

Energy Consents Unit
Scottish Government

By email: econsentsadmin@gov.scot

7 June 2019

Your Ref: ECU00001800

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017, THE ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 2011, Wind farm comprising up to 17 turbines and ancillary infrastructure, including potential energy storage

Thank you for consulting RSPB Scotland on this planning application in relation to Kirkan Wind Farm.

RSPB Scotland is generally supportive of the use of renewable energy, but believes that wind farms must be carefully sited to avoid negative impacts on sites and species of conservation importance.

Whilst RSPB Scotland do not object to this application, we have concerns that potential impacts on priority species and habitats have been under-estimated and the cumulative impacts of all consented and proposed windfarms have not been adequately assessed. We advise that further mitigation is required as detailed in the Annexes, to address these issues. We recommend that mitigation is provided as set out in Annex 1 and we also ask that if ECU are minded to approve this application, the conditions set out in Annex 2 are secured as part of any consent.

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



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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: Stuart Housden OBE Regional Director: George Campbell

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Annex 1

1 Survey Work

We consider that Vantage Point 1 and 3 were within close proximity to proposed turbine locations (VP 1 is within 200m of proposed turbine location) and as such may have impacted upon species recorded and therefore impacts may be underestimated.

2 Habitats and Species of Conservation Concern

This area supports a number of Annex 1 (EC Birds Directive) and Local Biodiversity Action Plan (LBAP) species including, golden eagle, red-throated diver and black grouse. Its position adjacent to a number of proposed and consented developments mean that cumulative habitat and species impacts should be considered (including both cumulative collision risk and also displacement impacts). This should have included proposals at planning stage such as Lochluichart Extension wind farm which is currently at application stage.

Golden eagle

A golden eagle nest is present within 4km of the proposed wind farm location. Given the proximity of this nest site to the proposal area, and recorded golden eagle activity within the site of the proposed wind farm we are disappointed that further work was not undertaken to help inform the assessment such as Predicting Aquila Territory (PAT) modelling. The Collision Risk Appendix 7.2 (paragraph 7.10.34) states that there are no published incidents of golden eagle collision fatalities in Scotland - we would like to highlight that there are two probable golden eagle collision mortalities in Scotland, one in Lewis and one in the highlands. However, given the relatively low collision risk estimated, and the likelihood of displacement from the wind farm area, we would advise that positive habitat management for this species is included as mitigation. (See Annex 2 for proposed HMP condition).

Red-throated divers

The Technical Ornithological Appendix (Appendix 7.1, 3.4.46) states that survey work was not undertaken in regards to red-throated divers as the potential nesting lochs were monitored through operational monitoring surveys for neighbouring wind farm sites. We welcome attempts to reduce disturbance to this species but consider that the data from this monitoring should have been presented within the ES to enable a fully informed assessment. However, as limited flight records of divers were recorded, we are content that the wind farm is unlikely to impact on this species.

Black grouse

Figure 7.22 within the Confidential Appendix 7.3 shows that black grouse are utilising the wind farm area and have been recorded lekking within the proposed boundary, although survey work indicates that the 'main leks' are outwith this area (paragraph 5.25, Appendix 7.3). Although it is recognised that black grouse will use windfarm areas, potential still exists for impacts due to disturbance, habitat modification and collision

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with turbine bases and as such mitigation plans should include measures to reduce impacts on this species. We welcome the intention to include measures for black grouse within the Habitat Management Plan.

We advise that further habitat enhancement is required within the surrounding area to mitigate any potential impacts and should be included in a HMP.

General construction/operational mitigation

The operational mitigation as outlined in the EIA Report should be applied for all priority species and habitats impacted by the development (see proposed condition in Annex 2). In relation to birds, this needs to consider noise as a potential disturbance source especially loud noise such as any blasting/rock drills/road formation etc. We request that mitigation plans include details of any construction work on access tracks/associated infrastructure and suitable buffers so that no works liable to disturb birds occurs within the breeding or lekking season (March to end of August).

3 Habitat Management Plan & Peatland Habitat

Scottish Planning Policy (SPP) requires that windfarms aim to minimise greenhouse gas emissions from disruption to peatland (SPP paragraph 205), recognising that losses of carbon from peat can significantly undermine the climate benefits of renewable energy.

As such we welcome use of the Carbon Calculator and the development of an outline Habitat Management Plan that identifies opportunity for peatland restoration both on and off the development site.

A number of the proposed turbine locations, and associated infrastructure are on areas identified as deep peat greater than 1m. We would advise that any turbines on peat depths of greater than 0.5m, along with associated tracks and infrastructure are re-located or removed to reduce impacts, along with ensuring that an appropriate area of modified peatland habitat is identified and restored as compensation for the loss. Wider positive restoration management of existing peatlands within the proposal area and offsite should be required as part of an HMP (see proposed condition in Annex 2).

4 Summary

In summary, although the impacts within the EIA Report are assessed as being acceptable, we advise that impacts may be greater than predicted and that further mitigation is required in order to reduce the biodiversity impacts of the development. We request the following mitigation is applied:

Further mitigation/enhancement in the form of a habitat /species management plan should be required to minimise impacts on golden eagle, black grouse and peatland habitats. This could include open ground habitat formation and/or habitat enhancement within the wider area. Consideration should also be given to removing or re-locating a number of turbines to reduce potential impacts on deep peat habitat and priority bird species.

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Annex 2: Kirkan Wind Farm - RSPB Scotland recommended conditions

We ask that if this application is approved, the following conditions are secured as a condition of any consent.

1. No construction works /vegetation clearance or decommissioning shall be carried out during the bird breeding season (April to August inclusive) or lekking season (March – May) unless undertaken after a bird disturbance management plan has been agreed and implemented. This should consider noise and visual disturbance. The applicant should provide full details of protection measures for all species within this plan in agreement with SNH/RSPB.

Reason: To ensure that birds and their nests are not disturbed or displaced during the breeding season in the interest of protecting the biodiversity value of the site.

2. Prior to the commencement of development, a Habitat Management Plan (HMP) shall be submitted to and approved in writing by the planning authority in consultation with SNH and RSPB. Thereafter, the HMP shall be implemented as approved. The HMP shall include mitigation measures for peatland, black grouse and golden eagle. The HMP should operate for the lifetime of the development, including decommissioning.

Reason: To ensure that a suitable HMP is agreed prior to works starting and therefore ensure that mitigation/enhancement measures are carried out in the interest of stated species /habitats (biodiversity).

3. An appropriately qualified and experienced Ecological Clerk of Works (ECoW) shall be employed by the developer prior to commencement of development. The ECoW shall oversee construction of turbines, tracks and other infrastructure and delivery of mitigation measures in order to minimise ecological impacts. In particular, their role should ensure that impacts on peat are minimised and relevant mitigation is in place for key species. Prior to the commencement of the development, details of the proposed ECoW shall be submitted to and approved in writing by the planning authority.

Reason: To ensure all works are monitored by a suitably qualified person to ensure that environmental impacts are minimised in the interest of environmental protection.

4. An appropriate programme of post-construction monitoring of bird populations should be established on the wind farm site and habitat monitoring on the area identified for enhancement under the HMP.

Reason: To ensure the predicted impacts on important bird populations and success of proposed mitigation, as outlined in the EIA Report can be monitored.

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