Appendix 4.2 EIA Scoping Opinion

ORKNEY
ISLANDS COUNCIL

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

Scoping Opinion.

Application reference	19/174/SCO
Type of application	Scoping
Complete application received:	26 April 2019
Development description:	Scoping opinion request to erect 8 x 4MW wind turbines (max height 150 metres)
Location of development:	Faray, Orkney
Applicant:	Orkney Islands Council

1. Introduction

Under the provisions of Regulation 17 of The Town and Country Planning (Environmental Impacts Assessment) (Scotland) Regulations 2017 ('The Regulations'), this Scoping Opinion has been adopted by Orkney Islands Council, as planning authority.

2. The Scoping Opinion

Orkney Island Council adopts this Scoping Opinion having taken into account the information provided by the Applicant in the request dated 26 April 2019 in respect of the specific characteristics of the proposed development and representations received in response to the consultation undertaken.

In providing this Scoping Opinion, Orkney Islands Council has had regard to current knowledge and methods of assessment; has taken into account the specific characteristics of the proposed development, the specific characteristics of that type of development and the environmental features likely to be affected.

This Scoping Opinion is based on information contained in the Applicant's written request for a Scoping Opinion and information available at today's date. The adoption of this Scoping Opinion by Orkney Islands Council does not preclude Orkney Islands Council from requiring of the Applicant information in connection with any Environmental Impact Assessment (EIA) Report submitted in connection with its application for planning permission for the development. This Scoping Opinion will

not prevent Orkney Islands Council from seeking additional information at application stage.

3. Consultation

The below listed bodies were all consulted, as either statutory consultation bodies or other bodies which Orkney Islands Council considers likely to have an interest in the proposed development by reason of their specific environmental responsibilities or local and regional competencies.

- Orkney Islands Council County Archaeologist.
- Orkney Islands Council Development and Marine Planning (DaMP).
- Orkney Islands Council Environmental Health.
- Orkney Islands Council Roads Services.
- Airfield Superintendent.
- Historic Environment Scotland (HES).
- Scottish Environment Protection Agency (SEPA).
- Scottish Natural Heritage (SNH).
- Scottish Water.
- Highlands and Islands Airports (HIAL).
- Ministry of Defence (MoD).
- National Air Traffic Services (NATS).
- Royal Society for the Protection of Birds Scotland (RSPB).
- Spectrum.Licensing@ofcom.org.uk.
- Windfarm.enquiries@arqiva.com.
- Windfarms@jrc.co.uk.
- Kirkwall Airport Senior Pilot.

The full list of consultation responses received is attached to this Scoping Opinion as Appendix 1. Each should be read in full for detailed requirements from individual consultees and for comprehensive guidance, advice and, where appropriate, templates for preparation of the EIA Report.

Unless stated to the contrary in this Scoping Opinion, Orkney Islands Council expects the EIA Report to include all matters raised by the consultees.

4. Procedure

4.1. Consideration of alternatives

Schedule 4, paragraph 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 requires that all EIAs should include information on the main alternatives studied and an indication of the main reasons for choosing the selected option, with reference to the environmental effects. The EIA Report should therefore contain details of considered alternative approaches and why the proposed development was selected, focussing on the specific extent,

direction and phasing proposed, reasons for discounting other sites. This will be particularly important to help address cumulative impact.

4.2. Schedule 4 – Information for inclusion in an EIA Report

As stated in Schedule 4 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and confirmed in Planning Circular 1/2017: Environmental Impact Assessment regulations, the EIA report must include the following information.

1.

A description of the development, including in particular:

(a) description of the location of the development;

(b) description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;

(c) description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;

(d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases.

2.

A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

3.

A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

4.

A description of the factors specified in Regulation 4(3) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter,

erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.

5.

A description of the likely significant effects of the development on the environment resulting from, inter alia:

(a) the construction and existence of the development, including, where relevant, demolition works;

(b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;

(c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;

(d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);

(e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;

(f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;

(g) the technologies and the substances used.

The description of the likely significant effects on the factors specified in Regulation 4(3) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium- term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project [including in particular those established under Council Directive 92/43/ EEC3 and Directive 2009/147/ EC].

6.

A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

7.

A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which

significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.

8.

A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to Union legislation such as Directive 2012/18/ EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

9.

A non-technical summary of the information provided under paragraphs 1 to 8.

10.

A reference list detailing the sources used for the descriptions and assessments included in the EIA report.

5. Site Specific Issues

In order to make the scope of the EIA Report acceptable, mindful of consideration of the above general information requirements, it is considered that the following points should be addressed:

5.1. Details

Clarify the size, type and precise location of the turbines proposed within the site area, as well as provide details of all the associated apparatus, infrastructure and source of construction materials. Given the location on an uninhabited island it is noted that no substantive indication of access, construction and decommissioning is provided.

5.2. Wind Turbine Scale

5.2.1.

The proposed development is of a scale of wind turbine which exceeds the maximum defined scale of wind turbine, 125 metres to blade tip height, included within the Orkney Island's Council Supplementary Guidance: Energy, April 2017. The scale of given wind turbines is a fundamental aspect of the guidance and has significant implications for spatial strategy and environmental impacts arising therefrom. It is incorrect therefore to reference the Spatial Strategy Framework, on the basis that at this time as the proposed scale of turbine would fall outwith parameters specifying that the development would be located within an 'Area with Potential for Wind Farm Development'. However, this is a broad indication of certain

defined constraints and is not inclusive of all material considerations in a given area. The situation remains problematic to ascribe this guidance to the proposed scale of development without consideration afresh of the spatial framework for wind farm developments, landscape and visual impacts arising, the landscape capacity and cumulative impacts with other wind energy development for a scale of wind turbine above 125 metres tip height.

5.2.2.

At time of writing this Scoping Opinion, a draft Development Management Guidance 'Energy' is scheduled to be considered by a Special Development and Infrastructure Committee meeting, which may address the matter of Wind Energy developments above the current maximum height parameters.

5.3. Landscape and Visual Impacts

In relation to providing landscape capacity assessment reference should be made to method adopted within the 'Landscape Capacity Assessment for Wind Energy in Orkney', June 2015 (LCA 2015) which considers the following;

- Firstly, assessing the underlying capacity of the Orkney landscape to accommodate wind turbine development;
- Secondly, assessing the degree of cumulative change resulting from operating and consented wind turbines in Orkney,
- Thirdly, assessing the extent to which cumulative consented development has reached the limit of the landscape's capacity to acceptably accommodate wind energy developments;
- Finally, assessing residual capacity and the level of further development that could acceptably be accommodated within areas of Orkney.

The Landscape Capacity Assessment specifically states that there are no areas of Orkney with underlying capacity for the scale of multi-turbine windfarms found in parts of mainland Scotland: there are no locations where single wind energy developments greater than 20MW could be accommodated without exceeding the underlying landscape capacity. The proposed development is 32MW.

In consideration of landscape sensitivity and capacity the methodology is detailed in Appendix 2 of the Landscape Capacity Assessment, leading to an overall assessment of high, medium or low impact. The Landscape Assessment considered all islands of the archipelago, with the exception of the outlying Sule Stack and Sule Skerry. The islands of Faray and Holm of Faray have therefore been considered as part of the Landscape Assessment.

The defined landscape character type of 'Whaleback Island Landscape' is applicable to Faray. Faray is considered within Table 6.2k Eday within the 'Landscape Capacity Assessment for Wind Energy in Orkney', June 2015, which expressly states that '**Faray should be retained free of turbines**'. This is also expressed throughout all scale of underlying landscape capacity figures within the assessment where Faray and the Holm of Faray are indicated as having **no capacity**. This latter point has been identified within the submitted Scoping Report.

The scale of the proposed wind turbines is beyond the current maximum height of 125 metres tip height as considered by Supplementary Guidance: Energy. This guidance does however indicate that the scale of the ZTV will increase with the scale of the wind farm proposed. The ZTV, which covers a study area of 40km indicates that all of the islands within Orkney north and east of Orkney Mainland together with a swathe of east mainland will likewise theoretically have a view of the wind turbines.

The proposed scale of the development is such that it is expected to be visible for a considerable distance given the lack of intervening landforms at height, as evidenced by the indicative LVIA. In addition to the proposal ZTV, it would be expected that due consideration is made of cumulative impacts with other wind energy developments, as approved and as built within the ZTV, of a medium scale and above (20 metres +).

The ZTV requires to provide additional information to inform the LVIA and CLVIA from that indicated.

ZTVs should be provided for both:

- Blade tip ZTV; and
- Hub height (or nacelle) ZTV

the following information should also be included:

- how many of the wind turbines are likely to be visible;
- how much of the wind turbines is theoretically visible (if separate ZTVs are produced showing theoretical visibility to blade tip height, and also theoretical visibility of the hub or nacelle); and

The theoretical visibility of different numbers of wind turbines (within a single development, or between different wind farms within a cumulative ZTV)

The above information will aid selecting the visual receptors to be used in the assessment, these should be selected beforehand to reflect these receptors and with agreement from the HES, the Council and SNH. The preliminary viewpoints suggested are inadequate and further consultation on these requires to be undertaken

Notwithstanding the fact that the scale of the development exceeds current maximum parameters, mindful of the draft Development management Guidance ‘Energy’ noted in 5.2.2. and Landscape Assessment which specifies that Faray should be retained free of turbines, were the project to be progressed further, the Council agrees with the findings of the Scoping Request Statement that that a full Landscape and Visual Impact Assessment (LVIA) and Cumulative Landscape and Visual Impact Assessment (CLVIA) shall be required.

The visual impact of lighting at height requires to be fully considered within the EIA Report. Within SNH response of 15 May a number of issues in this respect are raised with the following requirements;

- Clear information on the positions and intensity of lighting proposed and, if only certain turbines are to be lit, a plan showing which turbines would be lit.
- Production of a ZTV map which shows the areas from which the nacelle and tower lights may be seen.
- Annotation of the positions of turbine lighting (including intermediate tower lights) on all wirelines from each viewpoint.
- A table similar to that suggested by SNH showing the lit turbines visible from each viewpoint
- Written assessment based on fieldwork for relevant viewpoints, with potential visibility of lighting and where effects may be significant. In a worst-case scenario this may involve all LVIA viewpoints, but judgement should be applied to ensure the assessment remains focused on likely significant effects. The assessment should take into account the baseline darkness and artificial lighting characteristics, and people's likely use of different areas during darkness and low light (dusk and dawn) conditions. In some cases, there may be the need to select some of the viewpoints on the basis of the turbine lighting impacts, as opposed to day-time visual effects. Edge of settlement locations are likely to be better lighting assessment viewpoints, compared with locations within towns and villages given the influence of existing lighting.
- Night-time visualisations from a limited number (we suggest two or three) of representative viewpoints. These may be selected on the basis of sensitivity or regular usage during low-light conditions.

The value placed upon dark skies and the impacts arising from aviation warning lighting should also be explored including assessment on the value of dark skies and the impact of the flashing effect that arises, depending on wind direction and viewpoint.

Mitigation measures would need to be explored to minimise any significant effects. The most effective measure is proximity activated lighting, which would mean the lights would only be turned on for a very small proportion of the time. The case-specific permissibility for proximity activated lighting should be discussed with the Civil Aviation Authority (CAA) (contact Andy.Wells@caa.co.uk).

Noting also that wildlife impacts may also arise, and should therefore be addressed, in consideration of aviation lighting as referenced in section 5.3 below.

It is agreed that a Residential Visual Amenity Assessment should be included as a separate report as indicated within the submitted Scoping Report and that such will focus, although not necessarily be confined to, properties within 2 km of the proposed development given the very large scale of the of wind turbines as indicated.

The LVIA must accord with best practice and current guidance at time of application, with the Guidance for Landscape and Visual Impact Assessment (3rd edition) being the current standard and as supported by SNH. Final representative viewpoints (VP's) shall be subject to agreement in advance of preparation of the LVIA. The main sensitive visual and landscape receptors, informed by forecast ZTV, desk-based research, site survey and 3D modelling, shall include, but not be limited to, residential properties and settlements, views from recognised viewpoints, main routes (land & sea), visitor attractions and sites of historic interest. The requirement to consider receptors including sea borne routes owing to regular ferry traffic and cruise ships. Consideration of the likely visual effects of the proposed development on tourism and recreation features and facilities, noting in particular core paths and the cruise ships should also be used to identify suitable VPs.

Given the expectation, not least arising from consideration of the Landscape Capacity Assessment for Wind Energy in Orkney, of significant adverse landscape and visual impacts, the mitigation hierarchy of prevent, reduce and offset should be followed and detailed within the EIA Report.

All viewpoints should be free from any avoidable foreground objects and other obstructions such as fences, walls, gates, roadways, road furniture, parked cars, trees, shrubs or foliage.

5.4. Natural Heritage.

Assess the potential impact of the proposed development on protected areas and species noting SNH response dated 15 May 2019, Council DaMP response received 10 June 2019 and RSPB response dated 24 May 2019. Detailed assessment will be required.

SNH state that the most significant natural heritage interests likely to be affected by the proposal being the grey seal feature of the Faray & Holm of Faray SAC and harbour seal feature of Sanday SAC. The entire Holm of Faray and parts of Faray are designated as a Site of Scientific Interest (SSSI) and Special Area for Conservation (SAC) for grey seal. Both islands support a well-established grey seal breeding colony.

A Habitats Regulations Appraisal will be required for both sites. In line with the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), an assessment should be undertaken of the likely direct and indirect effects of all phases of the proposed development on grey seal and common seal, both during their breeding season and throughout the remainder of the year.

SNH do however expect that adverse effects can be avoided or mitigated and note the important commitment to undertake construction works outwith the grey seal breeding season to avoid adverse effects on Faray and Holm of Faray SAC. Additional consideration will be required on the effects on any harbour seals hauling out on Faray and Holm of Faray should be assessed in the context of the Sanday SAC breeding population. Faray and Holm of Faray are within the 40-50km foraging distance from Sanday and so harbour seals hauling out there may be from the Sanday breeding population. Impacts should also be considered in the context of the

wider Orkney population of harbour seals, which is currently in decline. Consideration will also be required of the differing habit of harbour seals with their breeding season being in the summer and may overlap with the construction period.

It is currently unclear as to the extent of works required to facilitate access to the island. Such works have the potential to cause significant disturbance, especially if any blasting or piling is necessary, all such works would be required to be considered within the EIA Report. Works within the marine environment are likely to require a license from Marine Scotland. SNH provides further information for the nature and extent of seal counts noting that the next SMRU count of breeding grey seal is due to be undertaken at the end of 2019.

A bird species highlighted both within submitted information and by SNH for particular attention is breeding storm petrels with the lack of current survey data requiring to be addressed on Faray and Holm of Faray. In the event that storm petrel breeding colonies are found as a result of bird surveys, you are advised to discuss the matter with SNH particularly with respect to an agreed approach to assessing collision risk given their nocturnal behaviour. Standard methods for collision risk assessment do not apply in such a situation. Furthermore, RSPB Scotland have noted the different monitoring methods for such species.

Given the likelihood of aviation lighting there is a noted evidence that lights may attract birds at night and so increase collision risk. Given the uncertainties, noting potential for adverse effects, the additional risk to birds of any turbine lighting should be assessed as part of the ecological assessment, and again the need for mitigation measures considered. Aviation warning lighting is also a consideration in relation to visual impacts per s.5.3 above.

RSPB Scotland recommends that a full two years of bird surveys are undertaken, rather than a single year, to aid the robustness of bird survey conclusions. Due consideration should also be given to potential connectivity between designated sites including SPAs and pSPAs within 20 km of Faray, particularly with regard to the collision risk impacts on their qualifying features and any in-combination impacts from other relevant developments.

It is agreed that unless potential for bat roosts or hibernacula are found as a result of the proposed extended Phase 1 habitat survey, that bat surveys can be scoped out.

In addition to species associated with the above SPAs, other legally protected bird species in the wider countryside could be affected by the proposed wind farm, both alone and in combination with other plans or projects in the area. For further advice, see SNH guidance on “Assessing significance of impacts from onshore windfarms on birds out with designated areas”, at: Wind farm impacts on birds.

The EIA Report should include details of appropriate mitigation methods for any identified significant impacts on species or protected areas. An appropriate methodology and commitment to monitoring impacts of the proposed development through its operating lifespan would be advantageous.

With regards European Protected Species (EPS) consideration is required for otters. This is confirmed within the submitted Scoping Report which is welcomed. This shall inform otter usage and any species licencing requirements. It is noted that that otter surveys are generally valid for 18 months, however there is an expectation that a follow-up survey, no less than 6 weeks prior to the proposed start date on site would be required to provide up to date information of otter presence. Information on otters and licencing is available at https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/otters-and-licensing

All Cetaceans are EPS with many species known to frequent Orkney waters. Blasting or piling activities in relation to jetty facilities have potential to impact cetaceans. As noted by DaMP in the response of 10 June 2019 this issue should be considered when planning the design and construction of the jetty, and mitigation measures should be identified which would minimise the risk of disturbance. Licences to disturb cetaceans are only granted where there is no satisfactory alternative. Information on cetaceans and licencing is available at https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/dolphins-whales-and-porpoises-and-licensing

Opportunities to incorporate benefits for biodiversity should also be identified and proactively considered for incorporation within the proposed development.

5.5. Telecommunications.

Wind turbines can interfere with telecommunications, radio and television reception and transmission and radar as has been recognised within submitted information. In their letter of 8 May 2019 The Joint Radio Company Ltd. which is a joint venture between the Energy Networks Association (on behalf of the UK Energy Industries) and the National Grid have cleared the proposal with respect to radio link infrastructure operated by The Local Electricity Utility and Scotia Gas Networks. Whilst the indicated risk of interference is low this does not remove the requirement to address any reception issues in the event of negative impacts arising upon operation. Reasonable consideration of potential means of remediation in relation to telecommunications, radio and television reception and transmission and radar should be considered in brief. This matter would typically be subject to appropriate planning condition.

5.6. Water environment.

The EIA Report should include full consideration of impacts upon the water environment upon inception and construction, throughout operational phase and upon cessation of the development detailing, as follows:

a) Map and assessment of all engineering activities in or impacting on the water environment including proposed buffers, details of any flood risk assessment and details of any related CAR applications.

b) Map and assessment of impacts upon Groundwater Dependent Terrestrial Ecosystems and buffers.

c) Map and assessment of impacts upon groundwater abstractions and buffers.

d) Assessment of any peat and if applicable table detailing re-use proposals.

e) Map and site layout of borrow pits.

f) Schedule of mitigation including pollution prevention measures.

g) Borrow Pit Site Management Plan of pollution prevention measures.

h) Map of proposed waste water drainage layout.

i) Map of proposed surface water drainage layout.

j) Map of proposed water abstractions including details of the proposed operating regime.

k) Decommissioning statement.

In its correspondence of 21 May 2019 SEPA makes a number of site-specific comments which should be considered in full and with respect to regulatory requirements. SEPA scoping requirements should also be fully considered and acted upon, noting that the 'forest removal and forest waste' section is not relevant in the context of this site or specific proposal.

5.7. Soils.

The Council's DaMP function, in their response of 10 June 2019 notes that the Soil Survey of Scotland indicates that Faray is underlain by peaty gleys so we would expect any planning application to be accompanied by a peatland management plan which clearly demonstrates how the unnecessary disturbance, degradation and erosion of carbon-rich soils will be avoided and, where this is not possible, minimised and mitigated.

5.8. Historic environment.

Assess the potential for cumulative effects on the setting of historic environment features. Historic Environment Scotland (HES) in its letter of 11 June 2019 expressly notes the potential for significant adverse impacts on heritage assets in terms of their historic environment interests including the Quoy Broch 270m NW of (Scheduled Monument, Index no.1440) located within the development site boundary, as well as other scheduled monuments located on the nearby Isle of Eday. HES state that impacts may raise issues of national interest such that they would object to the proposals. HES are uncertain as to whether such impacts could be mitigated although suggest that changes to the development design, involving layout, number of turbines and turbine heights could be considered to avoid any direct impacts to Quoy Broch and its setting. Impacts on the setting of other nearby heritage assets should also be minimised as much as possible.

There are a number of heritage assets in the vicinity of the development which have the potential to be affected by the proposals. The EIA Report should therefore include a full consideration of impacts on the setting of these heritage assets. This should pay particular attention to the historic environment features identified below.

- Muckle Hill of Linkataing, chambered cairn, homestead and field system (Scheduled Monument, Index no. 1355)
- Carrick House, chambered cairn NW of, Eday (Scheduled Monument, Index no. 1432)
- Vinquoy Hill, chambered cairn, Eday (Scheduled Monument, Index no.1410)
- Huntersquoy, chambered cairn 480m SW of Carrick Farm, Eday (Scheduled Monument, Index no. 1250)
- Carrick Farm, chambered cairn and cairn 500m SSW of (Scheduled Monument, Index no.1251)
- Fold of Setter, enclosure, Eday (Scheduled Monument, Index no. 1441)
- Stone of Setter, Eday (Scheduled Monument, Index No. 4299)
- Mill Hill chambered cairn, Millbounds (Scheduled Monument, Index no.1321)
- Sangar Crofthouse including adjoining threshing barn, windmill tower, kiln and byre, and detached house to southeast, Rapness, Westray (Category A listed Building, LB48010)

The above list is not exhaustive, and it is recommended that within the Zone of Theoretical Visibility (ZTV) analysis should be used as a basis for selecting sites, where significant impacts are considered likely as in the event that the proposed turbines would appear in key views towards or from these sites. Appropriate visualisations including photomontage and wireframe views should be provided where the impacts are likely to be highest. Provision of a large scale ZTV with heritage assets clearly noted are therefore required.

Any cumulative impacts resulting from this development in combination with other existing and proposed wind farm developments within the area identified in the ZTV should also be carefully considered in relation to historic environment features.

The EIA Report should include an assessment of impacts on the historic environment. It is required that this assessment is undertaken by a suitably qualified professional and meets the requirements of Scottish Planning Policy (SPP, 2014), the Historic Environment Policy for Scotland (HEPS, 2019) and associated Managing Change Guidance Notes produced by HES.

In general, the island is relatively poorly understood for historic environment remains of significance at a local or regional level, with no extensive archaeological surveys noted for its historic environment possibly due to its remote nature and lack of recent resident population. However, the preservation of standing building, and archaeological remains in the landscape is considered as good. In their response of 29 May 2019 DaMP state that the EIA Report should include an assessment of the historic environment/archaeology of both Faray and the Holm of Faray up to and

including the 20th Century remains, including the intertidal zone. The assessment should include a walkover survey and desk-based assessment, and this should inform the design layout of the proposal to avoid any direct impact on physical remains of significance. Furthermore, the EIA Report should include a viewshed analysis to identify historic environment assets that may be affected by the proposal and an assessment that considers impacts on the setting of the identified sites. Supplementary Guidance: Historic Environment & Cultural Heritage, April 2017 should be referred to inform such work.

5.9. Pollution prevention.

Demonstrate how the proposals will avoid any adverse impacts upon the environment and include details of pollution prevention principles and mitigation measures for the periods of construction including delivery, operation, maintenance, demolition and restoration of the project, addressing the points raised within the advice from SEPA on 21 May 2019.

5.10. Noise, vibration and air quality.

Given the proposed location on an uninhabited island noise and vibration impacts at a localised level are unlikely to cause significant concern to human receptors. In their response of 21 May, Environmental Health acknowledge and accept the key issues as identified in relation to potential noise and the use of ETSU-R-97 (including Institute of Acoustics GPG/SGN) based methodology and general approach. OIC Environmental Health note that the propagation of noise between turbines and noise sensitive receptors will predominately be over water, as such the developer should have due regard to 'IoA SGN 6: Noise propagation over water for on-shore Wind Turbines'.

Care should be taken to ensure the correct acoustic data for the exact make and model of turbine proposed is used in any acoustic calculations.

Any noise impact assessment report provided with the application should include as a minimum the following information:-

- Make and Model(s) of turbine(s) to be assessed, full acoustic data for each make and model including octave band data.
- Address and locations of each noise sensitive receptor identified.
- Distance between each turbine assessed for noise impact and each noise sensitive receptor.
- The predicted cumulative impact calculated for the proposed turbines, the cumulative impact calculated for any existing (including any approved but not yet developed) turbines and the cumulative impact calculated for all turbines.

Full assessment of the impacts on air quality should be provided within the EIA report which may arise from activities related to the development, in particular stone excavation.

5.11. Roads and traffic.

Full detail of how turbines and construction materials are to be transported to the site including any proposed use of public roads, piers and ferries, including the weight and length of all delivery vehicles and loads, as well as the estimated number of movements is required. This is in addition to full consideration of additional access and roads infrastructure required on Faray inclusive of new jetty and associated landward infrastructure. This information to cover all phases of development from inception and construction though management and maintenance and ultimate site clearance upon cessation. Direct liaison with Roads Services regarding the information that the Roads Authority requires in relation to transportation via public road infrastructure is considered necessary in assessing impacts and proposing an appropriate transport and access strategy to address this element of the EIA Report. Note the response from Roads Services received 21 June 2019. It should also be noted that the Council may require the turbine developer to enter into an agreement pursuant to Section 96 of the Roads (Scotland) Act 1984 (Extraordinary expenses in repairing roads damaged by heavy vehicles etc.).

5.12. Aviation.

Aviation interests, both civil and military, have been consulted. The response from the Defence Infrastructure Organisation (DIO) of 15 May 2019 indicates that the MoD may have concerns about the proposal owing to the potential impact that the development may have upon low flying operations. This should be investigated directly with the DIO, the outcome of which should be fully detailed within the appropriate section of the EIA Report. NATS do not consider the proposal to conflict with their safeguarding criteria as stated in their response received 9 May 2019. The senior pilot Kirkwall, in response of 27 May, states that historically Loganair have operated Westray to Stronsay air services that passed directly over Faray and that their minimum en-route altitude is 350 ft above mean sea level, noting that the proposed turbine height to blade tip is over 500 ft amsl. Appropriate aviation warning lighting is suggested together with comment that operations have been subject to adaptation for previous wind energy developments and that a similar outcome is likely in this case. In conclusion the senior pilot states that the proposed development is likely to have a minimal effect on inter-isles flight services. If the use of visible aviation obstacle lighting is required, this matter should also be considered in relation to visual impacts and potential wildlife impacts.

5.13. Shadow flicker.

The currently uninhabited nature of the island and cited separation distance from nearest proposed wind turbine of the nature and scale indicated suggests that shadow flicker effects are unlikely to be significant. With reference to shadow flicker it is noted that the ten x rotor blade diameter separation distance is cited. Notwithstanding development criterion within Supplementary Guidance quoting this separation distance, as a general point the onus should be on avoiding harm and nuisance, which should be established by exposure thresholds, and not necessarily on limiting the area of assessment. The mitigation hierarchy of prevent, reduce and offset should be followed and detailed within the EIA Report given inhabited properties within 2km of the site.

5.14. Stone.

In the event that sourcing of stone on site via borrow pits is pursued, this would require further assessment for environmental affects arising within the EIA Report with consideration and comparison of environmental impacts accruing between sourcing stone from pre-existing quarries elsewhere in Orkney and the use of on site borrow pits. Impacts accruing from the sourcing of stone from existing quarries should be fully addressed with the impact of such development considering environmental, transport, visual and potential heritage impacts arising. A map and site layout of borrow pits together with borrow pit site management plan of pollution prevention measures will be required. Mitigation measures should be identified to avoid or minimise the potential for adverse impacts. A restoration plan for any such borrow pits should also be prepared.

5.15. Human health.

The consideration of human health assessment within EIA Report should be robust, and also considered in a holistic manner, combining otherwise disparate parts of the EIA Report into focus at a human impact level.

5.16. Socio Economics, Tourism & Recreation

The consequences of the development for the immediate area and the area as a whole are important considerations requiring detailed assessment. The application should be supported by a comprehensive socio-economic impact assessment, which balances any impacts on known constraints with the envisioned positive impacts – as applicable, further information can be found in Supplementary Guidance: Energy, adopted in April 2017 document, paragraphs 1.11 – 2.15. It is helpful that the Scoping Report has identified tourism and recreation as a key element and it is agreed that the enjoyment of coastal scenery, beaches and seaborne tourism is a significant element within the local economy and recreational pursuit for residents.

5.17. Decommissioning and Restoration

The EIA Report should include a programme of works complete with outline plans and specifications for the decommissioning and reinstatement of the site. This should include the initial construction reinstatement and the longer-term reinstatement when the development is to be decommissioned.

6. Mitigation

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

7. Next Steps

It is acknowledged that the EIA process is iterative and should inform the final layout and design of proposed developments. Orkney Island Council notes that further engagement between relevant parties in relation to the refinement of the design of this proposed development will be required and would request that the Council is kept informed of on-going discussions in relation to this.

To facilitate uploading to the planning portal, the EIA Report and its associated documentation, when submitted, should be accompanied with a CD containing the EIA Report and its associated documentation divided into appropriately named separate files of sizes no more than 5 MB. This will also assist consultees.

Applicants are reminded that there will be limited opportunity to materially vary the form and content of the proposed development post submission.

When finalising the EIA Report, applicants are asked to provide a summary in tabular form of where within the EIA Report each of the specific matters raised in this scoping opinion has been addressed.

Notes

Grid connection options may have implications for natural heritage interests, as well as other interests relevant to the EIA Report. Should options be known at the time of submission, those should be included in the EIA Report.

Any planning application for wind energy development is expected to take account of all relevant policies of the Orkney Local Development Plan 2017, and all relevant supplementary guidance, including Supplementary Guidance 'Energy', adopted April 2017, with specific regard to section 4 'Wind Energy'. The supplementary guidance document is accessible at: http://www.orkney.gov.uk/Files/Planning/Development-and-Marine-Planning/Adopted_PPA_and_SG/Guidance_for_the_Plan/Energy_Supplementary_Guidance.pdf

The EIA Report must be prepared by competent experts and contributors, outlining relevant expertise or qualifications of such experts. The detail of which should be included within or accompany the EIA Report.

Please note Scottish Planning Policy:
https://www.gov.scot/Publications/2014/06/5823

This Opinion is hereby adopted under the provisions of Regulation 17(10) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and shall be placed on the register in accordance with Regulation 28.

Date

21 June 2019

Signed

Jamie Macvie, Planning Manager, Development Management

Scoping Opinion sent to:

Development and Infrastructure, Orkney Islands Council, Town House, Stromness, Orkney KW16 3AA

Appendix 1

Consultation Responses.

Scoping Application Consultation

Planning Authority Name	**Orkney Islands Council**
Date of Consultation	**14th May 2019**
Response required by	**4th June 2019**
Planning Authority Reference	**19/174/SCO**
Nature of Proposal (Description)	**Scoping opinion request to erect 8 x 4MW wind turbines (max height 150 metres)**
Site	**Faray, Orkney**
Site Postcode	**N/A**
Site Gazetteer UPRN	
Proposal Location Easting	**353091**
Proposal Location Northing	**1036773**
Area of application site (Metres)	**1712510**
Clarification of Specific Reasons for Consultation	
Development Hierarchy Level	**N/A**
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 19/174/SCO
List of Available Supporting Documentation	**As above URL**
Offline Documents available?	**N/A**
Date of Validation by Planning Authority	**26th April 2019**
Governing Legislation	**THE TOWN AND COUNTRY PLANNING ENVIRONMENTALIMPACT ASSESSMENT (SCOTLAND) REGULATIONS 2017**
Consultation Type	**Scoping**
Consultation Stage	**N/A**
Is this a re-consultation of an existing application?	**No**
EIA Required	**Yes**
EIA Regulations	**Yes**
Use Class (Current)	
Use Class (Proposed)	
Does the application conform with the Structure Plan / Local Plan Land Use	
Additional Comments relating	**N/A**

to Structure Plan / Local Plan Use	
Transport Assessment or Travel Plan	**N/A**
Applicant Name	**Orkney Islands Council**
Applicant Organisation Name	
Applicant Address	**C/o Eibhlin Lee** **Council Offices** **School Place** **Kirkwall** **UK** **KW15 1NY**
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	**N/A**
Agent Email Address	**N/A**
PA Office	**Development Management**
Case Officer	**Mr David Barclay**
Case Officer Phone number	**01856 873535 Ex2502**
Case Officer email address	**david.barclay@orkney.gov.uk**
PA Response To	**planningconsultation@orkney.gov.uk**

Designated sites

The entire Holm of Faray and parts of Faray are designated as a Site of Scientific Interest (SSSI) and Special Area for Conservation (SAC) for grey seal. Both islands support a well-established grey seal breeding colony. Faray and Holm of Faray are also within foraging distance of the Sanday SAC where harbour seal is one of the qualifying features. Harbour seal populations in Orkney are currently in decline. The breeding season for Grey seal extends from 1 October until 31 December, whereas Harbour seals give birth during summer.

Upgrading the existing jetty or constructing a new jetty will be a major element of the project and there is potential for this work to overlap with seal breeding seasons when activities such as blasting or piling would cause significant disturbance to seals. Construction activity within the marine environment is likely to require a licence from Marine Scotland – see https://www2.gov.scot/Resource/0052/00524064.pdf .

In line with the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), an assessment should be undertaken of the likely direct and indirect effects of all phases of the proposed development on grey seal and common seal, both during their breeding season and throughout the remainder of the year.

Several SSSIs and Special Protection Areas (SPA) for birds are located within foraging range of Faray. An assessment should be undertaken of the likely direct and indirect effects of the proposal on the qualifying interests of these sites. Mill Loch SSSI on the neighbouring island of Eday is designated for breeding Red-throated diver and this species may be particularly at risk of collision with rotating turbine blades, as they travel between their nesting sites and feeding areas in the marine environment.

The assessment should address the effects of all stages of the proposal on the bird species of these sites, including collision risk. Vantage Point surveys should be undertaken in line with current guidance which may be accessed from the SNH website at www.nature.scot, and advice should be sought from SNH on the scope and frequency of these surveys, as well as potential vantage point locations.

It should also consider the cumulative impact of the proposal with other wind turbine developments, including any wind energy proposals which are currently in the planning system. Information on the qualifying features of the relevant internationally and nationally designated sites is available from 'SiteLink' which may be accessed from the Scottish Natural Heritage website at https://sitelink.nature.scot/home

European Protected Species

Otters

The proposed development area is on low-lying land adjacent to the coastline which is crossed by drainage ditches. There may be freshwater ponds on site. Otters are therefore likely to be present and these could be affected by the proposal, especially during the construction and decommissioning phases. We note that the Scoping Report confirms that a survey will be undertaken of the development area and surrounding fields, to determine otter usage and any species licencing requirement. Information on otters and licencing is available at https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/otters-and-licensing

Cetaceans

Records held by the Orkney Wildlife Information and Records Centre indicate that cetaceans are frequently present in Orkney waters. If blasting or piling activities prove necessary to upgrade jetty facilities on the island, these have potential to impact on cetaceans. Sudden noises can lead to panic, confusion and temporary disorientation, with potential for strandings to occur and can also cause exclusion from feeding areas. This issue should be considered when planning the design and construction of the jetty, and mitigation measures should be identified which would minimise the risk of disturbance. Licences to disturb cetaceans are only granted where there is no satisfactory alternative. Information on cetaceans and licencing is available at https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/dolphins-whales-and-porpoises-and-licensing

Ornithology

We welcome the commitment to undertake a breeding bird survey which will include a survey of breeding storm petrel, with follow up studies of nocturnal flight activity where necessary.

Wider biodiversity

We also welcome confirmation that an Extended Phase 1 habitat survey will be undertaken, along with an NVC survey if any wetlands and/or habitats of nature conservation significance are identified at the site.

If the excavation of borrow pits on the island is considered, options for these should be fully assessed, along with other elements of the proposed development.

Carbon-rich soils

The Soil Survey of Scotland[1] indicates that Faray is underlain by peaty gleys so we would expect any planning application to be accompanied by a peatland management plan which clearly demonstrates how the unnecessary disturbance, degradation and erosion of carbon-rich soils will be avoided and, where this is not possible, minimised and mitigated.

[1] Soil Survey of Scotland Sheet 1 Orkney & Shetland. The Macaulay Institute for Soil Research, Aberdeen.

RE: 19/174/SCO – Faray, Orkney

This response excludes issues relating to the natural environment, which will follow by separate return from our Environmental Planner.

The Local Development Plan 2017 and associated supplementary guidance contain information that should be considered in the preparation of any development proposal and should inform the content of the associated EIA. The principal point of reference should be Supplementary Guidance: Energy, adopted in April 2017; in particular, the 'Development Criteria for all types of wind energy development' starting on page 18 of the document. The application should be supported by a comprehensive socio-economic impact assessment, which balances any impacts on known constraints with the envisioned positive impacts – further information can be found at paragraphs 1.11 – 2.15 of the document.

Historic Environment
There is only one Scheduled Ancient Monument on Faray/Holm of Faray but the entire island is of historical importance as a landscape, bearing 6000 years of habitation, culminating in abandonment in the mid 20th Century. Due to its recent use primarily as a sheep run, the preservation of standing building, and archaeological remains in the landscape is good. The island has not been subject to any extensive archaeological survey, so few items are currently recorded. In support of the EIA, an assessment should be undertaken of the historic environment/archaeology of both Faray and the Holm of Faray up to and including the 20th Century remains, including the intertidal zone. The assessment should include a walkover survey and desk-based assessment and this should inform the design layout of the proposal to avoid any direct impact on physical remains of significance. Furthermore, the EIA should include a viewshed analysis to identify historic environment assets that may be effected by the proposal and an assessment that considers impacts on the setting of the identified sites. Further information on Cultural Heritage Impact Assessments can be found within the Historic Environment Planning Policy Advice 2017, or by contacting the Development and Marine Planning function at the Council.

Stuart West
Planning Manager (Development and Marine Planning)
Development and Infrastructure
Orkney Islands Council
Council Offices
Kirkwall
KW15 1 NY

19/174/SCO | Scoping opinion request to erect 8 x 4MW wind turbines (max height 150 metres) | Faray, Orkney

Subject to the comments below Environmental Health are satisfied that the Scoping Report has covered all the key issues relating to potential noise impacts from the proposed development, in particular we agree with the proposed ETSU-R-97 (including Institute of Acoustics GPG/SGN) based methodology and general approach. We also agree that, in this particular case, construction noise is unlikely to be a concern and can be scoped out.

Comments.

1. The propagation of noise between turbines and noise sensitive receptors will predominately be over water, the developer should have due regard to *IoA SGN 6: Noise propagation over water for on-shore Wind Turbines*.
2. Orkney Islands Council Environmental Health does not envisage applying any local or special noise-related requirements.

Regards
Paul

Paul Turner
Environmental Health Officer
Development and Infrastructure
Orkney Islands Council
School Place
KIRKWALL
Orkney.
KW15 1NY

Scoping Application Consultation

Planning Authority Name	**Orkney Islands Council**
Date of Consultation	**7th May 2019**
Response required by	**28th May 2019**
Planning Authority Reference	**19/174/SCO**
Nature of Proposal (Description)	**Scoping opinion request to erect 8 x 4MW wind turbines (max height 150 metres)**
Site	**Faray, Orkney**
Site Postcode	**N/A**
Site Gazetteer UPRN	
Proposal Location Easting	**353091**
Proposal Location Northing	**1036773**
Area of application site (Metres)	**1712510**
Clarification of Specific Reasons for Consultation	
Development Hierarchy Level	**N/A**
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 19/174/SCO
List of Available Supporting Documentation	**As above URL**
Offline Documents available?	**N/A**
Date of Validation by Planning Authority	**26th April 2019**
Governing Legislation	**THE TOWN AND COUNTRY PLANNING ENVIRONMENTALIMPACT ASSESSMENT (SCOTLAND) REGULATIONS 2017**
Consultation Type	**Scoping**
Consultation Stage	**N/A**
Is this a re-consultation of an existing application?	**No**
EIA Required	**Yes**
EIA Regulations	**Yes**
Use Class (Current)	
Use Class (Proposed)	
Does the application conform with the Structure Plan / Local Plan Land Use	
Additional Comments relating	**N/A**

to Structure Plan / Local Plan Use	
Transport Assessment or Travel Plan	**N/A**
Applicant Name	**Orkney Islands Council**
Applicant Organisation Name	
Applicant Address	**C/o Eibhlin Lee** **Council Offices** **School Place** **Kirkwall** **UK** **KW15 1NY**
Agent Name	
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Agent Phone Number	**N/A**
Agent Email Address	**N/A**
PA Office	**Development Management**
Case Officer	**Mr David Barclay**
Case Officer Phone number	**01856 873535 Ex2502**
Case Officer email address	**david.barclay@orkney.gov.uk**
PA Response To	**planningconsultation@orkney.gov.uk**

While it is understood that there are no adopted public roads anywhere near the proposed site, there is still a concern with regard to all deliveries to the proposed site. Therefor the applicant must provide full details of all materials, plant and components that be transported to the proposed development site via the public road infrastructure. Consideration must also be give to the effect that the transportation of any materials, plant or components may haver on the public road, as the cost of any repair of any damaged caused as a direct result of the transportation of any materials, plant or components must be funded by the developer.

D.W.

Classification: OFFICIAL

Good morning,

Airfields have no objection.

Regards Mal

Malcolm Parsons MCMI
Airfield Superintendent
Development and Infrastructure, Marine Services, Engineering and Transportation Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 INY

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

Longmore House
Salisbury Place
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EH9 1SH

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

By email to:
planningconsultation@orkney.gov.uk

Orkney Islands Council
Development Management
Council Offices
School Place
Kirkwall
Orkney
KW15 1NY

Our case ID: 300037358
Your ref: 19/174/SCO
11 June 2019

Dear Mr Barclay

Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
Faray Wind Farm, Orkney
EIA Scoping Report

Thank you for your consultation which we received on 07 May 2019 about the above Scoping Report (March 2019). We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

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

Proposed Development
We understand that the proposals comprise the development of 8 wind turbines (with a maximum tip height of 150m) and associated infrastructure on the Island of Faray, Orkney Islands.

Our View on the Principle of the Development
Based on the information provided in the EIA Scoping Report, we consider that there is a potential for significant adverse impacts on heritage assets within our remit. These include the *Quoy Broch 270m NW of (Scheduled Monument, Index no.1440)* located within the development site boundary, as well as other scheduled monuments located on the nearby Isle of Eday. It is our view that these impacts may raise issues of national interest such that we would object to the proposals.
While we are uncertain about whether these effects can be mitigated, you may wish to explore alterations to the development design. This may involve changes to the development layout, number of turbines and turbine heights. In the first instance, it will be important to avoid any direct impacts on Quoy Broch. We would also recommend that consideration is given to minimising impacts on its setting. Impacts on the setting of other nearby heritage assets should also be minimised as much as possible.

We also strongly recommend that further engagement is sought with us should this development progress. In particular, we recommend seeking our involvement as design alternatives are explored. We also request sight of any ZTV analysis, provisional wireframe views and photomontages prior to submission of any planning application and EIA Report for the proposals. Provision of a large scale ZTV with heritage assets clearly marked on it would be particularly useful. We would be happy to meet to discuss the findings of any initial assessment if that would be helpful.

Scope of assessment

As indicated above, the proposed development has the potential to affect heritage assets within our remit located within and outside the development site boundary. Any Environmental Impact Assessment (EIA) undertaken for the proposals should therefore include an assessment of impacts on the historic environment. We recommend that this assessment is undertaken by a suitably qualified professional and meets the requirements of *Scottish Planning Policy* (SPP, 2014), the *Historic Environment Policy for Scotland* (HEPS, 2019) and associated Managing Change Guidance Notes.

Any EIA should pay particular attention to the *Quoy Broch 270m NW of (Scheduled Monument, Index no.1440)* and the potential for impacts on its site and setting. We have provided specific comments regarding this heritage asset in the attached Annex. We also recommend that an assessment should consider the potential for impacts on the setting of heritage assets located on nearby islands. These are likely to include the following heritage assets located on Eday and Rapness. We have provided further comments regarding these heritage assets in the attached Annex.

- *Muckle Hill of Linkataing, chambered cairn, homestead and field system (Scheduled Monument, Index no. 1355)*
- *Carrick House, chambered cairn NW of, Eday (Scheduled Monument, Index no. 1432)*
- *Vinquoy Hill, chambered cairn, Eday (Scheduled Monument, Index no.1410)*
- *Huntersquoy, chambered cairn 480m SW of Carrick Farm, Eday (Scheduled Monument, Index no. 1250)*
- *Carrick Farm, chambered cairn and cairn 500m SSW of (Scheduled Monument, Index no.1251)*
- *Fold of Setter, enclosure, Eday (Scheduled Monument, Index no. 1441)*
- *Stone of Setter, Eday (Scheduled Monument, Index No. 4299)*
- *Mill Hill chambered cairn, Millbounds (Scheduled Monument, Index no.1321)*
- *Sangar Crofthouse including adjoining threshing barn, windmill tower, kiln and byre, and detached house to southeast, Rapness, Westray (Category A listed Building, LB48010)*

This list is not exhaustive and we recommend that ZTV analysis is used to identify heritage assets for assessment. We recommend that this analysis is informed by a large scale ZTV with heritage assets clearly marked on it. We note that the ZTV included within the EIA Scoping Report obscures some heritage assets behind viewpoint locations. We also recommend that consideration is given to the potential for the proposals to appear in views behind any heritage assets not located within the ZTV.

There may, for example, be potential for impacts on the setting of scheduled monuments located on Westray and Papa Westray. We also recommend that any assessment should consider the potential for impacts on the Outstanding Universal Value (OUV) of the *Heart of Neolithic Orkney World Heritage Site (HONO WHS)*.

EIA Scoping Report (March 2019)
We have reviewed the EIA Scoping Report and are broadly content with the assessment methodology proposed. We note that the Category A listed Sangar Crofthouse (LB48010) is not identified as part of the baseline analysis for the proposals, and would recommend that this baseline information is reviewed for accuracy.

Further information
A new Historic Environment Policy for Scotland (HEPS, 2019) was adopted on the 1st May 2019, which replaces the Historic Environment Scotland Policy Statement (HESPS, 2016). The new Historic Environment Policy for Scotland is a strategic policy document for the whole of the historic environment and is underpinned by detailed policy and guidance. This includes our Managing Change in the Historic Environment Guidance Notes. All of these documents are available online at www.historicenvironment.scot/heps.

Practical guidance and information about the EIA process can also be found in the EIA Handbook (2018). This is available online at https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=6ed33b65-9df1-4a2f-acbb-a8e800a592c0

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Alison Baisden and they can be contacted by phone on 0131 668 8575 or by email on Alison.Baisden@hes.scot.

Yours sincerely

Historic Environment Scotland

Annex

- *Quoy Broch 270m NW of (Scheduled Monument, Index no.1440)*

  Although this monument was scheduled in 1936 as a broch, our understanding of the monument has changed. We now interpret this as the remains of a Neolithic Orkney-Cromarty horned chambered cairn. These types of monuments tend to have a passage grave which is aligned in a specific direction which leads to an internal chamber which is separated into compartments. The monument is situated by the shore on the west of the island, and the current character of its surroundings is both coastal and rural in nature, with little vegetation or modern development in the vicinity. It is likely to have been deliberately sited to be visible form the sea and from other islands nearby, particularly from the chambered cairns along their coastlines. The setting of the monument includes the open views both from, and towards the monument, including those from the sea and other islands, the rural and coastal character of its surroundings, and its sense of place.

  We note that the monument is located within the development site boundary. Under the *Ancient Monuments and Archaeological Areas Act 1979* any works within the scheduled area requires Scheduled Monument Consent from Historic Environment Scotland beforehand. It is unlikely that we would grant consent for any works associated with this development so it will be important to avoid any direct impacts on the scheduled monument. This includes all works associated with the development proposal, including turbines, access tracks, borrow pits etc.

  As well as avoiding any direct impacts on the monument, it will be important to consider and assess the impact on its setting using our Managing Change Guidance Note on *Setting (2016)*. Based on the information provided, we have concerns at this stage about the impact on the setting of this monument, especially given that the nearest turbine would be located only 200m away to the south and would be highly visible. Other large-scale turbines would also be in relatively close proximity. At this proximity the turbines are likely to have a significant adverse impact on the monument's setting. We therefore recommend that a provisional wireframe and photomontage is produced showing views both from and towards the monument.

- *Scheduled Monuments located on Eday including; Muckle Hill of Linkataing, chambered cairn, homestead and field system (Scheduled Monument, Index no. 1355), Carrick House, chambered cairn NW of, Eday (Scheduled Monument, Index no. 1432), Vinquoy Hill, chambered cairn, Eday (Scheduled Monument,*

Index no.1410), Huntersquoy, chambered cairn 480m SW of Carrick Farm, Eday (Scheduled Monument, Index no. 1250), Carrick Farm, chambered cairn and cairn 500m SSW of (Scheduled Monument, Index no.1251), Fold of Setter, enclosure, Eday (Scheduled Monument, Index no. 1441), Stone of Setter, Eday (Scheduled Monument, Index No. 4299), Mill Hill chambered cairn, Millbounds (Scheduled Monument, Index no.1321)

These scheduled monuments are all located within approximately 5km of the proposals, and we recommend that impacts on the setting of these monuments are assessed within any EIA undertaken for the proposals. We recommend that the design of the development should be amended where impacts are considered likely.

Of these monuments, we would recommend that particular attention is given to *Muckle Hill of Linkataing, chambered cairn, homestead and field system (Scheduled Monument, Index no. 1355)* and *Carrick House, chambered cairn NW of, Eday (Scheduled Monument, Index no. 1432)*. These monuments have similar coastal and maritime context to the monument at Quoy, and may also have a direct visual relationship with the monument at Quoy. We would therefore recommend that careful consideration is given to the potential for impacts that would reduce the relationship between these monuments and the sea and with Quoy.

- *Sangar Crofthouse including adjoining threshing barn, windmill tower, kiln and byre, and detached house to southeast, Rapness, Westray* (Category A listed building, LB48010)

  Sangar is an exceptionally rare and largely complete 19th century Orkney croft, comprising a crofthouse with an adjoining byre, a threshing barn, a windmill tower and a kiln. These vernacular buildings were once prolific across Orkney, but are now extremely rare. The wind-powered threshing machine is the most complete surviving example of its building type in Scotland.

  Sangar Croft is located on the southern side of Westray, one of the northernmost islands in Orkney. Topographically, it is flat and is largely crop-based farming. The Sangar croft buildings are situated prominently at a crossroads less than 1km from the ferry pier at Rapness. The arrangement of the buildings, and the wider surrounding landscape, remains largely unchanged from that shown on the 1st Edition Ordnance Survey map (surveyed 1879). The level of survival of these croft buildings help us understand about land-use and the development of farming communities in Orkney in the 19th century.

According to the submitted ZTV, the wind farm would be visible from the listed building. We would therefore expect the EIA Report to include an analysis of the impact of the development on the setting of the Croft. We understand that the applicants propose to produce a visualisation illustrating the view from Rapness pier towards the wind farm (VP4), which would assist an assessment of the impact of the development in views from Sangar Crofthouse.

Historic Environment Scotland
11 June 2019

SEPA
Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

Our ref: PCS/165398
Your ref: 19/174/SCO

If telephoning ask for:
Alison Wilson

21 May 2019

David Barclay
Orkney Islands Council
Department of Development Services
Council Offices
School Place
Kirkwall
KW15 1NY

By email only to: planningconsultation@orkney.gov.uk

Dear Mr Barclay

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
Scoping opinion request to erect 8 x 4MW wind turbines (max height 150 metres) Faray, Orkney

Thank you for consulting SEPA on the scoping opinion for the above development proposal by way of your email received on 7 May 2019. We would welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter.

Advice to the planning authority

We consider that the following key issues must be addressed in the Environmental Impact Assessment process. To **avoid delay and potential objection,** the information outlined below and in the attached appendix must be submitted in support of the application:

a) Map and assessment of all engineering activities in or impacting on the water environment including proposed buffers, details of any related CAR applications.

b) Map and assessment of impacts upon Groundwater Dependent Terrestrial Ecosystems and buffers.

c) Map and assessment of impacts upon groundwater abstractions and buffers.

d) Assessment of any peat and if applicable table detailing re-use proposals.

e) Map and site layout of borrow pits.

SEPA Aberdeen Office
Inverdee House, Baxter Street
Torry, Aberdeen AB11 9QA
tel 01224 266600 fax 01224 896657
www.sepa.org.uk • customer enquiries 03000 99 66 99

f) Schedule of mitigation including pollution prevention measures.

g) Borrow Pit Site Management Plan of pollution prevention measures.

h) Map of proposed waste water drainage layout.

i) Map of proposed surface water drainage layout.

j) Map of proposed water abstractions including details of the proposed operating regime.

k) Decommissioning statement.

Further details on these information requirements and the form in which they must be submitted can be found in the attached appendix. We also provide site specific comments in the following section which can help the developer focus the scope of the assessment.

1. Site specific comments

- We welcome that an extended Phase 1 habitat survey will be undertaken and that "If wetlands and/or habitats of nature conservation significance are identified at the site, then those habitats will be subject to a National Vegetation Classification (NVC) survey."
- We note there is a "potential on-site borrow pit(s) dependent on the suitability of site-won materials to provide aggregate for the construction of the development." Please refer to Section 7 of Appendix 1 below for further advice on the information we require in support of this aspect of the proposal.
- We note there are numerous wells on the island but the Scoping Report details that the island is uninhabited with the last resident leaving in the 1940s, however the island is used for sheep grazing. Section 9.2.6 of the Scoping Report references that it is assumed the wells are no longer in use to provide drinking water. This should be confirmed to be the case or the advice in Section 5 of Appendix 1 below followed.
- Provided watercourse crossings are designed to accommodate the 1 in 200 year event and other infrastructure is located well away from watercourses we do not foresee from current information a need for detailed information on flood risk.
- We note the proposal includes a new jetty/landing site for bringing components onto the island. For information, we hold an estimated 1 in 200 year coastal flood level for the area of 3.5m Above Ordnance Datum. This is from the Coastal Flood Boundary dataset and is a still water level with no allowance for wave action or climate change. Any infrastructure required on the coast may need to take this into account depending on the operational requirements of the site.

Regulatory advice for the applicant

2. Regulatory requirements

2.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

2.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

2.3 We note from the Scoping Report that "The site boundary comprises the entire island, extending to approximately 168 hectares". A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25˚

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

2.4 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: Norlantic House, Scotts Road, Hatston, Kirkwall, Orkney, KW15 1GR, Tel: 01856 871080.

If you have any queries relating to this letter, please contact me by telephone on 01224 266656 or email at planningaberdeen@sepa.org.uk.

Yours sincerely

Alison Wilson
Senior Planning Officer
Planning Service

ECopy to: Eibhlin Lee, Orkney Islands Council, eibhlin.lee@orkney.gov.uk
David Barclay, Orkney Islands Council, david.barclay@orkney.gov.uk

Appendix 1: Detailed scoping requirements

This appendix sets out our scoping information requirements. There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site in order **to avoid delay and potential objection**.

If there is a delay between scoping and the submission of the application then please refer to our website for our latest information requirements as they are regularly updated; current best practice must be followed.

We would welcome the opportunity to comment on the draft submission. As we can process files of a maximum size of only 25MB the submission must be divided into appropriately named sections of less than 25MB each.

1. Site layout

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

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

2.1 The site layout must be designed to avoid impacts upon the water environment. Where activities such as watercourse crossings, watercourse diversions or other engineering activities in or impacting on the water environment cannot be avoided then the submission must include justification of this and a map showing:

a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.

b) A minimum buffer of 50m around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works.

c) Detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.

2.2 If water abstractions or dewatering are proposed, a table of volumes and timings of groundwater abstractions and related mitigation measures must be provided.

2.3 Further advice and our best practice guidance are available within the water engineering section of our website. Guidance on the design of water crossings can be found in our Construction of River Crossings Good Practice Guide.

2.4 Refer to Appendix 2 of our Standing Advice for advice on flood risk. Watercourse crossings must be designed to accommodate the 0.5% Annual Exceedance Probability (AEP) flows, or information provided to justify smaller structures. If it is thought that the development

could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment must be submitted in support of the planning application. Our Technical flood risk guidance for stakeholders outlines the information we require to be submitted as part of a Flood Risk Assessment. Please also refer to Controlled Activities Regulations (CAR) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities.

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

3.1 Scottish Planning Policy states (Paragraph 205) that "Where peat and other carbon rich soils are present, applicants must assess the likely effects of development on carbon dioxide (CO_2) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO_2 to the atmosphere. Developments must aim to minimise this release."

3.2 The planning submission must a) demonstrate how the layout has been designed to minimise disturbance of peat and consequential release of CO_2 and b) outline the preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, drainage channels, cable trenches, or the storage and re-use of excavated peat. There is often less environmental impact from localised temporary storage and reuse rather than movement to large central peat storage areas.

3.3 The submission must include:

a) A detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Guidance on Developments on Peatland - Peatland Survey (2017)) with all the built elements (including peat storage areas) overlain to demonstrate how the development avoids areas of deep peat and other sensitive receptors such as Groundwater Dependent Terrestrial Ecosystems.

b) A table which details the quantities of acrotelmic, catotelmic and amorphous peat which will be excavated for each element and where it will be re-used during reinstatement. Details of the proposed widths and depths of peat to be re-used and how it will be kept wet permanently must be included.

3.4 To avoid delay and potential objection proposals must be in accordance with Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste and our Developments on Peat and Off-Site uses of Waste Peat.

3.5 Dependent upon the volumes of peat likely to be encountered and the scale of the development, applicants must consider whether a full Peat Management Plan (as detailed in the above guidance) is required or whether the above information would be best submitted as part of the schedule of mitigation.

3.6 Please note we do not validate carbon balance assessments except where requested to by Scottish Government in exceptional circumstances. Our advice on the minimisation of peat disturbance and peatland restoration may need to be taken into account when you consider such assessments.

4. Disruption to Groundwater Dependent Terrestrial Ecosystems (GWDTE)

4.1 GWDTE are protected under the Water Framework Directive and therefore the layout and design of the development must avoid impact on such areas. The following information must be included in the submission:

a) A map demonstrating that all GWDTE are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the

distances require it.

b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all GWDTE affected.

4.2 Please refer to Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems for further advice and the minimum information we require to be submitted.

5. Existing groundwater abstractions

5.1 Excavations and other construction works can disrupt groundwater flow and impact on existing groundwater abstractions. The submission must include:

a) A map demonstrating that all existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.

b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all existing groundwater abstractions affected.

5.2 Please refer to Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems for further advice on the minimum information we require to be submitted.

6. Forest removal and forest waste

6.1 Key holing must be used wherever possible as large scale felling can result in large amounts of waste material and in a peak release of nutrients which can affect local water quality. The supporting information should refer to the current Forest Plan if one exists and measures should comply with the Plan where possible.

6.2 Clear felling may be acceptable only in cases where planting took place on deep peat and it is proposed through a Habitat Management Plan to reinstate peat-forming habitats. The submission must include:

a) A map demarcating the areas to be subject to different felling techniques.

b) Photography of general timber condition in each of these areas.

c) A table of approximate volumes of timber which will be removed from site and volumes, sizes of chips or brash and depths that will be re-used on site.

d) A plan showing how and where any timber residues will be re-used for ecological benefit within that area, supported by a Habitat Management Plan. Further guidance on this can be found in Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS.

7. Borrow pits

7.1 Scottish Planning Policy states (Paragraph 243) that “Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place.” The submission must provide sufficient information to

address this policy statement.

7.2 In accordance with Paragraphs 52 to 57 of Planning Advice Note 50 Controlling the Environmental Effects of Surface Mineral Workings (PAN 50) a Site Management Plan should be submitted in support of any application. The following information should also be submitted for each borrow pit:

a) A map showing the location, size, depths and dimensions.

b) A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.

c) You need to provide a justification for the proposed location of borrow pits and evidence of the suitability of the material to be excavated for the proposed use, including any risk of pollution caused by degradation of the rock.

d) A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table.

e) A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.

f) A site map showing proposed water abstractions with details of the volumes and timings of abstractions.

g) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas. The drawing notes should include a commitment to check these daily.

h) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Guidance on Developments on Peatland - Peatland Survey (2017)) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO_2.

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

j) Details of how the rock will be processed in order to produce a grade of rock that will not cause siltation problems during its end use on tracks, trenches and other hardstanding.

8. Pollution prevention and environmental management

8.1 One of our key interests in relation to developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration. A schedule of mitigation supported by the above site specific maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils at any one time) and regulatory requirements. They should set out the daily responsibilities of ECOWs, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to Guidance for Pollution Prevention (GPPs).

9. Life extension, repowering and decommissioning

9.1 Proposals for life extension, repowering and/or decommissioning must demonstrate accordance with SEPA Guidance on the life extension and decommissioning of onshore wind farms. Table 1 of the guidance provides a hierarchical framework of environmental impact based upon the principles of sustainable resource use, effective mitigation of environmental risk (including climate change) and optimisation of long term ecological restoration. The submission must demonstrate how the hierarchy of environmental impact has been applied, within the context of latest knowledge and best practice, including justification for not selecting lower impact options when life extension is not proposed.

9.2 The submission needs to demonstrate that there will be no discarding of materials that are likely to be classified as waste as any such proposals would be unacceptable under waste management licensing. Further guidance on this may be found in the document Is it waste - Understanding the definition of waste.

Scottish Natural Heritage
Dualchas Nàdair na h-Alba
All of nature for all of Scotland
Nàdar air fad airson Alba air fad

By email only to planningconsultations@orkney.gov.uk

Date: 15 May 2019
Our ref: CEA155409

For the attention of David Barclay, Case Officer, Development Management

Dear Sir/Madam

SCOPING OPINION REQUEST TO ERECT 8 X 4MW WIND TURBINES ON FARAY, ORKNEY
THE TOWN AND COUNTRY PLANNING ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 2017

Thank you for consulting us on the scope of the Environmental Impact Assessment (EIA) for the proposed Faray wind farm. We are broadly satisfied with proposed scope of the survey and assessment, and provide the following advice.

Seals

The most significant natural heritage interests likely to be affected by the proposal are the grey seal feature of the Faray & Holm of Faray SAC and harbour seal feature of Sanday SAC. A Habitats Regulations Appraisal will be required for both sites https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra, though we do not anticipate any effects on seals that cannot be avoided or mitgated. The commitment to undertake construction work outwith the grey seal breeding season is particularly important in avoiding any adverse effect on Faray & Holm of Faray SAC.

The effects on any harbour seals hauling out on Faray and Holm of Faray should be assessed in the context of the Sanday SAC breeding population. Faray and Holm of Faray are within the 40-50km foraging distance from Sanday and so harbour seals hauling out there may be from the Sanday breeding population. Impacts should also be considered in the context of the wider Orkney population of harbour seals, which is currently in decline. Note that the harbour seal breeding season is in the summer and so may overlap with the construction period.

Details of the plans for the new jetty will be important to consider with respect to impacts on both seal species, especially if any blasting or piling is necessary. Construction activity within the marine environment is likely to require a licence from Marine Scotland (see https://www2.gov.scot/Resource/0052/00524064.pdf page 4 for licensable activities, and guidance page https://www2.gov.scot/Topics/marine/Licensing/marine/guidance).

Seal counts should be conducted during the period of 2 hours either side of low tide. This is standard practice employed by SMRU as the time when seals are most likely to haul out. Counts at any other time will underestimate the seals using the area.

Scottish Natural Heritage, Strathallan House, Castle Business Park, Stirling. FK9 4TZ
Tel: 01786 450362 Fax: 01786 446885 www.snh.gov.uk

Dualchas Nàdair na h-Alba, Taigh Shrath Alain, Pàirc Gnothachais a' Chaisteil, Sruighlea. FK9 4TZ
Fòn: 01786 450362 Facs: 01786 446885 www.snh.gov.uk/gaelic

Care must be taken to avoid disturbing seals by:

- making steady and predictable movements when in sight of seals
- not approaching individuals directly
- being aware of signs of disturbance, i.e. increased awareness of presence (heads up), shifting around and becoming agitated, flushing into the water. If individuals appear disturbed then the surveyors need to move further away.

Supporting seal survey data is available from the Sea Mammal Research Unit (SMRU) who undertake regular seal surveys around the UK (via the Special Committee on Seals (SCOS http://www.smru.st-andrews.ac.uk/research-policy/scos/) see http://www.smru.st-andrews.ac.uk/files/2017/04/SCOS-2016.pdf. The most recent grey seal breeding data for Faray and Holm of Faray SAC is for 2014, as part of the Site Condition Monitoring undertaken by SMRU on our behalf. The next breeding grey seal survey is expected to be undertaken at the end of this year.

Birds

Supporting seabird survey data is available from JNCC's National Seabird Census. Faray and Holm of Faray were last surveyed in 2018 (see count results at http://jncc.defra.gov.uk/smp/sitesBrowser.aspx?siteID=93797). Further details regarding the distribution/breeding locations in 2018 may be available from the national census coordinator Daisy.Burnell@jncc.gov.uk.

We welcome the proposed checks for breeding storm petrels, given the lack of survey data since they were last recorded breeding on Faray and Holm of Faray in 2000. The standard methods for assessing collision risk do not apply to storm petrels because of their nocturnal behaviour, but we would be happy to discuss the need for any further assessment that might be required should storm petrel breeding colonies or other significant activity be recorded.

See additional advice below regarding the potential effect on birds of any lighting that may be required on the turbines for aviation safety.

Turbine lighting

Turbines with a tip height of 150m or taller would require visible lighting for aviation safety, and some turbines of less than 150m may also require lights depending on the proximity to civil and military aviation interests. The requirements are set out in Civil Aviation Authority (CAA) guidance(see http://www.caa.co.uk/Safety-Initiatives-and-Resources/Safety-projects/Windfarms/Windfarms/ and http://publicapps.caa.co.uk/docs/33/CAP764%20Issue6%20FINAL%20Feb.pdf). If the application included turbines requiring lighting, the effect of the lighting would need to be considered as part of the EIA and mitigation measures put in place where necessary.

The requirement for aviation lighting of turbines is a fairly recent issue for wind farms and we have limited understanding of the effects and how to assess them. Nonetheless, the effects of aviation lighting could be significant in some locations. Darkness or dark skies may be valued by people, some of whom may be actively seeking out and enjoying good views of the night sky. A flashing effect can also occur, depending on wind direction, as turbine blades pass in front of the nacelle-mounted lighting. Turbine lighting could therefore adversely affect people's experience and enjoyment of darkness/dark skies and of sunset and sunrise views (noting that turbine lights are switched on before dusk and off after dawn). Turbine lights can be seen over considerable distances, with some clearly visible at 20-30km. However, the extent of the study area should be informed by the Zone of Theoretical Visibility (ZTV) map and an understanding of the nature of the likely effects.

Assessment of the landscape and visual effects of turbine lighting is an evolving practice. We provide some advice in our existing landscape guidance (see paras 2.11-2.13 of our Siting and Design guidance, and paras 174-177 of our Visual Representation guidance https://www.nature.scot/professional-advice/planning-and-development/renewable-energy-development/visual-representation-guidance. In addition we advise that the assessment includes:

- Clear information on the positions and intensity of lighting proposed and, if only certain turbines are to be lit, a plan showing which turbines would be lit.
- Production of a ZTV map which shows the areas from which the nacelle and tower lights may be seen.
- Annotation of the positions of turbine lighting (including intermediate tower lights) on all wirelines from each viewpoint.
- A table similar to below showing the lit turbines visible from each viewpoint

Turbine number (height)	**Viewpoints**			
	VP1	VP2	VP3	etc
T1 (150m)	Xx			Xx
T2 (175m)	Xx			X
T3(150m)	Xx		X	Xx
etc	Xx		X	Xx
Key				
Xx	Lights visible as pair on nacelle and tower			
X	Light visible as single light on nacelle			
	Lights currently screened by forestry			

- Written assessment based on fieldwork for relevant viewpoints, with potential visibility of lighting and where effects may be significant. In a worst case scenario this may involve all LVIA viewpoints, but judgement should be applied to ensure the assessment remains focused on likely significant effects. The assessment should take into account the baseline darkness and artificial lighting characteristics, and people's likely use of different areas during darkness and low light (dusk and dawn) conditions. In some cases, there may be the need to select some of the viewpoints on the basis of the turbine lighting impacts, as opposed to day-time visual effects. Edge of settlement locations are likely to be better lighting assessment viewpoints, compared with locations within towns and villages given the influence of existing lighting.
- Night-time visualisations from a limited number (we suggest two or three) of representative viewpoints. These may be selected on the basis of sensitivity or regular usage during low-light conditions.

Mitigation measures would need to be explored to minimise any significant effects. The most effective measure is proximity activated lighting, which would mean the lights would only be turned on for a very small proportion of the time. The case-specific permissibility for proximity activated lighting should be discussed with the Civil Aviation Authority (CAA) (contact Andy.Wells@caa.co.uk).

Turbine lighting could also have an adverse impact on birds. Our own appraisal of the literature suggests that there is evidence, albeit very limited, that lights may attract birds at night and so increase collision risk. To date there have been no significant fatality events at wind farms relating to lighting that we are aware of, but this could be due to a lack of recording rather than a lack of fatalities. Given the uncertainties, but potential for adverse effects, the additional risk to birds of any turbine lighting should be assessed as part of the ecological assessment, and again the need for mitigation measures considered.

General advice

For general scoping and pre-application advice, please see our advice note at https://www.nature.scot/sites/default/files/2018-02/SNH%20General%20pre-application%20and%20scoping%20advice%20%20to%20developers%20of%20onshore%20wind%20farms.pdf.

If you have any queries about this letter please contact me on 01786 458635 or at the email address below.

Yours faithfully

[By email]

Michael Shepherd
Senior Casework Manager, Supporting Good Development
mike.shepherd@nature.scot

Copy to: Allan Taylor, ITPEnergised; Sweyn Johnston, Orkney Islands Council

9th May 2019

Orkney Islands Council
Council Building School Place
Kirkwall
KW15 1NY

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

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

Dear Local Planner

KW17 Orkney Faray Site At
PLANNING APPLICATION NUMBER: 19/174/SCO
OUR REFERENCE: 776809
PROPOSAL: Scoping opinion request to erect 8 x 4MW wind turbines (max height 150 metres)

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Drinking Water Protected Areas

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

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

  Site Investigation Services (UK) Ltd
  Tel: 0333 123 1223
  Email: sw@sisplan.co.uk
  www.sisplan.co.uk

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk

Yours sincerely

Angela Allison
Angela.Allison@scottishwater.co.uk

Defence Infrastructure Organisation

Teena Oulaghan
Safeguarding Officer
Ministry of Defence
Safeguarding Department
Kingston Road
Sutton Coldfield
West Midlands B75 7RL
United Kingdom

Telephone [MOD]: 07970170934

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

Your Reference: 19/174/SCO

Our Reference: DIO 10045633

Mr David Barclay.
Orkney Islands Council,
Planning Department,
School Place,
Orkney.
KW15 1NY

15th May 2019

Dear Mr Barclay

Please quote in any correspondence: DIO 10045633

Site Name: Faray Wind Farm

Site Address: Faray, Orkney

Thank you for your pro-forma requesting scoping advice from the Ministry of Defence (MOD) regarding your proposed wind energy development.

I am writing to inform you that the MOD may have concerns about the proposal. Our assessment has been carried out on the basis that there will be 8 turbines at 150.00 metres in height from ground level to blade tip and located at the grid references below:

Turbine	Easting	Northing
1	352,843	1037,767
2	353,134	1037,403
3	352,793	1037,086
4	353,240	1036,937
5	353,474	1036,524
6	352,942	1036,299
7	353,360	1036,079
8	352,959	1035,812

Low Flying

Fixed Wing military low flying training takes place throughout the United Kingdom down to a height of 250ft above ground level and in certain designated areas down to a height of 100ft above ground level. A turbine development of the height and at the location you propose may have an impact on low flying operations. We

have produced a map which indicates areas in the UK where the MoD is more likely or less likely to object to wind turbine planning applications on the grounds of interference with low flying operations. The following link will take you to this map, which has been produced only for guidance and does not offer definitive advice on the MODs position

http://webarchive.nationalarchives.gov.uk/20140802171818/https:/restats.decc.gov.uk/cms/aviation-safeguarding-maps/

Regardless of whether we object to your proposal, it is probable the MoD will request the turbines be fitted with MoD accredited visible or infrared aviation safety lighting.

Meteorological Office Radar

The Met Office is now a statutory consultee for planning relating to their technical infrastructure, therefore the MoD has not informed the Met Office of this pre-application. If your development falls within any of the Met Office safeguarded zones you will need to contact the Met Office directly. More information is available on the Met Office website at

http://www.metoffice.gov.uk/learning/library/publications/safeguarding

Please note that DIO staff will not be able to provide any information regarding the operational impact of your development over and above that which is contained in this letter.

Unless directed otherwise, the Ministry of Defence will treat all pre-application information in confidence and the information will only be used or disclosed in accordance with the wishes of the confider.

MOD Safeguarding wishes to be consulted and notified about the progress of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

I hope this adequately explains our position on the matter. Further information about the effects of wind turbines on MOD interests can be obtained from the following website:

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

Yours sincerely

Teena Oulaghan
Safeguarding Officer

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

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

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

Yours Faithfully

NATS Safeguarding

D: 01489 444687
E: natssafeguarding@nats.co.uk

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

Please note our email address is now natssafeguarding@nats.co.uk

giving nature a home
rspb Scotland

Mr David Barclay
Orkney Islands Council
planningconsultation@orkney.gov.uk

24/05/2019

19/174/SCO Scoping opinion request to erect 8 x 4MW wind turbines (max height 150 metres), Faray, Orkney.

Dear Mr Barclay,

Thank you for consulting RSPB Scotland on the scope of the EIA for the above windfarm.

Having examined the scoping report, we wish to reiterate comments made by SNH regarding the welcome inclusion of a survey of breeding storm petrels, with follow-up nocturnal flight activity where necessary. You may find the following links useful for determining monitoring methods for storm petrels: a paper evaluating the use of infrared video http://rdcu.be/xGKt; and a paper on the most recent surveys on Mousa, giving useful details on playback survey methodology http://www.seabirdgroup.org.uk/seabird-30-15.

On the survey effort point, we do not support the proposal to undertake only one years' worth of data collection. A lack of two years' worth of data will serve to increase any uncertainties in the assessment and devalue the robustness of its conclusions.

As stated in the Scoping Report, there are a number of designated sites, including SPAs and pSPAs, within 20 km of Faray. Due consideration should be given to potential connectivity to these sites, particularly with regard to the collision risk impacts on their qualifying features and any in-combination impacts from other relevant developments.

Please don't hesitate to contact me for further advice.

Yours sincerely,

Amanda Biggins
Assistant Conservation Officer.

East Scotland Regional Office
10 Albyn Terrace
Aberdeen
AB10 1YP

Tel 01224 624824
Fax 01767 685571
rspb.org.uk

From: JRC Windfarm Coordinations <windfarms@jrc.co.uk>
Sent: 08 May 2019 13:29
To: planningconsultation <planningconsultation@orkney.gov.uk>
Subject: Scoping Application Consultation 19/174/SCO [WF138612]

-- do not edit anything below this line --

Dear Planningconsultation,

A Windfarms Team member has replied to your coordination request, reference **WF138612** with the following response:

Dear sir/Madam,

***Planning Ref**: 19/174/SCO*

***Name/Location**: Faray, Orkney, Scotland*

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

TURBINE:
Faray T1 hub 90m blades 60m
Grid ref OSGB 352843 1037767

No links affected

TURBINE:
Faray T2 hub 90m blades 60m
Grid ref OSGB 353134 1037403

No links affected

TURBINE:
Faray T3 hub 90m blades 60m
Grid ref OSGB 352793 1037086

No links affected

TURBINE:
Faray T4 hub 90m blades 60m
Grid ref OSGB 353240 1036937

No links affected

TURBINE:
Faray T5 hub 90m blades 60m
Grid ref OSGB 353474 1036524

No links affected

TURBINE:
Faray T6 hub 90m blades 60m
Grid ref OSGB 352942 1036299

No links affected

TURBINE:
Faray T7 hub 90m blades 60m
Grid ref OSGB 353360 1036079

No links affected

TURBINE:
Faray T8 hub 90m blades 60m
Grid ref OSGB 352959 1035812

No links affected

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

The Local Electricity Utility and Scotia Gas Networks

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However,if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently,developers are advised to seek re-coordination prior to considering any design changes.

Regards

Wind Farm Team

The Joint Radio Company Limited
Delta House
175-177 Borough High Street
LONDON
SE1 1HR
United Kingdom

Office: 020 7706 5199

Good afternoon,

This wind turbine development at Faray will be close to the route flown to Eday.

Historically Loganair have operated Westray to Stronsay air services that passed directly over Faray.

Our minimum en route altitude is 350 ft above mean sea level and the proposed turbine height to blade tip is over 500 ft amsl.

It would therefore be prudent to light the turbines with red anti collision warning lights on top of the turbine heads in the same manner as those on Sanday.

As turbines have appeared on Shapinsay, Eday, Westray etc we have adapted our operation to mitigate the risk and will undoubtedly do so again if the Faray development is to proceed. Therefore, we have no objection as there will be minimal effect on the Inter Isles service.

Yours,

Colin McAllister

Kirkwall Senior Pilot,
Loganair