

# Appendix 4.2 – EIA Scoping Opinion

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**The Scottish Government**

**Energy Consents Unit**

**Scoping Opinion of behalf of Scottish Ministers under Part 4 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017**

**Orkney Islands Council**

**HOY WIND FARM**

**August 2018**

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### **Annex A      Consultation List & Responses**

## **1. Introduction**

This Scoping Opinion is issued on behalf of the Scottish Ministers to Orkney Islands Council (“the Applicant”) in response to its request dated 27 April 2018 for a Scoping Opinion under The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, relating to the proposed Hoy Wind Farm. The request was accompanied by a scoping report.

### Hoy Wind Farm proposal (‘the proposed development’)

The proposed development would be located in the south-east of the island of Hoy within the Orkney Islands.

The relevant planning authority will be Orkney Islands Council.

The proposed development comprises of up to 30 wind turbines with a blade to tip height of 125 m.

In addition to the wind turbines there will be ancillary infrastructure including:

- turbine foundations;
- crane hard-standings;
- site entrances and access tracks;
- on-site access tracks between turbines;
- underground cabling between turbines;
- on-site substation and maintenance building;
- temporary construction compound; and
- permanent meteorological mast.

## **2. The Scoping Opinion**

This Scoping Opinion has been adopted following consultation with Orkney Islands Council, within whose area the proposed development would be situated. Scottish Natural Heritage, the Scottish Environment Protection Agency and Historic Environment Scotland, were all consulted as statutory consultation bodies along with other bodies which the Scottish Ministers consider likely to have an interest in the proposed development by reason of their specific environmental responsibilities or local and regional competencies. A list of the bodies consulted and their responses (where a response was received) can be found at Annex A to this opinion.

The Scottish Ministers adopt this Scoping Opinion having taken into account the information provided by the Applicant in its request dated 27 April 2018 in respect of the specific characteristics of the proposed development and representations received in response to the consultation undertaken.

In providing this Scoping Opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have 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 the Scottish Ministers does not preclude the Scottish Ministers from requiring of the Applicant information in connection with any Environmental Impact Assessment (EIA) report submitted in connection with its application for section 36 consent for the Hoy Wind Farm. This Scoping Opinion will not prevent the Scottish Ministers from seeking additional information at application stage.

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

### **3. Consultation**

Prior to the scoping report being sent out for consultation, a list of consultees was agreed by the Applicant and the Energy Consents Unit. For a list of respondents and copies of their responses, see **Annex A**. 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, the Scottish Ministers expect the EIA report to include all matters raised by the consultees.**

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

With regards to those consultees who did not respond, it is assumed that they have no comment to make on the scoping report.

### **4. Site specific issues of interest to the Scottish Ministers**

In addition to specific comments below, the Scottish Ministers expect the EIA report which will accompany any application for the proposed development to include full details showing that **all the advice, guidance, concerns and requirements raised by each consultee** in the correspondence attached at **Annex A** to this opinion, have been addressed.

In its consultation response, the Planning Authority requested that the measurable social benefits of the proposal are fully conversed in the environmental impact assessment. Consideration should also be made of visual implications arising from aviation lighting on the proposed turbines. The Planning Authority stated that an appropriate level of study for the presence of bats and any mitigation measures arising therefrom to avoid or minimise adverse effects is advised and that bat surveys cannot be scoped out.

The Planning Authority also stated that because the Island of Hoy is under-studied in

respect of archaeology, several new sites having emerged in recent years, it is therefore recommended that a Desk based assessment is followed by an intensive field examination of the application site to reduce any archaeological related risk. The Planning Authority further stated that this must include a walk-over survey, and if appropriate, include a geophysics study or other non-intrusive studies.

The Planning Authority also stated that whilst no major watercourses occur on site, the presence of brown trout and/or migratory sea trout in the Burn of Ore and the nearby Burn of Heldale should be addressed with appropriate assessment of the effects the proposed development may have.

A number of consultees have highlighted that the proposed development may have an adverse impact on the wild land and should undergo a wild land assessment, guided by Scottish Natural Heritage. Several of the proposed turbines lie within the Hoy Wild Land Area (WLA) and other turbines are close to the WLA boundary. The assessment will be required to investigate the effects of the proposed development on the Special Qualities of the WLA.

In their consultation responses SNH highlighted that the site of the proposed development borders the Hoy Special Area of Conservation (SAC), the key requirement is the assessment of any indirect impacts on qualifying habitats of the SAC due to the disruption of hydrological processes within the development site.

SNH stated that the site of the proposed development lies 4.3 km from a National Scenic Area (NSA) boundary. An assessment will be required of the effects of the proposal on the Special Landscape Qualities (SLQs) of the NSA.

SEPA requested that the key Issues for consideration in the EIA at Section 6.7 is amended to include other impacts on the water environment (surface or groundwater) such as changes to flow regime, abstraction or loss of hydrological connectivity and effects on peat.

Transport Scotland identified that there is no indication as to the origin of components, or whether they will travel via the trunk road network on the mainland. Transport Scotland have requested that if the turbine delivery route does involve the trunk road network, an Abnormal Load Route Assessment be carried out for all trunk road sections of the delivery route.

Historic Environment Scotland (HES) strongly recommends that the Applicant take full account of the information in the Supplementary Planning Guidance for the Heart of Neolithic Orkney World Heritage Site (WHS).

RSPB Scotland stressed that Scottish Planning Policy states that planning authorities should afford the same level of protection to proposed Special Protection Areas (SPA) as they do to sites which have been designated. The site should therefore be included in the list of designated sites identified by the Applicant.

The Mountaineering Council has requested that the Ward Hill viewpoint is included in the EIA.

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

## **5. Mitigation Measures**

The Scottish Ministers are required to make a reasoned conclusion on the significant effects of the proposed development on the environment as identified in the 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.

## **6. Process Going Forward**

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

*To facilitate uploading to the Energy Consents 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 10 MB. This will also assist SNH and other consultees.*

All Applicants are encouraged to engage with officials at the Scottish Government's Energy Consents Unit before proposals reach design freeze. This will afford an opportunity for additional comments to be provided on the final proposals at pre-application stage.

**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.



## **ANNEX A**

### **CONSULTATION RESPONSES**

#### ***Consultee***

Aberdeen Airport  
British Horse Society  
BT  
Crown Estate  
Defence Infrastructure Organisation  
Forestry Commission Scotland  
Graemsay, Hoy & Walls Community Council  
Highlands & Islands Airport  
Historic Environment Scotland  
John Muir Trust  
Joint Radio Company  
Marine Scotland Science  
Mountaineering Scotland  
NATS Safeguarding  
Orkney Ferries  
Orkney Heritage Society  
Orkney Islands Council  
RSPB Scotland  
Scotways  
Scottish Environment Protection Agency  
Scottish Natural Heritage  
The Highland Council  
Transport Scotland  
Visit Scotland

**From:** [#ABZ Safeguarding](#)  
**To:** [Park C \(Christopher\)](#)  
**Subject:** RE: Scoping Opinion - Hoy Wind Farm, Hoy, Orkney Islands  
**Date:** 03 May 2018 09:56:29  
**Attachments:** [image001.png](#)

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This proposal is located outwith our consultation zone. We therefore have no comment to make and need not be consulted further

Regards

Kirsteen

**Kirsteen MacDonald**  
Safeguarding Manager



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Directorate for Energy and Climate Change  
Scottish Government  
4<sup>th</sup> Floor  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

By email to:

[Econsents\\_Admin@gov.scot](mailto:Econsents_Admin@gov.scot)

**Redacted** [\\_\\_\\_orkney.gov.uk](mailto:___orkney.gov.uk)

24 May 2018

FAO Chris Park

Dear Sir

**ELECTRICITY ACT 1989  
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)  
REGULATIONS 2017  
SCOPING OPINION REQUEST FOR PROPOSED SECTION 36 APPLICATION HOY WIND  
FARM, WHICH LIES ON THE SOUTH-EAST OF THE ISLAND OF HOY WITHIN THE  
ORKNEY ISLANDS**

I refer to the above scoping opinion request for the proposed Section 36 Application for Hoy Wind Farm, Orkney.

It is noted that the site lies on the south-east of the Island of Hoy within the Orkney Islands. The site comprises moorland with coastal pastures in the east and south. Habitats of a similar nature to the site are present north of the site, with glaciated hill and valleys in a small section in the northwest of the island.

The Proposed Development would consist of up to 30 wind turbines that would have a blade tip height in the order of 125 metres. The turbine co-ordinates of the indicative layout are presented in Appendix A and the layout shown in Figure 2. It is noted that the design process of the proposed development is in its early stages and only preliminary environmental assessments have been undertaken to date. For this reason, the applicant cannot be definitive regarding the turbine dimensions and the installed capacity of the proposed development. It is also noted that the associated infrastructure will include: site access, access tracks, crane hardstandings, underground cabling, on-site substation and maintenance building, temporary construction

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compound, potential excavations/borrow workings and at least one permanent meteorological mast.

In terms of PAN 1/2013 (updated 2017), the aim of such a scoping exercise is to assist the developer to identify the key environmental issues surrounding this proposal, which would be further addressed in the Environmental Statement as the project progresses.

The British Horse Society (BHS) is always pleased to be consulted on transport, planning and development matters and where possible or necessary we are able to engage local riders to get a locally based response. Thank you very much for consulting with us, horses are important and good for people so their safety and capacity to access safe off road hacking is a key consideration in terms of their welfare and the wellbeing of their riders and those who look after them.

A project, like the one you are carrying out is an excellent opportunity to improve connections in a community and hopefully resolve any problems in terms of countryside access, transport and travel.

The BHS is here to help, so please do not consider this response the final word, we hope to work with you on an on-going basis to ensure horses and horse riders get as good a deal as they can out of any proposed improvements, so please do not hesitate to contact us in the future.

I have consulted our Local BHS Representative on Orkney about this proposal. The turbines are not considered to impact on horses or riders as they are well used to living and riding past and below large turbines. However, I would be keen for BHS Scotland and the Local BHS Representative on Orkney to be actively involved during the planning process.

The Environmental Statement should adhere to Section 7 of the publication "*Good Practice during wind farm construction 2010*" and together with addressing the impact on outdoor access, mitigation/enhancement measures should be identified. The Environmental Statement should include a Public Access Plan to demonstrate how the applicant/developer intends to manage walkers, cyclists and horse riders exercising rights in the vicinity of the wind turbines. The Scoping Opinion should confirm the requirements to address this matter including identification of all required/proposed mitigation measures to address impacts on routes, and identify opportunities to extend and enhance public access/path networks both within and to/from the site and any nearby path network. Details of all required/proposed alterations to existing and provision of new path routes should be included within the formal submission.

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## The Importance of Off Road Riding

Scotland's equestrian industry is important with the horse being a major rural economic driver, recent joint research between SRUC and BHS showed:

Current trends in the sector point to a continued increase in horse numbers and riding activity in all geographical areas of Scotland and across a wide cross section of society. The expenditure on direct upkeep averages £3,105 per horse per annum.

This report also showed:

A concern for all riders, including tourists, is diminishing access to safe off-road riding. Most riding accidents happen on minor roads in the countryside. With increasing numbers of horses and riders requiring access to the countryside, more formal access to off-road riding will be a priority in areas considered of higher risk.

The full report can be accessed at:

[http://www.sruc.ac.uk/downloads/file/2391/2015\\_scoping\\_study\\_on\\_the\\_equine\\_industry\\_in\\_scotland](http://www.sruc.ac.uk/downloads/file/2391/2015_scoping_study_on_the_equine_industry_in_scotland)

Scotland has a duty to get horse riders off busy roads; few riders access busy roads by choice (and the horse has as much right to be on the public highway as cars, bikes and pedestrians) - but they often have no choice as that is the only way they can access their safe off road hacking.

I can also refer you to:

<http://www.rospa.com/road-safety/advice/horse-riders>

Equestrian road users are vulnerable - that means they are more likely to be involved in a road accident and also more likely to suffer the worst consequences.

Horses and their riders (as well as carriage drivers) are vulnerable on the road network. A collision between a horse and a vehicle can have life threatening consequences for the horse, rider and those in a vehicle. There is evidence to suggest that the number of road traffic collisions involving horses is underreported in casualty data.

Horse riding is more prevalent (particularly on roads) in certain parts of the country. Rural areas have larger numbers of horse riders, who make a significant contribution to the rural economy. Yet according to Road Safety Scotland 70% of road accidents happen on country roads.

(<http://dontriskit.info/country-roads/view-the-campaign>)

The BHS expects developers to work with representatives of the local horse riding community to understand their road safety and countryside access concerns and facilitate engagement with

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other partners and consider whether any road safety interventions should be introduced, where there are significant numbers of horse riders and/or road traffic collisions involving horses.

Under the Land Reform (Scotland) Act 2003, horse-riders and carriage drivers enjoy a right of access to most land in Scotland, provided that they behave responsibly. Land managers in turn are obliged to respect equestrian access rights and take proper account of the right of responsible access in managing their land. The Scottish Outdoor Access Code gives guidance on how the requirements to behave responsibly can be met. Please refer to:

[www.outdooraccess-scotland.com](http://www.outdooraccess-scotland.com)

This access legislation, which is over a decade old now gives horse riders the same rights of responsible access as walkers and cyclists. It is vital that any off road tracks or non-motorised user's tracks or paths are multi-use catering for all including horse riders and carriage drivers.

### **Active Travel and Suitable infrastructure**

Whilst the active travel movement does not consider equestrian travel to be a form of active travel there are many people for whom riding is an attractive mode of travel whether that be for travel purposes or leisure purposes, and the delivery of Active Travel should not discourage this, just as it should not discourage the use of micro-scooters, roller blades, skateboards and other similar modes of travel. In urban areas, many riding horses are kept within the 10 mile journey distance and they must not be disadvantaged by new facilities that may be put in place for the cyclists. Level crossings which are currently used by equestrians should not be replaced by alternatives which would preclude the use by equestrians, for example, a footbridge. Similarly, other infrastructure like gates, bridges, cattle grids and slippery surfaces should all be installed with equestrians in mind. Access control must always be the least restrictive option.

The British Horse Society (BHS) represents the interests of the 3.4 million people in the UK who ride or who drive horse-drawn vehicles. With the membership of its Affiliated Riding Clubs and Bridleway Groups, the BHS is the largest and most influential equestrian charity in the UK. The BHS is committed to promoting the interests of all equestrians and the welfare of horses and ponies through education and training.

Please see attached an information sheet on equestrian access.

I trust that the above information is of assistance.

**JULIE HANNA  
SCOTTISH REGIONAL MANAGER  
THE BRITISH HORSE SOCIETY**

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# Information Sheet 11

## Equestrian Access

The aim of this Information Sheet is to convey the general principles relating to equestrian access.

### Introduction

Many people involved in the design and management of outdoor access feel they lack the required knowledge or confidence to deal adequately with equestrian access.

Riders are no different to walkers and cyclists. They vary considerably in their interests, needs and preferences. As with other users, the access provider should aim to provide a variety of routes, surfaces and experiences, and to take into account the needs, aspirations and constraints of all users.

There is no substitute for first-hand experience – by far the best way of appreciating the needs of horses and riders is to try for yourself from the saddle. Local riding schools, horse access groups or BHS volunteers will usually arrange for access providers to get on a horse and experience for themselves the thrills and frustrations of equestrian access. Remember that local riders and horse-owners will often be willing to help plan and implement routes.

### Understanding horses, riders and their needs

The average weight of a horse is 500kg, and average size of a horse's hoof varies from 110mm to 250mm diameter. Depending on pace, only two hooves may be in ground contact simultaneously, hence a considerable weight is concentrated on a very small area. Because of this, one of the greatest risks for horses is boggy ground where they may get stuck and holes in which they may strain or break a leg. Either can have fatal consequences.

Minimum height of a mounted rider is 2.55m above ground level. Overhanging branches and any other obstructions should be cleared to a minimum of 3m

(preferably 3.7m) on all riding routes. Horses require a minimum 2.9m diameter turning space. It is particularly important to 'design in' this space by the sides of gates. At gated junctions between paths and vehicular roads, always ensure the gate is set well back to give sufficient manoeuvring space away from the carriageway.

Adequate turning space and safe loading/unloading areas are essential where parking is provided





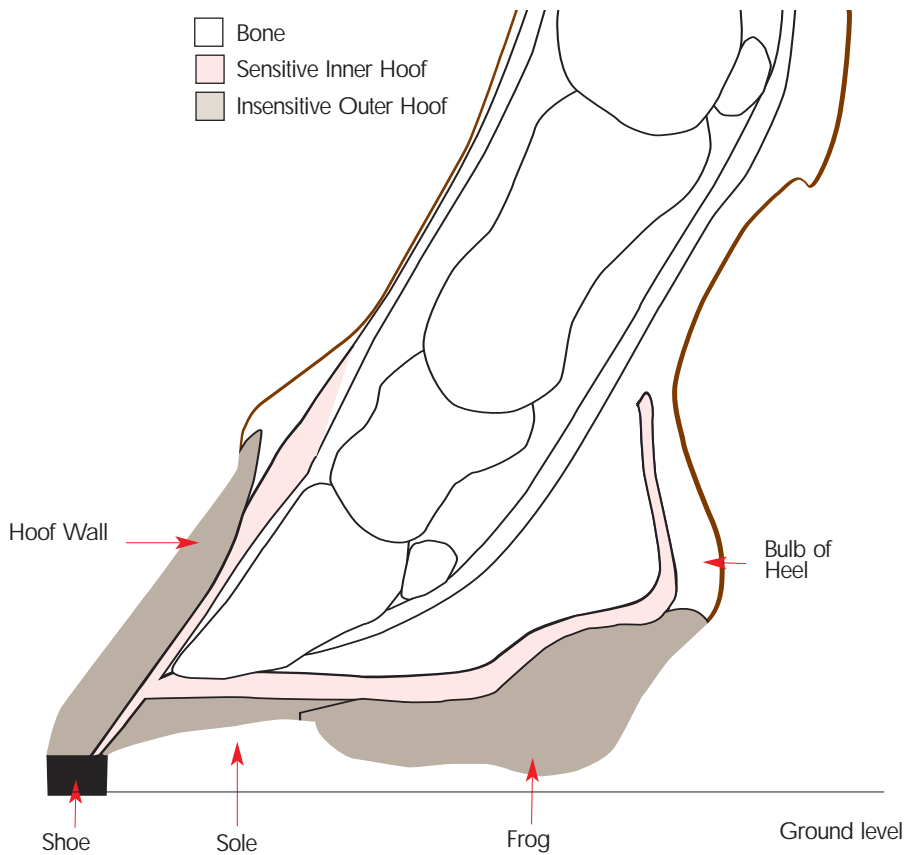
## Paths from a horse's perspective

for horse boxes/trailers.

A simple knowledge of the anatomy of the horse's feet and legs provides an insight into the implications of path surfacing. The horse's foot comprises an insensitive outer layer of horny tissue, which surrounds and

### Structure of the horse's hoof

Cross section through hoof showing sensitive and insensitive areas





# Information Sheet 11

## Paths from a horse's perspective cont.

protects sensitive inner structures.

The unshod surface of the hoof comprises the sole, the hoof wall, and the central "frog", which helps absorb concussion and pump blood through the hoof.

The sole is derived from the very sensitive membrane that covers the pedal bone, and although it may appear hard, it is in fact relatively thin and easily bruised.

Most horses in regular work are shod with metal shoes, which are designed to protect the hoof wall (the main bearing surface) from excessive wear,

## Path surfaces

and to evenly spread the load of horse and rider around the hoof wall.

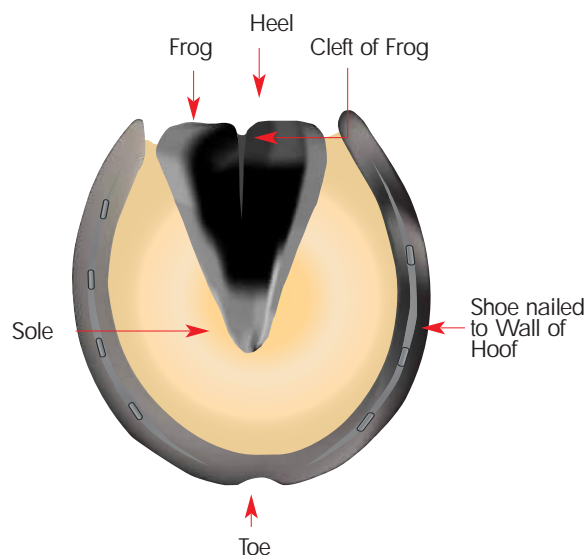
On flat, compacted surfaces, the naturally arched sole will not come into contact with the path.

However, on unconsolidated surfaces, sharp stones may

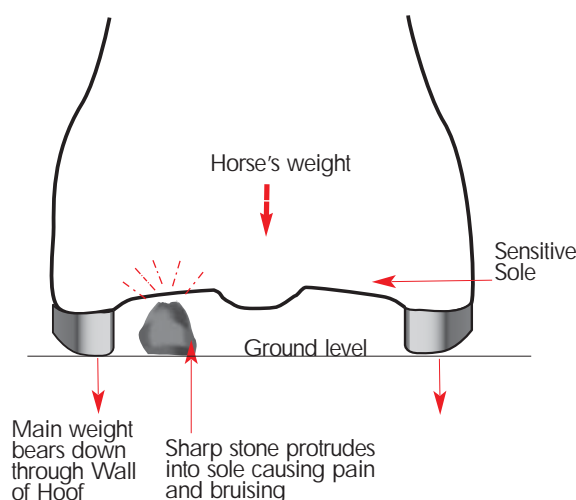
protrude into and bruise the sole, causing lameness. Similarly loose stones, even small pea gravel, may become wedged in the hoof, exerting painful pressure on the underlying tissues each time the horse bears weight on the hoof. Infection and swelling within the hoof resulting from stone punctures can cause serious problems.

The level of concussion to both the hoof and horse's legs increases with the hardness of the surface, and with the speed at which the horse is moving. Trotting or cantering on tarmac or hard tracks will soon lame a horse by placing strain on the legs, potentially resulting in permanent impairment. Grass tracks, which provide ideal fast going for much of the year, can bake sufficiently hard in dry weather to restrict horses to a walk.

## Underside of the hoof



## Cross section through hoof showing potential pressure and damage from sharp stones



### Paths from a rider's perspective

Depending on time of year and ground conditions, every surface can present problems or opportunities.

The basic functions of path surfacing for horses are the same as those for any other users: to facilitate travel, to protect the site and to contribute to the user's enjoyment while travelling.

Paths should be safe by being relatively non-slip and with a firm base.

Paths should have a comfortable surface for the horse, which avoids the risk of bruising the sole of the hoof.

Paths should offer scope for a range of pace. Some riders may only want to walk (e.g. inexperienced riders or unfit horses). Most riders, however, look for the opportunity to trot, canter and occasionally gallop. Hard surfacing to improve the surface for

other users, or to restrict the pace of horses, may prompt riders to look for alternative paths in the vicinity for faster riding.

The most popular types of paths for horse-riders, in descending order of preference, are as follows:

- Short, firm, well-drained turf.
- Vegetated paths on firm base such as grassed over forest roads or disused railway tracks stripped of ballast to expose consolidated ash solum.
- Paths where the natural vegetation is protected or reinforced by some type of surfacing.
- Constructed paths with firm, non-slip surface.

### Acknowledgement and Further Information

This Information Sheet is based on a detailed, technical Factsheet covering path construction and surfacing; gates; and bridges, water and road crossings prepared by the British Horse Society in conjunction with the Paths for All Partnership and Scottish Natural Heritage. It is available from the British Horse Society, the Paths for All Partnership's web site or from its office in Alloa.

