CHAPTER 5: SCOPING AND CONSULTATION

Technical Appendices (Volume 4)

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5. Scoping and Consultation

5.1 Introduction

5.1.1 In general, the EIA Regulations require that an EIA should describe the likely significant effects of a proposed development on the environment. Scoping of potential issues against the physical and operational aspects of a proposed development provides a basis for ensuring that the assessment of environmental effects is appropriately limited to issues of genuine potential significance. This ensures a proportionate approach focused on likely significant effects that have not already been considered. Consultation and engagement with stakeholders early in the process, with advice and input from key consultees being sought at the early stages of a project, helps greatly to inform decisions about the Proposed Development.

5.1.2 This Chapter describes the pre-application consultation process that was undertaken to determine the scope of the EIA Report, and the consultations that were undertaken to inform the local community of the Proposed Development. This Chapter also includes a brief description of the environmental features of potential significance associated with the Proposed Development which are addressed in detail in this EIA Report, and those that are scoped out.

5.2 Scoping

5.2.1 An EIA Scoping Opinion was sought from the Scottish Ministers on the environmental information to be provided in this EIA Report. A Scoping Report was issued to the Energy Consents Unit (ECU) on 27 August 2018.

5.2.2 The specific aims of the Scoping Report were to:

- set out the approach to the EIA, including the proposed content and structure of the EIA Report;
- identify the issues which are to be assessed as part of the EIA;
- agree the general approach to the assessment and the methodologies that would be used; and
- identify those issues which should be scoped out of the EIA.

5.2.3 A Scoping Opinion was subsequently provided by ECU on 18 December 2018, a copy of which is included as Technical Appendix 5.1.

5.2.4 The responses contained within the Scoping Opinion were considered in detail during the EIA process. Technical Appendix 5.2 of this EIA Report includes a matrix detailing the key issues that were raised in the Scoping Opinion and how and where they are addressed in this EIA Report. Relevant comments are also addressed at the beginning of each technical chapter of this EIA Report.

5.3 Key Scoping Issues

5.3.1 The Scoping Opinion made reference to site specific issues of interest to the Scottish Ministers, to be considered and addressed in addition to those laid out in responses from consultees. The issues raised were as follows.

Consultee Responses

In addition to specific comments from key consultees 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.

5.3.2 A Scoping Matrix is included in Technical Appendix 5.2.

Viewpoints

The Scottish Ministers note that there are conflicting views about viewpoints…….. Scottish Ministers therefore request that the Applicant considers all referenced viewpoints mentioned within consultee responses and agree the final list of viewpoints with The Highland Council and Scottish Natural Heritage.

5.3.3 The final list of viewpoints has been agreed with The Highland Council and Scottish Natural Heritage (SNH).

Private Water Supplies

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

5.3.4 Chapter 10: Hydrology and Hydrogeology confirms that no private water supply infrastructure would be impacted by the Proposed Development.

EIA Directive

The application will be assessed against the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations. These include a requirement to consider impacts on biodiversity and on population and human health. Scottish Ministers would ask that you address these matters in your environmental impact assessment. One area that you may wish to consider is how traffic and transport impacts (for example noise and vibration) might impact upon human receptors.

5.3.5 Please refer to Section 5.10 and Table 5.3 in this Chapter.

Peat

It is important to ensure any energy generation proposal on peat does not result in an unacceptable degradation of peat stability or increase peat landslide risk, and does not give rise to any pollution effect on nearby watercourses. Furthermore, Ministers will require to understand the potential for risk to population, human health and public safety where paths, roadways or properties could be impacted by landslides. Scottish Ministers consider that on sites such as Cloiche where there is a demonstrable requirement for peat landslide hazard and risk assessment, the assessment should be undertaken as part of the EIA process to provide Ministers with a clear understanding of whether the risks are acceptable and capable of being controlled by mitigation measures. The Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation

Developments (Second Edition) should be followed in the preparation of the EIA Report, which should contain such an assessment and details of mitigation measures.

5.3.6 The layout of the Proposed Development has been informed by detailed peat probing and analysis of peat depths to minimise impacts on deeper areas of peat where practicable. A Peat Slide Risk Assessment has been carried out and is included as Technical Appendix 11.2.

Mitigation Measures

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

5.3.7 Mitigation measures relevant to a particular technical chapter are included within the chapter, and all mitigation measures are collated within a schedule of mitigation (see Chapter 18).

Further Consultee Engagement

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

5.3.8 Further engagement has been undertaken with relevant parties since receipt of the Scoping Opinion, notably The Highland Council, SNH, Scottish Environment Protection Agency (SEPA), Cairngorms National Park Authority (CNPA) and Transport Scotland. The Energy Consents Unit have been kept informed of discussions.

5.4 Pre-Application Meeting

5.4.1 To present the final layout and advise how the layout has evolved in consideration of environmental and technical constraints, a pre-application meeting was held with statutory consultees. Co-ordinated and chaired by The Highland Council in Inverness on 27th November 2019, the meeting was attended by representatives from SNH, SEPA, CNPA and the Energy Consents Unit.

5.4.2 Following the meeting a Pre-Application Advice Pack was issued by The Highland Council dated 20th December 2019. The Advice Pack, included as Technical Appendix 5.3, provides a note of the meeting and feedback on the information requested to be included in the EIA Report by key stakeholders. Clarification on some of the points raised and information requested as part of this EIA Report within the Pre-Application Advice Pack was required following receipt. This was done by letter to The Highland Council in January 2020.

5.5 Gate Check

5.5.1 In accordance with the requirements of the gate checking procedures for Applications under Section 36 of The Electricity Act 1989, a Gate Check Report was issued to the ECU and key stakeholders in December 2019. The purpose of the Gate Check Report is to

outline consultations with statutory and non-statutory consultees, engagement (or proposed engagement) with the local community and how matters raised during the scoping process have been dealt with in the EIA Report. Key stakeholders are invited to comment on the Gate Check Report to ensure they are satisfied with the approach taken within the EIA Report prior to submission of the application. A copy of the Gate Check Report is provided in Technical Appendix 5.4. Consultation responses to the Gate Check report were considered prior to the EIA Report being finalised.

5.6 Consultation with the Local Community

5.6.1 Public exhibition events were held within the local area to allow members of the general public to obtain information and pass comment upon the Proposed Development. Exhibition events included:

- 30th and 31st May 2019 (5pm to 8pm) – Fort Augustus Village Hall;
- 30th January 2020 (3pm to 7pm) - Fort Augustus Village Hall;
- 3rd February 2020 (3pm to 7pm) – Laggan Village Hall; and
- 4th February 2020 (3pm to 7pm) – Stratherrick Public Hall, Gorthleck

5.6.2 Feedback forms were provided at the exhibition for attendees to complete. A summary of comments received during the consultation process included:

- All attendees agreed that the exhibition events were helpful in providing information about the proposal. Comments that were received noted that the Applicant representatives were helpful, approachable and informative, and the material presented was comprehensive and clearly laid out.
- The majority of respondents expressed support for the Proposed Development with positive aspects being the ability to reuse existing infrastructure to minimise the environmental impact, and being able to steer away from carbon dependency. Others noted that whilst they understand the drive for further renewables, they feel that “enough is enough” and concerns were raised about the size and number of turbines proposed at the site.

5.6.3 Meetings have also been held with Fort Augustus and Glenmoriston, Laggan and Stratherrick and Foyers Community Councils to provide updates as the project has progressed.

5.6.4 The feedback received during the public exhibition event and community council meetings is recorded within a Pre-Application Consultation Report, included as Technical Appendix 5.5.

5.7 Issues Scoped out of Assessment

5.7.1 The following section describes the topics for which detailed assessment is scoped out of the EIA Report for the Proposed Development.

Forestry

5.7.2 There are no areas of commercial forestry within the vicinity of the Proposed Development and therefore an assessment of forestry has been scoped out.

Air Quality

5.7.3 The local air quality at this site is expected to be good due to the rural location, with few pollution sources. The main pollution source is likely to be local emissions from traffic on the A82 and B862.

5.7.4 During construction of the wind farm the movement of vehicles and on-site plant would generate exhaust emissions. Given the short term nature of the construction period, and the limited area to be developed within the context of the large-scale nature of the site, effects on local air quality are likely to be negligible.

5.7.5 Construction activities also have the potential to generate dust during dry spells (such as borrow pit quarrying), which may adversely affect local air quality. Given the scale and nature of construction activities, compared with the distances between the construction areas and the nearest residential properties, dust from construction is unlikely to cause a nuisance and dust suppression measures will be employed during construction as per the requirements of the CEMP.

5.7.6 An operational wind farm produces no notable atmospheric emissions. The operation of the wind farm would therefore have no discernible adverse effects on local or national air quality.

5.7.7 An assessment of air quality has thus been scoped out of the EIA. Relevant mitigation measures for air quality and pollution control are captured within the site specific CEMP, a draft of which is included as Technical Appendix 3.1.

Shadow Flicker

5.7.8 Shadow flicker can arise from the moving shadow of the turbine rotor blade passing over a narrow opening such as the window of a nearby residence. The likelihood and duration of shadow flicker depends upon the positioning of the sun, turbine and window locations, turbine orientation, time of day and year and weather conditions.

5.7.9 Shadow flicker effects may occur within ten rotor diameters and up to 130 degrees either side of north relative to a turbine.

5.7.10 As the nearest occupied property would be located approximately 5km from the nearest turbine, there is no potential for effects to occur and shadow flicker has therefore been scoped out of the EIA.

Ice Throw

5.7.11 During icing conditions there are two types of risks associated with ice collecting on turbines:

- Fragments being thrown off from the operating turbine due to aerodynamic and centrifugal forces; or
- Ice falling from the turbine when the blades are stationary.

5.7.12 Given the remote location of the Proposed Development, the potential for ice throw to affect members of the public is likely to be extremely low.

5.7.13 The low risk of ice throw is reduced further as turbines are fitted with vibration sensors which detect any imbalance that might be caused by icing, leading to the affected turbines being shut down automatically. In addition, public notices would be placed at

access points alerting members of the public and staff accessing the site of the possible risk of ice throw under certain weather conditions.

5.7.14 Assessment of ice throw has thus been scoped out of the EIA. Appropriate signage would however be established at the site to highlight the risks of accessing the site to the public. Such measures would be detailed within an Outdoor Access Plan, a draft of which is included in Technical Appendix 15.1.

Telecommunications, TV and Radio Links

5.7.15 Wind farms can cause television, radio and microwave interference by blocking and / or causing part of the signal to be delayed.

5.7.16 A previous assessment was undertaken in relation to Stronelairg Wind Farm to determine its potential effect on telecommunications, TV and radio interference. The assessment identified transmitter masts, microwave links and TV signal strength in communities within the wider area.

5.7.17 The assessment concluded that the Stronelairg Wind Farm was not anticipated to result in any potentially significant effects on television, radio and microwave links.

5.7.18 Given the previous assessment findings and considering the proximity of the Proposed Development to Stronelairg Wind Farm, a detailed assessment of TV, radio and microwave interference is scoped out of the EIA. Confirmation of BT radio link locations has been sought from BT. The nearest is approximately 8km from the Proposed Development. It is not anticipated that the Proposed Development would cause interference to these radio links.

Climate Change

5.7.19 With regard to climate change, in the context of the EIA process climate change is considered both in relation to the contribution of the Proposed Development to increasing or decreasing gaseous emissions with global warming potential (GWP), and in relation to climate change adaptation.

5.7.20 Emissions associated with the Proposed Development would include temporary and short-term emissions of exhaust gases from vehicles and construction plant, and the potential for the release of carbon dioxide as a result of dewatering and exposing peat and peat soils during construction. Neither source is considered likely to be significant in terms of GWP.

5.7.21 Carbon dioxide emissions during the life of a turbine include those emissions that occur during the manufacturing, transportation, erection, operation, dismantling and removal of those turbines. Estimates for such emissions are included in the carbon balance calculation undertaken for the Proposed Development (see Chapter 11: Geology and Carbon Balance).

5.7.22 In terms of climate adaptation, consideration would be given to the potential implications of climate change on design of turbines (e.g. design for increased flood risk and adverse weather); however, no potential for significant impacts have been identified and assessment of climate change is scoped out of the EIA.

Human Health

5.7.23 Potential effects on human health as a result of the Proposed Development could relate to noise during construction, air quality or shadow flicker. Both Air Quality and Shadow

Flicker have been scoped out of the EIA Report. An assessment of noise has been carried out and is included in Chapter 17: Noise.

Risk of Major Accidents and / or Disasters

5.7.24 Given the nature of the Proposed Development, and its remote location, the risk of a major accident or disaster is considered to be extremely low. Furthermore, the Principal Designer would need to fully assess risks and mitigate as appropriate during the design stage as part of the requirements of the Construction (Design and Management) Regulations (2015). It is therefore proposed that an assessment of the risk of major accidents and / or disasters is scoped out of the EIA.

5.7.25 A peat slide and hazard risk assessment has however been undertaken as part of the EIA, and is presented in Technical Appendix 11.2.

5.8 Other Issues

5.8.1 The 2017 EIA Regulations introduced a number of factors to be considered within an EIA Report; specifically, those factors listed under Regulations 4(3) and 4(4), and Schedule 4. Table 5.2 describes how this EIA Report has addressed these factors.

Table 5.2: Assessment of Factors Identified in Regulations 4(3), 4(4) and Schedule 4

Topic	Potential for Significant Effects
Population and Human Health	Potential effects relating to population and human health have potential to arise from shadow flicker, air quality and noise. Noise is assessed in Chapter 17. Shadow flicker and air quality have been scoped out of the EIA Report.
Biodiversity (in particular species and habitats protected under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora)	The requirement to consider impacts on biodiversity is addressed in Chapter 8: Ecology, and Chapter 9: Ornithology.
Land and Soil (and natural resources availability)	The potential effects on soils and geology are considered in Chapter 11: Geology and Carbon Balance and associated appendices.
Water (and natural resource availability)	The potential effects on the water environment are considered in Chapter 10: Hydrology and Hydrogeology.
Air and Climate	This Chapter (5: Scoping and Consultation) addresses potential effects on air and climate under section 5.7: Issues Scoped Out of Assessment.
Material Assets, Cultural Heritage	Chapter 12: Cultural Heritage, includes an assessment of the potential for significant effects on material assets and cultural heritage including architectural and archaeological assets and historic landscape.
Landscape	Chapter 7: Landscape and Visual Amenity, considers the potential impacts and potential cumulative impacts on the landscape and visual receptors.
Major Accidents and Disasters	This Chapter (5: Scoping and Consultation) addresses potential effects relating to major accidents and disasters under section 5.7: Issues Scoped Out of Assessment.

Topic	Potential for Significant Effects
Interaction Between Factors (cumulative effects)	The potential for cumulative effects is outlined within Chapter 4: EIA Process and Methodology, and detailed within each of the technical chapters, where appropriate.

5.9 References

Electricity Act 1989. Available at: http://www.legislation.gov.uk/ukpga/1989/29/pdfs/ukpga_19890029_en.pdf (Accessed 22 January 2020).

Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Available at: http://www.legislation.gov.uk/ssi/2017/101/contents/made (Accessed 22 January 2020).

The Construction (Design and Management) Regulations 2015. Available at: http://www.legislation.gov.uk/uksi/2015/51/contents/made (Accessed 23 January 2020).