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Our Ref: 16/02480/SCOP
Your Ref:
Date: 01 September 2016

Dear Catarina

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

Consultation on Scoping Opinion

Project: - Moray Offshore Renewable Ltd - Western Development Area
Project Address: - Outer Moray Firth

Thank you for your consultation of 31 May 2016, requesting the Council's view on MORL's submission to Marine Scotland for scoping opinion in respect of its proposal to construct and operate an off-shore wind farm comprising of up to 90 turbines with potential generating capacity of up to 750MW. I apologise for the time that it has taken to respond but do hope that my comments can be brought to the attention of the applicant in any event.

To assist me with this consultation response I have consulted the following bodies: -

The Highland Council – Environmental Health
The Highland Council – Transport Planning
The Highland Council Historic Environment Team
The Highland Council Coastal Planning Officer
The Highland Council Landscape Officer

I have received no response from our Historic Environment Team, Transport Planning Team or Environmental Health which is perhaps not surprising considering the location of the project. There may be potential on-shore developments associated with the project that these consultees will have a more direct interest. As far as possible, all other views will be incorporated into this response.

The ES will be expected to address the impact consequences of the proposal in full. This can usually only be achieved through the provision of a complete description of the development at the outset with a thorough assessment undertaken on all elements of the proposal. It is however established practice for projects such as this to be considered in accordance with the Rochdale Envelope concept. The Council is familiar with this approach; particularly as this was the approach taken with the neighbouring Eastern Development Area and Beatrice. On the understanding that the final layout of Beatrice will be established, as may that of the three wind farms in the Eastern Development Area, by the time that this proposal comes forward, the Council would expect this to be fully acknowledged and have a bearing on the design and mitigation offered with this proposal.

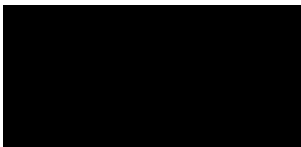
It is vital that the way that the application and supporting information is presented to the Council is clearly set out, logical and accessible by the public. The Council was impressed by the way in which the previous MORL application was set out and would anticipate that this will be replicated. While Marine Scotland will have its own arrangements, it is likely that the Council will publish all material on its e-planning portal. It is therefore necessary for submissions to be made in electronic form on CD/DVD with files presented in manageable sizes of no greater than 3MB and in widely used formats i.e. pdf and JPEG. A user-friendly PDF format is strongly recommended.

Non-electronic copies of all plans and documents to support the application will also be required. It is anticipated that the Council would need no more than two printed copies of the ES for public display in its offices although MORL would be advised to provide further copies to Community Council's and libraries; in particular in those locations where there may be visual effects. It is much more straight forward and time efficient for consultees to be sent copies of the documentation directly by the applicant. Therefore it is imperative that the final number of copies of plans and documents and the arrangements for submitting these are agreed with the Service in advance.

A non-technical summary can help provide an easy to read summary of the key elements of the project and its expected environmental impact. Such submissions should not be used to promote or advertise the development. The Council encourages the development of the full ES report in a concise, easy to read and understandable style, technical (with explanations) but free of jargon. A description of the methodology used in assessing all impacts should be included. The key matters that need to be clearly labelled are; a baseline assessment, the description of development, a description of the likely significant effects arising and most importantly the mitigation measures. It is most useful to include a mitigation register/scheme of mitigation as a chapter of an ES. It is considered good practice to set out within the ES the qualifications and experience of all those involved in collating, assessing or presenting technical information.

The Council and other statutory consultees also welcome from applicant's an indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant or appellant in compiling the required information. Such honest approaches help authorities understand that all best practical steps may have been undertaken to examine a particular issue, rather than it being regarded as an oversight by the applicant.

Yours sincerely



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**THE ELECTRICITY ACT (ENVIRONMENTAL
IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000**

SCOPING OPINION CONSULTATION

Applicant: MORL

Agent (contact details):

Project: MORL WESTERN DEVELOPMENT AREA

Project Address: OUTER MORAY FIRTH

This response is given without prejudice to the Planning Authority's right to request information in connection with any statement, whether Environmental Statement (ES) or not, submitted in support of any future application. These views are also given without prejudice to the future consideration of and response on any consultation received by the Council.

The Highland Council request that any Environmental Statement (ES) submitted in support of an application for the above development take the comments highlighted below into account; many of which are already acknowledged within the Scoping Report submitted. In particular, the elements of this report as highlighted in parts 3, 4 and 5 should be presented as three distinct elements.

1.0 Description of the Development.

The description of development for an ES is often much more than would be set out in any planning application. An ES must include: -

- a description of the physical characteristics of the whole development and the full land-use requirements during the operational, construction and decommissioning phases. These might include local road improvements, infrastructural connections (i.e. connections to the grid), off site conservation measures, etc. A plan with eight figure OS Grid co-ordinates for all main elements of the proposal should be supplied.
- a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
- the risk of accidents, having regard in particular to substances or technologies used;
- an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light / flicker, heat, radiation, etc.) resulting from the operation of the development.
- The estimated cumulative impact of the project with other consented or operation development.

2.0 Alternatives.

A statement is required which outlines the main development alternatives studied by the applicant and an indication of the main reasons for the final project choice. This is expected to highlight some or all of the following: -

- the range of technologies that may have been considered
- locational criteria and economic parameters used in the initial site selection.
- the environmental effects of the different options examined

Such assessment should also highlight sustainable development attributes including for example assessment of carbon emissions / carbon savings.

3.0 Environmental Elements Affected

- 3.1 The ES must provide a description of the aspects of the environment likely to be significantly affected by the development. The following paragraphs highlight some principal considerations; some of which are not expressed in the scoping report, and that will be of most relevance to the Council. This should be taken into consideration along with the comments raised in respect of this scoping request by other statutory consultees.
- 3.2 **Land Use:** - The ES should recognise the on-shore effect of the development having particular regard for Highland Council's Development Plan and other supplementary planning policies. **It is not considered necessary or helpful to cover planning policy within each Chapter of the ES.**
- 3.3 **Population:** - The ES should estimate who may be affected by the development, in all or in part, which may require individual households to be identified, local communities or a wider socio economic groupings such as tourists & tourist related businesses, recreational groups, economically active, etc. Socio-economic in the wider context should be considered, drawing on relevant economic information connected with the project, including the potential number of jobs, and economic activity associated with the procurement, construction, operation and decommissioning of the development. **This should include a statement on local content required under The Highland Renewable Energy Strategy and Planning Guidelines (HRES).**
- 3.4 **Community Assets:** - The ES needs to recognise community assets that are currently in operation for example TV, radio, tele-communication links, radar, MOD safeguards, etc. In this regard the applicant, when submitting a future application, will need to demonstrate what interests they have identified and the outcomes of any consultations with relevant authorities such as Ofcom, NATS, BAA, CAA, MOD, Highlands and Islands Airports Ltd, etc. through the **provision of written evidence** of concluded discussions / agreed outcomes.
- 3.5 **Cultural Heritage:** - The ES needs to identify all designated sites which may be affected by the development either directly or indirectly. This will require you to identify: -
- the architectural heritage (Conservation Areas, Listed Buildings) and
 - the archaeological heritage (Scheduled Monuments),
 - the landscape (including designations such as National Parks, National Scenic Areas, Areas of Great Landscape Value, Gardens and Designed Landscapes and general setting of the development.
 - the inter-relationship between the above factors.
- 3.6 **SLVIA:** - The Council expects the ES to consider the seascape, landscape and visual impact of the development. The Council makes a distinction between the landscape/seascape and visual impact. While not mutually exclusive, these elements require separate assessment and

therefore presentation of visual material in different ways. It is the Council's position that it is not possible to use panoramic images for the purposes of visual impact assessment. The Council, while not precluding the use of panoramic images, require single frame images with different focal lengths taken with a 35mm format full frame sensor camera – not an 'equivalent.' The preferred focal lengths are 50mm and 75mm. The former gives an indication of field of view and the latter best represents the scale and distance in the landscape i.e. a more realistic impression of what we see from the viewpoint. **These images should form part of the ES and not be separate from it.**

- 3.7 All elements of a development are important to consider within any ES.
- 3.8 Viewpoints (VP) for the illustration of effects of a proposed development must be agreed in advance of preparation of any visuals with The Highland Council but broadly speaking the VP's identified would appear appropriate. The detailed location of viewpoints will be informed by characterisation and analysis of receptors and movement patterns, site survey, mapping and predicted Zones of Theoretical Visibility. Failure to do this may result in abortive work, requests for additional visual material and delays in processing applications/consultation responses. Generally it would be expected that the same viewpoints used in the assessment of MORL Eastern Development Area. This should ensure that the previous comments from the Council's Landscape Officer regarding 'valued' and 'legacy' viewpoints is taken into account.
- 3.9 Visual impact baseline work should include the identification of receptor classes along with a characterisation of each class's existing experience of their visual environment. This should recognise such variation as, for example, local residents moving around neighbourhoods daily, commuting to work places and other facilities, in contrast to the single, or short. The LVIA should then clearly describe the value attached to visual receptor classes and their susceptibility to the development. In addition to establishing and describing the changes that would result from the development, the LVIA must clearly explain the nature of the resulting effects on individual landscape and visual receptors. For landscape assessment this should include perceptual aspect, where appropriate, as well as purely physical. For visual impact it should recognise changes to the experience of the area, rather than purely changes in the composition of individual views. The LVIA should avoid confusion of receptors with viewpoint locations.
- 3.10 Assessment of cumulative impacts should aid a clear understanding of how the development would fit into the development matrix of the area and how the landscape, and people's perception of the area may be affected. This should go beyond description of physical changes to include perceptual/experiential effects and to consider the thresholds of severity of effects. A particular issue with this development will be the degree to which it changes perception of the neighbouring schemes, particularly where scale and spacing may be different.
- 3.11 **Photomontages/Illustrations:** - Photomontages should follow the Council's Visualisation Standards. The July 2016 version of the Standards can be found by using the following link: http://www.highland.gov.uk/downloads/file/12880/visualisation_standards_for_wind_energy_developments . It is recognised that the 2014 SNH guidance results in an apparent duplication of effort, just to be clear, the Council shall only require visualisations to the Council Standards.
- 4.0 Significant Effects on the Environment
- 4.1 Leading from the assessment of the environmental elements the ES needs to describe the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from: -

- the existence of the development;
- the use of natural resources;
- the emission of pollutants, the creation of nuisances and the elimination of waste,

4.2 The potential significant effects of development must have regard to: -

- the extent of the impact (geographical area and size of the affected population);
- the trans-frontier nature of the impact;
- the magnitude and complexity of the impact;
- the probability of the impact;
- the duration, frequency and reversibility of the impact.

4.3 The effects of development upon baseline data should be provided in clear summary points.

4.4 The Council requests that when measuring the positive and negative effects of the development a four point scale is used advising any effect to be either strong positive, positive, negative or strong negative.

4.5 The applicant should provide a description of the forecasting methods used to assess the effects on the environment.

5.0 Mitigation

5.1 Consideration of the significance of any adverse impacts of a development will of course be balanced against the projected benefits of the proposal. Valid concerns can be overcome or minimised by mitigation by design, approach or the offer of additional features, both on and off site. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment must be set out within the ES statement and be followed through within the application for development.

5.2 The mitigation being tabled in respect of a single development proposal can be manifold. Consequently the ES should present a clear summary table of all mitigation measures associated with the development proposal. **This table should be entitled draft Schedule of Mitigation**. As the development progresses to procurement and then implementation this carries forward to a requirement for a Construction Environmental Management Document (CEMD) and then Plan (CEMP) which in turn will set the framework for individual Construction Method Statements (CMS).

5.3 The implementation of mitigation can often involve a number of parties other than the developer. In particular local liaison groups involving the local community are often deployed to assist with phasing of construction works – abnormal load deliveries, construction works to the road network, borrow pit blasting. It should be made clear within the ES or supporting information accompanying a planning application exactly which groups are being involved in such liaison, the remit of the group and the management and resourcing of the required effort.