

**Queiros J (Joao)**

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**From:** planning.aberdeen@sepa.org.uk  
**Sent:** 18 July 2014 11:11  
**To:** RFurlong@ScottishPower.com; MS Marine Licensing; Richard.Kerr@argyll-bute.gov.uk; planning.aberdeen@sepa.org.uk  
**Subject:** SEPA Response to Consultation Reference Islay Tidal  
**Attachments:** PCS134468Response.doc

Thank you for consulting SEPA on the above proposal. Please find our response attached.

Where applicable this email has been copied to the agent and/or applicant.

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Our ref: PCS/134468  
Your ref: Islay Tidal

Alexander Ford  
Marine Licensing Casework Officer  
Marine Scotland – Marine Planning & Policy Division  
Scottish Government  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

If telephoning ask for:  
Alison Wilson

18 July 2014

By email only to: [ms.marinelicensing@scotland.gsi.gov.uk](mailto:ms.marinelicensing@scotland.gsi.gov.uk)

Dear Mr Ford

**ELECTRICITY ACT 1989 (as amended)**

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended)

The Electricity (Applications for Consent) Regulations 1990 (as amended)

**MARINE (SCOTLAND) ACT 2010**

The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)

**TOWN AND COUNTRY PLANNING ACT (SCOTLAND) 1997 (AS AMENDED)**

**APPLICATION FOR:**

- **CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 (AS AMENDED), AND A MARINE LICENCE UNDER PART 4 OF THE MARINE (SCOTLAND) ACT 2010 TO CONSTRUCT AND OPERATE A DEMONSTRATION TIDAL ARRAY IN THE SOUND OF ISLAY, and**
- **A DIRECTION THAT PLANNING PERMISSION FOR THE ONSHORE DEVELOPMENT BE DEEMED TO BE GRANTED**

Further to our correspondence of 4 June 2014 (our reference PCS/133361) please be advised we have had ongoing discussions direct with Scottish Power Renewables. On the 4 July we received, via e-mail, a Flood Risk Advice Note and a Disruption to wetlands including peatlands report, both dated 1 July 2014. We also participated in a telephone conference on 15 July 2014. Further to this communication we would take this opportunity to update you on our amended position. We have also copied this response to Argyll & Bute Council for information. Please note the advice provided below.

**Advice for the determining authority**

**1. Summary of position**

- 1.1 In our correspondence of 4 June 2014 we objected to this application on the grounds of a lack of information on potential adverse impacts on peatland and/or wetland. We also asked that conditions be attached to the consent:



Chairman  
David Sigsworth  
Chief Executive  
James Curran

Aberdeen Office  
Inverdee House, Baxter Street  
Torry, Aberdeen AB11 9QA  
tel 01224 266600 fax 01224 896657  
[www.sepa.org.uk](http://www.sepa.org.uk)

- ensuring that any proposed new/upgraded access track watercourse crossings are designed so that they can convey the 1 in 200 year plus climate change design flow to ensure they do not have a detrimental impact on floodplain storage and conveyance; and
- requiring that a site specific construction environmental management plan is submitted.

1.2 Our request for the two conditions to be attached to any grant of consent remains unchanged however please note, as detailed in Section 2 below, we are now in a position to remove our objection to this application on the grounds of a lack of information on potential adverse impacts on peatland and/or wetland provided the condition requested in Section 2.3 below is attached to any grant of planning consent.

## 2. Disruption to wetlands including peatlands

- 2.1 As highlighted above we previously objected to this application on the grounds of a lack of information on potential adverse impacts on peatland and/or wetland. To enable us to remove our objection we requested that more detailed information on the impact of infrastructure on sensitive wetlands should be submitted along with a peat management plan.
- 2.2 We welcome receipt of the draft Disruption to wetlands including peatlands report which outlines that an NVC survey and peat management plan will be prepared along with consideration of micro-siting and appropriate mitigation. While our preference would be to have this information finalised to enable us to remove our objection we acknowledge that there are specific constraints on this site which “severely constrains the ability to collect data to inform following works recommended in this report, until late July / August at the earliest”
- 2.3 In this particular case therefore, considering the site access restriction, the relatively small area of peatland affected and the likelihood of effective micro-siting or mitigation, we are prepared to **remove our objection** to this aspect of the proposal **subject to a condition** being attached to any grant of planning consent securing the receipt of the finalised NVC survey and peat management plan along with consideration of micro-siting and appropriate mitigation to the written satisfaction of the determining authority in consultation with SEPA, prior to the commencement of works on site. Reason: to minimise impacts from necessary construction works on wetland including peatland.

## 3. Flood risk

- 3.1 The Flood Risk Advice Note confirms that the recommendations we made during pre consent consultations will be implemented post consent. We welcome confirmation of this and as such our advice and request for a condition to be attached to any grant of consent, ensuring that any proposed new/upgraded access track watercourse crossings are designed so that they can convey the 1 in 200 year plus climate change design flow to ensure they do not have a detrimental impact on floodplain storage and conveyance, remains unchanged.

I trust this information is of assistance to you. If you have any queries relating to this letter, please contact me by telephone on 01224 266656 or e-mail at [planning.aberdeen@sepa.org.uk](mailto:planning.aberdeen@sepa.org.uk).

Yours sincerely

Alison Wilson  
Senior Planning Officer  
Planning Service

Ecopy to applicant: Rachel Furlong, Scottish Power Renewables at [RFurlong@ScottishPower.com](mailto:RFurlong@ScottishPower.com)  
Ecopy to council case officer: Richard Kerr at Argyll & Bute Council at [Richard.Kerr@argyll-bute.gov.uk](mailto:Richard.Kerr@argyll-bute.gov.uk)

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).*