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**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)  
(SCOTLAND) REGULATIONS 2000.**

**SCOPING OPINION FOR THE PROPOSED  
COIRE GLAS PUMPED STORAGE SCHEME  
SOUTH WEST OF LAGGAN  
AND TO THE  
NORTH WEST OF LOCH LOCHY**

**1. Introduction**

Any proposal to construct or operate a power generation scheme wholly or mainly drawn by water with a capacity in **excess of 1 megawatt** requires Scottish Ministers' consent under section 36 of the Electricity Act 1989.

Schedule 9 of the Act places on the developer a duty to "have regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest". In addition, the developer is required to give consideration to Planning Policy on Renewable Energy, other relevant Policy and National Policy Planning Guidance, Planning Advice Notes, the relevant planning authority's Development Plans and any relevant supplementary guidance.

Under the Electricity Works (Environmental Impact Assessment) (Scotland)(EIA) Regulations 2000, the Scottish Ministers are required to consider whether any proposal for a hydroelectric scheme is likely to have a significant effect on the environment. In terms of these Regulations, we must consult the planning authority, Scottish Natural Heritage and the Scottish Environment Protection Agency and other relevant consultees.

**2. Aim of this Scoping Opinion**

Scottish Ministers are obliged under the EIA regulations to respond to requests from developers for a scoping opinion on outline design proposals.

The purpose of this document is to provide advice and guidance to developers which has been collated from expert consultees whom the Scottish Government has consulted. It should provide clear advice from consultees and enable developers to address the issues they have identified and address these in the EIA process and the Environmental Statement associated with the application for section 36 consent.

~~\*\* Consultees are invited to insert definitive comments on the outline proposals complete with any cross references to the relevant information contained in the scoping report submitted by the developer. The Mountaineering Council of Scotland [MCofS] would like to point out that we support the development of renewable energy schemes, particularly HEP, especially where these can be developed in what we consider to be appropriate locations ie those that have no impact on areas of wild land and areas of landscape value and significance. We recognise the importance of these schemes in addressing climate change, security of energy supply and the reduction of carbon emissions.~~

~~We recognise that this HEP proposal represents imaginative engineering construction and would gain maximum energy generating benefit from the site, unlike run of the river schemes, where the full potential may not be realised. There is also local availability of transmission infrastructure. However, we have several major concerns about this particular development which I indicate in the sections below.~~

~~We very much appreciate the opportunity to comment at this early stage but would point out that we envisage that if this Preliminary Scoping becomes an Application that we should make a strong objection and that we anticipate that there would be considerable robust opposition to the scheme.~~

### 3. Description of your development

From your submitted information it is understood, the proposed development is for a 300 – 600 MW pumped storage scheme and supporting infrastructure.

The proposed schme is situated close to Kilfinnan Farm south west of Laggan and to the north west of Loch Lochy, The approximate dam centreline National Grid reference is NN 236 956.

The principal components of the proposal are as follow:

- Dam and reservoir: The reservoir with its impounding dam and intake tower at Loch a'Choire Ghlais.
- Power station: An underground cavern power station with assoated access tunnel and portal.
- Headrace tunnel: A tunnel transferring water between the upper reservoir and the power station.
- Tailrace tunnel: A tunnel transferring water between the power station and the tailrace outfall at Loch Lochy.
- Tailrace outfall: A tailrace outfall structure on the shore of Loch Lochy.
- Access tracks: Temporary access tracks for constrction and permanent tracks for construction and maintenance.

Scottish Ministers are of the view that the EIA process should inform the final site selection and design process. This Scoping Opinion should be used in conjunction with design considerations to provide a fully detailed and qualitative application, complete with a description of the site layout, construction, and operational processes.

#### **4. Land Use Planning**

Scottish Planning Policy SPP 6: Renewable Energy sets out national planning policy for renewable energy developments. It outlines the process of encouraging, approving and implementing renewable energy proposals to ensure the delivery of renewable energy targets. The SPP identifies the issues that Scottish Ministers will take into account when considering applications for on-shore electricity generation schemes under Section 36 of the Electricity Act 1989.

The series of SPPs and National Planning Policy Guidelines (NPPGs) should be taken as an integral policy suite and considered along with the supporting advice and information in Planning Advice Notes (PANs) and Circulars. Planning documents that a developer should particularly consider include:

- National Planning Framework for Scotland (about to be replaced by NPF2)
- Scottish Planning Policy Parts 1 & 2
- SPP2: Economic Development
- SPP6. Renewable Energy
- SPP7: Planning and Flooding
- SPP15: Planning for Rural Development (2005)
- SPP17: Planning for Transport (2005)
- SPP 21: Green Belts
- SPP23: Planning and the Historic Environment
- NPPG14: Natural Heritage
- SPP 23: Planning and Historic Environment
- NPPG19: Radio Telecommunications
- PAN42: Archaeology–Planning Process and Scheduled Monument Procedures
- PAN45: 2002 Renewable Energy Technologies
- PAN 50: Controlling the Environmental Effects of Surface Mineral Workings
- PAN 51: Planning, Environmental Protection and Regulation
- PAN56: Planning and Noise
- PAN58: Environmental Impact Assessment
- PAN60: Planning for Natural Heritage
- PAN62: Radio Telecommunications
- PAN68: Design Statements
- PAN69: Planning and Building Standards Advice on Flooding
- PAN 75: Planning for Transport
- PAN 79: Water and Drainage
- PAN81: Community Engagement – Planning with People.

- Development in the Countryside and Green Belts: SDD circular 24/1985
- Agricultural Land: SDD Circular 18/198
- Habitats Directive: SOED Circular 6/95 (as revised June 2000)
- Scottish Government Interim Guidance on European Protected Species, Development Sites and the Planning System
- The Highland Structure Plan, March 2001
- Lochaber Local Plan, February 1999

## 5. Natural Heritage

Scottish Natural Heritage (SNH) has produced a service level statement (SLS) for renewable energy consultation. This statement provides information regarding the level of input that can be expected from SNH at various stages of the EIA process. Annex A of the SLS details a list of references, which should be fully considered as part of the EIA process. A copy of the SLS and other vital information can be found on the renewable energy section of their website – [www.snh.org.uk](http://www.snh.org.uk)

## 6. General Issues

### Economic Benefit

The concept of economic benefit as a material consideration is explicitly confirmed in SPP 6. This fits with the priority of the Scottish Government to grow the Scottish economy and, more particularly, with our published policy statement “Securing a Renewable Future: Scotland’s Renewable Energy”, and the subsequent reports from the Forum for Renewables Development Scotland (FREDS), all of which highlight the manufacturing potential of the renewables sector. The application should include 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.

### Local Planning Agreements

There are two main tests in determining whether a consideration is material and relevant. These are:

- it should serve or be related to the purpose of planning – it should therefore relate to the development and use of land; and
- it should fairly and reasonably relate to the particular application.

Only those issues that meet the above tests can be taken into account when considering applications. Where relevant, developers should identify such issues in their application, including evidence to support compliance with these tests.

**Consultees should insert specific advice for the developer;**

## 7. Contents of the Environmental Statement (ES)

We recommend the contents of the ES should be structured as follows below:

### 7.1 Format

Developers should be aware that the ES should also be submitted in a user-friendly PDF format which can be placed on the Scottish Government website. High resolution and low resolution PDF versions should be provided. A description of the methodology used in assessing all impacts should be included.

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.

### 7.2 Non Technical Summary.

This should be written in simple non-technical terms to describe the various options for the proposed development and the mitigation measures against the potential adverse impacts which could result.

### 7.3 Site selection and alternatives

First, there is the general choice of site in the broader context, and the applicant should demonstrate that a fairly wide set of environmental and economic parameters have been used to narrow down choice of sites and how this choice takes account of the spatial framework set out in Annex A to SPP 6. Secondly, there should be a detailed examination on these parameters to minimise the impact of the proposal by sensitive design and layout.

Hydroelectric potential and access to the grid are key to initial sieve-mapping exercises for site selection, but environmental constraints should also be included in this initial site selection process. For example locations of protected species and should be considered both from the outset and in the detailed design and layout.

Architecture+Design Scotland (A+DS) suggest that a planning and design strategy should first look at the proposed location and address whether this is a sensible location in relation to hydroelectric, access to the grid and to the character of the landscape.

**Consultees should insert specific advice for the developer;**

### 7.4 Description of the Development

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Your description of the proposed development in the Environmental Statement should comprise information on the site boundary, design layout, and scale of the development.

Where it is required to assess environmental effects of the development (see EIA regulation 4 (1)(b), the Environmental Statement should include;

(a) a description of the physical characteristics of the whole development and the land use requirements during the construction, operation, decommissioning and restoration phases;

(b) a description of the main characteristics of the production processes and nature and quality of the materials used; and

(c) an estimate by type and quantity of expected residues and emissions resulting from the operation of the proposed development.

**Consultees should insert specific advice for the developer; Tunnel rock spoil will have an adverse visual impact and there should be a mitigation procedure to achieve landscape reinstatement to deal with the large volumes anticipated**

#### 7.5 Decommissioning

The subsequent application and supporting environmental statement should include a programme of work complete with outline plans and specifications for the decommissioning and reinstatement of the site. Information should be provided on the anticipated working life of the development and after use site reinstatement.

**Consultees should insert specific advice for the developer;**

#### 7.6 Grid Connection Details

The impacts of constructing, installing and operating the following infrastructure components should be considered and assessed by developers, if known;

- Substation.
- Cabling (Underground).
- Cabling (Overhead).
- Monitoring and control centre.

**Consultees should insert specific advice for the developer;**

### 8. **Baseline Assessment and Mitigation**

This section should clearly set out a description of the environmental features of the proposed hydroelectric site, the likely impacts of the hydroelectric scheme on these features, and the measures envisaged to prevent, mitigate and where possible remedy or offset any significant effects on the environment. It should incorporate details of the arrangements and the methodologies to be used in monitoring such potential impacts, including arrangements for parallel monitoring of control sites, timing and arrangements for reporting the monitoring results.

It should be noted that there is a danger that these measures could themselves have secondary or indirect impacts on the environment.

### 8.1 Air and Climate Emissions

The Environmental Statement should fully describe the likely significant effects of the development on the environment, including direct effects and any indirect, secondary, cumulative, short, medium and long term, permanent and temporary e.g. construction related impacts, positive and negative effects of the development which result from:

- a) the existence of the development.
- b) the use of natural resources.
- c) the emission of pollutants, the creation of nuisances and the elimination of waste.

### 8.2 Carbon Emissions

To assist Scottish Ministers in making a determination on the application, developers are invited to produce a statement of expected carbon savings over the lifetime of the hydroelectric generating scheme. The statement should include an assessment of the carbon emissions associated with track preparation, foundations, steel, and transport; any carbon losses from tree felling (and offsetting from tree planting); and any carbon losses from loss or degradation of peaty soils.

It is also important to ensure that the carbon balance of renewable energy projects is not adversely affected by management of peat resource. There need to be measures in place to ensure that the development does not lead to significant drying or oxidation of peat through, for example, development of access tracks and other infrastructure, drainage channels, or “landscaping” of excavated peat. The basis for these measures should be set out within the ES, on which a detailed peat management scheme, required through planning condition, can subsequently be designed to ensure that the carbon balance benefits of the scheme are maximised.

Developers are encouraged to submit full details of the life cycle carbon footprint of the hydroelectric scheme.

**Consultees should insert specific advice for the developer;**

Under each section below developers are asked to consider:

- Aspects of the environment likely to be affected by the proposals.
- Environmental impacts of the proposals.
- Methods to offset adverse environmental effects.
- Effects of the phases of the development; Construction, Operation, Decommissioning and Restoration.

### 8.3 Design, Landscape and the Built Environment

Architecture+Design Scotland (A+DS) places particular importance on the layout design of hydroelectric schemes and considers there is a need for a coherent, structured and quality driven approach to hydroelectric development. The strategy should explain the design principles behind the layout plan in a rational way that can be easily understood. Expressed through a design statement. The Design Statement should describe a clear strategy for meeting these objectives, a justification for the resulting layout and evidence that the design ideas have been tested against the objectives.

Visual information should be presented in a way which communicates as realistically as possible the actual visual impact of the proposal. The format of the images and the focal length of the lens will have to be taken into consideration.

The ES should include a description of the landscape character of the area and how that character will be affected by the impact on any landscapes designated for their landscape or scenic value, including National Parks, National Scenic Areas, or local landscape designations such as Area of Great Landscape Value or Regional Scenic Area (the terminology is varied) and the impact on any area which is a recognised focus for recreational enjoyment of the countryside, eg a Regional Park or Country Park.

**Consultees should insert specific advice for the developer; This development will have a huge and damaging impact on the landscape, caused by the very large dam construction involved, future draw down, and the construction of new permanent upland tracks on high ground. This will greatly affect the amenity value of the nearby Munros, Corbetts and moorland. The MCofS considers that the visual impact will be considerable**  
**The MCofS is opposed to the proliferation of upland tracks, and the proposed new permanent tracks, at some elevation, cause us concern. Page 16, 4.4.2: although the vicinity of the development does not fall within an SNH Search Area for Wild Land, it does have landscape characteristics of this designation. In addition, the site is in the Interlocking Sweeping Peaks LCA and is in an Area of Great Landscape Value.**  
**4.4 Landscape Impact: this section raises a number of issues that we envisage would cause considerable opposition to this development We note the impacts the developer has recognised in sections 5.1.2, 5.2.6/9, 5.2.10, 5.2.11, and 5.2.12. We have concerns in all these areas although we are less concerned with the short term impacts during**

**construction than those which will become permanent features after commissioning.**

#### 8.4 Construction and Operation

The ES should contain site-specific information on all aspects of site work that might have an impact upon the environment, containing further preventative action and mitigation to limit impacts. Elements should include: fuel transport and storage management; concrete production (including if batching plants are proposed and measures to prevent discharges to watercourses); stockpile storage; storage of weather sensitive materials at lay-down areas; haul routes and access roads (and if temporary or permanent); earthworks to provide landscaping; mechanical digging of new or existing drainage channels; vehicle access over watercourses; construction of watercourse crossings and digging of excavations (particularly regarding management of water ingress); temporary and long-term welfare arrangements for workers during construction; maintenance of vehicles and plant; pollution control measures during bunding or roofing of transformer areas; use of oil-cooled power cables and related contingency measures; With regards to oil, it is imperative that there is a detailed contingency plan to deal with large oil spills that cannot be dealt with at a local level. The ES should identify if there are particularly sensitive receptors of pollution (e.g. salmonid rivers, rivers with freshwater pearl mussels ect).

Such information is necessary in order to assess the environmental impact of the proposals prior to determination and provide the basis for more detailed construction method statements which may be requested as planning conditions (it is recommended that the relevant Planning Authorities, SNH and SEPA are provided with the opportunity to view these method statements in draft form, prior to them being finalised should development take place).

**Consultees should insert specific advice for the developer;**

The applicant should be aware of information provided by SEPA that may be of use such as rainfall and hydrological data. The need to plan the works in order to avoid construction of roads, dewatering of pits and other potentially polluting activities during periods of high rainfall is important. The ES needs to demonstrate which periods of the year would be best practice for construction for the site, taking into account the need to avoid pollution risks and other environmental sensitivities affecting operational timing, such as fish spawning and bird nesting.

The impact of the proposed development on public footpaths and rights of way should be clearly indicated. If any re-routing of paths under a Right of Way is required alternative routes should be highlighted for consideration.

The ES should set out mechanisms to ensure that workers on site, including sub-contractors, are aware of environmental risks, and are well controlled in this context. The ES should state whether or not appropriately qualified

environmental scientists or ecologists are to be used as Clerk of Works or in other roles during construction to provide specialist advice. Details of emergency procedures to be provided should be identified in the ES.

The process whereby a method statement is consulted upon before commencement of work is satisfactory at many sites where sensitivities are non-critical. However for environmentally sensitive sites it is recommended that, following consultation, method statements be approved by the planning authority in consultation with SNH, prior to the commencement of construction work.

Scottish Natural Heritage would normally only wish to comment on Construction Method Statements where there are relevant and significant natural heritage interests involved. Developers should avoid submitting multiple versions of the Construction Method Statement to SNH.

**Consultees should insert specific advice for the developer; In the eventuality that this proposal is approved at some point in the future we would emphasise that public access, including parking provision, must be maintained throughout the construction period in accordance with Scottish access legislation. We appreciate that the developers would be required to provide appropriate alternative access. This is a very popular area at all times of the year for recreational access. The MCofS has already been involved in the resolution of parking matters in the area. We are apprehensive as our members reported access problems during the Glen Doe HEP construction period. There may be a need to have a temporary workers' camp at elevation on the site – there would need to be specific site management conditions set.**

## 8.5 Archaeology and Cultural Heritage

### General Principles

The ES should address the predicted impacts on the historic environment and describe the mitigation proposed to avoid or reduce impacts to a level where they are not significant. Historic environment issues should be taken into consideration from the start of the site selection process and as part of the alternatives considered.

National policy for the historic environment is set out in:

- Scottish Planning Policy (SPP) 23 *Planning and the Historic Environment* at: <http://www.scotland.gov.uk/Publications/2008/10/28135841/0>
- The Scottish Historic Environment Policy (SHEP) sets out Scottish Ministers strategic policies for the historic environment and can be found at: <http://www.historic-scotland.gov.uk/index/heritage/policy/shep.htm>

- Technical Guidance Note\* text available at: <http://www.historic-scotland.gov.uk/index/heritage/policy/memorandumofguidance.htm>

\* The *Memorandum of Guidance on Listed Buildings and Conservation Areas* (the Memorandum) has now been withdrawn. New guidance notes will ultimately replace the Memorandum, and will be published for consultation with the aim of replacing the Technical Guidance Note by 2009/10

Amongst other things, SPP 23 stresses that scheduled monuments should be preserved *in situ* and within an appropriate setting and confirms that developments must be managed carefully to preserve listed buildings and their settings to retain and enhance any features of special architectural or historic interest which they possess. Consequently, both direct impacts on the resource itself and indirect impact on its setting must be addressed in any Environmental Impact Assessment (EIA) undertaken for this proposed development.

Historic Scotland recommend that you engage a suitably qualified archaeological/historic environment consultants to advise on, and undertake the detailed assessment of impacts on the historic environment and advise on appropriate mitigation strategies.

#### Baseline Information

Information on the location of all archaeological/historic sites held in the National Monuments Record of Scotland, including the locations and, where appropriate, the extent of scheduled monuments, listed buildings and gardens and designed landscapes can be obtained from [www.PASTMAP.org.uk](http://www.PASTMAP.org.uk).

Data on scheduled monuments, listed buildings and properties in the care of Scottish Ministers can also be downloaded from Historic Scotland's Spatial Data Warehouse at <http://hsewsf.sedsh.gov.uk/pls/htmldb/f?p=500:1:8448412299472048421::NO>

For any further information on those data sets and for spatial information on gardens and designed landscapes and World Heritage Sites which are not currently included in Historic Scotland's Spatial Data Warehouse please contact [hsgimanager@scotland.gsi.gov.uk](mailto:hsgimanager@scotland.gsi.gov.uk). Historic Scotland would also be happy to provide any further information on all such sites.

**Consultees should insert specific advice for the developer;**

*Please include any specific comments/concerns in this section.*

## **9. Ecology, Biodiversity and Nature Conservation**

Scottish Government suggests that all ecological survey methods conform to the best available standard methods for each habitat and species, and follow guidance published by SNH where this is available. Where standard methodologies do not exist, developers should propose and agree an appropriate methodology with SNH specialist advisers. SG also requires that all ecological survey data collected during ES survey work should be made available by the applicant to SG and SNH, in a form which would enable them to make future analysis of the effects of hydroelectric schemes if appropriate.

## 9.1 Designated sites

The ES should address the likely impacts on the nature conservation interests of all the designated sites in the vicinity of the proposed development. It should provide proposals for any mitigation that is required to avoid these impacts or to reduce them to a level where they are not significant.

Information on designated sites and the law protecting them can be found on the SNH website. Maps of the boundaries of all natural heritage designated sites and information on what they are designated for are also publicly available via SiteLink in the SNHi section of the SNH website

<http://www.snh.org.uk/snhi/>. The developer is referred to this resource to ensure that they have the correct information on designated sites within the locality that may be affected by the proposed development. The potential impact of the development proposals on other designated areas such as NSA, LSA, SSI or Regional/National Parks etc should be carefully and thoroughly considered and appropriate mitigation measures outlined in the ES. Early consultation and agreement with SNH, the relevant planning authority and other stakeholders is imperative in these circumstances.

**For developments with a potential to affect Natura sites, applicants must provide in the ES sufficient information to make clear how the tests in the Habitats Regulations will be met, as described in the June 2000**

**Scottish Government guidance.** The information in the ES should enable the assessments required by the legislation to be completed by the Scottish Government. Specific guidance on the Habitats and Birds Directive regarding the appropriate impact assessments and associated alternative solution and IROPI tests is available on the following website link

<http://www.scotland.gov.uk/library3/nature/habd-00.asp>

Within the Regulations, the first test is whether the proposal is necessary for the management of the site: this will not be the case for hydroelectric applications. The next step is to ask whether the proposal (alone or in combination with other proposals) is likely to have a significant effect on the site. If so, the Scottish Government as the Competent Authority under the Habitats Directive will draw up an 'appropriate assessment' as to the implications of the development for the site, in view of that site's conservation objectives.

The scoping report should aim to present sufficient information to enable a conclusion to be drawn on this test, ie as to whether there is likely to be a

significant effect on the site. If that information is provided, SNH will be able to advise, when consulted upon the scoping request, whether an appropriate assessment will be necessary. In the event that detailed survey or analysis is required in order to reach a view, the survey and analysis should be regarded as information contributing to that assessment. Note that such information should be provided for the hydroelectric scheme itself together with any ancillary works such as grid connections and vehicle tracks, and cumulatively in combination with any other hydroelectric scheme consented or formally proposed in the vicinity.

**Consultees should insert specific advice for the developer;**

## 9.2 Habitats

SNH suggest that the ecological survey methods are agreed with their specialist advisers and all ecological survey data collected during ES survey work should be made available by the applicant to SNH, in a form which would enable them to make future analyses of the effects of hydroelectric schemes if appropriate. Surveys should be carried out at appropriate times or periods of the year by appropriately qualified and experienced personnel, and suitability of the timing needs to be considered within the ES.

The ES should provide a comprehensive account of the habitats present on the proposed development site. It should identify rare and threatened habitats, and those protected by European or UK legislation, or identified in national or local Biodiversity Action Plans. Habitat enhancement and mitigation measures should be detailed, particularly in respect to blanket bog, in the contexts of both biodiversity conservation and the inherent risk of peat slide. Details of any habitat enhancement programme (such as native- tree planting, stock exclusion, etc) for the proposed hydroelectric site should be provided. It is expected that the ES will address whether or not the development could assist or impede delivery of elements of relevant Biodiversity Action Plans.

Particular attention should be paid to the effects of the proposals on any peat land habitats on the site. SEPA emphasises that the ES should demonstrate that locations have been determined on the basis of habitats on the site, especially with regard to any areas of deep peat and intact hydrological units of mire vegetation. The ES needs to demonstrate that access roads have been located to minimise impact on vegetation communities, peat habitats and peat depth. Measures to avoid pH impact on peatland from use of cement/concrete (e.g. use of blinding cement on roadways, wash-out during construction, integrity of shuttering) should be set out.

## 9.3 Habitat Management

SNH and RSPB may wish to see a Habitat Management Plan for the area of the hydroelectric scheme and any area managed in mitigation or compensation for the potential impacts of the hydroelectric scheme. A commitment to maintain and/or enhance the biodiversity of the overall area is expected. Monitoring of any specific potential impacts of the development,

and of the outcome of any habitat management measures, should form part of the ES proposals. Developers may also want to consult other interested parties in preparation of the HMP information or relevant studies/surveys.

The ES should also outline provisions made regarding public access, having regard for the requirements of the Land Reform (Scotland) Act 2003, clarifying the extent of any access restrictions proposed, if any, during construction or operation, and indicating any new facilities for access to be provided on or off site.

**Consultees should insert specific advice for the developer;**

#### 9.4 Species : Plants and Animals

The ES needs to show that the applicants have taken account of the relevant wildlife legislation and guidance namely, Council Directives on The Conservation of Natural Habitats and of Wild Flora and Fauna, and on Conservation of Wild Birds (commonly known as the Habitats and Birds Directives), the Wildlife & Countryside Act 1981, the Nature Conservation (Scotland) Act 2004, the Protection of Badgers Act 1992, the 1994 Conservation Regulations, Scottish Executive Interim Guidance on European Protected Species, Development Sites and the Planning System and the Scottish Biodiversity Strategy and associated Implementation Plans. In terms of the SG Interim Guidance, applicants must give serious consideration to/recognition of meeting the three fundamental tests set out in this Guidance. **It may be worthwhile for applicants to give consideration to this immediately after the completion of the scoping exercise.**

It needs to be categorically established which species are present on the site, and where, before the application is considered for consent. The presence of protected species such as Schedule 1 Birds or European Protected Species must be included and considered as part of the application process, not as an issue which can be considered at a later stage. Any consent given without due consideration to these species may breach European Directives with the possibility of consequential delays or the project being halted by the EC. Likewise the presence of species on Schedules 5 (animals) and 8 (plants) of the Wildlife & Countryside Act 1981 should be considered where there is a potential need for a licence under Section 16 of that Act.

##### Plants

A baseline survey of the plants present on the site should be undertaken, and field and existing data on the location of plants should be used to determine the presence of any rare or threatened species of vascular and no-vascular plants and fungi.

##### Birds

The ES should provide an assessment of the impact of the hydroelectric scheme on birds. A baseline survey of the species and number of birds

present on the site throughout the year should be undertaken. Particular attention should be paid to specially protected and/or vulnerable species.

Survey work should include assessment of the breeding birds and birds whose migrations or other seasonal distributions traverse or are in close proximity to the site.

In the interests of all stakeholders involved in the consultation exercise, the presence of protected species must be included and considered as part of the section 36 application process. Submitting this information as an addendum at a later date will require further publicity and consultation which will delay the overall determination.

An Annex of Environmentally Sensitive Information may be required to provide information on nest locations or other environmentally sensitive information related to specially protected species. However, the annex should not include any information that is not confidential, or if it does this information should be contained elsewhere within the text of the environmental statement.

### Mammals

A baseline survey of the species and number of mammals present on the site should be undertaken. Particular attention should be paid to specially protected and/or vulnerable species, especially European Protected Mammals, and those potentially affected by the development.

### Reptiles, amphibians

A baseline survey of the species and number of reptiles and amphibians present on the site should be undertaken. Particular attention should be paid to specially protected and/or vulnerable species, especially European Protected species, and those potentially affected by the development.

### Fish

Fish populations can be impacted by subtle changes in water quality and quantity and changes in channel morphology that influence suitability of habitat and consequently performance and production. Further impacts can occur if issues of habitat continuity are not adequately considered when planning site drainage and river crossings. A baseline survey should be undertaken to demonstrate the species and abundance of fish present in the still and running waterbodies on and around the site throughout the year. This should extend to watercourses which may be affected by run-off from the site during construction, operation or decommissioning.

Particular attention should be paid to specially protected and/or vulnerable species, especially European Protected species, and those potentially affected by the development. However, fish and fisheries should be given due consideration regardless of conservation designation.

Developers should be aware that hydroelectric developments have considerable construction implications and these can be conducted without proper regard or understanding of their potential impacts on watercourses and water quality, and on fish and aquatic invertebrate populations.

The developer should ensure that the implications of changing water quality, quantity, channel morphology and habitat continuity are addressed specifically with reference to potential impacts on fish and that mitigation addresses these issues. Where this information is provided elsewhere in the document, it should be specifically highlighted.

Where a development has the potential to impact on local fish populations the developer will be asked to develop an integrated fish and water quality monitoring programme with baseline, development and post-development sampling. Details of any proposed monitoring should be detailed.

*Developers are encouraged to submit fish information in a collective document or with the relevant cross references to other areas of the ES. (i.e. hydrology, hydro-geology, water quality and hydro-morphology)*

### Invertebrates

A baseline survey of invertebrates present on the site and in the waterbodies and watercourses on and around the site throughout the year should be undertaken. This should be guided by existing information on the presence, distribution and abundance of notable invertebrates. Sampling of aquatic invertebrates should extend to watercourses which may be affected by run-off from the site during construction, operation or decommissioning. Particular attention should be paid to specially protected and/or vulnerable species, especially European Protected species, and those potentially affected by the development.

**Consultees should insert specific advice for the developer;**

## **10. Water Environment**

The Water Environment and Water Services (Scotland) (WEWS) Act 2003, implements the EC Water Framework Directive (2000/60/EC), which is aimed at maintaining and improving the quality of aquatic ecosystems and requires that any ecological risks to the water environment associated with the development (including engineering operations) be identified and controlled.

Developers are strongly advised at an early stage to consult Scottish Environment Protection Agency (SEPA) as the regulatory body responsible for the implementation of the Controlled Activities (Scotland) Regulations 2005 (CAR), to identify 1) if a CAR license is necessary and 2) clarify the extent of the information required by SEPA to fully assess any license application. Energy Consents will identify a requirement for flood prevention comments from SEPA. Guidance on the supporting information requirements for a CAR license application can be found at:

<http://www.sepa.org.uk/water/idoc.ashx?docid=d52f5657-e798-47b9-8396-cac7889c2276&version=-1>.

All applications (including those made prior to 1 April 2006) made to Scottish Ministers for consent under section 36 of the Electricity Act 1989 to construct and operate a electricity generating scheme will require to comply with CAR . In this regard, we will be advised by SEPA concerning the requirements of these Regulations on the proposed development and will have regard to this advice in considering any consent under section 36 of the Electricity Act 1989.

SEPA produces a series of Pollution Prevention Guidelines, several of which should be usefully utilised in preparation of an ES and during development. These include SEPA's guidance note PPG6: Working at Construction and Demolition Sites, PPG5: Works in, near or liable to affect Watercourses, PPG2 Above ground storage tanks, and others, all of which are available on SEPA's website at <http://www.sepa.org.uk/guidance/ppg/index.htm>. SEPA would look to see specific principles contained within PPG notes to be incorporated within mitigation measures identified within the ES rather than general reference to adherence to the notes.

Prevention and clean-up measures should also be considered for each of the following stages of the development;

- Construction.
- Operational.
- Decommissioning.

Construction contractors are often unaware of the potential for impacts such as these but, when proper consultation with the local District Salmon Fishery Board (who have a Statutory responsibility to protect salmon stocks) and Fishery Trust is encouraged at an early stage, many of these problems can be averted or overcome.

- Increases in silt and sediment loads resulting from construction works.
- Point source pollution incidents during construction.
- Obstruction to upstream and downstream migration both during and after construction.
- Disturbance of spawning beds during construction - timing of works is critical.
- Drainage issues.
- Alteration to hydrological regime and water quality
- Impacts on stream morphology

The ES should identify location of and protective/mitigation measures in relation to all private water supplies within the catchments impacted by the scheme, including modifications to site design and layout.

Developers should also be aware of available CIRIA guidance on the control of water pollution from construction sites and environmental good practice ([www.ciria.org](http://www.ciria.org)). Design guidance is also available on river crossings and

migratory fish (SE consultation paper, 2000) at <http://www.scotland.gov.uk/consultations/transport/rcmf-00.asp>.

**Consultees should insert specific advice for the developer;**

#### 10.1 Hydrology and Hydrogeology

The ES should contain detailed statements of the nature of the hydrology and hydrogeology of the site, and of the potential effects the development on these. Developers should be aware that hydroelectric developments will have considerable construction implications and these can be conducted without proper regard or understanding of the potential impacts on hydrology, water courses, water quality, water quantity and on aquatic flora and fauna. The assessment should include statements on the effects of the proposed development at all stages on;

- Hydrology.
- Water Quality and quantity.
- Flood Risk.

The high rainfall often experienced at proposed hydroelectric sites means that run-off, high flow in watercourses, and other hydrological and hydrogeological matters require proper consideration within the ES.

Hydrological and hydrogeological issues should be addressed within the ES, and the following hydrological baseline information should be included.

- Long term average monthly rainfall figures.

Where the project includes significant watercourse engineering works, then SEPA would expect the following information to be included within the ES for at least a typical watercourse within the development area:

- Flood flow statistics - the flows for the Mean Annual Flood, 1:100 and 1:200 year return period.
- From a flow duration curve, the mean daily flow and Q95 flow.
- Methods used to calculate these must be identified; if non-standard methods are used, these should be described in detail with rationale for use.

Impacts on watercourses, lochs, groundwater, other water features and sensitive receptors, such as water supplies, need to be assessed. Measures to prevent erosion, sedimentation or discolouration will be required, along with monitoring proposals and contingency plans.

The applicant should refer to SEPA policy on groundwater which can be found at [www.sepa.org.uk/pfd/policies/19/pfd](http://www.sepa.org.uk/pfd/policies/19/pfd) which will assist in identifying potential risks. It should also be noted that 1:625000 groundwater vulnerability map of Scotland often referred to in Environmental Statements has been superseded

by the digital groundwater vulnerability map of Scotland (2003) and the digital aquifer map of Scotland (2004) and it is the information used on these newer maps, available on request from SEPA, that should be used in any assessment.

If culverting should be proposed, either in relation to new or upgraded tracks, then it should be noted that SEPA has a policy against unnecessary culverting of watercourses. Schemes should be designed to avoid by preference crossing watercourses, and to bridge watercourses which cannot be avoided. Culverting is the least desirable option.

The ES must identify all water crossings and include a systematic table of watercourse crossings or channelising, with detailed justification for any such elements and design to minimise impact. The table should be accompanied by photography of each watercourse affected and include dimensions of the watercourse. It may be useful for the applicant to demonstrate choice of watercourse crossing by means of a decision tree, taking into account factors including catchment size (resultant flows), natural habitat and environmental concerns.

Culverts are a frequent cause of local flooding, particularly if the design or maintenance is inadequate. The size of culverts needs to be large enough to cope with sustained heavy precipitation, and allow for the impact of climate change. This must be taken into account by developers and planning authorities. SPP7 and PAN69 provide more information on this aspect.

Measures to avoid erosion of the hillside associated with discharge from road culverting need to be set out in the ES.

All culverts must be designed with full regard to natural habitat and environmental concerns. Where migratory fish may be present (such as trout, salmon or eels) the river crossing should be designed in accordance with the Scottish Executive guidance on River Crossings and Migratory Fish. This guidance can be found on the Scottish Executive website at: [www.scotland.gov.uk/consultations/transport/rcmf-06.asp](http://www.scotland.gov.uk/consultations/transport/rcmf-06.asp)

Where the watercourse is used as a pathway by otters and other small mammals, the design of culverts will need to be modified to accommodate this.

The need for, and information on, abstractions of water supplies for concrete works or other operations should also be identified in the ES.

SEPA requests that evidence should also be provided to demonstrate that the proposals have been designed to minimise engineering works within the water environment, including crossing watercourses. Further to this, SEPA wishes to highlight the following national planning policy guidance and legislative aims.

National Planning Policy Guidance 14 'Natural Heritage' Paragraph 55 states "Lochs, ponds, watercourses and wetlands are often both valuable landscape features and important wildlife habitats, and planning authorities should seek

to safeguard their natural heritage value within the context of a wider framework of water catchment management.”

In addition, where water abstraction is proposed, SEPA requests that the ES assesses whether a public or private source is to be utilised. If a private source is to be utilised, the following information should be included within the ES to determine the environmental acceptability of the proposals.

- Source i.e. ground water or surface water;
- Location i.e. grid ref and description of site;
- Volume i.e. quantity of water to be extracted;
- Timing of abstraction i.e. will there be a continuous abstraction?;
- Nature of abstraction i.e. sump or impoundment?;
- Proposed operating regime i.e. details of abstraction limits and hands off flow;
- Survey of existing water environment including any existing water features; and
- Impacts of proposed abstraction upon the surrounding water environment.

**Consultees should insert specific advice for the developer;**

## 10.2 Geology and soils

The Environmental Statement should fully describe the likely significant effects of the development on the environment including direct effects and any indirect, secondary, cumulative, short, medium and long term, permanent and temporary e.g. construction related impacts, positive and negative effects of the development which result from:

- The existence of the development.
- The use of natural resources (including borrow pits, the need for which and impact of which, including dust, blasting and pollution of the water environment, should be appraised as part of the overall impact of the scheme)
- The emission of pollutants, the creation of nuisances and the elimination of waste.

The ES should identify the intended source of any rock or fill material to be used for tracks or foundations, and should describe the environmental impacts associated with any new quarries or borrow pits or road or track cuttings.

SEPA seeks in relation to substantial new development, that developers demonstrate that the development includes construction practices to minimise the use of raw materials and maximise the use of secondary aggregates and recycled or renewable materials. Further information is available from AggRegain ([www.aggregain.org.uk](http://www.aggregain.org.uk));

Where borrow pits are proposed, the ES should include information regarding the location, size and nature of these borrow pits including information on the depth of the borrow pit floor and the borrow pit final reinstated profile.

The impact of such facilities (including dust, blasting and impact on water) should be appraised as part of the overall impact of the scheme. Information should cover, in relation to water, at least the information set out within Planning Advice Note 50: Controlling the Environmental Effects of Surface Mineral Workings in relation to surface water (pages 24-25) and, where relevant, in relation to groundwater (pages 22-23). Information on the proposed depth of the excavation compared to the actual topography, the proposed restoration profile, proposed drainage and settlement traps, turf and overburden removal and storage for reinstatement should be submitted.

**Consultees should insert specific advice for the developer;**

### 10.3 Forestry/Woodlands

Internationally there is now a strong presumption against deforestation (which accounts for 18% of the world's greenhouse gas emissions). Reflecting this, Scottish Ministers have now approved a policy on Control of Woodland Removal which seeks to protect the existing forest resource in Scotland, and supports woodland removal (deforestation) only where it would achieve significant and clearly defined additional public benefits. In some cases, including those associated with development, a proposal for compensatory planting may form part of this balance.

The policy will apply to all new schemes submitted for Consents Scoping (or submitted as new planning applications for projects <50MW) after 1 September 2008. Where Forestry Commission Scotland (FCS) or statutory consultees did not flag concerns at the time about deforestation and where the time has now past for comment, retrospective application of the policy will not be sought formally.

For projects in scoping (or where a planning application has been submitted for projects <50MW) prior to 1 September 2008, Forestry Commission Scotland will not formally request application of the policy.

However, in situations where formal application of the policy has not been sought, FCS will still encourage informal discussions with developers and planners to consider whether there could be appropriate woodland management options (such as low intensity, low height woodland) that would avoid the need for woodland removal.

Further guidance on the implementation of the woodland removal policy is being drafted and will be published later in 2009.

The ES should indicate proposed areas of woodland removal to accommodate infrastructure such as roads. Details of the area to be cleared around those structures should also be provided, along with evidence to support the proposed scale and sequence of felling. The ES should also detail

any trees or woodland areas likely to be indirectly affected by the proposed development (e.g. through changes in hydrology, loss of neighbouring plantation causing instability, etc) and provide full details of alternatives and/or protection and mitigation measures in the ES.

The developer should consider the landscape, natural heritage and historic environment implications of any deforestation and/or tree felling in the relevant sections of the ES. The ES should also consider any impacts of forestry activities on soil and the water environment, with particular attention paid to ground disturbance, sedimentation, acidification and nutrient leaching. The applicant should make full use of the latest editions of the Forests and Soil Conservation Guidelines and the Forests and Water Guidelines (and other Forest Guidelines associated with the UK Forestry Standard) in proposing forestry activity and mitigation procedures.

If timber is to be disposed of on site, details of the methodology for this should be submitted. Areas of retained woodland or tree groups should be clearly indicated and methods for their protection during construction clearly described.

If areas of woodland are to be felled but then replanted shortly afterwards (typically within about 5 years) this should be indicated in the ES, and details of the replanting plan provided.

Where there is a change in land use (e.g. to non-woodland habitats) the woodland should be described in sufficient detail (e.g. including details of the age of the trees; the species type and mix; the soil types; any particular natural heritage designations or protected species present in the woodland; and the landscape and historical environment context) to enable its intrinsic public benefit value to be assessed. This will facilitate decisions on whether woodland removal is acceptable and if so, whether compensatory planting will be required.

The developer should refer to guidance documents issued by the Forestry Commission in relation to good forestry practice and associated environmental issues.

Forestry Commission Scotland can advise on all aspects of woodlands and forestry associated with developments and early discussion with them to clarify proposals and any particular restrictions or conditions on woodland removal that may apply to the area is recommended. Contact details of the nearest Forestry Commission Conservancy office can be accessed at: [www.forestry.gov.uk](http://www.forestry.gov.uk) or from [fcscotland@forestry.gsi.gov.uk](mailto:fcscotland@forestry.gsi.gov.uk).

**Consultees should insert specific advice for the developer;**

## 11. Other Material Issues

### 11.1 Waste

Potential requirement for waste management licences or licensing exemptions in relation to waste disposed to or from borrow pits should be discussed at an early stage with SEPA as decisions on waste management are likely to affect site design and layout.

The ES should identify all of the waste streams (such as peat and other materials excavated in relation to infrastructure) associated with the works. It should demonstrate a) how the development can include construction practices to minimise the use of raw materials and maximise the use of secondary aggregates and recycled or renewable materials and b) how waste material generated by the proposal is to be reduced and re-used or recycled where appropriate on site (for example in landscaping not resulting in excessive earth moulding and mounding).

Further to the above advice, SEPA would like to highlight the use of site waste management plans which SEPA are now seeking on all large scale construction projects and which the applicant should consider during the formulation of the ES. In SEPA's experience, waste management is becoming an increasing issue on large scale projects.

Coherent consideration should be given to the handling, use, short term storage and final disposal of surplus material, including peat and soils, and to waste minimisation and management. Should it be proposed that peat should be used at depth to restore excavations such as borrow pits, the applicant would need to demonstrate that this could be done without the release of carbon through oxidisation, and without risk to people and the environment. Please note that waste peat or soil from excavations spread on this land would not necessarily be to ecological benefit; if excavated peat or soil is to be used in landscaping the site, then this should be included in the plans, and not dealt with in an ad-hoc fashion as it arises.

SEPA therefore requests that the ES gives consideration to a full site specific Site Waste Management Plan (SWMP). Paragraph 51 of the Scottish Planning Policy (SPP10) on Planning for Waste management, promotes the use of Site Waste Management Plans (SWMP) with all new planning applications. The SWMP should detail the measures for managing and minimising waste produced during construction. Further information on the preparation of these plans can be obtained from Envirowise (<http://www.envirowise.gov.uk/scotland>) or the Department of Trade and Industry [http://www.wrap.org.uk/downloads.site\\_waste\\_management\\_plan.c32a4d8d.pdf](http://www.wrap.org.uk/downloads.site_waste_management_plan.c32a4d8d.pdf).

The SWMP should also include a soils balance carried out to demonstrate need for importation/export of materials including any backfill of excavations. Given experience on other sites, clarification is sought specifically on whether or not waste materials are to be imported. Clarification of the amount of surplus materials to be permanently deposited on mounds and scale of these mounds should also be included.

SEPA encourages the recovery and reuse of controlled waste, provided that it is in accordance with the Waste Management Licensing Regulations 1994.

The applicant should note the regulatory advice below. The developer should note that SEPA has produced guidance to assist in the consideration as to whether any particular material is waste, which is available on SEPA's website at [http://www.sepa.org.uk/pdf/guidance/waste/is\\_it\\_waste\\_v2.pdf](http://www.sepa.org.uk/pdf/guidance/waste/is_it_waste_v2.pdf)

**Consultees should insert specific advice for the developer;**

### 11.2 Noise

Hydroelectric schemes have the potential to create noise. Noise predictions should be carried out to evaluate the likely impacts of airborne noise from the construction activities including noise from blasting or piling activities which may affect local residents, during construction, operational and decommissioning stages of the project. Advice should be sought from the relevant Council planning and/or environmental health departments in respect to the potential impacts on the local community.

Cumulative noise effects should also be considered in assessing the specific circumstances prevailing at the development site. Developers may also want refer to PAN56 in this respect.

**Consultees should insert specific advice for the developer;**

### 11.3 Traffic Management

The Environmental Statement should provide information relating to the preferred route options for delivering materials etc via the trunk road network. The Environmental Impact Assessment should also address access issues, particularly those impacting upon the trunk road network, in particular, potential stress points at junctions, approach roads, borrow pits, bridges, site compound and batching areas etc.

Where potential environmental impacts have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by stating in the report:

- the work has been undertaken, e.g. transport assessment;
- what this has shown i.e. what impact if any has been identified, and
- why it is not significant.

**Consultees should insert specific advice for the developer;**

### 11.4 Cumulative Impacts

Where a hydroelectric development might have cumulative impacts with other existing, approved or current hydroelectric applications, then the assessment of environmental impacts should include consideration of these cumulative effects. Visual or landscape cumulative effects may arise where more than one hydroelectric scheme is visible from certain viewpoints, or along a journey

by road or other route. Ecological cumulative effects may arise where more than one hydroelectric scheme impacts upon a bird population, or on the hydrology of a wetland or peatland habitat.

SPP 6 introduces new requirements in relation to considering cumulative impacts through the development plan process. Where relevant, proposals should identify how they comply with development plans. A cumulative assessment should include other existing hydroelectric schemes in the vicinity of the proposal, any hydroelectric scheme which have been consented but are still to be constructed, and any which are the subject of undetermined consent applications. Inclusion within a cumulative assessment of other proposed hydroelectric scheme which have not yet reached application stage is not required, unless in exceptional circumstances we advise otherwise.

**Consultees should insert specific advice for the developer;**

#### 11.5 Other planning or environmental impact issues unique to the application.

The ES should include information on any other potential impacts connected with the project.

**Consultees should insert specific advice for the developer;**

## 12. General ES Issues

In the application for consent the applicant should confirm whether any proposals made within the Environmental Statement, eg for construction methods, mitigation, or decommissioning, form part of the application for consent.

### 12.1 Consultation

Developers should be aware that the ES should also be submitted in a user-friendly PDF format which can be placed on the Scottish Government website. Developers are asked to issue ESs directly to consultees. Consultee address lists can be obtained from the Energy Consents Unit.

Prior to formal application the Energy Consents Unit requires 3 copies of the draft ES which will be issued to SEPA, SNH and the planning authority/authorities. The 3 statutory consultees are asked to check and comment of the draft ES to ensure the ES is in order. After the statutory consultees are satisfied with the draft ES you can then advertise the application in the local and national newspapers.

Where the developer has provided Scottish Ministers with an environmental statement, the developer must publish their proposals in accordance with part 4 of the Environmental Impact Assessment (Scotland) Regulations 2000.

Energy consents information and guidance, including the specific details of the adverts to be placed in the press can be obtained from the Energy Consents website; <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Energy-Consents>

## 12.2 Gaelic Language

Where s36 applications are located in areas where Gaelic is spoken, developers are encouraged to adopt best practice by publicising the project details in both English and Gaelic (see also Energy consents website above).

## 12.3 OS Mapping Records

Developers are requested at application stage to submit a detailed Ordnance Survey plan showing the site boundary and powerhouse, access tracks and supporting infrastructure in a format compatible with the Scottish Government's Spatial Data Management Environment (SDME), along with appropriate metadata. The SDME is based around Oracle RDBMS and ESRI ArcSDE and all incoming data should be supplied in ESRI shapefile format. The SDME also contains a metadata recording system based on the ISO template within ESRI ArcCatalog (agreed standard used by the Scottish Government), all metadata should be provided in this format.

## 12.4 Difficulties in Compiling Additional Information.

Developers are encouraged to outline their experiences or practical difficulties encountered when collating/recording additional information supporting the application. An explanation of any necessary information not included in the Environmental Statement should be provided, complete with an indication of when an addendum will be submitted.

## 12.5 Application and Environmental Statement

A developer checklist is enclosed with this report to help developers fully consider and collate the relevant ES information to support their application. In advance of publicising the application, developers should be aware this checklist will be used by government officials when considering acceptance of formal applications.

## 12.6 Consent Timescale and Application Quality

In December 2007, Scottish Ministers announced an aspirational target to process new section 36 applications within a 9 month period, provided a PLI is not held. This scoping opinion is specifically designed to improve the quality of advice provided to developers and thus reduce the risk of additional information being requested and subject to further publicity and consultation cycles.

Developers are advised to consider all aspects of this scoping opinion when preparing a formal application, to reduce the need to submit information in support of your application. The consultee comments presented in this opinion are designed to offer an opportunity to considered all material issues relating to the development proposals.

In assessing the quality and suitability of applications, Government officials will use the enclosed checklist and scoping opinion to scrutinise the application. Developers are encouraged to seek advice on the contents of ESs prior to applications being submitted, although this process does not involve a full analysis of the proposals. In the event of an application being void of essential information, officials reserve the right not to accept the application. Developers are advised not to publicise applications in the local or national press, until their application has been checked and accepted by SG officials.

Developers are advised to refer to the Energy Consents website at <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Energy-Consents>

#### 12.7 Judicial review

All cases may be subject to judicial review. A judicial review statement should be made available to the public.

RESPONSE: this response was prepared for the Mountaineering Council of Scotland by Beryl Leatherland, Access and Conservation  
28.10.2009

*Signed*

*Authorised by the Scottish Ministers to sign in that behalf.*

Enclosed - Developer Application Checklist

## DEVELOPER APPLICATION AND ENVIRONMENTAL STATEMENT CHECKLIST

- |  | Enclosed                 |
|--|--------------------------|
| 1. Developer cover letter and fee cheque | <input type="checkbox"/> |
| 2. Copies of ES and associated OS maps   | <input type="checkbox"/> |
| 3. Copies of Non Technical Summary       | <input type="checkbox"/> |
| 4. Confidential Bird Annexes             | <input type="checkbox"/> |
| 5. Draft Adverts                         | <input type="checkbox"/> |
| 6. E Data – CDs, PDFs and SHAPE files    | <input type="checkbox"/> |

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Environmental Statement Reference	Enclosed	ES
(Section & Page No.)		
7. Development Description	<input type="checkbox"/>	
8. OS co-ordinates for site and turbine layout		<input type="checkbox"/>
9. Planning Policies, Guidance and Agreements	<input type="checkbox"/>	
10. Natural Heritage	<input type="checkbox"/>	
11. Economic Benefits	<input type="checkbox"/>	
12. Site Selection and Alternatives	<input type="checkbox"/>	
13. Construction and Operations (outline methods)	<input type="checkbox"/>	
14. Decommissioning	<input type="checkbox"/>	
15. Grid Connection details	<input type="checkbox"/>	
16. Baseline Assessment data – air emissions		<input type="checkbox"/>
17. Design, Landscape and Visual Amenity	<input type="checkbox"/>	
18. Archaeology	<input type="checkbox"/>	
19. Ecology, Biodiversity & Nature Conservation	<input type="checkbox"/>	
20. Designated Sites	<input type="checkbox"/>	
21. Habitat Management	<input type="checkbox"/>	
22. Species, Plants and Animals	<input type="checkbox"/>	
23. Water Environment - Hydrology	<input type="checkbox"/>	
24. Geology - Peat survey data and risk register		<input type="checkbox"/>
25. Forestry	<input type="checkbox"/>	
26. Waste	<input type="checkbox"/>	
27. Aviation	<input type="checkbox"/>	
28. Telecommunications	<input type="checkbox"/>	
29. Noise	<input type="checkbox"/>	
30. Traffic Management	<input type="checkbox"/>	
31. Cumulative Impacts	<input type="checkbox"/>	

N.B. Developers are encouraged to use this checklist when progressing towards application stage and formulating their Environmental Statements. The checklist will also be used by officials when considering acceptance of formal applications. Developers should not publicise applications in the local or national press, until their application has been checked and accepted by officials.