

Guidance

RENEWABLE ENERGY CONSULTATIONS: A SERVICE LEVEL STATEMENT

Introduction

1. Since April 2001 there has been a huge increase in the number of renewable energy development proposals on which SNH is consulted¹, responding to Government's aim to increase the proportion of electricity generated from renewable sources, and stimulated by the introduction of the Renewables Obligation (Scotland).
2. Renewable energy developments can have a significant effect on the natural heritage. SNH has an important role in the planning and decision making process for renewable energy developments. However, expectations that we will respond comprehensively to all related inquiries and non-statutory consultations, whether by developers, planning authorities or the Scottish Government cannot always be met due to the current level of interest and competing demands on our staff resources.
3. This Service Level Statement (SLS) has been prepared to clarify the stages at which SNH can be expected to input into the process of developing and consulting upon renewable energy proposals and the level of advice that we will offer.

Summary

4. The principal stages at which we will input into a renewable energy proposal are set out in summary below (Table 1). The remainder of this document provides more detail and also offers guidance to our staff on priorities.
5. This Service Level Statement should be regarded as setting out a minimum response standard which enables us to provide an effective input to renewables casework. In the light of the pressure on staff resources for renewable energy development, our aim will be to seek to meet this standard for all proposals. Where SNH Areas have the resources, they may offer levels of advice which go beyond this standard, and are encouraged to do so where that will deliver a significantly better outcome for the natural heritage.
6. The Statement is endorsed by the SNH Management Team as guidance to help staff to prioritise their input into renewable energy casework and to ensure that:
 - We provide an effective response;

¹ SNH has formally responded to 193 planning applications for wind farms since 2003 (based on April 2007 figures)

- We help the Scottish Government to deliver existing targets for renewable energy generation;
- Our dealings with developers are consistent nationally; and
- Time and resources are utilised as efficiently and effectively as possible for all renewables casework.

7. The Statement is also being circulated to all planning authorities, the Scottish Government, renewable energy industry associations and prospective developers.

Table 1 Service Level Statement Summary

1. Pre-application consultation	
<i>i. Initial contact and provision of natural heritage information</i>	We will advise developers of all relevant natural heritage information which is publicly available, e.g. through our website, including information on national or international designations.
<i>ii. Screening opinion</i>	We will offer a screening opinion if required.
<i>iii. Preliminary scoping contact and liaison</i>	<p>We will discuss with the determining authorities, developers and consultants the level of resources we have available, agree a programme of engagement and encourage a planned and coordinated approach to information provision.</p> <p>We encourage pre-application dialogue at this stage and/or a meeting arranged by the determining authority. We encourage developers to seek advice on potential natural heritage impacts at this stage, to help ensure that sufficient data is gathered and an adequate assessment of environmental impact prepared.</p> <p>We will provide relevant information to developers, on request, to assist in the preparation of the Environmental Statement (ES). We will only attend further meetings at this stage if issues are complex or significant enough to justify this.</p>
<i>iv. Scoping the environmental statement</i>	<p>We strongly advise developers to seek a formal scoping opinion from the determining authority. In these circumstances our advice will be in response to a consultation from the local authority or Scottish Government over such a request.</p> <p>We may be able to attend a site meeting to discuss the scope of the Environmental Statement, if the issues are unusually complex or significant.</p>
<i>v. Prior to the submission of the application</i>	<p>It is the developer's responsibility to assess the potential natural heritage impacts. Where account has been taken of SNH's advice at earlier stages we may agree to engage in further focused dialogue with a view either to clarifying the significance of impacts, or discussing possible mitigation options. However we will normally wish to avoid being consulted on any further report prepared in follow-up to a scoping opinion, on drafts of Environmental Impact Assessment (EIA), or on any interim results of commissioned surveys.</p>

2. Responding to the application and environmental statement	
<i>i. Requesting additional information</i>	Any requests for further information should be made through the determining authority.
<i>ii. Submitting the final SNH response</i>	The resources which we will invest in responding will reflect the significance of the natural heritage impacts expected. The level of detail of our response will reflect the range and importance of the natural heritage interests affected, the adequacy of the impact assessment, any issues critical to a decision, or issues over which there is uncertainty.
<i>iii. Negotiation of modifications/ conditions/agreements</i>	Our input into the negotiation of conditions or agreements will normally be limited to those areas where in our response we have expressed a wish to be consulted, or where the matter is a condition of our withdrawing our objection.

3. Determination of development proposal	
<i>i. Public Local Inquiry</i>	We will decide our level of engagement on a case by case basis. We cannot attend every PLI and will therefore focus our involvement in those PLIs where the issues are complex and / or contentious.

4. Implementation of the development after consent has been granted	
<i>i. Approval of monitoring or habitat management, etc, arrangements</i>	<p>The level of resources applied will be related to the significance of the natural heritage impacts and benefits.</p> <p>We will resist entering into any further discussion on, or renegotiation of, conditions which are a condition of planning consent and with which developers have already undertaken to comply.</p>

SNH's role in renewable energy projects

8. Renewable energy projects are approved either through the planning system, or for larger projects (>50 MW for wind and biomass, >1 MW for hydro, wave or tidal) through Section 36 of the Electricity Act 1989, which is administered by the Scottish Government. This statement covers SNH's advisory role in both consent systems. **SNH is an adviser, not a decision maker for renewable energy projects.**
9. SNH has several roles within the development process including providing information to potential applicants, commenting to the determining authority (Planning Authority or Scottish Government) and responding to requests for information from other interested parties such as local communities.

10. In our renewable energy casework we aim:

- To maintain our role as a key adviser on natural heritage implications;
- To provide environmental information;
- To be objective in our analysis of impacts and constructive in considering the scope for mitigating them;
- To help Planning Authorities and Scottish Ministers in considering natural heritage impacts and forming a view on these within a local, national and/or international context; and
- To avoid duplicating the roles and responsibilities of either developers or their consultants, or the decision-making agencies.

Priority of renewable energy casework

11. SNH's Policy Statement 02/05 'SNH and the Town and Country Planning System' sets out how we engage with the planning system. It describes our agreed approach to determining the level and nature of our engagement in development control casework, development plans and national policies. Fuller guidance is available to SNH staff in PGN 99/04 ("SNH's Involvement in the Town and Country Planning System"). The resources applied to our involvement in renewable energy casework fall within the context of that guidance.

12. Renewable energy developments are frequently large and prominent developments with the potential to bring about major changes to the Scottish landscape, and they often attract a high level of public interest. They can also have significant impacts on important species and habitats. Given their nature, most renewable energy developments will usually rank as **high** priority casework for SNH.

13. Issues of cumulative impact (on both landscape and species), landscape capacity, clustering of development and managing change of landscape character are likely to be increasingly important as the number of renewable energy proposals rises. SNH will maintain a high priority for involvement in the strategic planning of renewables, to help planning authorities prepare development plans which provide effective guidance on appropriate types and locations for development. In particular, SNH will work with Planning Authorities to help them develop their response to SPP6, published in March 2007.

Statutory requirements

14. SNH has a number of statutory roles which relate to renewable energy developments, and a priority for us will be to ensure an adequate engagement in relation to these roles:

- We are a statutory consultee within the planning system for certain types of development, including those which affect nationally or internationally designated areas, or development subject to EIA. As most renewable energy schemes of any significant scale will require EIA, we will be required to respond to statutory consultations from the Planning Authority or Scottish Government;

- We are required to advise Planning Authorities if requested on “any matter arising under the Town and Country Planning (Scotland) Act 1997 which affects the natural heritage of Scotland”;
 - We are required to provide relevant information to developers, on request, to assist in the preparation of the Environmental Statement.
15. Ancillary requests for advice from developers or from planning authorities are discretionary, and while we will endeavour to respond, the level of resource applied will be judged with a view to meeting the above priorities.
16. We will also endeavour to respond to requests for natural heritage information and advice from the public where appropriate. Requests for information or advice on issues other than natural heritage matters will be directed to the determining authority.

Level of engagement

17. Our input to each renewable energy proposal will focus on the specific impacts of the development (and associated elements, e.g. tracks and ancillary buildings) on the natural heritage. This input will be tailored to the significance of the potential impacts of the proposed development on the natural heritage. For casework where natural heritage interests are judged to be of low significance, we may confine our comments largely to the statutory stages of the process, and provide input which is tightly focused on selected natural heritage issues. We will exercise judgement to determine the level of resources invested.
18. The significance of an impact on the natural heritage reflects the combination of the sensitivity of the natural heritage (this will reflect the natural heritage importance and ease of damage) and the magnitude and nature of the change (this may reflect scale as well as level of effect). The scale of the proposed development will usually have a strong bearing on the significance of impacts, as will any conservation designations.
19. In assessing the sensitivity of natural heritage impacts, regard will be given to the following:
- National and internationally designated sites, and the natural heritage interests for which they have been established;
 - Species and habitats listed under Annex I of the EC Birds Directive² and Annexes I and II of the EC Habitats Directive³, or the 1981 Wildlife and Countryside Act, or identified as priorities in the UK Biodiversity Action Plan or identified in the Scottish Biodiversity Strategy;
 - Recommendations in Landscape Character Assessments;
 - Important informal recreation resources;
 - Any local designations, objectives of local Biodiversity Action Plans or other locally devised programmes and policies for the natural heritage and its enjoyment which SNH supports;

² EC Directive 79/409/EC on the Conservation of Wild Birds

³ EC Directive 92/43/EC on the Conservation of Natural Habitats and of Wild Fauna and Flora

- The continued functioning of key natural systems and processes which support natural heritage systems;
- Cumulative impact;
- Areas of search for wild land.

20. We will encourage developers to make use of the scoping stage in the EIA process to consider the natural heritage impacts which might realistically be of significance. Scoping should also be used to identify any uncertainties and the information required to resolve these uncertainties.

21. We would prefer to have all meetings between developers, their consultants and determining authorities minuted. We will normally expect the developer (or their representatives) to prepare a draft minute and, once agreed by us and other parties, to send a copy of the agreed minute to both SNH and the determining authority .

SNH engagement with windfarm development proposals

22. Current interest in renewable energy developments is largely related to onshore wind proposals, and the following provides more specific guidance on these projects.

23. For windfarms, natural heritage sensitivities have already been identified at a strategic level in our Policy Statement 02/02 'Strategic Locational Guidance for Onshore Wind Farms in Respect of the Natural Heritage' (updated in May 2005). The guidance sets out three zones, from low to high natural heritage sensitivity to windfarm development and these are:

Zone 3, high sensitivity, includes National Scenic Areas, Natura 2000 sites and areas of wild land;

Zone 2, of medium sensitivity, includes other SSSIs, local landscape designations, and regional parks;

Zone 1 is of low sensitivity but the Guidance makes clear that that does not imply an absence of natural heritage interest.

The Guidance is drawn at a national, strategic, level and it does not identify features of local natural heritage value, or protected sites or species which cannot be mapped at a national scale.

24. We will aim to advise on the significance and acceptability of expected impacts for all proposed windfarms, other than small scale turbines in Zones 1 and 2⁴. However, our level of engagement will vary depending on the volume of applications in a particular area. The level of resource input to each case and the level of detail of our advice will be a reflection of:

⁴ Further guidance on the assessment of small scale wind energy proposals is due to be published in early 2008.

- The sensitivity of the natural heritage;
- The significance of the impact of the windfarm(s) on the natural heritage (including cumulative impact); and
- The opportunities or measures for mitigating these effects and/or securing environmental benefits.

25. For development proposals in or affecting Zone 3, the high sensitivity zone, we will aim to offer in-depth advice on expected impacts.

26. However, much of the current development interest – over 40% of all schemes, and the large majority of all turbines - falls within Zone 1, the low sensitivity zone. Having regard for the above principles used in judging resource input, our responses to Zone 1 proposals may address only the limited range of key issues, including cumulative impacts, deemed critical to the acceptability or otherwise of a proposal. Also within this zone:

- We will not normally advise on small wind turbines under 50KW capacity, unless these are located within or near to a designated site; and
- Our advice on small windfarms may have to be desk-based (< 3 turbines, < 50m height to blade tip).

27. Within Zone 2 our approach will be intermediate.

28. We will not normally offer advice on anemometer masts, other than those within or affecting nationally or internationally designated areas, and protected habitats and species.

Assessment methodologies

29. We will continue to produce guidance on methodologies for assessing the significance of impacts on the natural heritage as these are formulated. We will make these available through our website and inform SRF of new publications. We will also aim to publish new information (for example on collision risk rates) as soon as possible and will do this through the appropriate industry bodies and on our website.

SNH engagement with community led developments

30. We will apply the same process described within this Service Level Statement to community led proposals. We will also ensure that the level of assessment required for each proposal is proportionate to both the scale of the proposal and the potential natural heritage impacts.

SNH engagement with offshore wind, wave and tidal developments

31. We will apply the same process described within this Service Level Statement to renewable energy proposals in the marine environment.

Providing advice at the stages where it is most effective

32. Resources will be deployed most effectively if the communication between developer, planning authority and ourselves is well-structured. We aim to provide advice at the stages when it will be most effective in securing a satisfactory natural heritage outcome. Table 2 below outlines these key stages and forms the basis of such a programme of communication. At the outset of any proposal, we recommend that there is a discussion between the determining authorities, developers and their consultants and SNH on the level of resources we have available, how to use our input wisely, and on an appropriate programme of engagement.
33. The value of early dialogue is recognised and welcomed. This will be particularly true as other non-wind renewable technologies develop and advance to development stage. Discussion at an early stage can often save much time and conflict later and lead to a more acceptable scheme. We recommend that developers seek our advice on potential natural heritage impacts at pre-scoping and scoping stage as identified in Table 2. This will help ensure that all the relevant issues, including the standards of information and analysis required to inform the EIA process, are identified at the earliest possible stage. We will seek to be helpful in making information available and in providing a wider perspective, but will avoid duplicating the roles of developers and their consultants, or of the determining authorities.
34. We have prepared extensive guidance on renewables development, and will direct developers to such information and guidance where it is available. Annex A lists standard sources of information to which developers might be directed. We will make such information available on the SNH website wherever possible.
35. The iterative nature of the EIA process means that further advice and information from us may be helpful in guiding the development of proposals. If potentially significant natural heritage impacts have been identified, we may agree to engage in further focused dialogue with a view to clarifying the significance of the impacts, or discussing possible mitigation opportunities. However, in the interests of meeting the range of demands upon us, such involvement is likely to be limited. Our view is that it is the developer's responsibility to appraise the potential natural heritage impacts and to identify how these can be mitigated. Further iteration may be possible if resources and local circumstances allow.
36. Throughout, we will aim to respond as quickly as is realistically possible given the nature of the request and of the issues involved. It may be necessary to refer queries to a variety of specialists which will have a bearing on response times.

The role of the determining authority

37. SNH looks to the determining authority (the Planning Authority or the Scottish Government Energy Division) to take a lead co-ordinating role in the consultation process. We will keep this Authority appraised at all times unless the applicant expresses a wish for confidentiality in pre-application stages. Our formal responses from scoping stage onwards will only be in response to a consultation from the determining authority.

38. Many proposals will require conditions to be imposed and/or the negotiation of planning or other agreements and plans. We expect the determining authority to lead on such negotiations, with SNH normally making an input only where we have expressed a wish to be consulted or where the condition is one required to allow a SNH objection to be withdrawn. Likewise, our involvement following approval of a proposal, in vetting any working codes of practice, monitoring proposals or habitat management proposals, will be limited and targeted to the significance of the natural heritage impacts.
39. We will continue to pursue the agreement of 'planning protocols' with Local Planning Authorities for all development control casework, setting out the range and type of development proposals on which SNH may expect to be consulted. Such protocols may include specific arrangements agreed for liaison over renewable energy casework and will reflect the number and nature of renewable energy developments in a specific area. There may be a requirement to review protocols in the light of this revised Service Level Statement and other changes to the planning process.

Engagement with third parties

40. We will engage with third parties, if approached, on the natural heritage aspects all renewable energy proposals and will encourage third parties to engage through the determining authority. We encourage third parties to focus their engagement at the key stages in the development process, as identified in this document. In particular, we will be pleased to engage with third parties at the scoping stage to ensure that the natural heritage concerns of third parties are adequately addressed by the environmental assessment proposed.
41. We will endeavour to base our position on the proposal on the best information available and will therefore consider any information which is made available to us. However, SNH has a statutory duty to respond to a planning application within 28 days and we therefore encourage third parties to ensure that additional information is submitted as early as possible, reducing delays in our planning response and reducing demands on staff time. We will also accept, and consider, written submissions from third parties which are submitted at the same time as the planning application, or which are submitted prior to this. **These should be submitted through the determining authority.** If information relating to an application is submitted directly to SNH we will copy this information to the determining authority to ensure that all parties have access to this information.
42. We cannot enter into dialogue with third parties during the period between the receipt of the statutory request from the determining authority and the submission of our formal response to the application, other than to confirm receipt of information or to confirm further details.

SNH input into renewable energy applications

43. Table 2 sets out the principal stages at which we will input into a renewable energy proposal and outlines the input which should be expected at each stage. It also offers guidance on priorities and the use of SNH time in making that input.

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Date: **March 2008**

Table 2: SNH input into Renewable Energy Applications

The table below identifies the level of service SNH aims to meet to provide an effective level of service. **The key steps for SNH input are noted in bold.**

STEP	STATUTORY PROVISIONS	ADVICE ON SNH INPUT
<p>1 PRE-APPLICATION CONSULTATION: An important, formative stage where SNH has statutory duties regarding provision of information and in the screening and scoping of the EIA process.</p> <p>For developments where potentially significant adverse impacts or benefits are emerging at an early stage, and where the developer shows flexibility & willingness to accommodate SNH's concerns, SNH should ensure adequate early dialogue. Judgement is required to determine the level of resources invested against likely returns.</p>		
<p>Initial contact and provision of natural heritage information</p> <p>Informal requests for advice e.g.:</p> <ul style="list-style-type: none"> • Sieving process to broadly identify best general sites; • Initial general site inquiries 	<p>SNH has a statutory duty to provide relevant non-confidential environmental information.</p> <p>Discretionary</p> <p>SNH could be asked for information at any stage in the consultation process.</p>	<p>At the initial stage, we will respond to developers by advising on relevant general materials which are publicly available, including information, technical guidance and policy statements which are available on our website, and standard information on national or international designated sites within the area of interest (See Annex A). We will also draw attention to relevant local data where this exists.</p> <p>We request that developers approach us for further detailed information only after they have undertaken an initial sieve of their potential sites and after they have made use of the standard range of guidance (including the development plans, SPP6, PAN 45 and SNH guidance), and made use of the general information available.</p> <p>We encourage developers to co-ordinate requests for environmental information (especially if a range of consultants are involved in developing the ES). We will normally ask the developer to put requests for advice in writing, and avoid responding to verbal or speculative requests.</p> <p>If confidentiality issues permit, the developer should notify the determining authority (Scottish Government Energy Division or Planning Authority) and encourage it to take a central role in this preliminary liaison process. We will then contribute as appropriate. In any event, we will encourage developers to contact us as early as possible if they intend to proceed with a project to the next stage.</p> <p>Recognising the long lead time for survey work for certain species, we will discuss with a developer the scope of any multi-season assessment required on a site, prior to the formal scoping exercise, provided such requirements are formulated within a single request and provided that the developer (or their consultants) has already consulted published information on birds in the area. We will require a brief description of the site, a site location map, site boundary and a description of the proposed survey methodology. This will enable developers to commission initial survey work to provide background data and inform the detailed scoping exercise.</p> <p>Developers are referred to existing SNH guidance on assessing impacts on birds (see annex A) for detailed information on the methodologies we recommend.</p>

STEP	STATUTORY PROVISIONS	ADVICE ON SNH INPUT
		We cannot guarantee that the scope of assessment will not alter at scoping stage, either based on the findings of initial survey work or due to changes in guidance / conservation status. More detailed or additional survey work could emerge as a requirement at the scoping stage. In particular, should further proposals in the area come forward, issues relating to cumulative impact assessment are likely to arise and may have an effect on the scope and methodologies used.
<p>Screening opinion - deciding whether EIA is required</p>	<p>Either: SNH may be asked to advise the developer and/or determining authority on whether an EIA is required – if so this is a statutory request.</p> <p>Or: SNH may request, using non-statutory procedures, the competent authority or Scottish Ministers to require an ES to be submitted.</p>	<p>We will formally respond as appropriate.</p>
<p>Preliminary scoping contact and liaison</p> <p>Pre-application dialogue and/or meeting</p>	<p>SNH has a statutory duty to provide relevant non-confidential environmental information</p> <p>Discretionary</p> <p>SNH will strongly encourage the determining authority to lead such meetings for both Town and Country Planning (Scotland) Consultations and S.36 Electricity Act consultations.</p> <p>If the determining authority does not undertake this lead role and engage in dialogue at this stage SNH will consider the benefits of and opportunity for influencing the scheme at this stage and respond at an appropriate level.</p> <p>Given the iterative process of EIA, the progress and timing of a scheme through the initial stages of application development may be</p>	<p>We will encourage developers and/or consultants to adopt a planned and co-ordinated approach to requesting information. Ad-hoc requests for natural heritage information cannot always be considered a priority.</p> <p>Once the developer's intent to proceed with a proposal to explore a site in more detail or submit an application and/or Environmental Statement is clear, we will encourage pre-application dialogue and/or a meeting arranged by the determining authority. Judgement should be used as to whether the likely significance of natural heritage impacts and the perceived level of our input merits such a discussion or a meeting. This is a very valuable stage in the process where there is much opportunity to guide scheme development and determine information requirements before the developer engages in detailed site exploration and survey work. This early dialogue will:</p> <ul style="list-style-type: none"> • Confirm the lead role of the determining authority; • Enable us to clarify the appropriate level and stages of our input from the scoping process to formal application stage; • Confirm with the developers, the breadth of natural heritage issues which require to be addressed; • Indicate the standard of survey and information required; • Confirm that our next input will usually be at the statutory scoping stage. <p>If a meeting is deemed appropriate at this stage, the developer, planning authority or other determining authority, SNH, and other key stakeholders, should all attend. The following agenda items are suggested:</p>

STEP	STATUTORY PROVISIONS	ADVICE ON SNH INPUT
	<p>variable depending on the case and developer; the steps may merge into each other.</p>	<ul style="list-style-type: none"> - Responsibilities and roles of parties - Details of proposal and timetable for application/ ES - Stages of SNH involvement - Information required by and from SNH - EIA & scoping process - Standard of information required for EIA/ES - Developer responsibilities in undertaking comprehensive EIA - Scoping stage requirements - Site plan/layout - ZVI/preliminary wirelines/viewpoint selection - Proposed methods of ecological survey - SNH guidance already available on range of standard issues - Any key issues known at this stage which will require to be addressed in the Environmental Statement <p>The parties meeting should consider whether SNH should provide brief written confirmation at this stage of the issues which it considers require to be addressed in the ES, or whether this can be deferred to the formal scoping opinion stage.</p>

STEP	STATUTORY PROVISIONS	ADVICE ON SNH INPUT
<p>Prior to the submission of the application</p>	<p>Discretionary</p>	<p>If potentially significant natural heritage impacts have been identified, and if requested by the developer or determining authority, we may agree to engage in further focused dialogue at this formative stage with a view either to clarifying the significance of the impact, or discussing possible mitigation opportunities.</p> <p>We will not normally be able to comment on draft Environmental Statements, ad-hoc requests from specialist consultants or preliminary results unless this is specifically considered appropriate on selective issues of natural heritage importance and the developers have followed our pre-scoping/scoping advice.</p> <p>Where a requirement for new information occurs (e.g. due to a change in conservation status or in legislation) we will alert developers as soon as is practical.</p> <p>Where the environmental assessment covers an extended period of time, developers may choose to provide a written update every 6 months to keep us informed of progress. However, we will normally resist attending further meetings unless, as described above, there are particularly complex issues, or new issues that we need to discuss.</p>
<p>2 RESPONDING TO THE APPLICATION AND ENVIRONMENTAL STATEMENT: The competent authority has a statutory duty to consult SNH on every ES submitted. SNH is an expert adviser on the adequacy and competence of the ES in respect of the natural heritage. SNH has a statutory duty to respond to planning and S.36 consultations if consulted.</p>		
<p>Requesting additional information</p>	<p>SNH may advise the competent authority and developer about additional information required to allow an adequate assessment of the impacts.</p>	<p>We will make any requests for further information through the determining authority.</p>
<p>Submitting the final SNH response to the application / ES</p>	<p>Statutory duty to respond</p>	<p>In all cases, we will use discretion on the level of input based on the significance of potential adverse impacts and the potential for mitigation at this stage.</p> <p>In general the resource which we will invest in responding to a formal proposal will reflect the significance of the natural heritage impacts expected. The level of detail contained in our response and its length will reflect the following factors:</p> <ul style="list-style-type: none"> • The adequacy or otherwise of information provided in support of the application, e.g., a response to an application which has an inadequate environmental statement may be a relatively brief statement about the inadequacies of the ES, the risks of approving an application where the environmental effects are not properly identified, and our position;

STEP	STATUTORY PROVISIONS	ADVICE ON SNH INPUT
		<ul style="list-style-type: none"> • The range and importance of different interests involved. SNH will aim to provide an authoritative view on the importance and sensitivity of natural heritage interests subject to national or international protection. For affected natural heritage interests of more local importance we may offer a more general statement indicating the relative importance of the interest affected; • Issues critical to the outcome of the proposal. For example, a “conditioned objection” response may often require a detailed statement of the changes or mitigation required in the proposal in order to make the proposal acceptable. In comparison a “full objection” response may often be shorter; • Issues over which there may be uncertainty, dissent or controversy and likely be queried at a later date; the level of further engagement sought by SNH, e.g. on key issues over which we wish to be involved in agreeing mitigation conditions. <p>SNH should be expected to offer:</p> <ul style="list-style-type: none"> • A clear statement of our position in relation to the development proposal, which will make it clear whether or not it is based on statutory obligations relating to designated sites and / or protected species; • Identification of the natural heritage interests affected; • An assessment of the potential impacts on important natural heritage interests, and an opinion about the significance of these impacts and the acceptability or otherwise of the proposal; • Advice about whether such impacts could be avoided, reduced or mitigated to a sufficient degree to make the development acceptable; • A view on whether there is a requirement for an appropriate assessment under Natura Regulations; and • Advice on the legal protection of European Protected Species and licensing requirements; and on species listed under the Wildlife and Countryside Act 1981 and associated licensing requirements; • A non-technical summary of our key concerns. <p>Timescales</p> <p>The statutory response time for us to formulate our response to an EIA is 28 days. However, in complicated cases or in an area with a high number of concurrent applications, we may require an extension to the statutory response time and will seek this from the determining authority.</p>

STEP	STATUTORY PROVISIONS	ADVICE ON SNH INPUT
<p>For SNH 'conditioned objection' responses:</p> <p>Negotiation of modifications, conditions and /or agreements prior to a decision being made by the determining authority.</p>	<p>SNH may be asked to advise the determining authority and developer about further measures to avoid or reduce and compensate for the effects on the natural heritage.</p>	<p>For SNH 'conditioned objection' responses in particular, it is important to be aware of the resource implications involved if we request to be consulted through conditions, monitoring and habitat management during implementation of the development.</p> <p>We will normally limit its input in negotiation of conditions or agreements to those areas in our final response letter where we specifically expressed a wish to be consulted or as a condition of withdrawing our objection (e.g. conditions/ S75 Agreement).</p> <p>We will not normally expect to become engaged in detailed negotiation of conditions. However, on occasion such engagement may be requested by the decision-maker. We will closely monitor the effectiveness of this process for SNH. If negotiations are stalling and the conditions requested by SNH seem unlikely to be met, judgement should be exercised to decide at what point we should withdraw from further negotiations and stand by our response.</p>
<p>3 DETERMINATION OF DEVELOPMENT PROPOSAL</p> <p>SNH involvement in Public Local Inquiry</p>		
<p>Public Local Inquiry</p>	<p>Statutory or discretionary</p>	<p>We will consider how to engage in the public inquiry process on a case by case basis, i.e., by resting on our original consultation response, by further written submission or by presenting evidence at inquiry. The level of participation in each case should be determined on an individual basis and be informed by the nature of the case, (e.g., natural heritage impact, public profile, precedent).</p>
<p>4 IMPLEMENTATION OF THE DEVELOPMENT AFTER CONSENT HAS BEEN GRANTED</p> <p>Post application conditions and/or agreements where SNH is required to be consulted through the consent are important in ensuring compliance by the developer during implementation of the development.</p>		
<p>Involvement in approval of monitoring, habitat management, consultation on information submitted as required through conditions.</p>	<p>This may be required as conditions of the consent or by legal agreements.</p>	<p>We will respond as appropriate, exercising judgement as to the level of resources applied, relating these to the significance of the natural heritage impacts/benefits.</p> <p>We will resist entering into any further discussion on, or renegotiation of, conditions which are a condition of planning consent and with which developers have undertaken to comply.</p> <p>Where a Construction Method Statement (CMS) is required, we will normally indicate the</p>

STEP	STATUTORY PROVISIONS	ADVICE ON SNH INPUT
Development and agreement of construction method statements and liaison with an Ecological Clerk of Works.		<p>information required in our formal response. Normally, we would expect developers and their consultants to prepare and submit a CMS which addresses all of the concerns raised by SNH and other consultees. We would only expect to enter into dialogue on the preparation of the statements if the issues are particularly complex, or if our requirements need clarification.</p> <p>Where developers employ an Ecological Clerk of Works (ECoW), we strongly encourage that the CMS is agreed with and signed off by the ECoW prior to submission to consultees. SNH encourages the use of an independent ECoW and, where appropriate, that the ECoW reports to either the consenting authority or an ecological steering group where one is in place.</p> <p>SNH staff will only be involved in a steering / monitoring group where our involvement is justified by aspects of the development which are particularly sensitive. Generally, we will expect the Determining Authority to monitor compliance with conditions and to negotiate changes with the developer.</p>
Post construction monitoring		<p>Where we recommend post construction monitoring, this will normally be identified in our formal response to the application. Detailed methodologies will normally be agreed after consent has been granted. We will not normally meet to discuss monitoring requirements and will anticipate the results of monitoring to be submitted on a timescale which correlates to the monitoring methodology.</p>

ANNEX A to Service Level Statement

Standard sources of information and guidance for renewable energy developers

- SNH Policy Statement No 01/02 "SNH's Policy on Renewable Energy";
- SNH Policy Statement No.02/02 "Strategic Locational Guidelines for Onshore Wind Farms in Respect of the Natural Heritage"
- SNH Policy Statement No 02/03 "Wildness in Scotland's Countryside"
- SNH Policy Statement No 02/05 "SNH and the Town and Country Planning System"
- SNH Guidance Note "Cumulative Effects of Windfarms"
- SNH Guidance "Methodology for assessing the effects of windfarms on ornithological interests."
- SNH Guidance "Calculating a theoretical collision risk assuming no avoiding action."
- SNH Guidance Note "Windfarms and carbon savings"
- SNH Guidance "Visual Representation of windfarms Good Practice Guidance" (2006)

Most of the above can be found on [the renewable energy section](#) of the SNH website.

Information on designated sites and GIS data on site boundaries and designations are available on SNHi at www.snh.org.uk/snhi/

In addition Developers should be pointed to some standard references:

- Guidelines on the Environmental Impacts of Windfarms and Small Scale Hydroelectric Schemes, SNH Natural Heritage Management Series, 2001
- SNH, 2002, A Handbook on Environmental Impact Assessment, Guidance for Competent Authorities, Consultees and others;
- The Landscape Institute and Institute of Environmental Assessment, 2001 Guidelines for Landscape and Visual Assessment (Revised) E & FN Spons, London
- SNH Landscape Character Assessment for relevant area
- Countryside Commission for Scotland (CCS) 1978 Scotland's Scenic Heritage
- Relevant Development Plans
- National Planning Policy Guidance, e.g., SPP 6, PAN 45, NPPG 14
- Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments, Scottish Government (2007)

Developers should also be offered a package of local information as appropriate.