In some cases, however, an unmitigated significant effect was predicted for the proposed development, which required targeted mitigation. There is no requirement under the planning conditions for this mitigation to be implemented for the consented scheme. Therefore, based on the conclusions in in EIA Report, the residual effects of the proposed development would be less than those under the consented scheme, some of which would be significant.

#### Hydrology, Hydrogeology and Geology

- 12.627 The consented scheme and proposed development are similar, in that with the adoption of best practice and mitigation, neither resulted in significant effects predicted during their operational life. However, it is worth noting that the proposed development has fewer turbines, and as a result requires

fewer turbine bases, crane pads, new access track and watercourse crossings. This presents a benefit regarding the water environment, peat and carbon rich soils, compared to the consented scheme.

- 12.628 In addition, the total volume of peat excavation would be 189,358m<sup>3</sup> with the proposed development, compared to 569,646m<sup>3</sup> with the consented scheme. This is a considerable difference and a reduction of 380,288m<sup>3</sup> of peat.

#### Socio-economic, Land Use, Recreation and Tourism

- 12.629 Results and predicted effects on these matters for the consented scheme and for the proposed development are similar. For the proposed development, no significant effects on socio-economics, land use, recreation and tourism, were identified. Positive effects were identified as a result of the proposed development. However, these were not deemed significant.

- 12.630 It is considered that differences in assessment approach and methodology have resulted in the EIA Report for the proposed development concluding no significant (positive) effects, while the ES for the main Muaitheabhal Wind Farm concludes that there would be significant positive effects on indirect employment generation. The estimated employment numbers (full time equivalent) for the construction and lifetime are similar, at 384.9 for the proposed development and 333.3 for the consented scheme. The community benefits would also be similar, as set out in the report above.

#### Climate change and carbon balance

- 12.631 The approximate carbon payback period for the consented scheme is 49 months (4.1 years), compared to approximately 18 months (1.5 years) for the proposed development.

- 12.632 Following the carbon payback period, the amount (tonnes) of CO<sub>2</sub> savings per year compared to a fossil fuel mix of electricity is 206,657 tonnes for the consented scheme. Over the 25-year operational lifetime of the consented scheme this would be approximately 4,319,131 tonnes.

- 12.633 Following the carbon payback period, the amount (tonnes) of CO<sub>2</sub> savings per year compared to a fossil fuel mix of electricity is 249,765 tonnes for the proposed development. Over the 30-year operational lifetime of the consented scheme this would be approximately 7,118,302 tonnes.

#### Conclusion

- 12.634 Despite the obvious differences between the two projects, there are also considerable similarities, particularly with regards to the findings of the Environmental Impact Assessments. This is unsurprising as both projects are for large scale wind development, at the same location and within a similar site area.

- 12.635 The main differences, in terms of environmental topics assessed, between the consented scheme and the proposed development relate to landscape and visual effects, ornithology, ecology, peat and climate change and carbon balance. However, the overall conclusion in the EIA Report is that the consented scheme and the proposed development would have similar levels of effects on most environmental topics assessed. This conclusion is considered reasonable and appropriate.

#### **Decommissioning and Restoration**

- 12.636 It is proposed that Uisenis Wind Farm would be operational for a period of up to 30 years, subject to receiving consent. At the end of its operational life, the proposed development and ancillary infrastructure would be decommissioned, unless an application is submitted and approved to extend the operational period or to repower the wind farm.

- 12.637 The EIA Report sets out that it is intended that the ultimate decommissioning protocol would be agreed with the Comhairle and other appropriate regulatory authorities, in line with best practice guidance and requirements of the time. This would be done through the preparation and agreement of a

Decommissioning and Restoration Plan (DRP). This is a matter that can be appropriately addressed and secured by the application of a planning condition to any consent.

### **Other Material Planning Considerations**

#### Human Rights, PSED, Best Interests of the Child

- 12.638 Consideration has been given to the potential impact of the proposal on the living conditions of neighbouring occupiers, including in respect of the protection of property and the right to respect for privacy and family life. Whilst recognising these rights and taking the personal circumstances of nearby occupiers into account, it is nevertheless necessary to balance the fundamental rights of the individual against the legitimate interests of other individuals and the wider community or public interest.
- 12.639 Given the nature of the scheme, it is considered that these matters could be adequately addressed by appropriate conditions to control the details of the development, such as lighting. As such, it is considered that any interference in these respects would be proportionate and insufficient to give rise to a violation of rights under the Human Rights Act 1998.
- 12.640 In addition, in the assessment of the proposal, it is recognised that the Best Interests of the Child(ren) is a primary consideration and due regard has also been given to the Public Sector Equality Duty (PSED). In this case, having carefully considered the proposed development and its likely impacts, it is considered that the proposal would not have a disproportionate effect on children, or on anyone who shares a relevant protected characteristic, including age and disability. Furthermore, it would not hinder the advancement of equality, or the need to foster good relations, between persons who share a relevant protected characteristic and those who do not.

### **Other matters**

#### Procedural matters

- 12.641 Public representation comments raise concerns about the extent of pre-application engagement with the community. The application was accompanied by a Pre-Application Consultation (PAC) Report. There is no statutory obligation to consult the public, prior to an application, under the terms of the s36 Electricity Act application process. Nevertheless, the applicant has applied the principles of the consultation process recommended for 'major' planning applications.
- 12.642 The PAC Report sets out an extensive programme of pre-application consultation activities that sought to ensure maximum awareness within the local community of the proposed development. The applicant focused on making sure that residents and community groups were able to make comments on the proposed development and receive feedback if requested throughout the process via a number of different channels. The consultation programme included regular meetings, emails, phone calls, and correspondence, as well as press releases, newspaper advertisements, posters, social media and website updates.
- 12.643 Two public exhibitions were held in person in November 2022 and in March 2023, coupled with further consultation with community councils, local groups and councillors and other opportunities for community engagement. Kinloch, North Lochs, North Harris and Pairc Community Councils were invited to these public exhibitions, along with all households within an approximate 20km radius of the site.
- 12.644 The public exhibitions provided the public with opportunity to learn about the proposed development through detailed information boards and visualisations. The attendees were encouraged to take part in the discourse, highlighting any perceived benefits or issues with the proposed development. Feedback from both rounds of consultation events were incorporated into the design evolution process where possible.

#### Other issues

- 12.645 Concerns have also been raised that the proposed development would have an adverse impact on property values. However, the planning process is primarily concerned with the use and development

of land. As such, it is considered that this issue should be given no material weight in the overall assessment of the proposal.

#### **Overall assessment of likely significant effects and planning balance**

12.646 As a national development, the principle of the proposed development does not need to be agreed. In terms of spatial strategy, the location of the proposed windfarm is considered to accord with policy, subject to detailed assessment of compliance with the provisions of the SG. In addition, the location and extent of the site is broadly comparable to that of the consented scheme.

12.647 The EIA Report, as revised by the SEI, sets out for each identified issue, assesses the potential impact of the proposed development, the likely receptors, the importance or sensitivity of that receptor, the magnitude of impact, identified mitigation measures, residual effects, and a conclusion on the significance of effects. The majority of the likely effects of the proposal have been assessed as not significant in EIA terms. A small number of effects have been found to be significant.

12.648 In the main but with some exceptions, as set out above, these findings are considered reasonable, and the conclusions reached appropriate. Generally, for the reasons given in the assessment undertaken above, most of the identified and considered impacts are unlikely to be materially harmful, or beneficial, in their residual effects, following mitigation. As such, they neither weigh for nor against the proposal. Those aspects of the development that are likely to result in notable benefits or significant disadvantages are considered further below.

#### Benefits

12.649 One of the key benefits of the proposal would be the provision of renewable energy, with a total installed capacity of approximately 165MW, which would make a meaningful contribution to meeting the relevant targets by the Scottish and UK governments. Further, the overall anticipated carbon payback time (compared to a fossil fuel mix of electricity generation) is 1.3 years, so that the site would be in a net gain situation for the remaining 28.7 years of its operation. The potential emissions savings would be over 7 million tonnes of carbon dioxide (CO<sub>2</sub>) over the lifetime of the development. Given the support for such development within national and local planning policies, it is considered that these are clear and demonstrable benefits that should be given significant weight in favour of the proposal.

12.650 The proposal would also have a positive effect on the local economy and employment and, subject to the satisfactory provision of accommodation, would not be harmful to tourism. It would also have some benefits to recreational access and has the potential to result in community wealth building, subject to the identified mitigation measures being secured, which can be achieved through the use of planning conditions or legal obligations. There is also potential for some positive cumulative benefits in these respects. Consequently, overall, whilst these benefits are likely to be relatively modest, given the island context, it is considered that they should also be given significant weight.

12.651 In addition to the above, in comparison to the consented scheme, the proposal would result in a reduction of some 380,288m<sup>3</sup> of peat excavation that would be required. Further, the proposed development would result in less habitat loss and an improvement in restoration in comparison to the consented scheme. Given the intentions regarding the wider future habitat management, it is also considered that the proposal provides a mechanism for the enhancement of biodiversity, secured through the proposed HMP, which has the real potential for ecology benefits, including to birds, which would also support the identified main actions of the ECP. In all these respects, the proposed development can be regarded as having notable improvements in effect in comparison with the extant consented scheme. These are matters that also weigh in its favour.

#### Disadvantages

12.652 The main adverse effect of the proposal would be in relation to landscape and visual impacts. There would be significant adverse effects on landscape character and the widespread significant adverse effects on views. The proposal would not meet the development plan policy requirements in this regard.

12.653 These impacts would affect only parts of the surrounding sensitive landscape and specific views, and they would not significantly affect the reasons for the designation of the NSA or its overall integrity. However, given the scale of the likely effects, it is considered that the proposal would not maintain the overall integrity of landscape character or relate positively to the specific landscape and visual characteristics of the local area. Having regard to the extent and nature of these effects, it is considered that this harm should be afforded significant weight.

#### Planning balance

12.654 In the main, subject to the implementation of identified mitigation measures, which can be secured through the use of planning conditions or legal obligation, or which would be subject to regulatory or licencing controls through other mechanisms, the residual impacts of the proposed development are generally considered to weigh neither for nor against the proposal.

12.655 Notwithstanding the significant weight given to the harm to landscape and visual impacts, it is concluded that this harm would be clearly outweighed by the greater significant weight given to the national benefits resulting from the delivery of renewable energy infrastructure, coupled with the significant weight given to the modest socio-economic benefits, and the biodiversity enhancements, as set out above.

12.656 In addition, whilst the proposal would cause material harm to the landscape and visual amenity, it is also considered that, overall, the proposed development would be less harmful than the extant consented scheme. This also lends support for the proposal in the planning balance.

12.657 Consequently, it is concluded that the identified conflict with OHLDP Policy NBH1 in this regard would be outweighed by NPF4 Policy 11(e) and the particular benefits of the development proposed, as set out above, which would be sufficient to justify support for the proposal overall.

#### **MITIGATION MEASURES AND MONITORING**

13.1 Chapter 17 of the EIA Report (as amended by the SEI) identifies the Schedule of Commitments made by the applicant, which include the range and type of mitigation measures proposed to support the proposed development and reduce its effects on the environment.

13.2 Appendix 1 to this Report includes the suggested wording of the conditions that are considered should form part of the deemed planning permission, if the scheme is granted consent by the Scottish Ministers. Certain matters would be addressed in the s36 consent, such as detailed aviation arrangements and Met Office radar requirements. For completeness, these issues have been noted at the start of Appendix 1.

13.3 In addition, certain matters have been identified for inclusion within a legal obligation (either a s75 planning agreement, or a legal agreement under the Local Government (Scotland) Act 1973) between the Comhairle, the land owner and the applicant. The previously consented scheme was subject to a similar agreement, which is proposed to cover matters that are unable to be addressed by planning condition. Again, these matters are noted within Appendix 1 to this Report, for ease of reference and completeness.

13.4 Having regard to the assessment above and for the reasons given, it is suggested that conditions should be applied to any deemed planning permission granted consent to cover the following matters:

- details of approved drawings and site layout, to confirm that consent is granted for the layout as revised in the SEI;
- design and operation details of the turbines (including the absence of black render to any blade);
- signage;
- design of sub-stations, control buildings and ancillary development;

- design of works to Eishken road (including bridge replacement);
- micro-siting;
- borrow pits - scheme of works;
- borrow pits – blasting;
- appointment of Planning Monitoring Officer;
- appointment of Environmental Clerk of Works;
- appointment of Geotechnical Clerk of Works;
- a Construction and Environmental Management Plan (CEMP), including amongst other matters, a Site Waste Management Plan, Dust Management Plan, Accommodation Strategy, Pollution Prevention and Control Strategy, Drainage Management Strategy, Surface Water and Groundwater Management and Treatment Plan, Floating Road Construction, Restoration/Reinstatement Plan;
- watercourse crossings;
- construction hours;
- a Construction Traffic Management Plan;
- an Abnormal Loads Route Assessment;
- a Habitat Management Plan, including amongst other matters, the delivery of peatland and wet heath habitat restoration and tree planting;
- pre-construction surveys and Species Protection Plans;
- a Water Quality and Fish Monitoring Plan;
- a Bird Protection Plan;
- a programme of Archaeological Works;
- a Peat Management Plan;
- a Peat Landslide Hazard Risk Assessment;
- operational noise;
- shadow flicker;
- radio and television reception;
- an Access Management Plan;
- private water supplies;
- aviation safety;
- aviation lighting;
- turbine operation;
- redundant turbines;
- site decommissioning, restoration and aftercare; and
- a Financial Guarantee.

13.5 It is recommended that the Financial Guarantee to secure the cost of all decommissioning, restoration and aftercare is either covered by a planning condition or addressed through a s75 planning obligation.

13.6 For the reasons set out in the assessment above, it is considered that the proposed Local Contractor Policy, procurement aims, paid apprenticeship scheme, footpath improvement fund and Eagle Conservation Programme are matters that can be appropriately secured through a legal obligation under the Local Government (Scotland) Act 1973.

## **REASONED CONCLUSION**

14.1 An assessment of the proposed development has been carried out against the provisions of the National Planning Framework 4 and the Outer Hebrides Local Development Plan, informed by the EIA Report (as amended by the SEI), consultation responses and public comments. Consideration has been given to all material planning considerations. Having regard to the information available, it is considered that the Comhairle as planning authority has sufficient information to enable it to reach a reasoned conclusion and express its considered View on the proposal.

- 14.2 This Committee Report sets out the background to the proposal and a description of the proposed development. The legislative context is identified, and the planning history provided, along with information about consultation advice and the public participation process. The Report then identifies the planning policy context, before undertaking an assessment of the proposed development. This concludes with an overall assessment of the likely significant effects of the proposal and the planning balance.
- 14.3 Mitigation measures that are considered necessary and can be secured by planning conditions or legal obligation are identified above. Other mitigation measures would be subject to regulatory or licencing controls through other mechanisms. For the reasons given in the assessment within this Report and subject to the satisfactory implementation of these mitigation measures, it is considered that most of the residual effects of the proposal would be largely neutral and weigh neither for nor against the proposed development.
- 14.4 It is concluded that the proposed development would result in harm to landscape character and visual impacts. Significant weight has been given to this harm in accordance with local planning policy. The proposed development would also have several identified benefits, including in relation to the provision of renewable energy infrastructure, to jobs and the local economy, recreation and in relation to the potential for biodiversity enhancements. For the reasons given in the assessment, significant weight has been given to these benefits.
- 14.5 Having regard to national planning policy, it is concluded that the greater significant weight given to the national benefits resulting from the delivery of renewable energy infrastructure, coupled with the significant weight given to the modest socio-economic benefits, and the biodiversity enhancements, would outweigh the harm identified. Furthermore, in respect of this harm, it is also considered that, the proposed development would be less harmful than the extant consented scheme.
- 14.6 Consequently, overall, it is considered that the proposed development would satisfactorily meet the policy requirements of the Development Plan taken as a whole and would be acceptable, including in relation to its effects on the environment.

#### **RECOMMENDED VIEW**

- 15.1 It is recommended that the view of the Comhairle on the proposal should be expressed to the Scottish Ministers, having considered the detail of the application to date, as amended, the National Planning Framework 4, Outer Hebrides Local Development Plan and Supplementary Guidance, national planning advice, consultees' responses and representations, and other relevant material considerations.
- 15.2 It is recognised that, at the time of drafting this Report, aviation concerns remain that require further consideration by the developer and by Scottish Ministers.
- 15.3 For the reasons set out above in Section 14 (Reasoned Conclusion), it is concluded that the Comhairle as Principal Consultee should submit to Scottish Ministers the following:
- As a National Development, the principle of this type of development in this location does not need to be agreed; further, a large-scale wind farm has previously been considered to be acceptable;
  - The developer has worked to address some objections and concerns with the relevant consultees and bodies since submission of the EIA Report and this is reflected in the SEI and consultation feedback received, which is to be welcomed;
  - The Comhairle's support for this development is subject to the removal of the aviation objection from HIAL, following an updated IFP Assessment for Stornoway Airport, before any consent is issued by Scottish Ministers;
  - Should the Scottish Ministers then be minded to issue a consent for the development, Comhairle support for this development is subject to:

- i. The application of appropriate conditions on the s36 consent and the application of a suite of suggested planning conditions, as set out in Appendix 1 to this Report, to ensure that specific matters will be addressed, including those required to secure the necessary mitigation and monitoring measures, (Note: the proposal to paint one blade black on each of the turbines 19-25 is to be omitted); and
- ii. The completion of a planning obligation between the Comhairle, the developer and other interests, which addresses measures to ensure appropriate decommissioning and restoration;
- iii. The completion of a legal obligation between the Comhairle, the developer and other interests, under the Local Government (Scotland) Act 1973, to secure the Local Contractor Policy, procurement aims, paid apprenticeship scheme, footpath improvement fund and Eagle Conservation Programme, and other relevant matters.

15.4 It is recommended the Comhairle agrees that the:

- a) Views as set out above be submitted to the Scottish Ministers;
- b) Chief Executive be authorised to further engage with the Scottish Government Energy Consents Unit, the Developer and Statutory Consultees regarding issues raised and where appropriate any draft planning conditions/obligations;
- c) Chief Executive be authorised to agree a set of planning conditions with the Scottish Government should Ministers be minded to approve the application;
- d) Chief Executive be authorised to complete a Section 75 planning obligation with Uisenis Power Limited and other relevant land interests; and
- e) Chief Executive be authorised to complete a legal obligation under the Local Government (Scotland) Act 1973 with Uisenis Power Limited and other relevant interests.