

Our Ref: ENQ/2022/0373  
Your Ref:

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11/05/2022

Dear Sir/Madam

**The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017**  
**EIA Screening/Scoping Opinion for Erection of 300MW Floating Windfarm - Onshore Infrastructure at Green Volt Offshore Windfarm, Ettrick/Blackbird Oil And Gas Fields**  
**Grid Reference: 397529.845877**

I refer to your requests for an EIA screening and scoping opinion for onshore infrastructure associated with the proposed Greenvolt project, received on 14 March 2022. Each request is discussed separately below. Please note, that both the EIA Screening Opinion and Scoping Opinion relate solely to the onshore infrastructure only. It is acknowledged that a separate scoping report was considered by Marine Scotland (MS) for the offshore infrastructure and that response was provided by MS on 19 April 2022).

Screening Opinion

A request for a screening opinion is made under Regulation 8 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

The Planning Authority is required to provide and record a formal screening opinion based upon an assessment of the location, nature, purpose and possible effects of the development. Under the terms of the above Regulations, the proposed development is not of a type expressly listed under either Schedule 1 or Schedule 2. However, the EIA Directive has a “wide scope and broad purpose” and because a development is not specifically mentioned does not mean it falls outside of the scope of the Regulations – it is important to consider the scope and purpose of a project, not just its label. As such, the Council has taken the decision to Screen the development under Class 3 (Energy Industry) given its connection to the energy industry through transmitting electricity harnessed by wind turbines. An Environmental Impact Assessment (EIA) will only require to be submitted as part of the planning application if the Planning Authority considers that the type of proposal in this particular location is likely to give rise to significant environmental effects. The following 3 issues require to be considered:

1. Characteristics of Development
2. Location of Development
3. Characteristics of the Potential Impact

The proposed development includes excavation works over the 28km (approximate) cable route from the Buchan Coast, inland to south-west of New Deer; a new substation to be located in close proximity to an existing substation; Horizontal Directional Drilling (HDD) along the route and at the chosen landfall location; construction and welfare compounds; working areas alongside cable trench. The nature of the development is largely industrial, however the only permanent industrial feature would be the operational substation. The construction works through the cable corridor and at the landfall point would be temporary, with the completed works being under reinstated/restored ground.

The development can effectively be split into three sections:

- Landing point
- Cable corridor
- Substation

The joining points are perhaps the most sensitive areas of the development. The northern joining points adjacent to Scotstown Beach, St Fergus, are not covered by the Rattray Head to Peterhead Local Nature Conservation Site (LNCS) (LNCS 78) but is included within the 500m buffer and have potential to impact upon its qualities. The southern joining points, sited between Peterhead and Boddam are again located within or adjacent to the Skelmuirhill, Stirling Hill and Dudwick LNCS (LNCS 89). In addition to LNCS 89, there are coastal designation that may well be affected by the HDD works to connect offshore and onshore infrastructure. The Buchan Ness to Collieston Coast SPA, Bullers of Buchan Coast SSSI, Buchan Ness to Collieston SAC are all designated around the Boddam area.

The chosen cable corridor would pass through the Buchan area, into the Formartine area, terminating south-west of New Deer. Cable routes from the south (options 1 and 3) would pass through LNCS 89 and cable routes from the north would pass in close vicinity to Scheduled Monuments in Inverugie. All cable routes indicated would have the potential to affect the built and natural environment. It is noted that efforts are made to avoid woodland, peatland and settlements where possible.

The substation locations indicated are not within any designated areas but are adjacent to an existing substation.

Impacts from the proposed development are likely to be most prominent during the construction phase, with open trenching, compound areas for storage and HDD works and welfare facilities being created. Impacts are likely to affect local residents close to the cable corridor, landfall point and substation location. While the impacts, including visual and amenity impacts, would be 'rolling' as construction moves along the corridor and be restored after work has finished, they are likely to be intense and somewhat intrusive to dwellinghouses. The substation would have construction and operational impacts, given the visual change through the construction of the structure.

Based on this assessment it is our opinion that an **Environmental Impact Assessment Report is required**. While the proposed development is likely to have significant effects

on the environment, these are likely to be limited to focussed topics. The Scoping Opinion which follows below will provide detail of the scope of the EIA Report (EIAR) required to accompany any planning application.

### Scoping Opinion

I am now in receipt of all the necessary consultation responses and I can now offer a formal Scoping Opinion under Regulation 17 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the Regulations).

Schedule 4 of the Regulations states the information which should be included in an Environmental Impact Assessment Report (EIAR). These guidelines offer the backbone to the structure of an EIA Report and should be used as the basis for your submission.

In order to make an assessment of the above information there are specific criteria and guidance set out in Schedule 4 of the Regulations. In particular these include characteristics of the development, an outline of any alternative options/sites and the main reasons for the options/sites chosen. Environmental issues are of obvious key importance such as those aspects of the environment that would be likely to be significantly affected. Detailed survey work would be required to inform the EIA Report. Following analysis of the aspects of the environment which would be likely to be significantly affected, a detailed assessment of the effects themselves would be required along with mitigation measures proposed.

Examples of the types of issues that should be addressed include:

- Climate change
- Local Economic Effect
- Landscape Resource
- Soils and geology
- Visual Amenity
- Ornithology
- Visual Amenity
- Ecology
- Nature Conservation
- European Protected Species
- Hydrology and Water Supplies
- Forestry and Tree Felling
- Transport and Traffic including road safety issues and impact on local road network during and after construction work
- Noise
- Cultural Heritage and archaeology
- Land Use
- Land Ownership
- Tourism and Recreation, including footpaths
- Proposed mitigation measures

Please note that the above list is by no means exhaustive and that other issues might become obvious following public consultations and consultations with statutory consultees.

Comments on specific chapters, including those made from internal and external consultees, are below.

## **Planning Policy**

You will be aware that the proposed Aberdeenshire LDP is at examination at present. The Reporter's report is expected to be returned to the Council during the month of May. The new LDP is anticipated to be adopted in August 2022, however this is subject to change. You are encouraged to keep up-to-date with the status of the proposed LDP prior to submission of any application.

It is noted that it is the intention to 'reference' NPF3, NPF4 and SPP. It is unclear what 'referencing' entails, so it is recommended that the key paragraphs and a brief discussion of these be covered within the Planning Policy section of the EIAR.

## **Landscape and Visual Impact**

The proposed 1km study area from the centre of the cable route is accepted.

The methodology proposed to assess the landscape impacts appear acceptable.

Visualisations showing the baseline and built development should be included within the EIA Report. The construction compound for the jointing bay should also be included within the visualisations and include any landscaping or mitigation. The visualisations should be based on a ZTV which the Council would be happy to consider and assist with viewpoint selection.

Visual impact should be considered by a range of receptors where possible and include various landscape character types and landscape designations as appropriate.

## **Ecology**

The contents of Section 6 of the scoping report are noted. Comments within this section of the scoping opinion relate to protected species and protected sites.

There are three protected areas south of Peterhead:

- Buchan Ness to Collieston Coast Special Area of Conservation (SAC)
- Buchan Ness to Collieston Special Protection Area (SPA)
- Bullers of Buchan Coast Site of Special Scientific Interest (SSSI)

The southernmost option for cable landfall lies outwith, but directly adjacent to the above protected areas. The EIA report shall assess any impacts the onshore works will have on the interests of the above protected areas.

The Loch of Strathbeg SSSI and SPA lies approximately 5km north of the northern option for cable landfall. NatureScot advises that, should this option be chosen, the EIA should take account of the potential for the cable landfall becoming re-exposed as a result of landward retreat of the beach, which is predicted for parts of the bay. While a cable may be reburied, it may create a demand for protective measures, which could interrupt coastal

sediment transport which in turn could affect the SSSI's nationally important geomorphology and dependant habitats. Re-exposure of a trenched landfall should be scoped in as a potential effect.

There are several Local Nature Conservation Sites (LNCS) in the coastal region that do not appear to have been addressed within the scoping report. LNCS 89: Skelmuir Hill, Stirling Hill and Dudwick is located in the south and would be directly impacted by corridor options 1 and 3. LNCS 78: Rattray Head to Peterhead is an offshore designation but does cover the coastal area. The jointing point option areas associated with corridor options 2 and 4 would either lie within the LNCS area or within its 500m buffer area and has the potential to directly impact on the designation. Details of the designations can be found in the Aberdeenshire Local Development Plan 2017 as Supplementary Guidance 5b (maps 17-19 for LNCS 78) and Supplementary Guidance 5d (maps 39a-d for LNCS 89). It is also noted that cable route 2 is within the 500m buffer for LNCS 84: Rora Moss (map 107). Engagement with Aberdeenshire Council is advised to discuss these aspects.

Environment and Infrastructure Services (Environment – Natural Heritage) accepts the range of ecological (non-avian) surveys proposed to be scoped into the EIAR is appropriate. No additional surveys are advised to be undertaken at this stage, however it is reminded that additional surveys and studies may become apparent at a later stage. NatureScot agree the proposed surveys, methodologies and mitigation are appropriate at this stage and recommend the development delivers net biodiversity gains through biodiversity enhancement across all aspects – not just limited to ornithological interests.

It is advised that the proposed CEMP should include Species Protection Plans unless these are to comprise a separate standalone document.

## **Ornithology**

NatureScot generally agree with the species, methodologies and embedded mitigation, however it is not agreed that breeding seabirds are scoped out of the assessment. The EIAR shall include a full assessment of the bird species listed as a qualifying interest within the Buchan Ness to Collieston SPA and Bullers of Buchan Coast SSSI. It is also advised by NatureScot that disturbance to seabirds using the waters of the marine section of the Buchan Ness to Collieston SPA should be considered within the EIA Report.

NatureScot acknowledges the approach to outline principles for biodiversity enhancement with regard to ornithological interests.

Environment and Infrastructure Services (Environment – Natural Heritage) have no comments to make in addition to those made by NatureScot.

It is noted within 7.7.4 that sensitive ornithological information will form a confidential appendix to the EIAR and will be provided to NatureScot. Aberdeenshire Council would also request sight of this appendix and confirm the contents will not be shared publicly.

## Cultural Heritage

It is noted that the methodology appears to be entirely desk based at this stage. Please be advised that it is likely a level of Walkover Survey will be required with the submission of an application for planning permission.

Section 8.2 of the scoping report includes various policies and legislation. I am unsure of the documents referenced as *Planning Policy Advice: Historic Environment* and *Supplementary Guidance: Historic Built Environment*. I would be grateful if you could clarify what these documents are and where they can be found.

The proposed study areas for indirect visual impacts are noted as 2km for B Listed Buildings and 5km for A Listed Buildings, Scheduled Monuments, Gardens and Designed Landscapes, Inventory Battlefields and World Heritage Sites. It is noted that in table 8.1 Category C Listed Buildings are assessed as having a medium sensitivity, but C Listed Buildings appear to be scoped out. It is requested that effects upon C Listed Buildings should be considered within a 2km radius alongside B Listed Buildings.

Environment and Infrastructure Services (Archaeology) considers the assessment criteria outlined in tables 8.1 and 8.2 to be acceptable. It is noted in the response that the baseline assessment at Section 8.4 only uses data from the NRHE database. The data is in point format only and not polygonised, and therefore does not represent the full extent of known archaeological assets. It is also not a full record of undesignated archaeology sites and the data is not fully up to date. The statements within Table 8.3 of the Scoping Report about the presence or absence of known archaeological assets with the various routes are considered incorrect. It is advised that, for the purposes of a cultural heritage assessment, data on designated archaeological sites be obtained direct from Historic Environment Scotland (HES) while data on undesignated archaeological sites should be obtained direct from the local authority's [Historic Environment Record](#).

It is advised that engagement directly with our Archaeologist is entered to assist with a full identification and assessment of cultural heritage assets in the vicinity of the development.

Please note that at the time of writing, comments from HES are awaited. In order to provide the bulk of the scoping response to you timeously, HES comments will follow as an addendum.

## Geology, Hydrology, Hydrogeology and Soils

The study area of 1km around infrastructure locations and cable corridor is appropriate to consider potential impacts. SEPA agrees with the proposed methodology as set out in section 9 of the scoping report.

It is noted that Contaminated Land is not covered in the scoping report. The proposed cable corridors are located within 1km of former radar stations or former airfields active during WWII and there may be a presence of radium 226. The proposed cable routes pass through 17 (total) areas of potentially contaminated land, including a landfill, however there may be other areas of unrecorded potential contamination. Development within contaminated areas may create a pathway for contamination to move, contamination may also create a barrier to development. Given the potential direct impacts, contaminated land

should be scoped into the EIAR, including any necessary mitigation to be included within an Environmental Management Plan (EMP). Contact with Aberdeenshire Council should be made to discuss any assessments to be undertaken prior to the submission of an application however a Phase 1 desk study is advised in the first instance, which may need a Phase 2 investigation thereafter. Please contact the Council to discuss contaminated land matters.

In relation to watercourses, coastal waterbodies, private water supplies (PWS) and groundwater dependant terrestrial ecosystems (GWDTE), the use of Horizontal Directional Drilling (HDD) is welcomed for the landing point and as mitigation for construction works through sensitive habitats and watercourses. It's noted that flood risk is not included within section 9. Based on the information submitted, a detailed Flood Risk Assessment is likely not required if any watercourse crossings (including temporary crossings) are designed to accommodate the 1 in 200-year flood event and infrastructure is located at least 15m from the bank top of the watercourse. Once a cable route is refined the Council (in consultation with SEPA) would be happy to confirm requirements. Environment and Infrastructure Services (Flood Risk and Coastal Protection) confirm a Drainage Impact Assessment (DIA) will be required within an EIA Report.

The scoping in of PWS is welcomed. Appendix 5 of the SEPA consultation response details further information that should be provided to support a planning application. Avoidance of PWS should be the first principle, otherwise HDD may be a suitable mitigation tactic.

The proposed targeted NVC survey is appropriate to consider impacts upon GWDTE. As above, avoidance should be the first principle, but HDD or floating tracks may also be suitable mitigation.

It is noted that all proposed cable routes are likely to pass through areas of peat and could therefore have a potentially negative impact. A Peat Management Plan (PMP), including mitigation measures, should be included within the EIAR.

The EIAR should be accompanied by a draft Construction Method Statement (CMS) including an EMP, Water Management Plan (WMP) and Surface Water Management Plan (SWMP). A PMP; Private Water Supply Risk Assessment (PWSRA) and decommissioning plan should also be contained as an appendix to the EMP.

## **Air Quality**

Environment and Infrastructure Services (Environmental Health) agrees that air quality impact assessments are not required for construction traffic or operational impacts and the methodology for construction dust impacts as outlined within the scoping report is appropriate. Pre-application advice is available for the EHO to consider detailed assessment proposals prior to carrying out the assessment.

## **Other Considerations**

### Public Rights of Way/Core Path Assessment

The impact of the proposed development on public access should not be scoped out of the assessment given the popularity of coastal routes and the Formartine and Buchan way for public access. Impacts cannot be dismissed as the scoping report acknowledges there will be an impact on core paths and rights of way.

It should be confirmed within the EIAR the method of cable laying to be used at the various crossing sites – HDD or open trenching?

Engagement with the Council to discuss impacts and mitigation is encouraged.

### Traffic and Transport

The contents of Section 11.2 of the scoping report are noted. The study area identified appears acceptable at this stage. The method of construction/cable laying is not identified within the scoping report and should be addressed within the EIAR (i.e. HDD/open trenching) as this will affect the potential impacts and mitigation required.

Environment and Infrastructure Services (Roads Development and Transportation) are generally satisfied with the proposals contained within the scoping report, however it is suggested that the EIAR include all details of new or temporary junctions formed on the public road network (i.e. haul roads, storage compounds etc). These must meet the local authority standards in terms of visibility. Engagement with the local authority is advised to discuss proposals.

Transport Scotland (TS) acknowledges that the development will require to cross the A90 Trunk Road for any of the potential routes under consideration. TS makes no comment on the scoping report, but does outline that any proposed changes to the trunk road network (including any changes to its operation) must be discussed and approved. It is advised early engagement is taken with TS to discuss proposals, potential impacts and likely mitigation measures.

### Agricultural Land

The baseline set out in section 11 of the scoping report seems accurate, identifying land within the cable corridors include 'Prime Agricultural Land' (PAL) and areas of forestry, also identifying potential effects including direct loss of agricultural land and woodland, along with indirect effects upon soil quality as a result of the proposed development. It is noted that it is proposed to scope agriculture out of an EIAR assessment. Aberdeenshire Council does not agree with this suggestion. Direct and indirect effects have been identified which should be considered fully within the EIAR, along with any mitigation required to reduce/remove these effects.

Although woodland would be directly lost from the proposed development, the avoidance of ancient woodland is welcomed. There is, however, no consideration of compensatory planting as mitigation within the scoping report. This should be considered and identified within the EIAR, as should any mitigation required to reduce impacts upon PAL. Tree



protection proposals are also required, particularly where works are in close proximity to woodland included in the NatureScot Ancient Woodland Inventory.

Other issues:

It appears noise impacts have been omitted from the scoping report. It is likely that there may be some impact on neighbours to the substation during the construction and operational phases, along with properties in close proximity to the chosen cable route during the construction phase. Information should be provided regarding the scoping out, or otherwise, of noise. Until such a time the information has been submitted and confirmation given that noise can be scoped out, the issue must be included within the EIAR. A Noise Impact Assessment (NIA) including noise levels and any proposed mitigation should be included, with an indicative programme of works (including construction period, how development is to move along the cable corridor and construction times) also advised. Advice can be sought on the issue.

Decommissioning should be considered as a separate chapter of the EIAR.

A schedule of mitigation should be included within the EIAR.

I hope the above information is of assistance as a formal scoping opinion in respect of the relevant EIAR. Continued engagement with the Council is encouraged to discuss progress or any issues encountered. The advice given is based upon the information included within the scoping report. Obviously during the processing of any associated planning application other issues may become obvious following public consultation and consultations with statutory consultees.

All consultation responses have been fed into this response, however these will be forwarded under separate cover for your information. Your attention is drawn to them as they contain additional technical guidance (particularly SEPA).

This opinion will be held for public inspection for a two year period, or until a planning application is submitted at which time the opinion will be transferred to the planning register with the application.

Yours faithfully



Paul Macari  
Head of Planning and Economy