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Mr John Price
AMEC
Bridge End
Hexham
Northumberland
NE46 4NU

Our ref: Lewis Wind Farm
25 January 2008

Dear Mr Price,

**ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)(SCOTLAND)
REGULATIONS 2000
SECTION 36 APPLICATION FOR THE PROPOSED LEWIS WIND FARM, ISLE OF LEWIS**

I am writing to inform you that Ministers are minded to refuse the application, as subsequently amended, under section 36 of the Electricity Act 1989 ("the Act"), by Lewis Windpower Ltd ("the Applicant") for both the consent of the Scottish Ministers to construct and operate a wind farm in north Lewis and their direction under section 57 (2) of the Town and Country Planning (Scotland) Act 1997 that planning permission for the development be deemed to be granted. The reason I am writing now is to give you the reasons for this proposed decision and to allow you the opportunity to make any representations you see fit by 15 February 2008.

Introduction

In October 2004, Lewis Windpower Ltd (the Applicant) applied to construct and operate 234 wind turbines with a generating capacity of 702 MW at Barvas Moor and other locations in north Lewis on land owned by the Stornoway Trust and the Galson and Barvas Estates. In December 2006, following consideration of comments on its original application, the Applicant introduced an amended application which reduced the number of turbines to 181, and the generating capacity to 651 MW.

Both the original application and the subsequent amended application, and the accompanying Environmental Statements ("ESs"), were subject to extensive consultation with Comhairle nan Eilean Siar (CnES) and with a wide range of other consultees, including Scottish Natural Heritage (SNH) and the Scottish Environmental Protection Agency (SEPA).

9,934 individual representations were made, including some 5,611 from the islands. A summary of the views expressed in the consultation process are attached to this letter. It is worth noting in particular that CnES expressed its support for the proposal on socio-economic grounds, as did some 73 of the members of the public who made representations; and that SNH, SEPA, Historic Scotland, Scottish Water, the Western Isles Fisheries Trust and Salmon Fisheries Board, National Air Traffic Services and Highlands and Islands Airports, all maintained their objections to the proposal for a range of reasons. The remaining public representations (9,859) were opposed to the proposal, also for a range of reasons.

European Environmental Issues

Ministers have considered the Applicant's views on the wide range of issues raised by the proposal, and the views expressed in the consultation process. It is the impact of the proposal on the sites designated as part of the Natura 2000 series which is at the heart of the reasons for their proposed determination. Community legislation creates a high level of protection for designated habitats and species. It does not prohibit potentially damaging developments or operations on or near protected sites. However, Ministers have noted that the European Court of Justice interprets strictly the obligations imposed by the relevant Directives on Member States. They have also noted that legislation for the protection of such sites applies to any project proposal no matter where it is located; proposals located outwith protected sites require the same consideration as regards their potential to have an adverse impact on the interests for which a site (or sites) is designated.

This development would largely (although not entirely) be on the Lewis Peatlands Special Protection Area (SPA - for protected wild birds), and will also impact on the nearby North Harris Mountains SPA, and the Ness and Barvas SPA. These areas have been designated under the Wild Birds Directive (Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds) and must be protected in accordance with the requirements of that Directive and the Habitats Directive (Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora).

The original proposal to site turbines on the Lewis Peatlands Special Area of Conservation (SAC - for protected habitats) was changed by the amended proposal. Given that change, Ministers reached the view that they did not need to consider the impact on that site.

In respect of the amended proposal, Ministers considered the relevant information and consultee advice and prepared three Appropriate Assessments of the impact on the three designated sites and the potential impacts on the protected birds and their habitats. These assessments (copy attached) draw on the material submitted by the Applicant as well as advice from SNH and SEPA. Ministers have considered the case made by the applicant in the ES, that a different approach should be taken to the interpretation of the Birds Directive, which has led to the ES's conclusion that the negative effects recognised from the development do not constitute 'significant adverse effects'. However, they conclude that the approach taken by SNH, which reflects European Commission Guidance, including current case law of the European Court of Justice, is the proper approach to adopt, and they do not accept the Applicant's case in that regard.. The three Appropriate Assessments therefore conclude that the development would have a serious detrimental effect on the integrity of the Lewis Peatlands SPA and a potential adverse effect on the integrity of the North Harris Mountains SPA, and the Ness and Barvas SPA. The main argumentation is set out in the Appropriate Assessments themselves: this is a short summary of the key points.

Conservation interests of sites

The key objectives for each site are to avoid deterioration of the habitats of qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and to ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the qualifying species
- Structure, function and supporting processes of habitats supporting the qualifying species
- No significant disturbance of the qualifying species

The qualifying species for the Lewis Peatlands SPA are Red-throated diver, Black-throated diver, Golden Eagle, Merlin, Golden Plover, Dunlin and Greenshank; for the North Harris Mountains SPA it is Golden Eagle; and for the Ness and Barvas SPA it is Corncrake.

Lewis Peatlands SPA

In considering the impact on the species protected by the site Ministers have concluded that:

- In respect of **species populations**, declines of birds occurring as a result of the wind farm would be in addition to the natural fluctuations. The assessment finds that the populations of red-throated divers, black-throated divers, golden eagles, golden plover and dunlin are likely to decline, and that there is risk to both merlin and greenshank populations. In particular, the dunlin population on this site is approximately 31% of the global population of this subspecies, and the loss of over 200 territories, over 2% of the world population of this subspecies would not be an acceptable impact on this site.
- In respect of **distribution of species** within the site, Ministers consider the intention of the Birds Directive objectives for sites such as this to be to require the assessment to take into account both the geographic distribution of birds and the numbers of birds within that distribution, ie. density. The appropriate assessment finds that birds will be displaced by avoidance of the development's infrastructure, and that the populations of red-throated divers, black-throated divers, golden eagles, golden plover, dunlin and greenshank are all likely to be adversely affected. This would be an unacceptable impact on the site.
- On **distribution and extent of habitats supporting the qualifying species, and structure, function and supporting processes of habitats supporting the species** the Applicant has contended that these are satisfactorily discharged if the first two objectives are not considered compromised. However, Ministers consider that the permanent loss of substantial areas of important supporting habitats from this site, and of the effects of roads and other infrastructure developments on the structure and function of remaining areas of supporting habitat, would impact on the maintenance of the habitats of the site as a 'most suitable territory' for the qualifying species. The appropriate assessment finds that the distribution and extent (and linked availability) of the habitat, and the structure, function or supporting processes of the habitat of populations of red-throated divers, black-throated divers, golden eagles,

golden plover, dunlin and greenshank are all likely to be affected, and that this would be an unacceptable impact on the site.

- In respect of **disturbance of the species**, Ministers note that the appropriate assessment finds that significant disturbance will occur, or is likely to occur, to the populations of golden eagles, merlin, golden plover, dunlin and may occur to the populations of red-throated divers, black-throated divers and greenshank, and conclude that this would be an unacceptable impact on the site. Ministers also note that while many of the species concerned with this site are long-lived species, and it is quite possible that effects such as reduced productivity (resulting from increased disturbance, or additional predation from generalist predators such as crows and ravens associated with the development, or reduction in habitat quality during the breeding season) would not be easily detected in the short term, a reduction in productivity of a few percent is sufficient to cause long-term declines in bird species.
- Ministers have noted that the Applicant proposes a number of measures which are termed **mitigation**. These include restrictions on development near lochs holding breeding birds, measures to reduce collisions with the overhead wires and the use of rafts to increase breeding success of divers, but that no mitigation is proposed to avoid collisions with turbines. Having analysed the proposed mitigation measures, Ministers have concluded that they are unlikely to succeed in reducing the effects of the proposal to an insignificant level.

In summary, the assessment carried out by Ministers concludes that the proposal would have a serious, detrimental effect on many of the qualifying bird species of the Lewis Peatlands SPA, most of the conservation objectives for most of the qualifying species could not be met and therefore the proposal would adversely affect the integrity of the site.

North Harris Mountains SPA

This proposal will not have a direct effect on the North Harris Mountains SPA, and according to the tests, most of the conservation objectives for golden eagles in the North Harris Mountains SPA could be met if the proposed development were to proceed. However, the likely number of deaths through collisions of golden eagles on the wind farm site, (noting that immature birds range widely across Lewis and Harris), means that there could be an adverse effect on the site's integrity due to changes in demography in the overall Lewis and Harris population, through a long-term population decline.

Ness and Barvas SPA

The Environmental Statement acknowledges that it has not been possible to assess quantitatively the impacts of the Lewis wind farm on corncrakes but nevertheless concludes there would be no adverse effect on the integrity of the Ness and Barvas SPA, classified for that species. It is considered that some of the conservation objectives for corncrake may not be met as a result of the proposal and the success of the compensatory measures is unknown. On this basis, it is considered that it has not been ascertained that the Lewis wind farm will not have an adverse effect on the integrity of the Ness and Barvas SPA.

Impact of Articles 6(3) and 6(4) of the Habitats Directive

It is clear from the Appropriate Assessments that the development would have a serious detrimental effect on the integrity of the Lewis Peatlands SPA and may have an adverse effect on the integrity of the North Harris SPA, and the Ness and Barvas SPA. We have

therefore looked carefully at the first of the three tests in Article 6 (4) of the Habitats Directive (alternative solutions) to see if it might be possible to develop a case for derogation from the terms of the Directive for this proposal. In doing so, Ministers note that the three tests under that Directive need to be satisfied in a sequential manner to meet the strict requirements imposed by it.

Ministers have looked carefully at the Applicant's case for such a derogation on the alternative options test, set out in the amended application and have concluded the following:

- **To deliver a commercially viable wind farm:** The Applicant argues that the alternatives for a commercial wind farm should be considered in the Western Isles alone. Ministers consider that this is an unnecessarily narrow perspective. They note that there are currently some 454 wind turbines operational in Scotland. A further 168 turbines have been approved by Ministers but are not yet operational. Applications have been made to Ministers for a further 1700 turbines, in some 28 locations, including three in the Western Isles (the other two locations are at Muaitheabhal/Beinn Mhor, where some 53 turbines have been applied for, and Pairc, where some 57 turbines have been applied for) In Highland Region Ministers have consented some 74 turbines and applications for a further 322 turbines are being considered. In addition there are applications by developers to local authorities who have the power to give planning permission to a development below 50 MW, which represents approximately 12-13 wind turbines. In many cases the proposed developments do not have direct impacts on sites protected under the Wild Birds and Habitats Directives, although there may be indirect effects. All wind farms in Scotland operate on a commercial basis, raising funding for development privately and raising revenue through the tariffs for wind energy operated by the Office of Gas and Electricity Markets (OFGEM) .
- Ministers also note the guidance on the alternatives options test provided in the European Commission's methodological guidance entitled "Assessment of plans and projects significantly affecting Natura 2000 sites" at paragraph 3.31, which states -

"The examination of alternative solutions requires, therefore, that the conservation objectives and status of the Natura 2000 site will outweigh any consideration of costs, delays or other aspects of an alternative solution. The competent authority should not, therefore, limit its consideration of alternative solutions to those suggested by the project or plan proponents. It is the Member State's responsibility to consider alternative solutions, which could be located even in different regions/countries."
- Given the geographical spread of present and proposed windfarms, and bearing in mind the terms of the Commission's methodological guidance, Ministers consider that the search for alternative options to the Lewis Windpower proposal for developing a commercially viable wind farm should be considered on a wider scale; in this case, Scotland as a whole. They conclude that the proposed development could take place in other locations in Scotland without harm to any Natura 2000 site, and that there are alternative solutions for this development within the meaning of Article 6(4) of the Habitats Directive.
- **To provide justification for the investment in a large grid interconnector to the Western Isles with spare capacity for other renewable projects:** On

March 2007 Scottish Hydro-Electric Transmission Limited (SHETL) published proposals for an upgraded high voltage electricity transmission circuit capable of accommodating output from possible renewable generation developments located on the Western Isles and connection to connect the mainland transmission network. The justification for the proposal is the range of proposed developments in electricity generation on the islands, not just the Lewis Windpower proposal.

- **To make a major contribution to Scottish and UK renewable energy targets:** Scottish Ministers have now set targets of achieving 31% of Scottish electricity demand to be met from renewable generation in Scotland by 2011, and 50% by 2020. The UK Government counts the Scottish contribution in its own work towards its own target of 10% of electricity supply from renewable energy by 2010. In 2006, electricity generated by renewables accounted for 16.3% of the gross amount of electricity consumed in Scotland¹. Wind, wave and solar increased by some 58% in 2006 over the 2005 figure. Continuation of the growth trend in renewables would result in achievement of both the 2011 and 2020 targets (31% and 50% respectively of electricity generated as a % of gross consumption). There are currently some 454 wind turbines operational in Scotland. A further 168 turbines have been approved by Scottish Ministers but are not yet operational. Applications have been made to Scottish Ministers for a further 1700 turbines, in some 28 locations. On current estimates, even assuming some 50% of current wind applications are not approved, it is expected that by 2020 over 50% of Scotland's electricity demand can be met from renewable sources, with a significant amount of this expected to come from onshore and offshore wind energy located around Scotland. On this basis, it seems that there are alternative options to the Lewis Windpower proposal to meet Scottish, and by extension UK, renewables targets.
- **To make a major contribution to the economy of the Western Isles.** Scottish Planning Policy number 6 sets out how the planning system should manage the process of encouraging, approving and implementing renewable energy proposals when preparing development plans and determining planning applications. As well as seeking to ensure the delivery of renewable energy targets, it also encourages the development of a viable renewables industry in Scotland. The development of existing and new technologies has the potential to provide significant opportunities for Scotland to enhance its manufacturing capacity with associated economic and employment benefits. Such benefits, which may accrue locally or nationally, should be fully taken into account when considering planning applications.
- The analysis provided in support of the application suggests that the Lewis Windpower wind farm could lead to employment of over 400 people in the Western Isles during the construction stage, and more than 70 further full time jobs created for the operational lifetime of 20 years. LWP also suggest that in addition to the 70 direct employees, there could be approximately another 150 jobs created should the community payments be spent and reinvested into local enterprise. LWP are also committed to using the former oil fabrication yard at Arnish for turbine manufacture which could, if the proposal goes ahead, ensure a secure future for renewable energy manufacturing (referred to in your letter of 22 January 2008 to the Minister).

¹

Source Electricity Generation and Consumption Statistics 2006, BERR

- The proposal for a wind farm at Pairc from Scottish and Southern Energy estimate that some 143 people would be employed in the Western Isles during the construction stage, and that some 25-30 would be employed during operation. Similar caveats about the potential role of Arnish in boosting local impact are made in the application. The equivalent numbers for Beinn Mhor are some 100 during construction and 17.5 FTE during operation. In both cases payments would also be made to community and development trusts, resulting in further employment opportunities. It is possible that these proposals may be reduced in size or possibly refused as a result of consideration by the responsible authorities.

On this basis it would seem that alternative options would bring economic benefits to the Western Isles, but those currently proposed would bring only at most a proportion of the benefits to the Western Isles that the Lewis Windpower proposal would bring. However, Ministers note that in terms the last paragraph of section 1.3.1 (Examining alternative solutions) of the European Commission's Guidance document on Article 6(4) of the Habitats Directive 92/43/ EEC (Clarification of the Concepts of Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission) of January 2007, which states "In this phase ...other assessment criteria, such as economic criteria, cannot be seen as overruling ecological criteria."

Having considered the various issues, and in the knowledge that it is for the competent authority to carry out this assessment, Ministers consider that there are alternative solutions to meet wind farm and electricity generation objectives, which are the primary issues to be considered in respect of windfarm proposals in accordance with Scottish Planning Policy number 6. On the other issues raised by the developer, not proceeding with this application might slow down progress on the Lewis interconnector, but is unlikely to damage the project altogether. Alternative solutions for wind farm development currently being considered, if consented, would deliver part of the economic and community benefit promised by the Lewis Windpower wind farm. There may be other economic opportunities which could provide benefit to the economy of the Western Isles as a whole. Ministers also note that in considering alternative solutions, economic criteria cannot be seen as overruling ecological criteria.

As Ministers have concluded that as there are alternative solutions available in this case, there is no basis on which to consider the test of imperative reasons of over-riding public interest. As a consequence of all these considerations we assess that the proposal will not meet the tests for a derogation under article 6 of the Habitats Directive.

Although it has not been necessary to consider this in reaching their decision, Ministers have also noted the advice given by SNH that it is impossible to envisage how compensatory measures to preserve the integrity of Natura 2000 might be made, since the peatland habitats affected could not be re-created elsewhere in the Western Isles on an appropriate scale, nor elsewhere in Scotland in a location or manner likely to be suitable for large populations of the rare and vulnerable species concerned

Conclusion

The Scottish Ministers have carefully considered the amended application, and all the representations received. They have considered in particular that the Appropriate Assessments and have concluded that the proposal would have a significant adverse impact on a site protected by the Wild Birds and Habitats Directives. They have concluded that the tests in Article 6(4) of the Habitats Directive have not been met in that there are alternative

solutions to the development proposed. They are therefore minded to conclude that the application must be refused on those grounds.

Next Steps

I should be grateful if you would send me any representations you might wish to make on this proposed decision by 15 February. Ministers will consider any representations received from you by that date, and will then make their decision on this application.

Yours sincerely

Colin Imrie
Head of Energy Consents Unit

SUMMARY OF VIEWS EXPRESSED IN CONSULTATION PROCESS

Economics of Proposal

1. Lewis Wind Power have advised how the proposed development would make a significant contribution to reviving the local economy. This view is shared by the Western Isles Council who have based their support for the proposal on socio-economic grounds. LWP have suggested the wind farm could lead to employment of over 400 people in the Western Isles during the construction stage, and more than 70 further full time jobs created for the operational lifetime of 20 years. LWP also suggest that in addition to the 70 direct employees, there could be approximately another 150 jobs created should the community payments be spent and reinvested into local enterprise.
2. LWP are also committed to using the former oil fabrication yard at Arnish for tower manufacture which could, if the proposal goes ahead, ensure a secure future for renewable energy manufacturing. There has also been an offer by LWP to exchange community payments for a community equity stake of 15% in the wind farm with the opportunity for the community to invest in a further 5% on the same basis as other investors. LWP also advised the size of the wind farm was an important objective to justify a high capacity Inter-connector to the mainland. With the Inter-connector in place, there is the potential for other renewable energy projects to utilise renewable energy sources in the Western Isles, such as wind, wave or tidal systems.
3. Highlands and Islands Enterprise, the statutory body responsible for promoting economic and social development in the Highlands and Islands area, commented on the economic case, noting that the impacts at local level in respect of construction may have been overestimated, but that the local impacts in relation to operation were reasonable. A key consideration on whether the impacts locally were reasonable were whether the towers would in fact to be built at Arnish Fabrication Yard, near Stornoway, as proposed.

Stakeholder Position

4. The following key stakeholders have expressed the following views:
5. **Comhairle nan Eilean Siar (CnES)** announced their support for the application on economic and social grounds which were considered in the best long term interests of the community. The Comhairle based their decision not to object on socio economic grounds, believing the wind farm would bring employment and revenue to the island and prevent islanders migrating to the mainland.
6. The CnES Head of Economic Development has looked at the LWP figures and concludes that their figure of £512million is a reasonable estimation of construction costs for the wind farm. Although, it is stressed by CnES that the value of economic impacts will be highly sensitive to a number of key factors, in particular the value of the construction programme and geographical sourcing of goods and services.
7. The CnES quote figures from the Addendum that £77.29m would be allocated to the Outer Hebrides with the main single element of this total being £30.65m allocated for the construction of towers. They also quote from LWP that their "Local Content Policy" confirms they will "Require that turbine towers are fabricated at Arnish". Annual operating costs for the wind farm are placed at £13.9m with £1.25m of the non-labour

purchases of goods and services made within the Outer Hebrides. CnES testify that this is a well-founded and reasonable assessment of the operational impacts.

8. **Scottish Natural Heritage (SNH) object to the proposal.** SNH have advised that the integrity of the Lewis Peatlands Special Protected Area (SPA), Ness and the Barvas SPA, and North Harris Mountains SPA would be adversely affected due to the proposal. In addition, SNH are of the view that the proposal would adversely affect a number of European protected Annex 1 bird species. The Scottish Government have undertaken appropriate assessments for each of the designated sites as per Article 6 of the Habitats Directive.
9. **The Scottish Environment Protection Agency (SEPA) maintains its objection to the proposal on a number of grounds including the impact on water courses and pollution control.** In its last consultation response to the revised proposals SEPA raised concerns in respect of the proposal complying with the Water Framework Directive. Further assessment is required to consider the potential impacts on water courses from several water crossings and the potential pollution arising from large scale construction activities. Other ecology, geology and hydrology information must also be further considered and the construction method statements and habitats management plans must also be finalised to satisfy SEPA concerns.
10. There is opposition to the proposal from the **Royal Society for the Protection of Birds (RSPB)**. The RSPB consider the ornithological and legal problems presented by the Lewis application are significant. They make clear that not only is the designated site protected by the tests of European Law, but it also hosts large numbers of different breeding birds, that each occupy and utilise the site in different ways. The RSPB are of the opinion that from the perspective of LWP, who are seeking to mitigate the impacts, the site presents huge challenges as the waders (dunlin, golden plover and greenshank), raptors (merlin and golden eagle), divers (red throated and black throated), corncrake and migrating birds (whooper swans) found on the site all have different requirements and occur in large numbers over the entire wind farm envelope. The RSPB state this is a complex, environmentally sensitive peatland habitat which does not lend itself to design solutions for wind farm developers. The RSPB have commissioned their own reports into the alternatives test and the subsequent test of imperative reasons for over-riding public interest (IROPI).
11. **Historic Scotland** object to the proposal. Their concerns relate to 11 Scheduled Ancient Monuments, including 2 in the care of Scottish Ministers - Arnol Blackhouse no 39 and no 42 and associated croft house, and Steinacleit homestead and field system.
12. Steinacleit homestead and field system – this monument, which is in the care of Scottish Ministers, is believed to be a much altered Neolithic burial cairn. Its location has panoramic views of the surrounding moorland. The views to the east are uninterrupted, but would have sight of 134 turbines if the wind farm was built, the nearest being 1.8 km away.
13. Arnol Blackhouse no 39 and no 42 and associated croft houses – this is a very well preserved element of relict crofting landscape, which again is in the care of Scottish Ministers. It comprise two crofts in the crofting township of Arnol. At least 37 turbines would be seen from and around the monument (although the nearest is 2.9km away).

14. Historic Scotland point out that NPPG5 Archaeology and Planning, paragraph 17 states that 'scheduled ancient monuments are of national importance and it is particularly important that they are preserved in situ and within an appropriate setting' In the instance of the monuments listed, Historic Scotland do not agree that 'moorland with wind turbines' constitutes an appropriate setting.
15. Historic Scotland also have concerns over the impact of the wind farm on another 9 SAM's.
16. In their consultation response of 21 December 2006, **National Air Traffic Services (NATS)** confirm their objection to the proposal. Despite the reduction in turbines and layout changes in the addendum, NATS re examined the development and confirmed that regardless of the modifications to the wind farm it continues to conflict with their safeguarding criteria in that it would cause potential interference on the Stornoway Radar. However NATS are in discussions with LWP about possible mitigations which include relocation of the Stornoway Radar. **Highlands and Islands Airports Ltd.** also object to the application in accordance with the Civil Aviation Authority's CAP 764 – CAA Policy & Guidelines on Wind Turbines, and CAP 738 – safeguarding of Aerodromes.
17. In their letter of 2 February 2006, **Scottish Water** strongly object to the location of the turbines within the catchment of Stornoway Water supply Zone. Within the Barvas Moor area lies Scottish Water's most significant catchment area in the Western Isles, the source loch for Stornoway Water Supply Zone is Loch Mor an Starr which serves some 10,000 customers. Scottish Water are deeply concerned over contamination which could result from soil/debris from construction or oil/diesel spills. Scottish Water claim that subsequent meetings with the developer have not diminished their concerns.
18. **The Western Isles Fisheries Trust and Salmon Fisheries Board** object to the application in correspondence dated 5 February 2007. The Board point out that the development would be within 200m of numerous sensitive water courses and that the terrain and climate mean that despite the proposed mitigation, the development would likely significantly harm important fish populations. There is the potential for large volumes of silt and sediment to become suspended in solution. The material will include peat, clay and fine stone material. Comparable construction works on the Western Isles on similar types of land and in similar proximity to water courses had run off that contained in excess of 1000 mg/1 of suspended solids, despite employing pollution prevention methods. This is due to extreme weather conditions that can be experienced on the Western Isles and the poor ability of the land associated vegetation to settle any suspended solids that have been generated. Under the European Union Water Quality Directive a sediment load of just 20 mg/1 is considered a safe level for waters discharging into rivers or lochs containing stocks of juvenile salmon or trout. The Board does however state that the rivers within the proposed site boundary are not designated as qualifying rivers under this directive, but that the directive provides a guide to acceptable levels of water quality.

Community Benefits

19. Annual rental payments will be made to the 3 estates and the crofters residing on them. The addendum recognises that the economic impact arising from these payments will depend upon "the ownership and structure of the estates and their investment plans, as well as the manner in which the crofters use their new income".

On this basis, the addendum states that “it is difficult to reach a precise view on this issue and on the extent to which the income will be subsequently be retained within the local economy.

20. An attempt is made however to quantify the impact of the lease payments by making two working assumptions i.e half the income is retained within the Outer Hebrides and the income is used by the estates / crofters for ongoing activity / re-investment.
21. In addition to the leases, annual payments would made to community funds in each of the 3 estates and to Western Isles Development Trust (WIDT). The total of these funds would be £1.85m. The addendum is clear that the impact arising from the community benefit payments will depend on how the income is utilised.
22. There is no calculation in the addendum with regards to the impacts that may accrue if the community and WIDT take up LWP offer of a 15% share-holding in the wind farm. However, the CnES suggest that if this option is chosen, then annual profits of up to approx £2.5m could be going to the community.

Analysis of Representations

23. A total of 9,934 representations were received from members of the public and non-governmental organisations (NGO's). This comprises of 9,861 objections and 73 letters of support for the Lewis wind farm application.
24. Of the objections 5,611 came from within the local council area, 1,091 from wider Scotland and 2,271 from outside Scotland. Please note that 888 objections were received that either did not state their address or with address illegible.
25. From a total of 73 representations of support, 45 came from within the local council area, 12 from wider Scotland and 5 from outside Scotland. Please note that 11 letters were received that either did not state their address or with address illegible.

Support

26. The 3 principle reasons common to most of the letters of support are:

Combat Climate Change & Reduction of CO₂ Emissions

27. 49 supporters felt that the need to combat climate change and reduce carbon dioxide emissions was reason to support the Lewis application. 43 of these came from within the local council area, 3 from wider Scotland. 3 people did not stipulate their location.

Economic Benefit

28. 47 supporters felt that the Lewis proposal would offer economic benefits to the area. 41 of these came from within the local council area, 5 from wider Scotland and 1 from outside Scotland.

Provision of Employment

29. 43 people felt that the opportunity for employment was a reason to support the application. 41 representations came from the Local council area, 2 from wider Scotland.

Objections

30. The 4 principle issues raised by objectors were;

Turbine and Construction Noise

31. A total of 3,385 people objected to the Lewis wind farm proposal on the grounds of noise pollution. 1,890 objections originated in the Western Isles, 392 from wider Scotland and 988 from outside Scotland. 115 objections were address unknown.

Impact on Landscape and Visual Amenity

32. 4,082 objections cited the negative impact the development would have on the landscape and visual amenity of the area as reason for objecting. 2,628 people came from within the local council area, 511 from wider Scotland and 765 from out with Scotland. A further 178 objectors did not state their address.

Adverse Impact on Tourism

33. 3,739 objectors raised the adverse impact on tourism that the development might cause as their reason for not supporting the application. 2,615 people from the Western Isles objected, 384 people from wider Scotland and 596 from outside Scotland. 144 objectors did not provide an address.

Ecology

34. 3,314 people objected on the grounds on the negative impact the development would have on ecology. 2,068 of the objections came from the Western Isles, 376 from wider Scotland and 532 from outside Scotland. 338 objectors did not provide an address.

Petition against Comhairle Nan Eilean Siar

35. A petition was received shortly after the Comhairle Nan Eilean Siar decision to support the Lewis application in 2005. The petition objected to not only the Lewis application but also the councils decision and requested that the proposal be referred to Public Local Inquiry. A total of 1,925 objections were received as part of the petition. 1,820 objections originated in the Western Isles, 76 from wider Scotland and 25 from out with Scotland. 4 people did not provide addresses.