Nick Sage

From: Matt Burnett <Matt.Burnett@nature.scot>
Sent: 30 April 2021 17:23
To: Stacey Whiteley
Cc: Nick Sage; Howard Fearn; peter.wheelan@highland.gov.uk
Subject: RE: Lochluichart Wind Farm Extension II 149.9m - 20/04057/SCOP

Hi Stacey,

Thanks for getting in touch and sending your response letter. I hope this finds you well.

Our advice remains unchanged from that previously provided. The original surveys are too old, incomplete and new survey work is required as we have previously advised. It will not be possible to assess the environmental effects of this application until this information has been gathered.

We would be happy to discuss and review the new ornithology data at the end of the breeding season as it would be helpful to see how this compares with the data previously gathered. We cannot say at this stage if a single breeding season will be sufficient but we will certainly consider it once we have seen the results.

Latest survey methodologies should be used as described in the guidance. It is not appropriate to curtail the bat surveys by missing out the autumn season, the surveys should be completed as described in the guidance.

I hope that helps,

Kind regards,
Matt

Matt Burnett | Renewable Energy Casework Adviser

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From: Stacey Whiteley <Stacey.Whiteley@avianecology.co.uk>
Sent: 13 April 2021 13:41
To: Matt Burnett <Matt.Burnett@nature.scot>
Cc: Nick Sage <N.Sage@infinergy.co.uk>; Howard Fearn <Howard.Fearn@avianecology.co.uk>; peter.wheelan@highland.gov.uk
Subject: Lochluichart Wind Farm Extension II 149.9m - 20/04057/SCOP

Dear Matt,

Hope this email finds you well.

Thank you for your recent response regarding the proposed Lochluichart Wind Farm Extension II (20/04057/SCOP).

Please find attached our response, we would gratefully appreciate your consideration and comments.

If you have any questions please don't hesitate to get in touch with myself or Howard Fearn.

Many thanks,

Stacey

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Principal Ecologist

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The Avian team is working from home until further notice. To contact me please use my mobile number: **m: 07403112413** |e: stacey.whiteley@avianecology.co.uk

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Keep up to date with us at www.avianecology.co.uk

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giving nature a home
Scotland

FAO Peter Wheelan
Planning and Building Standards
The Highland Council

Email: peter.wheelan@highland.gov.uk Date: 15th July 2021

Dear Peter,

21/02985/FUL | Lochluichart Wind Farm Extension II Redesign - Erection and Operation of a Wind Farm for a period of 40 years, comprising of 5 Wind Turbines with a maximum blade tip height 149.9m, access tracks, borrow pits, substation, control building, and ancillary infrastructure. | Land 1.9Km SW Of Aultguish Inn Garve IV23 2PQ

RSPB Scotland welcomes the opportunity to comment on the above application. RSPB Scotland is supportive of the use of renewable energy due to the urgent need to tackle the climate emergency. However, we are also facing a biodiversity emergency, with significant declines in the abundance and numbers of species in Scotland[1]. The Scottish Government's NPF4 Position Statement[2] acknowledges that the climate and nature crises are intrinsically linked. RSPB Scotland believes that developments should leave nature in a better state than before and is supportive of the National Planning Framework outcome which will require positive effects for biodiversity.

We note that the results of the 2021 ornithological surveys and updated assessment are to be submitted as supplementary information at a later date. There is currently insufficient information to allow full assessment of ornithological impacts and therefore, for us to comment fully on the proposed development and mitigation plans. It is essential that this important information is considered before a determination is made. We aim to provide more detailed comments once this information is available but have provided advice to the Applicant in the annex below regarding updating the assessment, in addition to comments and advice regarding peat and the Habitat Management Plan.

We trust these comments provided are helpful. Should you have any further queries please do not hesitate to contact us.

Yours sincerely,

BAyling

Bea Ayling
Conservation Officer
bea.ayling@rspb.org.uk

[1] The State of Nature Report Scotland 2019, https://www.nature.scot/state-nature-scotland-report-2019

[2] Scottish Government (2020) Fourth National Planning Framework: position statement https://www.gov.scot/publications/scotlands-fourth-national-planning-framework-position-statement/

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ANNEX 1 – RSPB Scotland Comments

Ornithological impacts and assessment

This application is for an alternative design to the consented Lochluichart Wind Farm Extension II (2020) (the 'Consented Development') and comprises an increase in tip height of the consented turbines from 133m to 149.9m and minor increases in foundation and laydown areas, as well as an increased lifespan from 25 to 40 years. We note that Chapter 11 of the EIA finds that there would be no additional impacts to birds and no collision risk model could be undertaken due to low numbers of flights recorded, based on the now outdated survey data collected in 2015 and 2016. Although there is some value in assessing the new design using old data, more recent data is required.

We welcome the factthat new bird surveys have been commissioned to update the baseline for the proposed development, which are due to finish in August 2021. However, unfortunately, the applicant has decided to submit the application before the results of these and updated assessment are available and intend to submit them at a later date as supplementary information. We are therefore unable to comment fully on the predicted ornithological impacts and proposed mitigation until this information is provided.

We recommend to the Applicant that the updated assessment should compare impacts between the consented scheme and the proposed development, by presenting the new data collected in 2021 alongside the old data collected in 2015/16. The difference in impacts between the two versions of the scheme should be clearly laid out using both old and new data. It should be made clear whether impacts would be more, less or the same as the consented scheme.

No figures presenting the results of the 2015/2016 breeding bird surveys have been provided. Breeding bird territories from 2015, 2016 and 2021 should be mapped to assist in determining potential impacts.

Black grouse

We understand a black grouse lek is located less than 100m from proposed development infrastructure. It is disappointing to see that the position of the infrastructure has not been revised to avoid this area. The EIAR assumes the displacement of two lekking males from the proposed development. Although this would have a low impact on the NHZ population, this species is a red-listed Bird of Conservation Concern and mitigation is not proposed for the predicted impacts. We suggest that measures within the HMP include habitat enhancement for black grouse within the surrounding area. We also await the 2021 black grouse survey results and therefore, may have additional comments in relation to this species.

Red-throated diver

We appreciate that the turbines were designed to avoid significant impacts on this species. However, the EIAR and Confidential Appendix 11B do not seem to consider the potential barrier effects to red-throated divers and no figures are provided to show location of breeding lochs and flight routes in relation to the proposed development and the other surrounding operational wind farms.

Understanding the divers' flight routes to and from their breeding lochs is key to assessing potential barrier effects. Using the data collected in 2021, the updated EIAR should address this issue and discuss potential barrier effects (in-isolation and cumulatively) or set out clear justification as to why this was not included within the assessment.

Greenshank

Table 11.9: Key breeding bird territory summary 2015, shows that two greenshank territories were found in the study area, but it is unclear where these were in relation to infrastructure as maps have not been

provided. Greenshank are Schedule 1 species which means that it is an offence to intentionally or recklessly disturb them at, on or near an active nest. As requested above, maps of breeding bird territories should be provided to assist in determining potential impacts.

There is a paucity of data on the magnitude and consequences of disturbance of breeding greenshanks as a result of construction activity and subsequent operation. The EIAR adopts a 'precautionary' disturbance distance of 300m from development infrastructure for the purposes of this assessment. However, it is unclear what evidence this distance is based on as there is very little research in this area, Therefore, this must be justified and potential disturbance to greenshank realistically considered.

In the absence of greenshank-specific data, consideration should be given to the response of other moorland and peatland breeding waders to infrastructure construction and operation in comparable open habitats.

We agree that upland wader responses to construction disturbance are mixed, with Eurasian curlew and common snipe showing reductions in breeding density of -40% and -53% respectively during construction[3], while European golden plover showed no significant construction effects on breeding abundance or distribution[4]. Importantly, however, there is notable evidence of adverse effects during subsequent operation of wind farms. The reductions in breeding density for Eurasian curlew and common snipe during construction in the study of Pearce-Higgins et al (2012)[3] were maintained during operation of wind farm development, with no evidence of recovery. Furthermore, in the study of Sansom et al (2016)[4], golden plover breeding densities were reduced through displacement by -79% during wind farm operation, through behavioural avoidance of turbines. In addition, Pearce-Higgins et al (2009)[5] found displacement of breeding waders on wind farm sites due to behavioural avoidance of turbines and tracks, with predicted reductions in breeding densities within 500m of the turbine array of -38.9% to -47.5%.The displacement distances over which significant behavioural avoidance of built infrastructure were detected range from 200m to 800m (Pearce-Higgins et al 2009, Sansom et al 2016)[4, 5].

There is currently no published evidence that breeding waders show any subsequent recovery over the longer term when displaced by infrastructure development**.**

In summary, the potential for disturbance and displacement effects from the construction and operation windfarm on greenshank is largely unknown, but comparison with waders breeding on comparable habitats suggests any effects could be substantial.

Hancock et al. 2009[6] showed mean core territory for greenshank radius of 800m. Therefore, an **800m disturbance free buffer around any breeding greenshank during construction should ideally be in place, unless a lesser distance is justified. The upcoming supplementary information should also include an assessment of operational displacement impacts on this species and clearly set out ways to avoid construction and operational disturbance on this Schedule 1 species.**

Golden plover

Table 11.9:'Key breeding bird territory summary 2015' shows that three golden plover territories were found in the study area but it is unclear where these were in relation to infrastructure, or whether they would be displaced during construction or operation. As requested above, maps of breeding bird territories should be provided as part of the upcoming supplementary information to assist in determining potential impacts.

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[3] Pearce-Higgins JW, Stephen L, Douse A and Langston RHW (2012) Greater impacts of wind farms on bird populations during construction than subsequent operation: results of a multi-site and multi-species analysis. Journal of Applied Ecology, 49: 386-394

[4] Sansom, A, Pearce-Higgins, JW, Douglas, DJT (2016) Negative impact of wind energy development on a breeding shorebird assessed with a BACI study design. Ibis, 158, 541–555

[5] Pearce-Higgins JW, Stephen L, Langston RHW, Bainbridge IP and Bullman R (2009a) The distribution of breeding birds around upland wind farms. Journal of Applied Ecology, 46: 1323-1331.

[6] Mark H. Hancock, Murray C. Grant & Jeremy D. Wilson (2009) Associations between distance to forest and spatial and temporal variation in abundance of key peatland breeding bird species, Bird Study, 56:1, 53-64: https://doi.org/10.1080/00063650802648176

Since evidence suggests this species is displaced within 500m from operation wind farms[3, 4, 5], the supplementary information should use this distance as a basis for the assessment of construction and operational disturbance and displacement impacts from data collected in 2015/16 and 2021.

Cumulative assessment

We note that the cumulative assessment only considers other wind developments in the vicinity of the proposed development. There are a number of other wind farm developments further from this site but with impacts on the same NHZ which should be included to ensure cumulative impacts on NHZ7 are not underestimated. These includes Meall Buidhe (in planning), Braelangwell (in planning), Beinn Tharsuinn (operational), Fairburn (operational) and Novar (operational).

The impacts on NHZ population should be estimated to allow full appraisal of the scheme in combination with other developments, particularly for red-throated diver.

Mitigation

We agree that, if planning permission is granted, the mitigation outlined in Chapter 11 should be implemented and should be secured by appropriately worded planning conditions.

Peatland and Carbon Payback

Scottish Planning Policy (SPP) recognises the importance of peatland and deep peat as nationally important habitat and its role in carbon storage. Policy 55 of the Highland Wide Local Development Plan gives a presumption against unacceptable peat disturbance and states that development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils.

Section 12.22 states that “The effects on peat are unchanged from the EIA Report 2019“ as the previous assessment was already based on the now increased crane hardstanding size of 1,850m^2. No figures showing peat depth have been provided as part of the new application, however Figure 13.3 from the 2019 Supplementary Information shows that three of the five turbines are still located on areas indicated to be deep peat over 50cm.

We understand that floating roads will be used where the tracks cross hydrologically sensitive areas of deeper peat. It is well known that any constructed tracks and hardstandings have hydrological impacts on deep peat and bog habitats[7], and drying can occur in the adjacent peatland, therefore the potential impacts on these habitats have not been accurately described. The turbines and infrastructure should therefore be micro-sited further to avoid deep peat.

We have serious concerns regarding the estimated carbon payback figure of 3.4 years (compared to grid-mix electricity generation) and 1.9 years (compared to the fossil-fuel mix). This seems high for such a small development and is much higher than for the Consented Development. If the turbine and infrastructure layout cannot be amended to avoid deep peat over 50cm, bog restoration must be maximised on site and elsewhere (with commitments secured within the Habitat Management Plan). For example, removing forestry on deep peat and undertaking bog restoration on this site could be included – see section below.

Habitat Management Plan (HMP)

[7] IUCN UK Committee Peatland Programme Briefing Note No. 12: https://www.iucn-uk-peatlandprogramme.org/sites/default/files/2019-05/12%20Tracks%20on%20peatland_v2_FINAL.pdf

Without prejudice to any other comments, should consent be granted for the current application, a detailed HMP must be secured by a pre-commencement condition. Although the applicant has proposed a HMP, we are disappointed that no draft or maps showing the relevant areas have been submitted. We strongly advise that a draft HMP, in line with NatureScot guidance[8], should be requested prior to determination to allow the proposed HMP to be considered more fully.

RSPB Scotland believes that nature should be left in a better state than before a development has taken place. Opportunities for enhancement should be taken where possible, in line with Scottish Planning Policy[9]. We suggest the following be considered for the HMP:

1. We note from Table 10.8 that 7.5ha of blanket bog and 2.8 ha of wet heath, both Annex 1 habitats will be permanently lost. This has increased from the consented scheme from 2.45ha of blanket bog and 5.82ha of wet heath (see Table 11.8: Permanent habitat losses, Chapter 11 (19/01284/FUL). However, the EIAR does not seem to recognise the fact that indirect drainage effects may extend out from infrastructure and therefore the amount habitat lost or altered would be greater than indicated. The direct (10.3ha) and temporary (21.88 ha) loss of habitat should be compensated for by undertaking suitable peatland restoration actions over an area of more than 32.18ha. Indeed, this should be maximised as far as possible to lower the carbon payback period.
2. We note that Table 10.6 states that the wet heath is overgrazed, and Appendix 10.A states that periodical burning is undertaken at the site, with burning planned for summer 2021. We therefore suggest actions to tackle these impacts are also included in the HMP e.g. ceasing burning and deer culling to aid recovery of the habitat and peat.
3. We note that the northern extent of the Site also supports areas of Scots pine plantation atop areas of blanket bog and wet heath. However, much of the crop is failing, likely due to its position on deep peat. 3.7ha of this forestry will be lost to the development and the Applicant is committed to providing the equivalent area as compensatory planting. Details of the location of compensatory planting must be agreed prior to determination and a suitable pre-commencement condition attached to any consent requiring a detailed compensatory planting plan. Early consultation should be sought regarding the compensatory woodland planting as further surveys and assessment may be required depending on the locations selected. As it will likely be sited on the same estate, it would be appropriate to consider native scrub creation as this would benefit black grouse if designed well. New woodland should avoid being planted on and encircling deep peat (>0.5m), avoid wader hotspots and avoid areas of mature heather to ensure suitable raptor nesting habitat is not affected.
4. We note that the approved Long-Term Forest Plan on the site has not identified removing forestry on deep peat as a management option. We strongly recommend this is considered within the HMP, taking account of any woodland species such as black grouse on the site.

Once the ornithological chapter has been updated, we may have further suggestions to include within the HMP based on the new information.

[8] SNH (2016) Guidance- Planning for Development – What to consider and include in Habitat Management Plans
[9] Scottish Government (2020) Paragraph 202, https://www.gov.scot/publications/scottish-planning-policy/documents/

Scottish Forestry
Coilltearachd na h-Alba

Glèidhteachas na Gàidhealtachd's nan Eilean
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Conservator
Neach Dion Arainneachd
John Risby

7th of July 2021

Mr Peter Wheelan
The Highland Council
via email

SCOTTISH FORESTRY'S RESPONSE TO ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR PROPOSED LOCHLUICHART WIND FARM EXTENSION II (PROPOSED DEVELOPMENT), YOUR REF: 21/02985/FUL

Thank you for consulting Scottish Forestry (SF) on Environmental Impact Assessment Report (EIA Report) for proposed development. SF welcomes the inclusion of a chapter dedicated to forestry, and notices that the Applicant provided the information SF asked for at the scoping stage of the planning process. The Applicant states that 3.7 ha of afforested area will be lost for the proposed development infrastructure (section 15.10.1 of the EIA Report Forestry chapter) – turbine 4 (T4) hardstanding and permanent buildings. However section 15.8.5 mentions 2 borrow pits as well as the T4 hardstanding and permanent building. Accompanying Figures 15.2 and 15.3 suggest that all above mentioned areas are considered as area of permanent woodland loss.

SF welcomes the Applicant's commitment to provide compensatory planting of 3.7 ha, however needs to question the way that area was calculated. The Applicant states that the entire 'forestry study areas' covers 297 ha, which almost corresponds with area (293 ha in total) of a Woodland Grant Scheme 1 (WSG1) approved for new planting in 1990. Within that scheme, new planting was approved to cover 275 ha, of mostly Scots pine, but with component of native broadleaves. SF therefore questions if some of the areas claimed by the Applicant as 'failed' are in reality areas of native broadleaves, damaged by deer, but still defined as 'woodland'. If that is the case, then these will also need to be included into calculation of woodland area that will be removed to accommodate the proposed development's infrastructure. Whether the open ground within the woodland is suitable for development is a matter for Planning Authority and their policy is set out in *"Trees, Woodlands and Development Supplementary Planning Guidance"*.

In principle SF agrees with the approach proposed by the Applicant, and advises that the consent for the proposed development, if granted, should be conditioned on delivery of area of new woodland corresponding to the area of woodland converted to other land use, as per Scottish Government Policy on Control of Woodland Removal. SF proposes that the condition should set timeline for delivery of compensatory planting, and that no development should commence until the compensatory planting plan (CPP), stating the location, ground preparation method(s), tree species and planting densities, method(s) of tree protection, timing of delivery (no later that the proposed development becoming operational) and methods of maintenance, monitoring and reporting is submitted and approved by the Planning Authority. Please note that depending on location of proposed compensatory planning plan, it might be subject to Forestry (Environmental Impact Assessment) (Scotland) regulations 2017.

SF proposes that the final area of compensatory planting is confirmed, preferably by a site visit with SF and developer's representative.

Please don't hesitate to contact me if you wish to discuss SF's consultation response.

Yours sincerely

Kind regards

Agata Baranska
Regulations & Development Manager
agata.baranska@forestry.gov.scot

The Highland Council
Comhairle na Gàidhealtachd

FORESTRY TEAM

Consultation Response

Application Name	Lochluichart Windfarm extension 2, Garve.		
Planning Reference	21/02985/FUL	Forestry Reference	RC/06/F
Planning Case Officer	Peter Wheelan	Date of Response	21st September 2021

POSITION

I have no objections to the proposed development, subject to conditions.

SITE DESCRIPTION

The proposed windfarm extension is for an additional 5 turbines, one of which is located within an area of woodland. A construction compound and two borrow pits are also to be located within or immediately adjacent to the woodland. The remaining 4 turbines are located on the open hill to the south west of the woodland.

POLICY/GUIDANCE

Scottish Planning Policy 2014 (A Natural, Resilient Place; Valuing the Natural Environment) gives guidance on how the Scottish Executive's policies for the conservation and enhancement of Scotland's natural heritage should be reflected in land use planning.

Section 218 (Woodland) states that:

The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications.

The **Highland-wide Local Development Plan** (April 2012) explains the Highland Council's vision and sets out how land can be used by developers for the next 20 years. The HwLDP highlights the multiple benefits provided by trees and woodlands throughout the Highlands and in recognition of this there is a strong presumption in favour of protecting the existing woodland resource.

Policy 52 (Principle of Development in Woodland) of the Highland-wide Local Development Plan states:

The applicant is expected to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. The Council will maintain a strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required.

The Council will consider major development proposals against their socio economic impact on the forestry industry within the locality, the economic maturity of the woodland, and the opportunity for the proposals to co-exist with forestry operations.

ASSESSMENT

Firstly, I am pleased to see that a dedicated Forestry Chapter (16) has been included in the Environmental Impact Assessment (EIA) Report.

The woodland was planted in 1985, extending to 296.97 hectares, but has largely failed. The baseline stocking summary only identifies 86.23 hectares (29%) of cropped area (mainly Scots pine), with the remainder made up of 92.86 hectares (31%) of Open Ground and 117.88 hectares (40%) of failed crop. These figures have been calculated with reference to the National Forest Inventory and aerial photos.

The proposed turbines, compound and borrow pits utilise the uncropped areas where possible, but result in a net woodland loss of 3.70 hectares. Given the current crop height and growth rate, no additional felling is required for the wind yield or future turbine performance. I note that the applicant is fully committed to deliver off-site compensatory planting, secured by a legal agreement.

With reference to Scottish Forestry's consultation response dated 7th July 2021, I note that they are generally supportive of the proposals, subject to compensatory planting. However, they confirm that the 'failed' areas (caused largely by deer damage) are still considered to be 'woodland'. This will require an amendment to the area of compensatory planting to be provided, although I am happy that this is agreed between the applicant and Scottish Forestry.

I note that the Loch Luichart Estate Long Term Forest Plan will be amended to incorporate changes arising from any approval.

FURTHER SUPPORTING INFORMATION

No further information is required in support of this application.

RECOMMENDED CONDITIONS

I would recommend the following condition:

No development shall commence until a detailed Compensatory Planting Plan (including future maintenance) has been submitted and approved in writing by the planning authority, following consultation with Scottish Forestry and any other relevant stakeholders.

The Compensatory Planting Plan shall be prepared and then implemented by a suitably qualified forestry consultant and in accordance with Annex 6 of the Scottish Government's policy on Control of Woodland Removal: Implementation Guidance (February 2019).

All planting shall be implemented in full within 12 months following commencement of development, or as otherwise agreed with the planning authority. The planting shall be maintained thereafter in accordance with the approved scheme, until established to the full satisfaction of the planning authority.

Reason: To protect Scotland's woodland resource, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

Name	NICK RICHARDS (Forestry Officer, North Highland)		
Email	nick.richards@highland.gov.uk	Phone	01463 702498 (direct dial)