

Appendix 3

Habitats Regulations Appraisal

The classified Hoy SPA, North Caithness Cliffs SPA and East Caithness Cliffs SPA mean that the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the “Habitats Regulations”) or, for reserved matters, The Conservation of Habitats and Species Regulations 2017 apply. Consequently, Orkney Islands Council is required to consider the effect of the proposed development on each SPA before it can be consented (commonly known as a Habitats Regulations Appraisal).

Where the Council reaches the conclusion, on a development proposal unconnected with the nature conservation management of a Natura 2000 site, that a development is likely to have a significant effect on that site, it must undertake an Appropriate Assessment of the implications for the conservation interests for which the area has been designated. The need for Appropriate Assessment extends to plans or projects outwith the boundary of the site in order to determine their implications for the interest protected within the site.

This means that the Council, as competent authority, has a duty to:

- determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not:
- determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then:
- make an Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not adversely affect the integrity of the site. If this is not the case, and there are no alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required.

Appraisal – 17/083/TPPMAJ

Name of Natura site(s) potentially affected

Hoy SPA, North Caithness Cliffs SPA and East Caithness Cliffs SPA

Natura qualifying interest(s) & whether priority/non-priority

Although the above SPAs are classified for several interests, due to separation distance only one interest is assessed in this HRA: European non-priority interests: Peregrine Falco peregrinus.

Conservation objectives for qualifying interests

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained.

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 species.
- Structure, function and supporting processes of habitats supporting the species.
- No significant disturbance of the species.

Details of proposal

Application for 5 turbines up to 125m to tip at Hesta Head, South Ronaldsay plus associated infrastructure. This is a cliff top site with impacts to peregrine predicted. SPA distances from the wind farm site are:

- Hoy SPA – 17 kilometres west.
- North Caithness Cliffs SPA – 13 kilometres south (to Stroma).
- East Caithness Cliffs SPA – 39 kilometres south.

This places the wind farm outside connectivity distance for all SPAs.

Status of the SPA peregrine populations

- Hoy SPA: Currently in favourable condition. Entirely within NHZ2.
- North Caithness Cliffs SPA: Currently in unfavourable, declining condition. Mostly located in NHZ2.
- East Caithness Cliffs SPA: Currently in favourable condition. A small area is within NHZ2, the majority in NHZ5.

Modelling effects of collision risk

The modelled population decline presented for Hesta Head and Hesta Head in combination with other wind farms is likely to over-estimate impacts to the NHZ population.

Conclusion

For the reasons outlined above it is considered unlikely that the proposed wind farm, either on its own or in combination with other wind farms, would adversely affect the SPA peregrine populations.