



# Appendix 2C

## ECU Regulation 5(3) Compliance



## Taggart, Catherine

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**From:** Christopher.Park@gov.scot  
**Sent:** 12 February 2019 13:19  
**To:** Birnie, Sue  
**Cc:** Taggart, Catherine; Grant.Folley@edf-re.uk; mferguson@cne-siar.gov.uk  
**Subject:** RE: 40001 Stornoway Regulation 5(3)

Dear Sue

Scoping is a voluntary process, however the risk not to scope the expanded scheme is the developers to take. So to answer your question, a scoping opinion from Scottish Ministers is not required.

For example, the information required (such as viewpoints, photomontages etc) for key consultees such as SNH and the local authority to assess the landscape and visual impacts associated with the 33 turbine proposal may be different from that which they would now require for the 35 turbine one. When the application is submitted, consultees may find that the information supplied is not sufficient for them to assess the effects of the 35 turbine proposal, then there is the possibility that supplementary information could be required. This of course is a risk for any proposal, be it scoped or not.

The evolution of the proposal being captured in Chapter 3 of the EIAR will be helpful for consultees and the general public.

I hope that helps.

Kind regards

Chris

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**From:** Birnie, Sue <sue.birnie@woodplc.com>  
**Sent:** Tuesday, 12 February 2019 11:07  
**To:** Park C (Christopher) <Christopher.Park@gov.scot>; mferguson@cne-siar.gov.uk  
**Cc:** Taggart, Catherine <catherine.taggart@woodplc.com>; Folley, Grant <Grant.Folley@edf-re.uk>  
**Subject:** 40001 Stornoway Regulation 5(3)

Dear Chris / Morag

I refer to the scoping report that was submitted to yourselves in July 2018, and the Scottish Ministers subsequent Scoping response dated 27 September 2019. Since that time the EIA Envelop for the Proposed Development has further evolved taking account of the comments set out in the scoping responses from consultees and the consultation events that have taken place to date. This evolution will be captured in Chapter 3 of the EIA Report that will be submitted to accompany the section 36 application.

Regulation 5(3) of the 2017 regulations requires:

*“Where a scoping opinion is adopted, the EIA report must be based on that scoping opinion and must include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment.”*

The Scoping report was based on a scheme comprising 33 turbines to a maximum height of 187m (24 turbines up to 187m and 9 up to 155m. The Proposed Development now comprises 35 turbines up to 185m in height (25 turbines up to 80m in height, and 10 turbines up to 156m in height). Assessment work carried out to date does not identify

an additional significant effects where they weren't previously identified in the Scoping Report. As a result, we consider that the EIA Report that will accompany the section 36 application will comply with Regulation 5(3). Would you be able to confirm that this minor change in EIA envelope would not require a further scoping opinion being required from the Scottish Ministers?

Kind regards  
Sue

**Sue Birnie**

Associate Director (Planning and EIA)  
Partnership House  
Regent Farm Road  
Newcastle upon Tyne  
NE3 3AF

Direct: +44 (0) 191 272 6498  
Mobile: +44 (0) 7814 380 217  
[sue.birnie@woodplc.com](mailto:sue.birnie@woodplc.com)  
[www.woodplc.com](http://www.woodplc.com)

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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