

Chapter 4: EIA Approach, Scoping and Consultation

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Glossary of Terms

Directive	A form of European Union legislation which directs Member States to pass relevant domestic legislation and sets out the objective or policy which needs to be attained.
ECU	The Scottish Government's Energy Consents Unit which deals with applications under Section 36 and Section 37 of The Electricity Act (1989).
The EIA Regulations 2000	The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (Scottish Statutory Instrument 200 No. 320) – Enacts European Union Directive 2011/92/EU (as amended) (2011 Directive) concerning the development of electrical infrastructure and details the types of development requiring EIA, the information to be presented and the procedures to be adopted.
The EIA Regulations 2017	The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (Scottish Statutory Instrument 2017 No. 102) – Enacts European Union Directive 2014/52/EU (2014 Directive) concerning the development of electrical infrastructure and details the types of development requiring EIA, the information to be presented and the procedures to be adopted.
EIA	Environmental Impact Assessment – the process of undertaking a series of specialist environmental studies in order to identify and describe potentially significant effects of a proposed development.
EIA Report	Reports in detail the findings of the EIA.
Gate Check Report	A report submitted to ECU in advance of a Section 36 application to outline the design iterations that have occurred through the EIA process and how consultation has been carried out and taken on board.
Schedule of Mitigation	A schedule outlining proposed mitigation measures to avoid or minimise potential effects which have been identified for The Proposed Development.
Scoping Opinion	The written opinion of the determining authority as to the scope and level of detail of information to be provided in an EIA report.
Scoping Report	A report submitted by an applicant to accompany a request for a Scoping Opinion, which contains initial information on a development proposal and identifies key issues to be either assessed as part of the EIA or scoped out of the assessment.
Scottish Planning Policy (SPP)	Sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land.
Section 36 application	An application submitted under Section 36 of The Electricity Act (1989) for an electricity generating station with an output greater than 50 megawatts (MW).
Significant Effects	Effects deemed to be significant in relation to the EIA Regulations.
Stakeholders	Organisations and individuals who can affect or may be affected by The Proposed Development.

4 EIA Approach, Scoping and Consultation

4.1 Introduction

4.1.1 This Chapter describes the approach to this EIA Report, the responses received during the scoping process, and consultations that have been undertaken with key stakeholders and members of the public.

4.2 The Overall Approach to the EIA

4.2.1 In June 1985 the Council of the European Economic Community (EEC) determined that an Environmental Assessment should be prepared by the promoters of certain categories of major infrastructure developments and that these should be published prior to statutory consent being given for such developments. This determination was enacted by EEC Directive 85/337/EEC, as amended. The initial Directive and its amendments were consolidated by Directive 2011/92/EU (2011 Directive) and this was subsequently amended by Directive 2014/52/EU (2014 Directive) which was transposed into UK legislation on 16th May 2017.

4.2.2 In relation to generation and transmission of electricity legislation, the 2011 Directive was interpreted and enacted by way of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (Scottish Statutory Instrument 200 No. 320), as amended, referred to hereafter as 'The EIA Regulations 2000'. The 2014 Directive has since been transposed via The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (Scottish Statutory Instrument 2017 No. 102), referred to hereafter as 'The EIA Regulations 2017'.

4.2.3 The EIA Regulations (2000 and 2017) define:

- Developments which require to be subject to EIA;
- The information to be presented; and
- The procedure to be adopted by applicants and competent authorities when submitting and determining EIA applications.

4.2.4 Under The EIA Regulations 2000 and 2017, certain projects may be screened out of the requirements to complete an EIA. As The Proposed Development is classed as 'a generating station, the construction of which (or operation of which) will require a Section 36 consent under the Electricity Act', it was accepted early in the process that the Section 36 application should be subject to EIA and accompanied with an EIA Report.

- 4.2.5 A Scoping Report for The Proposed Development setting out the proposed scope of the EIA Report was submitted to the Scottish Ministers on 12th May 2017 with a request for a formal Scoping Opinion¹. Section 40 (1) of The EIA Regulations 2017 states that projects subject to an EIA with a Scoping Request submitted on or before 16th May 2017 should be determined under the transitional provisions of the Regulations. Under transitional provisions, The EIA Regulations 2017 apply in respect of the procedure to be followed for the EIA process but the substantive legal requirements as to the content of the EIA be governed by the relevant provisions of The EIA Regulations 2000. The information included in this EIA Report is therefore based on The EIA Regulations 2000.
- 4.2.6 The EIA comprises a series of specialist environmental studies which have been targeted to assess the potential significant effects of The Proposed Development. The environmental features included and assessed in this EIA Report have been informed by the Scoping Opinion (see Section 4.3). For each environmental feature assessed, detailed assessment criteria and methodology are required in order to evaluate environmental effects, and these are provided in the appropriate chapter (8-21), taking account of the professional guidance and good practice relevant to that discipline.
- 4.2.7 For each environmental feature, the following information (where suitable) will be included in the respective chapters:
- a summary;
 - an introduction to the environmental feature;
 - scoping and consultation responses;
 - assessment scope, methodology and study area;
 - baseline conditions;
 - impact assessment and proposed mitigation; and
 - references.
- 4.2.8 A schedule of mitigation is included in Appendix 3.2 which consolidates and cross references all of the suggested mitigation measures documented in this EIA Report to minimise or off set potential environmental effects.
- 4.2.9 This EIA is based on a design that has been developed as part of the feasibility and design study stages of the project. The EIA assesses a worst case scenario by making reasonable assumptions based on current knowledge and engineering design. The detailed design would be completed should The Proposed Development gain consent. Final design details would be submitted to the Planning Authority for approval prior to commencement of the works.

¹ Under The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000

4.3 Scoping

Scoping Report

4.3.1 As referred to in paragraph 4.2.5, a Scoping Opinion was sought from the Scottish Ministers on the environmental information to be provided in the EIA Report. A Scoping Report was submitted in May 2017, and the Applicant confirmed the intention to submit a Section 36 application (under the Electricity Act 1989) following completion of the EIA process.

4.3.2 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;
- Summarise existing baseline information obtained from previous survey effort;
- 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.

4.3.3 The Scoping Report was issued to the organisations listed in Table 4.1, following agreement on the consultee list by the Energy Consents Unit (ECU).

Table 4.1: Consultees in Receipt of the Scoping Report

Statutory Consultees	
ECU	SNH
Historic Environment Scotland	Transport Scotland
SEPA	The Highland Council
Non Statutory Consultees	
AM Geomorphology	Mountaineering Council of Scotland
British Telecommunications plc	NATS Safeguarding
Civil Aviation Authority (Airspace)	Nuclear Safety Directorate (HSE)
Defence Infrastructure Organisation	RSPB Scotland
Fisheries Management Scotland	Scottish Canals
Forestry Commission (Scotland)	Scottish Canoe Association
Highlands and Islands Airport Ltd	Scotways
John Muir Trust	Scottish Wildlife Trust
Joint Radio Company	The Crown Estate Scotland
Lochaber District Salmon Fishery Board	Visit Scotland
Lochaber Fisheries Trust	West Highland Sailing Club
Marine Harvest	
Community Councils	
Glengarry Community Council	Spean Bridge, Roy Bridge and Achnacarry Community Council

Scoping Opinion

- 4.3.4 A Scoping Opinion was subsequently issued by the Scottish Ministers in July 2017, a copy of which is included in Appendix 4.1 of this EIA Report. The responses, contained within the Scoping Opinion, were considered in detail during the EIA process. At the start of each chapter, issues raised in the Scoping Opinion of relevance to that environmental feature are highlighted, together with a reference to where or how that issue has been dealt with in the EIA Report. Appendix 4.2 of this EIA Report includes a matrix detailing all of the key issues that were raised in the Scoping Opinion, how and where they are addressed in the EIA Report.

4.4 Pre-Application Consultation

- 4.4.1 During the EIA process, consultation with relevant statutory and non-statutory consultees has been undertaken to review the scope of the EIA Report (where necessary), seek views of the evolving design in response to particular environmental constraints, and to provide an update on the progress of the EIA Report and application submission timescales. Table 4.2 provides a record of key stakeholder meetings that have occurred.

Table 4.2: Stakeholder Meetings

Consultee	Date of Meeting	Location
The Highland Council	30th May 2017 and 23rd October	THC Office, Inverness and SEPA Office, Dingwall
SEPA	13th June and 23rd October 2017	SEPA Office, Dingwall
SNH	21st August and 23rd October 2017	SNH Office, Dingwall and SEPA Office Dingwall
Forest Commission (Scotland) Enterprise and Conservancy	2nd November 2017	FCS Office, Torlundy
Marine Harvest	2nd November 2017	MH Office, Fort William
Scottish Canals	15th June, 4th September and 6 th December 2017	Scottish Canals Office, Glasgow , and Scottish Canals Office, Inverness
Scottish Water	29th August 2017	SW Office, Perth
Presentation to Lochaber Chamber of Commerce	14th September 2017	Fort William
Fort William Marina and Shoreline Company	14th September 2017	Fort William
Spean Bridge, Roy Bridge and Achnacarry Community Council	5th December 2017	Spean Bridge
Glengarry Community Council	5th February 2018	Invergarry Hall

4.5 Energy Consents Unit Gate Check

- 4.5.1 Prior to submission of the Section 36 application, and in accordance with the ECU's gate checking procedure for Applications under Section 36 of The Electricity Act (1989), a Gate Check Report was submitted to the ECU in February 2018, and distributed to statutory and non-statutory consultees. The principal aims of the Gate Check Report are to; outline the design iterations that have occurred through the EIA process; state the consultations that have occurred with statutory (and non-statutory) consultees and the local community; and a summary on how advice received from consultees during and following scoping has been taken forward.

4.6 Consultation with the Local Community

- 4.6.1 In parallel with the statutory consultation process, consultation has been undertaken to keep the local community informed about The Proposed Development, and seek feedback as the design of The Proposed Development has evolved.

Public Exhibition

- 4.6.2 During June 2017, shortly after the submission of the Scoping Report, a public exhibition event was held within the local area to allow members of the community to obtain information and pass comment upon The Proposed Development. This exhibition took place on the 28th June 2017 at Glengarry Community Hall (15:00 – 19:00).

- 4.6.3 A second public exhibition took place on the 13th March 2018² at Glengarry Community Hall to provide information to the community on the final design, key environmental sensitivities identified through the EIA process, timescales for submission and information on the application process.

Community Councils

- 4.6.4 Engagement has been maintained with both Glengarry, and Spean Bridge, Roy Bridge and Achnacarry Community Councils.

Community Consultation Report

- 4.6.5 A Community Consultation Report is included in Appendix 4.3 of this EIA Report. The report provides a detailed explanation of the consultation process undertaken to inform The Proposed Development and details the attendance at public exhibition events, providing a summary of the responses received.

Website

- 4.6.6 The project website provides information on the progress of The Proposed Development and comprises key documents and public exhibition materials. It also provides a feedback method to communicate directly with the Applicant, in writing, via email or by telephone. The website can be accessed via this link:

<http://sse.com/whatwedo/ourprojectsandassets/renewables/CoireGlas/>

² This exhibition event was originally planned for the 27th February 2018 but had to be postponed on the day due to bad weather.