



Appendix 10.3 Forestry Compensatory Planting Plan

**Lochluichart Wind Farm
S42**

**Supporting Environmental
Information Report**

Bluebell Wind Limited

SLR Project No.: 405.065579.00001

October 2025

Lochluichart Wind Farm Extension

Forestry Compensatory Planting Plan

Supplementary Report

5 March 2024

Steven Liddle BSc (Hons) MICFor



[REDACTED]
[REDACTED]
Munro Sawmills
Old Evanton Road
Dingwall, IV15 9UN
[http:// www.greenbeard.uk](http://www.greenbeard.uk)

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Summary

As part of the planning application for the Lochluichart wind farm extension and overhead cable route (21/02985 & 22/00244/S37 and ECU00004605 (s.37 overhead line/private)) a written report has been produced to detail the compensatory planting area for both the extension and the cable route, including detailed establishment and maintenance protocols. The selected site shown on Map 1 highlights the compensatory planting area approved by Scottish Forestry in 2023 following submission of the design by Steven Liddle BSc (hons) MICFor of Greenbeard Forestry Limited.



Fig 1 Sessile oak natural regeneration within the CPP site.

1. Site Description and History

The chosen location was originally part of the Glascarnoch WGS woodland established in 1985, which was one of the first large scale Caledonian Pinewood projects of its kind. The establishment of the woodland was of its time, employing ploughing for ground preparation, with deeper peats and moraine knolls all treated to the same prescription. This limited ground prep technique resulted in unsuitable planting positions with peatland erosion on the deep peats with pine becoming waterlogged as the peat was still unsuited to Scots pine, along with drought on the moraine knolls as plants were sat above the water table and exposed to drying winds. The result was an area of failed establishment, not because the ground was wholly unsuitable, but because the planting prescription was not detailed enough and lacked the accuracy of modern best practice as demanded by the Forestry Grant Scheme (FGS) which is governed by the principles of the UK Woodland Assurance Scheme (UKWAS). A detailed site survey of peat and soil depths was performed as part of the sites assessment and is detailed on Map 2.

2. Establishment Methodology

The site was originally identified for expansion of native broadleaves and montane species in 2020 through FGS 20FGS46764 which was supported on a larger scale (161ha). At the time the project was deemed too expensive due to the cost of deer fencing in relation to the grant available (details appended to the screening request). The site was chosen due to the existing *Betula nana* (Dwarf birch) population along with regeneration of Sessile oak, Downy birch, Eared willow and Scots pine. This made it very suitable for a regeneration project aimed at safeguarding a nationally important *B. nana* population as a seed stand for the estate to propagate the species for future woodland expansion projects planned over the next ten years.

As advance regeneration was present during the 2023 survey, a pre commencement survey will be performed in spring 2024 to identify year 1 seedlings of *B. nana* and *B. pubescens*. The soils on site range from deep peat basins (mire M17, M1) to glacial moraines, with peaty podzols (3p) with M15b habitat. Patch scarification will be performed by creating 0.5m by 2m patches as successfully trialled at Glenfeshie to encourage NN, with inverted mounds (50cm x 50cm) used for new planting. These, scarification zones will be mapped and marked out with fixed point plots taken to monitor regeneration over a five-year period, using the same methodology employed for the AECS DMP of 2018.

Access for monitoring and deer control is excellent with a 4x4 track running through the proposed enclosure. Monitoring of NN will take place in September each year.

In addition to regeneration (3ha), compensatory planting of 6.25ha and 3.66ha (Map 1) will be performed to fill the species gaps, with 1800 trees per ha being established from the following list:

- Tea Leaved willow
- Downy willow
- Juniper
- Grey willow

- Eared willow
 - Sallow Willow
 - Goat willow
 - Downy birch
 - Common Alder (within 10m of water courses)

No fertiliser will be used during the establishment phase of the project due to site hydrology, which is consistent with recent FGS sites successfully established on the estate. All trees will be planted by hand using stock between 20-30cm, which will be both bare root and cell grown.

The CPP area will be protected using heavy specification Deer fencing to prevent browsing from Red deer and Roe deer as used in all other FGS woodland restoration projects on the estate. Due to the presence of Black Grouse, high quality markers will be used with 1m x 32mm at 1m intervals to protect from bird strike. These have been successfully used and were specified by RSPB during consultation for the FGS projects. The fence line as detailed on Map 1 will be 2523m in length and will use the existing track to the west as a boundary and will also follow the line of the original WGS fence line to the north to reduce landscape impact. The fence line will be erected prior to establishment of the woodland and will have four 12 ft gates to allow access for maintenance on site.

3. Maintenance Program

In addition to the monitoring of NN in September a beat-up assessment will be carried out in April following the close of winter. Likely impacts will be browsing by hares and voles along with exposure from northerly winds. The stocking requirement for FGS standard will be used for the project, which is 1600 stems per ha to be established by year 5. As the initial site stocking density will be 1800 stems per ha it is anticipated that replacement planting will be kept to a minimum. If hare damage becomes consistent then a hare control licence will be obtained from Nature Scot to allow limited control of hares within the fenced boundary of the project. This process will be evaluated annually in April to ascertain whether or not it is required. Fence checks will be performed weekly by estate staff, as the fence will be marked with droppers to avoid bird strike, it will need regular maintenance, especially during winter months when snow and winds can cause damage. Watergates, will also require constant monitoring as they are the weakest point in regards to possible deer ingress. All beating up will be carried out in May each year following inspection assessment in April.

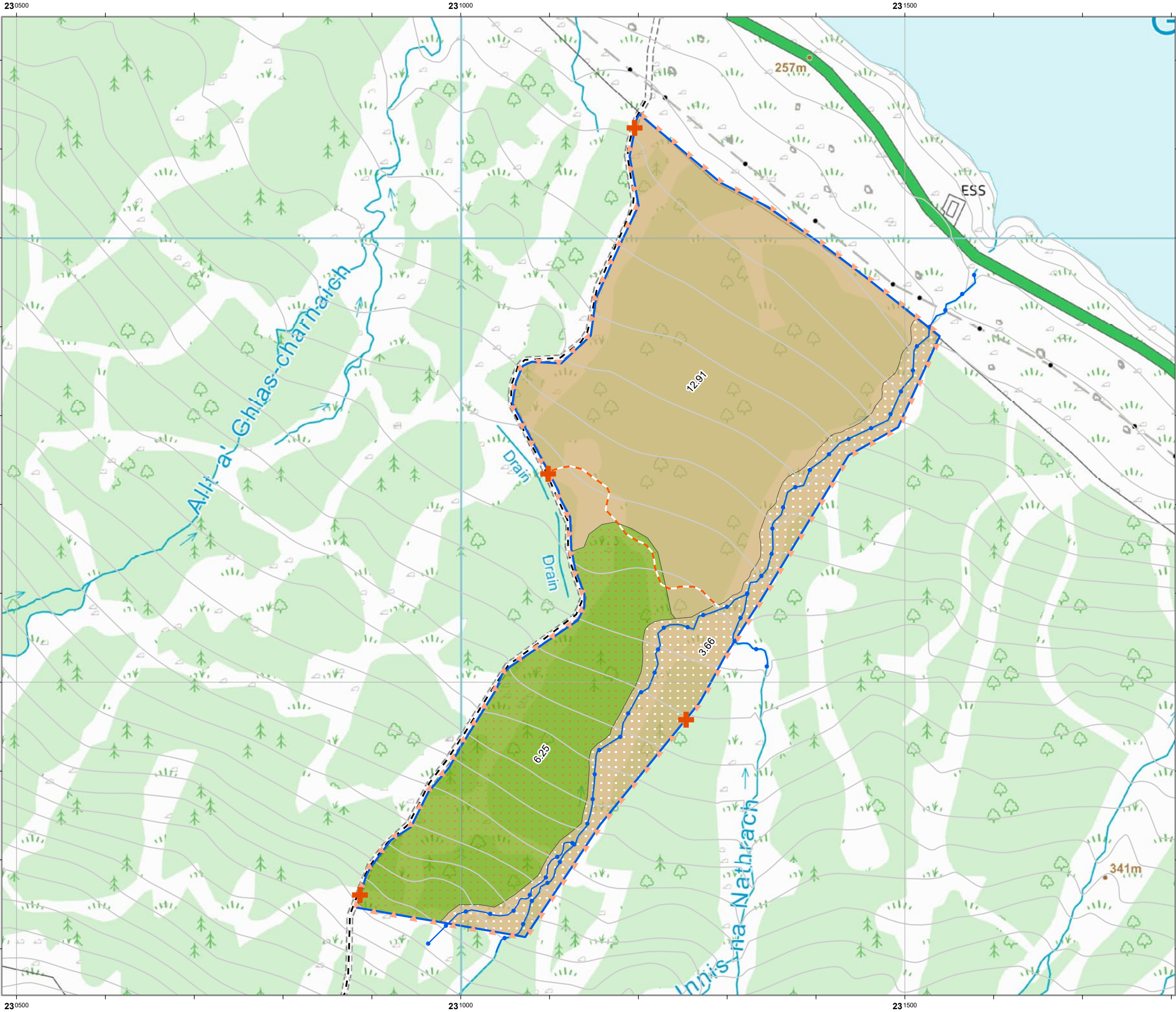
4. Conclusion

The proposed compensatory planting area will improve the species diversity within the site which is currently degraded Blanket bog, moraine knolls and a riparian corridor. The site has been surveyed for deep peat and suitability for woodland establishment in line with current FGS and UKWAS guidelines on woodland establishment, the results of which are shown on the Lochluichart Forestry Peat Depth Map 2. The project will allow the areas of blanket bog to recover from over grazing and trampling, whilst also allowing restoration of the riparian corridor along the Allt Innis na Nathrach burn. Reducing riparian erosion on the estate is a major element of the revised LTFP as the estate has

invested in riparian planting since storm damage in 2018 establishing 75.46ha of riparian over three FGS contracts.

A breeding bird report was performed in August 2023 (Attached at Appendix 3) which details the presence of Black Grouse within the proposed site, along with Willow Warbler, Snipe, Meadow pipit and Dipper. The report concludes the site will benefit these species, but that operational timing constraints should be applied, if not then mitigation should be undertaken. The project will benefit the species identified, but to ensure bird strike is not an issue high quality fence markers will be used as with all other FGS sites established on the estate. Finally, although no Water voles were identified on site the flushed habitat that runs between the deep peat and the planting area will be protected as it is seen as suitable habitat for the species, based on the experience gained during the three Peatland Action Projects carried out over the past 5 years on the Estate.

**Appendix 1 -Map 1 - Compensatory planting area approved by
Scottish Forestry in 2023**





Lochluichart Estate

Lochluichart Forestry Compensation Operations Map

Features_Point_2022wc

NOTES

-  Gate

Infrastructure_2022wc

FEATURE

-  Forest Road
-  ATV Track
-  Deer Fence New - 2523m

Features_Line_2022wc

FEATURE

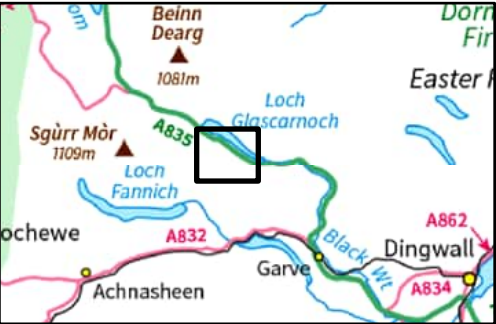
-  Watercourse

PlantingDraftsWC

Tree Species

-  NMB
-  Riparian NMB
-  NMB NN

Map Centre: 231144E 871698N m

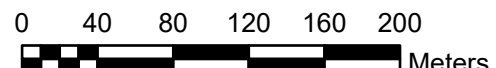


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Map produced: 12:29 23/03/2023





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Path: C:\Users\MIS\Dropbox\Greenbeard\William\Lochluichart\S



Scottish
Forestry
Coilltearachd
na h-Alba

Highland and Islands Conservancy
Scottish Forestry
Woodlands
Fodderty Way
Dingwall
IV15 9XB

0300 067 6950
highland.cons@forestry.gov.scot

Conservator: Neil Murray

Mr Steven Liddle
Munro Sawmills Ltd
Munro Sawmills
Old Evanton Road
Dingwall
IV15 9UN

02-Nov-2023

Dear Mr Liddle,

Case Reference:WCP-511

Property Name: Lochluichart Estate

WOODLAND CREATION - UK Forestry Standard (UKFS) 2018 Assessment of Compliance

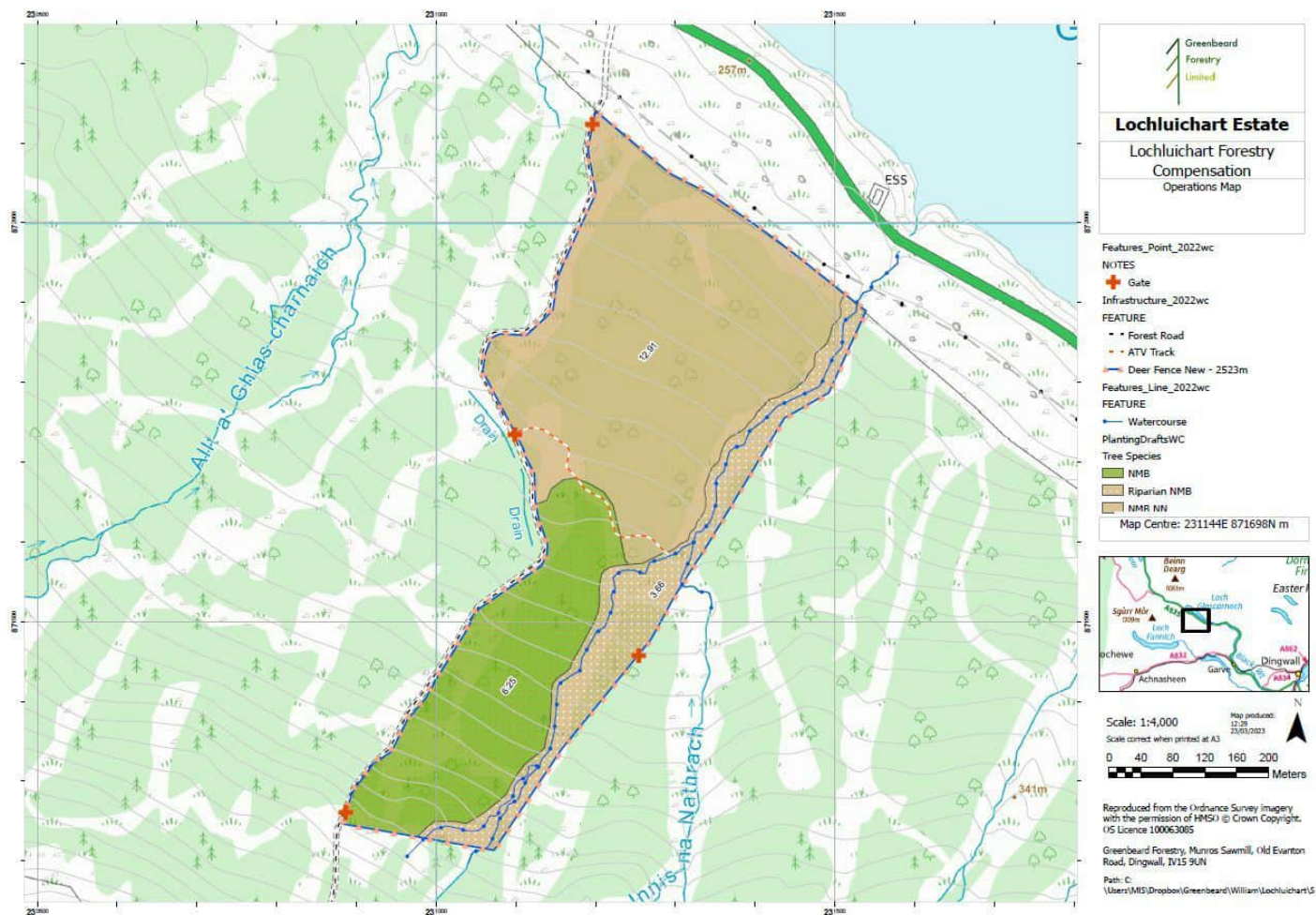
I refer to your application for Lochluichart Estate at Garve which contains proposals for 7.26 hectares of afforestation.

Scottish Forestry have assessed your application and can confirm that the design, as per the attached map, is UKFS compliant.

If you intend to apply for grant funding for this work, you must wait until you get an approved contract from us before you start any of the work.

Please find below the final design map(s) for this project:

WCP-511 / Lochluichart Estate / Lochluichart, NH309721 / Version 1.0, 22 Sep 2023 - UKFS Compliance (not to scale)



Yours sincerely,

Donald Macleod
Woodland Officer

for Conservator
Neil Murray



Scottish Forestry / Coilltearachd na h-Alba



Appendix 2 -Map 2 - Site survey of peat and soil depths

Row Labels	Sum of Area_ha
0-30	7.72
31-50	3.70
50>	9.88
51>	0.93
Flush	0.59
Grand Total	22.82



Lochluichart Estate

Lochluichart Forestry Peat Depth Map

FEATURE

- Forest Road
- ATV Track
- Deer Fence New - 2523m

Tree Species

- NMB
- Riparian NMB
- NMB NN

peat depth

- 0.000 - 20.00
- 20.01 - 30.00
- 30.01 - 50.00
- 50.01 - 100.0

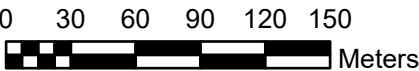
Peat_Depth

- 0-30
- 31-50
- 51>
- Flush



Scale: 1:3,500

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05/09/2023

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Appendix 3 - Breeding bird report August 2023

Project No: 312771

Lochluichart Wind Farm Extension II & Grid Connection: Compensatory Planting Area Breeding Bird Report 2023

Prepared for:

Bluebell Wind Farm Ltd.

C/O Boralex Ltd
16 West Borough
Wimborne, Dorset, BH21 1NG
United Kingdom

Contents Amendment Record

This report has been issued and amended as follows:

Revision	Description	Date	Signed
0.1	Draft	01 August 2023	Jodie Ross
1.0	For Client Comment	08 August 2023	S Craig



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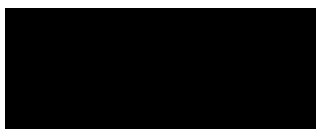
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Acknowledgement

This report has been prepared for the sole and exclusive use of Boralex Ltd. (Boralex) in accordance with the scope of work presented in Mabbett & Associates Ltd (Mabbett) Letter Agreement (312771/ASL/MPL/JR), dated 25 May 2023. This report is based on information and data collected by Mabbett. Should any of the information be incorrect, incomplete, or subject to change, Mabbett may wish to revise the report accordingly.

This report has been prepared by the following Mabbett personnel:

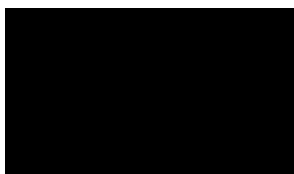
MABBETT & ASSOCIATES LTD



Jodie Ross, BSc (Hons), MSc, QCIEEM
Ecologist

This report has been reviewed and approved by the following Mabbett personnel:

MABBETT & ASSOCIATES LTD



Sandy Craig,
Senior Ecologist

Executive Summary

Contents	Summary
Site Location	Mabbett Ltd (Mabbett) was commissioned by Bluebell Wind Farm Ltd in May 2023 to carry out Breeding Bird Surveys (Moorland Breeding Bird Survey (MBBS) and Black Grouse) on approximately 22 ha of land on the Lochluichart Estate identified for the creation of native broadleaved woodland, hereafter referred to as “the site”. Compensatory planting is required to ensure compliance with condition 16 of 21/02985/FUL for Lochluichart Wind Farm Extension II, and condition 15 of Section 37 consent 22/00244/S37 for the grid connection.
Proposals	It is understood that current proposals comprise the planting of compensatory forest to offset the felling necessary to enable the development of a five turbine extension, associated infrastructure and grid connection at Lochluichart Windfarm. The site is located immediately south of the A835 and Loch Glascarnoch approximately 3 km north-west of the wind farm entrance. The approximate 22 ha planting area is centred on Ordnance Survey (OS) Grid Reference: NH 31202 71617.
Survey Scope	The adapted Brown and Shepherd (1993) method was used to survey for moorland breeding bird (upland wader species) territories, with four visits being made between mid-April and early July 2023, in accordance with (SNH, 2017). Additional species were also noted as appropriate, such as raptors and notable passerines. Birds were recorded on electronic maps for accuracy, using standard BTO codes for species and activity as per Gilbert et al (1998). Walkover surveys were carried out in areas identified as potentially suitable habitat for lekking black grouse. These were carried out from an hour before sunrise, with the surveyor listening for calling males that could indicate a potential lek or lone male. Any counts followed the methodology set out by Gilbert et al. (1998).
Results	Overall, a total of five species / 12 individuals were identified within and in proximity to the site across the four survey visits 1-4 (see Table 2). Five species / 10 individuals were identified solely within the site. No protected and/or Schedule 1 species were identified during the field survey visits. One ‘Red’ listed species and four ‘Amber’ listed species regarding the Birds of Conservation of Concern (BoCC) were identified. 1 Species is on the UK Biodiversity Action Plan (UKBAP) / Scottish Biodiversity List (SBL). Willow warbler was confirmed breeding within the northeast of the site, with an adult pair and two young individuals observed. Snipe, meadow pipit and black grouse were recorded as ‘probable breeding’ on site. Dipper was recorded as ‘possible breeding’.
Conclusions and Recommendations	The following potential impacts to species have been identified as a result of the proposed planting scheme: ▪ Disturbance to breeding and nesting birds of Local to International Importance: black grouse (Annex 1 / BoCC Red Listed / UKBAP / SBL). ▪ Disturbance to breeding and nesting birds which are BoCC Amber Listed: dipper, meadow pipit, snipe, willow warbler. ▪ The proposed planting area will provide habitat improvement for black grouse, providing roosting cover and foraging habitat. ▪ The proposed planting shall improve the habitat for dipper and willow warbler providing cover, nesting opportunities and foraging habitat.

Contents	Summary
	▪ Meadow pipit make use of edge habitat for foraging and nesting, the planting scheme will increase this edge habitat and initially improve meadow pipit habitat. ▪ A small area of core nesting and foraging habitat will be lost for snipe within areas of dense planting. Impacts on the breeding bird species could be avoided by timing the construction works to take place outside the bird breeding season. Most species are likely to be breeding between March and August. If avoidance of the breeding season is not possible, ground planting operations involving the clearance of vegetation in open habitats should be monitored by a qualified and competent ECoW. This is to prevent disturbance of birds and damage to birds' nests.

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Section 1.0: Introduction

1.1 Background

Mabbett Ltd (Mabbett) was commissioned by Bluebell Wind Farm Ltd in May 2023 to carry out Breeding Bird Surveys (Moorland Breeding Bird Survey (MBBS) / Raptor / Black Grouse) on approximately 22 ha of land on the Lochluichart Estate identified for the creation of native broadleaved woodland, hereafter referred to as “the site”.

Compensatory planting is required to ensure compliance with condition 16 of 21/02985/FUL for Lochluichart Wind Farm Extension II, and condition 15 of Section 37 consent 22/00244/S37 for the grid connection.

1.2 Site Location

The site is located immediately south of the A835 and Loch Glascarnoch approximately 3 km north-west of the wind farm entrance. The approximate 22 ha planting area is centred on Ordnance Survey (OS) Grid Reference: NH 31202 71617.

1.3 Development Proposals

It is understood that current proposals comprise the planting of compensatory forest to offset the felling necessary to enable the development of a five turbine extension, associated infrastructure and grid connection at Lochluichart Windfarm. The planting proposals are shown in Appendix A.

1.4 Planning Requirements

The planning application for Lochluichart Wind Farm Extension II was granted on 30th January 2023 (21/02985/FUL) and the planning application for the associated grid connection development was granted on the 20th February 2023 (22/00244/S37). As these projects will be constructed simultaneously, they are being treated as one development. This document has been produced to allow the discharge of both consents.

Condition 16 of the consent for Lochluichart Wind Farm Extension states that:

- (1) 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. The area of planting shall be no less than 6.11 hectares in size, consisting primarily of productive species and located within the Highlands.*
- (2) The Compensatory Planting Plan shall be prepared by and then implemented under the supervision of 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).*
- (3) All planting shall be implemented in full prior to the 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.*
- (4) The Lochluichart Estate Long Term Forest Plan shall be updated to incorporate changes arising from the development and shall be submitted to the Planning Authority concurrently with the proposed Compensatory Planting Plan.*

In addition, Condition 15 of the Section 37 consent for associated grid connection states:

- (1) No development, including tree felling, 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.*
- (2) The area of planting shall be no less than the area of woodland which is to be removed (0.25 ha) and shall consist primarily of productive species and within the Highlands.*
- (3) The Compensatory Planting Plan shall be prepared and then implemented under the supervision of 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).*

(4) All planting shall be implemented in full within 12 months following commencement of development, or as otherwise agrees 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.

1.5 Purpose of the Report

The objective of the report is to assess the scale and significance of any impacts the compensatory planting proposals may have on notable breeding birds (e.g., legally protected species and Birds of Conservation Concern (BoCC)) and use the findings to inform on the design of the development and mitigate any adverse impacts on the species in question.

The objectives of this report are to:

- Highlight the presence of any relevant statutory designated sites notified for their ornithological interest.
- Outline the results of breeding moorland bird, diver and raptor surveys of the site carried out during 2023.
- Identify the potential impacts on birds and set out the mitigation measures that are required during the design and planting of the compensatory forest area, to safeguard bird populations local to the site.

Section 2.0: Methods

2.1 Desk Study

NatureScot's SiteLink and DEFRA's MAGIC websites were reviewed to ascertain the locations of any statutory designated sites notified for their ornithological interest that are relevant to the construction of the development.

2.2 Field Surveys

2.2.1 Moorland Breeding Bird Survey

The adapted Brown and Shepherd (1993) method was used to survey for moorland breeding bird (upland wader species) territories, with four visits being made between mid-April and early July 2023, in accordance with (SNH, 2017). This methodology ensured that every part of the survey area was visited to within 100 m, the surveyor walking parallel transects 200 m apart over each 500 m² quadrat and spending 20 to 25 minutes within each quadrat, with the survey route varied between visits. Regular stops were made to scan and listen for birds. Surveys were carried out between 08:00 and 18:00 and in favourable weather conditions. All wader species were recorded. Additional species were also noted as appropriate, such as raptors and notable passerines. Birds were recorded on electronic maps for accuracy, using standard BTO codes for species and activity as per Gilbert et al (1998).

2.2.2 Black Grouse Survey

Walkover surveys were carried out in areas identified as potentially suitable habitat for lekking black grouse. These were carried out from an hour before sunrise, with the surveyor listening for calling males that could indicate a potential lek or lone male. Any counts followed the methodology set out by Gilbert et al. (1998).

2.3 Limitations

Access to the site was generally good. Surveys were undertaken during suitable weather conditions. It is considered that there are no limitations to the survey.

Section 3.0: Results

3.1 Desk Study

3.1.1 Designated Sites

The site lies within 10 km of two special protection areas (SPA), (NatureScot, 2023) designated for birds as shown in Figure 1 and Table 2.

Table 1: Statutory designated sites within 10 km of the site.

Site Name	Designation	Distance & Orientation	Designated Features
Glen Affric to Strathconon	SPA	8.8 km south	Supports a population of European importance of: Golden eagle <i>Aquila chrysaetos</i> (10 active territories in 2003, 2.2% of the GB population).
Beinn Dearg	SPA	3km north	Supports a nationally important population of: Dotterel <i>Charadrius morinellus</i> (average of 22 pairs between 1987 to 1993, representing 3% of the British breeding population).

3.2 Field Surveys

Overall, a total of five species / 12 individuals were identified within and in proximity to the site across the four survey visits 1-4 (see Table 2). Five species / 10 individuals were identified solely within the site. No protected and/or Schedule 1 species were identified during the field survey visits. One 'Red' listed species and four 'Amber' listed species regarding the Birds of Conservation of Concern (BoCC) were identified. One species (Black Grouse *Tetrao tetrix*) is on the UK Biodiversity Action Plan (UKBAP) / Scottish Biodiversity List (SBL). The results of the breeding bird surveys are also displayed on Figure 2.

Table 3: Bird species identified in survey visits 1-4, within and in proximity to the site boundary.

Species	Total Number	Breeding/nesting Status	BoCC Status	UKBAP/SBL	Annex 1 (EU Birds Directive)
Black Grouse <i>Tetrao tetrix</i>	4	Probable	Red	Yes	Yes
Dipper <i>Cinclus cinclus</i>	1	Possible	Amber	-	-
Meadow Pipit <i>Anthus pratensis</i>	2 (pair)	Probable	Amber	-	-
Snipe <i>Gallinago gallinago</i>	1	Probable	Amber	-	-
Willow Warbler <i>Phylloscopus trochilus</i>	4 (family)	Confirmed	Amber	-	-

3.2.1 Confirmed Breeding/Nesting Sites.

A family of willow warbler was confirmed within the northeast of the site, with an adult pair and two young individuals observed.

3.2.2 Probable Breeding/Nesting Sites

The following species were recorded as 'probable breeding' due to their behaviour (alarm calling, agitated behaviour, territorial flight(s), pairs, courtship and displays) within the site boundary:

- Snipe
- Meadow pipit
- Black grouse

3.2.3 Possible Breeding/Nesting Sites

Dipper was the only species recorded as displaying 'possible breeding' behaviour, with singing males in suitable nesting habitat recorded within the site boundary.

Section 4.0: Discussion

4.1 Potential Effects of the Proposed Development

The proposed planting scheme will not have any likely significant effects on the features of the nearby Special Protection Areas. The habitats on site were not considered to be optimal for breeding dotterel or golden eagle. There is potential for the site to be used as a foraging resource by golden eagle however, the loss of this will be minimal as there is significant amount of the same habitat resource within the wider landscape.

The following potential impacts to species have been identified as a result of the proposed planting scheme:

- Disturbance to breeding and nesting birds of Local to International Importance: black grouse (Annex 1 / BoCC Red Listed / UKBAP / SBL).
- Disturbance to breeding and nesting birds which are BoCC Amber Listed: dipper, meadow pipit, snipe, willow warbler.
- The proposed planting area will provide habitat improvement for black grouse, providing roosting cover and foraging habitat.
- The proposed planting shall improve the habitat for dipper and willow warbler providing cover, nesting opportunities and foraging habitat.
- Meadow pipit make use of edge habitat for foraging and nesting, the planting scheme will increase this edge habitat and initially improve meadow pipit habitat.
- A small area of core nesting and foraging habitat will be lost for snipe within areas of dense planting.

4.2 Mitigation

4.2.1 Avoidance

Impacts on the majority of breeding bird species could be avoided by timing the construction works to take place outside the bird breeding season. Most species are likely to be breeding between March and August.

4.2.2 Planting Phase Mitigation

If it is not possible to carry out planting works outside the breeding season, the following mitigation measures should be implemented during construction (Table 4).

Table 4: Recommended mitigation during construction phase

Mitigation	Reason
Site inductions to include a toolbox talk outlining the presence of breeding birds on the site.	To alert the workforce to the presence of breeding birds in the vicinity of the works and the mitigation measures that are to be put in place.
If avoidance of the breeding season is not possible, ground planting operations involving the clearance of vegetation in open habitats should be monitored by a qualified and competent ECoW.	To prevent disturbance of birds and damage to birds' nests.
All works to be limited to daylight hours during the breeding season.	To provide breeding birds with a break in exposure to construction activities

Should a bird species or nest be encountered unexpectedly during site works, the following emergency procedure should be followed:

- Stop the activity being undertaken immediately.

- The ECoW and Site Agent or Project Manager to be informed.
The ECoW is to confirm presence of species and/or nest(s) and consult NatureScot (if appropriate) over suitable mitigation measures to implement.

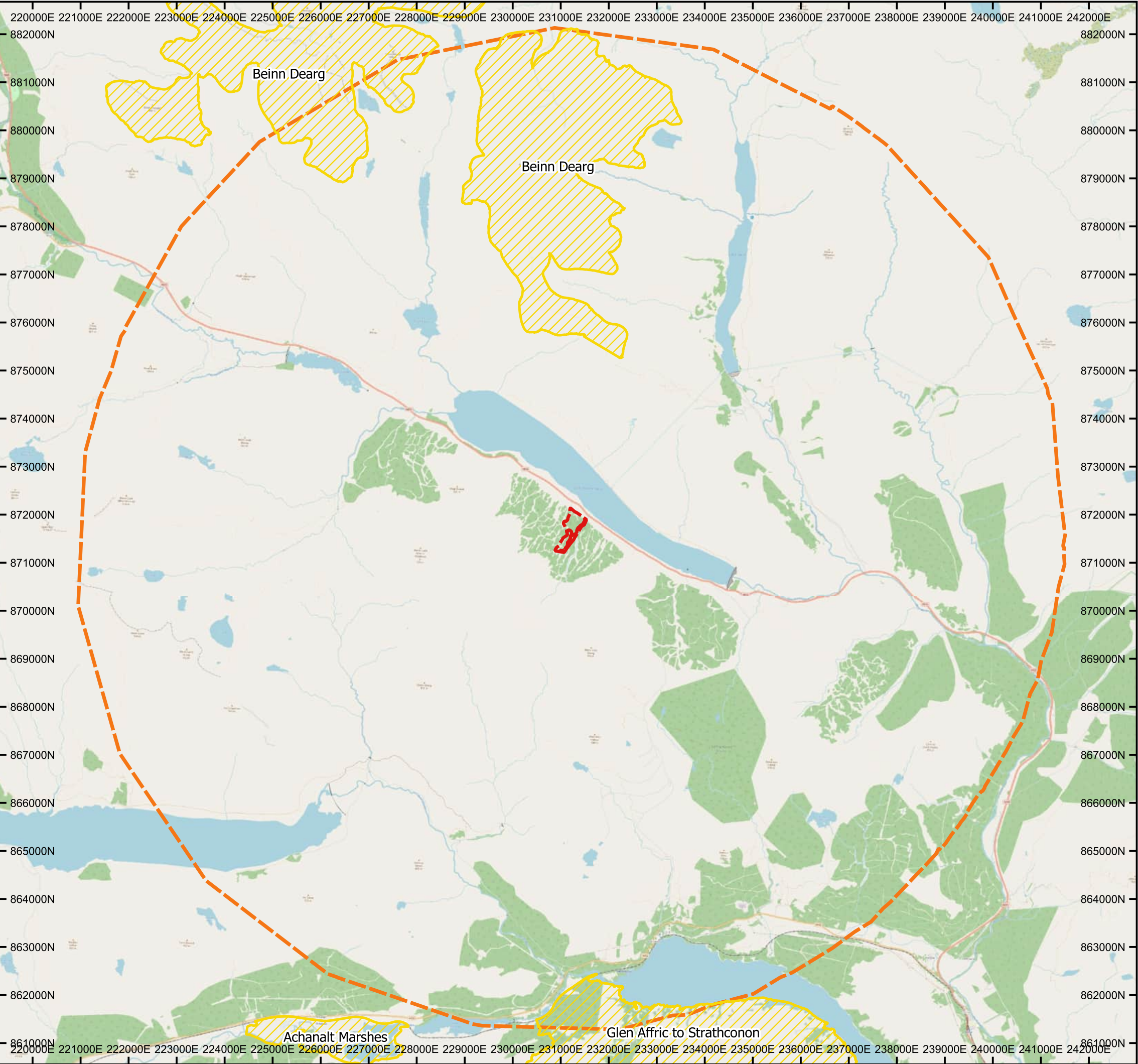
No works should resume until written approval, detailing any appropriate mitigation, has been given by the Site Agent and the ECoW.

Section 5.0: References

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Figures

Figure	Title
1	Statutory Designated Sites
2	Breeding Bird Results 2023



Lochluichart Planting Area

Bluebell Wind Farm
Ltd.

Figure 1: Statutory
Designated Sites

KEY

- Site Boundary
- 10km Buffer
- Special Protection Area (SPA)

0 1,000 2,000 m



Drawing Number: EC0d2080A

Project Number: 312771

SHEET:
A3

SCALE:
1:79,000

BY: JAR

QA: SC

REV: 1.0

Projection: OSGB 1936/British National Grid - EPSG 27700

Issue Date: 07/08/2023

Lochluichart Planting Area

Bluebell Wind Farm
Ltd.

Figure 2: Breeding
Bird Results 2023

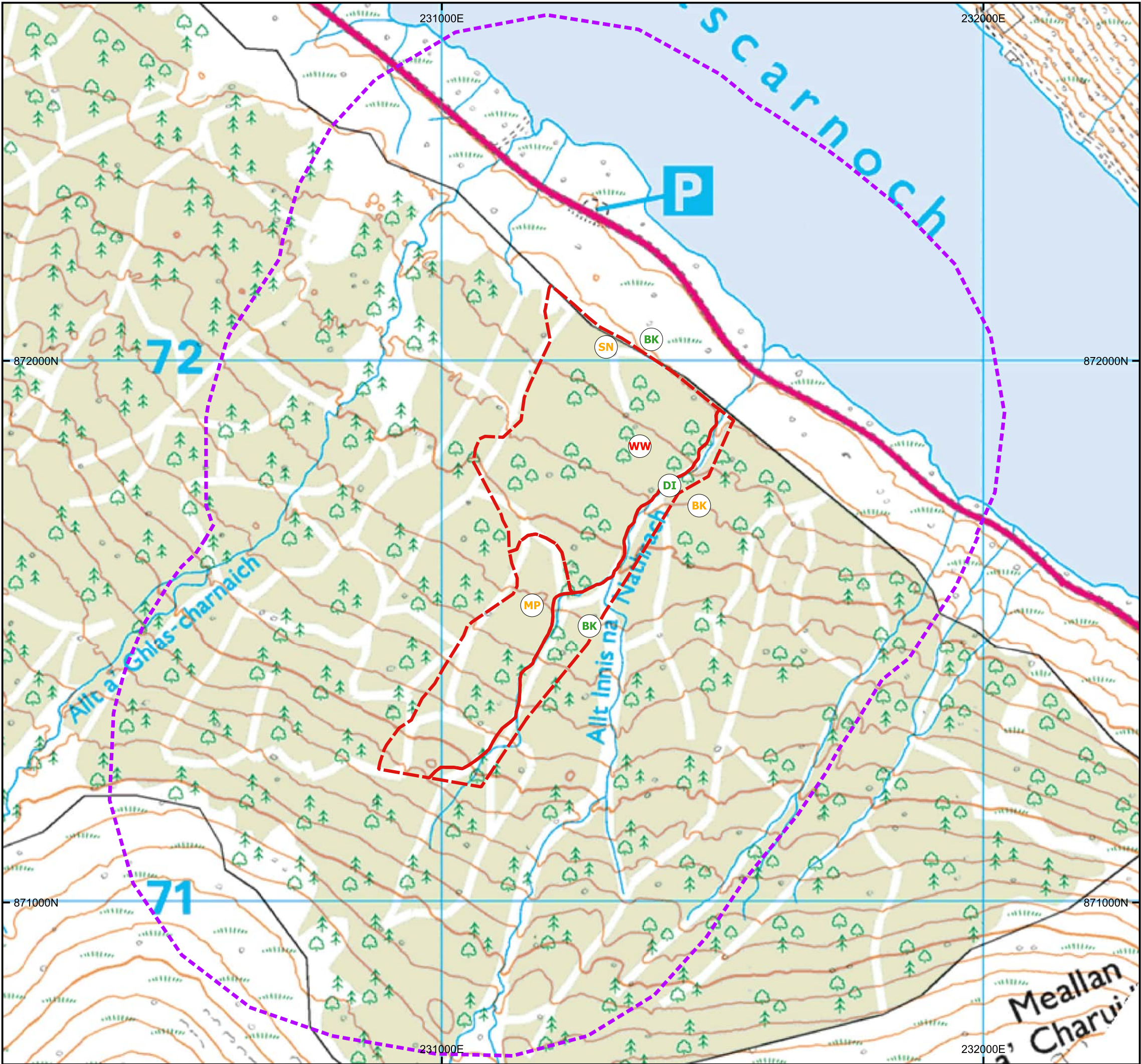
KEY

- Site Boundary
- 500m Survey Buffer
- Bird Points
 - Confirmed Breeding
 - Probable breeding
 - Possible breeding

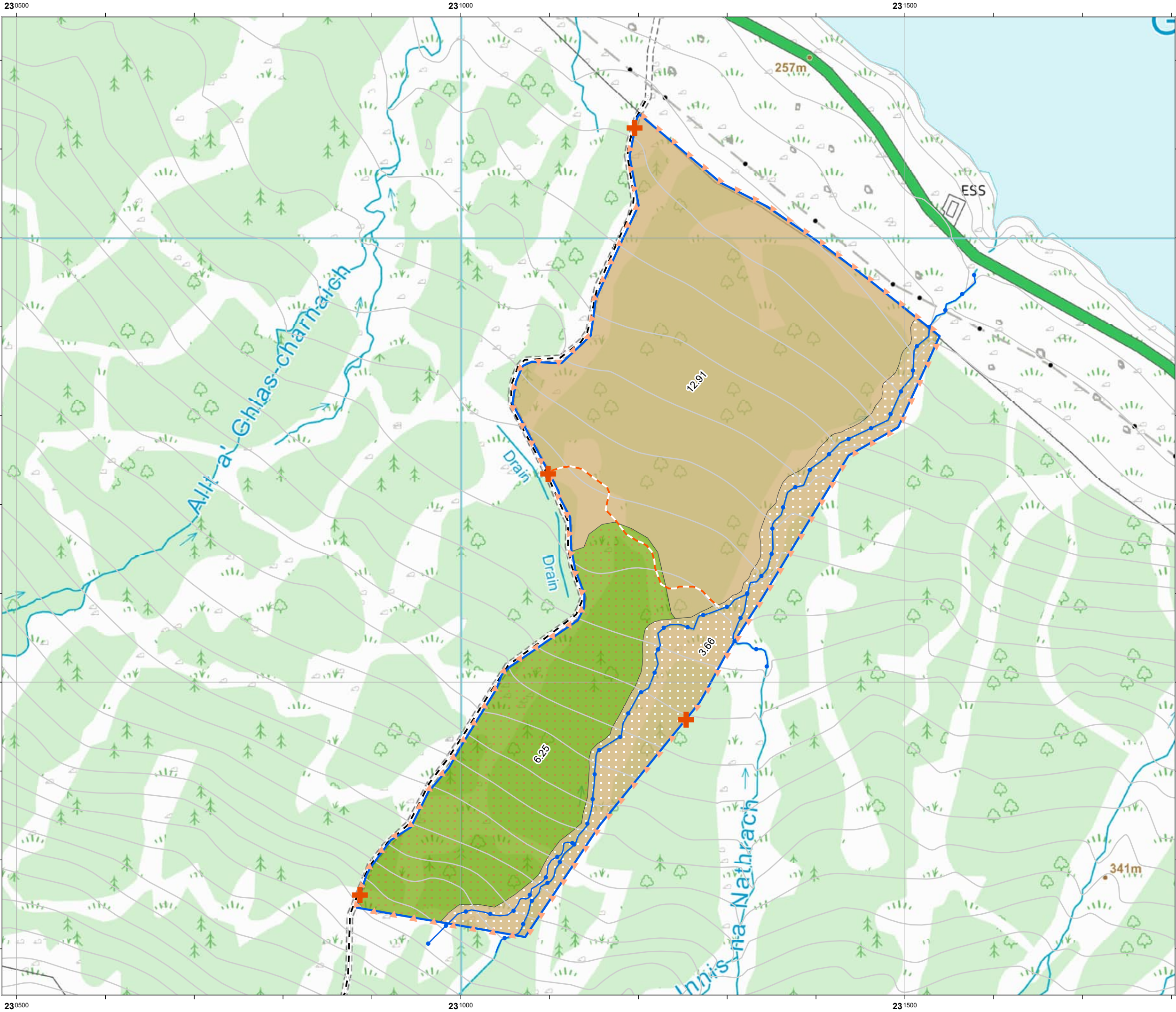
0 100 200 m



Drawing Number: EC0d2069A		Project Number: 312771		
SHEET: A3	SCALE: 1:7,000	BY: JAR	QA: SC	REV: 1.0
Projection: OSGB 1936/British National Grid - EPSG 27700			Issue Date: 28/07/2023	



Appendix A: Planting Proposals





Lochluichart Estate

Lochluichart Forestry Compensation Operations Map

Features_Point_2022wc

NOTES

- Gate

Infrastructure_2022wc

FEATURE

- Forest Road
- ATV Track
- Deer Fence New - 2523m

Features_Line_2022wc

FEATURE

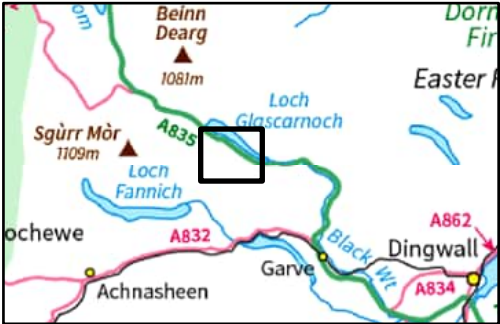
- Watercourse

PlantingDraftsWC

Tree Species

- NMB
- Riparian NMB
- NMB NN

Map Centre: 231144E 871698N m



Scale: 1:4,000

Scale correct when printed at A3

Map produced: 12:29 23/03/2023

0 40 80 120 160 200 Meters

N

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Greenbeard Forestry, Munros Sawmill, Old Evanton Road, Dingwall, IV15 9UN

Path: C:\Users\MIS\Dropbox\Greenbeard\William\Lochluichart\S

Appendix B: Relevant Legislation

General Legislation

The following presents a summary of the legislation relevant to the site and proposals. It is recommended that the reader also refer to the original legislation for definitive interpretation.

The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), henceforth referred to as the Habitats Regulations were the principal means by which the European Union's ECC Directive 92/43 (The Habitats Directive) as amended is transposed into Scottish Law and remain in force after 'Brexit' which took place on 31st December 2020.

Under EU legislation, The Habitats Regulations placed a duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which met the criteria were, in conjunction with the European Commission, designated as Sites of Community Importance, and subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also placed a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, formed the Natura 2000 network of sites.

Post Brexit, European sites are still protected in Scotland and the rest of the UK. The terms "European site", "European marine site", and "European offshore marine site", have been retained, as have "Special Area of Conservation" (SAC) and "Special Protection Area" (SPA). SAC and SPA are no longer part of the European Union's Natura 2000 network. Instead, they form a UK-wide network of protected sites, referred to in the 1994 Regulations as the UK site network, and retain the same protections. The UK site network is made up of SACs and SPAs designated at various points in time before exit day (i.e. UK sites that formed part of the EU's Natura 2000 network prior to exit day), and any sites designated under the Habitats Regulations after exit day.

The Habitats Directive is underpinned by the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of protected areas within the UK site network. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest. These provisions, together with the requirement for competent authorities to undertake Habitats Regulations Appraisal (HRA) are unchanged after Brexit.

The Habitats Regulations also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively. These are commonly referred to as European Protected Species and continue to be referred to as such below. Schedule 2 includes species such as otter, great crested newt and most recently beaver for which the Scottish population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

It is also an offence under the Habitats Regulations for any person to have in their possession or control, to transport, to sell or exchange, or to offer for sale, any live or dead protected species, part of a protected species or anything derived from a protected species, which has been unlawfully taken from the wild.

Wildlife & Countryside Act 1981 (as amended in Scotland) (W&CA)

The Wildlife & Countryside Act 1981 (as amended in Scotland) (W&CA) protects all breeding birds in the UK with few exceptions (i.e. sporting birds listed in Schedule 2 and for certain specified purposes under licence). The W&CA makes it an offence to intentionally or recklessly:

- kill, injure or take a wild bird;
- take, damage, destroy or interfere with a nest of any wild bird whilst it is in use or being built (or at any time for a nest habitually used by any bird listed in Schedule A I);

- obstruct or prevent any wild bird from using its nest;
- take or destroy an egg of any wild bird;
- disturb any wild bird listed on Schedule 1 whilst it is building a nest or is in, on, or near a nest containing eggs or young, or whilst lekking;
- disturb the dependent young of any wild bird listed on Schedule 1.

Recklessly in this context is to be understood as pursuing a course of action while consciously disregarding the fact that the action gives rise to a substantial and unjustifiable risk.

Schedule 1 is a list of rare breeding species that are specially protected in the UK. Two additional Schedules (Schedule 1A and A1) have been created to afford further protection some species included on Schedule 1 as follows:

Birds listed on Schedules A1 and 1A of the W&CA receive additional protection which makes it an offence to intentionally or recklessly:

- at any time take, damage, destroy or interfere with any nest habitually used by any wild bird included in Schedule A1; and
- at any time harass any wild bird included in Schedule 1A.

A total of 105 bird species are listed as SPI on the Scottish Biodiversity List and therefore are a material consideration for Local Planning Authorities (LPAs) during the planning process.