



Our Ref: B/ENQ/2016/0878
Your Ref:

Ask for: Stuart Murison
Direct Dial: 01224-664256
Email: stuart.murison@aberdeenshire.gov.uk

Fiona Henderson
Affric Ltd
Lochview Office
Loch Duntelchaig
Farr
Inverness
IV2 6AW

Date: 23 May 2016

Dear Madam,

**The Town and Country Planning (Environmental Impact Assessment)
(Scotland) Regulations 2011
Proposal: Installation of High Voltage Direct Current (HVDC)
Interconnector Cable Route
Address: Fourfields Site, Boddam, Peterhead**

I refer to your request for a scoping opinion for the above proposal received on 25 April 2016. I am now in receipt of the majority of the necessary consultation responses and I can now offer a scoping opinion under Regulation 14 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (the Regulations).

Schedule 4 of the Regulations states the information which should be included in an Environmental Statement (ES). These guidelines offer the backbone to the structure of an ES 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 ES. 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
- 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.

This advice is based on the Regulations and the consultation responses of the following:

Transportation (Date Consulted: 26 April 2016)

No Comments Received at time of writing.

Roads – Buchan (Date Consulted: 26 April 2016)

No Comments Received at time of writing.

Environment Team, Landscape – Buchan (Date Consulted: 26 April 2016)

With regards to the potential landscape and visual impact assessment for the proposed development, due to the cable being either buried on land or located on the seabed, during the planned normal operational period it can be reasonably concluded that possible visual effects will be likely negligible.

Any significant long term onshore landscape and visual effects will relate to the construction of a utility building for the fibre optic cable and any surface facilities associated with the cable such as cable link boxes etc.

In terms of landscape and visual issues and the request for a scoping opinion, in terms of mitigation of any potential adverse effects associated with this

proposed development following known industry best practice in terms of laying the cable at sea, and onshore will be significant in the development mitigation process.

A Design Statement, including cable trench reinstatement statement, and a development decommissioning plan would be beneficial in terms of identifying how any predicted adverse landscape and visual effects would be minimised and/or negated at all stages of the project.

In terms of information supplied to date, the most significant onshore predicted landscape and visual effects will likely occur during construction stage. With the onshore buried cable the quality of trench reinstatement is the key to minimising any long term landscape and associated visual effects.

Regarding a utility building for the fibre optic cable, and any other permanent ground surface cable infrastructure, these should be designed to assimilate into the positive local landscape character and fit with design guidance principles such as that produced for the Energetica Corridor. Design details and finishes of the utility building and any other surface infrastructure/installations should be included in a project Design Statement.

Environment Team (Date Consulted: 26 April 2016)

No Comments Received at time of writing.

Archaeology (Date Consulted: 26 April 2016)

Having assessed the Scoping Report and reviewed the proposed development area I can confirm that I am in agreement with the approach outlined in section 6.4 of the HVDC Cable Route Scoping Report for the EIA, namely that an archaeological Desk-based Assessment of the proposed development site is undertaken alongside a walkover survey of the terrestrial section of the proposed route and a sub-sea survey of the offshore section of the proposed route.

The results of the surveys will be used to inform whether further Archaeological mitigation, for example in the form of targeted watching briefs over key sections of the route, is required.

Historic Environment Scotland should also be consulted due to the proximity of the northern section to a Scheduled Monument.

Historic Environment Scotland (Date Consulted: 24 May 2016, upon request)

No Comments Received at time of writing.

Environmental Health – Buchan (Date Consulted: 26 April 2016)

The proposed development may generate excessive noise levels, dust emissions and ground vibration during the construction phase of the development. It is therefore recommended that the applicant is required to prepare and implement a schedule of mitigation in the form of a construction environmental management plan (CEMP). This in turn may lead to associated

conditions on any future grant of planning permission.

Landscape Services – Buchan (Date Consulted: 26 April 2016)

No Comments Received at time of writing

Contaminated Land (Date Consulted: 26 April 2016)

The northern (Four Fields) area of the site was satisfactorily investigated and reported under APP/2015/1221 and no further comment beyond that entered under that application is required for that part of the site.

Within the southern (Cable Route) area of the site there are three (3) areas of potentially contaminated ground;

1. Quarry – located at 412010 840140, appears to be unfilled and flooded
2. Quarry – located at 412005 840030, marked on most recent mapping only; does not appear on any available aerial photography.
3. Former Railway Line – running SW-NE across the enquiry area between 411680 840230 and 411990 840460. The south western section to 411850 740375 consists of unfilled cutting. Observations made 500-1000m to the north east, along the route of the line, suggest that minor fly-tipping and anaerobic/low oxygen waters may be encountered. According to historical mapping, beyond 411850 740375 the north eastern section appears to have been on an embankment.

There will be no requirement to undertake a site investigation for the southern cable route unless contamination is encountered during the laying of the cable; thus for the planning application this Service will be recommending a formal note to the applicant (informative) that outlines the actions to be taken on finding contamination during development.

Flood Prevention Unit (Date Consulted: 26 April 2016)

We note that the site boundary has numerous field drains within this. Should any of the cables or infrastructure cross these field drains then we would require further information on this. We also require further details of the fibre optic utility building once this is designed and located. We would require surface water drainage details for this building.

Transport Scotland (Date Consulted: 26 April 2016)

Offered no comments on the Scoping Report, stating that Transport Scotland no longer routinely respond to Scoping consultations.

Scottish Environment Protection Agency (Date Consulted: 26 April 2016)

To avoid delay and potential objection the following information must be submitted in support of the application.

- Maps giving detailed information on the site layout, including details of all onshore components such as access tracks, buildings, cabling, jointing pits, drilling rig pad, rock dumps or any other shoreline works;
- Information to demonstrate the on shore components of the development have been designed wherever possible to avoid engineering activities in

the water environment and if there are any opportunities to provide improvements to the water environment;

- Details of any existing groundwater abstractions within the vicinity of the onshore aspects of the development and if the proposal will include water abstraction;
- Identification of all aspects of site work that might impact upon the environment, potential pollution risks associated with the proposals and identify the principles of preventative measures and mitigation;
- Details of how waste will be minimised at the construction stage;
- Information on surface water drainage during construction; and
- Assessment of flood risk

While all of the issues below should be addressed in the Environmental Statement (ES), there may be opportunities for several of these to be scoped out of detailed consideration. The justification for this approach in relation to specific issues should be set out within the ES. We would welcome the opportunity to comment on the draft ES.

One of our key interests in relation to major developments is pollution prevention measures during the periods of construction, operation, maintenance, and any restoration.

We advise that the applicant should, through the EIA process or planning submission, systematically identify all aspects of site work that might impact upon the environment, potential pollution risks associated with the proposals and identify the principles of preventative measures and mitigation. This will establish a robust environmental management process for the development. A draft Schedule of Mitigation should be produced as part of this process.

A Construction Environmental Management Document is a key management tool to implement the Schedule of Mitigation. We recommend that the principles of this document are set out in the ES outlining how the draft Schedule of Mitigation will be implemented. This document should form the basis of more detailed site specific Construction Environmental Management Plans which, along with detailed method statements, may be required by planning condition or, in certain cases, through environmental regulation.

We welcome that “An extended Phase 1 Habitat Survey of the onshore HVDC cable route search area (Drawing 3149) has been completed” although this wasn’t included in Appendix A of the report provided to SEPA. If there are wetlands or peatland systems present, the ES or planning submission should demonstrate how the layout and design of the proposal, including any associated hard standing and roads, avoid impact on such areas.

National Vegetation Classification should be completed for any wetlands identified. Results of these findings should be submitted, including a map with all the proposed infrastructure overlain on the vegetation maps to clearly show which areas will be impacted and avoided.

For areas where avoidance is impossible, details of how impacts upon wetlands including peatlands are minimised and mitigated should be provided within the ES or planning submission.

There are important waste management implications of measures to deal with surplus peat as set out within our [Regulatory Position Statement - Developments on Peat](#). Landscaping with surplus peat (or soil) may not be of ecological benefit and consequently a waste management exemption may not apply. In addition we consider disposal of significant depth of peat as being landfilled waste, and this again may not be consentable under our regulatory regimes. Full details of how waste will be minimised at the construction stage should be provided. Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011.

We note “Two drains will need to be crossed along the cable route”. In order to meet the objectives of the [Water Framework Directive](#) of preventing any deterioration and improving the water environment, developments should be designed to avoid engineering activities in the water environment wherever possible. The water environment includes burns, rivers, lochs, wetlands, groundwater and reservoirs. Where a watercourse crossing cannot be avoided, bridging solutions or bottomless or arched culverts which do not affect the bed and banks of the watercourse should be used.

If the engineering works proposed are likely to result in increased flood risk to people or property then a flood risk assessment should be submitted in support of the planning application.

Roads, foundations and other construction works associated with large scale developments can disrupt groundwater flow and impact on groundwater abstractions. To address this risk a list of groundwater abstractions both within and outwith the site boundary, within a radius of 100 m from roads, tracks and trenches

If groundwater abstractions are identified within the 100 m radius of roads, tracks and trenches or 250 m radius from borrow pits and foundations, then either the applicant should ensure that the route or location of engineering operations avoid this buffer area or further information and investigations will be required to show that impacts on abstractions are acceptable.

Where water abstraction is proposed we request that the ES, or planning submission, details if a public or private source will be used.

The site should be assessed for flood risk from all sources in line with Scottish Planning Policy (Paragraphs 254-268).

We welcome the consideration of decommissioning and note “For the onshore element this would be a reversal of the installation works.” SEPA is currently considering the waste regulatory position of material such as rubble, foundations and cabling which may be reused or abandoned on site during

decommissioning or repowering. Any proposal to discard materials that are likely to be classed as waste would be unacceptable under current waste management licensing and under waste management licensing at time of decommissioning if a similar regulatory framework exists at that time.

The EIA process should take this waste regulatory position, and the need to demonstrate waste minimisation, into account from the outset in designing the layout and in developing the general principles for the site of decommissioning or repowering.

Scottish Natural Heritage (Date Consulted: 26 April 2016)

We agree with identification of protected areas which may be affected by onshore works, as listed in table 7.1:

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

The search area for the horizontal directional drilling (HDD) entry point, laydown and access road appears to lie outwith but directly adjacent to the above protected areas.

The environmental statement (ES) accompanying any application should fully assess any impacts of the onshore works on the interests of all the protected areas above. This should include, but not be limited to, potential impacts on habitats as a result of any pollution event and disturbance to relevant bird species as a result of noise, vibration and other construction activities.

Protected species and biodiversity

In relation to the onshore works, the scoping report provides information on amphibians and reptiles, badgers, bats, birds, otters, water voles. We agree that it is appropriate to carry out further survey work for badgers, birds (including schedule 1 species), otter and water vole in order to enable full assessments of potential impacts on these species. We agree that it is sufficient to implement standard mitigation measures to address any impacts on the remaining species.

We note that an extended phase 1 habitat survey has been undertaken. We advise that in addition to this, detailed surveying (to NVC standard) should be carried out of any areas where habitats and/or species of natural heritage interest are identified. Any rare or nationally scarce higher and/or lower plant species within the survey area should be identified and any necessary mitigation described. Similarly, the presence of invasive non-native species (INNS) should be noted and any necessary mitigation described.

In general, we agree with the potential impacts of the proposal on ecological interests, as set out in the scoping report. We support the inclusion of a schedule of mitigation forming part of the ES as this will be a key document to ensure that impacts on ecological interests are minimised and legal obligations to protected species are met.

Landscape and visual

We consider that the landscape and visual impacts of the proposal will be local in nature and as such we do not intend to comment further.

Additional SNH comments

We note that the scoping report acknowledges potential impacts on recreational users of the area, for example with respect to noise and landscape and visual impacts. While these will be temporary, it may be appropriate for the ES to include an assessment of these impacts along with mitigation measures to reduce any impacts.

We advise that the ES should explore fully any impacts arising from in-combination and cumulative effects and agree with the list of other projects given in the scoping report.

RSPB Scotland (Date Consulted: 18 May 2016, upon request)

Comments were not available at the time of writing, RSPB will forward specific comments within timescales similar to the associated Marine License Scoping Opinion, provisionally by 14 June 2016.

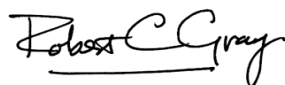
Where we have not received responses above, we will endeavour to get these to you within the very near future and will continue to actively liaise with yourselves on all aspects of the project.

Having assessed your Scoping Report and having received comment from a number of consultees who will also be formally consulted on the ES, I am content with the approach taken and the scope of the assessment, the environmental issues identified and the methodology proposed. Full responses from the above consultees will be forwarded on and the relevant officers should be contacted with any specific queries.

I hope the above information is of assistance as a formal scoping opinion in respect of the relevant ES. Obviously during the processing of any associated planning application other issues may become obvious following public consultation and consultations with statutory consultees.

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;

A handwritten signature in black ink, appearing to read 'Robert C Gray', with a horizontal line underneath the name.

Head of Planning and Building Standards