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INTRODUCTION

- 6.1 This Chapter sets out the Scoping process that has been undertaken as part of the EIA for the proposed development. It also details additional consultation that has been undertaken in respect of the proposed development with consultees.

The purpose of scoping and consultation is to:

- ensure that statutory consultees and other bodies with a particular interest in the environment are informed of the proposed development and provided with an opportunity to comment at an early stage in the EIA process;
- obtain baseline information regarding existing environmental site conditions;
- establish key environmental issues and identify potential effects to be considered during the EIA;
- identify those issues which are likely to give rise to significant environmental effects and therefore which require more detailed study and those which can be justifiably excluded from further assessment;
- provide focus to the EIA process so that assessment is focussed in areas where there is likely to be significant effects; and
- provide a means of confirming the most appropriate methods of assessment.

PRE-SCOPING CONSULTATION

- 6.2 The applicant and SLR attended a Pre-Application Advice meeting with The Highland Council (THC), the Energy Consents Unit (ECU) and NatureScot on 13 January 2021 to discuss the proposed development and anticipated forthcoming Section 36 application. A Pre-Application Advice pack (ref: 20/05052/PREMAJ) was received from THC on 5 February 2021. This information was used to inform the early design work on the proposed development, and also the Scoping Report.
- 6.3 A further meeting between the applicant, SLR and the ECU was held on 19 January 2021. This meeting focused on the processes applicable to a Section 36 application (e.g. Scoping, Gatecheck etc.) and also on the anticipated timescales for carrying out the EIA and submitting the application for consent.
- 6.4 Key issues raised by the ECU, THC and other key stakeholders, as a result of the Pre-Application Advice meeting (and subsequent advice pack), for consideration in the design and scope of the EIA, are referred to in the Scoping Report and included matters as follows:
- Landscape and Visual (Onshore Wind Energy Supplementary Guidance advises that Strategic Capacity for further wind farm development is severely constrained. In particular the transitional nature of the landscape at the site – Caithness into Sutherland – exacerbates sensitivity and therefore should be avoided);

- Ecology (Consideration of protected species, priority habitats and also Deer populations);
- Ornithology (Caithness and Sutherland Peatlands SPA);
- Hydrology and Peat (Flood risk, drainage and PWS. Presence of Carbon Rich Soils, Deep Peat and Priority Peatland Habitat);
- Noise (noise exposure, including cumulative effects and respite considerations);
- Cultural Heritage;
- Transport (impact on local road network and trunk road network);
- Access (Core path SU19.02 to be considered); and
- Other (potential residential visual amenity concerns and shadow flicker concerns for residences in Strath Halladale. Impacts on forestry, including native woodland plantations to be assessed).

6.5 Additionally, THC noted that:

- the Council wants to make sure that local communities benefit directly from the use of their local resources and are compensated for the disruption and inconvenience associated with large scale development work; and
- energy storage technology is of interest to the Council as an emerging new aspect of renewable energy developments with considerable potential benefits for energy generation, efficiency and supply.

SCOPING

- 6.6 A Scoping Report (available from the Energy Consents Unit Portal¹) was submitted to the ECU on 22 March 2021 to accompany a request for the Scottish Ministers to adopt a Scoping Opinion under Regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.
- 6.7 Shortly prior to the anticipated receipt of an EIA Scoping Opinion from the Scottish Ministers, the applicant was afforded the opportunity to expand the proposed development to include an additional 45.46ha of land (immediately south of the site boundary). Following discussions with the ECU, a request to scope for a larger site and an increased number of wind turbines (14 turbines, up from 12 turbines) by means of a Scoping Addendum, was submitted on 01 July 2021.
- 6.8 The list of organisations consulted that responded and the date of the response is shown in **Table 6-1**.

¹ Reference Number ECU00003244 on the Energy Consents Unit ECU Portal

Table 6-1: Scoping and Scoping Addendum Consultees

| Consultee | Scoping Response Date | Addendum Response Date |
|---|-----------------------|------------------------|
| Atkins | 30/04/21 | 31/07/21 |
| British Horse Society | 20/04/21 | No Response |
| British Telecom | 23/04/21 | 16/07/21 |
| Caithness West Community Council | 03/05/21 | No Response |
| Civil Aviation Authority | No Response | No Response |
| Crown Estate Scotland | 28/04/21 | 15/07/21 |
| Defence Infrastructure Organisation | 27/04/21 | 23/07/21 |
| Fisheries Management Scotland | 28/04/21 | No Response |
| Flow Country Rivers Trust | 28/04/21 | No Response |
| Historic Environment Scotland (HES) | 27/04/21 | 10/08/21 |
| Highland and Islands Airports Limited | 20/04/21 | 14/07/21 |
| Highland and Islands Enterprise | 28/04/21 | No Response |
| John Muir Trust | 28/04/21 | No Response |
| Joint Radio Company | 16/04/21 | 14/07/21 |
| Melvich Community Council | No Response | No Response |
| Mountaineering Scotland | No Response | No Response |
| NATS Safeguarding | 21/04/21 | 20/07/21 |
| NatureScot | 13/05/21 | 19/07/21 |
| Ofcom | 14/04/21 | 08/07/21 |
| RSPB Scotland | 11/05/21 | 15/07/21 |
| Scottish Environment Protection Agency (SEPA) | 20/04/21 | 12/07/21 |

| Consultee | Scoping Response Date | Addendum Response Date |
|--|-----------------------|------------------------|
| Scottish Rights of Way and Access Society (ScotWays) | 28/04/21 | No Response |
| Scottish Water | 08/04/21 | No Response |
| Scottish Wild Land Group (SWLG) | No Response | No Response |
| Scottish Wildlife Trust | No Response | No Response |
| Strathy and Armadale Community Council | No Response | No Response |
| The Highland Council | 25/05/21 | 03/08/21 |
| The Northern District Salmon Fisheries Board | 19/04/21 | No Response |
| Transport Scotland | 22/04/21 | 29/07/21 |
| Visit Scotland | No Response | No Response |

- 6.9 A Scoping Opinion was received from the ECU on 08 June 2021 and included advice from the consultees listed in **Table 6-1**. On 01 September 2021, the ECU advised that the consultation allowing consultees to provide further comment (on the Scoping Addendum Report) had finished. The ECU did not issue a revised Scoping Opinion following the Scoping Addendum process, but did collate and issue all further responses from the consultees listed in **Table 6-1**.
- 6.10 A summary of the key issues raised at Scoping (and following the Scoping Addendum process) is provided in **Technical Appendix 6.1**. The Scoping Opinion (and relevant Scoping Addendum responses) is detailed in the consultation tables contained within each EIA Report **Chapters 7 to 15**, with reference to how the comments have been addressed. The EIA Report has been prepared with regard to the Scoping Opinion received from the ECU on 08 June 2021, responses received through the Scoping Addendum process, and further consultation held with consultees and the ECU.

FURTHER CONSULTATION

- 6.11 In addition to the formal scoping process. Further consultation was undertaken with a number of organisations regarding specific issues. In particular, follow up consultation was undertaken with:
- Historic Environment Scotland (HES);
 - The Highland Council (THC);
 - NatureScot;
 - Scottish Forestry; and

- Telefonica, Vodafone and MBNL (Fixed Telecoms Link Operators).

- 6.12 Detail of the further consultation carried out is provided in the relevant technical Chapters (EIA Report **Chapter 7 to 15**) and not repeated here.
- 6.13 Although not a requirement for Section 36 applications (as per the Electricity Act 1989), at the request of THC, a Proposal of Application Notice (PAN) was submitted to THC on 15 September 2021. The PAN provided detail on the proposed development and also on the public exhibitions. Paragraphs 6.33 to 6.38 provide further detail on the public exhibitions and other community consultation.

MATTERS SCOPED OUT OF DETAILED CONSIDERATION

- 6.14 Paragraph 76 of Circular 1/2017 is clear that it is the ‘significant’ environmental effects to which a proposed development is likely to give rise that should be the primary focus of the EIA Report and that the requirement *“is to include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the project on the environment”*. Other lesser impacts may need *“only brief treatment to indicate that their possible relevance has been considered”*.
- 6.15 Paragraph 3.1 of PAN 1/2013 similarly outlines that EIAs should be proportionate and fit for purpose. *“Proportionality can best be achieved by seeking information from the planning authority and the Consultation Bodies on the scope of the assessment, paying attention to their views from the outset, and by focussing on the significant environmental effects of the proposed development”*. A similar emphasis is contained at paragraph 5.4 of PAN 1/2013 that outlines that the EIA Report should contain a clear analysis of the significant areas of impact and should highlight key issues relevant to the decision.
- 6.16 On the basis of the desk based and survey work undertaken, the professional judgement of the EIA team, experience from other relevant projects, policy guidance or standards, and with the agreement of the consultees, a number of topic areas have been ‘scoped out’. The following main issues have been scoped out of the EIA:

Landscape and Visual

- 6.17 No night time assessment work has been undertaken. The proposed turbines do not reach or exceed 150m to tip height, therefore visible aviation lighting will not be required. It is expected that infrared lights will be required, however these will not be visible without the use of specific equipment.
- 6.18 Four Wild Land Areas which are within the study area have been scoped out of the LVIA. These are Causeymire – Knockfin Flows WLA; Ben Klibreck – Armine Forest WLA; Ben Hope – Ben Loyal WLA; and Foinaven – Ben Hee WLA.
- 6.19 Three Gardens and Designed Landscapes within or close to the study area have been scoped out of the LVIA. These are Tongue House, Dunbeath Castle and Castle of Mey (Barrogill Castle).

Hydrology, Hydrogeology and Peat

- 6.20 Detailed Flood Risk Assessment has been scoped out of further assessment. Published mapping confirms that the site is not located in an area of fluvial or coastal flood risk.
- 6.21 Water Quality Monitoring has been scoped out of further assessment. Classification data is available from SEPA for the watercourses at site and, other than forestry, there are no known sources of potential water pollution at site that might give rise for the need for water quality monitoring.

Cultural Heritage and Archaeology

- 6.22 Indirect and cumulative impacts of the proposed development on Category C Listed Buildings have been scoped out of further assessment. Scotland's Listed Buildings by Historic Scotland (2014), described Category C Listed Buildings as of local rather than national or regional importance.

Site Access, Traffic and Transport

- 6.23 Operational and decommissioning effects have been scoped out of further assessment, with agreement of Transport Scotland, due to the negligible environmental effects anticipated.

Noise

- 6.24 Noise associated with decommissioning the turbines at the end of their operational lifetime has been scoped out of further assessment.
- 6.25 Noise associated with traffic during the operation of the proposed development has been scoped out of further assessment.
- 6.26 Vibration effects as a result of construction activities and associated traffic, in consideration of the distance to closest Noise Sensitive Receptors, has been scoped out of further assessment.

Socio-economics and Land Use

- 6.27 Demand for housing, health or educational services, associated with the proposed development have been scoped out of further assessment.

Air Quality

- 6.28 Given the remote location of the site, the generation of dust during construction activity is unlikely to have a direct impact on any human receptors and would be controlled by means of best practice to be described in the EIA Report. Air Quality has therefore been scoped out of further assessment.

Decommissioning

- 6.29 Over the period of operation of the proposed development it is recognised that there would likely be changes in legislation and guidance, environmental designations, the status/condition of

sensitive environmental receptors and stakeholder objectives that may affect decommissioning and restoration methodologies.

- 6.30 At the end of its operational life, the proposed development would be decommissioned or an application may be submitted to repower the site. The decommissioning period would take up to a year. A detailed Decommission and Restoration Plan (DRP) would be agreed with THC and other appropriate regulatory authorities in line with best practice guidance and requirements of the time.
- 6.31 With this in mind, assessment of the decommissioning of the proposed development has been scoped out of this EIA as at this stage the future baseline conditions cannot be predicted accurately and both the proposals for refurbishment/decommissioning and the future regulatory context are unknown.

COMMUNITY CONSULTATION

- 6.32 Public consultation is a key element of the environmental assessment process; therefore, as part of the wider consultation process, attention was given to community engagement in cognisance of Planning Advice Note (PAN) 3/2010: Community Engagement. Local Community Councils were contacted during development of the proposals.
- 6.33 In addition to the consultation as part of the scoping process, consultation has been undertaken with the local communities in the form of public exhibitions and meetings.
- 6.34 The following Community Councils were invited to the public exhibitions held in October 2021 (in person) and March 2022 (virtual):
- Melvich Community Council;
 - Caithness West Community Council; and
 - Strathy and Armadale Community Council.
- 6.35 In addition to the above public exhibitions, all households within approximately 10km of the site boundary were written to, to advise them of the public exhibitions. The applicant has also met with a number of community councils and community groups.
- 6.36 The applicant has been discussing the shared ownership offer associated with the proposed development with a number of Community Councils and Community Development Trusts within the Highland Council administrative area, with a view to developing formal agreements for shared ownership. It is anticipated that the local community groups would be supported with impartial advice from a third party such as the Scottish Government's Community and Renewable Energy Scheme (CARES) during the preparation of the agreement.
- 6.37 Further details of the public exhibitions and Community Consultation held in respect of the proposed development are contained in the **PAC Report** submitted as part of the application for the proposed development.

GATECHECK

- 6.38 A Gatecheck Report was sent to the ECU in January 2022. The report provides detail on how consultee Scoping responses (and Scoping Addendum responses) have been addressed by the EIA process and the design of the proposed development. Responses to the Gatecheck Report were received from four consultees (THC, SEPA, NatureScot and HES) throughout February and March 2022.
- 6.39 The four consultees that responded to the Gatecheck Report generally confirmed that they were satisfied that their views had been considered and specified concerns addressed. However, all consultees provided further comment on the proposed development and approach to EIA, as follows.

SEPA

- 6.40 SEPA requested that the positions of Turbines 6, 7 and 11 be considered further and sited on shallower peat if possible (noting that this may not be feasible due to other constraints).
- 6.41 SEPA also questioned the alignment of track running to Turbines 5, 6 and 7, as this crosses deep peat and would need to be floated. They stated that it would be useful to know what other track layout options have been considered in this area.
- 6.42 The rationale behind removing the watercourse crossing between Turbine 2 and 3 in favour of a longer section of track running parallel to Allt na h-Eaglaise was questioned.
- 6.43 Peat depth information at both borrow pit locations was requested to be covered in the EIA Report.
- 6.44 Additional information about Groundwater Dependent Terrestrial Ecosystems was requested to be covered in the EIA Report.
- 6.45 **Chapter 2: Site Description and Design Evolution**, and **Chapter 10: Hydrology, Hydrogeology, Geology and Soils**, provide information to address SEPA's Gatecheck response.

NatureScot

- 6.46 Advise that should the northern forestry plantation (on site) be felled, then the deer management statement should consider any impacts to both deer and the Caithness and Sutherland Peatlands Special Protection Area (SPA) as this will allow appropriate measures to be implemented.
- 6.47 **Chapter 8: Ecology** and **Technical Appendix 8.6: Deer Management Statement**, provide information to address NatureScot's Gatecheck response.

Historic Environment Scotland

- 6.48 Requested further detail on the proposed methodology set out at Scoping and requested discussion on this prior to finalising of the EIA Report.
- 6.49 **Chapter 11: Cultural Heritage and Archaeology** provides information addressing HES's Gatecheck

response.

THC

- 6.50 Provided some additional detail on what they would like to see in the EIA Report visualisations (e.g. associated infrastructure, felled areas etc.) and the Highland Council standards for these visuals.
- 6.51 Requested ZTVs for the borrow pits and also hub height ZTVs in addition to blade tip ZTVs.
- 6.52 Requested a plan showing the anticipated overhead line connection route from the on site substation to the Grid connection point.
- 6.53 **Chapter 2: Site Description and Design Evolution, Chapter 3: Description of Development, and Chapter 7: Landscape and Visual** are accompanied by Figures and visualisations that address THC's Gatecheck response.

REFERENCES

The Electricity Act 1989.

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

The Highland Council (2016). Onshore Wind Energy Supplementary Guidance. November 2016, updated December 2017.

The Scottish Government (2017). Planning Circular 1/2017: Environmental Impact Assessment regulations.

The Scottish Government (2013). Planning Advice Note 1/2013: Environmental Impact Assessment.

The Scottish Government (2010). Planning Advice Note 3/2010: community engagement.

Historic Scotland (2014). Scotland's Listed Buildings.