



Natural Power acting as lead consultants
on behalf of Fred. Olsen Renewables.

Crystal Rig Wind Farm (Phase IV)

Pre-Application Consultation (PAC) Report

May 2018

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**Fred. Olsen Renewables
Limited**

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1. Introduction

- 1.1.1. This Pre-Application Consultation (PAC) Report provides a description of the pre-application consultation undertaken for the proposed Crystal Rig Wind Farm (Phase IV) (herein referred to as the Proposed Development).

1.2. Applicant

- 1.2.1. The Applicant for this project is Crystal Rig IV Limited, a company set up for the project by Fred. Olsen Renewables Ltd. (FORL). FORL has been developing and operating wind farms since the mid 1990's and is fully committed to the Scottish and UK renewable energy generation market, with an operational portfolio generating capacity of 529.7 MW in Scotland across five sites. FORL developed, constructed and currently operates all of the current phases of Crystal Rig Wind Farm.

1.3. Proposed Development

- 1.3.1. The Proposed Development is located in the Lammermuir Hills, immediately to the southern side of the existing Crystal Rig Wind Farms. All of the proposed wind turbines are situated within the Scottish Borders Council jurisdiction and access to the Proposed Development will make use of the existing access through the north, which is in East Lothian Council's area. The Proposed Development is located on ground that is currently used for rough grazing or commercial forestry. It is centred on grid co-ordinates: 367100, 667900. The Applicant is seeking consent for a period of 35 years for:

- Eleven wind turbines including foundations;
- External transformers;
- Crane pads;
- Site tracks;
- Underground electricity cables;
- Up to six borrow pits;
- Forestry Felling;
- Signage;
- Temporary construction and storage compounds; and
- Ancillary development.

- 1.3.2. The Proposed Development will make use of the substation (housing switchgear and metering) and control building that is already being used at the operational Crystal Rig Wind Farm. The Applicant already has an agreement with National Grid for utilising available grid capacity in the local transmission network with connection to the existing 400 kV substation onsite. There will be no need for a new anemometry mast and as far as possible the Proposed Development will utilise existing tracks, building out new tracks from these to minimise environmental impacts.

- 1.3.3. The existing control building at Friardykes has planning permission separate from the Crystal Rig Wind Farms (SBC ref: 08/00330/FUL) and therefore is not time limited. The use of existing infrastructure such as access tracks, anemometry masts and the Metering Building / Substation for the purpose of the Proposed Development will be extended to coincide with the intended life of the Proposed Development at which point it can be decommissioned and the site restored in accordance with requirements at that time. Likewise, areas of land next to the public road (between the A1 junction at Innerwick and the entrance to Crystal Rig Wind Farms) which are under the Applicant's control may require temporary works to facilitate transport of the Proposed Development's turbines and reinstated thereafter in a similar manner to related works on the

other Crystal Rig Wind Farms. Any areas required are included in the application boundary and the details of any works can be agreed with the roads authority and/or planning authority as required pre-construction through similarly worded conditions attached to consents of the now operational Crystal Rig Wind Farms.

1.4. Legislative Context

- 1.4.1. As the Proposed Development is an extension to the Crystal Rig Wind Farms (which exceeds 50 MW installed capacity) the Proposed Development requires consent from the Scottish Government under Section 36 of The Electricity Act 1989.
- 1.4.2. The application also seeks planning permission granted by the Scottish Government under section 57 (2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, allowing for the grant of deemed planning permission for generating schemes, including ancillary development, when consent is granted under the Electricity Act 1989. Although the determining authority in this instance is therefore the Scottish Government, Schedule 8 of the Act requires the relevant local planning authorities are consulted on planning matters.
- 1.4.3. The Planning etc. (Scotland) Act 2006 places an emphasis on consulting those affected by new developments, and requires those planning "Major" developments to formally engage with prescribed Community Councils and local communities, to advertise and hold at least one public exhibition and to submit a PAC Report with their planning application.
- 1.4.4. The PAC process and Report is not a statutory requirement under Section 36 of the Electricity Act 1989 however the Energy Consents Unit (ECU) confirmed with the Applicant via email on 04 January 2018 that the ECU '*expect applicants to apply by analogy the requirements for pre-application consultation which exist for applications made under the Town and Country Planning (Scotland) Act 1997*'.
- 1.4.5. Accordingly, the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 were followed which prescribe the minimum consultation activity:
 - Every Community Council whose area is within or adjoins the application site must be consulted **[see Section 2.3.2]**
 - The consultation must include at least one public event where members of the public are able to make comments to the Applicant on the Proposed Development **[see Section 2.2]**
 - Details of the Proposed Development and consultation must be published in a local newspaper at least seven days prior to the event and include the location and description of development, details as to where further information can be obtained, date and place of the event, a statement explaining how and by when persons wishing to make comment to the prospective applicant relating to the proposal may do so and a statement that comments made to the prospective applicant are not representations to the planning authority **[see Figure 3.1]**
 - The developer must submit a PAC Report. Legislation does not specify the content required but a useful minimum would be to:
 - specify who has been consulted **[see Table 2.1]**
 - set out what steps were taken to comply with the statutory requirements and those of the planning authority **[not statutory requirements in this case but see Table 2.1 Section 2]**
 - set out how the applicant has responded to the comments made, including whether and the extent to which the proposals have changed as a result of PAC **[see Section 2 for example]**
 - provide appropriate evidence that the various prescribed steps have been undertaken – for example, copies of advertisements of the public events and reference to material made available at such events **[see Appendix A and Figure 2.1 and Figure 2.2]**

- demonstrate that steps were taken to explain the nature of PAC, in particular that it does not replace the application process whereby representations can be made to the planning authority [see **Figure 3.3 in Appendix A**].

1.5. Guidance

- 1.5.1. Planning Aid Scotland (PAS) produced guidance to help practitioners undertake public consultation; Successful Planning = Effective Engagement and Delivery (SP=EED). SP=EED is recognised by the Scottish Government and mentioned in the Planning Advice Note 3/2010 on Community Engagement.
- 1.5.2. SP=EED differs from other guidance on engagement in that it recognises that different approaches will be appropriate in different situations and therefore sets out 3 levels of engagement to aim for:
 - Level 1 – Informing
 - Level 2 – Consulting
 - Level 3 – Partnership

2. Consultation Activities

- 2.1.1. Chapter 4 of the Environmental Impact Assessment Report (EIAR) for the Proposed Development explains how the design for the site layout has evolved. It has been in the design process for several years and the layout has changed significantly over this time. These changes have been influenced by several factors including market mechanisms, landownership, stakeholder feedback, planning policy and potential environmental effects. During the stages of evolution, the planning authorities of East Lothian Council (ELC) and Scottish Borders Council (SBC), the ECU, Scottish Environmental Protection Agency (SEPA), Scottish Natural Heritage (SNH), Historic Environment Scotland (HES), stakeholders and relevant Community Councils (CC) have been consulted.
- 2.1.2. As discussed and provided in greater detail in Chapter 4, a Scoping Report was issued by the Applicant and consultee responses received in the form of a Scoping Opinion in 2014. The Applicant held public exhibitions and undertook community council meetings based on the layout at the time. Following a Gatecheck meeting with the ECU in 2015 which indicated a competent application was in hand, the Applicant had to revise the design due to changing market conditions.
- 2.1.3. Upon completion of new studies, a new design was created which was presented to SBC, ECU, SNH, SEPA, at a pre-scoping meeting in 2017. There were no serious concerns raised by consultees at the pre-scoping meeting that might have otherwise indicated the Proposed Development could not be supported. Some refinements were made to this layout including relocating a turbine further east from a residential dwelling in to the forested area, which resulted in the eleven turbine layout presented in the Scoping Report 2017. This report superseded that issued in 2014 and new scoping opinions were received from several consultees. The full Scoping Opinion issued by the ECU is available to view online¹. Consultees which responded to Scoping are listed in Table 2.1.

¹ Available online: <http://www.energyconsents.scot/ApplicationDetails.aspx?T=8> , case reference ECU00000476 (last accessed 13/03/2018)

Table 2.1: Consultees with Responses to Scoping

| Statutory | Non-statutory |
|---|--|
| Scottish Borders Council (SBC) | Forestry Commission Scotland |
| East Lothian Council (ELC) | Transport Scotland |
| Scottish Environmental Protection Agency (SEPA) | British Telecom (BT) |
| Scottish Natural Heritage (SNH) | Ministry of Defence (MoD) |
| Historic Environment Scotland (HES) | Scottish Rights of Ways and Access Society |
| Community Councils | Visit Scotland |
| Lammermuir CC | Scottish Water |
| | RSPB Scotland |
| | Marine Scotland |
| | Edinburgh Airport |
| | Black Mountain Farms/Mayshiel Estate |

2.1.5. Following receipt of the Scoping Opinion, a Design Day was held which incorporated a round table analysis of the site layout with the Applicant and Natural Power's specialists in planning, LVIA, hydrology, construction, ecology and ornithology. In consideration of consultee's scoping opinions a further refinement was made to the layout in carefully balancing the site constraints with viability of the project. This layout was taken forward to public consultation where it was presented at a public event.

2.2. Public Event

2.2.1. The Table 2.2 summarises the details of the public event. Examples of the public notice advertised are presented in Appendix A.

Table 2.2: Public Event Details

| Location | Date | Time | Advertised in: |
|---|------------------|------------------|---|
| Cranshaws Village Hall, Cranshaws, Duns, TD11 3SJ | 07 February 2018 | 14:30 – 18:30 | Berwickshire News newspaper, Cranshaws Village Hall Facebook page. Email Notice to: SBC Planning Team and Councillors, ELC Planning Team and Councillors, East Lammermuir CC Lammermuir CC Abbey St Bathans, Bonkyl and Preston CC Cockburnspath CC |

2.2.2. In total, four personnel from Natural Power including a Chartered Town Planner were on hand at the public event to engage with attendees. An exhibition board was set up in the centre of the hall. On the board were placed information sheets about the Proposed Development, a site layout plan illustrating the locations of proposed infrastructure, and wirelines and photomontages of the Proposed Development from local viewpoints which provided indicative illustrations of how the Proposed Development may appear from such viewpoints. These were set at average eye level height with good lighting to help the viewer. A table was set up near the entrance which had a Zone of Theoretical Visibility (ZTV) Map on an A0 size of paper at a scale such that people could find points of interest on the map and identify the potential extent of visibility of the Proposed Development. The table also included information documents about the Proposed

Development and feedback forms which people were encouraged to complete. Another desk was also set up with a computer whereby people could ask to see a wireline image of the Proposed Development which could be generated on the computer screen from any location of the person's choosing. The above is illustrated in Figure 2.1 and Figure 2.2.

Source: Natural Power



Figure 2.1: Documentation and snacks

Source: Natural Power



Figure 2.2: Information boards and computer work station

2.2.3. The public event was designed to be Level 1 under SP=EED. Due to the technical nature involved in designing the optimum site layout which could maximise the wind resource whilst accounting for the potential environmental effects, there wasn't any scope for the design to be changed because of public feedback and it was therefore a case of informing people. However, there were elements of consulting associated with Level 2 which the event incorporated. One member of the public raised the issue of Osprey being sighted recently in the vicinity of the Proposed Development. As part of the Environmental Impact Assessment (EIA) that was being undertaken to accompany the application for the Proposed Development, ornithological surveys had been undertaken and no osprey nest was found during the breeding raptor surveys. This work was regarded as up to date since it was collected within the five-year period as recommended in SNH guidance. Nonetheless, this response was acknowledged by the Applicant and a nest search conducted in early 2018 confirmed the presence of an osprey nest within the Proposed Development Area. Natural Power then consulted SNH on behalf of the Applicant to establish the methods of assessing the impacts of the Proposed Development on breeding osprey. A detailed assessment is presented in Chapter 7 of the EIA Report (EIAR).

2.2.4. In total, 11 members of the public attended the public event and 6 completed feedback forms. Of those who completed the feedback forms, 3 were in favour of the Proposed Development and 3 against. The public event did not change the opinions of the 6 who completed forms from 'for' to 'against' or from 'against' to 'for'. All respondents did indicate that they found the public event useful or helpful. All members of public who completed feedback forms were informed that their feedback form would be considered by the Applicant and would not constitute a formal representation to the application. The members of public were informed on how their opinions could be included in the formal application determination process.

2.2.5. Some attendees raised concern regarding potential effects on noise, hydrology, landscape and visual, socio-economics and tourism, ornithology, aviation lighting and grid capacity. These matters were explained at the event and the relevant assessments presented in the corresponding chapters of the EIAR.

2.3. Additional Consultation

- 2.3.1. As noted above, following receipt of information at the public event regarding osprey, follow up consultation was conducted with SNH, Lothian and Borders Raptor Study Group and the landowner and appropriate survey methods and mitigation were established. The layout was refined with the adjustment of a borrow pit search area following consultation with SEPA, RSPB Scotland, SNH which culminated in agreement in scoping out certain peat related work.
- 2.3.2. Statutory consultees and CC whose area is within or adjoins the application site have been asked what copies of the EIAR they require following submission of the application and will be provided with such copies.
- 2.3.3. Upon submission to the ECU, the application will be advertised in accordance with Regulation 14 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

3. Summary

- 3.1.1. As an application submitted under Section 36 of the Electricity Act 1989, the Proposed Development is not bound by the PAC requirement for applications under the Town and Country Planning (Scotland) Act 1997 as amended. However as a matter of good practice and to meet the ECU's expectations, additional PAC has been undertaken. This PAC Report demonstrates the pre-application consultation undertaken by the Applicant for the Proposed Development which accords with the principles of consultation guided by Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, PAN 3/2010 and SP=EED.
- 3.1.2. Appropriate consultation with consultees will continue as the Proposed Development progresses through determination, and the aim of the Applicant will be to provide information as requested and address any concerns as and when they arise. The Applicant has developed a website² for the Proposed Development which will provide an online resource for the public to keep informed as the project progresses.

² Information about the Proposed Development can be found from: <https://fredolsenrenewables.com/wind-farms/united-kingdom/> (last accessed 28/05/2018)

A. Public Event Notice

Source: *Berwickshire News & East Lothian Herald*, Thursday 01 February 2018, page 49

PUBLIC NOTICES

 **Fred. Olsen Renewables**

**Notice of Public Exhibition:
Crystal Rig Wind Farm (Phase IV)**

Crystal Rig IV Limited (a Fred. Olsen Renewable Ltd. company) is proposing an 11 turbine extension to the existing Crystal Rig Wind Farms on the Lammermuir Hills. We are committed to Scotland's ambitious renewable energy targets and always aim to work with local stakeholders through public exhibitions and consultations.

We invite you to attend our public exhibition which will take place on the following date and specified location:

Date: 07 February 2018
Time: 14:30 - 18:30
Venue: Cranshaws Village Hall,
Cranshaws, Duns TD11 3SJ

The public exhibition will be in the form of an informal drop-in session. Our team will be on hand to answer any questions you may have. Any comments relating to the proposal may be made by email to press@fredolsen.co.uk by the end of March 2018.

Please note that any such comments made to Crystal Rig IV Limited are not representations to the consenting authority. If Crystal Rig IV Limited submits an application, there will be an opportunity to make representations on that application to the consenting authority.

For more information: press@fredolsen.co.uk
fredolsenrenewables.com

Figure 3.1: Public Exhibition Newspaper Advert

Source: Cranshaws Village Hall Facebook Page


The image is a screenshot of a Facebook page for 'Cranshaws Village Hall'. The page header includes the profile picture (a building), the name 'Cranshaws Village Hall', and the handle '@Cranshawshall'. Below this is a navigation menu with options: Home, Posts, Reviews, Photos, About, Community, and Events. A green 'Create a Page' button is also visible.

The main post is from 'Cranshaws Village Hall' and is dated '29 January at 04:47'. The text of the post reads: 'Public Exhibition for Crystal Rig Windfarm... 7th February in the Village Hall... see below for details.' Below the text is a large image of a public notice. The notice has a blue header with the 'Fred. Olsen Renewables' logo. The title of the notice is 'Notice of Public Exhibition: Crystal Rig Wind Farm (Phase IV)'. The text of the notice states: 'Crystal Rig IV Limited (a Fred. Olsen Renewable Ltd. company) is proposing an 11 turbine extension to the existing Crystal Rig Wind Farms on the Lammermuir Hills. We are committed to Scotland's ambitious renewable energy targets and always aim to work with local stakeholders through public exhibitions and consultations.' Below this text is a box with the following information: 'We invite you to attend our public exhibition which will take place on the following date and specified location:'. The date is '07 February 2018', the time is '14:30 - 18:30', and the venue is 'Cranshaws Village Hall, Cranshaws, Duns TD11 3BJ'. Below the box is a photograph of wind turbines in a field. The notice concludes with: 'The public exhibition will be in the form of an informal drop-in session. Our team will be on hand to answer any questions you may have. Any comments relating to the proposal may be made by email to press@fredolsen.co.uk by the end of March 2018.'

On the right side of the page, there is a 'Send Message' button. Below it, there is a section for 'Community centre in Duns'. This section includes a 'Community' tab with '105 people like this' and '108 people follow this'. There is also an 'About' section with a map showing the location of Cranshaws (134.50 km) and Duns, a 'Get Directions' link, a phone number '01361 890214', and a 'Community centre - Disability service' tag. Below the 'About' section is a 'People' section showing '105 likes' and '8 visits'. There is also a 'People Also Like' section with suggestions for 'Creative Hands Gardener' and 'Gavinton Village Hall Community group'.

At the bottom of the page, there is a 'See more of Cranshaws Village Hall on Facebook' link, a 'Log In' button, and a 'Create New Account' button.

Figure 3.2: Example of Public Notice on Facebook



Notice of Public Exhibition: Crystal Rig Wind Farm (Phase IV)

Crystal Rig IV Limited (a Fred. Olsen Renewable Ltd. company) is proposing an 11 turbine extension to the existing Crystal Rig Wind Farms on the Lammermuir Hills. We are committed to Scotland's ambitious renewable energy targets and always aim to work with local stakeholders through public exhibitions and consultations.

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Please note that any such comments made to Crystal Rig IV Limited are not representations to the consenting authority. If Crystal Rig IV Limited submits an application, there will be an opportunity to make representations on that application to the consenting authority.

for more information
press@fredolsen.co.uk
fredolsenrenewables.com

Figure 3.3: Public Notice Emailed to SBC, ELC and Councillors

Fred. Olsen Renewables

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Natural Power
The Greenhouse, Forrest Estate
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sayhello@naturalpower.com



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