

David Barclay  
Orkney Islands Council  
Development Management

Our 8926  
Ref:  
Your 22/320/TPPMAJ  
Ref:

By email only to: [planningconsultation@orkney.gov.uk](mailto:planningconsultation@orkney.gov.uk)

SEPA Email Contact:  
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4 May 2023

Dear David Barclay

**The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017**

**Planning Application: 22/320/TPPMAJ**

**Erect four wind turbines (maximum height of 180 metres, maximum generation capacity 26.4 MW total), a substation and maintenance building, create an access, and associated infrastructure including access tracks, underground cabling, crane hardstandings and borrow pit**

**Hundland Hill (Land Near), Birsay, Orkney**

Thank you for your reconsultation on the above application which was received by SEPA on 21 April 2023.

**Advice for the planning authority**

In line with the advice in the [Transitional Arrangements for National Planning Framework 4 letter](#), issued by the Chief Planner, Fiona Simpson, on 8 February 2023, that *“From 13 February, on*



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*adoption and publication by Scottish Ministers, NPF4 will form part of the statutory development plan, along with the LDP applicable to the area at that time and its supplementary guidance. NPF4 will supersede National Planning Framework 3 and Scottish Planning Policy (SPP) (2014). NPF3 and SPP will no longer represent Scottish Ministers' planning policy and should not therefore form the basis for, or be a consideration to be taken into account, when determining planning applications on or after 13 February", our position and advice given below is based on the NPF4 policy.*

We are now in a position to remove our outstanding objection to this application if the **conditions** requested in sections 1.3, 2.1 and 2.2 of the attached Appendix are attached to any future consent.

If any of these are not applied please consider this representation as an objection.

Yours sincerely

Zoe Griffin  
Senior Planning Officer  
Planning Service

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Disclaimer

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

**APPENDIX: SEPA DETAILED RESPONSE 8926 TO 22/320/TPPMAJ****1. Ground Water Dependent Ecosystems (GWDTE)**

- 1.1 In our previous responses dated 14 October 2022 and 5 April 2023 we submitted holding objections in relation to the potential impact on GWDTE and carbon rich soils, and in particular locating parts of the development within the M27 fen community, which is adjacent to and identified in the NVC survey as being in hydrological connectivity with the M19 and M17 blanket bog communities which are designated features of the adjacent SSSI and SPA.
- 1.2 We note from the Updated Non-Technical Summary (dated 11 April 2023) that there has been no change to the Proposed Development description, design or layout, with the exception of a proposed increased micrositing limit of 100 m for turbine T4 and its hardstanding and access track, and much of the information reported in the submitted EIA Report is unchanged in the supplementary information recently submitted. Following on from this, we note Figure 2.1 Potential GWDTE Areas and Buffers dated 24.03/2023 still shows T3 and T4 located within M27 habitat (M18 on figure 2.1) but that the applicant has confirmed microsting of T3 and T4 will be possible to avoid this habitat.
- 1.3 In order to remove our holding objection we therefore request the following **planning conditions** (or similarly worded) are attached to any future consent to ensure no development occurs within the :
- No development (turbines and associated infrastructure) is to be located on M27 habitat as shown on Figure 1 – NVC Survey Results dated 29/04/2022 prepared by whytock ecology in Appendix 7.2: National Vegetation Classification Survey
  - At least 2 months prior to ground preparation or construction works commencing, an updated Construction Environment Management Plan (CEMP) to be agreed in writing with OIC, in consultation with SEPA, and thereafter implemented during

ground preparation and construction works. The CEMP should be based on the outline CEMP Appendix 3.1 of Chapter 3 of the Environmental Report. Specific measures to protect the water environment, including GWDTE, should be incorporated into the updated CEMP, such as (but not limited to): silt traps downslope of exposed soil and stored excavated materials; retaining a minimum 6m buffer of vegetation along the edge of the lochs and drainage channels to intercept sediment that evades silt traps; no ground excavations or vehicle movements over exposed soils during and after periods of wet weather; storage of excavated material well away from the lochs and drainage channels connected to them; staff welfare facilities are self-contained with wastewater removed for disposal off site or that the septic tank and soakaway comply with building regulations and would be located >10m from the lochs and drainage channels connected to the lochs. Reason: To reduce the risk of pollution adversely affecting the water environment (including Loch of Swannay and Loch of Hundland Local Nature Conservation Sites).

Reason: To reduce the risk of pollution adversely affecting the water environment (including blanket bog communities, Loch of Swannay and Loch of Hundland Local Nature Conservation Sites).

## 2. Carbon Rich soils

- 2.1 We previously requested a **condition** to secure the submission of a detailed Peat Management Plan (PMP) and we confirm we still required this. In addition, we **request** the condition ensures the PMP is submitted at least 2 months prior to construction starting on site.
- 2.2 We previously recommended the submission of a detailed Habitat Management Plan (HMP) but we now **request** a HMP is secured by **condition** and is submitted at least 2 months prior to construction. This is to ensure compliance with NPF4 and details the proposed peat restoration and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration and mitigation measures are submitted. We

highlight consideration should be given to offsite restoration of peat haggs or gullies as an environmentally beneficial reuse of the excavated peat. This would also enable more positive biodiversity benefits from their habitat management activities to compensate for the loss of fen and wet heath.

- 2.3 Peat should not be used where peat was not present on the development site. Use of excavated peat in restoration of haggs, gullies, former peat cuttings, ditches or drains, i.e., where infilling gaps and not projecting above the ground level are more likely to result in favourable hydrological conditions for the peat. Consideration of the options off site may well present better opportunities for beneficial environmental reuse.