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**The Scottish Government  
Energy Consents Unit**

**Scoping Opinion On Behalf Of Scottish Ministers Under Part 4  
Of The Electricity Works (Environmental Impact Assessment)  
(Scotland) Regulations 2017**

**Kirkan Wind Farm Electricity Generating Station – Kirkan Wind  
Farm Limited**

10 July 2018

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# 1. Introduction

1.1 This scoping opinion is issued by the Scottish Government Energy Consents Unit on behalf of the Scottish Ministers to Kirkan Wind Farm Limited, a company incorporated under the Companies Acts with company number 09172025 and having its registered office at 22-24 King Street, Maidenhead, Berkshire, United Kingdom, SL6 1EF (“the Company”) in response to a request dated 16 May 2018 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Kirkan Wind Farm electricity generating station (“the proposed development”). The request was accompanied by a scoping report.

1.2 The Company proposes to construct a new wind powered electricity generating station near the Aultguish Inn and Inchbae Lodge hotel, Sutherland. The site lies to the immediate south of the A835, around 5.8 kilometres (km) north west of Garve and south east of Loch Glascarnoch dam on the Strathvaich Estate.

1.3 The proposed development to be scoped is comprised of the construction and operation of up to 19 turbines with maximum ground to blade tip height up to 175 metres, although the Company notes the proposal is at an early stage of the design process. The proposed turbines are expected to have a capacity of up to 4.8 megawatts of electricity each. These development parameters are the basis of the scoping opinion request, as they are considered by the Company to represent a reasonable maximum development envelope for EIA purposes. However, Ministers note the design of the wind farm would be expected to evolve through the application design process.

1.4 In addition to turbines, the proposed development will also require a variety of ancillary infrastructure which may be expected to include:

- site entrance and access track from the A835 trunk road via an existing lay-by junction;
- internal and private access road network;
- permanent meteorological masts;
- borrow pits;
- transformers and underground cables;
- onsite sub-station / control building;
- energy storage equipment; and
- one or more temporary construction compounds.

1.5 The Company indicates the proposed development would be decommissioned at some point and the site restored.

1.6 The proposed development is solely within the planning authority of Highland Council.

## 2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between Coriolis Energy (acting as the Company's agent) and the Energy Consents Unit. A consultation on the contents of the scoping report was initiated by the Scottish Ministers and this commenced on 24 May 2018. Requests for responses were sent to the agreed consultees which included bodies whom the Scottish Ministers consider are likely to have an interest in the proposed application. The consultation closed on 18 June 2018 although extensions to this deadline were granted to the Defence Infrastructure Organisation, RSPB Scotland and ScotWays. The Scottish Ministers also requested responses from their internal advisors Marine Scotland and Transport Scotland. A full list of respondents is at **Annex A**.

2.2 The purpose of the consultation was to obtain advice and guidance from each consultee in respect of the information which each of them believe should be provided in the EIA report. Responses from consultees and advisors are included at **Annex A** and each should be read in full for detailed requirements and for comprehensive guidance, advice and, where appropriate, templates for preparation of the EIA report.

2.3 Unless stated to the contrary in this scoping opinion, Scottish Ministers expect the EIA report to include all matters raised in responses from the consultees and advisors.

2.4 No responses were received from: Ardgay and District Community Council; Civil Aviation Authority – Airspace; Contin Community Council; Cromarty Firth Fisheries Trust; Crown Estate Scotland; Garve and District Community Council; Lochbroom Community Council; Lochcarron Community Council; Marybank, Scatwell and Strathconon Community Council; Scottish Water; Scottish Wildlife Trust; Strathpeffer Community Council; Torridon and Kinlochewe Community Council.

2.5 With regard to those consultees who did not respond, it is assumed that they have no comment to make on the scoping report, however each would be consulted again in the event that an application for section 36 consent is submitted subsequent to this EIA scoping opinion.

2.6 The Scottish Ministers are satisfied that the requirements for consultation set out in Regulation 12(4) of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 have been met.

### **3. The Scoping Opinion**

3.1 This scoping opinion has been adopted following consultation with Highland Council, within whose area the proposed development would be situated, Scottish Natural Heritage, Scottish Environment Protection Agency and Historic Environment Scotland, all as statutory consultation bodies, and with other bodies which Scottish Ministers consider likely to have an interest in the proposed development by reason of their specific environmental responsibilities or local and regional competencies.

3.2 Scottish Ministers adopt this scoping opinion having taken into account the information provided by the applicant in its request dated 16 May 2018 in respect of the specific characteristics of the proposed development and responses received to the consultation undertaken. In providing this scoping opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have taken into account the specific characteristics of the proposed development, the specific characteristics of that type of development and the environmental features likely to be affected.

3.3 A copy of this scoping opinion has been sent to Highland Council for transferring to part 1 of the planning register. It has also been published to the Scottish Government energy consents website at [www.energyconsents.scot](http://www.energyconsents.scot).

### **4. Site Specific Issues Of Interest To The Scottish Ministers**

4.1 Scottish Ministers expect the EIA report which will accompany any application for the proposed development to include full details showing that all the advice, guidance, concerns and requirements raised by each consultee in the correspondence attached at Annex A to this scoping opinion, have been addressed.

4.2 The section below highlights points in consultation responses on which Ministers wish to provide further comments with regards to the EIA report. The Company should note and address each point.

4.3 Mountaineering Scotland commented that the distance of the proposed viewpoint 13 (Leathad Buidhe, Beinn Eithe NNR) from the development may pose difficulties in adequately represent the image received by the human eye at this distance (36 km) in any visualisation or wireline. It suggested that if viewpoint 13 is included, another viewpoint representing An Teallach, whose summit lies closer at around 30 km from the development, should also be added. Scottish Ministers consider that when finalising the viewpoints to be included in the EIA report, the Company establish with SNH, Highland Council and Mountaineering Scotland whether a significant visual effect is likely at 36 km distant, and if so, whether the summit of An Teallach should be added to the set of viewpoints.

4.4 Scottish Water did not provide any information on whether there are any drinking water protected areas or Scottish Water assets on which the development could have any significant effect. It did not respond to the consultation. However Scottish Ministers request that the company contacts Scottish Water (via [EIA@scottishwater.co.uk](mailto:EIA@scottishwater.co.uk)) and makes further enquires to confirm whether there any Scottish Water assets which may be affected by the development, and includes details in the EIA report of any relevant mitigation measures to be provided.

4.5 Scottish Ministers request that the Company investigates the presence of any private water supplies which may be impacted by the development. The EIA report should include details of any supplies identified by this investigation, and if any supplies are identified, the Company should provide an assessment of the potential impacts, risks, and any mitigation which would be provided.

4.6 Scottish Ministers consider that on sites such as Kirkan where there is a demonstrable requirement for peat landslide hazard and risk assessment, the assessment should be undertaken as part of the EIA process to provide Ministers with a clear understanding of whether the risks are acceptable and capable of being controlled by mitigation measures. The Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments (Second Edition), published at <http://www.gov.scot/Publications/2017/04/8868>, should be followed in the preparation of the EIA report, which should contain such an assessment and details of mitigation measures.

4.7 Ministers are aware that further engagement is required between parties regarding the refinement of the design of the proposed development regarding, among other things, surveys, management plans, peat, radio links, finalisation of viewpoints, cultural heritage, cumulative assessments and request that they are kept informed of relevant discussions.

## **5. Mitigation Measures**

5.1 The Scottish Ministers are required to make a reasoned conclusion on the significant effects of the proposed development on the environment as identified in the environmental impact assessment. The mitigation measures suggested for any significant environmental impacts identified should be presented as a conclusion to each chapter. Applicants are also asked to provide a consolidated schedule of all mitigation measures proposed in the environmental assessment, provided in tabular form, where that mitigation is relied upon in relation to reported conclusions of likelihood or significance of impacts.

## **6. Duration of Scoping Opinion**

6.1 This scoping opinion is based on information contained in the applicant's written request for a scoping opinion and information available at the date of this scoping opinion. The adoption of this scoping opinion by the Scottish Ministers does not preclude the Scottish Ministers from requiring of the applicant information in connection with an EIA report submitted in connection with any application for section 36 consent for the proposed development.

6.2 Nothing in this scoping opinion will prevent the Scottish Ministers from seeking additional information at application stage, for example to include cumulative impacts of additional developments which enter the planning process after the date of this opinion.

6.3 Without prejudice to that generality, it is recommended that advice regarding the requirement for an additional scoping opinion be sought from Scottish Ministers in the event that no application has been submitted within 12 months of the date of this opinion.

## **7. Next Steps**

7.1 It is acknowledged that the environmental impact assessment process is iterative and should inform the final layout and design of proposed developments. Scottish Ministers note that further engagement between relevant parties in relation to the refinement of the design of this proposed development will be required, and would request that they are kept informed of on-going discussions in relation to this.

7.2 Applicants are encouraged to engage with officials at the Scottish Government's Energy Consents Unit before proposals reach design freeze. This will afford an opportunity for additional comments to be provided on the final proposals at pre-application stage.

7.3 Applicants are reminded that there will be limited opportunity to materially vary the form and content of the proposed development once an application is submitted.

7.4 When finalising the EIA report, applicants are asked to provide a summary in tabular form of where within the EIA report each of the specific matters raised in this scoping opinion has been addressed.

## **8. Other**

8.1 It should be noted that to facilitate uploading to the Energy Consents portal, the EIA report and its associated documentation should be divided into appropriately named separate files of sizes no more than 10 megabytes (MB). In addition, a separate disc containing the EIA report and its associated documentation in electronic format will be required.

# ANNEX A

## Consultation

### List of consultees

- Ardgay and District Community Council\*
- British Telecommunications plc
- Civil Aviation Authority – Airspace\*
- Contin Community Council\*
- Cromarty Firth District Salmon Fisheries Board
- Cromarty Firth Fisheries Trust\*
- Crown Estate Scotland\*
- Defence Infrastructure Organisation
- Fisheries Management Scotland
- Forestry Commission Scotland
- Garve and District Community Council\*
- Highland Council
- Highlands and Islands Airports Limited
- Historic Environment Scotland
- Joint Radio Company Limited
- Kyle of Sutherland Fisheries Trust
- Lochbroom Community Council\*
- Lochcarron Community Council\*
- Marybank, Scatwell and Strathconon Community Council\*
- Mountaineering Scotland
- NATS Safeguarding
- RSPB Scotland
- Scottish Environmental Protection Agency
- Scottish Natural Heritage
- Scottish Rights of Way and Access Society
- Scottish Water\*
- Scottish Wildlife Trust\*
- Strathpeffer Community Council\*
- Torridon and Kinlochewe Community Council\*
- Visit Scotland
- Wester Ross Area Salmon Fisheries Board

\*No response was received.

Internal advice from areas of the Scottish Government was provided by officials from Transport Scotland and Marine Scotland.

**From:** paul.3.atkinson@openreach.co.uk on behalf of radionetworkprotection@bt.com  
**Sent:** 07 June 2018 12:07  
**To:** McKenzie JR (James); Econsents Admin  
**Subject:** RE: Kirkan Wind Farm - consultees

**OUR REF; WID10797 T1-T19**

Dear Sir/Madam

Thank you for your email dated 07/06/2018.

We have studied this Wind Farm proposal with respect to EMC and related problems to BT point-to-point microwave radio links.

The conclusion is that, the Project indicated should not cause interference to BT's current and presently planned radio network.

Kind Regards,  
**Paul Atkinson**  
**Fibre and Network Delivery**  
**Radio Frequency Allocation & Network Protection (BNJ553)**  
Openreach  
Tel: 0113 8074481  
Mobile 07711111453  
Web: [www.openreach.co.uk](http://www.openreach.co.uk)

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British Telecommunications plc  
Registered office: 81 Newgate Street London EC1A 7AJ  
Registered in England no. 1800000



CKD Galbraith  
Reay House  
17 Old Edinburgh Road  
Inveness  
IV2 3HF

4/06/2018

Tel 07887 845648

Email [cromartyfish@hotmail.co.uk](mailto:cromartyfish@hotmail.co.uk)

### **Kirkan Windfarm Proposal Cromarty Firth District Salmon Fishery Board**

Dear Sir / Madam

On behalf of the Cromarty Firth District Salmon Fishery Board I can confirm that the proposed windfarm development lies within the Cromarty Firth Fishery Board region.

Water courses within the proposed development will contain populations of brown trout and in their lower reaches Atlantic salmon. The Glascarnoch River and River Blackwater are important nursery areas for Atlantic salmon and support an economically important salmon fishery.

The Board's main concerns would be potential impacts on habitats downstream of the development. The most likely impacts on fish habitat would arise from;

- Changes in hydrology and land drainage.
- Crossings of watercourses.
- Construction of access tracks and associated drainage.
- Mobilisation of sediment particularly from track building and felling of forestry.
- Disturbance of deep peat.
- Pollution of water courses.

We would like any potential impacts on fish stocks within and downstream of the proposed development to be fully considered in an Environmental Impact Assessment. We would also like to see mitigations put in place and a monitoring programme established to check their effectiveness.

Yours sincerely

**REDACTED**

S. A. Mckelvey

Director Cromarty Firth Fishery Board

& Cromarty Firth Fishery Trust



# Defence Infrastructure Organisation

Kalie Jagpal  
Assistant Safeguarding Officer  
Ministry of Defence  
Safeguarding – Wind Energy  
Kingston Road  
Sutton Coldfield  
West Midlands B75 7RL  
United Kingdom

**Your Reference:** Scoping Opinion S36

Telephone [MOD]: +44 (0)121 311 3674

Facsimile [MOD]: +44 (0)121 311 2218

**Our Reference:** DIO 10043421

E-mail: kalie.jagpal326@mod.gov.uk

James McKenzie  
Energy Consents Unit  
The Scottish Government

20/06/2018

Dear James

**Please quote in any correspondence: DIO 10043421**

**Site Name: Kirkan Wind Farm**

**Proposal: Erection of 19 Wind Turbines**

**Planning Application Number: Scoping Opinion- Section 36**

**Site Address: Approximately 5.8 km Northwest Of Garve in the local authority area of the Highland Council**

Thank you for consulting the Ministry of Defence (MOD) on the above scoping opinion in your communication dated 24/05/2018.

I am writing to tell you that the MOD has no objection to the proposal.

The application is for 19 turbines at 175.00 metres to blade tip. This has been assessed using the grid references below as submitted in the planning application or in the developers' or your pro-forma

Turbine	Easting	Northing
1	234,938	868,650
2	235,099	868,228
3	235,583	868,652
4	235,984	868,971
5	235,527	867,915
6	236,076	868,334
7	236,553	868,730
8	235,770	867,552
9	236,269	867,871
10	236,770	868,222
11	237,142	868,597
12	237,436	868,985

13	236,063	867,206
14	236,604	867,473
15	237,151	867,827
16	237,725	868,355
17	238,043	868,740
18	236,463	866,811
19	236,936	867,127

In the interests of air safety, the MOD will request that the development is fitted with aviation lighting in accordance with Article 219 of the Air Navigation Order

The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.

Defence Infrastructure Organisation Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

If planning permission is granted, we would like to be advised of the following prior to commencement of construction;

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

If the application is altered in any way we must be consulted again as even the slightest change could unacceptably affect us.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further, please do not hesitate to contact me.

Further information about the effects of wind turbines on MOD interests can be obtained from the following websites:

**MOD:** <https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Yours sincerely

Mrs Kalie Jagpal  
Assistant Safeguarding Officer – Wind Energy  
Defence Infrastructure Organisation

**SAFEGUARDING SOLUTIONS TO DEFENCE NEEDS**



**Highland and Islands Conservancy**

"Woodlands", Fodderty Way  
Dingwall, Ross-shire, IV15 9XB

James McKenzie  
Energy Consents Unit

Via email

**Glèidhteachas na Gàidhealtachd's nan Eilean**

"Fearann – coilleach"  
Rathad Fodderty  
Inbhir Pheodhearan  
Sgìre Rois, IV15 9XB

Tel/Fòn 0300 067 6950  
Highland.cons@forestry.gsi.gov.uk

**Conservator/Neach Dion Arainneachd**

John Risby

15<sup>th</sup> of June 2018

Dear James

**Electricity Act 1989  
The Electricity Works (Environmental Impact Assessment) (Scotland)  
Regulations 2017**

**Proposed Section 36 Application for Kirkan Wind Farm**

**Forestry Commission Scotland comments on the Scoping Report**

**Introduction**

This document represents Forestry Commission Scotland (FCS) views on the proposed Kirkan wind farm, as described in the Scoping Report for the project.

In this response FCS gives its advice on a potential requirement for compensatory planting.

**Background**

FCS supports the Scottish Government's commitment on renewables. FCS is the Scottish Government's (SG) competent authority on forests and woodlands. As such, FCS advises on the evaluation of development proposals when they may have an effect on a woodland environment.

**FCS Assessment of the Scoping Report in relation to woodland**

***The first consideration should be whether the underlying purpose of the proposal can reasonably be met without resorting to woodland removal.***

There is a significant area of woodland, planted under Woodland Grant Scheme 1, located in the eastern & south-eastern part of the proposed development site. Proposed turbine layout (as per Figure 2 – Site Layout Plan) indicates that up to 8 turbines are to be located within that woodland. Understandably, the Scoping Report doesn't provide detailed information regarding design of the proposed development, hence the scale of tree felling required to accommodate the wind turbines and supporting infrastructure (e.g. a borrow pit or an access track) is difficult to predict. The impact on woodland asset is similarly difficult to assess, for which reason FCS would welcome inclusion of a dedicated Forestry chapter within the Environmental Impact Assessment Report (EIA Report) for the proposed development. The scale of woodland removal (both temporary, to accommodate construction, and permanent – for infrastructure, and potentially, as a result of future habitat management proposals) needs to be clearly stated within the EIA Report. FCS expects to see information on areas that are to be replanted post construction on-site, and areas of permanent woodland loss, for which compensatory planting might be required. Background: Scottish Government's Policy on Control of Woodland Removal, which can be found here: <https://scotland.forestry.gov.uk/supporting/strategy-policy-guidance/woodland-expansion/control-of-woodland-removal>

Any compensatory planting would be subject to The Environmental Impact Assessment (Forestry) (Scotland) Regulations 2017. These can be found here: <http://scotland.forestry.gov.uk/supporting/grants-and-regulations/environmental-impact-assessment>

## Conclusion

Woodland removal may result in a requirement for compensatory planting for an area yet to be determined. FCS will seek that this was a condition of approval and that compensatory planting had to be in place prior to construction commencing. FCS would be happy to work with the developers as plans progress so that a Compensatory Planting Plan, if required, can be developed. FCS also recommends consulting neighbouring forest/ woodland owners, in case the proposed development has any impact on forest management on their properties.

If you have any queries on this advice please contact Agata Baranska.

Yours sincerely

**REDACTED**

Agata Baranska  
Regulations & Development Manager  
[agata.baranska@forestry.gsi.gov.uk](mailto:agata.baranska@forestry.gsi.gov.uk)

**From:** Brian Davidson <brian@fms.scot>  
**Sent:** 28 May 2018 13:20  
**To:** Econsents Admin  
**Cc:** 'Simon McKelvey'  
**Subject:** Proposed windfarm - Kirkan, by Garve

Dear sir/madam,

Thank you for your correspondence concerning the proposed wind farm at Kirkan, by Garve.

Fisheries Management Scotland (FMS) represents the network of 41 Scottish District Salmon Fishery Boards (DSFBs) including the River Tweed Commission (RTC), who have a statutory responsibility to protect and improve salmon and sea trout fisheries and the 26 fishery trusts who provide a research, educational and monitoring role for all freshwater fish.

FMS act as a convenient central point for Scottish Government and developers to seek views on local developments. However, as we do not have the appropriate local knowledge, or the technical expertise to respond to specific projects, we are only able to provide a general response with regard to the potential risk of such developments to fish, their habitats and any dependent fisheries. Accordingly, our remit is confined mainly to alerting the relevant local DSFB/Trust to any proposal.

The proposed development falls within the district of the Cromarty District Salmon Fishery Board, and the catchments relating to the Cromarty Fishery Trust. It is important that the proposals are conducted in full consultation with these organisations (see link to FMS member DSFBs and Trusts below). We have also copied this response to these organisations.

Due to the potential for such developments to impact on migratory fish species and the fisheries they support, FMS have developed, in conjunction with Marine Scotland Science, advice for DSFBs and Trusts in dealing with planning applications. We would strongly recommend that these guidelines are fully considered throughout the planning, construction and monitoring phases of the proposed development.

- [LINK TO ADVICE ON TERRESTRIAL WINDFARMS](#)
- [LINK TO DSFB CONTACT DETAILS](#)
- [LINK TO FISHERY TRUST CONTACT DETAILS](#)

Regards,

Brian Davidson | Dir Communications & Administration  
Fisheries Management Scotland  
11 Rutland Square, Edinburgh, EH1 2AS  
Tel: 0131 221 6567 | 075844 84602  
[www.fms.scot](http://www.fms.scot)



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

**By email to:**

[James.McKenzie@gov.scot](mailto:James.McKenzie@gov.scot)  
[Econsents\\_Admin@gov.uk](mailto:Econsents_Admin@gov.uk)

Mr James McKenzie  
Energy Consents Unit

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our ref: AMN/16/H  
Our case ID: 300019418

06 June 2018

Dear Mr Hewitt

The Electricity Act 1989  
The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Kirkan Wind Farm, 5.8km Northwest of Garve  
Scoping Report

Thank you for your consultation which we received on 24 May 2018 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

The relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

### **Proposed Development**

I understand that the proposed development comprises up to 19 wind turbines, each turbine with a maximum blade tip height of 175 metres. The proposal is to be located approximately 5.8 km northwest of Garve, Highlands.

### **Scope of assessment**

You might be aware that Historic Environment Scotland provided pre-scoping comments on the proposal in April 2017. Based on the information submitted in the Scoping Report, we are pleased to note that our previous comments on the methodology of assessment have been taken on board.

We note in paragraph 3.2.3.5 that cultural heritage receptors within the ZTV will be identified and visited to assess any potential impacts to setting. Cumulative assessment of the impact on cultural heritage receptors will also be considered and reported upon in the EIA report. Results would be in an EIA report chapter that will present an assessment of direct impacts concentrating on the footprint of the proposed development, and an



assessment of setting impacts (sight lines, monument inter-visibility and landscape setting). Data will be gathered for up to a 15 km buffer from the boundary of the project area to consider visual impacts and details of proposed mitigation measures will also be included, alongside consideration of residual effects.

Overall, we are content with the methodology and approach to assessment as set out within the Scoping Report. We look forward to receiving your statutory consultation if an application comes forward.

### **Further information**

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes). Technical advice is available on our Technical Conservation website at <http://conservation.historic-scotland.gov.uk/>.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupczynska and they can be contacted by phone on 0131 668 8653 or by email on [Urszula.Szupczynska@hes.scot](mailto:Urszula.Szupczynska@hes.scot).

Yours sincerely

**Historic Environment Scotland**

**From:** Anne Phillips <APhillips@hial.co.uk>  
**Sent:** 18 June 2018 10:52  
**To:** Econsents Admin  
**Cc:** McKenzie JR (James)  
**Subject:** ECU00000563 - Kirkan Wind Farm

**Your Ref:** ECU00000563  
**HIAL Ref:** 2018/0080/INV

Dear Sir/Madam,

**PROPOSAL:**

**Electricity Act 1989 The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Scoping Opinion Request for Proposed Section 36 Application**

**LOCATION:**

**The Kirkan Wind Farm in The Local Authority Area of The Highland Council**

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With reference to the above, our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for **Inverness and Wick Airports**.

Although stated in the report, Highlands and Islands Airports would like to have the assurances that this development would not affect the operation of Inverness Airport.

Due to the height steady red aviation warning lights would be required to be fitted at the hub height of some of the turbines.

As a minimum the Civil Aviation Authority (CAA) recommends that all proposed developments over 90m in height should be notified to the CAA through:

Off Route Airspace 5  
Directorate of Airspace Policy  
Civil Aviation Authority  
CAA House  
45-59 Kingsway  
London WC2B 6TE  
Email [airspace@caa.co.uk](mailto:airspace@caa.co.uk)

Therefore Highlands and Islands Airports Limited are unlikely to object to this Proposal.

Regards

**Safeguarding Team**

**Highlands and Islands Airports Limited**

Head Office, Inverness Airport, Inverness IV2 7JB

☎ 01667 464244 (DIRECT DIAL)

✉ [safeguarding@hial.co.uk](mailto:safeguarding@hial.co.uk) 🌐 [www.hial.co.uk](http://www.hial.co.uk)



Please ask for: Dorothy Stott  
Direct Dial: 01349 868426

Our Ref: 18/02433/SCOP  
Your Ref:  
Date: 18 June 2018

Dear Sirs,

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
(SCOTLAND) REGULATIONS 2017**

**RESPONSE TO THE SCOTTISH GOVERNMENT ON SCOPING OPINION**

**PROPOSAL : Wind Farm comprising up to 19 turbines and ancillary infrastructure**

**LOCATION : Land south east of Aultguish Inn, Garve**

**1.0 Introduction**

- 1.1 This response to the consultation on the scoping opinion does not constitute pre-application planning advice. The merits of the proposed development have not been assessed, nor has its acceptability in terms of material planning considerations and development plan policy. However formal pre-application advice was offered to the applicants, Coriolis Energy, in May 2018 (18/00618/PREAPP), where our advice was that we were unlikely to support such a proposal.
- 1.2 In preparing this scoping response we have consulted the following consultees internally:
- Development and Infrastructure – Historic Environment Team
  - Development and Infrastructure – Forestry
  - Development and Infrastructure – Landscape Officer
  - Development and Infrastructure – Transport Planning Team
  - Environmental Health Officer
- 1.3 Where responses have been received these are available on The Highland Council's website and should be taken as forming part of the scoping response from The Highland Council. If any further responses are received these will be forwarded as soon as practicably possible.
- 1.4 Highland Council requests that the Environmental Statement submitted in support of the above development take the comments highlighted below into account. The submitted application should be supported by an EIA Report which clearly highlights the following elements:

- A clear description of all of the elements of the proposed development including all turbines, all access tracks, including all water crossings, borrow pits, buried cables - where these are not separately applied for by SSE, all construction compounds and temporary storage areas, all site facilities, together with the necessary working corridors for construction;
- An assessment of Environmental Impacts and proposed Mitigation;
- A Construction Environment Management Plan incorporating a Construction Method Statement;
- Restoration proposals following construction, including the restoring down of any temporary construction tracks, and eventual decommissioning.

## 2. Specific Issues to be addressed

### **Water Environment, GWDTEs and Peat**

- 2.1 As you will note from SEPA's response of 30 May 2018, it is considered that the proposed development will be likely to have a significant effect (in the context of the Regulations) on the water environment and in order to avoid delay and potential objection from SEPA, the information outlined below and in SEPA's letter and appendices must be submitted in support of the application. In summary this must include:
- a) Map showing assessment of all engineering activities in or impacting on the water environment including proposed buffers, details of any flood risk assessment and details of any related CAR applications;
  - b) Map showing assessment of all impacts upon Groundwater Dependent Terrestrial Ecosystems and buffers;
  - c) Map showing assessment of all impacts upon groundwater abstractions and buffers.
  - d) Peat depth survey map and table detailing re-use proposals.
  - e) Map and table detailing forest removal.
  - f) Map and site layout of borrow pits.
  - g) Schedule of mitigation including pollution prevention measures.
  - h) Decommissioning statement.
- 2.2 SNH will no doubt highlight its concern with regard to Impacts on peat, peatland habitats and carbon-rich soils in its response. The development site includes these areas, the importance of which has been identified in SPP. SNH's advice will focus on the biodiversity interest, ecosystem services and any risk to protected sites; and it is therefore recommended that the ES contains an assessment of the impact of this proposal on this resource and which contains details of any mitigation measures which have been incorporated to ensure the protection of the carbon rich soils, deep peat and priority peatland habitats. In addition an assessment of the impacts should be made using a carbon calculator details of which can be found on Scottish Government website at <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Energy-sources/19185/17852-1/CSavings> SNH would also expect the applicant to carry out a peat depth survey and peat stability assessment to determine the location of infrastructure, the risk to habitats and species, and for this information to be presented in the ES.

### **Impact on Wild Land Area/ Landscape and Visual Impact**

- 2.3 An Assessment of the impact on the WLA, and a LVIA will be required. Viewpoints

for the LVIA must be discussed and agreed with the Highland Council in consultation with Scottish Natural Heritage. The Council has Visualisation Standards which the applicant will be expected to adopt when presenting information on the expected visual impact of the development. The attached link directs parties to this information on standards.

[https://www.highland.gov.uk/info/198/planning\\_-\\_long\\_term\\_and\\_area\\_policies/152/renewable\\_energy/2](https://www.highland.gov.uk/info/198/planning_-_long_term_and_area_policies/152/renewable_energy/2)

- 2.4 Landscape and Visual Impact - The proposal will have significant landscape implications, both individually and cumulatively with other operational and proposed wind farms. The developers will have to give considerable attention to possible designs and layout. Cumulative landscape and visual impacts of this proposal in association with Lochluichart (and its extension) and Corriemoillie are likely to be a key issue. The landscape and visual impact of the scheme will be a key consideration. This should include look at how the proposal will integrate with the existing adjacent schemes and how the layout, height difference and rotation speed will affect views compared with the adjacent schemes. It should also consider the impact on the A835 as a 'gateway' road, with changing views unfolding as you travel north and west.
- 2.5 Any application should be supported with a detailed assessment of the likely impacts to wildland. The proposed site is in close proximity to Wild Land Area (WLA) 28 Fisherfield - Letterewe - Fannichs, WLA 24 Central Highlands and WLA 29 Rhiddoroch - Beinn Dearg - Ben Wyvis. Consequently an assessment of impacts of any further extension on this nationally important resource will need to be undertaken. The wild land assessment should follow SNH new technical guidance.
- 2.6 A Landscape Clerk of Works would be expected to be present on site during construction works for a development of this scale. Their role and responsibilities should be set out.

### **Ecology**

- 2.7 Protected species surveys will require to be undertaken - otter, wildcat, bats, water vole, badger, pine marten and red squirrel. Surveys need to include the development site itself, a suitable buffer zone and possibly the access route if any alterations/upgrades are required to roads, bridges etc.
- 2.8 Bird survey work will require to be undertaken, in accordance with SNH guidance. SNH have previously been in discussion with the applicant over the requirements for bird survey work. At the planning pre-application advice meeting on 4 April, SNH discussed Habitats Regulations Appraisals (HRA) and the golden eagle activity. SNH stated that if there was low levels of eagle activity on the site, an HRA should be carried out.
- 2.9 A habitat survey of the development site should be undertaken (including the access route) and appropriate buffer zone to NVC standard.
- 2.10 A deer management plan which addresses the direct and indirect, positive and negative impacts associated with any change in deer management (including any possible impacts on designated sites due to displacement) as a result of the construction and operation of this proposal.
- 2.11 The CEMP should set out mitigation measures for species that would potentially be affected, and Habitat Management Plans should be provided as part of mitigation and restoration proposals.

- 2.12 An Ecological Clerk of works would be expected to be present on site during construction works for a development of this scale. Their role and responsibilities should be set out.

### **Forestry**

- 2.13 The western half of the site is open moorland, whereas the eastern half contains a 256 hectare native woodland plantation (predominantly Scots pine and downy birch) planted in 1990.
- 2.14 The Scoping Report identifies the following policy and guidance which are relevant to any forestry assessment:

#### Policy and Guidance

Relevant policy and guidance which will be considered during the EIA include:

#### **National Policy**

Scottish Forestry Strategy, Scottish Executive 2006;

Control of Woodland Removal, Forestry Commission Scotland, 2009; and

Climate Change (Scotland) Act 2009.

#### **Regional and Local Policy and Guidance**

Highland Forest and Woodland Strategy, Highland Council, 2006;

Highland-wide Local Development Plan - Policies 51 and 52, The Highland Council, 2012;

Trees, Woodlands and Development Supplementary guidance, The Highland Council, 2013; and

Guidance to Forestry Commission Scotland Staff on implementing the Scottish Government Policy on control of woodland removal, March 2015.

- 2.15 Currently 8 of the 19 proposed turbines fall within the woodland area. Given the potential impact on the existing woodland, I am surprised that forestry is only given a cursory mention under a Miscellaneous section of the Scoping Report (3.2.12).

Scottish Planning Policy (Section 218), the Scottish Government's policy on the Control of Woodland Removal and the Highland Council's Highland-wide Local Development Plan (Policy 52), all contain a strong presumption in favour of protecting Scotland's woodland resources. Preference will therefore be given to proposals which co-exist with the existing woodland, rather than removal.

It is not clear whether the turbines are to be integrated within the woodland or whether it is proposed to remove part of the woodland in order to improve turbine efficiency. The age and type of this woodland should provide greater opportunity for integration than with a more productive woodland type.

Aerial images also suggest that there has been a significant variation in the success of woodland establishment across the site, which could be due to a number of factors such as ground conditions, exposure and deer pressure. The availability of open space creates greater opportunity for integration of wind turbines within the existing woodland structure.

- 2.16 While reference can be made in other technical chapters, a dedicated Forestry chapter will be required in the Environmental Statement.

A 'without windfarm' and 'with windfarm' Forest Plan must be provided, which identifies any proposed areas of permanent woodland removal and also

demonstrates how turbines and associated infrastructure will be integrated into the forest design.

Any Habitat Management Plan must clearly integrate with the 'with windfarm' Forest Plan.

A full assessment should be made against the acceptability criteria outlined in Annex C of the Scottish Government's policy on the Control of Woodland Removal policy. Where permanent woodland removal is considered necessary and acceptable, details of compensatory planting must be included in the Forestry chapter.

Reference should be made to the Guidance to Forestry Commission Scotland staff on implementing the Scottish Government's policy on the Control of Woodland Removal (March 2015).

It is recommended that both the Highland Council Forestry Team and Forestry Commission Scotland are consulted at an early stage to discuss woodland management proposals and the interpretation of the Control of Woodland Removal policy.

### **Cultural Heritage and Archaeology**

2.17 The methodology and scope as set out in the scoping report is acceptable. The appropriate sources of data have been identified in order to inform the site characterisation; the method of project specific impact assessment is appropriate; and the method of whole project and of cumulative impact assessment is appropriate. There are no additional sites, designated or otherwise, that the Council would recommend are included in the assessment.

The Cultural Heritage chapter of an Environmental Statement will need to be undertaken by a professional and competent historic environment consultant. The ES chapter will need to follow Highland Council Standards for Archaeological Work, specifically Section 4 which deals with Environmental Statements and Section 3. The Standards are available at:

[https://www.highland.gov.uk/downloads/file/1022/standards\\_for\\_archaeological\\_wok](https://www.highland.gov.uk/downloads/file/1022/standards_for_archaeological_wok)

The assessment will include a walkover survey of the development area (including any land required for associated infrastructure) to assess the survival of any upstanding features. The assessment will consider the potential direct impacts of the development to cultural heritage as well as indirect impacts. The indirect impact assessment must include a study of cumulative impacts. Where indirect impacts are predicted, these will be illustrated using photomontages. Where impacts are unavoidable, HET expect proposed methods to mitigate this impact to be discussed in detail, including both physical (i.e. re-design) and where appropriate, compensatory/off-setting.

### **Noise**

#### **2.18 Operational Noise**

The applicant will be required to submit a noise assessment with regard to the operational phase of the development. The assessment should be carried out in accordance with ETSU-R-97 "The Assessment and Rating of Noise from Wind Farms" and the associated Good Practice Guide published by the Institute of Acoustics. It should be noted that there are areas of the guidance which are not prescriptive and some matters are open to interpretation and discussion. It is recommended that the developer engages with the Council's Environmental Health Officer at an early stage to discuss any such grey areas.

The target noise levels are either a simplified standard of 35dB LA90 at wind speeds up to 10m/s or a composite standard of 35dB LA90 (daytime) and 38dB LA90 (night time) or up to 5dB above background noise levels at up to 12m/s. The night time lower limit of 43dB LA90 as suggested in ETSU is not considered acceptable. These limits would apply to cumulative noise levels from more than one development.

#### 2.19 **Cumulative Noise**

The noise assessment must take into account the potential cumulative effect from any other existing or consented or, in some cases, proposed wind turbine developments. Where applications run concurrently, developers and consultants are advised to consider adopting a joint approach with regard to noise assessments. The noise assessment must take into account predicted and consented levels from such developments. The good practice guide offers guidance on how to deal with cumulative issues.

The assessment should include a map showing all wind farm developments which may have a cumulative impact and all noise sensitive properties including any for which a financial involvement relaxation is being claimed.

The assessment should include a table of figures which includes the following: -

- The predicted levels from this development based at each noise sensitive location (NSL) at wind speeds up to 12m/s;
- The maximum levels based on consented limits from each existing or consented wind farm development at each NSL. If any reduction is made for controlling property or another reason, this should be made clear;
- The predicted levels from each existing or consented wind farm development at each NSL;
- The cumulative levels based on consented and predicted levels at each NSL.

The assessment should also include an outline for a mitigation scheme to be implemented should noise levels from the development be subsequently found to exceed consented levels.

#### 2.20 **Background Noise Assessment**

Background noise surveys should be undertaken in accordance with ETSU-R-97 and the Good Practice Guide. It is recommended that monitoring locations be agreed with the Council's Environmental Health Officer however, it is unlikely that they will be able to attend the installation of equipment. Where possible, sites must avoid other noise sources such as boiler flues, wind chimes, squeaking gate, rustling leaves etc. Otherwise, the results may not be valid for any other property.

Difficulties can arise where a location is already subject to noise from an existing wind turbine development. ETSU states that background noise must not include noise from an existing wind farm. The GPG offers advice on how to approach this problem and in some cases, it may be possible to utilise the results from historical background surveys. It is advised that the developer consults the Councils Environmental Health Officer at an early stage to discuss the proposed methodology.

#### 2.21 **Construction Noise**

Planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. However, where there is potential for disturbance from construction noise the application will need to include a noise assessment.

A construction noise assessment will be required in the following circumstances: -

- Where it is proposed to undertake work which is audible at the curtilage of any noise sensitive receptor, out with the hours Mon-Fri 8am to 7pm; Sat 8am to 1 pm

OR

- Where noise levels during the above periods are likely to exceed 75dB(A) for short term works or 55dB(A) for long term works. Both measurements to be taken as a 1 hr LAeq at the curtilage of any noise sensitive receptor. (Generally, long term work is taken to be more than 6 months)

If an assessment is submitted it should be carried out in accordance with BS 5228-1 :2009 "Code of practice for noise and vibration control on construction and open sites - Part 1: Noise". Details of any mitigation measures should be provided including proposed hours of operation.

Regardless of whether a construction noise assessment is required, it is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities. Attention should be given to construction traffic and the use of tonal reversing alarms.

### **Access and Transport**

2.22 A Transport Statement is required and Transport Scotland will provide advice as access is proposed onto the A835 trunk road. This should take account of construction and post construction traffic and should consider impacts on the trunk and local road network. Nonetheless, the Council's Transport Planning team offers the following advice:

2.23 **Access onto the public road and visibility** - The submission indicates that the access would be from a new access onto the A835(T) however SEPA indicated at pre-application stage that it would be preferred if the development utilised the accesses already constructed for the existing windfarms from A835 and from the A832, the latter of which is a Council road. The access point should be resolved as part of the scoping exercise and prior to submission of the TA (alternatively information relating to all options will need to be included).

The proposals for the access to the site from the public road should be detailed on dimensioned drawings including radii, gradients, surfacing and drainage as well as the required visibility splays (in accordance with the Highland Council's Roads and Transport Guidelines for New Developments). A link is attached below; [http://www.highland.gov.uk/downloads/file/527/road\\_guidelines\\_for\\_new\\_developments](http://www.highland.gov.uk/downloads/file/527/road_guidelines_for_new_developments)

### **Transport Assessment**

The EIA shall include a Transport Assessment as a stand-alone chapter and shall consider in detail the impact of development traffic on the Council maintained roads affected. It shall consider and propose measures necessary to mitigate the impact of the development. These measures may include; new or improved infrastructure, road safety measures and traffic management. The attached guidance document provides further information on the required content. The applicant should contact the Transport Planning Team to agree the detailed contents of the TA which shall include;

### **Abnormal Load and Construction Traffic Routes**

The port of entry shall be identified. Routes for goods vehicles as well as the abnormal loads shall be identified together with the existing baseline flows and the suitability of the routes for the proposed traffic shall be assessed. The volume of construction traffic considered in the

TA shall include for timber felling and transport. (The contact for any traffic information which the Council holds is Grzegorz Otreba [Grzegorz.Otreba@highland.gov.uk](mailto:Grzegorz.Otreba@highland.gov.uk)).

Although the A832 has been used for previous windfarms these proposals are for larger turbines and an assessment of the capacity of any existing bridges and other structures along the construction routes may be required. A swept path analysis of the route will be required. Early discussion with the Council's abnormal loads team (the contact is Greg Otreba as above) and the Council's structures team (the contact is Norman Smart [Norman.Smart@highland.gov.uk](mailto:Norman.Smart@highland.gov.uk)) is recommended once the nature of the loads and the delivery routes are known. A trial run to demonstrate the suitability of the route may be required.

### **Schedule of Mitigation**

The site is well situated for access to principal routes and it is not anticipated that significant improvement work will be required on the local road network. However some mitigation may be required to enable it to support the construction traffic required if the access is from the A832.

Where these works are outside the current road boundary then the red line boundary of the application will need to cover these items or separate planning permission will be required. The scope of any mitigation works and control of the land required for them should therefore be demonstrated at the planning application stage.

All works on the Council maintained public road will require the approval of the Council as Roads Authority through a Road Construction Consent together with any necessary Technical Approval for works on structures. Therefore detailed and dimensioned plans showing any mitigation proposals on and adjacent to the public road will be required to be agreed prior to any works commencing on site.

### **Construction Traffic Management Plan (CTMP)**

The TA should include a framework CTMP aimed at minimising the impact of the construction traffic. It shall include measures to ensure development traffic adheres to the approved routes and to prevent platooning during heavier flows such as any ready mix concrete pours. Consultation with the local community and the Local Area Roads Office will be required for the detailed content and implementation of the CTMP.

### **Maintenance Agreement and Bond**

Notwithstanding the above requirements, there may remain a risk of damage to Council maintained roads from development related traffic. In order to protect the interests of the Council, as roads authority, a suitable agreement relating to Section 96 of the Roads (Scotland) Act and appropriate planning legislation - including the provision of an appropriate Road Bond or similar security (known as a Wear and Tear Agreement) may be required. Construction should not run concurrently with other projects generating a significant increase in HGV traffic, alternatively a joint CTMP and Wear and Tear Agreement for the schemes to run concurrently would be required.

### **Grid Connection**

The grid connection could impact on the local roads and the proposed access route to the site. It would be desirable to consider the impact of these works alongside this development if possible.

### **Public Access**

2.24 The site is on land with access rights provided by the Land Reform Scotland Act. In

line with the policies and provisions of the Highland-wide Local Development Plan a plan detailing the following should be submitted as part of the EIA Report:

- Existing core paths and wider access paths on the site
- Details of how public access would be managed during construction.
- Details of any access restrictions proposed following construction

### **3.0 Conclusion**

- 3.1 The significant issues for consideration as part of the submitted proposal are impacts (including cumulative impacts) on landscape; the water environment, peat and GWDTEs; impact on the Wild Land Area; impacts on designated natural heritage sites and protected species; impact on the historic environment; and impact on the trunk and local roads network. An assessment of potential alternative proposals and a comparison of the environmental effects should be included, as set out in the Regulations.
- 3.2 Circular 1/17 paras 76 – 93 contains guidance on what should be included in an EIA Report. The ES should be a single comprehensive document, with a non technical summary.

Yours sincerely

*Dorothy Stott*

**Dorothy Stott**  
**Principal Planner**

**From:** JRC Windfarm Coordinations <windfarms@jrc.co.uk>  
**Sent:** 25 May 2018 08:55  
**To:** McKenzie JR (James)  
**Subject:** Kirkan Wind Farm - consultees [WF391438]

Dear James,

A Windfarms Team member has replied to your coordination request, reference **WF391438** with the following response:

*Dear Sir/Madam,*

*Please note some turbines for Kirkan Windfarm are clear and some are not. I'll send 2 separate responses:*

*JRC analyses proposals for wind energy developments on behalf of the UK Energy Industry. We assesses the potential of such developments to interfere with radio systems operated by UK and Irish Energy Industry companies in support of their regulatory operational requirements.*

*The Energy Industry considers that any wind energy development within:*

- \* 1000m of a link operating below 1GHz; or*
- \* 500m of a link operating above 1GHz, requires detailed coordination.*

*For turbines with a blade diameter of 32m or less this distance is reduced to:*

- \* 500m for links below 1GHz; and*
- \* 300m for links above 1GHz before a detailed coordination is required.*

*There is an EXCLUSION ZONE around most Base Station sites of 500m, i.e. no development is permitted. This will be evaluated on a case by case basis for smaller turbines.*

*Unfortunately, part (or all) of the proposed development breaches one or more of these limits.*

*Turbines:*

*Kirkan wind farm T3 hub 104m blades 71m  
Grid ref OSGB 235583 868652*

*Kirkan wind farm T4 hub 104m blades 71m  
Grid ref OSGB 235984 868971*

*Kirkan wind farm T6 hub 104m blades 71m  
Grid ref OSGB 236076 868334*

*Kirkan wind farm T9 hub 104m blades 71m  
Grid ref OSGB 236269 867871*

*Kirkan wind farm T14 hub 104m blades 71m  
Grid ref OSGB 236604 867473*

*Kirkan wind farm T19 hub 104m blades 71m*

Grid ref OSGB 236936 867127

The affected links are:

**460MHz Telemetry and Telecontrol:**

N/A

**>1GHz Microwave Point to Point:**

**SCHY 0929238/1 - The Local Utility**

**Operated by:**

Therefore **JRC OBJECTS TO THE PROPOSED DEVELOPMENT.**

Unfortunately no link details apart from the link identifiers can now be supplied due to persistent breaches in confidentiality. This can be reviewed on a case by case basis and may require a non-disclosure agreement to be drawn up. However, JRC are still willing to work with developers in order to clear as many turbines as possible, including those that may initially fall within the coordination zone. For more information about what to do next, please click [Objections: What to do next.](#)

The JRC objection shall be withdrawn after simple analysis shows no issues; when a satisfactory coordination has been achieved and the zone of protection is implemented; or when an appropriate mitigation agreement is in place.

**NOTE:**

The protection criteria determined for Energy Industry radio systems can be found at <http://www.jrc.co.uk/wind-farms/>

Regards

Wind Farm Team

The Joint Radio Company Limited  
Dean Bradley House,  
52 Horseferry Road,  
LONDON SW1P 2AF  
United Kingdom

Office: +44 20 7706 5199

**JRC Ltd. is a Joint Venture between the Energy Networks Association (on behalf of the UK Energy Industries) and National Grid.**

**Registered in England & Wales: 2990041**

<http://www.jrc.co.uk/about-us>

**From:** JRC Windfarm Coordinations <windfarms@jrc.co.uk>  
**Sent:** 25 May 2018 08:56  
**To:** McKenzie JR (James)  
**Subject:** Kirkan Wind Farm - consultees [WF391438]

Dear james,

A Windfarms Team member has replied to your coordination request, reference **WF391438** with the following response:

*Dear Sir/Madam,*

**Site Name:**

*Kirkan Wind Farm*

**Turbine at NGR:**

*T1 - 234938 868650  
T2 - 235099 868228  
T5 - 235527 867915  
T7 - 236553 868730  
T8 - 235770 867552  
T10 - 236770 868222  
T11 - 237142 868597  
T12 - 237436 868985  
T13 - 236063 867206  
T15 - 237151 867827  
T16 - 237725 868355  
T17 - 238043 868740  
T18 - 236463 866811*

**Hub Height:** 104m **Rotor Radius:** 71m

*This proposal **\*cleared\*** with respect to radio link infrastructure operated by:*

**The local electricity utility**

*JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.*

*In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal. Please note that due to the large number of adjacent radio links in this vicinity, which have been taken into account, clearance is given specifically for a location within the declared grid reference (quoted above).*

*In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held*

*liable if subsequently problems arise that we have not predicted.*

*It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, you are advised to seek re-coordination prior to submitting a planning application, as this will negate the possibility of an objection being raised at that time as a consequence of any links assigned between your enquiry and the finalisation of your project.*

*JRC offers a range of radio planning and analysis services. If you require any assistance, please contact us by phone or email.*

*Regards*

*Wind Farm Team*

*The Joint Radio Company Limited  
Dean Bradley House,  
52 Horseferry Road,  
LONDON SW1P 2AF  
United Kingdom*

*TEL: +44 20 7706 5199*

*JRC Ltd. is a Joint Venture between the Energy Networks Association (on behalf of the UK Energy Industries) and National Grid.*

*Registered in England & Wales: 2990041*

*<http://www.jrc.co.uk/about-us>*

**From:** director@kylefisheries.org  
**Sent:** 18 June 2018 17:37  
**To:** Econsents Admin  
**Cc:** Sean Robertson; Kyle of Sutherland Fisheries Trust Admin  
**Subject:** Kirkan Wind Farm - Scoping Opinion

Dear Sir/Madam

Please be advised that the Kyle of Sutherland District Salmon Fishery Board does not wish to comment on the proposed Kirkan Wind Farm scoping opinion request.

Yours Faithfully

Keith Williams

Dr Keith Williams, MIFM  
Director  
Kyle of Sutherland Fisheries  
Tel: 01863766702  
Mobile:07720890711  
[director@kylefisheries.org](mailto:director@kylefisheries.org)  
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Mr James McKenzie  
Energy Consents Unit  
Scottish Government  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

Our ref: FL/17-7

June 14<sup>th</sup> 2018

Dear James,

### **KIRKAN WIND FARM, GARVE, THE HIGHLANDS**

Thank you for seeking comment from Marine Scotland Science (MSS) on the scoping report for the proposed Kirkan wind farm.

The proposed development area is within the River Conon catchment which is well known for supporting salmon and sea trout populations. The Environmental Impact Assessment (Scotland) (EIA) Regulations (2017) states that biodiversity should be considered throughout the assessment of proposed developments and therefore the protection of salmon and trout (both species are listed as priority species for conservation in the Scottish Biodiversity list and salmon is listed for conservation in the EU Habitats Directive) should be addressed in the Environmental Impact Assessment report (EIAR). Guidance relating to wind farm developments and how they may potentially impact fish populations can be found at the following web site <http://www.gov.scot/Topics/marine/Salmon-Trout-Coarse/Freshwater/Research/onshoreren>. Peat deposits are widespread in the development area and watercourses have already suffered as a result of the hydro-electric scheme.

MSS notes the intention of the developer to carry out fish habitat surveys; we suggest the developer to also carry out electrofishing surveys to assess the presence and abundance of fish species within and downstream of the development area. We also recommend site characterisation surveys of the water quality in watercourses likely to be impacted such that

key hydrochemical parameters e.g. pH, alkalinity, dissolved organic acid, nitrates, phosphates and suspended solids/turbidity are recorded at both high and low flows. Information from these surveys will allow the developer to assess the potential impact of the development on fish populations, as required by the EIA regulations, and to draw up appropriate site specific mitigation measures and establish an integrated water quality and fish population monitoring programmes of watercourses likely to be impacted before, during and after construction. Monitoring programmes should be designed to identify and rapidly remediate any changes, should they occur. Further monitoring may be required one to two years prior to decommissioning. Information regarding site characterisation surveys and monitoring programmes can be found at the above web site.

The potential impacts of felling and the cumulative impacts of the present development and adjacent developments (e.g. operational and proposed wind farms, fish farms) on the water quality and fish populations should be considered. MSS encourages the removal of all felled material within and adjacent to watercourses, as felled material can lead to nutrient enrichment of watercourses with further implications for fish populations. Such potential impacts should be included in the monitoring programmes. We also recommend practices associated with the current peat land restoration not to have a negative impact on the water quality.

In summary, MSS recommends the developer to carry out the following and present the details in the EIAR:

- site characterisation surveys to assess the presence and abundance of fish species and water quality;
- to draw up appropriate site specific mitigation measures; and
- to establish an integrated water quality and fish monitoring programme before, during and after construction.

Kind regards,

Dr Emily E. Bridcut



The Granary  
West Mill Street  
Perth PH1 5QP  
Tel: 01738 493 942

By email to [econsents\\_admin@gov.scot](mailto:econsents_admin@gov.scot) and  
[jsomerville@rsk.co.uk](mailto:jsomerville@rsk.co.uk)

Energy Consents  
Directorate for Energy and Climate Change  
Scottish Government

15 June 2018

Dear Sir

**ELECTRICITY ACT 1989  
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)  
REGULATIONS 2017**

**SCOPING OPINION REQUEST FOR PROPOSED SECTION 36 APPLICATION FOR KIRKAN  
WIND FARM, NEAR GARVE, HIGHLANDS. ECU00000563**

Thank you for the opportunity to respond to the Kirkan Wind Farm Scoping Report.

Coriolis Energy is consulting on the Scoping report for Kirkan wind farm, near Garve, with up to 19 turbines of up to 175m blade-tip height. This would sit adjacent to the operational Corriemoillie and Lochluichart wind farms.

Mountaineering Scotland is the only recognised representative organisation for hill walkers, climbers, mountaineers and ski-tourers who live in Scotland or who enjoy Scotland's mountains, and acts to represent, support and promote Scottish mountaineering. Mountaineering Scotland also acts on behalf of the British Mountaineering Council (BMC) on matters related to landscape and access in Scotland, and provides training and information to mountain users to promote safety, self-reliance and the enjoyment of our mountain environment.

We have assessed the scoping report only in relation to landscape and visual impacts upon mountaineering and consequential impacts upon tourism.

Contrary to the assertions in Section 3.3.5 there is evidence from reanalysis of data within Biggar Economics' 2017 report, that there is an adverse impact upon tourism specifically from wind farms built in landscapes defined as of high quality. This analysis is published on the Mountaineering Scotland website:

[https://www.mountaineering.scot/assets/contentfiles/media-upload/Wind\\_farms\\_and\\_tourism\\_in\\_Scotland\\_-\\_a\\_review\\_Nov\\_2017\\_20171106.pdf](https://www.mountaineering.scot/assets/contentfiles/media-upload/Wind_farms_and_tourism_in_Scotland_-_a_review_Nov_2017_20171106.pdf) and  
<https://www.mountaineering.scot/assets/contentfiles/pdf/Wind-farms-and-tourism-in-Scotland-Supplement-December-2017-20171121.pdf>

A substantial number of viewpoints are proposed which are relevant to mountaineering interests and this is welcomed. We ask why Mountaineering Scotland has been omitted from the list of non-statutory consultees in Appendix 1.

Viewpoints 6, 7, 11, 12, 14, 15, 16 and 17 raise no issues.

Viewpoint 10 is named as Beinn a' Bhathaich (NH 362434) but we assume this is actually Beinn a'Bha'ach Ard (NH 360434).

We have reservations about the following viewpoints.

- Viewpoint 9 (Creag Ruadh) is the shoulder of a hill. The similarly sighted Corbett summit of Sgurr a'Muillin (NH2655) would seem a more logical choice.
- Viewpoint 13 (Leathad Buidhe, Beinn Eighe NNR) is at 36km distance and, even with 175m structures, we have doubts about the ability of any visualisation or wireline to adequately represent the image received by the human eye at this distance. Nonetheless, if Viewpoint 13 is included we think there should also be a viewpoint representing An Teallach, whose Munro summits lie closer at c.30km from the proposed development..

We hope this will help inform your Environmental Statement .

Yours sincerely

**REDACTED**

|

**Davie Black  
Access & Conservation Officer  
Mountaineering Scotland**

**From:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Sent:** 30 May 2018 12:04  
**To:** McKenzie JR (James)  
**Subject:** RE: Kirkan Wind Farm - consultees [Our Ref: SG26311]

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application.

This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours Faithfully



**NATS Safeguarding**

D: 01489 444687

E: [natssafeguarding@nats.co.uk](mailto:natssafeguarding@nats.co.uk)

4000 Parkway, Whiteley,  
Fareham, Hants PO15 7FL  
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**\*\*Please note:** NATS Safeguarding email address has changed to: [NATSSafeguarding@nats.co.uk](mailto:NATSSafeguarding@nats.co.uk)

Energy Consents Unit

The Scottish Government

By email : [econsentsadmin@gov.scot](mailto:econsentsadmin@gov.scot)

Date: 19/06/2018

**Kirkan Wind farm scoping - Wind farm comprising up to 19 turbines and ancillary infrastructure including energy storage.**

Dear Sir/Madam

Thank you for consulting RSPB Scotland on this EIA scoping request in relation to the Kirkan Wind Farm proposal which entails the erection of up to 19 wind turbines and associated infrastructure, by Coriolis Energy.

Wind farms, like any type of development, can be damaging for wildlife if sited insensitively. However, climate change poses one of the single greatest long-term threats to birds and other wildlife. RSPB Scotland therefore recognises the essential role that carefully sited renewable energy can play in reducing the effects of climate change on wildlife and people, but believes that wind farms must be carefully sited to avoid negative impacts on sites and species of conservation importance.

Bird Species of Conservation Concern and Designated Sites

Annex 1 (list of the EC Birds Directive 2009/147/EC) bird species potentially occurring within or close to the proposal site include golden eagle; red kite; hen harrier; merlin; and peregrine. Other important bird species likely to occur include golden plover and black grouse. The potential impacts on all of these species should be adequately covered within the EIA report.

The site is relatively close to the Glen Affric to Strathconan Special Protection Area (SPA) designated for breeding golden eagles (c. 5.1km). The potential impacts on golden eagle should therefore be a priority for assessment, including in relation to collision risk.

Golden eagle

The golden eagle is listed under Annex 1 of the Birds Directive and Schedule 1 of the Wildlife and Countryside Act (1981). It is possible that the wind farm site falls within one or more golden eagle territories due to the proximity of the Glen Affric to Strathconan SPA and the presence of golden eagle recorded in the VP surveys. The loss of this area could compromise the viability of one or more of these territories. It is therefore important that territory data are analysed and inform the windfarm layout, as the development could reduce the extent of available eagle foraging habitat. If necessary, the use of Predicting Aquila Territory (PAT) modelling should be considered. The EIA report should consider impacts on the Natural Heritage Zone (NHZ) populations and suitable mitigation. It is important to ascertain the distances of

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The RSPB is part of BirdLife International,  
a partnership of conservation organisations  
working to give nature a home around the world.

Patron: Her Majesty the Queen Chairman of Council: Professor Steve Ormerod, FIEEM President: Miranda Krestovnikoff  
Chairman, Committee for Scotland: Professor Colin Galbraith Director, RSPB Scotland: Anne McCall Regional Director: George Campbell

The RSPB is a registered charity in England and Wales 207076, in Scotland SCO37654

operations from nearby golden eagle eyries so that appropriate operational constraints can be put in place to prevent disturbance to breeding birds.

### Black grouse

Black grouse, a species in the Birds of Conservation Concern Red list, is identified as occurring within the wind farm development area. We recommend a buffer of 750m buffers between scheme infrastructure and main lek sites and also for satellite leks where possible. Operations within 750m of any known lek site should be timed to avoid activity prior to 2hrs after local sunrise or after 2hrs prior to local sunset from 15<sup>th</sup> March to 15<sup>th</sup> May.

### Ground nesting birds – golden plover

Field survey data should be used to inform the detailed layout of the development and its potential impacts on ground nesting birds including golden plover.

Golden plover is listed in Annex 1 of the Birds Directive and is known to be highly sensitive to wind farm disturbance (Sansom *et al.*, 2016)<sup>1</sup>.

### Tree felling

If tree felling is required for the proposals this could create additional foraging habitat for golden eagle and merlin, as well as hen harrier nesting and foraging habitat. The implications of this should be considered in the EIA, including in collision risk modelling. The EIA should take into account the Scottish Natural Heritage (2016) guidance *Wind farm proposals on afforested sites – advice on reducing suitability for hen harrier, merlin and short-eared owl*.

### Habitat Management/Mitigation

The EIA report should include a full survey, impact assessment and proposals for mitigation/enhancement in relation to important habitats and species on this site.

We request that a detailed Habitat Management Plan (HMP) is prepared and submitted as part of the proposals. This should contain detailed ecological justification for any habitat management proposals. The scheme should avoid any development on deep peat and seek to enhance key habitats such as blanket bog occurring within the area.

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<sup>1</sup> Sansom, A., Pearce-Higgins, J. W. and Douglas, D. J. T. (2016), Negative impact of wind energy development on a breeding shorebird assessed with a BACI study design. *Ibis*, 158: 541–555. doi:10.1111/ibi.12364

### Peatland and carbon balance

Wind farms on sensitive peatlands and deep peat can significantly undermine the climate benefits of renewable energy and as such we welcome the commitment by the applicant that turbines will be sited to avoid the areas of deep peat as far as possible, and measures should be taken to minimise peat disturbance. This is required by Scottish Planning Policy (Para 205) which states “[W]here peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO<sub>2</sub>) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO<sub>2</sub> to the atmosphere. Developments should aim to minimise this release.”

RSPB Scotland supports the intention to carry out a carbon calculation in line with current best practice to determine the ‘carbon payback period’ over the operational life of the development. We recommend that the carbon calculator is used as early as possible in the planning process, to inform siting and micrositing of both turbines and tracks and other infrastructure, and not simply undertaken after the site layout has been determined. This must be clearly addressed in the EIA Report which should also include all the information input into the model. RSPB Scotland considers that the maximum payback period should be six months as a maximum and should ideally be as close to zero as possible, in addition to achieving ‘no net loss’ of peatland habitat in furtherance to Scottish Government ambitions on peatland restoration, achieved firstly through avoiding deep peat disturbance and secondly through commitments to restoration.

We recommend that the Energy Consents Unit request validation by SEPA of the carbon calculation and seek their advice on whether the carbon impacts are acceptable.

### Cumulative Impacts

We welcome the proposal to include an assessment of cumulative impacts in relation to other projects, and this should be undertaken in accordance with relevant SNH advice.

We hope you find these comments helpful. Should you wish to discuss any of the above please do not hesitate to contact me.

Yours faithfully,

**Phil Dowling**

Assistant Conservation Officer, North Scotland.

**North Scotland  
Office**    **Tel** 01463 715000  
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The RSPB is part of BirdLife International,  
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**Patron:** Her Majesty the Queen    **Chairman of Council:** Professor Steve Ormerod, FIEEM    **President:** Miranda Krestovnikoff  
**Chairman, Committee for Scotland:** Professor Colin Galbraith    **Director, RSPB Scotland:** Anne McCall    **Regional Director:** George Campbell

The RSPB is a registered charity in England and Wales 207076, in Scotland SCO37654

Our ref: PCS/159309  
Your ref: None

If telephoning ask for:  
Cerian Baldwin

James McKenzie  
Scottish Government

By email only to: [Econsents\\_Admin@gov.scot](mailto:Econsents_Admin@gov.scot);

30 May 2018

Dear Mr McKenzie

### **The Electricity Act 1989**

### **Scoping opinion request for proposed section 36 application for the Kirkan Wind Farm Approximately 5.8km Northwest of Garve in the local authority area of The Highland Council**

Thank you for consulting SEPA on the scoping opinion for the above development proposal by your email received on 24 May 2018.

#### **Advice to the determining authority**

We consider that the following key issues must be addressed in the Environmental Impact Assessment process. To **avoid delay and potential objection**, the information outlined below and in the attached appendix must be submitted in support of the application.

- a) Map and assessment of all engineering activities in or impacting on the water environment including proposed buffers, details of any flood risk assessment and details of any related CAR applications.
- b) Map and assessment of impacts upon Groundwater Dependent Terrestrial Ecosystems and buffers.
- c) Map and assessment of impacts upon groundwater abstractions and buffers.
- d) Peat depth survey and table detailing re-use proposals.
- e) Map and table detailing forest removal.
- f) Map and site layout of borrow pits.
- g) Schedule of mitigation including pollution prevention measures.
- h) Decommissioning statement.



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

**SEPA Dingwall Office**  
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Dingwall Business Park, Dingwall IV15 9XB  
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Further details on these information requirements and the form in which they must be submitted can be found in the attached appendix. We also provide site specific comments in the following section which can help the developer focus the scope of the assessment.

## **1. Site specific comments**

- 1.1 Given the presence of existing tracks and infrastructure, which are already shared by two different windfarm operators, the site layout must make best of use of these minimising the disturbance of previously undisturbed ground. We already advised this during the previous pre-application meeting with the applicant, ECDU and SNH on 13 April 2017. We are disappointed the applicant has not revised their designs. For the avoidance of doubt, we will object unless site access is taken from the existing windfarm access routes or it can be demonstrated that the impact upon the environment would be less from the creation of a new access.
- 1.2 As much of the site is on peat, we would expect the layout to be designed to minimise the disturbance of peat and be supported by a full site specific Peat Management Plan.
- 1.3 We note that an NVC Survey has already been undertaken and an NVC map is submitted. Once the site layout is further progressed we would welcome the opportunity to review this and the full NVC survey. It is clear that much of the development is likely to be peatland and/or wetland and we will expect the layout to avoid Groundwater Dependant Terrestrial Ecosystems.
- 1.4 Details of how the existing water supply will be protected should be submitted.
- 1.5 As long as watercourse crossings are designed to accommodate the 1 in 200 year and other infrastructure is located well away from watercourses we do not foresee a need for detailed information on flood risk to be provided.

## **Regulatory advice for the applicant**

### **2. Regulatory requirements**

- 2.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- 2.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 2.3 You may need to apply for a construction site licence under CAR for water management across the whole construction site. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that you have pre-application discussions with a member of the regulatory team in your local SEPA office.
- 2.4 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulations team in your local SEPA office at Graesser House, Fodderty Way, Dingwall Business Park, Dingwall IV15 9XB Tel: 01349 862 021.

If you have any queries relating to this letter, please contact me by telephone on 01349 860415 or e-mail at [planning.dingwall@sepa.org.uk](mailto:planning.dingwall@sepa.org.uk).

Yours sincerely

Cerian Baldwin  
Senior Planning Officer  
Planning Service

ECopy to: [epc@highland.gov.uk](mailto:epc@highland.gov.uk); [north@snh.gov.uk](mailto:north@snh.gov.uk);

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*

## Appendix 1: Detailed scoping requirements

This appendix sets out our scoping information requirements. There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site in order **to avoid delay and potential objection**.

If there is a delay between scoping and the submission of the application then please refer to our website for our latest information requirements as they are regularly updated; current best practice must be followed.

We would welcome the opportunity to comment on the draft submission. As we can process files of a maximum size of only 25MB the submission must be divided into appropriately named sections of less than 25MB each.

### 1. Site layout

1.1 All maps must be based on an adequate scale with which to assess the information. This could range from OS 1: 10,000 to a more detailed scale in more sensitive locations. Each of the maps below must detail all proposed upgraded, temporary and permanent site infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. Existing built infrastructure must be re-used or upgraded wherever possible. The layout should be designed to minimise the extent of new works on previously undisturbed ground. For example, a layout which makes use of lots of spurs or loops is unlikely to be acceptable. Cabling must be laid in ground already disturbed such as verges. A comparison of the environmental effects of alternative locations of infrastructure elements, such as tracks, may be required.

### 2. Engineering activities which may have adverse effects on the water environment

- 2.1 The site layout must be designed to avoid impacts upon the water environment. Where activities such as watercourse crossings, watercourse diversions or other engineering activities in or impacting on the water environment cannot be avoided then the submission must include justification of this and a map showing:
- a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
  - b) A minimum buffer of 50m around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse and drawings of what is proposed in terms of engineering works.
  - c) Detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.
- 2.2 If water abstractions or dewatering are proposed, a table of volumes and timings of groundwater abstractions and related mitigation measures must be provided.
- 2.3 Further advice and our best practice guidance are available within the water [engineering](#) section of our website. Guidance on the design of water crossings can be found in our [Construction of River Crossings Good Practice Guide](#).
- 2.4 Refer to Appendix 2 of our [Standing Advice](#) for advice on flood risk. Watercourse crossings must be designed to accommodate the 0.5% Annual Exceedance Probability (AEP) flows, or information provided to justify smaller structures. If it is thought that the development

could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment must be submitted in support of the planning application. Our [Technical flood risk guidance for stakeholders](#) outlines the information we require to be submitted as part of a Flood Risk Assessment. Please also refer to [Controlled Activities Regulations \(CAR\) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities](#).

### **3. Disturbance and re-use of excavated peat and other carbon rich soils**

- 3.1 Scottish Planning Policy states (Paragraph 205) that "Where peat and other carbon rich soils are present, applicants must assess the likely effects of development on carbon dioxide (CO<sub>2</sub>) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO<sub>2</sub> to the atmosphere. Developments must aim to minimise this release."
- 3.2 The planning submission must a) demonstrate how the layout has been designed to minimise disturbance of peat and consequential release of CO<sub>2</sub> and b) outline the preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, drainage channels, cable trenches, or the storage and re-use of excavated peat. There is often less environmental impact from localised temporary storage and reuse rather than movement to large central peat storage areas.
- 3.3 The submission must include:
  - a) A detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's [Guidance on Developments on Peatland - Peatland Survey \(2017\)](#)) with all the built elements (including peat storage areas) overlain to demonstrate how the development avoids areas of deep peat and other sensitive receptors such as Groundwater Dependent Terrestrial Ecosystems.
  - b) A table which details the quantities of acrotelmic, catotelmic and amorphous peat which will be excavated for each element and where it will be re-used during reinstatement. Details of the proposed widths and depths of peat to be re-used and how it will be kept wet permanently must be included.
- 3.4 To avoid delay and potential objection proposals must be in accordance with [Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste](#) and our [Developments on Peat and Off-Site uses of Waste Peat](#).
- 3.5 Dependent upon the volumes of peat likely to be encountered and the scale of the development, applicants must consider whether a full Peat Management Plan (as detailed in the above guidance) is required or whether the above information would be best submitted as part of the schedule of mitigation.
- 3.6 Please note we do not validate carbon balance assessments except where requested to by Scottish Government in exceptional circumstances. Our advice on the minimisation of peat disturbance and peatland restoration may need to be taken into account when you consider such assessments.

### **4. Disruption to Groundwater Dependent Terrestrial Ecosystems (GWDTE)**

- 4.1 GWDTE are protected under the Water Framework Directive and therefore the layout and design of the development must avoid impact on such areas. The following information must be included in the submission:

- a) A map demonstrating that all GWDTE are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
- b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all GWDTE affected.

4.2 Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice and the minimum information we require to be submitted.

## **5. Existing groundwater abstractions**

5.1 Excavations and other construction works can disrupt groundwater flow and impact on existing groundwater abstractions. The submission must include:

- a) A map demonstrating that all existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
- b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all existing groundwater abstractions affected.

5.2 Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice on the minimum information we require to be submitted.

## **6. Forest removal and forest waste**

6.1 Key holing must be used wherever possible as large scale felling can result in large amounts of waste material and in a peak release of nutrients which can affect local water quality. The supporting information should refer to the current Forest Plan if one exists and measures should comply with the Plan where possible.

6.2 Clear felling may be acceptable only in cases where planting took place on deep peat and it is proposed through a Habitat Management Plan to reinstate peat-forming habitats. The submission must include:

- a) A map demarcating the areas to be subject to different felling techniques.
- b) Photography of general timber condition in each of these areas.
- c) A table of approximate volumes of timber which will be removed from site and volumes, sizes of chips or brash and depths that will be re-used on site.
- d) A plan showing how and where any timber residues will be re-used for ecological benefit within that area, supported by a Habitat Management Plan. Further guidance on this can be found in [Use of Trees Cleared to Facilitate Development on Afforested Land – Joint Guidance from SEPA, SNH and FCS](#).

## 7. Borrow pits

- 7.1 Scottish Planning Policy states (Paragraph 243) that “Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place.” The submission must provide sufficient information to address this policy statement.
- 7.2 In accordance with Paragraphs 52 to 57 of Planning Advice Note 50 [Controlling the Environmental Effects of Surface Mineral Workings](#) (PAN 50) a Site Management Plan should be submitted in support of any application. The following information should also be submitted for each borrow pit:
- a) A map showing the location, size, depths and dimensions.
  - b) A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.
  - c) You need to provide a justification for the proposed location of borrow pits and evidence of the suitability of the material to be excavated for the proposed use, including any risk of pollution caused by degradation of the rock.
  - d) A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table.
  - e) A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.
  - f) A site map showing proposed water abstractions with details of the volumes and timings of abstractions.
  - g) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas. The drawing notes should include a commitment to check these daily.
  - h) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government’s [Guidance on Developments on Peatland - Peatland Survey \(2017\)](#)) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO<sub>2</sub>.

- i) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.
- j) Details of how the rock will be processed in order to produce a grade of rock that will not cause siltation problems during its end use on tracks, trenches and other hardstanding.

## **8. Pollution prevention and environmental management**

- 8.1 We would encourage the applicant to develop a succinct schedule of mitigation which pulls together all the site specific mitigation and cross references to the site plans. This more clearly highlights the key site specific mitigation to both consultees and contractors. In our experience this better ensures that this mitigation is implemented on site rather than lengthy documents. We encourage the use of plans, maps and photographs rather than text wherever possible, as this ensures the document is fit for purpose and easy for contractors to utilise in practice.
- 8.2 The schedule of mitigation should also include a requirement for daily inspections during construction works and a log of all inspections and maintenance should be kept on site at all times, ready for inspection by regulatory authorities. These checks are best carried out by a nominated site operative to ensure that remedial works can be carried out where required and without delay.
- 8.3 It should include also cross reference to best practice pollution prevention and construction techniques (for example, the maximum area to be stripped of soils at any one time) and regulatory requirements. Please refer to the [Guidance for Pollution Prevention \(GPPs\)](#) for details of these.
- 8.4 In order to ensure mitigation is implemented on site, our preference would be for all the mitigation to be included in a single schedule of mitigation supported by clear site plans which can then be secured by one planning condition.

## **9. Life extension, repowering and decommissioning**

- 9.1 Proposals for life extension, repowering and/or decommissioning must demonstrate accordance with [SEPA Guidance on the life extension and decommissioning of onshore wind farms](#). Table 1 of the guidance provides a hierarchical framework of environmental impact based upon the principles of sustainable resource use, effective mitigation of environmental risk (including climate change) and optimisation of long term ecological restoration. The submission must demonstrate how the hierarchy of environmental impact has been applied, within the context of latest knowledge and best practice, including justification for not selecting lower impact options when life extension is not proposed.
- 9.2 The submission needs to demonstrate that there will be no discarding of materials that are likely to be classified as waste as any such proposals would be unacceptable under waste management licensing. Further guidance on this may be found in the document [Is it waste - Understanding the definition of waste](#).



## Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

F.A.O James Mckenzie  
Energy Consent and Deployment Unit  
Scottish Government

Our Ref: CNS/REN/WF/Kirkan windfarm

18 June 2018

Dear Mr Mckenzie

### **Kirkan Wind Farm – Scoping Opinion**

Thank you for your email of 25 May 2018 requesting our scoping advice for the above wind farm proposal.

#### **1. Background**

We provided pre-application comments to the applicant in relation to this proposal. Our consideration of the scoping report is limited to the sections within our remit, namely:

1. Description of the proposed development
2. Landscape and visual
3. Ecology (non-avian)
4. Ornithology
5. Access, traffic and transport
6. Hydrology and hydrogeology
7. Forestry and Landuse

#### **2. Key Issues**

The proposed wind farm raises the following key issues in relation to natural heritage:

- The impact of the siting, scale and design of the proposal on the wild land areas and potential significant effects on the qualities of these areas.
- The impact of the siting, scale and design of the proposal in relation to the Corriemoillie/Lochluichart wind farm cluster.

Scottish Natural Heritage, Fodderty Way, Dingwall Business Park, Dingwall, IV15 9XB

Tel: 01463 701610 [www.nature.scot](http://www.nature.scot)

The assessment of this issue and the resultant impacts will determine our position on any application which comes forward. We are continuing to work with the applicant and are happy to provide further advice in relation to this issue, and any other aspects within our remit while the proposal is being developed to ensure any application contains sufficient detail to enable us to fully assess the proposal. However, based on the limited information available to date it is possible that we may ultimately object to a proposal in this location.

### **3. Our comments on the scoping report**

The scoping letter includes all the topics that we consider need to be covered in the EIA. Annex A of this letter provides further detail to assist with the EIA process.

We request that each chapter of the ES is saved to a separate pdf file with a maximum size of 10MB in order to make file sizes manageable.

Should you have any queries about this letter please contact me at the address below.

Yours sincerely,

**Nathan McLaughlan**

Operations Officer

South Highland

[Nathan.mclaughlan@snh.gov.uk](mailto:Nathan.mclaughlan@snh.gov.uk)

## **Annex A – details to assist with the EIA for Kirkan wind farm**

### **1. Guidance for assessing impacts on the natural heritage**

There are a variety of guidance and advice notes for wind farm developments available on our website, covering topics such as landscape, birds and protected species. We would expect the applicant to follow the latest guidance as published on our website via <https://www.nature.scot/professional-advice/planning-and-development/renewable-energy-development/types-renewable-technologies/onshore-wind-energy> .

In particular we have recently published a map of Wild Land Areas and their descriptions (<https://www.nature.scot/professional-advice/landscape-change/landscape-policy-and-guidance/landscape-policy-wild-land> ), a peat map (<https://www.nature.scot/professional-advice/planning-and-development/natural-heritage-advice-planners-and-developers/planning-and-development-soils> ) and up-dated our guidance on the standard of visualisations (<https://www.nature.scot/professional-advice/planning-and-development/renewable-energy-development/visual-representation-guidance> ).

### **2. Service Level Statement (SLS)**

We refer the applicant to our Service Level Statement (SLS), which sets out the level of engagement they may expect from us during the planning process. The SLS is available on our website via <https://www.nature.scot/professional-advice/planning-and-development/renewable-energy-development/our-approach> .

### **3. Designated sites**

We agree with the conclusions in the scoping report regarding nearby designated sites. There will be no direct impacts on any designated features, however the potential for mobile species, such as golden eagle linked to the Glen Affric to Strath Conon Special Protection Area to be affected is discussed in the ornithology section. Further information on the legislative requirements of European sites can be found at: <https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra/habitats-regulations-appraisal-hra>

### **4. Landscape and visual impacts, including wildness**

A Landscape and visual impact assessment will be produced and should consider the following issues as key aspects in aiding the design process to ensure the best landscape fit possible:

#### **4.1 LVIA Scope**

##### **4.1.1. Visual Effects**

The scoping report states that *“A key consideration in the design of the proposed development is anticipated to be its juxtaposition to the consented Corriemoillie and*

*Lochluichart Wind Farms.*” We agree that how this proposal relates to the existing wind farm cluster of Corriemoillie and Lochluichart and their extensions in terms of design fit should be a key consideration. Of particular relevance is the mitigation embedded for these schemes where gaps were left in the landscape to improve on the design whilst reducing wider landscape and visual effects. We would not wish to see that mitigation undermined by this new proposal.

#### **4.1.2 Landscape Effects**

The siting of the proposal so close to the A835, a major tourist route, will result in an increase in visibility of turbines along part of this important gateway route out to the west (represented by three VPs at present). Given the that full extent of the proposal is likely to be visible for part of this route, together with the scale of the turbines we consider that there is likely to be a significant adverse effect on the character and distinctiveness of this part of Scotland where large scale human influences are infrequent and the large scale of the landscape dominates.

#### **4.2 Design Issues**

Even at this early stage of the design development the proposed height of the turbines, at 175m is very large and the rationale for selecting this size is not clear within the scoping report. We consider that this scale of turbine is not in line with either the Corriemoillie and Lochluichart wind farm cluster which currently lie immediately adjacent (125m to blade tip), nor are they in keeping with any other turbine within the Highlands. In order to fully understand the extent of effects as a result of the large turbines proposed early wireline should be produced and discussed with SNH and THC.

**We strongly encourage the applicant to substantially reduce the turbine height to reflect those turbines of Lochluichart and Corriemoillie as this element alone could result in such significant landscape and visual effects that SNH may object.**

#### **4.3 Wild land assessment methodology**

Due to the nature, siting, scale and design of the proposal we advise that a wild land assessment is undertaken on the Rhiddorochis, Beinn Dearg and Ben Wyvis WLA 29 and the Fisherfield, Letterewe, Fannichs WLA 28 to identify the extent of any significant effects on the qualities of these areas. We advise that an assessment is made using SNH [technical guidance](#), however whilst our consultation on this technical guidance closed in April 2017, the draft document should still be used in discussion with SNH. Of particular relevance in understanding the qualities of these WLAs are the accompanying [descriptions](#).

**Given the extent of visibility, particularly across and into the interior of WLA 29, effects on the qualities of this WLA may be significant and to the degree that SNH may object on this aspect alone.**

#### **4.4 Viewpoint selection**

The scoping report states (para. 3.2.2.3.6) "...the proposed development would have a relatively constrained viewshed..." which may be the case in relation to visibility along and through the glens, however due to the height of the proposal, there is still extensive visibility of the proposal across large swaths of upland areas. We are general content with the preliminary viewpoints identified in Figure 4 and have the following suggested addition to be explored further through wireframes:

- NH450665 In addition to the summit of Ben Wyvis, An Cabar for those walking this accessible and popular Munro.

#### **5. Peat**

The development site includes areas of carbon rich soils, deep peat and priority peatland habitats. Scottish Planning Policy identifies "carbon rich soils, deep peat and priority peatland habitat" as nationally important interest and that "Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation."

An assessment of the impact on this resource should be made and the survey results used to inform the design and layout process. The applicant should demonstrate through the EIA Report and draft Construction Method Statement that a wind farm can be built on this site without significant loss and damage to these fragile and priority habitats and other sensitive areas (eg blanket bog and deep peat). The EIA Report should also contain details of any mitigation measures which have been incorporated to ensure the protection of the carbon rich soils, deep peat and priority peatland habitats.

We are pleased that a peat management plan (PMP) and a peat slide risk assessment will be produced. Further information on soils and development can be found on our website ([here](#)).

#### **6. Ornithology**

The bird survey work proposed in the Scoping Report should be sufficient to assess the potential impacts on bird interests subject to it being undertaken in accordance with our guidance.

We have previously been in discussion with the applicant over the requirements for bird survey work as mentioned in the scoping report. At the pre-application meeting we discussed Habitats Regulations Appraisals (HRA) and the golden eagle activity. We stated that an HRA for Glen Affric to Strathconon Special Protection Area (SPA) should be carried out. Given the previous discussion we have already had with the applicant, we have no further comments to make on the proposed bird survey work outlined in the scoping report.

## **7. Protected species**

We are content that the list of surveys included in the Scoping report should pick up the notable protected species. Bats, otter and wildcat are European Protected Species (EPS), listed on Annex IV of EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna (the 'Habitats Directive'). This means that Regulations 39 and 40 of the Habitats Regulations (as amended) apply.

We expect all species surveys to be undertaken by suitably qualified field ecologists in accordance with standard methodologies which can be found on our website at <https://www.nature.scot/professional-advice/planning-and-development/natural-heritage-advice-planners-and-developers/planning-and-development-protected-animals>

These methods should be detailed along with the results and any mitigation measures in the EIA Report, in a confidential annex if necessary. Due to the mobile nature of these animals an absence of presence during survey does not automatically translate to mean they are not present on site. We therefore recommend that if suitable habitat is present then a species protection plan should be included in the EIA Report which details what mitigation and other action will be taken should a protected species or their resting place be found during construction.

## **8. Other terrestrial habitats**

The results of the NVC and Phase 1 surveys should be presented in the EIA report. While Phase 1 habitat categories are a useful way of simplifying habitat maps and descriptions, the NVC categories are more useful when it comes to assessing impacts and determining appropriate mitigation measures. The NVC survey should cover the development site, the new access track and a suitable buffer and include all Annex 1 and BAP Priority Habitats and Groundwater Dependent Terrestrial Ecosystems (GWDTE).

In addition to mapping, describing and assessing the value of, and the potential impact on, habitats, the ES should record, and describe measures to avoid impacts on nationally rare and scarce plant species.

A Habitat Management Plan should be prepared as part of EIA and should include any mitigation and/or compensation measure required to ensure no significant loss or damage to important habitats and species. The EIA Report should also fully consider the potential natural heritage impacts of vehicle movements, track creation and modification along the full

length of the proposed routes. The applicant may find the “Constructed Tracks in the Scottish Uplands” (available from our website publications pages, via <http://www.snh.org.uk/pdfs/publications/heritagemanagement/constructedtracks.pdf> ) provides useful advice on track creation and maintenance in upland area. The Forestry Commission’s “Forests and Water Guidelines” (4th edition) (available from [http://www.forestry.gov.uk/PDF/fcgl002.pdf/\\$FILE/fcgl002.pdf](http://www.forestry.gov.uk/PDF/fcgl002.pdf/$FILE/fcgl002.pdf) ) also provides useful advice on water crossings and working in forests.

The scoping report mentions an immature woodland within the development boundary, but is not clear if tree felling will be required as part of the proposed development. If tree felling will be required, we recommend that the applicant contacts FCS at as early a stage as possible to discuss the Control of Woodland Removal policy and the implications it may have on the development. All permanent and temporary habitat loss and modification should be quantified in the EIA Report to inform mitigation measures.

#### **9. Access and recreation**

With reference to the Land Reform (Scotland) Act 2003, the applicant should pay due regard to the potential use of the area for recreation by the general public when designing and planning the proposed development. Regard should be given not only to the proposed development site but also the proposed access routes and additional tracks, which may increase the perceived recreational value of the area. Access should not be restricted unless necessary for health and safety or other overriding reasons. Where access needs to be restricted at any time, clear signage following the Scottish Outdoor Access Code branding guidelines is recommended (<http://www.outdooraccessscotland.com/branding/>



**Safeguarding public access in Scotland since 1845**

Econsents\_Admin@gov.scot

James McKenzie  
Energy Consents Unit

29/06/2018

Dear Mr McKenzie,

**Re:**

**Electricity Act 1989**

**The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Scoping Opinion Request for Proposed Section 36 Application for the Kirkan Wind Farm,  
Approximately 5.8km Northwest of Garve in the Local Authority Area of The Highland  
Council**

Thank you for your e-mailed scoping opinion request of 24<sup>th</sup> May 2018. Further to our subsequent correspondence, we are grateful for your clarification of the timescale available for our response.

The National Catalogue of Rights of Way (CROW) shows that right of way HR46 is affected by the area within the site boundary marked on the Scoping Report's Figure 2 *Site Layout Plan*. A map is enclosed with right of way HR46 highlighted in green. As there is no definitive record of rights of way in Scotland, there may be other routes that meet the criteria to be rights of way but have not been recorded as they have not yet come to our notice.

Right of way HR46 is known as the *Fish Road* and is promoted by the *Heritage Paths* project for its historic interest as an old trade route put to later use as a drove road. The *Fish Road* is also shown on the *Heritage Paths In Scotland* map leaflet - a copy can be provided upon request. A signposted variant to HR46 is described in our popular publication *Scottish Hill Tracks*. For ease of reference, this variant to HR46 is highlighted in pink on the enclosed map.

You will no doubt be aware there may now be general access rights over any property under the terms of the Land Reform (Scotland) Act 2003. Section 3.2.2.4.4 *Visual Assessment* indicates that as part of the LVIA the applicant will consult the relevant Core Paths Plan, prepared by the Councils' access teams as part of their duties under this Act. It is our assumption that consulting the Core Paths Plan will form part of site design more generally also.

As we understand that there is very little guidance regarding the siting of turbines in relation to established paths and rights of way, the following advice may be helpful:

***Extract from the Welsh Assembly Government's Technical Advice Note on Renewable Energy (TAN 8)***

***Proximity to Highways and Railways***

*2.25 It is advisable to set back all wind turbines a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway (road or other public right of way) or railway line.*

The Scoping Report's Figure 4 *Zone of Theoretical Visibility and Preliminary Viewpoint Locations* utilises a blade tip height of 175m. The Society anticipates that the Environmental Statement will

provide confirmation of the separation distance between turbines and right of way HR46. Additionally, as a windfarm site's track layout can also have a significant impact on public access and recreational amenity, we look forward to seeing a more detailed site layout once this becomes available.

With regard to effects on Landscape and Visual Amenity, we welcome the inclusion of Viewpoint 3 on right of way HR46 (the Fish Road). However, we request an additional viewpoint on this directly affected historic right of way, preferably at its high point (circa NH372683). We note that Viewpoints 1 and 2 are sited in the vicinity of rights of way HR46 and HR43 respectively and that the summit of Ben Wyvis is also included (Viewpoint 7). We remain unclear that the selection of viewpoints adequately assesses impacts on recreational access and known destination hilltops in the wider assessment area such as Munros and Corbetts. If information about rights of way and other recreational routes over a wider search area is required in order to inform the Landscape and Visual Impact Assessment, the applicant is welcome to contact the Society directly.

The Society is aware that a significant number of wind farm projects have been constructed/proposed for this general area, so cumulative impact is likely to be of concern. We anticipate that this will be addressed as part of the Environmental Assessment.

Additionally, right of way HR46 (the *Fish Road*) is mentioned briefly in the Scoping Report's section 3.2.3.3 *Summary of Baseline Environment*. The Society suggests that impacts of the proposed development on the *Fish Road* should be considered with reference to Scottish Planning Policy (SPP), paragraph 151:

*151. There is a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in-situ wherever feasible.*

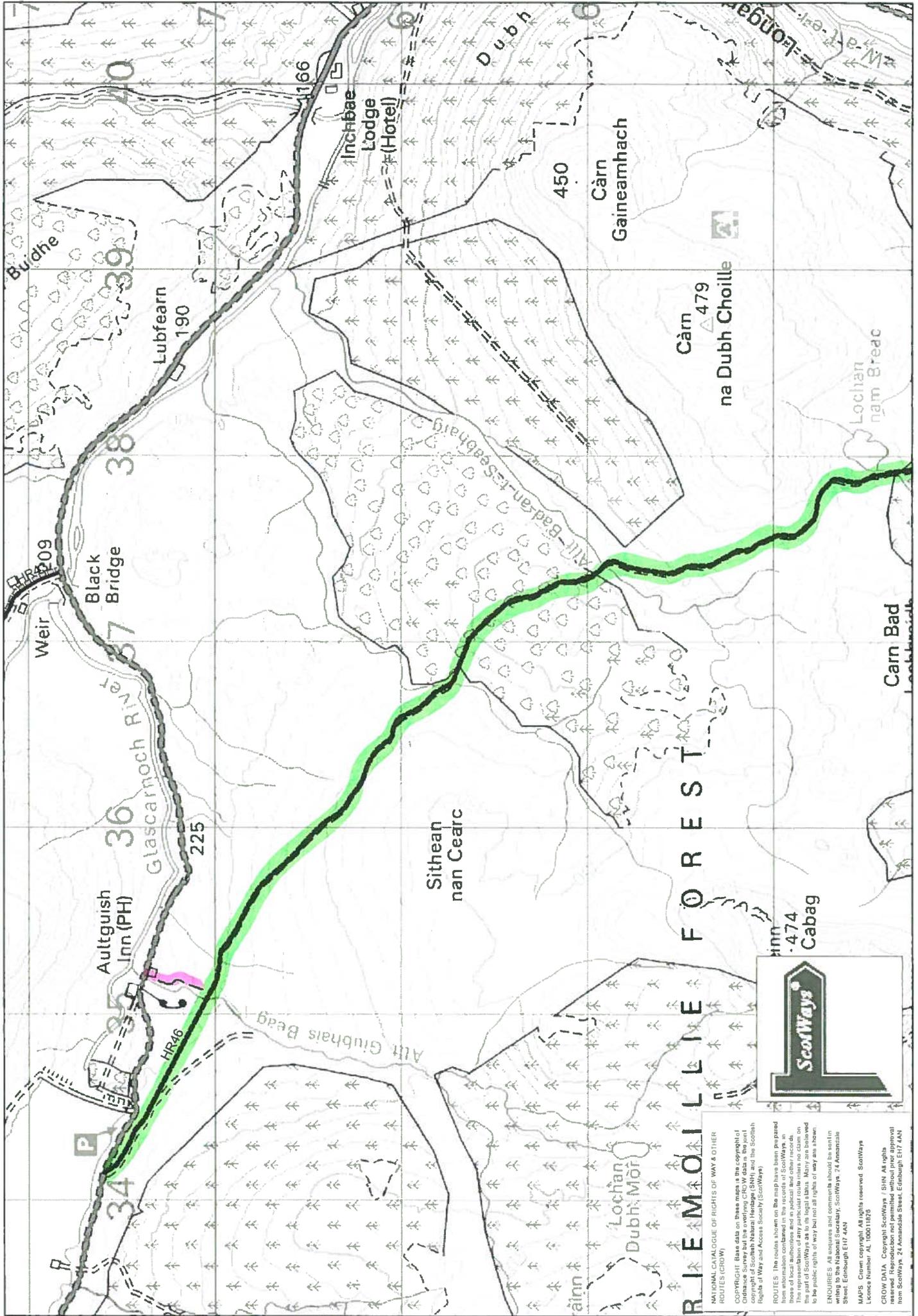
As such, we anticipate that the *Fish Road* will be considered under *Cultural Heritage and Archaeology* in the Environmental Assessment.

I hope the information provided is useful to you. Please do not hesitate to contact me if you have any further queries.

Yours sincerely,

Eleisha Fahy  
Senior Access Officer

Cc: Trevor Hunter, Coriolis Energy



# RIE MOINE LINN FOREST

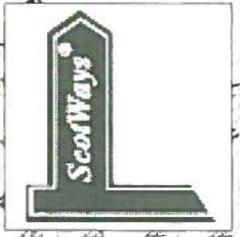
**NATIONAL CATALOGUE OF RIGHTS OF WAY & OTHER ROUTES (CROW)**  
 Copyright: Base data on this map is the copyright of Ordnance Survey but the information (CROW data) is the copyright of Scottish Natural Heritage (SNH) and the Scottish Rights of Way and Access Society (ScottWays)

**ROUTES:** The routes shown on the map have been prepared from information contained in the records of ScottWays, in those of local authorities and in judicial and other records. The representation of any particular route is based on the information available in the records of ScottWays. It is not intended to be a public right of way but not all rights of way are shown.

**ENQUIRIES:** If you require more information about the routes in this map, please contact the Scottish Rights of Way and Access Society, 24 Annandale Street, Edinburgh EH1 4AN

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474  
Cabag

Sithean nan Cearc

450  
Càrn Gaineamhach

479  
Càrn na Dubh Choille

Lochan nam Breac

Carn Bad

190  
Lubfearn

39

38

37

36

34

Aln Giubhais Beag

Black Bridge

Inchbae Lodge (Hotel)

Weir

HR209

Aultgish Inn (PH)

HR46

HR40

HR166

HR225

HR450

HR479

HR474

James McKenzie  
Energy Consents Unit  
The Scottish Government  
5 Atlantic Quay  
150 Broomielaw  
Glasgow  
G2 8LU

Your ref:  
ECU00000563

Our ref:  
TS00538

Date:  
18/06/2018

[econsents\\_admin@gov.scot](mailto:econsents_admin@gov.scot)

Dear Sirs,

**THE ELECTRICITY ACT 1989 SECTION 36 APPLICATION  
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)  
REGULATIONS 2017  
SCOPING OPINION REQUEST FOR KIRKAN WIND FARM APPROXIMATELY 5.8 KM  
NORTH-WEST OF GARVE IN THE LOCAL AUTHORITY AREA OF THE HIGHLAND  
COUNCIL**

With reference to your recent correspondence on the above development, we write regarding the Scoping Report (SR) prepared by RSK Environment Ltd (RSK) in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Trunk Road and Bus Operations (TRBO). Based on the review undertaken, we would provide the following comments.

**Proposed Development**

The proposed development comprises up to 19 wind turbines of between 3.5 and 4.8MW power output, located approximately 5.8 km north-west of Garve, Highlands, to the south of the A835(T) south-east of Loch Glascarnoch dam. The height to blade tip will be up to 175m.

**Site Access**

It is proposed that access to the site will be taken from the A835(T) to the north of the site via an existing junction to a car park (approx. 600m east of Aultguish). It should be noted that any proposed amendments to Trunk Road junctions will require to be discussed and agreed with the Area Manager, and will require to be designed in accordance with the Design Manual for Roads and Bridges.

For the planning application, we would ask that a 1:500 scale general arrangement plan is submitted showing any amendments that are to be made to the existing access junction to serve the development.

### **Abnormal Loads**

The SR indicates that the turbine components are likely to originate from the ports of Inverness and Invergordon, as well as Dingwall and Alness.

The main construction traffic access routes are identified as the following:

- B817 (Invergordon), A9(T) (Alness), A835(T)
- A862 (Dingwall), A862, A835(T)
- A9(T) (Inverness), A835(T)

Transport Scotland will require to be satisfied that the chosen route(s) can accommodate both conventional HGV traffic and the movement of abnormal loads associated with the development. In terms of abnormal loads, the details required would include a report which considers the movement of abnormal loads including swept path analysis and potential mitigation measures required including the temporary removal of street furniture, any proposed junction widening, traffic management etc to ensure that transportation will not have any detrimental effect on structures within the trunk road route path.

### **Assessment of Environmental Impacts**

The SR indicates that The Environmental Impact Assessment (EIA) will provide an assessment of the construction stage including the preferred route options for the movement of any heavy loads and an estimate of vehicle trip generation from the site.

The SR also indicates that potential trunk road related environmental impacts such as driver delay, pedestrian amenity, severance, safety etc will be considered and assessed where appropriate (i.e. where Institute of Environmental Management and Assessment Guidelines for further assessment are breached). These specify that road links should be taken forward for assessment if:

- Traffic flows will increase by more than 30%, or
- The number of HGVs will increase by more than 30%, or
- Traffic flows will increase by 10% or more in sensitive areas.

In the case of the EIA report, the methods adopted to assess the likely traffic and transportation impacts on traffics flows and transportation infrastructure, should comprise:

- Determination of the baseline traffic and transportation conditions, and the sensitivity of the site and existence of any receptors likely to be affected in proximity of the trunk road network;
- Review of the development proposals to determine the predicted construction and operational requirements; and
- Assessment of the significance of predicted impacts from these transport requirements, taking into account impact magnitude (before and after mitigation) and baseline environmental sensitivity.

Where significant changes in traffic are not noted for any link, no further assessment needs to be undertaken. Where environmental impacts have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by stating in the report:

- The work that has been undertaken e.g. Transportation/ Noise / Air Quality Assessments etc;
- What this has shown i.e. what impact if any has been identified; and
- Why it is not significant.

It is not necessary to include all the information gathered during the assessment of these impacts although this information should be available if requested.

It is noted that any impacts associated with the operational phase of the development are to be scoped out of the EIA. We would consider this to be acceptable in this instance.

The SR states that a Traffic Management Plan (TMP) will be developed as part of the proposed development. This is welcomed and we would ask that a copy of this be forwarded to the Area Manager when it becomes available.

I trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact Alan DeVenny at SYSTRA's Glasgow Office on 0141 343 9636.

Yours faithfully

**REDACTED**

**John McDonald**

**Transport Scotland  
Trunk Road and Bus Operations**

cc Alan DeVenny – SYSTRA Ltd.

14 June 2018

James McKenzie  
Energy Consents Team  
The Scottish Government

### **Section 36 Application – Kirkan Wind Farm, Highland**

Thank you for giving VisitScotland the opportunity to comment on the above wind farm development. Our response focuses on the crucial importance of tourism to Scotland's local and national economy, and of the natural landscape for visitors.

#### Background Information

VisitScotland, as Scotland's National Tourism Organisation, has a strategic role to develop Scottish tourism in order to get the maximum economic benefit for the country. It exists to support the development of the tourism industry in Scotland and to market Scotland as a quality destination.

While VisitScotland understands and appreciates the importance of renewable energy, tourism is crucial to Scotland's economic and cultural well-being. It sustains a great diversity of businesses throughout the country. According to a recent independent report by Deloitte, tourism generates £11 billion for the economy and employs over 200,000 - 9% of the Scottish workforce. Tourism provides jobs in the private sector and stimulates the regeneration of urban and rural areas.

One of the Scottish Government and VisitScotland's key ambitions is to grow tourism revenues and make Scotland one of the world's foremost tourist destinations. This ambition is now common currency in both public and private sectors in Scotland, and the expectations of businesses on the ground have been raised as to how they might contribute to and benefit from such growth.

#### Importance of scenery to tourism

Scenery and the natural environment have become the two most important factors for visitors in recent years when choosing a holiday location.

The importance of this element to tourism in Scotland cannot be underestimated. The character and visual amenity value of Scotland's landscapes is a key driver of our tourism product: a large majority of visitors to Scotland come because of the landscape, scenery and the wider environment, which supports important visitor activities such as walking, cycling wildlife watching and visiting historic sites.

The VisitScotland Visitor Experience Survey (2015/16) confirms the basis of this argument with its ranking of the key factors influencing visitors when choosing Scotland as a holiday location. In this study, over half of visitors rated scenery and the natural environment as the main reason for visiting Scotland. Full details of the Visitor Experience Survey can be found on the organisation's corporate website, here: [http://www.visitscotland.org/research\\_and\\_statistics/tourism\\_topics/wind\\_farms-1.aspx](http://www.visitscotland.org/research_and_statistics/tourism_topics/wind_farms-1.aspx)

#### Taking tourism considerations into account

We would suggest that full consideration is also given to the Scottish Government's 2008 research on the impact of wind farms on tourism. In its report, you can find recommendations for planning authorities which could help to minimise any negative effects of renewable energy developments on

the tourism industry. The report also highlights a request, as part of the planning process, to provide a tourism impact statement as part of the Environmental Impact Analysis. Planning authorities should also consider the following factors to ensure that any adverse local impacts on tourism are minimised:

- The number of tourists travelling past en route elsewhere
- The views from accommodation in the area
- The relative scale of tourism impact i.e. local and national
- The potential positives associated with the development
- The views of tourist organisations, i.e. local tourist businesses or VisitScotland

The full study can be found at [www.scotland.gov.uk/Publications/2008/03/07113507/1](http://www.scotland.gov.uk/Publications/2008/03/07113507/1)

#### Conclusion

Given the aforementioned importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland, VisitScotland would strongly recommend any potential detrimental impact of the proposed development on tourism - whether visually, environmentally and economically - be identified and considered in full.

VisitScotland strongly agrees with the advice of the Scottish Government –the importance of tourism impact statements should not be diminished, and that, for each site considered, an independent tourism impact assessment should be carried out. This assessment should be geographically sensitive and should consider the potential impact on any tourism offerings in the vicinity.

VisitScotland would also urge consideration of the specific concerns raised above relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.

We hope this response is helpful to you.

Yours sincerely

**REDACTED**

Douglas Keith  
Government and Parliamentary Affairs  
VisitScotland

**From:** Admin WRASFB <admin@wrasfb.org.uk>  
**Sent:** 27 May 2018 22:31  
**To:** McKenzie JR (James)  
**Subject:** Re: Kirkan Wind Farm - consultees

Dear James,

Many thanks for this email alert but this is not within our area.

I think it will be the Cromarty Firth District Salmon Fishery Board who are the consultee and who you need to contact.

Kind regards,

Peter

Peter Jarosz

Clerk to the Board