

Appendix 4.4 – Additional EIA Consultee Responses

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Executive Summary

Following receipt of the EIA Scoping Opinion the Applicant has continued to consult with key statutory and non-statutory consultees on the Proposed Development and the EIA. This Appendix provides a summary of that consultation with further details provided within the relevant technical chapters.

Table 1 – Summary of EIA Consultation

Technical Discipline	Consultee	Consultation	Response in EIA Report
Landscape and Visual	Orkney Islands Council 09/03/20	“It is noted that the proposed viewpoints selected when the applicant pursued a scoping opinion has been altered to include Point. No. 12 Spur Ness, Sanday and VP. No.13 B9068 North Bay, Sanday. It does not appear that any of the other identified sites have been altered or subject to reconsideration, excepting the possible deletion of VP. 6 Noltland Castle and 7 (Broughtown, Sanday). It is also noted that no information in relation to LVIA in consideration of cumulative impacts of wind energy developments has been provided at this stage for further comment”.	Viewpoint selection has been carefully considered in respect of ensuring the cumulative context is well represented.
		“I would note that that grid references are approximate and great care should be taken to ensure that the selected viewpoints, subject to ground truthing can be achieved in full accordance with the SNH guidance on ‘Visual Representation of Wind Farms’. It is noted that the originally suggested viewpoints remain as being pursued by the applicant, potentially at variance to the Scoping Advice provided previously by the Planning Authority. It is however welcomed that additional VP’s are under consideration and that a potentially significant number of additional VP’s and wireframes from a Historic Environment perspective are to be pursued”.	No location specific advice was presented in the OIC Scoping Opinion. The exact location of each viewpoint has been considered on site to ensure the optimum ‘worst case scenario’ is represented. Additional viewpoints have been included on Faray and from other Cultural Heritage interests on Eday and Westray (refer to Chapter 10 Cultural Heritage).
	Orkney Islands Council 11/11/20	The viewpoint list was discussed in a presentation to OIC Development Management.	No issues were raised. Viewpoints have been considered within Chapter 6 of the EIA Report.
Ornithology	NatureScot 20/12/19	NS phone conversation and email confirmation from Senior Casework Manager: Following on going consultation and the provision of all of the first year’s survey results NS were asked for clarification on whether it was considered necessary to undertake further survey for the site. Following discussions on the first year of survey results it was agreed that there was “no need for a	A second year of storm petrel breeding survey and storm petrel activity surveys was completed, but in order to allow for comparison the call-back survey in 2020 was completed using a standardised playback storm petrel

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		<p>second year of VP surveys, breeding seabird (except potentially storm petrel) and breeding bird walkover surveys.”</p> <p>NS responded: <i>“Yes, that’s right. Though the gaps in storm petrel data include potential deficiencies in the VP survey as well the breeding survey.”</i></p>	<p>call that was used during storm petrel breeding surveys on Mousa, Shetland.</p> <p>Refer to Chapter 7 of the EIA Report for more details.</p>
Ecology	SEPA 11/08/20	<p>Provided a standard guidance note, which includes:</p> <ul style="list-style-type: none"> ▪ A requirement to ensure protection of any GWDTEs within the development area; and ▪ Pollution prevention and environmental management to be included in the mitigation measures. 	<p>GWDTE presence has been considered within Section Error! Reference source not found. and 8.9 of Chapter 8 and Chapter 11 of the EIA Report.</p> <p>Pollution prevention is included within the standard mitigation (refer to Section 8.9 of Chapter 8).</p>
Noise	Orkney Islands Council 02/03/20	<p>OIC consulted on noise baseline survey locations and set out proposed approach.</p> <p><i>Response:</i></p> <p>Noted that baseline measurements on Westray may not be required if predicted levels below 35 dB at receptor locations.</p> <p>Accepted proposed monitoring locations and specified that two rain gauges would be required, given the geographical separation of monitoring positions on Eday and Westray.</p> <p>Noted other potential noise sources on Eday which should be considered when reporting baseline conditions.</p>	Comments noted and accepted.
	Orkney Islands Council 07/08/20	<p>Proposed revised baseline survey locations following response from residents to requests to site monitoring equipment on Eday, scoped out monitoring on Westray and set out proposed approach to treatment of baseline data</p> <p><i>Response:</i></p> <p>Accepted monitoring locations and outline approach</p>	Comments noted and accepted.

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	Orkney Islands Council 25/09/20	Proposed construction hours of 07:00 – 20:00, 7 days a week. Response: Given the unique location and probability that weather could have a major impact on scheduling deliveries to site I have no objection in principle to an application for 7 day a week working.	Refer to Chapters 3 and 9 of the EIA Report.
	Orkney Islands Council 31/03/21	Agreed approach to derivation of noise limits is acceptable/appropriate – caveated that detailed checking of the arithmetic not yet completed.	Comments noted and accepted.
Cultural Heritage	Orkney County Archaeologist 07/10/19	AOC attended a meeting with the Orkney County Archaeologist on the 7 th of October 2019. Faray is relatively poorly understood in terms of archaeological remains. The current layout avoids known remains but there are likely to be well preserved buried remains across island. Given the clear potential for further remains to be present the Orkney County Archaeologist stated that she would wish to see a structured programme of mitigation that would include geophysics. The geophysics would be followed by trial trench evaluations and if necessary, mitigation excavations and would be in accordance with a Written Scheme of Investigation (WSI) which would contain a clear method statement for post-excavation analysis and reporting.	Walkover survey and detailed map regression has been undertaken and 75 previously unrecorded assets identified. Layout avoids these where possible. The potential for previously unrecorded remains to be present on the site is also acknowledged and a detailed mitigation strategy, which would include geophysics, trial trenching and, if needs be, further investigations is included in Section 10.8 of Chapter 10.
	Orkney County Archaeologist 28/02/2020	AOC consulted the Orkney County Archaeologist in February 2020 with regards to proposed visualisations. Additional visualisations were requested from St Magnus Church, Egilsay and approaches from the ferry. The list of proposed visualisations was agreed.	Additional wirelines showing view of the Proposed Development from these locations are included (Figures 10.24 and 10.25) and discussed in detail in Appendix 10.2.

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	Historic Environment Scotland (HES) 11/11/19	HES agreed a list of proposed visualisations on 11th November 2019 and confirmed they had no further advice to add at this stage.	Refer to Chapter 10.
	HES 30/10/19	HES wrote to the Applicant to notify them of their intention to amend the existing entry in the schedule of monuments for 'Quoy, broch 270m NW of' to 'Chambered cairn, 280m NW of Quoy, Faray'.	It is agreed that the monument north-west of Quoy is a chambered cairn and not a broch and the monument is referred to as a chambered cairn throughout the assessment (see Chapter 10).
	HES 02/03/20	Response to letter to consultees detailing the marine licensable activities (provided in Appendix 4.7). HES advised <i>"Having reviewed the consultation documents, it appears unlikely at this stage that the proposal would have significant impacts on sites within our remit."</i>	Marine archaeology scoped out of EIA.
	HES 12/03/20	<p>Following issue of draft wireline visualisations, and subsequent clarification by AOC that locations of draft viewpoints at Doggerboat showed views of the turbines in all directions and a query as to HES's preferred location for a visualisation which showed views towards the Quay Chambered Cairn HES advised that visualisations should be produced to demonstrate the worst-case scenario i.e. the most adverse potential impact. The locations of other visualisations were agreed</p> <p>HES also noted that they remained of the view that the Proposed Development would raise such issues of national interest that they would likely object to the proposals. Of particular concern is the potential significant adverse impact on the setting of Chambered cairn, 280m NW of Quoy, Faray (SM 1440).</p>	<p>Photomontage visualisation (Figure 10.13) accordingly situated at Doggerboat to demonstrate the worst-case scenario.</p> <p>The Proposed Development has been designed to maximise space between the chambered cairn, 280m NW of Quoy, Faray and a buffer of 500 m has</p>

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		HES noted that they had considered mitigation that would lessen this impact, such as amending the turbine layout, restricting the number of turbines or restricting the height of the turbines but concluded that it was difficult to understand how such measures would be likely to reduce the impact for their interests.	been applied between the cairn and the nearest proposed turbine.
Aviation	HIAL 26/08/20	No objection	Refer to Chapter 14 of the EIA Report.
	Kirkwall Airport – Senior Pilot	No objection. Request for red aviation safety lighting.	Daytime only red aviation lighting to be fitted, dimmable under conditions of good (5 km+) visibility. Refer to Chapter 14 of the EIA Report.
Marine Licence	Marine Scotland Licencing Operations Team (MS-LOT), 01/11/19	MS-LOT confirming that, it is likely that the project will require a marine licence for the improvement and expansion of the marine access infrastructure.	The full extent of the Proposed Development has been assessed and all significant environmental effects presented within the EIA. This EIA will be submitted in support of the Marine Licence application to the Marine Scotland Licencing Operations Team (MS-LOT), which acts on behalf of the Scottish Ministers. A cover letter will accompany the application to point MS-LOT to the chapters of the EIA which are directly applicable to the works below mean high water springs (MHWS).

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	MS-LOT 04/12/20	<p>Meeting held to discuss scope of marine licence and EIA. MS-LOT provided the following feedback:</p> <ul style="list-style-type: none"> ▪ Confirmed that pre-application consultation is required for the Marine Licence application. ▪ Agreed that the assessment of the impacts associated with the works below the MHWS could likely be included within the project EIA Report, as opposed to a separate assessment accompanying the Marine Licence. ▪ Requested a technical note documenting the Proposed Development for MS-LOT to provide formal comment on. ▪ Advised that liaison with JNCC is required to agree the scope of assessment and underwater noise assessment methodology. 	<p>Pre-application consultation event held on the 4th of March 2021.</p> <p>Technical note was shared on the 15th of December 2020.</p> <p>JNCC contacted on the 22nd of December 2020 (see marine ecology and ornithology section of this table).</p>
	MS-LOT 05/02/21 – 26/02/21	<p>Response (and subsequent correspondence) following formal review of Technical Note issued on the 15th of December 2020. MS-LOT provided the following feedback:</p> <ul style="list-style-type: none"> ▪ Advised that the jetty falls under Schedule 1 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the Marine EIA Regulations). Therefore, an exemption under the Marine EIA Regulations cannot be granted and the Marine Licence will require an EIA. ▪ Agreed that one EIA to accompany both the planning application and marine licence application is acceptable. This ensures that the project is assessed as a whole, including the intertidal zone which is covered under both the planning and marine licence jurisdictions. ▪ Recommend that as well as marine ecology, all marine aspects which could be impacted, including fishing and other legitimate uses of the sea, 	<p>Letter detailing all potential impacts was issued to all consultees for comment on the 24th of February 2021 (provided in Appendix 4.7). The scope of the assessment of the marine licensable activities following all consultation and feedback is provided in Chapter 4: Approach to EIA.</p> <p>Chapter 16 details the underwater noise assessment.</p> <p>Dredging has been included within this EIA. As the vessel types are not known, worst case channel dredging has been assumed. Chapter 17 details the assessment of impact to marine water</p>

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		<p>are considered. The technical note considers the impact will be minimal however evidence should be supplied to support that consideration.</p> <ul style="list-style-type: none"> Advised that the original proposal of including dredging as a separate application, once details are known, was not acceptable and dredging would need to be included within the EIA. 	<p>and sediment quality as a result of dredging activities.</p> <p>Potential impacts to other marine receptors are discussed in Chapter 18: Other Issues.</p>
Marine ecology and ornithology	JNCC 05/01/21	Response to technical note and summary of underwater noise assessment methodology shared on the 22 nd of December. JNCC's advised that their remit is offshore waters only so cannot advise on the application; NatureScot would be better placed in this instance.	Information shared with NatureScot on the 7 th of January 2020
	NatureScot 07/01/21 – 04/02/21	<p>Technical note and summary of underwater noise assessment methodology shared on the 7th of January 2021 in order to agree scope and methodology of assessment. Correspondence and discussions held with NatureScot providing the following feedback:</p> <ul style="list-style-type: none"> Impact assessment appears sufficient and is SELcum based. If impact piling is used SPLpk and SELs may also need to be considered. It is noted that the assessment looks at disturbance in a qualitative manner, considering individual disturbed is also recommended. Recommend including baleen whales within the assessment. Depending on the noise levels, sound could propagate significant distances and there are regular sightings of baleen whales including humpback, minke and fin whale in the relatively shallow waters in and around Orkney. 	The underwater noise assessment provided in Chapter 16 has been undertaken in line with the feedback received from NatureScot.
	RSBP 25/03/21	Attended the marine licence pre-application consultation event on the 4 th of March 2021 and followed up to advise that they will not be submitting any further comments on this aspects of the works at this stage	No action required.

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	NatureScot 18/03/21	<p>Attended the marine licence pre-application consultation event on the 4th of March 2021 and provided the following feedback:</p> <ul style="list-style-type: none"> ▪ European Sites - Ensure that Sanday Special Area of Conservation (SAC) is considered as well as Faray & Holm of Faray SAC / Site of Special Scientific Interest (SSSI). ▪ European Protected Species (EPS): <ul style="list-style-type: none"> ▪ Otters - ensure otter survey carried out extending to at least 200m around the coast on each side of slipway and landing Jetty. ▪ Cetaceans – confirmed that previously NatureScot have already provided pre-application advice around potential impacts and on the underwater noise assessment (see above). ▪ Priority Marine Features (PMFs) - recommend a survey is carried out using video / photo methods and the footage analysed to biotope with a focus on identifying the presence (and, if relevant, extent/ quality) of any PMFs 	<p>A report to inform the Habitats Regulations Appraisal (HRA) has been prepared for the project, as a whole, and has been submitted to support both the marine licence and planning application (refer to Appendix 8.5). Both sites have been considered as part of this assessment. In addition, the underwater noise assessment includes impacts to all marine mammals likely to be within the area, including harbour seals which are a designating feature of the Sanday SAC.</p> <p>An otter survey has been completed as detailed in Chapter 8: Ecology. Otters have been scoped out of the underwater noise assessment, as detailed in Chapter 16: Underwater Noise Assessment.</p> <p>Video footage was obtained as part of the sediment sample survey. This has been analysed and details provided in Chapter 18: Other Issues.</p>
Marine water and sediment quality	MS-LOT 04/03/21	Sediment sampling plan (which is required to assess impacts from dredging) approved.	Results from sediment sampling survey are included in Chapter 17: Marine Water and Sediment Quality which

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			assesses the impacts associated with dredging.
	NatureScot 29/03/21	Methodology of assessment of impacts to marine water and sediment quality shared with NatureScot on the 26 th of March 2021 for comment. NatureScot advised that the scope seemed reasonable, but that SEPA/Marine Scotland would usually provide comment on this.	No action required as scope was also shared with Marine Scotland and due to SEPA's ongoing issues following their cyberattack in December 2020 they are not contactable and advise to follow available guidance.
	MS-LOT 26/03/21 - 16/04/21	Methodology of assessment of impacts to marine water and sediment quality shared with MS-LOT on the 26 th of March 2021 for comment. MS-LOT advised that the methodology and assessment appears to be proportionate to the level of the dredge and assumptions made about potential for contamination and sediment movement. However, noted that this is not an official scoping response and that the methodology has not been consulted upon with other stakeholders or Marine Scotland science. The inclusion of coastal processes was also queried, with MS-LOT stating that the EIA should provide information on the scoping out of this topic.	Coastal processes are discussed in Chapter 18: Other Issues.
Telecommunications	Joint Radio Company (JRC) September 2020	JRC does not foresee any potential problems based on known interference scenarios and the data provided.	No action required.
	BT September 2020	The proposed locations of the six turbines should not cause interference to BT's current and presently planned radio network.	No action required.

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	Ericsson September 2020	MBNL/EE have no microwave link within 100m and no mast within 250m of the proposed wind turbine location and therefore have no objections to the proposal.	No action required.
	Ofcom September 2020	Ofcom no longer replies to these requests. The location of published licences is located on the Wireless Telegraphy Register so you should perform your search there.	The Ofcom online database of fixed links has been interrogated to identify any links near the Proposed Development. None have been identified, with the nearest link path being 800 m or more from the nearest proposed turbine.
	Vodafone September 2020	Vodafone confirm that the proposal does not affect any of their links.	No action required.
	Atkins September 2020	Atkins have no objections to the proposed development.	No action required.
	Arqiva September 2020	Arqiva have no objections to the Proposed Development.	No action required.
Marine Radar	Marine Services and Harbour Authority: Orkney Islands Council October 2019	Marine Services and Harbour Authority stated that Faray is outwith the harbour jurisdiction however there is potential that turbines at Faray could interfere with communications between ferries travelling on the west and east coasts of the islands.	Further consultation to be undertaken with Orkney Ferries Ltd.
	Orkney Ferries Ltd October 2020	All ONI vessels have confirmed that they do not anticipate that the wind farm will have any effect on vessels at sea.	No action required.

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	Marine Services and Harbour Authority: Orkney Islands Council November 2020	Marine Services and Harbour Authority confirmed that they have no further comments.	No action required.
	Marine Services and Harbour Authority: Orkney Islands Council March 2021	Response to letter to consultees detailing the marine licensable activities (provided in Appendix 4.7). No comments on scope of assessment, however, requested further details of the long term plans for the jetty.	Further consultation has been undertaken.
	Orkney Ferries Ltd March 2021	Response to letter to consultees detailing the marine licensable activities (provided in Appendix 4.7). Orkney ferries replied confirming they have no comment on navigational impacts as the scope has not fundamentally changes and the dredged material will be disposed of at a designated site, not further off the shoreline of Faray.	No action required.
	Northern Lighthouse Board (NLB) March 2021	NLB attended the marine licence pre-application consultation event on the 4 th of March 2021. During the event they requested that the use of disposal plans should be included as part of the Port Management Plan. They also queried if the Proposed Development would include new cabling. As part of the event feedback, NLB noted that they have no objections to the proposed construction works and recommended that the appropriate Marine Safety Information and Notice to Mariners be published prior to and during the works. NLB also recommended that the UK Hydrographic Office be	The use of disposal plans will be included in the Port Management Plan (post-consent). Cabling will be a separate planning application, 2025 earliest for a grid connection. Recommended notifications included in Chapter 18 Other Issues

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		notified of the as-built layout of the new slipway and jetty and the revised depths after the dredging campaign has been completed.	
	Maritime and Coastguard Agency (MCA)	No response to letter to consultees detailing the marine licensable activities (provided in Appendix 4.7).	No action required.
Fisheries	Orkney Fisheries March 2020	Attended the marine licence pre-application consultation event on the 4 th of March 2021. Advised that fishing assessments would be needed for new cables, which are not part of this application. Feedback from the fleet confirmed that there is some inshore fishing activity within the area (along the coast from Gangstaiths to Scammalin).	Cables are not part of this application (subject to a separate consenting process). Potential impacts to fishing are considered in Chapter 18.
	Scottish Fisheries Federation	No response to letter to consultees detailing the marine licensable activities (provided in Appendix 4.7).	No action required.

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